



The Hickory Regional Planning Commission will hold its regular meeting on **Wednesday, December 6, 2023, 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 October 25, 2023 meeting.
- Reading of State Ethics Rules.

PRESENTATIONS AND PUBLIC HEARINGS

1. **Rezoning Petition 23-07.** Request by Micheal Pollard for the rezoning of 62.873 acres of property located at 2239 Robinson Road from R-1 Residential to R-2 Residential. The properties are further identified by Parcel Identification Numbers 3711-14-34-4769, 3711-10-45-2075, 3711-14-44-2597 and 3711-14-34-8055 on the Catawba County Tax Maps.

OTHER BUSINESS

- 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 23-24

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	P	P	P	AX									Jul-22	Jun-25
Catawba County	P	P	P	P									Jul-21	Jun-24
Burke County													Dec-19	Jun-26
Ward 1	P	P	P	P									Jul-22	Jun-24
Ward 2	P	P	AX	P									Jul-21	Jun-25
Ward 3	P	P	P	P									Jul-20	Jun-26
Ward 4	P	P	P	P									Jul-21	Jun-24
Ward 5	P	P	P	P									Jul-20	Jun-26
Ward 6	P	P	P	P									Jul-22	Jun-25

Hickory Regional Planning Commission
Wednesday, October 25, 2023, 6:00 pm

A regular meeting of the Hickory Regional Planning Commission (HRPC) was held on Wednesday, October 25, 2023, 6:00 pm, in Council Chambers of the Julian G. Whitener Municipal Bldg.

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

Members Excused: Steve Mull

Members Absent: None

Others Present: Planning Director Brian Frazier, Planning Manager Cal Overby, Senior Planner Mike Kirby, Planner Wilson Elliott, Deputy City Attorney Arnita Dula, and Minutes Clerk Anne Starnes

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

Roll Call: Planning Director Brian Frazier said a quorum was present, and Steve Mull was excused. The Burke County position remains vacant on the Commission.

Items of Correspondence: Mr. Frazier said staff received numerous items of correspondence from citizens of the city regarding the proposed RV Park, and Mr. Kirby would discuss them during his presentation. There were no other items of correspondence.

City Council Action: Mr. Frazier said City Council had opened both the annexation public hearing and the rezoning public hearing with Dan Shabeldeen of Shabeldeen Engineering, for construction of a 178-lot single-family subdivision on River Road. With the applicant and his design professional present, Council requested they table the hearings until their next meeting on November 7, both the annexation and the proposed rezoning hearings.

Approval and Signing of Minutes from the September 27, 2023 Meeting: Minutes from the previous regular meeting held in September were distributed to members in advance. No additions, deletions or corrections were stated. Bill Pekman moved, seconded by Philip Reed, to approve the September 27, 2023 minutes as presented. The motion carried unanimously.

Reading of State Ethics Rules: Mr. McBrayer read the NC Ethics Rules aloud:

In accordance with the State Government Ethics Act, it is the duty of every member of this board to avoid both conflicts of interest and appearances of conflict. Does any member of the 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 stated a current conflict of interest or asked to be recused.

PRESENTATIONS & PUBLIC HEARINGS

Mr. McBrayer said there were two (2) items on the agenda. He opened the public hearing for Special Use Permit 23-03.

All speakers were sworn in prior to their testimony.

1. Special Use Permit 23-03.

Request by CT Investments of Catawba, LLC for approval of a Recreational Vehicle Park on property located at the terminus of Mountain View Road, and identified as Catawba County PIN 279-10-88-79772.

Senior Planner **Mike Kirby** presented the staff report and referred to PowerPoint slides. He reviewed slide #2 (Special Use Permit 23-03).

- Applicant: CT Investments of Catawba, LLC
- Location: Mountain View Road
- Property Size: 22.30 acres
- Request: The applicant requests to obtain a Special Use Permit to construct an RV Park in a Low Density Residential (R-1) district.
- The subject property is currently located in a Low Density Residential (R-1) district, and the principal use of the property is limited to residential purposes. However, the property may also contain an RV Park, if properly permitted.

Mr. Kirby reviewed slides #3 – 9 (Special Use Criteria Review).

1. Consistency with the Hickory by Choice 2030 Plan

- Hickory by Choice 2030 does not specifically mention RV Parks.
- However, Hickory’s Land Development Code specifies RV Parks are permitted as special uses within low residential districts. (LDC Article 6, Sec. 6.1).

