



The Hickory Regional Planning Commission will hold its regular meeting on **Wednesday, March 24, 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 February 15, 2021 meeting

PRESENTATIONS AND PUBLIC HEARINGS

1. **Rezoning Petition 21-01.** Request by Scott Riley rezoning of +/- 0.48 acres of a +/- 0.99 parcel of property located at 2565 Section House Road NE from Low Density Residential (R-1) to Neighborhood Commercial (NC). The subject property is shown as PIN 3723-07-68-7968 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	No Quorum
	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	Jeff Kerley		P		AX		AX	AX	P					Jul-20	Jun-23
Longview	Randall Mays		AX		P		P	P	P					Jul-20	Jun-23
Catawba County	William Pekman		P		P		AX	P	P					Jul-20	Jun-23
Burke County	Robert Weaver		P		P		P	P	P					Dec-19	Jun-22
Brookford	Vacant														
Caldwell County	David Deal		P		AX		P	AX	P					Jul-19	Jun-22
Ward 1	Bill McBrayer		P		P		P	P	P					Jul-19	Jun-22
Ward 2	Dan Shabeldeen		P		P		P	P	P					Jul-20	Jun-23
Ward 3	Junior Hedrick		AX		AX		AX	A	P					Jul-20	Jun-23
Ward 4	Sam Hunt		P		P		P	A	P					Jul-18	Jun-21
Ward 5	Wallace Johnson		AX		P		P	P	P					Jul-20	Jun-23
Ward 6	Meg Jenkins Locke		P		AX		P	AX	P					Jul-19	Jun-22

SPECIAL CALLED MEETING
Hickory Regional Planning Commission
Wednesday, February 15, 2021, 6:00 pm

A special called meeting of the Hickory Regional Planning Commission (HRPC) was held on Wednesday, February 15, 2021, 6:00 pm, in Council Chambers of the Julian G. Whitener Municipal Bldg.

Members Present: Randall Mays, Bill McBrayer, David Deal, Robert Weaver, Wallace Johnson, Junior Hedrick, Dan Shabeldeen, Sam Hunt, Jeff Kerley, Bill Pekman, and Meg Locke

Members Excused: none

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: Randall Mays, Chairman, called the meeting to order at 6:00 pm and welcomed everyone.

Roll Call: Mr. Frazier said a quorum was present, including all of the Commission members. He introduced Senior Planner Brian Burgess, from Hendersonville, NC, who joined the staff last week.

Items of Correspondence: Mr. Frazier was advised that a few citizens have applied to serve on the Planning Commission. The only current vacancy on the Commission is for a member representing the Town of Brookford, but no Brookford residents have applied.

City Council Action: Mr. Frazier said City Council approved the rezoning request made by YN & MJ Properties, LLC last month. Council unanimously approved the rezoning recommended by the Planning Commission for the former Carolina Millwork property, from Industrial (IND) to Neighborhood Center Commercial (NC).

Approval and Signing of Minutes from the December 2, 2020 Meeting: Minutes of the previous meeting held in December 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 December 2, 2020 minutes as presented. The motion carried unanimously.

PRESENTATIONS & PUBLIC HEARINGS

Mr. Mays said there was one public hearing on the agenda tonight, Rezoning Petition 20-06. He read the “NC State Ethics Commission’s Ethics Awareness & Conflict of Interest Reminder” aloud to members:

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 participation in the particular matter involved.

Mr. Mays asked if any member had a known conflict, and none were stated.

1. Rezoning Petition 20-06. Request by 23 Storage, LLC for the consideration of rezoning +/- 1.2 acres of a +/- 9.5-acre 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.

Brian Frazier presented the Staff Report and referred to PowerPoint slides. He said the special called meeting was being held to consider Rezoning Petition 20-06. He reviewed slide #2 (Rezoning Petition 20-06):

- Property Owners: 23 Storage, LLC
- Applicant: L.D. Austin
- Location: 110 23rd Avenue NE
- Current Zoning: R-4 Residential & Commercial Corridor (CC-2)
- Property Size: 9.5 acres, rezoning area is 1.2 acres
- Background: The subject property is currently split zoned, with the western portion being Commercial Corridor (CC-2), and the eastern portion being R-4 Residential. The entire property is currently vacant, and the property owner is requesting expansion of the existing commercial zoning to facilitate future commercial development.
- Request: The property owner has requested to rezone part of the property to extend the Commercial Corridor (CC-2) zoning to the east, which includes 1.2 acres of property.

Mr. Frazier noted the property is located on 23rd Avenue NE, near the former Ace Hardware on Highway 127 that is now an ABC superstore. When traveling north on Hwy. 127, turn right onto 23rd Avenue NE and the subject property is just down the street, on the right, where some preliminary clearing has been done. He said the R-4 Residential portion of the property could be developed for single-family, duplex, multi-family, and mobile homes but nothing is currently planned.

Mr. Frazier reviewed slide #3 (Map 1. HBC 2020 Future Land Use), saying this is the City's Future Land Use Plan. He pointed out the area in question is in a Medium Density Residential area, and adjacent to a High-Density Residential area.

Mr. Frazier reviewed slide #4 (Map 2. Current Zoning), saying members could see the subject property to be rezoned is the red-hashed area. He noted the adjacent Commercial Corridor (CC-2) property, which extends toward Highway 127, and the High Density Residential (R-4) area, which is also under the applicant's control. He said the applicant is looking to extend the CC-2 zoning, a total 1.2 additional acres of property.

Mr. Frazier reviewed slide #5 (Map 3. Aerial Photography), saying the photo is from 2018 and a bit out of date. The proposed rezoning area appears in the red cross-hatched area. He pointed out the entire property owned by the applicant, noting it does not go all the way up to Highway 127; there are commercial businesses along both sides of the state highway.

