



The Hickory Regional Planning Commission will hold its regular meeting on **Wednesday, July 28, 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
- Swearing in of New Members
- Annual Election of Officers
- Items of Correspondence
- City Council Action
- Approval and signing of minutes from the June 23, 2021 meeting.

PRESENTATIONS AND PUBLIC HEARINGS

1. **Special Use Permit (SUP) 21-02.** Request by Ken Simmons, agent for Linn Reid Gardner, for the consideration of establishment of a Family Care Home in a Commercial Corridor Commercial (CC-2) district. The subject property is located at 2329 Springs Road NE, ad shown as PIN 3723-10-04-0794 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.

HICKORY REGIONAL PLANNING COMMISSION
4th Wednesday, 6:00 pm, Municipal Building, City Council Chambers

Representation	Name and Address	Phone and E-mail	Appointed Current Term	Current Term Expires
Ward 1	Bill McBrayer 446 17 th Avenue Drive NE Hickory, NC 28601	397-8922 (cell) 397-4661 (office) 850-9362 (cell) bmcbrayer@lexington.com	June 2021	June 2024
Ward 2	John "Philip" Reed Jr. 315 31 st Avenue Court NE Hickory NC 28601	jphilpreed@gmail.com 404-310-0220 (phone)	June 2021	June 2022
Ward 3	Junior Hedrick 1450 25 th Street NE Hickory, NC 28601	(h) 256-8404 (w) 381-6700 jrhedrick12@charter.net	June 2021	June 2023
Ward 4	Samuel Hunt 626 9 th Avenue Drive SE Hickory, NC 28602	328-5013 320-1563 ridge1942@hotmail.com	June 2021	June 2024
Ward 5	Rev. Wallace Johnson 335 6 th Street NW Hickory, NC 28601	322-4471 gwallacejohnson@gmail.com	June 2021	June 2023
Ward 6	Anne Williams 149 21 st Avenue NW Hickory, NC 28601	828 322-6871 arw28601@gmail.com	June 2021	June 2022
Burke County	Robert Weaver 338 39 th Street Place SW Hickory, NC 28602	322-8848 (home) 612-5165 (cell) robertweaverhobo@gmail.com	June 2021	June 2023
Catawba County	Dr. William M. Pekman P.O. Box 1387 Hickory, NC 28603	381-5577 alaska.pearl52@gmail.com	June 2021	June 2024
Catawba County	Jeff Kerley 2203 Hounds Way Hickory, NC 28601	828-312-8442 828-322-6175 (office) jeff@jkgrading.com	June 2021	June 2022

Hickory Regional Planning Commission
Wednesday, June 23, 2021, 6:00 pm

A regular meeting of the Hickory Regional Planning Commission (HRPC) was held on Wednesday, June 23, 2021, 6:00 pm, in Council Chambers of the Julian G. Whitener Municipal Bldg.

Members Present: Bill McBrayer, Junior Hedrick, Wallace Johnson, Bill Pekman, Sam Hunt, Jeff Kerley, and Anne Williams

Members Excused: Randall Mays, David Deal, Robert Weaver, and Dan Shabeldeen

Members Absent: none

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

Parliamentary Call to Order & Welcome: Bill McBrayer, Vice-Chairman, called the meeting to order at 6:00 pm. He welcomed everyone and thanked them for attending, including the members, and concerned citizens in the audience.

Roll Call: Mr. Frazier said a quorum was present. He said only six (6) members were currently seated, and members know that seven (7) are needed for a quorum, Councilwoman Patton was present tonight with her Ward's new appointee, Anne Williams, who would join the Commission after being sworn in. He said the members excused tonight were Randall Mays, David Deal, Robert Weaver, and Dan Shabeldeen.