2. Compliance with the Land Development Code

- The intention of the applicant is to utilize the property as an RV Park.
- The applicant will be required to demonstrate compliance with the standards contained within the City’s Land Development Code, and obtain any and all necessary permits and approvals required to operate a RV Park.

3. Compatibility with Adjacent Uses

- Dust, odor and lighting may be an issue, as the use of an RV Park on the property would be out of character with adjacent properties.
- Noise associated with the RV Park may increase due to an increase in occupancy.
- Traffic will likely increase, due to the increase in the use intensity. This could be mitigated, as the City’s Land Development Code requires for the provision of adequate pick-up and drop-off areas.

4. Mitigation of Significant Impacts

- The subject property is currently a vacant disc golf facility; any identified negative impacts will be mitigated to the extent required by all applicable laws and regulations.

5. Diminution in Value of Surrounding Property

- The subject property is currently a vacant disc golf facility. Surrounding land-uses are all residential. The primary use of the property will be an RV Park and must be sufficiently screened from adjoining residential property.
- No evidence has been provided to indicate substantial diminution in value to other properties in the vicinity.

6. Levels of Service (police, fire, utilities, etc.)

- The subject property is currently not served by public water and sewer.

- The owner will be extending water to the property. The owner will be required to get approval from Catawba County Environmental Health for an adequate septic facility on the property.
- Fire and Police protection are currently available to the site through Catawba County.

Mr. Kirby said the property is located within the ETJ, just outside the Hickory city limits.

7. Assurances of Continuing Maintenance

- The future operation of the RV Park must be maintained in conformance with all existing development standards, specifically Section 9.15, Property Maintenance, of the Hickory Land Development Code, as well as the City’s Minimum Housing Code, Chapter 15 of the City’s Code of Ordinances.

Slide #10 (Map 1. Hickory by Choice 2030). Mr. Kirby said the Future Land Use map shows the different uses, and this property is currently Low Density Residential.

Slide #11 (Map 3. Aerial Photography). Mr. Kirby said this is an aerial view of the property. He pointed out the end of Mountain View Road, where there is access to the property.

Slide #12 (Map 2. Current Zoning). Mr. Kirby said the surrounding area is all zoned Residential. He pointed out a subdivision, which is zoned R-2 Residential and located directly east of the proposed RV Park property.

Slide #13 (Recommended Action).

Staff recommends approval of the Special Use Permit for an RV Park, contingent upon the following conditions:

1. All aspects of the project, and its subsequent improvements, shall comply with all applicable provisions of the City’s Land Development Code, and the Building and Fire Codes of the State of North Carolina.
2. The operation of this facility must comply with all state and local regulations pertaining to RV Parks.
3. The facility shall adhere to applicable noise and lighting standards at all times.
4. RVs shall remain operable and mobile at all times.
5. RVs shall not be used as a dwelling unit and shall not be set up permanently.
6. The park shall maintain an adequate septic station at all times, permitted by Catawba County Environmental Health.

Mr. Kirby reviewed **Slide #14** (Public Interaction), saying the correspondence received by staff had been mentioned earlier.

- As of today’s date, staff had met with two (2) walk-ins, including one (1) proponent and one (1) opponent of the proposed use.
- Staff had received one (1) video from an opponent.
- Staff had received sixteen (16) phone calls in opposition.
- Staff had received eighteen (18) emails in opposition.

He asked for questions from Commission members.

Dr. Pekman asked if the applicant had met with Catawba County Environmental Health, and Mr. Kirby said staff did not know that yet. They did have a pre-application meeting with the applicant, as far as the information they needed for the property design review and plans for this RV Park. Dr. Pekman said he visited the property and drove around the site, as well as the surrounding neighborhood, noting the topography is very hilly – very hilly. Mr. Kirby said yes. Dr. Pekman said his question was, having served on Environmental Health, where are they going to put this (septic) field. Mr. Kirby said that would be determined by Environmental Health and their agency. Dr. Pekman said he understood that, and he was not sure, but it seems like putting the cart before the horse to come

here and discuss a use permit, when they are not even sure of where they will put their sewage field. He said this (property) is in the ETJ, and Mr. Kirby said correct. Dr. Pekman asked about the development next door. Mr. Kirby said it is located within the city limits and was annexed into the City at least 7-years ago. Dr. Pekman said the applicant is not asking to run water and sewer to this facility. Mr. Kirby clarified that, yes, they will extend water to it, but there is no sewer capacity located close to this facility.