Mr. Frazier reviewed slides #6 & 7 (Rezoning Petition 20-06):

- The property is currently split zoned Commercial Corridor (CC-2) and R-4 Residential and is vacant.
- 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.
- 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 west. The Commercial Corridor area along Springs Rd extends out 250-ft. 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-ft. total, to as much as ~1970-ft. in total, meaning width. 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-ft. from the current west-east width of 1460-ft, to a total depth of 1605-ft., which is ~365-ft. less than the widest part of the existing CC-2 zoning district, located slightly northward of the subject property.
- 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 by the applicant.
- Given these factors, the rezoning of the property to CC-2 Commercial should be considered consistent with the findings and recommendations of the Hickory by Choice 2030 Comprehensive Plan.

Mr. Frazier said when the Hickory by Choice 2030 Comprehensive Plan states, “*The text of the comprehensive plan indicates that High Density Residential areas may also contain office areas along thoroughfares and commercial areas,*” that it does not get any more specific than this.

At Dr. Pekman’s request, Mr. Frazier further clarified the slide data, specifically bullet point 3, saying basically, that on Springs Road, when you are looking at a the CC-2, both the Current Zoning and the Future Land Use Plan, if you are looking at the center line of the right-of-way, the zoning is 250-ft. to the left, and 250-ft. to the right; it is fairly well designated and demarcated on both the Zoning and Future Land Use maps. That is not the case for the Highway 127 area that is CC-2, other than in Viewmont, and then further out 127, it is more clearly designated, but CC-2 is “saw-toothed,” if you will. Mr. Frazier said it is not shown here, but later he would show a map where this is clearer. On the Zoning map, he noted a break in the property line where CC-2 zoning crosses over 23rd Avenue. He said it is not straight here, and the applicant is asking to extend it out further. He said Dr. Pekman would see this more clearly on an upcoming map.

Regarding bullet point 4, Mr. Frazier noted the Future Land Use map is not parcel specific.

Regarding bullet point 5, Mr. Frazier noted the existing high-density residential district allows for single-family, townhomes, duplexes, multi-family, and trailers or a mobile home park; these all apply under R-4.

Mr. Frazier reviewed slide #8 (Examples of CC-2 Permitted Uses).

- Duplexes & Apartments
- Nursing Homes/Extended Care Facilities
- Office & Retail
- Vehicle Repair
- Storage Facilities
- Medical Centers
- Schools & Religious Institutions

He reminded members that religious institutions are allowed, by right, in every zoning district.

Mr. Frazier reviewed slide #9 (Map 4. Expanded Zoning). He said this map would help members get a better understanding. This is the current zoning along Highway 127, oriented north toward the top of the map. He pointed out the subject property hashed in red, and that members could see what he meant in mentioning that CC-1 is not uniform like the CC-2 or CC-1 is on Springs Road. You have CC-1 on the east side, here you have it on the west and the east, and there is no clear east-west demarcation of that CC-2. Pointing to the property, he said you could see the site here, where if it jogged to the east, it would not be that far off from where it is here. To the east, you can see how it follows this pattern, and then it gets narrower and narrower (pointing to

the narrowest spot on the map). Mr. Frazier said that, again, there is nothing clear in the zoning that says there can only be X-number of feet to the west, and X-number of feet to the east. And again, the Future Land Use Plan goes to just about here (noting the spot on the map), but it would be contiguous, and of course, the Future Land Use Map is not parcel specific; that is something they changed about 14-years ago, several years before Hickory by Choice was implemented.

Mr. Frazier said you could see there is CC-2 Commercial in the area, which for lack of a better term is a commercial strip. There is R-2, shaded in yellow, and Office & Institutional in blue; Planned Development with townhome and apartment complexes, shaded in brown; and the High Density Residential and Medium Density Residential, R-3 and R-4. He said, as you get closer to downtown (pointing to the bottom of the map) you are looking at 16th Avenue NE, with St. Luke's Methodist Church and Corinth Reformed to the west, and Lowe's Home Improvement to the east. He also noted 29th Avenue NE at the top of the map.

Dr. Pekman asked how CC-1 and CC-2 differ. Mr. Frazier said, basically CC-1 has more zoning restrictions of what the allowed uses are, than for CC-2. The CC-2 is, if you will, a little denser, or intense, and allows greater commercial uses than the CC-1.

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

- **Findings**
 - 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 allow expansion of the existing CC-2 district, in the manner requested.
 - Given these factors, the rezoning of the property to CC-2 should be considered consistent with the findings and recommendations of the Hickory by Choice (2030) Comprehensive Plan.
- **Recommendation**
 - Staff has found Rezoning Petition 20-06 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. Frazier asked for questions from Commission members.

Mr. Kerley asked if there was a map of the property contours. Mr. Frazier said no, not on the maps included in the presentation. The property is down gradient to the east. There are a couple creeks and a culvert, which is almost like a small dam, not too much further to the east.

Mr. Kerley asked what type of buffering would be required to protect the residential properties on both sides. Mr. Frazier said it would require at least a 15-foot buffer, and/or fencing, between the residential uses and this type of commercial use, basically with the standard row of evergreens, or it could be a fence up to 8-ft. tall. That would have to be wherever it borders either a residentially zoned property, or a residential use. Even if that residential use is in an industrial district, it still must be properly screened. And there would be, of course, some design and architectural considerations for any buildings, and they would have to meet all City requirements of the LDC, as well as any County erosion and sedimentation control measures, and be consistent with Hickory by Choice and fully compliant with State and Federal Storm Water regulations.

Dr. Pekman asked Mr. Frazier if he foresees any problems with the topography. Mr. Frazier said there are concerns that would have to be professionally engineered. The applicant has a well-respected engineer on-board, so topography would have to be reviewed, especially with due consideration to whatever the amount of

square footage is for new buildings, roofs, sidewalks, and any paved areas, or basically any further increase in impervious. The PE has to be able to calculate that to be sure it complies with City, County, State, and Federal law.