Items of Correspondence: Mr. Frazier said Mr. Weaver had been conditionally reappointed to the Commission by City Council, once the Burke County Board of Commissioners approves him, and Dr. Pekman and Mr. Kerley were conditionally reappointed to the Commission by City Council, once the Catawba County Board of Commissioners approves them. As he noted earlier, Mr. Frazier said Councilwoman Patton had appointed Anne Williams to the Commission and she was approved by Council. Also, Council has reappointed Mr. Hedrick and Mr. McBrayer, and Mr. Phillip Reed was appointed by Councilwoman Charlotte Williams, and approved by Council, to succeed Dan Shabeldeen on the Commission.

Administer New Member Oath of Office: Anne Williams took the oath of office and was sworn in as a member of the Hickory Regional Planning Commission and Board of Adjustment. The members welcomed her to the Commission.

City Council Action: Since the previous meeting, Mr. Frazier said City Council had officially adopted, by unanimous vote, the Commission's recommended approval of Text Amendment 21-01, which included revisions to the Land Development Code as required by the NC General Assembly.

Approval and Signing of Minutes from the April 28, 2021, Meeting: Minutes from the previous meeting were distributed to members in advance. No additions, deletions or corrections to the minutes were stated. Jeff Kerley moved, seconded by Bill Pekman, to approve the April 28, 2021, minutes as presented. By a show of hands, the motion carried unanimously.

PRESENTATIONS & PUBLIC HEARINGS

Mr. McBrayer said there was one public hearing on the agenda tonight, for Rezoning Petition 21-02. He read the NC Ethics Commission's **Ethics Awareness & Conflict of Interest Reminder** aloud:

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 today? 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 requested to be recused and Mr. McBrayer said the Commission would proceed with the hearing on **Rezoning Petition 21-02**.

Brian Burgess presented the Staff Report and referred to PowerPoint slides. He reviewed slide #2 (Rezoning Petition 21-02):

- Property Owners: REC Group, LLC/ RECL NC, LLC
- Applicant: Eric Yeargin / City of Hickory
- Location: 3350 Eller Drive, between Short Road, Lutz Blvd, and Eller Drive, including 3350 Eller Drive and 2205 & 2120 Maitland Drive
- Current Zoning: R-20 Residential (Catawba County), R-1
- Property Size: 137.229 acres
- Background: The subject property is currently zoned R-20 and R-1. The requested action would rezone the properties **from R-20 and R-1 to R-2. This is being requested as a process of annexation.**
- Request: The property owner has requested to rezone the properties to Medium Density Residential (R-2) zoning.

Mr. Burgess said the subject property is being rezoned and going through the process of annexation; anytime property is annexed into the city, it loses its county zoning designation and a new one must then be assigned. That is the purpose of the hearing tonight, and the applicant is not only the agent for the owner but is also the City of Hickory, since the zoning must be determined before it is annexed. He described the property location, which is just under 140-acres, saying it is currently zoned Catawba County R-20, which is their Medium Density Residential, with a very small portion of Hickory R-1 at the west end of the property. Mr. Burgess said the applicant and City of Hickory are both seeking to change the property from County R-20 and Hickory R-1 and rezone the properties to (Hickory) R-2, which is Medium Density Residential.

Mr. Burgess reviewed slide #3 (Future Land Use Map), saying the subject property is shown as Low Density Residential on the map, but Low Density Residential in the Future Land Use Plan is defined the same as Medium Density in the Land Development Code, which is a little bit confusing, basically meaning that up to four (4) units per acre, or less, 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 in the HBC 2030 Comprehensive Plan. He pointed out the small section of R-1 at the far west end of the property on the map.

Mr. Burgess reviewed slide #4 (Zoning Map), saying it is currently zoned Low Density Residential in Hickory, and Medium Density Residential in the County.

Mr. Burgess reviewed slide #5 (Aerial of Subject Area), saying the property is outlined in red on the aerial view.

Mr. Burgess reviewed slides #6 & 7 (Rezoning Petition 21-02).

- The property is currently zoned Low Density Residential (R-1, R-20), 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).

