



The Hickory Regional Planning Commission will hold its regular meeting on **Wednesday, October 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 September 22, 2021 meeting.
- Reading of State Ethics Rules.

### **PRESENTATIONS AND PUBLIC HEARINGS**

**Rezoning Petition (RZ) 21-06.** Request by Preston Land Holdings, LLC for the consideration of rezoning approximately 2.83 acres of property located at 2358, 236 and 2380 Renwick Dr, part of 3056 Short Road, and an unaddressed adjacent parcel, from Catawba County R-20 Residential and City of Hickory Regional Commercial (C-3) to High Density Residential (R-4). The subject properties are shown as PINS 3711-12-85-8893, 3711-12-85-9903, 3711-12-86-9016, part of 37-11-12-95-1884, and 3711-12-85-8674 on the Catawba County Tax Map.

### **OTHER BUSINESS**

1. **Consideration of combining November and December regular meetings.**

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.

**Hickory Regional Planning Commission**  
**Wednesday, September 22, 2021, 6:00 pm**

A regular meeting of the Hickory Regional Planning Commission (HRPC) was held on Wednesday, September 22, 2021, 6:00 pm, in Council Chambers of the Julian G. Whitener Municipal Bldg.

**Members Present:** Bill McBrayer, Bill Pekman, Robert Weaver, Junior Hedrick, Philip Reed, Wallace Johnson, Anne Williams, and Jeff Kerley

**Members Excused:** Sam Hunt

**Members Absent:** none

**Others Present:** Director of Planning Brian Frazier, Senior Planner Brian Burgess, Deputy City Attorney Arnita Dula, and Minutes Clerk Anne Starnes

**Parliamentary Call to Order & Welcome:** Bill McBrayer, Chair, called the meeting to order at 6:00 pm and welcomed everyone.

**Roll Call:** Brian Frazier said a quorum was present and Sam Hunt was excused.

**Items of Correspondence:** None

**City Council Action:** Mr. Frazier said City Council had approved the rezoning for the Flowers Ridge project on a vote of 6-1, and they unanimously approved the Trivium East rezoning.

**Approval and Signing of Minutes from the August 25, 2021 Meeting:** Minutes from the previous meeting were distributed to members in advance. No additions, deletions or corrections were stated. Anne Williams moved, seconded by Jeff Kerley, to approve the August 25, 2021 minutes as presented. The motion carried unanimously.

**PRESENTATIONS & PUBLIC HEARINGS**

Mr. McBrayer read aloud the NC Ethics Commission's Ethics Awareness & Conflict of Interest Reminder:

*In accordance with the State Government Ethics Act, it is the duty of each member of this board to avoid both conflicts of interest and appearances of conflict. Does any member of this board have any known conflict of interest, or appearance of conflict, with respect to any matters coming before us tonight? If so, please identify the conflict, or appearance of conflict, and refrain from any undue participation in the particular matter involved.*

None of the members present stated a known conflict or asked to be recused.

Mr. McBrayer opened the public hearing for Rezoning Petition 21-05.

**Brian Burgess** presented the Staff Report and referred to PowerPoint slides. He reviewed slide #2 (Rezoning Petition 21-05):

- Property Owner: The Favor Center, Inc.
- Applicant: Jerry Grillo/John McCormick (Agent)
- Location: Between Adam Street and Garren Drive, on Section House Road
- Current Zoning: R-1
- Property Size: 20.66 acres

- Background: The property is currently zoned R-1. Due to floodplain constraints on the western portion of the property, the owner is seeking to rezone their property to allow for more higher density, to increase the developability of their parcel.
- Request: The property owner requested to rezone the properties to Medium Density Residential (R-2) zoning.

He said the property owner is Jerry Grillo, and his agent John McCormick was present this evening.

Mr. Burgess reviewed slide #3 (Future Land Use Map), saying the subject property was outlined in red and designated as Low Density Residential.

Mr. Burgess reviewed slide #4 (Subject Area Zoning), saying the subject property is zoned R-1, and surrounded by Catawba County, which is zoned R-20.

Mr. Burgess reviewed slide #5 (Subject Area Aerial), saying the photo shows the adjacent residential areas.

Mr. Burgess reviewed slide #6 (Rezoning Petition 21-05).

