



The Hickory Regional Planning Commission will hold its regular meeting on **Wednesday, January 27, 2021 at 6:00 p.m. in the City Council Chambers of City Hall.** The following will be the agenda for the Regular Meeting:

AGENDA

- Parliamentary Call to Order
- Welcome
- Roll Call
- Items of Correspondence
- City Council Action
- Approval and signing of minutes from the December 2, 2020 meeting

PRESENTATIONS AND PUBLIC HEARINGS

1. **Rezoning Petition 20-06.** Request by 23 Storage, LLC for the consideration of rezoning +/- 1.2 acres of a +/- 9.5 parcel of property located at 110 23rd Avenue NE from High Density Residential (R-4) to Commercial Corridor (CC-2). The subject property is currently split zoned High Density Residential (R-4) and Commercial Corridor (CC-2), and is shown as PIN 3704-20-80-8201 on the Catawba County Tax Map.

OTHER BUSINESS

1. None

The Hickory Regional Planning Commission does not discriminate on the basis of disability in the provision of its service as charged by the City Council of the City of Hickory. All meetings are held in accessible facilities. Any person with a disability needing special accommodations should contact the Planning Department at telephone number (828) 323-7422 at least 48 hours prior to the scheduled meeting.

Attendance Roster
FY 20-21

Key	A	Absent	AX	Excused		No meeting
	P	Present				Vacant/Not yet appointed

**Hickory Regional
Planning Commission**

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Appoint	Expire
Catawba County		P		AX		AX							Jul-20	Jun-23
Longview		AX		P		P							Jul-20	Jun-23
Catawba County		P		P		AX							Jul-20	Jun-23
Burke County		P		P		AX							Dec-19	Jun-22
Brookford														
Caldwell County		P		AX		P							Jul-19	Jun-22
Ward 1		P		P		P							Jul-19	Jun-22
Ward 2		P		P		P							Jul-20	Jun-23
Ward 3		AX		AX		AX							Jul-20	Jun-23
Ward 4		P		P		P							Jul-18	Jun-21
Ward 5		AX		P		P							Jul-20	Jun-23
Ward 6		P		AX		P							Jul-19	Jun-22



NORTH CAROLINA STATE ETHICS COMMISSION

ETHICS AWARENESS & CONFLICT OF INTEREST REMINDER

(to be read by the Chair or his or her designee at the beginning of each committee meeting)

In accordance with the State Government Ethics Act, it is the duty of every member of this committee to avoid both conflicts of interest and appearances of conflict.

Does any member of the committee have any known conflict of interest or appearance of conflict with respect to any matters coming before us today?

If so, please identify the conflict or appearance of conflict and refrain from any undue participation¹ in the particular matter involved.

Rev. 1-16-07

¹ "A public servant shall take appropriate steps, under the particular circumstances and considering the type of proceeding involved, to remove himself or herself to the extent necessary, to protect the public interest and comply with this Chapter, from any proceeding in which the public servant's impartiality might reasonably be questioned due to the public servant's familial, personal, or financial relationship with a participant in the proceeding." See N.C.G.S. §138A-36 (c). If necessary, the Chairman or individual member involved should consult with his ethics liaison, legal counsel, or the State Ethics Commission to help determine the appropriate response in a given situation.

Hickory Regional Planning Commission
Wednesday, December 2, 2020, 6:00 pm

A combined November/December meeting of the Hickory Regional Planning Commission (HRPC) was held Wednesday, December 2, 2020, 6:00 pm, in Council Chambers of the Julian G. Whitener Municipal Building.

Members Present: Randall Mays, Bill McBrayer, Sam Hunt, David Deal, Robert Weaver, Wallace Johnson, and Dan Shabeldeen

Members Excused: Junior Hedrick, Meg Locke, Bill Pekman, and Jeff Kerley

Members Absent: none

Others Present: Assistant Planning Manager Cal Overby, Deputy City Attorney Arnita Dula, and Minutes Clerk Anne Starnes

Parliamentary Call to Order & Welcome: Randall Mays, Chairman, called the meeting to order at 6:12 pm and welcomed everyone.

Roll Call: Mr. Overby called the roll and said a quorum was present.

Items of Correspondence: none

City Council Action: Mr. Overby said that in October the Planning Commission heard a request to rezone property on Snow Creek Road. The request went to Hickory City Council on November 17 and they approved it on first reading and the property was also annexed on November 17. Last night, City Council approved the rezoning on second reading, so it has now finalized.

Approval and Signing of Minutes from the October 28, 2020 Meeting: Minutes of the previous meeting held in October were distributed to members in advance. No additions, deletions or corrections to the minutes were stated. Bill McBrayer moved, seconded by Wallace Johnson, to approve the October 28, 2020 minutes as presented. The motion carried unanimously.

PRESENTATIONS & PUBLIC HEARINGS

Mr. Mays said there were two public hearings on the agenda tonight, and both are rezoning requests. He said the North Carolina Ethics Commission states that any member with a financial or personal obligation regarding any proceeding tonight should state so now, ask to be recused from the public hearing, and have no participation in the hearing. None of the Commission members stated a known conflict.