Mr. McBrayer noted they could get a good read on the run-off part right now (hearing the rain pounding on the roof), with all the recent rainy weather and very full creeks. Mr. Frazier agreed, saying this would be one of the worst-case scenario months.

There were no additional questions for staff.

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

Mr. Mays said this would be a quasi-judicial hearing. The standard policy is for proponents to speak first and the opponents second, followed by rebuttal time.

Mr. Mays opened the public hearing for Rezoning Petition 20-06.

PROPONENTS

Recil H. Wright, PE, 209 1st Avenue South, Conover, addressed Commission members, saying he appreciated the opportunity to speak in favor of the rezoning request. They have been working with L.D. Austin on the property for some time now and said that he would address Mr. Kerley's question regarding the topography. Slide #5 (Map 3. Aerial Photography, 2018) was returned to the screen. Using the pointer, he said, if you can imagine 23rd Avenue, it slopes down into the property; if you come in from the side road to the south, the property slopes down into the property, as well, and from the west.

Mr. Wright showed how the drainage travels from the property, saying it slopes in a relatively constant manner, and they do not know exactly how they will grade it, but they will have to do it so that it meets all the regulations. It is going to be tricky, in the fact that they will have to satisfy several issues. He said issue number 1 is, basically, that run-off regulations require that you cannot discharge at a greater rate of water from the property for development. He said there are several technical ways you can do that, but for the overall effect, that is what they are going to be required to do.

From a vegetative standpoint, Mr. Wright said they are going to have to clear out some trees but will leave as many as they possibly can. He does not know exactly how much that is going to be at this point, because they do not know exactly how much grading they are going to have to do. He said the area to the east obviously abuts a fork in another area (which he pointed out), and they will need to consider another area that slopes down into a creek (which he pointed out). He said if they get into that area over there, then they will need to use the same criteria, which is that the rate of water after must be either the same or less than what it was before development.

Mr. Wright could not speak to the use of the property at this point, because he did not think a final decision had been made on it yet. He said Mr. Austin might want to address some questions about it, if there are any, but he would get back to the questions of the water drainage, which seems to be a big concern, and that it would be for him, too, if he lived by or close to the property. He said the existing drainage comes down to the property line that he pointed out, saying there is an existing pipe that goes underground, across the property, and eventually into a creek. He said there have been some concerns about water draining onto these adjacent properties. He pointed out an area that has flooded, noting numerous recent storms and the intensity of the rain, saying if it continues the flooding would, too. He said that, from talking with one of the property owners, he thinks the piping may be too small to carry all the water coming to it; they do not know this for a fact, because they have not done extensive studies on it.

In addition, Mr. Wright said there is a bank, running basically along this line (which he pointed out) that slopes down to a house (which he pointed out), and their current assessment is that they want to prevent any water from going down that bank. He said they could do this by diverting the water into some basins; they would want to do that, and are in effect, required to do that, to prevent water from getting onto other properties. So, they could do that, and may end up putting in the basins in (an area he pointed out) and they could easily divert water to basins located in two different directions. He said the basins would initially be designed as sediment basins, which catch the water and treat it to some degree, but eventually with the idea of converting them to water quality basins, which basically is a filter designed to meet certain water quality standards.

Mr. Wright said that was all he could tell members about the water at this point, because this is as far as they have gotten. He was here to speak in favor of the rezoning because he knows they can handle the water; it is a matter of them choosing to do that, and a matter of meeting the regulations. He hoped he addressed some of the issues about the water and asked if there were any other issues or questions he could address at this point.

Mr. Mays asked if there were any questions from members.

Dr. Pekman asked Mr. Wright to clarify that a rezoning is being requested for the subject property, but the use of it has not yet been determined. Mr. Wright said yes, not entirely, that there have been several suggestions, but they have not concluded – at least he had not heard that a conclusion was reached. They have done several layouts, for various uses, but that has not really been established at this point.

Mr. McBrayer said Mr. Wright had mentioned earlier in his testimony about the buffers and trees remaining, but that it looked to him like they had already taken down quite a few trees there. Mr. Wright said he was not sure what area he meant, but they are hoping they can leave some trees in this area (which he pointed out on the map), and that they were planning on doing that. He said they might be able to leave some trees right in this area, as well (pointing to another area on the map).

Mr. Mays asked what the proposed entrances to this property would be, or into the development; from which directions will they have entrances into it. Mr. Wright said they were planning on an entrance off 23rd, planning to bring in an entrance road here, something like this (pointing at the map).

Ms. Locke asked if this was the road directly across from Nara, and Mr. McBrayer said yes, down the hill and to the right.

Mr. Mays clarified that they are not going to utilize any of the streets from the south side. Mr. Wright said they were not planning on it. Mr. Mays said, so it is just strictly one entrance for the whole project, off 23rd, and Mr. Wright said yes.

Ms. Locke asked if there is another access point to that property. Mr. Wright said yes, from 1st Street Place, and 2nd Street NE, which both dead end at the property. Ms. Locke said those are both residential streets, correct? Mr. Wright said yes, it is residential, but you do have some apartments right here (pointing at the map), but the rest of it is single-family.

Mr. Mays said he guessed it was something for Mr. Austin to explain, but that without the western portion of the property being developed at all, or any plans to, why is there an expansion of just 1.2 acres on to that? That Mr. Austin would be the one with the answer to that question since Mr. Wright is just the engineering side of the project. Mr. Mays asked him, with 1st Street Place and 2nd Street being streets going into the property, you do not plan to utilize them at any time, to enter that property from the southern side? Mr. Wright said they would consider it, if it came down to it, but the widths of those streets are very narrow, and he does not think, from his perspective, that they would be amenable to use as through streets. But, if it comes down to it, they will certainly consider it.