- The property is currently zoned Low Density Residential (R-1), and is vacant.
- The general area is **classified Low Density Residential** by the Hickory by Choice 2030 Comprehensive Plan.
- The Hickory by Choice 2030 Comprehensive Plan states the following about Low Density Residential areas: “This classification is intended to provide an **area of transition between higher density housing** and the surrounding area by offering development at **two (2) to four (4) units per acre**. (HBC 2030, Pg. 3.9) The Hickory by Choice 2030 Comprehensive Plan goes on to state; “... although the gross density in these areas is proposed to be less than Medium Density Residential, **conservation subdivision design principles** can provide opportunities for a combination of small and large lot development that helps preserve open space and protect environmentally sensitive areas.” (HBC 2030, Pg. 3.9)

He said there is some confusing language in the Future Land Use Plan when talking about Low Density Residential, which the members had dealt with recently when discussing another rezoning request. In reviewing bullet #3, he said it does appear to be consistent with the language in the Future Land Use Plan.

Mr. Burgess reviewed slide #7 (Rezoning Petition 21-05).

- The R-2 zoning district is not listed as the implementing zoning district for the Low-Density Residential classification; however, **the density discussed within the quoted section of the Hickory by Choice 2030 Comprehensive Plan** clearly states densities up to four (4) units per acre are appropriate for the area. The R-2 district permits density **up to, but not more than, four (4) units per acre**, which is compatible with the language found within the Hickory by Choice 2030 Comprehensive Plan.
- Given these factors, the rezoning of the property to R-2 Residential should be **considered to be consistent** with the findings and recommendations of the Hickory by Choice 2030 Comprehensive Plan.

Slide #8 (R-1 Permitted Uses).

- Examples of R-1 Permitted Uses:
  - Duplexes
  - Single Family Homes
  - Mobile Homes
  - Mobile Home Parks
  - Family Care Homes

Mr. Burgess said these R-1 examples had been provided as information for members.

Slide #9 (R-2 Permitted Uses).

- Examples of R-2 Permitted Uses:

- Single Family Homes (Detached)
- Family Care Homes
- Accessory Dwelling Units

Mr. Burgess said the R-2 zoning is much more restrictive.

Mr. Burgess reviewed slide #10 (Findings & Recommendation).

- **Findings**
  - The R-2 zoning district is not listed as the implementing zoning district for the Low-Density Residential classification; however, the subject rezoning request is **consistent with the language of our Comprehensive Plan**. Given the existing zoning of the subject property, it would appear **reasonable** to rezone the existing properties in the manner requested.
  - Given these factors, the rezoning of the property to R-2 should be **considered consistent with the findings and recommendations** of the Hickory by Choice 2030 Comprehensive Plan.
- **Recommendation**
  - Staff has found Rezoning Petition 21-05 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. Burgess said staff recommends approval of this request. He asked for questions from Commission members.

Mr. Kerley asked that slide #5 (Subject Area Aerial) be returned to the screen. He said that directly across the street, the property is Conover zoning. He asked if it is a Planned Development (PD) or housing, and Mr. Burgess said he expects it is either a sub-division or a PD.

There were no additional questions for Mr. Burgess.

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

Mr. McBrayer said 15 minutes would be provided for the proponents to present testimony, and 15 minutes for the opponents, followed by 5 minutes of rebuttal time for each. He said the purpose of the hearing is not to get into all of the project or property details, but to verify that the members agree with Mr. Burgess’ staff report and all of the required criteria is being met. He said the proponents would speak first, followed by the opponents.

**PROPOSERS**

**John R. McCormick**, 115 Ashmore Circle, Troutman NC, addressed Commission members. He said they are a small family-owned company; his son works with him and his wife keeps the books, so it is not as though they are a large business. He has been looking for property here, as his son-in-law works at Everett Chevrolet as a manager, and he has a granddaughter here that he has just finished a house for, south of town, so they come here often. He had quite a few lots here this year and houses that he built-out, and they have sold everything they had. They are very excited about coming up here because there are a lot of positive things going on here, a lot more than in their own community, and that is why they are here.