Mr. Mays said this would be a quasi-judicial hearing. The order is for proponents to speak first and opponents second, followed by rebuttal time for both. He asked Cal Overby to present the staff report.

1. Rezoning Petition 20-04. Request by YN & MJ Properties, LLC for the consideration of rezoning of approximately 3.72 acres of property located at 1058 South Center Street, from Industrial (IND) to Neighborhood Center Commercial (NC). The property is shown as PIN 3702-15-54-7647 on the Catawba County G.I.S. maps.

Cal Overby presented the Staff Report and referred to PowerPoint slides. He reviewed slide #2 (Rezoning Petition 20-04):

- Property Owners: YN & MJ Properties, LLC
- Applicants: Yang Vang & May Vang

- Location: 1058 South Center Street
- Current Zoning: Industrial (IND)
- Property Size: 3.72 acres
- Background: The subject property is currently zoned Industrial (IND) and was formerly occupied by a building supply company (Carolina Millwork). Carolina Millwork no longer occupies the site, and new owners have taken possession of the property.
- Request: The property owners have requested to rezone the property to Neighborhood Center Commercial (NC) for the purpose of using the property for uses other than industrial.

Mr. Overby said the new property owners are requesting a change in zoning, from Industrial (IND) to Neighborhood Center Commercial (NC) in order to open up a wider variety of uses, such as retail and office, and possibly residential use. He said another consideration is that this reduces the intensity of the district. There are some fairly intensive uses there, with Industrial being right in the middle of a neighborhood. He asked members to bear that in mind as the hearing moves forward.

Mr. Overby reviewed slide #3 (Map 1. HBC 2030 Future Land Use), saying the property in question was hashed in red on the map. It is the convergence of several areas, including Revitalization Areas to the south; High Density Residential, which is the southwestern portion of the Ridgeview neighborhood; Neighborhood Mixed Use; and, areas of Regional Commercial along Highway 70.

Mr. Overby reviewed slide #4 (Map 2. Current Zoning), saying that from a zoning standpoint, this is the zoning that exists now. Most of Ridgeview is zoned R-4 (High Density Residential), which is the character of the development area, zoned multi-family, with houses on smaller lots and the like.

Mr. Overby reviewed slide #5 (Map 3. Aerial Photography), pointing out a convenience store, a church and vacant lot, a commercial building, a commercial property, and the new All Glass and Everett facilities across Highway 127. He noted the rezoning area hashed in red and a smaller piece of property to the north, not associated with the rezoning, where there is a small woodworking facility.

Mr. Overby pointed out where Highway 127 crosses Highway 70, noting the former Sky City Shopping Center on Highway 70, and the former Catawba Mall, which is now a U-Haul Center. He also pointed out a hotel on Highway 70, located by the Highway 127 overpass, the All Glass facility, Everett's new diesel facility, the subject property located nearby, and a vacant gas station.

Mr. Overby reviewed slide #6 (Rezoning Petition 20-04).

- The property is currently zoned Industrial (IND), and was previously occupied by a building supply company.
- The Hickory by Choice 2030 Plan classifies the general area as Neighborhood Mixed-Use, which is intended to provide neighborhood scaled commercial and mixed-use areas. The requested zoning district works to implement this vision.
- The rezoning of the property is not anticipated to negatively impact the provision of public services, nor is it anticipated to negatively impact adjacent properties.
- Future development on the subject property shall be carried out in compliance with the City's Land Development Code.

Mr. Overby said the area is now predominantly Neighborhood Mixed-Use. The rezoning is not expected to have a negative impact on public services; there is a bus stop across the street, water and sewer are provided, police, fire, and sidewalks are all in place, so most all of the expected City services in other locations are there now. He said the Neighborhood Commercial District basically promotes walk-able areas, compact development, a mixture of different types of development, as well as being convenient to neighborhoods. When talking with the applicants, they discussed their ideas for the property, an assortment of uses, not just an industrial use. He said an industrial use clearly pigeonholes the property to only one type of business use.

Mr. Overby said there would be a site plan approval and review of infrastructure items, to approve that it meets all requirements.

Mr. Overby reviewed slide #7 (Findings & Recommendation).

- **Findings**
 - The Hickory by Choice 2030 Comprehensive Plan identifies the area as Neighborhood Mixed-Use, which is consistent with the zoning designation being proposed for the subject property.
- **Recommendation**
 - Staff has found Rezoning Petition 20-04 to be consistent with the Hickory by Choice 2030 Comprehensive Plan, and recommends the following:
 - The Planning Commission move to affirm the rezoning petition’s consistency with the Hickory by Choice 2030 Comprehensive Plan; and
 - Forward a recommendation of approval to Hickory City Council.

Mr. Overby said staff recommends approval of this request. He asked for questions from members.