- 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 with the Hickory by Choice 2030 Comprehensive Plan.
- Given these factors, the rezoning of the property to R-2 Residential should be **deemed consistent** with the findings and recommendations of the Hickory by Choice 2030 Comprehensive Plan.

Mr. Burgess reviewed slide #8 (Examples of County R-20 Permitted Uses).

- Examples of R-20 Permitted Uses:
 - Duplexes
 - Agriculture
 - Single Family
 - Vehicle Repair
 - Landfill

Mr. Burgess reviewed slide #9 (Examples of Hickory R-1 Permitted Uses).

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

He said the R-1 zoning designation only applies to a small sliver of the property at the far west end.

Mr. Burgess reviewed slide #10 (Examples of R-2 Permitted Uses).

- Example of R-2 Permitted Uses:
 - Single Family Homes (Detached)
 - Family Care Homes
 - Accessory Dwelling Units

He noted the limited uses and said if the petition to rezone the property to Hickory R-2 were successful here, what would be allowed on the property in the future would be much more restrictive than currently.

Mr. Burgess reviewed slide #11 (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 21-02 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 and asked for questions from members.

Dr. Pekman asked what Mr. Burgess was referring to as an accessory dwelling. Mr. Burgess said it could be a granny-flat, or mother-in-law suite, on the property.

Mr. McBrayer asked to see slide #8, (Examples of County R-20 Permitted Uses) again, saying these are currently the County uses and that slide #9 shows uses on the small amount of Hickory R-1. Mr. Burgess said correct. Mr. McBrayer said and slide #10 shows the uses allowed if the property becomes part of Hickory, and Mr. Burgess said yes. Mr. McBrayer said the Commission had this same issue before them in April, he believed it was, when members tried to determine which would be the better rezoning call to make. He said R-1 allows for more uses than R-2, noting that R-2 is more condensed, more precise in terms of what can and cannot be done, and he just wanted to point that out before proceeding with the hearing.

There were no further questions for Mr. Burgess.

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

Mr. McBrayer said the Commission's procedure for a quasi-judicial public hearing is to hear from the proponents first, for 15 minutes total, followed by the opponents for 15 minutes total. He said after they present their testimonies, there would be time for rebuttal of 5 minutes and surrebuttal of 5 minutes, followed by discussion and voting by the Commission members.

Mr. McBrayer declared the public hearing for Rezoning Petition 21-02 was open.

PROPONENTS

Eric Yeargin, 898 38th Avenue NE in Hickory, addressed Commission members, saying he represents the landowner in this rezoning action. He apologized for not signing in to speak, saying they were under the impression that, as the applicant, they did not need to. He said the staff did a great job of summarizing what they seek to accomplish through the rezoning action, which is the first of many steps to improve what can only be described as a housing crisis. This action would allow them to continue with the design and study of what would ultimately yield a medium density housing sub-division. But first, they must have access to utilities and other things that will allow them to take many of the next steps in the process. To keep it simple at this point, Mr. Yeargin asked if there were any questions from members.

Dr. Pekman asked who Mr. Yeargin represents, and what his position was. Mr. Yeargin said he is the Land Development Manager for Neill Grading & Construction, and they are affiliated with the landowner.

There were no further questions for Mr. Yeargin, and no other proponents.

OPPONENTS

Ed Kanupp, 3441 Kanupp Drive, addressed Commission members, saying he lives within 500-feet of the property boundary. Mr. McBrayer asked him to point out the location of his home so that everyone understood and slide #4 was returned to the screen. Mr. Kanupp pointed to his home on the map and said if this proposal makes it denser than it is now, and Eller and Short Roads get connected there at the creek, you are going to have all this traffic dumping onto Robinson Road, and also onto Startown Road, where there is a (traffic) light where Catawba Valley Blvd., CVCC, and Startown Road meet. He said the intersection of Short Road is less than 50-yards from that light and it is already gridlocked there, he is sure, at least twice a day during rush hour. It appears to him that all of this is going to come back his way, there on Robinson Road, and create a huge problem with traffic, and they are already part of the 321 corridor. Saying he was attending to represent his family, that he thinks he can also speak for Ms. Martin; they are opposed to any denser development in that area, which would create a crisis for them.