Mr. McCormick said they had bought this property and closed on it, so they own it now. They have built all sorts of homes, including million-dollar ones, but what they really like to build are what he likes to call the “starters and enders” – homes for people at both ends of life, in terms of home buying. They like to build a 1,500- to 1,600-sqft house, a 3-bedroom and 2-bath with a 2-car garage, and with a nice finish and details. He said it was kind of ironic, but the people who are starting out, that is the house they want, and the people who are ending up, that is also what they want, so it is a nice mix and is what they like doing.

Mr. McCormick asked if there were any questions from members, and there were none.

There were no other proponents present.

**OPPONENTS**

None

Mr. McBrayer declared the public hearing was closed.

Mr. McBrayer asked for discussion on Rezoning Petition 21-05 by members, and there was none. He asked for a motion to approve or deny the petition.

Wallace Johnson moved, seconded by Philip Reed, to approve Rezoning Petition 21-05. The motion carried unanimously.

Mr. McBrayer said a recommendation of approval would be forwarded to Hickory City Council. He thanked Mr. McCormick and wished him luck on his project.

**Other Business:** Mr. McBrayer asked if there was any other business for the members.

Mr. Frazier said it had not been finalized, but there could possibly be a rezoning in northwest Hickory near the airport for the upcoming October meeting.

The upcoming meeting dates were discussed. Mr. Frazier said both the November and December meeting dates fall during holiday weeks. The Commission typically holds a joint November-December meeting on the first Wednesday in December, so the joint meeting will be on Wednesday, December 1, 6:00 pm.

Mr. Frazier said their staff had 30 projects on the docket pre-Covid, around St. Patrick's Day of 2020. They currently have well over 80 projects in process, so they are very busy, but in a good way. He said the 2020 Census information is coming in now and they would soon initiate the next review of Hickory by Choice 2030. Although it is scheduled as a 5-year review, this one will be closer to 6-years, with all of the work being done in-house. He said there would definitely be a demographic update and that with everything going on economically, the entire housing and economic development chapters would basically need to be gutted and re-written. The infrastructure, public utilities, and affordable housing portions will also be updated.

**Next Meeting:** The next regular meeting is scheduled for Wednesday, October 27, 6:00 pm. Members will be advised if the meeting is being held.

**Adjourn:** There being no further business, Mr. McBrayer declared the meeting adjourned at 6:20 pm.

---

Bill McBrayer, Chair  
Hickory Regional Planning Commission

---

Anne Starnes, Minutes Clerk  
City of Hickory

**Attendance Roster**  
FY 21-22

<b>Key</b>	A	Absent	AX	Excused		No meeting		No
	P	Present				Vacant/Not yet appointed		Quorum

**Hickory Regional Planning Commission**

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Appoint	Expire
Catawba County	Jeff Kerley	P	P	P									Jul-20	Jun-23
Catawba County	William Pekman	P	AX	P									Jul-20	Jun-23
Burke County	Robert Weaver	P	P	P									Dec-19	Jun-22
Ward 1	Bill McBrayer	P	P	P									Jul-19	Jun-22
Ward 2	Philip Reed	P	P	P									Jul-21	Jun-24
Ward 3	Junior Hedrick	P	P	P									Jul-20	Jun-23
Ward 4	Sam Hunt	P	AX	AX									Jul-21	Jun-24
Ward 5	Wallace Johnson	P	P	P									Jul-20	Jun-23
Ward 6	Anne Williams	P	P	P									Jul-19	Jun-22

## REZONING ANALYSIS

**PETITION:** 21-06

**APPLICANT:** Eric Yeargain (Agent)

**OWNERS:** Preston Land Holdings, LLC

**PROPERTY LOCATION:** 2358, 236 and 2380 Renwick Dr, part of 3056 Short Road, and an unaddressed adjacent parcel.

**PINS:** 3711-12-85-8893, 3711-12-85-9903, 3711-12-86-9016, part of 37-11-12-95-1884, and 3711-12-85-8674

**WARD:** Upon annexation, the properties are in, or will be in, Ward 3 (Councilman Seaver).

**ACREAGE:** 2.83 acres

**REQUESTED ACTION:** Rezone the properties from Regional Commercial (C-3) and Catawba County R-20 Residential to City of Hickory High Density Residential (R-4).

**BACKGROUND:** The properties are currently zoned C-3 by the City of Hickory and R-20 by Catawba County. The properties under the jurisdiction of Catawba County are in the process of being annexed into the City of Hickory. The rezoning request is intended to provide an area for future residential uses.