Mr. Mays said, at the entrance coming off 23rd Avenue, are you proposing any type of lane to turn into the property? Because that is in a kind of bad location there, with curves in both directions, east and west, where you said your proposed entrance is going to be. Are you proposing to have an entrance lane into it, or something to hamper any traffic into whatever you are developing in there, vehicles going in and out? Mr. Wright said it is a possibility, yes. They think they have the sight distances they need on that road, but he did not know the speed limit, and asked Mr. Frazier if he knew. Mr. Frazier said it would be 35 mph, and Mr. Wright said they would have to look at those sight distances, based on the 35-mph speed limit.

Mr. Hunt asked what type of vehicles would be going into the property – big trucks, vans? Mr. Wright said he did not know that, because they had not decided as to what exactly is going there yet. It could possibly be trucks, vans, or passenger vehicles, whatever it takes.

Mr. Mays addressed Mr. Frazier, asking if a DOT driveway permit would be required for that property. Mr. Frazier said that no; it is a city street; of course, Highway 127 is a DOT property, but this action does not extend as far west as 127. It would be reviewed by the City's streets and traffic engineer under Public Services, and they would make that determination. He said this project, more than likely, depending on the size, may meet the threshold of the ordinance regulated by law on pre-application, meaning that if there is any redevelopment, new development, or new construction that is a minimum of a 15,000 sqft in area, it would kick in a pre-application meeting that would be held with the various City and/or State agencies to review the project with the applicant and his design professionals, and they would then make recommendations. Mr. Frazier said, that is, if the City Council approves this proposed rezoning.

Dr. Pekman asked Mr. Frazier to clarify the 15,000 sq. ft., and he said it means 15,000 sq. ft. of buildings. Dr. Pekman asked what the total size of the property being discussed is, besides what would be rezoned. Mr. Frazier said the property size is 9.5 acres, and the rezoning area is 1.2 acres.

Mr. Mays said the one thing the Commission needed to take into consideration during this hearing, also, is the fact that the western portion of the property is already zoned CC-2, so it could be developed as is. Mr. Frazier said yes, that is correct, and without any rezoning needed. Mr. Mays said that area could be developed now, and Mr. Austin is just asking to expand the CC-2 portion.

Mr. Weaver said that earlier Mr. Wright had said trucks and vans might enter the property, but what size trucks and trailers did he mean? Mr. Wright said they could vary. Mr. Weaver asked if the entrance would accommodate all types of trucks, and Mr. Wright said yes, passenger cars up to 18-wheelers. Mr. Weaver noted the speed limit is 35 mph on 23rd Avenue, saying he was knowledgeable about trucks and had concerns about how many trucks would be going in and out of the entrance, as well as their sizes, since the entrance must accommodate them. Mr. Wright said that was correct.

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

No other proponents were signed up to speak, but Mr. Mays asked applicant L.D. Austin to discuss his plans to develop the small parcel proposed for rezoning.

L. D. Austin addressed Commission members, saying he had developed a lot of property here over the years. He addressed Mr. Weaver's question about trucks, and tractor-trailers. He said this site entrance must be designed for fire trucks and garbage trucks, which is a requirement of the City of Hickory. As far as the number of tractor-trailers entering, that is an infrequent occasion, but there would probably be 24-ft trucks. He said these are self-storage units over there (to the north), and many members may remember U-Lock that he built back in the early '90s over there. They had some issues getting larger trucks in there because of the topo. It was a smaller site, and the streets are steep, so some of the trucks dragged coming in and tore up their blacktop. He said they have taken all of that into consideration, regarding bringing in larger vehicles, RVs, campers, and such. They want to make it easy for these folks to get around.

On the second part, Mr. Austin said he does not want his buildings torn up. Mr. Weaver said he understood that, and he has been into storage sites before when driving trucks, and he knows some of them are not designed for trucks 70-ft. long. Mr. Austin said they really do not intend for that.

Mr. Austin said Mr. McBrayer had asked about trees being cut down on the site. He said they (the contractor) had taken more trees DOWN than he wanted to take down, that the Huffmans are their neighbors over there, and Mr. Huffman had asked him to take down the trees behind his property; he did not particularly want to, but he did. Mr. Huffman also asked him if he would consider taking out more trees, which he has not yet. His plan is to look at it now and see if they could top those trees, and make it work. He has talked to the homeowners living adjacent to Mr. and Mrs. Huffman, and they kind of like his idea, too, since they were a little bit leery about the trees maybe falling on their homes. He said they have tried to take everything into consideration.

Mr. Austin said that, as they have developed sites over the years, he has been a good steward of trees. But sometimes it comes back to haunt him, because he leaves a beautiful tree and then 3-years later he must take that tree out, and it costs him \$5,000 when he could have taken it out while they were doing the site work for a couple hundred dollars.

Mr. McBrayer said he was just reacting to Mr. Wright's earlier statement about not taking trees, but when you go by, there are only a few straggly trees left standing. Mr. Austin said that was his explanation on it.

Mr. McBrayer said Mr. Wright made the statement that no decision had been made about what was being developed at the site if it is rezoned, but that he had heard a few things. He asked Mr. Austin if he could share some of those things they have talked about. Mr. Austin said they have had several mini-warehouse complexes; one of the things he likes least about mini-warehouses is the storage of campers, boats, and that kind of thing. He thinks those take away from the attractiveness of self-storage units. He wants to put those back there, so he can landscape it well and camouflage that, so that nobody sees it.