There were no questions for Mr. Kanupp and Mr. McBrayer thanked him for his testimony.

There were no other opponents present to speak.

REBUTTAL – PROPONENTS

Mr. McBrayer said there would now be time for the rebuttal from the proponents. He asked Mr. Yeargin if he would like to present rebuttal to the testimony given.

Mr. Yeargin thanked Mr. Kanupp for his comments, saying these types of processes require a traffic impact analysis, by both the State and the City, and these studies have been done as required. He said any impacts to traffic, any findings from that traffic impact analysis, would have to be mitigated by the developer. More importantly, he thinks they can preempt the primary concerns that Mr. Kanupp has. In reference to Mr. Kanupp's concern about gridlock on Short Road, which exists when turning onto Startown Road, Mr. Yeargin said he is absolutely correct – it is very difficult, particularly during high traffic times like quitting-time and going-to-worktime. They are actually in the process of developing that corner right now, and in the process of constructing a new City street that connects Short Road to Catawba Valley Blvd., which has been designed to relieve that traffic and provide an expeditious flow into the Hwy. 70 corridor and Valley Hills Mall area. So, they are in the process, by virtue of another project, with forethought and planning, of mitigating the very issue that Mr. Kanupp is concerned about, which are being addressed by mandatory off-site improvements and traffic analysis.

SURREBUTTAL – OPPONENTS

Mr. McBrayer asked Mr. Kanupp if he would like to present rebuttal, and he declined.

Mr. Kerley said he (Mr. Kanupp) had commented that this zoning would be denser, but from his own understanding, that is not what this zoning would do. He said the new zoning is not going to make it denser than it is now, it is just going from Catawba County to Hickory. Mr. Frazier said staff is recommending the R-2 zoning, which is actually more restrictive than the County's current zoning that allows for farming and agricultural operations, without any zoning or land use controls, and also for mobile home parks and many other types of uses, many more than the R-2 allows for, which would not benefit the neighborhood or the city.

Mr. McBrayer asked if any members had additional comments or questions, and there were none.

Mr. McBrayer declared the public hearing was closed. He asked for discussion by members.

Mr. Hunt said he did not see any issues with changing the zoning from the County to the City, and that it sounds as if the traffic on the adjacent roads is being addressed.

Mr. McBrayer clarified what the Commission is doing tonight. They are choosing a zoning for the property to recommend to City Council, but it will be their decision whether to approve or deny the Commission's recommendation.

There was no further discussion on Rezoning Petition 21-02. Mr. McBrayer asked for a motion to approve or deny the petition.

Sam Hunt moved, seconded by Bill Pekman, that the Hickory Regional Planning Commission affirms Rezoning Petition 21-02, and to forward a recommendation of approval to Hickory City Council. By a show of hands, the motion carried unanimously.

Mr. McBrayer said a recommendation of approval would be forwarded to Hickory City Council. Mr. Frazier said Council would hold a public hearing on the rezoning at their meeting on Tuesday, July 20. Mr. McBrayer addressed the opponents, saying the meeting on July 20 would be their opportunity to express themselves to City Council.

Other Business: Mr. McBrayer asked staff if they had any further business for the Planning Commission.

During the July meeting, Mr. Frazier said all members would be sworn in as new members of the Hickory Planning Commission. By state law, they will be required to have one representative from Burke County's ETJ and two from Catawba County's ETJ. He said Councilman Zagaroli and Councilwoman Williams had not yet made their appointments but are expected to do so at Council's meeting on July 20, in time to approve and seat them before the next Planning Commission meeting.

Mr. Frazier said the annual election of officers would be held in July, as well as two public hearings, one for a rezoning in southeast Hickory and one for a Special Use Permit in northeast Hickory.