Mr. Mays said there could be a mix of commercial, retail, housing, etc., within that type of zoning district. Mr. Overby said correct. That is what it permits for, but there has been no commitment, one way or the other. In talking with the applicants, they had different ideas that did not fit with the Industrial District. If they wanted to do any retail or service, it could not be done under the Industrial District; they could only do light manufacturing, distribution, etc., and the infrastructure is really not set up for that type of use there.

Mr. Mays noted Mr. Overby had stated earlier that this would be a less intense zoning than the Industrial Zoning. Mr. Overby said yes, less intense, less restrictive than having potential heavy industry there.

Mr. Deal asked how this works with Hickory by Choice, saying he had understood this area is a “gateway” for Hickory. Mr. Overby said yes, it is. Mr. Deal asked if this use would offer the effect that HBC is trying to create. Mr. Overby said yes, and to picture the Neighborhood Commercial zoning district this way, with Hickory broken up into what is called wheels and spokes, a traditional planning arrangement that the Romans developed and no one has ever recreated. A tenant of Neighborhood Commercial, as well as Community Center, which is larger, is that it would be a type of hub for the area, by providing services, etc., and that is basically what the plan was set up to do. Going back to the land use map, he said that would be the hub, with the spokes coming in all around. It is not like the Regional Commercial – that is drawing from a much larger area than a neighborhood based area. He asked if this had addressed the question Mr. Deal had asked. Mr. Deal said yes, that he was curious that the City had spent considerable money trying to make that one area a gateway, with signage and the leaves structure, etc. Mr. Overby said these efforts would continue, but the intersection at S. Center Street and Highway 70 was not an identified gateway on the City’s plan, so to speak, but it is definitely a de facto gateway because it has a lot of traffic. He said this would give it a bit of a boost.

There were no additional questions for staff.

The Staff Report was entered into the record as Exhibit A.

Mr. Mays stated the proponents would be allowed to speak first during the hearing, with the opponents speaking second.

Mr. Mays opened the public hearing for Rezoning Petition 20-04.

PROPONENTS

May Vang, 4400 Creemore Drive, Charlotte NC, addressed Commission members, saying she and her husband Yang are the new owners of the property located at 1058 South Center Street. She thanked members for giving them the opportunity to share their vision and what they would like to do with the property.

Ms. Vang said she was sure that members know there is a large population of Hmong people living in this area, and expects some members have attended the Hmong New Year held in Startown each year. She and her husband have a vision, to have a gathering place for not only the Hmong people, but for all cultures and ethnic groups. They purchased this property because they know there are many Hmong people living here, and it would be a good place to start out. She said they want to name it “Hmong Village of the Carolinas.” The rezoning is something they need so they can have shops, restaurants, a banquet hall, etc., and that it would bring in businesses and create jobs. Even though it is called Hmong Village, it would not be geared toward only Hmong people. It will be open to people of all nationalities; everybody can come and be there, open a business there, or use the banquet hall. It would be a place where the community can come for a truly one-of-a-kind experience, with all different cultures and nationalities gathered together here in Hickory. She said this is their vision for Hmong Village of the Carolinas, and how they intend to use the property if the rezoning is approved.

Mr. Mays asked if they expect to use only some or all structures on the property. Ms. Vang said they would be using all of the structures, except for the one that is about to fall down. They plan to demolish that building, but all the others would be remodeled and upfitted for use as shops, restaurants, and such.

Mr. McBrayer asked what the timeframe is for reinventing their property, if the rezoning is approved. Ms. Vang said they hope to have everything up and running by the spring of next year. They have spoken with architects and others, trying to determine everything involved, including costs, and hope they can do it by spring. They do not know what obstacles they might run into, but this is their plan right now.

Mr. Mays asked if there if there were any additional questions for Ms. Vang, and there were none.

No other proponents were present to speak.

OPPONENTS

None

Mr. Mays declared the public hearing was closed.

Mr. Mays asked if there was any further discussion on the rezoning by members, and there was none. Various members commented on the property having been the former site of Moss-Marlowe Building Co.

Sam Hunt moved, seconded by Bill McBrayer, to approve Rezoning Petition 20-04. By a show of hands, the motion carried unanimously.

Mr. Mays said Rezoning Petition 20-04 had been approved by the Planning Commission, and their recommendation would be forwarded to Hickory City Council for final approval.

2. Rezoning Petition 20-05. Request by the City of Hickory for the consideration of rezoning approximately 1.119 acres of property, located at 3597 Wandering Lane NE, from Catawba County R-20 Residential to City of Hickory R-2 Residential. The property is shown as PIN 3735-17-11-2352 on the Catawba County G.I.S. maps.

Mr. Mays called on Mr. Overby to present the staff report.

Cal Overby presented the Staff Report and referred to PowerPoint slides. He reviewed slide #9 (Rezoning Petition 20-05):

- Property Owners: Reginald Sweat
- Applicant: City of Hickory
- Location: 3597 Wandering Lane
- Current Zoning: Catawba County R-20 Residential.
- Property Size: 1.119 acres
- Background: The subject property is currently zoned Catawba County R-20 Residential and is vacant. The subject property is currently in the process of being annexed into the City of Hickory.
- Request: Consideration of rezoning the property to R-2 Residential. The assignment of City zoning after annexation is necessary, as the current County zoning will no longer be applicable.