**DEVELOPMENT POTENTIAL:** The part of the rezoning area under the current city C-3 zoning is 0.419 acres in size. The C-3 district permits development at a floor area ratio of 2 for non-residential uses or 30 units per acre for residential uses, which could theoretically yield 35,500 ft<sup>2</sup> of non-residential floor area, or 12 residential units. The part of the rezoning area under the current county zoning is 2.4 acres in size. The R-20 district permits single and two-family residential uses at a density of two (2) dwelling units per acre, which could theoretically yield 5 dwelling units.

The subject properties are currently vacant; however, the owners intend to develop the properties for the purpose of constructing single-family attached dwellings (townhomes). The requested zoning, R-4, permits residential density at a rate of 12 units per acre for single-family attached (townhomes). Given the area, 2.83 acres, the rezoning area could theoretically yield 34 dwelling units.

**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 Regional Commercial 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 concrete.) (Please refer to Map 2 for detail).*

*The Hickory by Choice 2030 Comprehensive Plan states the following about Regional commercial areas: "this classification is focused on the I-40 / U.S. 70 corridor and is intended to continue the corridors current development pattern" (HBC 2030, Pg. 3.10).*

*This classification is continued to the south on U.S. 70 to include the Catawba Valley Blvd, where the subject properties are located.*

*The R-4 zoning district is not listed as the implementing zoning district for the Regional Commercial classification. However, current permissible residential densities for C-3 districts (30 units per acre), and R-4 districts (20 units per acre for multi-family and 12 units per acres for single family detached and attached) are close in residential density. Additionally, the requested R-4 zoning is less intense than C-3 zoning, as it excludes non-residential development, and would provide a transitional area and a degree of protection to the adjacent residential uses to the west and south.*

*Given these factors, the rezoning of the properties to R-4 Residential is inconsistent with the findings and recommendations of the Hickory by Choice (2030) comprehensive Plan. Although the findings of inconsistency are clearly outlined, the rezoning of the properties to R-4 is reasonable and protects the public interest, by providing a transitional area between more intense commercial districts and less intense lower intensity residential districts.*

**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 by the Hickory by Choice 2030 Comprehensive Plan as being along an existing commercial corridor where its continuation is expected. The implementing district C-3 permits non-residential and well as residential uses by-right.*

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

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

- Promote land use patterns that ensure efficiency in service provision as well as wise use of fiscal resource and governmental expenditures.

*The subject properties will have access to a city-maintained roadway that is currently under construction. Public water and sewer infrastructure (upon annexation) will be available to serve the properties. During the annexation evaluation process, staff also verified all other public services were available, and would not be diminished with the future development of the subject properties. The land-use pattern of the area, with the inclusion of the subject properties, represents an efficient use of public services, and the wise use of public funding.*

- Regulate the type and intensity of development; and

*The current land use pattern of the larger area consists of non-residential and residential uses (single-family and multi-family). This development pattern will continue under the R-4 Residential district, as single-family and multi-family residences are permitted under this zoning classification. Public resources to provide critical public*

*services are in place to service the area. These include public utilities and transportation infrastructure.*

- Ensure protection from fire, flood and other dangers.

*Any future development occurring on the subject properties 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, and properties are properly protected as prescribed by law.*

2. Existing land uses within the general vicinity of the subject properties (**Please refer to Maps 3 & 4 for more detail**):

- **North:** The property is zoned R-1 Residential and is vacant.
- **South:** The properties are zoned R-20 Residential by Catawba County. These properties are either occupied by a single-family residence, or vacant.;
- **East:** The property is zoned C-3 and is the location of a future office park.
- **West:** The properties are zoned R-20 Residential by Catawba County. These properties are either occupied by single-family residences, or vacant.