Mr. McBrayer asked new member Anne Williams to introduce herself. She has been a resident of Hickory since 1986, coming here from Salisbury where she served on their Planning Board. Years ago, she attended graduate school at UNC-Chapel Hill and earned a degree in Regional Planning. She said it is interesting to see the work Mr. Frazier and the others are doing, which is what she had been prepared to do. She recently retired from CVCC, where she served in the grant development process for over 30 years and was introduced to very many people in this community. She appreciates the opportunity to serve the city. Mr. McBrayer thanked her and said the members look forward to her expertise going forward.

Mr. McBrayer asked if there was any other business. Rev. Johnson asked if it was accurate that Mr. Mays had resigned from the Commission. Mr. McBrayer asked Mr. Frazier to explain the situation after he gave some background, saying that a couple of months ago Commission members were advised of new legislation possibly coming out of Raleigh that would take the Commission down from 12 to nine members. He said the current Commission has one (1) member from each of the six Wards in Hickory, two representatives from Catawba County, one each from Caldwell and Burke Counties, and one each from Long View and Brookford. The last the members heard was that the Commission would be condensed from 12 to nine, and that it was in process and coming, but no one knew when, and then suddenly, last week it came.

Mr. McBrayer said that, in his personal opinion, he did not think a good job was done by all as far as explaining to members what happened, how it happened, and when it happened. The result was that some feelings were hurt by it because Mr. Mays, the long-serving Chairman, represented Long View, and now Long View, Brookford and Caldwell County are no longer included. He reminded members that a couple months ago, when they were told of the changes ahead, Mr. Deal, the Caldwell County representative, said that he had never been fired from a volunteer position, and basically, now he has been. With this background information shared, Mr. McBrayer asked Mr. Frazier for his comments, who said that Mr. McBrayer had covered about 99% of it.

Mr. Frazier said Mr. Mays had contacted him and all the members by e-mail, after which the two of them had a good long conversation. To answer Rev. Wallace's question directly, Mr. Mays did not resign, he chose not to attend this evening because of what happened, as Mr. McBrayer just explained. It was Mr. Mays' personal decision not to attend. Mr. Frazier said, as members know, the Commission has not had a representative from Brookford for several years now. As Mr. McBrayer also noted, Mr. Deal from Caldwell County felt the same as Mr. Mays and chose not to be here tonight. Mr. Frazier spoke with Mr. Shabeldeen a few days ago, and he had already been made aware that he was not chosen to continue to serve on the Planning Commission, that another gentleman was appointed in his stead by Councilwoman Charlotte Williams. Mr. Frazier said that he and Mr. Shabeldeen had a good conversation and Mr. Shabaldeen decided that he would attend the meeting and complete his term. However, around noon today, Mr. Shabaldeen advised Mr. Frazier of a family emergency, so he was unable to attend. Mr. Frazier noted that he and staff had double-checked that there would be a quorum for tonight's meeting.

Mr. Frazier said that, as Mr. McBrayer had previously stated, it was decided to change the composition of the Regional Commission, which was created back in 1963, with Caldwell County added a couple decades later, and to go to a more City-focused Planning Commission. Again, it is required by law that the ETJ, based on

proportionality, population-wise, from Burke and Caldwell, also be represented. And as Mr. McBrayer said, there will now be nine members on the Commission.

Mr. McBrayer said he had read about the approved change in the Commission's composition in the newspaper, and that all of the members knew it was coming but did not know when. He said it was a pretty sad state of affairs when the Commission members read about it in the paper, and he had called his Councilman first thing on Monday morning, around 7:30 am. He had a good conversation with his Councilman and shared his feelings, then called Mr. Frazier and had a good conversation with him and shared his feelings, and yesterday, he called City Manager Wood and had a good conversation with him, and again shared his feelings. So, he thinks he can honestly say he represented about everyone here in what he expressed, assuming that they all felt the same way. He believes a lesson was learned during this ordeal and moving forward, he hopes that this will not happen again.