Mr. Overby said Rezoning Petition 20-05 was actually being made by the City of Hickory. Mr. Sweat was present tonight, but the City is the petitioner on his behalf. The property is under the process of being annexed, and the annexation hearing will be held on December 15, during the City Council meeting.

Mr. Overby said that County R-20 Residential zoning allows for one- and two-family dwellings, so there could be a duplex or a house on the property. The property could be divided in half under the County's current zoning, and either two duplexes or two houses could be put on the property. The proposal from the City is to rezone the property to R-2 Residential, which is strictly single-family residential. There are a number of surrounding developments in Hickory, such as Catawba Springs, Dan Grogan's, and several others. All the subdivisions in this general area are in Hickory. What is currently seen in those developments is basically the development type that would be seen on this property. Would it be the same house? He did not know if it would be the same house, but it would need to be single-family residential zoning on that particular property.

Mr. Overby reviewed slide #10 (Map 1. Hickory by Choice 2020 – Future Land Use), saying the property in question was highlighted in red on the map. All the surrounding area is a Catawba Springs golf course, and classified as Low Density Residential, which by Hickory's plan calls for two- to four-units per acre, which is one of the lower density districts that Hickory still has here.

Mr. Overby reviewed slide #11 (Map 2. Current Zoning), saying that the entire area shown in light yellow is in Hickory, and all of the area shown in orange is in Catawba County. He said the property owner is considering dividing the property in half, in order to build two houses.

Mr. Overby reviewed slide #12 (Map 3. 2018 Aerial Photo), saying the photo shows there are vacant lots and single-family housing across the area, as far as you can see. Likely, the only thing that is not single-family in the area would be the clubhouse at Catawba Springs.

Mr. Overby reviewed slide #13 (Rezoning Petition 20-05).

- The property is currently zoned Catawba County R-20 Residential, and is vacant.
- The property is in the process of being annexed into the City of Hickory, and must be rezoned to a City zoning district.
- The Hickory by Choice 2030 Plan classifies the area as Low Density Residential, which recommends residential development at a density of 2 to 4 units per acre. The maximum density of the R-2 district is 4-units per acre, so the density of the proposed district is consistent with the recommendations of the Hickory by Choice 2030 Comprehensive Plan.
- The rezoning of the property is not anticipated to negatively impact the provision of public services, nor is it anticipated to negatively impact adjacent properties.
- Future development on the subject property shall be carried out in conformance within the City's Land Development Code.

Mr. Overby said that, since the property would no longer be zoned by the County, it is now Hickory's responsibility to assign a zoning for the property. He said Hickory already provides police, fire, and sanitation to Catawba Springs and the surrounding neighborhoods that are in Hickory, so those levels should not change. He noted they had analyzed that during the request for annexation of the property.

Mr. Overby reviewed slide #14 (Findings & Recommendation).

- **Findings**
 - The Hickory by Choice 2030 Comprehensive Plan identifies the area as Low Density Residential, which is consistent with the zoning designation being proposed for the subject property.
- **Recommendation**
 - Staff has found Rezoning Petition 20-05 to be consistent with the Hickory by Choice 2030 Comprehensive Plan, and recommends the following:
 - The Planning Commission move to affirm the rezoning petition's consistency with the Hickory by Choice 2030 Comprehensive Plan; and
 - Forward a recommendation of approval to Hickory City Council.

Mr. Overby said staff recommends approval of the request, and asked if there were any questions from members.

Mr. McBrayer noted that Mr. Overby had not been present at the previous meeting, when a County property was rezoned, along with an annexation request. He asked if this request was the same. Mr. Mays said the Commission was basically looking at the same situation, going from Catawba County R-20 Residential zoning, to City of Hickory R-2 Residential zoning, if annexed. Mr. McBrayer clarified this was the same situation as for the previous hearing regarding Snow Creek Road. Mr. Mays said correct, a similar situation regarding the zoning, trying to protect it and keep it in basically the same principle of zoning, similar to what the Catawba County zoning states.

There were no additional questions for staff.

The Staff Report was entered into the record as Exhibit B.

Mr. Mays again stated the proponents would be allowed to speak first, with the opponents speaking second, followed by rebuttal time.

Mr. Mays opened the public hearing for Rezoning Petition 20-05.

PROPONENTS

James Deal, 3563 Wandering Lane, addressed Commission members. He used the pointer to note the location of his home on slide #12 (Map 3. 2018 Aerial Photo), which is next door to the subject property. He had no problems regarding the rezoning, but said there is a major problem with storm rain runoff onto the property. When it rains heavily, two streams of water develop and come down the hill on the back of his property. He said it is a 30-foot drop in elevation. He called it an abandoned piece of property, and said he is convinced there are two underground springs located on it, and that when it rains heavily, the springs flow. He typically has one stream in back of his house that is 8-to 10-feet wide and 2-inches deep, and another stream a little bit closer to his house, that is 3- to 4-feet wide and 3-inches deep. He said the water flows heavy, very heavy, and it flows to the middle of the subject lot and out beyond to the street. He is concerned about what is going to be done with the water, which he emphasized is a major flood.