Mr. McBrayer said, if he were playing the devil's advocate, he would say the property to the west is already zoned, and now you want this little piece re-zoned, so what is stopping you, or anyone else, from coming in and putting some big, massive structure in there that really upsets the apple cart for all the neighbors around. Mr. Austin said he has no intention of putting in any type of structure like that, and like he said, as he is standing there right now, his intent is to park the boats and campers back there, and then screen it well. Mr. McBrayer said he just thinks that if he is a neighbor, he would be trying to figure out, 1) what you are going to put there, and 2) where is all this water going, because it is headed down toward those two houses right now, and on to the creek. Mr. Austin said it is a problem now, before they do anything, but he thinks, and to correct him if he is wrong, that probably in the last year or so, before they have done anything, the rain has washed out the back of his garage (motioning toward Mr. Huffman), and he guarantees that what they do on that site would help his property. Mr. McBrayer said he would hope so, and Mr. Austin said it will.

Mr. Mays asked if there were any further questions for Mr. Austin, and there were none.

There were no additional questions or speakers in favor of the petition.

OPPONENTS

Judy Huffman, 232 23rd Avenue NE, Hickory, addressed Commission members. She said their property is next to the rezoning site, they own property all along 23rd Avenue there. She said, I beg you, I do not want boats and trailers there; this is residential, on both sides. Why would you allow them to come in there and put commercial property in-between two residential places, saying that she did not understand it. She does not understand when this was rezoned (to commercial), that they did not receive a notice about that 40-years ago. When was that rezoned to being commercial property? She said that area back in there has always been

farmland, always, and neither of them knew it had been rezoned to any type of commercial property. She would love to know when that happened, and why they were not given a voice on that. She does remember that, across the street, George Murphy, bless his heart, he used to be the mayor, he put those mini warehouses in there, and they had no idea about it. That was that good old boys club, and you know – “We are just going to stick them in here, so deal with it” – and they have. She cannot believe the City would let him develop that property as commercial, right behind them; it is in-between two residential areas. All she could say was, please do not let him develop that, and not for that. She said who is to say, what if he does sell it. Someone could come along and put a McDonalds, or a gas station, or anything else there; how can they prevent that, if he is allowed this result.

Ms. Huffman chuckled, saying, nobody is familiar with 23rd Avenue? They cannot walk safely up to Highway 127, that there is no sidewalk on the street and people fly down that road. There is a blind spot where Mr. Austin wants to put a road to turn into his property. She just does not understand at all how the City could let that happen, because she thought the City of Hickory tried to take care of the residential part of Hickory, and that is all they are asking. They are residential, front, and back.

Regarding the water situation, Ms. Huffman said you would not believe the water. She said the water pours down Highway 127 and then from Ace Hardware, and that none of that work was done properly to keep the water from coming down that road, on 23rd. None of it was done properly, because all that water comes straight to them; they have a pond on the other side of them that overflows constantly, so they have water coming at them from across the street, and into that creek. All this water is coming at them, and it is not going to hold it, she does not care what he says. And if they say he can do this, what is going to stop nature, when it is raining outside like it is right now. Anytime it rains like this, that pond across from them overflows into 23rd and into that creek. They cannot take any more water. But the main thing is, and she likes Mr. Austin, but she just cannot believe he is going to park boats and RVs behind them, which is ridiculous. She just does not understand that at all. She thanked the members.

Mr. Hunt asked if the property behind the Huffman home is sloped, or an embankment. She said there is a hill behind them, and water comes down it. She asked any of the members to come down that street and park on their property, and to look at the water that is coming down on that property now, since all the trees are gone. She said it is bare, adjacent to their property. So, when water comes down that hill from up above them, and the pond water comes over, you could not guarantee her that they are not going to have floods. She said 23rd is a dangerous road, a blind road with a blind curve, the pond area on the other side is right at the road, there is no 25-ft. distance from the road. They have tried in the past to get that cleared off, to where there would be at least a little bit better water flow, and it is just ridiculous that you would rezone that little part there.

Ms. Huffman said she is still curious and would like to know who she could call to find out when that other property was rezoned to where he could build whatever he wanted to over there. Who does she call about that, how does she find that out? Mr. Mays asked Mr. Frazier to comment, and he said that rezoning had taken place prior to his tenure with the City, which was a little over 15-years ago. Ms. Huffman said they have been where they live for 45-years and have never been approached about that being rezoned to anything other than just residential. Ms. Dula said it would require manually searching for records in the vault if they even still have records of that age now. Mr. Mays said no one present here tonight has any knowledge of when the rezoning took place on that property.

Ms. Huffman said she was shocked when he said earlier that this property was already zoned commercial, so when did that become commercial. Ms. Locke said she was not sure about their property, but the Land Development Code has been done over and over; she was not sure Ms. Huffman would have been notified unless they were doing something next to her property, and that she understands their frustration. Ms. Huffman said yes, it is very frustrating, because they have been there for 45-years. This has been their little part of Viewmont; it is right off Highway 127, but nothing is around them except for a neighbor. She said the members know what it is like, if someone has a camper there is going to be noise, there is going to be gasoline,

and there is going to be water. She does not care what anybody says that water is going to go somewhere and she does not want it coming down on them.

There were no additional questions for Ms. Huffman.

David Huffman, 232 23rd Avenue NE, Hickory, signed up to speak, but declined.

Lisa Armstrong, 2119 37th Avenue NE, Hickory, addressed Commission members, saying that Ms. Huffman did not even mention it, but what about light pollution, because any self-storage place she had seen was always very well lit. You want your RV, boat, or camper kept safe and secure, meaning the place needs to be well lit. She said a lot of light would be coming from the self-storage center he was going to build in that proposed rezoning area, for all those RVs and campers, and a lot of light would spill into the residential area.

Ms. Armstrong said they own property nearby (pointing out the location on Map 3). She said they went through there to check on this property, thinking of a house for their kids, and there were kids playing in the street and it was a good, tight residential neighborhood, with small roads. She said they have already started clear-cutting the trees, and her main concern when she saw this was if they were going to put an entrance on the other street, or on her street. He had said he could not attest that, at some point, they would not use these roads, so that was her point of contention and main concern on this. She noted a lot that had already been cleared out, which she thought was going to be residential, and asked if that was correct. Mr. Frazier said it is currently zoned residential, and the applicant says he does not have any plans for it. She asked where they would access the property for an entrance on that side.