Mr. McBrayer said he hoped he had answered Rev. Johnson's question, but it was not an easy one to answer. Rev. Johnson said yes, as best he could answer it, noting that Chairman Mays had served for 18-20 years and then zap, he is gone. Mr. McBrayer said the other thing was that after reading it in the paper on Friday, he got a letter the next day from Mayor Guess advising that he had been reappointed, but he thought he had just been reappointed last year. He said now their terms are staggered, with 1-, 2-, and 3-year terms, to prevent all the members' institutional knowledge from leaving the board at the same time. He said he does like the way that it is being done now, but he does not like the way it was carried out and thinks he had made himself perfectly clear to City management.

Mr. McBrayer thanked Rev. Johnson for his question. He asked if there were any other questions that needed to be clarified, and there were none.

Next Meeting: The next regular meeting is scheduled for Wednesday, July 28, 6:00 pm, in Council Chambers.

Adjourn: There being no further business, Mr. McBrayer declared the meeting adjourned at 6:35 pm and thanked everyone for attending.

Bill McBrayer, Vice-Chairman
Hickory Regional Planning Commission

Anne Starnes, Minutes Clerk
City of Hickory

SPECIAL USE PERMIT ANALYSIS

PETITION: SUP 21-01

OWNER: Reid Gardner

APPLICANT: Ken Simmons

PROPERTY LOCATION: 2329 Springs Road NE

PIN: 3723-13-04-0794

WARD: The subject property is within Ward 3, Councilman Seaver

ACREAGE: +/- 0.7 acres

REQUESTED ACTION: The applicant requests a Special Use Permit to operate a Family Care Home (six or fewer residents) in Commercial Corridor (CC-2) zoning district.

BACKGROUND: The subject property is occupied by a former office building, which was established in 2006 and vacated in 2018. The structure was constructed in 1952. Catawba County tax records indicate the structure contains approximately 1,800 ft² of finished area, along with approximately 600 ft² of unfinished basement.

The Land Development Code defines a Family Care Home as: *a home with support and supervisory personnel that provide room and board, personal care and habilitation services in a family environment for not more than six resident persons with disabilities.*

DEVELOPMENT POTENTIAL: The building currently present on the property can be used for office and commercial purposes. Other uses could be possible, including a Family Care Home, through the Special Use Permit approval process.

LAND USE AND ZONING:

Please see Maps 2 and 3 for a map of the area zoning and land use.

Subject property: The property is zoned Corridor Commercial (CC-2) and is occupied by an office building.

North: The properties to the north are zoned Commercial Corridor (CC-2) and are occupied by single family residences.

South: The property to the south is zoned Commercial Corridor (CC-2) and occupied by a single-family residence.

East: The properties to the east are zoned Commercial Corridor (CC-2) and occupied by a church (St. Stephens Lutheran Church).

West: The property to the west is zoned Medium Density Residential (R-3) and is currently vacant.

ACCESS: Access to the property is available from Springs Road NE, which is a North Carolina Department of Transportation maintained roadway (SR 1453).

SPECIAL USE PERMIT REVIEW CRITERIA: Land Development Code Section 2.4, Special Uses, provides that special uses are those uses that require, because of their inherent nature, intensity, and external effects, special care in the control of their location, site design and methods of operation. Such uses may be allowed if reviewed and approved in accordance with the Special Use procedures of Section 2.4 and subject to the specific Land Development Code standards, as applicable.

1. **The proposed use is consistent with the Hickory by Choice 2030 Comprehensive Plan and the stated Purpose and Intent of the Land Development Code (see Map 1).**

The Comprehensive Plan indicates the subject area as being classified as Commercial Corridor.