Mr. Mays said when a building project develops on a piece of property like that, they are required to look at such situations. They cannot create diversions that would force the water on to other property, and could not dam it up if it is free flowing. Mr. Deal said it is a problem; he has lived there for four years, and has had his back yard professionally planted three different times. Each time, it just washes away, and he is convinced there are two underground springs on that property.

David Deal said that area was named Catawba Springs, and rightly so. He clarified that he is not related to the resident James Deal who was at the podium speaking, and said he grew in that area and knew of numerous springs in the area. Mr. (David) Deal said it is up to the property owner to decide how to deal with that issue, and it is not a zoning question or an issue for the members to address. Mr. (James) Deal again said he was not opposed to the rezoning, that he just wants someone to address the flooding because it is a major problem.

Mr. McBrayer said that, if this rezoning goes to City Council, he thinks the question on how to deal with the flooding should be addressed by the property owner who plans to develop it; he understood what Mr. (James) Deal was saying, but said the Commission has no say in it. Mr. McBrayer said he had played golf at Catawba Springs two Sundays ago, and the effects of the rain from three weeks ago had left the course in a serious mess. Mr. (James) Deal said the water had flowed heavily and created issues for him, but they are living with it; the water has to go somewhere.

Mr. Mays said the builder or construction company would need to address the storm water, because they cannot create more runoff than what already exists on the property as it is now, nor can they direct it to someone else's property. He said this should be handled during the review and construction process, but is not related to the property rezoning the Commission is dealing with tonight. Again, he said it would go back to the building and construction process, and the permits issued. They will be required to consider it during that process.

Mr. Deal said thank you, and that was his only issue. Again, he was not against the rezoning, but the water is a problem, a big problem.

There were no further questions for Mr. Deal.

Phil McLean, 3357 Wandering Lane, addressed Commission members, saying he had no issue with the rezoning, and his question had already been answered, since the Commission has no domain over the storm water issue. Again, he had no objection to the rezoning, it is the storm water draining off that is a problem for him. If this is not the right place for that discussion, he understands that. Mr. Mays said the building, construction, engineers, and property developer need to address this issue. Mr. McLean asked if City Council would address it, and Mr. Mays advised that he could raise that question to them during their rezoning hearing. He said that, once they know more about the construction being done there, permits would be drawn up and applied for, and that is when that issue would be addressed.

There were no questions for Mr. McLean, and he thanked the members for their time.

No other proponents were present to speak.

OPPONENTS

None

Mr. Mays declared the public hearing was closed.

Mr. Mays said the Commission was required to put a zoning in place for the property, and the recommended zoning is R-2. He asked if there was any further discussion by members, and there was none.

Bill McBrayer moved, seconded by David Deal, to approve Rezoning Petition 20-05. By a show of hands, the motion carried unanimously.

Mr. Mays said Rezoning Petition 20-05 had been approved by the Planning Commission, and their recommendation would be passed on to City Council for final approval.

Other Business: Mr. Mays asked if there was any other business for members, and Mr. Overby said no.

Next Meeting: Members will be notified of their next meeting.

Adjourn: Mr. Mays thanked everyone for attending. Bill McBrayer moved, seconded by Sam Hunt to adjourn. There being no further business, the meeting adjourned at 6:45 pm.

Randall Mays, Chairman
Hickory Regional Planning Commission

Anne Starnes, Minutes Clerk
City of Hickory

REZONING ANALYSIS

PETITION: 20-06

APPLICANT: L.D. Austin

OWNERS: 23 Storage, LLC

PROPERTY LOCATION: 110 23rd Avenue NE

PIN: Portion of 3704-20-80-8201

WARD: The property is located in Ward 1 (Councilman Wood).

ACREAGE: Rezoning area consists of ~1.2 acres of a larger 9.5-acre parcel.

REQUESTED ACTION: Rezone ~1.2 acres of a larger 9.5-acre parcel from High Density Residential (R-4) to Commercial Corridor (CC-2).

BACKGROUND: 23 Storage, LLC has filed a petition to rezone a portion of the subject property to provide an additional area for non-residential development. The subject property is currently split zoned; with the western ~5.8 acres zoned CC-2, and the eastern ~3.7 acres zoned R-4. The requested action would rezone ~1.2 acres of the center part of the property from R-4 to CC-2. Should this be successful; the western commercially zoned (CC-2) part of the property would increase to ~7 acres, while the residentially zoned (R-4) part of the property would decrease to ~2.5 acres.