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

*The current land use pattern of the larger area consists non-residential and multi-family uses. The rezoning of the properties to R-4 Residential would continue this development pattern.*

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

*The current zoning and prior use of the properties likely had, or could have, comparable impacts on the surrounding neighborhood. The requested High Density Residential (R-4) permits uses similar to those in the vicinity. It will also aid in minimizing future impacts on the lower density residential neighborhood to the west.*

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 properties are located within an area where the Hickory by Choice 2030 Comprehensive Plan anticipated continued Non-residential and residential growth. The future use of the properties will continue this development pattern.*

*Any future development that occurs of the subject properties as the result of the zoning map amendment, will be required to be adhere to regulations related to zoning, building and fire code, traffic, stormwater, etc., which 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 21-06 to be **inconsistent** with the Hickory by Choice 2030 Comprehensive Plan. Although the findings of inconsistency are clearly outlined, the rezoning of the properties to R-4 is reasonable and protects the public interest, by providing a transitional area between more intense commercial and residential uses and less intense lower intensity residential uses. Given these factors the following is recommended:

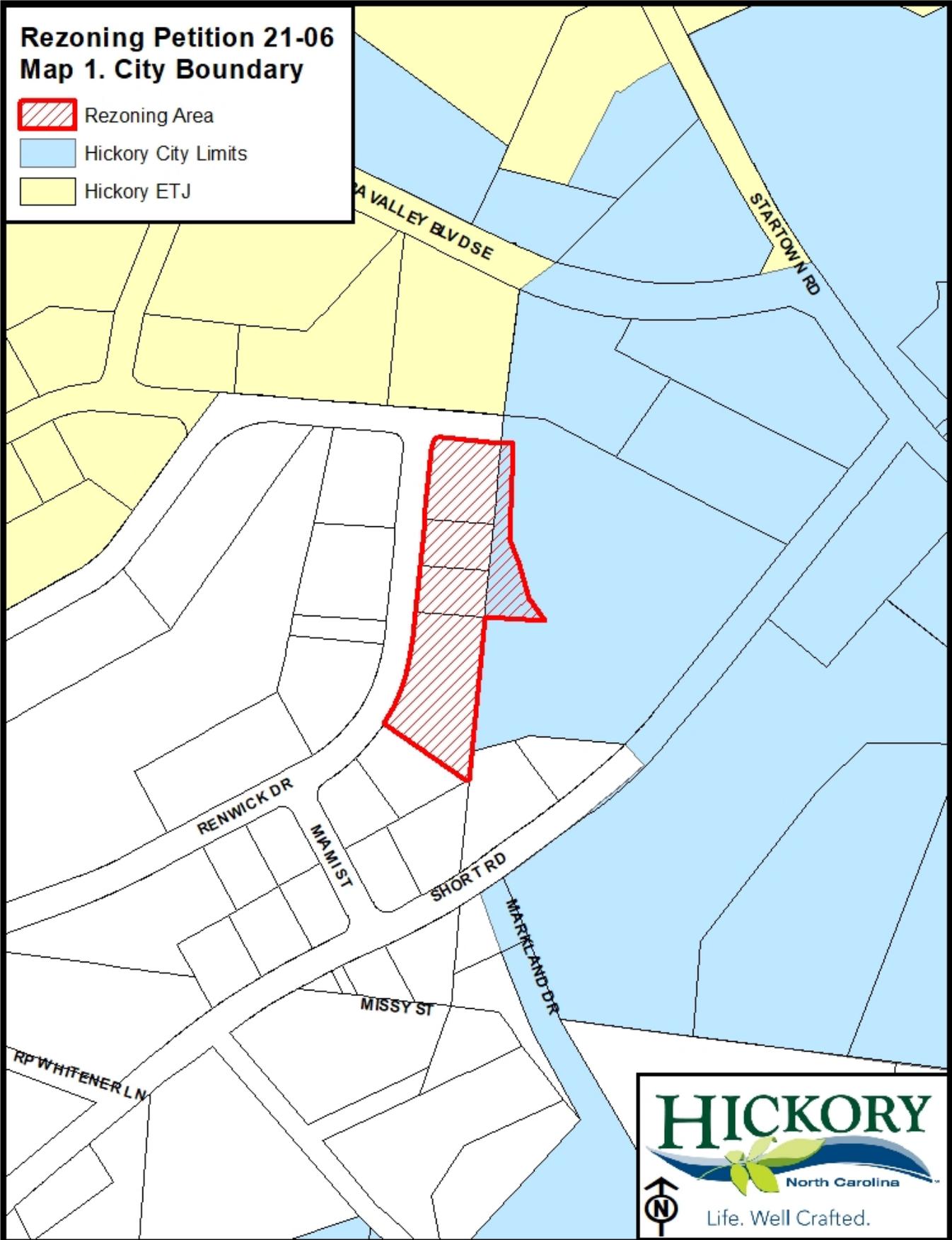
1. The Hickory Regional Planning Commission adopt a statement affirming the petition's inconsistency with the Hickory by Choice 2030 Comprehensive Plan: and
2. Forward a recommendation of approval to the Hickory City Council.