Ms. Armstrong said that when he (Mr. Frazier) had mentioned mobile homes could go in there, she was watching the Huffmans and they had cringed, reacting just like she did, because you know, there are a lot of rental houses in there already, but no one really wants mobile homes to be put in there. She said these are just some of her concerns, but especially the light pollution it would cause, because she is sure this is just going to be rows, and rows, and rows, and rows, and rows of storage units. She said maybe he was going to make it all look nice, but it would still be rows, and rows, and rows, and rows of storage units – lots of lighting, and light pollution lighting up that whole area.

Mr. Mays said that, in answer to the light pollution, there are City ordinances that require all lighting to face inward, and not be directed outward toward the surrounding properties. All lighting must be directed inward, and these ordinances safeguard against too much light pollution. He said that was one answer he could give to Ms. Armstrong. She said yes, she could see that, but she also drives by football stadiums and you can see the stadium lights being directed inward, but it also creates an aura of light. And you know, you can drive by any self-storage place around here, and she is sure they have the same ordinance saying the lights must be directed inward, but they still radiate out and create ambient light, especially when there are that many of them. On that many acres, it is a lot of lighting.

Ms. Armstrong said, but again, her main concern was the road access, and she had been told this was not really the meeting where that would be addressed, but she came anyway. Mr. Mays said that was a question he had asked earlier, if they were going to access it from any of those other streets on the south side of the property. He said that neither a yes or no answer was given to him, so again, there are concerns about the size of the streets and, of course, the tight curves that vehicles would go through to reach the property. She said she understands if they want to have a back gate to it. She had not thought much about 23rd Avenue, but said it is a very tight, curvy road, and an awful street to get in and out of, not to mention going up to the stoplight and trying to go left or right on Highway 127; it is a short green light, and it is terrible. She said these were her concerns and thank you.

There were no questions for Ms. Armstrong, and no additional speakers opposed to the petition.

Mr. Mays said there would now be time for rebuttal.

REBUTTAL – PROPONENTS

Mr. Mays said those in favor of the petition would have time to present rebuttal to the testimony and asked if either of them would like to come forward.

Mr. Austin said he wanted to respond to some of the comments that were made. He thinks these were great people, that he has no problem at all with them and values their opinions. He said Mr. and Mrs. Huffman had made some comments about bringing in campers and RVs. He clarified that these are vehicles that would be parked there; no one is going to be living in them, or using them there, they will be in and out. He said this was a misconception on their part. And regarding the lights, that on the facilities they have built in the past, the lights are on the sides of the buildings and are not up in the air. They shine on the buildings, and they have never had questions about them in any locations.

Mr. Austin had no further comments, and there were no questions for him.

SURREBUTTAL – OPPONENTS

Mr. Mays said now those opposed to the petition would present their rebuttal and asked if any of them would like to come forward.

Mr. & Mrs. Huffman declined.

Lisa Armstrong presented rebuttal. She asked where there is a local example of one of Mr. Austin's mini-warehouse properties. Mr. Austin said the one they owned here was sold in 2006. It was called U-Lock at the time and was located at the intersection of Springs Road & Sandy Ridge Road, behind the bank and Bojangles. Mr. Mays asked if that answered her question. She said it does – it is behind a chain link fence and is not very attractive. Mr. Austin said it was built in the early '90s.

Ms. Armstrong asked when they would have a model for the property plan, what they are proposing to build, because that was what she thought she was coming to see tonight. Mr. Mays said all the Commission is doing is considering the rezoning request for the property. This is not for the development of the property; it is just a request to add more commercial property to his existing commercial property. The Commission is not approving any plan designs, or anything more than the possibility of rezoning this additional 1.2 acres of land. Ms. Armstrong said that was what she had found out here tonight, and so once they do this, it is kind of opening it up to not really knowing what is going to go there, and then you must oppose it. Mr. Mays said that if it was rezoned as Mr. Austin is asking, then whatever is allowed in the CC-2 zoning district could be put on that property. Ms. Armstrong said that is a whole list of possibilities. Mr. Mays said that, now, it is not necessarily what he is saying, that the Commission members must take into consideration all the uses that are allowed in the commercial corridor and could be utilized, too. She said very interesting and thank you.

Ms. Armstrong had no further comments, and there were no questions for her.

There were no additional questions for, or further comments from, the opponents.

Mr. Mays declared the Public Hearing was closed.

Discussion on the request was opened, and Mr. Mays said some of the members had not served on the Commission for long, but that some time back, they had dealt with the question of encroachment into the

residential district; it was actually in the Viewmont area but was on the west side of Highway 127. Mr. Hunt said it was near Clark Tire. Mr. Mays said yes, around 20th and 21st Avenues, and there were people interested in taking commercial development further back into that corridor. He said it presented a problem back then, and the consideration for him is how far you should allow encroachment into a residential area. He said it was apparent from the maps they had on the screen earlier that, as Mr. Frazier stated, it is like a sawtooth dividing line.

Mr. McBrayer said he was present for that hearing and that it was different; the property butted up right behind the Someplace Else bar. Mr. Hunt said he does not see this as an encroachment, compared with the earlier one. Mr. McBrayer said it is a different kind of encroachment. Mr. Mays said that it is going deeper into a residential zoning, and again, where does the Commission set the line for encroachment.