The Hickory by Choice 2030 Plan states the following about the Commercial Corridor land use classification (summarized):

- *The land use category is intended to accommodate vehicular traffic and designed to protect residential areas and alleviate conflicts in land use.*

The Commercial Corridor land use designation was created to acknowledge the existence of areas along Springs Road NE and NC 127 (North Center Street / 2nd Street NE) that already consisted of established corridor style non-residential development. Specific accommodations were outlined within the Hickory by Choice 2030 Comprehensive Plan for the continued growth and success of these corridors. Much of the non-residential development along these corridors was in place prior to the city's current and former comprehensive plans.

The Commercial Corridor land use classification does not speak to any specific use types, rather it places emphasis on the protection of adjacent residential development and the corridor's continued success.

While the comprehensive plan does not speak to specific use types along the corridors, the Hickory Land Development Code's table of permissible uses provides, perhaps, some guidance in how the corridors are intended to exist and grow.

The use table lists numerous types of uses permissible within Commercial Corridor (CC-2) districts, the majority of which are non-residential. Nursing, convalescent and extended care facilities are also permissible along the corridors but possess non-residential characteristic. In addition to non-residential uses, several residential use types are also permitted. Two-family and multifamily residential are permissible by-right along the corridors. Given this, it would not be a large departure to consider Family Care Homes as being consistent with the 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 subject property is located within an area classified as Commercial Corridor by the Hickory by Choice 2030 Comprehensive Plan. Given the factors previously outlined, Family Care Homes should be considered a consistent use with the classification.

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

The request is to convert an existing office into a Family Care Home. The utilization is unlikely to necessitate any physical changes to the exterior of the structure or property. In terms of intensity, a Family Care Home would generally have less impacts on the area than an office. The lessened impacts would include, in addition to others, less vehicular traffic and operating hours like those of a single-family residence. Additionally, 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 wise use of fiscal resource and governmental expenditures.

The subject property is in an area of mixed residential and non-residential uses. A Family Care Home possesses many characteristics of residential uses, but also provides accommodations for a limited number of disabled residents who receive professional care. Given the nature of the mixed-use types, the general land use pattern will remain unchanged.

- Regulate the type and intensity of development; and

Any future activities that take place on the subject property will be regulated by current and future development standards duly adopted by the City of Hickory and the State of North Carolina.

- Ensure protection from fire, flood and other dangers.

Any future development occurring on the 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 the property and surrounding properties are properly protected as prescribed by law.

2. The proposed use complies with all applicable provisions of this Land Development Code:

The proposed use will be required to comply with all applicable provisions of the Land Development Code. Compliance will be affirmed during permitting.

3. **The proposed use is compatible with adjacent uses in terms of scale, site design, operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts).**

The proposed use is a Family Care Home. While this possesses some characteristics different than those of residences, most recognizable professional care, the use is very similar to adjacent residences.

4. **Any significant adverse impacts resulting from the use will be mitigated or offset.**

Adverse impacts from the use of this property as a Family Care Home are not anticipated.

5. **The proposed use will not cause substantial diminution in value of other property in the neighborhood in which it is to be located.**

No qualified information has been submitted that would indicate the proposed Family Care Home would have detrimental impacts on the values of properties in the area.

6. **Public safety, transportation and utility facilities and services will be available to serve the subject property while maintaining sufficient levels of service for existing development.**

Adequate public services are currently in place and in sufficient quantities to serve the proposed use.

7. **Adequate assurances of continuing maintenance have been provided:**

The applicant will be required, by city ordinance, to maintain all portions of the property.