Mr. Reed said the staff report had said the RV must be mobile and the wheels could not be removed for setting the RV on a foundation; it also said RVs could not be lived in permanently. He asked what they are actually going to be used for. Mr. Kirby said these would be temporary RV sites; people will come in and use them, and then they will move on. Mr. Reed said like when you go camping in the mountains, and you are just there for a short time. Mr. Kirby said he knew they would not be allowed to live in them, but deferred to the applicant for further elaboration.

Dr. Pekman asked how many sites there would be, and what the capacity is. Mr. Kirby was not 100% sure, but said the applicant was present and could address his question.

There were no additional questions for Mr. Kirby, and Mr. McBrayer thanked him.

The staff report was entered into the record as Exhibit A.

Mr. McBrayer said this would be a quasi-judicial hearing and each person giving testimony must be sworn in first. Numerous people were signed up to speak and they would be sworn in as a group. He asked if everyone planning to speak had signed up; some had not, including the applicant, and they came forward to sign up. Mr. McBrayer explained the procedure and all speakers were sworn in together.

Mr. McBrayer said, again, this is a quasi-judicial public hearing, and Commission members would make their decision based on the information provided by staff and testimony given here tonight. All witnesses have now been sworn in. He said the hearing was a formal means of gathering relevant evidence and not an opportunity for citizens to stand up and speak their minds; he repeated the purpose of the hearing a second time.

Mr. McBrayer said that during the proceedings, the proponents would speak first, with a 15-minute time limit provided for their testimonies; whether it is one or 15 people talking, it is 15-minutes total. After the proponents speak, the opponents will have 15-minutes. There were about 16 opponents signed up, so the entire group would have 15-minutes total, not 15-minutes each. After each group has testified, there will be 5-minutes for rebuttal and surrebuttal.

During their testimonies, Mr. McBrayer said there would be an opportunity for cross-examination. If someone wants to cross-examine the speaker, they should remain seated and raise their hand. The Chair will recognize them first, and then they will come to the podium and cross-examine the witness. Also, regarding specific evidence to support their testimony, such as a report, chart or table, letters, etc., it is key factual findings; it cannot be based on unsupported allegations and opinions of non-expert witnesses, including neighborhood property owners. He asked speakers to bring something new to the table, rather than repeating what a previous speaker had said. Speculation and mere opinions about the possible effects of granting the petition are insufficient to support the Commission's decision, and hearsay and non-expert opinion should not be shared.

In making their decision, Mr. McBrayer members would consider the seven (7) criteria, which were just discussed by staff, as well as staff's recommended action and the sworn testimonies presented here tonight. He asked if there were any questions, and there were none. He requested that everyone silence their cell phone, noting he would be using his as a timer. He also asked everyone presenting testimony to speak directly into the podium microphone, which does not project as well as the microphones that Commission members were using. He requested each speaker state their name and address before beginning their testimony, which is required for the official meeting record and minutes.

PROPOSERS

• **Toby Dietz**, 1638 Fairway Drive, Newton NC, addressed Commission members. As the applicant, he said they want to build the RV Park, basically, because it has a family atmosphere. There are a lot of activities they could provide over there, such as horseback riding and kayaking, things of that nature, which they want to bring to the area. Regarding the question about the topography, the first part is going to be on the flat part, which used to be the old driving range when this was a golf course, so there would not be a lot of work done there.

Mr. Dietz said he had reached out to the neighborhood to discuss exactly what he wanted to do with the RV Park in detail, but nobody responded; nobody wanted to reach out to him and do that. He had a person from the neighborhood, someone who lives there, try to facilitate this meeting so he could clarify exactly what his vision for the property was, but he was met with no response, so that was pretty much all he had to say.

Mr. McBrayer asked if there were any questions for the applicant.

Ms. Williams said she understood the RVs are to be temporary, and asked what the time limit would be. Mr. Deitz said that was still to be determined. He has researched RV Parks for about a year now, and some of them can be 6-months, some can be 9-months, and some are permanent, which is not what they are shooting for. They are going to be more of a transient RV Park, basically just because of the logistics. Being on (Interstate) 40 and (Highway) 321, it is easy to get to; the property itself is adequate for that, because you feel like you are out in the middle of nowhere, but you have easy access to Walgreen's, CVS, grocery stores, things of that nature, so it is a good quick in-and-out area for it. So, as far as the time limits go, he was going to lean on engineering or City officials to kind of give him that, because depending on the RV Park itself, with the term, what the different cities and states have. Basically, he does not know how to answer that, because they are different, but said that there are no permanent sites there.