Dr. Pekman addressed Mr. Frazier. He said regarding the land to the east of this subject property, which is zoned R-4 currently, if Mr. Austin came to Mr. Frazier tomorrow with a valid plan to develop that land, would it meet code, in Mr. Frazier's opinion, and could he recommend that the members approve it. Dr. Pekman said that in talking about encroachment, the members do not really have a clear answer; they know that the sawtooth could be made a lot bigger, just go a little bit east. Would it then meet all the requirements? Mr. Frazier said that he could not recommend to the members, professionally, that the balance of Mr. Austin's tract, further east of what is proposed, he could not recommend that the members consider that. Dr. Pekman asked why. Mr. Frazier said he thinks it would be too far east; it would not be contiguous to the future land use area. This parcel sits right at the edge of the future land use area, and anything further than what Mr. Austin is proposing this evening, to him, would not follow the Future Land Use Plan, and would be inconsistent with Hickory by Choice if they went several hundred feet further, to the bottom of the hill, where his property ends, which is R-4. Dr. Pekman said that is a matter of opinion, and Mr. Frazier agreed, his professional opinion after 33 years in the filed/

Dr. Pekman said he certainly hopes that when staff next looks at the revision of these codes, they will get something consistent, like exists on Springs Road. Mr. Frazier said yes, and he believes that, as Ms. Locke was saying earlier, from 1999 until 2010, there was only Hickory by Choice, the Future Land Use Plan. It went comprehensive in 2010, and he can only claim involvement since November 2005, but they have made changes to the Land Development Code every single year, from 2005 to 2011, when staff totally gutted the Land Development Code and revised it. And every year since then, as they promised, they have had an annual update to the Land Development Code, to the Future Land Use Map, and to Hickory by Choice. They did a major revision of Hickory by Choice in 2015-2016. As promised, every 5-years they will do a major revision of the Comprehensive Plan, and every year a revision to the Land Development Code. He said sometimes those are a handful of items, and sometimes there are dozens of items. But every year they are trying to make it better and more consistent, considering that balance between being pro-development and pro-neighborhood. Mr. Frazier said they do not believe it has to be either/or, they believe it can be both. Every year staff is making modifications; usually this happens in the fall, but as the members know, this year, due to staffing, but especially to the deadlines given them by the General Assembly (Chapter 160-D), which has delayed the LDC revisions. He said they are getting ready to bring all those recommendations to members in April.

Ms. Locke said it is a fluid document, and it will continue to be that is why the Commission is here, and they have to make judgments and try to be as consistent as possible. She asked if CC-1 (on Map 4) is Belle Hollow, saying that it had to have been rezoned at some point. Mr. Frazier said yes, some of it was O-I, and it was different types of commercial, that they did not start the CC-1 and CC-2 until 2010. He said a lot of that was commercial strip, but to remember that prior to 2006, this Land Development Code book was almost 500 pages; it has been cut in half, and there were previously 36 separate zoning districts. He said a lot of the zoning district names have changed, but it was still basically a commercial corridor district. Ms. Locke said she believes Dr. Pekman's question is valid, in that the existing property extends past that red line, and if someone makes a motion to approve this, what does happen to that next however many acres past that 1.2 acres. She said he had said he would not recommend it, and Mr. Frazier said nothing further to the east. He added that this was not something the applicant had not requested. Dr. Pekman said okay, but if he wanted to do that,

how would you say that it is not consistent? How is that any less consistent than sticking that – it looks like a tooth – piece out there? Mr. Frazier said that again, the Future Land Use Map is not parcel specific, and basically the edge of that Future Land Use Map, that black line, sits on this property. He said it was a professional judgment call, and if Mr. Austin or anybody else had come and said, “*I want to rezone it all the way to the east of my property line, almost down to the creek,*” then he could say that he did not recommend that, but constitutionally, he would still have to take the application, and then it would be up to the Planning Commission to make a decision.

Mr. Mays asked if there was any further discussion.

Dr. Pekman asked who is responsible for the pond discussed earlier, that he has been on that road before. Mr. McBrayer said you cannot see the pond because it is covered by brush. Dr. Pekman said if the pond gives out and a huge amount of water goes across that road, then what. He asked how that pond affects this; maybe they need to dig up that road and put in a new culvert, and that he has a problem understanding how this water issue is going to be resolved. Mr. Frazier said it would have to be resolved to be compliant with the Manual of Practice and in the Land Development Code, and with federal storm water.

Slide #5 (Map 3. Aerial Photo) was returned to the screen, and the pond location was pointed out. Dr. Pekman asked who owns the land across the road, where the pond is located. Mr. Frazier did not know if it is a natural pond, or who owns the property. Dr. Pekman noted the pond comes right up to the road. No one present had any information on how the pond had formed or how long it has been there, but it appeared that a culvert was close to it. Mr. McBrayer said he thinks the water issue would be improved if the property is developed. Mr. Mays again said the development could not create more runoff than what is already there.

Mr. Kerley asked if he could ask Mr. Wright a question. Mr. Mays said the public hearing was closed and they were in discussion now, but if he needed to, then yes. Mr. Kerley said it might clear up some questions. Ms. Dula said the hearing had technically been closed, but Mr. Mays could allow it.

Mr. Wright returned to the podium, and Mr. Kerley asked how they would slow down the water leaving the property – would they set up a trap or a wet pond, or whatever it was going to be – and where did he think it would be located on that parcel, to protect that house. Mr. Wright pointed to the logical place, in his opinion, and Mr. Kerley said Mr. Wright is talking about re-routing some of that water, and that possibly the existing pipe is not adequate, so was he going to bring it back around their property? If he does his calculations, and that pipe under their yard is not adequate, then what happens. Mr. Wright said he did not know whether that was adequate to protect the property that is there now, but what they know they cannot do is to discharge at a higher rate than what existed before development. Mr. Mays thanked Mr. Wright. He said, so you cannot produce any more than what already exists, prior to putting development on the property.

Mr. Mays said the members need to decide if they want to rezone that piece of property to CC-2, it being contiguous to the existing. And again, the members need to look at all the allowed uses, since they do not have a planned development plan, stating as such, and all the uses under CC-2, which could be utilized at any time, either now or later. He said they are looking at the tight usages that are allowed under CC-2, since it is not a planned development.