DEVELOPMENT POTENTIAL: As outlined above, the subject property is split zoned, with ~5.8 acres being CC-2 and ~3.7 acres being R-4. As the zoning currently exists, the property could be partially developed for a 1) commercial uses on the western part of the parcel and residential uses on the eastern part of the parcel, or 2) entirely for residential purposes. Under the first scenario, ~5.8 acres of CC-2 zoned property could potentially yield ~200,000 ft² of commercial floor area, and seventy-four (74) dwelling units on the ~3.7 acres of R-4 area. Under the second scenario if the entire 9.5 acres were developed for solely residential purposes, the property could potentially yield two-hundred forty-eight (248) residential units. The permissible development calculations are based upon the following multipliers:

1. CC-2 Non-Residential Development = FAR 0.85;
2. CC-2 Residential Development = 30 units dwelling per acre; and
3. R-4 Residential Development = 20 dwelling units per acre.

Note: These are absolute maximums; various development constraints would likely diminish these numbers.

REVIEW CRITERIA: In reviewing and making recommendations on proposed zoning map amendments, review bodies shall consider the following factors:

1. Consistency of the proposed zoning with the *Hickory Comprehensive Land Use and Transportation Plan (Hickory by Choice 2030)* and the stated Purpose and Intent of this Land Development Code;

The general area is classified High Density Residential by the Hickory by Choice 2030 Comprehensive Plan. (Note: The Hickory by Choice 2030 Comprehensive Plan's Future

Land Use map does not contain parcel line data, as the general boundaries of the land use categories are not specific.) **(Please refer to Map 1 for detail).**

The Hickory by Choice 2030 Comprehensive Plan indicates High Density Residential areas are to be located within or near mixed-use areas or higher intensity commercial districts. The subject property to be rezoned is located just east of the NC 127 commercial area, which includes the Viewmont Business District. The text of the comprehensive plan indicates that High Density Residential areas may also contain office areas along thoroughfares and commercial areas. (HBC 2030, Pg. 3.8).

Another section of the Hickory by Choice 2030 Comprehensive Plan discusses the Commercial Corridor land use classification. In summary, the plan indicates: 1) it is applicable to areas along Springs Rd and NC 127, 2) these areas should be pedestrian focused and 3) the corridor should remain accommodating to vehicular traffic. The area in question, to be rezoned, is not shown on the future land use map as being commercial corridor but the subject property is contiguous to such to the east. The Commercial Corridor area along Springs Rd extends out 250 from either side of the right-of-way. If similar dimensions were correspondent to NC 127, the proposed rezoning area would be a distance outside the Future Commercial Corridor area. The existing Commercial Corridor area, in relation to NC 127, however, measures, from west to east, with NC Hwy 127 bisecting such, from an approximate range in depth from as little as ~120' total, to as much as ~1970' in total. The proposed rezoning of the portion of the parcel currently designated as R-4, would increase the total width of the CC-2 by ~145' from the current west-east width of 1460', to a total depth of 1605' and ~365' less than the widest part of the existing CC-2 zoning district, located slightly northward.

The CC-2 zoning district is not listed as the implementing zoning district for the High-Density Residential classification; however, the subject rezoning request is to extend an existing commercial district, further eastward into an existing high-density residential district. Given the existing zoning of the subject property and its proximity to a major thoroughfare (NC 127), it would appear reasonable to expand the existing CC-2 district, in the manner requested.

Given these factors, the rezoning of the property to CC-2 Residential should be considered consistent with the findings and recommendations of the Hickory by Choice (2030) Comprehensive Plan.

Section 1.7 of the Hickory Land Development Code contains its Stated Purpose and Intent. This section contains five (5) specific items which the Land Development Code is intended to uphold. These are as follows:

- Implement the Hickory by Choice 2030 Comprehensive Plan;

The area under consideration for rezoning is indicated within the Hickory by Choice 2030 Comprehensive Plan, as being a future high-density residential area with residential densities between twelve (12) and twenty (20) units per acre.

- Preserve and protect land, air, water and environmental resources and property values;

All improvements that are to take place on the property will be required to follow all applicable development regulations.

- Promote land use patterns that ensure efficiency in service provision, as well as, the wise use of fiscal resources and governmental expenditures;

The subject property has access to a City-maintained roadway, as well as to water and sewer infrastructure. The land-use pattern of the area, with the potential rezoning and development of the subject property, would require connection to City provided infrastructure.

- Regulate the type and intensity of development; and

The current land use pattern of the larger area consists almost entirely of commercial businesses and single-family dwellings. This development pattern will continue with the requested rezoning. Public resources to provide critical public needed are in place to service the area. These resources include public utilities and transportation infrastructure.

- Ensure protection from fire, flood and other dangers.

Any future development occurring on the subject property will be required to adhere to all state and local building, fire, and flood zone related development regulations. Such regulations will ensure proper protections are provided to ensure surrounding residents, employees and properties are properly protected, as prescribed by law.

2. Existing land uses within the general vicinity of the subject property (**Please refer to Maps 2 & 3 for more detail**):

- **North**: The properties are zoned R-4 Residential and are occupied by single-family residences;
- **South**: The properties are zoned R-4 Residential, and are occupied by single-family residences;
- **East**: The property is zoned R-4 Residential, is currently vacant and is part of the greater property under consideration for rezoning. Beyond the property line of the larger subject property (to the east), the adjacent property is zoned R-4 Residential and is currently vacant/wooded; and
- **West**: The property is zoned CC-2 Commercial, is vacant, and is part of the property under consideration for rezoning. Beyond the property line of the larger parcel, the adjacent property adjacent to NC 127 is zoned CC-2 Commercial and is occupied by various commercial uses.