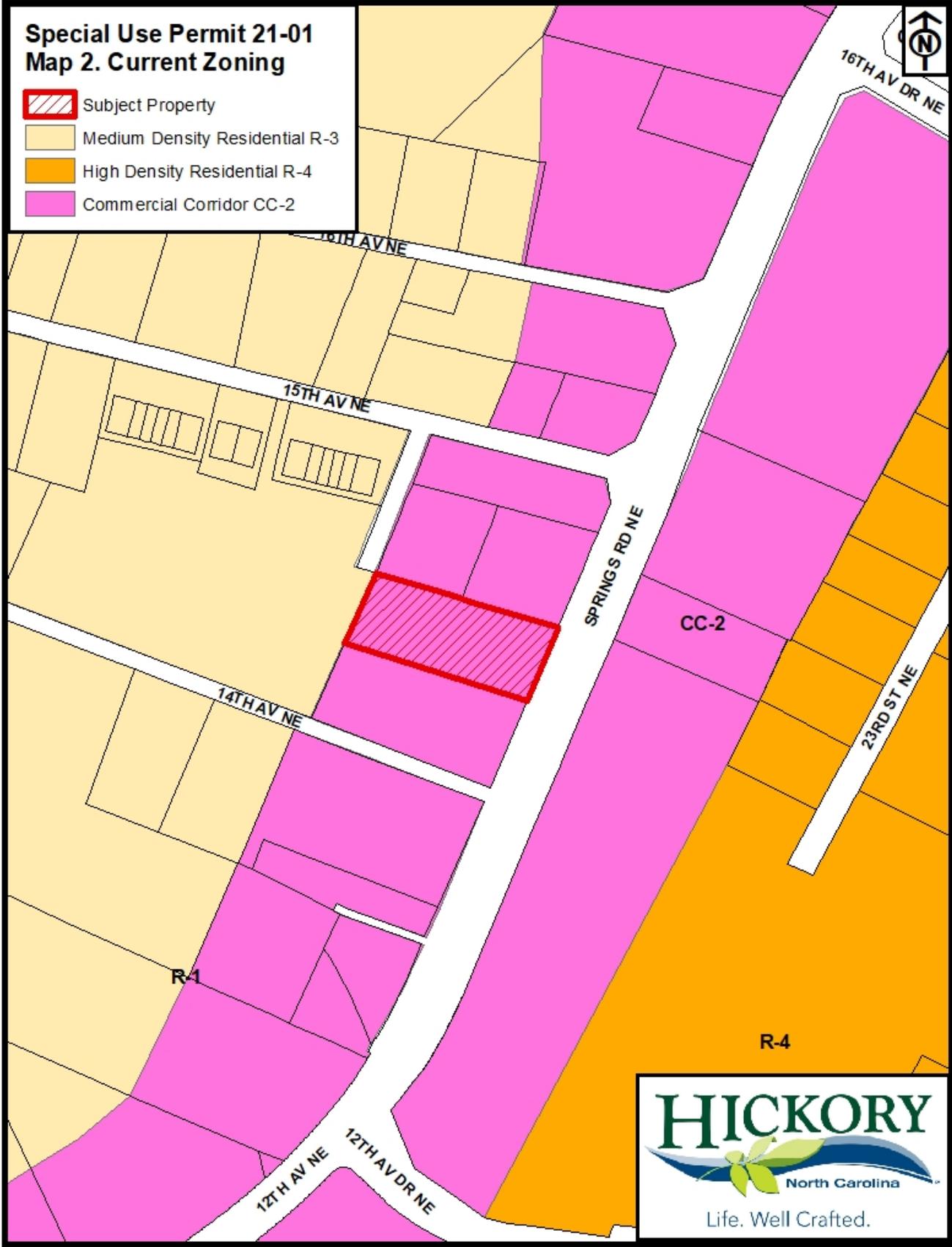
RECOMMENDED ACTION: Upon analysis, staff finds the request to be consistent with the Hickory By Choice 2030 Comprehensive Plan, and the Hickory Land Development Code, and recommends approval.

PUBLIC INPUT: As of July 20, 2021, there have not been any comments from the public.

Special Use Permit 21-01
Map 1. Hickory by Choice Future Land Use
Note: Parcel Lines are shown for reference only.
Future Land Use Map is not parcel specific

-  Subject Property
-  High Density Residential
-  Commercial Corridor





**Special Use Permit 21-01
Map 3. Aerial Photography**

 Subject Property