Ms. Locke asked that slide #8, the examples of the CC-2 permitted uses, be returned to the screen. Mr. Frazier said this was only a small listing of what uses are allowed. Mr. McBrayer said, so every bit of what we are reading here, that could go on this commercial property in the morning. Mr. Mays said yes, it is CC-2 now, all the rezoning would do is to extend it 1.2 acres into that present eastern line.

Meg Locke moved, seconded by Bill Pekman, to deny the application on Rezoning Petition 20-06. There was no discussion on the motion. By a show of hands, the motion carried on a majority vote of 10-1. Voting in favor of the motion to deny Rezoning Petition 20-06 were Meg Locke, Bill Pekman, Randall Mays, David

Deal, Robert Weaver, Wallace Johnson, Junior Hedrick, Dan Shabeldeen, Sam Hunt, and Jeff Kerley; voting against the motion was Bill McBrayer.

Mr. Mays said a recommendation to deny the rezoning petition would be forwarded to Hickory City Council, noting that this recommendation was not the final say on the matter.

Other Business: Mr. Mays asked Mr. Frazier if he had any other business for members, and there was none.

Mr. Mays asked if Mr. Frazier would provide an update on a public hearing held in the fall of 2020, the appeal of an administrative decision made by Mr. Frazier regarding the Winkler's Grove Baptist Church request to install outdoor electronic signage. Mr. Mays asked if anything further had been heard from the church regarding their appeal. Mr. Frazier said Pastor Paul Deal had contacted him 40-50 days after the resolution and asked if he could appeal, that the church had discussed it, but had never filed an appeal to the State Superior Court in Newton. Pastor Deal had asked Mr. Frazier if the 30-days was rock solid, and he told him it was.

Pastor Deal asked if he could come back and appeal again, and Mr. Frazier told him no, that it would end up being a civil matter. He said staff is not going to recommend that the LDC be re-amended. The last Mr. Frazier heard, the church was still talking with their congregation's attorneys regarding, not filing an appeal, but a type of lawsuit regarding Freedom of Religion, or Freedom of Speech. He has not heard anything further about it in over a month now. Mr. Mays thanked him for the update.

Ms. Locke asked Mr. Frazier if he could investigate the pond and storm water issue on 23rd Avenue they had discussed earlier, and then let members know. He said it looks more like a natural pond than a retention pond, but he would discuss it with the City's storm water engineer and share what he learns with members.

Next Meeting: Mr. Frazier said he had notified members that the regular February meeting of the Planning Commission would not be held on Wednesday, February 24.

Regarding the regular scheduled meeting on Wednesday, March 24, Mr. Frazier did not have any business for members to consider yet but will advise them closer to the meeting date.

Adjourn: Bill Pekman moved, seconded by Bill McBrayer to adjourn. There being no further business, the meeting adjourned at 7:35 pm.

Randall Mays, Chairman
Hickory Regional Planning Commission

Anne Starnes, Minutes Clerk
City of Hickory

REZONING ANALYSIS

PETITION: 21-01

APPLICANT: Scott Riley

OWNER: Scott Riley

PROPERTY LOCATION: 2565 Section House Rd.

PIN: Portion of 3723-07-68-7968

WARD: The property is currently located within the City's extra-territorial-jurisdiction (ETJ).

ACREAGE: Rezoning area consists of ~.48 acres of a larger .99-acre parcel.

REQUESTED ACTION: Rezone ~.48 acres of a larger .99-acre parcel from Low Density Residential (R-1) to Neighborhood Commercial (NC).

BACKGROUND: Scott Riley has filed a petition to rezone a portion of the subject property to provide an area for non-residential development. The subject property is currently zoned R-1. The requested action would rezone ~.48 acres of the northern part of the property from R-1 to NC. Should this be successful, the residentially zoned (R-1) part of the property would decrease to ~.51 acres.

DEVELOPMENT POTENTIAL: As noted above, the subject property is currently zoned residential, and could potentially yield up to 2 dwelling units. The request is to rezone a portion of the property to Neighborhood Commercial (NC).

Should the property be rezoned to Neighborhood Commercial (NC), the property could be utilized for multi-family residential, at a density of thirty (30) dwelling units per acre, or for non-residential purposes at a maximum floor area ratio of (0.85). The applicant has indicated their intention to develop the property for non-residential purposes. Given this intention, the property could be developed to contain up to 37,026 ft² of total floor area.

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 Springs Rd. commercial corridor area. 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. The existing Commercial Corridor area of Springs Rd is roughly 200ft wider from east to west on the parcels north of Section House Rd. Where the NC district extends out ~510ft eastward from Springs Road north of Section House Rd., the same zoning district only extends ~311ft eastward on the southern Section House Rd. parcels. A successful rezoning of this parcel would make the NC district more aligned with the northern contiguous parcels.

The NC 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 (Springs Rd.), it would appear reasonable to expand the existing NC district, in the manner requested.

Given these factors, the rezoning of the property to Neighborhood Commercial 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 State-maintained roadway, as well as to water infrastructure. The parcel has been approved for septic by Catawba County Environmental Health. The land-use pattern of the area, with the potential rezoning and development of the subject property, would require connection to City provided infrastructure, which would also require voluntary annexation.

- 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 water 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 Neighborhood Commercial and are occupied by single-family residences and open land;
- **South:** The properties are zoned R-1 Residential, and are occupied by single-family residences;
- **East:** The properties are zoned R-1 Residential, and are occupied by single-family residences;
- **West:** The property is zoned Neighborhood Commercial, is currently occupied by single family homes and small businesses. .

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 NC 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 section of the parcel, zoned R-1 (Low Density Residential), between the new commercial business and existing single-family residential structures. Such smaller parcel could be developed for single family use.

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 mild 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 water, 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 21-01 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 March 16, 2021, staff has received two (2) inquiries regarding this petition.