Mr. McBrayer noted the (staff's) recommended action was that RVs shall not be used as dwelling units and shall not be set up permanently. He asked how this would be policed; how would Mr. Dietz know that he was staying there longer than he should be, and what controls are there to make sure that does not happen? Mr. Dietz said, obviously, they would have to put that in place, you know, security management. People will have to follow the rules; there have to be rules in place, there has to be a curfew, you know, all kind of things have to be watched. He has been in contact with people that have been in the RV business before, who had security, so they can maybe assist in facilitating private security and management of the RV Park.

Mr. Hunt asked how many RVs they are planning on having. Mr. Dietz referred to the site plan diagram in the agenda packet, which was not up on the screen. He said that right now it is divided up into three (3) phases. On the diagram, the first phase was outlined in red, he believed, and he believed that it could hold about 30-units. Ms. Williams clarified that it said 33. Mr. Dietz said yes, but it is probably going to be smaller than that, just simply because some of that ... he knew what was on the map. But he was saying that once you get out onto the property it is probably going to be smaller, because there is a natural gas element on the vacant property where they are not allowed to put anything, on that first section. He said it would be determined when they get out there, whether they can get 33; it might be less, but it will not be any more, he knew that.

Dr. Pekman said what about the second and third phases. Mr. Deitz said the second and phase would depend on, well, basically, he is going to leave that to the engineer, because that basically depends on the environmental side and the dump station and questions like that. The engineer would need to identify that. Dr. Pekman asked if the engineer had given him some idea of the maximum number of spaces there could be. Mr. Dietz said that is what they get paid for, sir, that he is just ... Dr. Pekman said so he did not advise you of that. Mr. Dietz said not yet, no sir. Dr. Pekman asked what percent of this proposal that he was looking at is being occupied by the RVs; is the whole thing occupied by RVs? Mr. Dietz said yes, as far as the drawing is concerned, yes sir. Dr. Pekman asked where there would be horseback riding, and Mr. Dietz said the horseback riding is on the property behind them; this is the vision he has for the Park, and not all of the amenities they will be providing. This is what he wanted to discuss with the neighborhood. Dr. Pekman said he (the engineer) did not give you any idea of how he would

handle the sewage facility. Mr. Dietz said he (the engineer) would be able to answer that. Dr. Pekman asked if he was here, and Mr. Dietz said yes sir.

There were no further questions for Mr. Dietz, and Mr. McBrayer thanked him.

- **Randall Williams**, 1149 Timberlane Drive, Lincolnton NC, addressed Commission members, saying he was here to represent the engineering firm hired to do the initial sketches that members were looking at, and he would answer their questions in more detail. He said his address was not relative, that he was with the consulting firm and did not live around this area, but stated his home address in Lincolnton, NC.

Mr. Williams said that, to go through the questions here, their firm had not, and again, this is preliminary, the sketches they have done and the meetings they have had, but they have had discussions with Catawba County Environmental. They did not have answers back from them yet, but it is very positive that what the applicant is looking to do can be done. The preliminary sketches they have done, and that he would wrap several questions up into one for time's sake, shows around the 30 number for phase 1, 30 to 33 possibly in phases 2 and 3, and totaling possibly 75 RV spaces. Dr. Pekman said, total, and Mr. Williams said total. Dr. Pekman said so phase 3 will not have very many in it. Mr. Williams said phases 2 and 3 are probably split, probably another 20 or 30 in each phase. Dr. Pekman said he was confused; if there are 31 in the first phase and 33 in the second phase, we are up to 64 (spaces) – Mr. Williams said no, 75 total sir. Dr. Pekman said so you are going to put 11 in the last phase. Mr. Williams said the phases and numbers will be determined – that is a construction issue, as the construction phases go along and phase 1 is broken up, like he said, it is on the initial area where the old driving range was. That area is in pretty good condition. Mr. McBrayer asked if Dr. Pekman had the sketch. Dr. Pekman said he did, and he was trying to reconcile what Mr. Williams was telling him, with what he was seeing on the sketch. Dr. Pekman said if there are 31 in the first phase and 33 in the second – that is certainly far more than 75 total, including the third (phase).

Mr. McBrayer asked staff to put the (site plan) sketch on the screen.

Randall Williams said there would possibly be 29 in phase 2 and about 14-15 in phase 3. Dr. Pekman said okay.

Anne Williams said Mr. Williams was telling members the numbers are different from what is on the plan,. She asked how many are in the first phase, had he had decided there are 30? Mr. Williams said approximately, that these numbers are not exact. As the design moves forward, the layout may have to change. Anne Williams asked how many he anticipates for phase 2 now, and he said 29-30, and then the later phase would be about half of that, around 14-15. She said okay, so it is different from what was submitted, thank you.