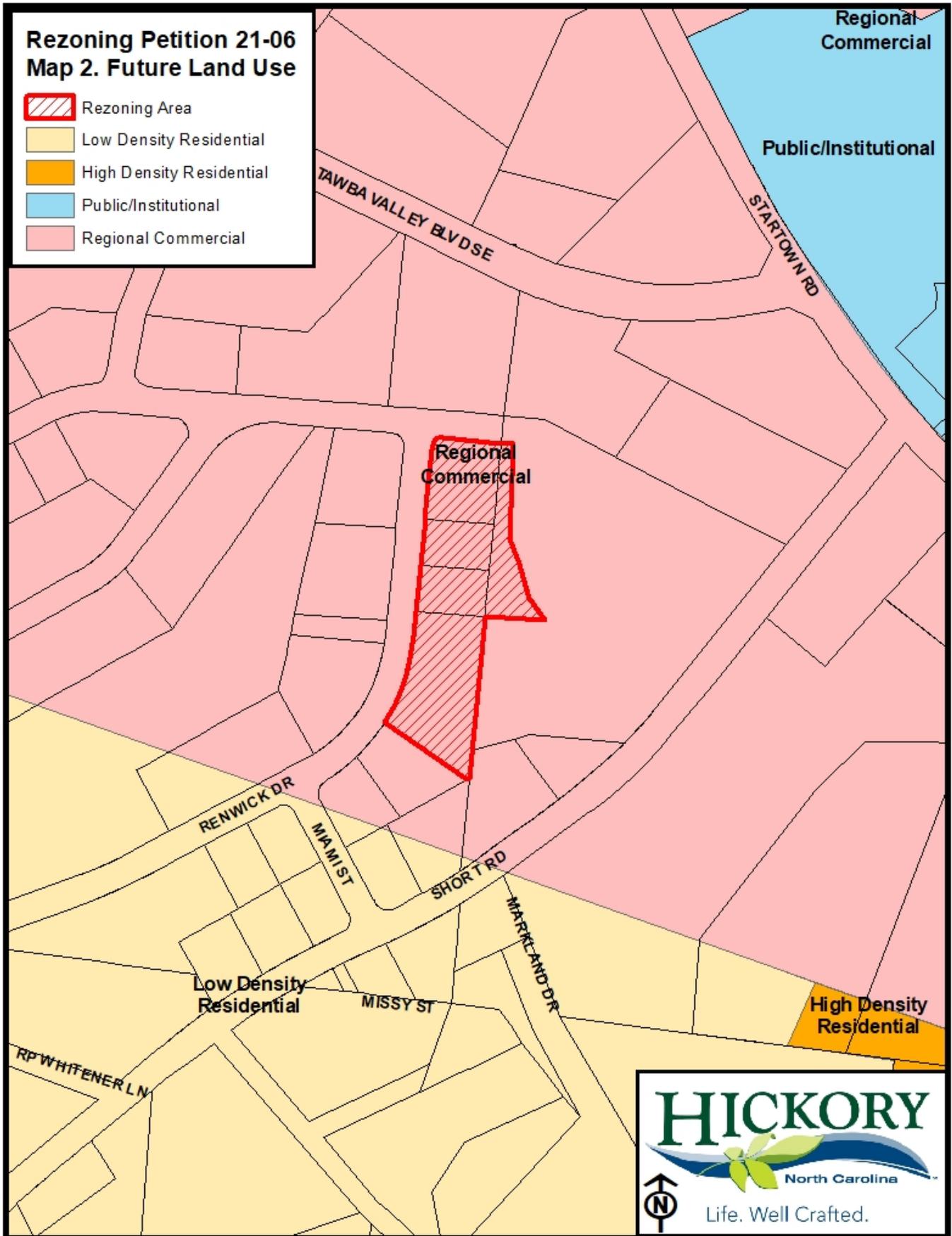
**CITIZEN INPUT:**

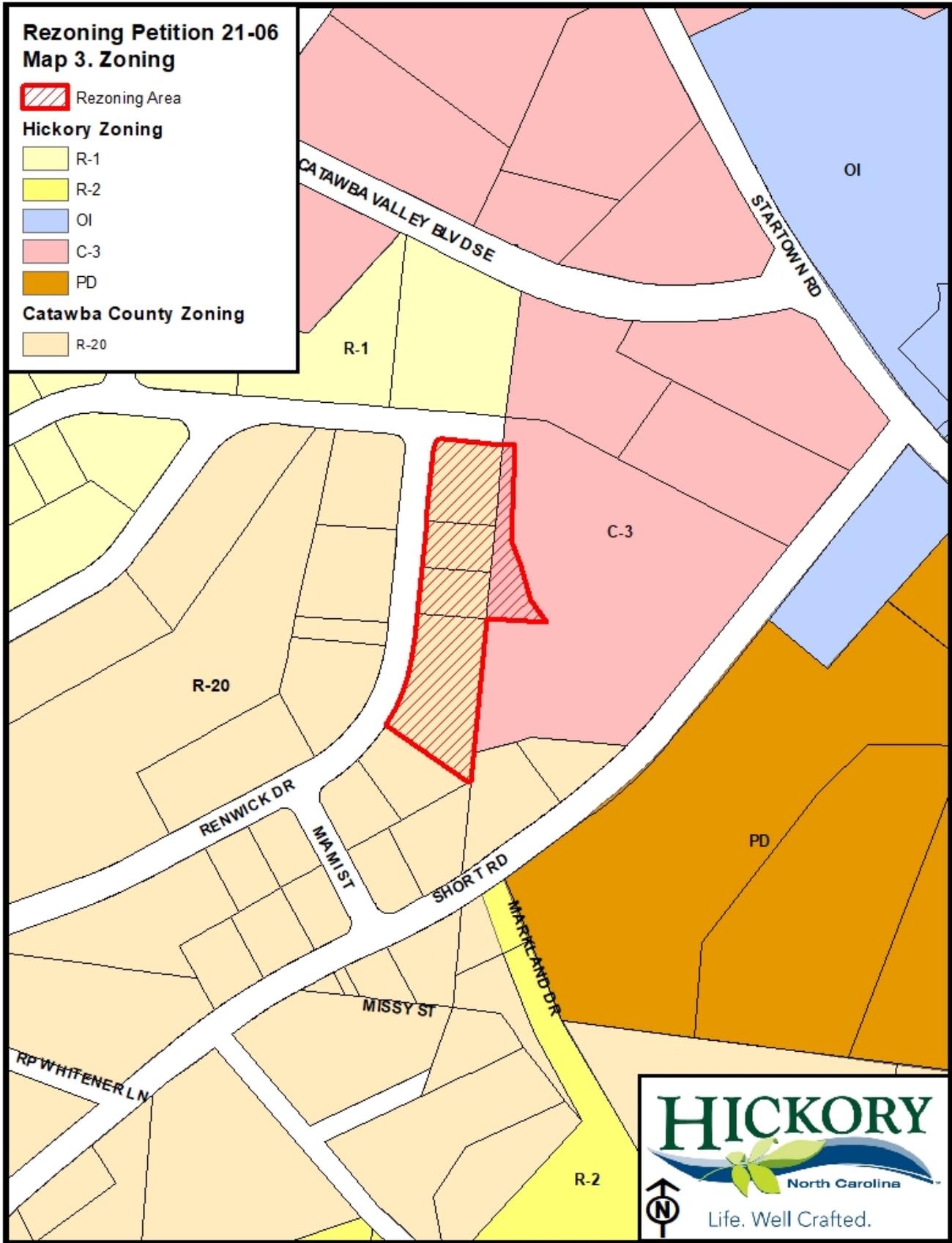
As of October 18, 2021, staff has received two (2) inquiries regarding this petition.

**Rezoning Petition 21-06**  
**Map 1. City Boundary**

-  Rezoning Area
-  Hickory City Limits
-  Hickory ETJ







**Rezoning Petition 21-06**  
**Map 4. Aerial Photography**

 Rezoning Area