3. The suitability of the subject property for the uses permitted under the existing and proposed zoning classification:

The current land use pattern of the larger area primarily consists of commercial businesses and single-family residences. The rezoning of the portion of the subject

property to CC-2 would further extend the commercial land use pattern to the east. Should a commercial business be subsequently located on the subject property, there will remain a smaller vacant parcel, zoned R-4 (High Density Residential), between the new commercial business and existing single-family residential structures. Such smaller parcel could be developed for single family, duplexes or multi-family uses.

4. The extent to which zoning will detrimentally affect properties within the general vicinity of the subject property:

The proposed zoning appears to have the potential of detrimentally affecting the residences in the general vicinity. To combat this possibility, strict land use and design standards must be taken; including but not limited to landscaping and other forms of screening, site access and interior circulation patterns, storm water controls, site lighting, building materials, signage, etc.

5. The extent to which the proposed amendment (zoning map) will cause public services including roadways, storm water management, water and sewer, fire and police protection to fall below acceptable levels.

Public resources to provide critical public services are in place to service the area. These include public utilities, transportation infrastructure, as well as police and fire protection.

6. The proposed amendment (zoning map) will protect the public health, safety, and general welfare.

The subject property is located within an area where the Hickory by Choice 2030 Comprehensive Plan did not fully anticipate further non-residential development.

Any future development that occurs on the subject property, as the result of any zoning map amendment, will be required to adhere to regulations related to zoning, building and fire code, traffic, storm water, etc. All pertinent agencies will work in conjunction with one another to ensure the health and safety of residents and visitors are properly protected.

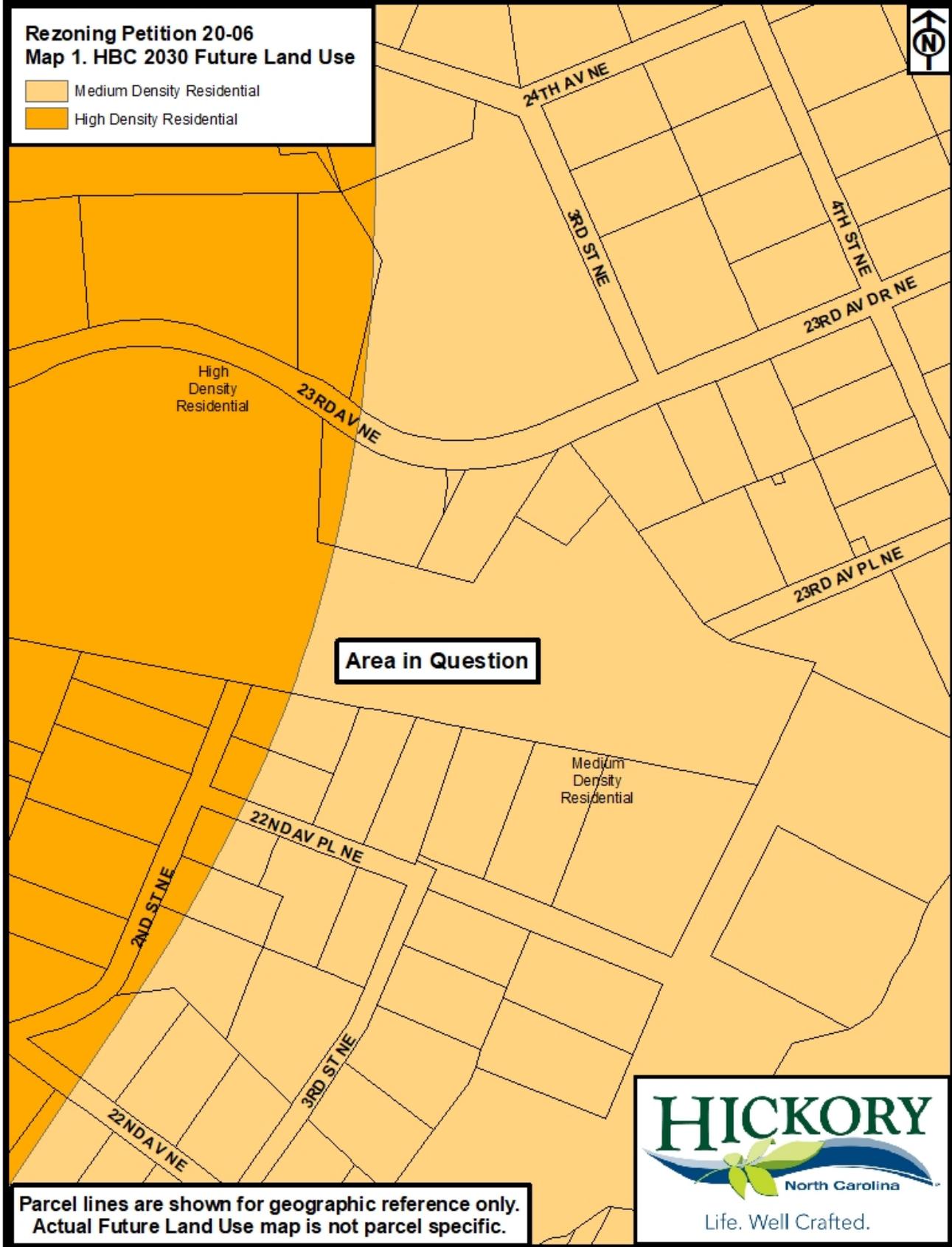
RECOMMENDED ACTION:

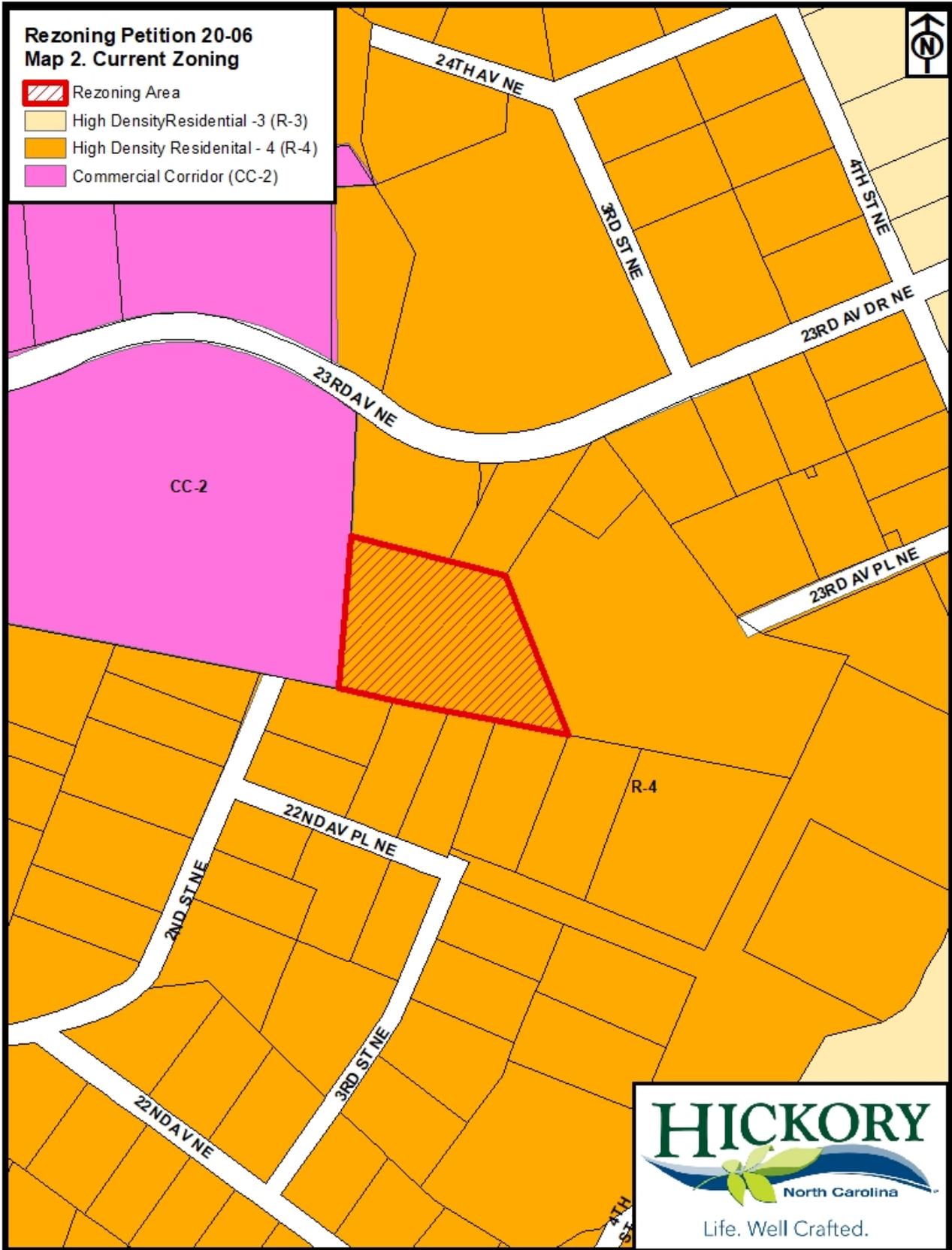
Staff finds Rezoning Petition 20-06 to be **consistent** with the Hickory by Choice 2030 Comprehensive Plan, and recommends the following:

1. The Hickory Regional Planning Commission adopt a statement affirming the petition's consistency with the Hickory by Choice 2030 Comprehensive Plan; and
2. Forward a recommendation of approval to the Hickory City Council.

CITIZEN INPUT:

As of January 2021, staff has received four (4) inquiries regarding this petition.





Rezoning Petition 20-06
Map 3. Aerial Photo

 Rezoning Area