Dr. Pekman asked Mr. Williams to tell him about their discussion with Environmental Health - where did they say you should put your (septic) field? Mr. Williams said the option they are looking at now is a dump station, with a pump. It is like having a septic system; there would be one universal septic system that the RVs would use. Dr. Pekman said, so you would take your sewage off site and put it in, what, the City of Hickory's facilities? Dr. Pekman said, so you are really not going to put a field up here; you will not have a septic field, you are going to put a dump station here and use the City of Hickory's municipal sewage system. Mr. Williams said yes, that is the option that Environmental Health presented. Dr. Pekman asked if that was the only option they presented, and Mr. Williams said it was the option they are reviewing at this time. Dr. Pekman said, so you are not going to put in a field, and Mr. Williams said that is not in the plan at this time. Dr. Pekman said okay.

No additional proponents were present to speak.

Mr. McBrayer asked if there were any further questions from the members, and there were none. He asked if anyone wanted to cross-examine these witnesses, and anyone from the audience who was sworn in could speak.

Mike Heaton, 5159 Harris Farm Road, Hickory NC, came to the podium. He said the gentleman had said this is a family neighborhood, and it is. He also said they had reached out to the neighborhood. Mr. Heaton made several

calls today to people in the neighborhood who did not know anything about it. They found out yesterday from a neighbor who lives close by and had found out about it, so a lot of them have not had time to prepare to speak here.

Deputy City Attorney Arnita Dula asked Mr. Heaton if he had a question. Mr. McBrayer asked if there was a question in his statement.

Mr. Heaton asked if there was going to be another hearing regarding this, or would the decision be made on the review here tonight. Mr. McBrayer said the decision would be made tonight. Mr. Heaton said okay, but he wanted members to know that a lot of them had not had time to prepare.

Mr. McBrayer clarified the cross-examination was for questioning the witness, and he was just making a statement.

Mr. Heaton said he did have one question regarding something he would like to hear a further definition on. As he rides the roads, he sees a lot of RV Parks. They are very close together and a lot of them are full time residents. He would like that to be defined a little more.

Mr. McBrayer requested the applicant return to the podium.

Mr. Dietz said most of the people in the neighborhood know a gentleman named Paul Henry. Mr. Dietz said he and Mr. Henry are friends. Mr. Henry came down on behalf of some of the people in the neighborhood, and that was a statement he made. Mr. Dietz had wanted to meet with the neighborhood, and he even offered to come to someone's house and meet with everyone at the same time, so they would not go back and forth on the phone and misconstrue anything (Mr. Dietz) had said. There are texts and Facebook to confirm what he was saying, or social media. Mr. Henry sent Mr. Dietz what he had sent out to the neighborhood on the Neighborhood Facebook Page, which was done 3-4 days ago. To anyone who did not know about it, Mr. Dietz said maybe they did not know about the Neighborhood Page, but this notice had been sent out for several weeks, so the offer was always out there. He was sorry this gentleman did not receive it, but it has been there.

Robin Donkle, 2423 JJ Hefner Road, Hickory NC, came to the podium. Her property is located just off Harris Farm Road and has been in their family since way before she was born. She is not naive to how RV Parks go, and her question was about the people who are going to be allowed to come in here, that he even made a statement these people could stay for a month, they could stay for 6-months. To her, 6-months is not temporary, a weekend is temporary; maybe a week, if a family is traveling from state to state from wherever they came from and going to wherever they are going. How are you going to vet these people who are coming in to this park from various states? You do not know who they are, that are going to be living here a week, 3-days, whatever, coming from whatever state or county they came from. How are you going to vet these people to know there are not serial killers coming in, somebody running from the law, drug addicts, all that, so how are you going to know who these people are to be able to ensure that the residents living here, who have paid thousands and hundreds of thousands of dollars for their homes ... Mr. McBrayer apologized, but said he needed to cut Ms. Donkle off there. He said she asked two (2) questions; what is permanent or temporary, and how are they vetted. Those are her questions. Ms. Donkle said she was sure they do not want these people living there for 6-months, so how is that going to be handled.

Mr. Williams, the project engineer, returned to the podium. He said he was not sure how to answer the questions to her satisfaction, but they could not be permanent. There cannot be permanent structures, according to the City ordinance. If you are talking about someone living there, they cannot build a deck, they cannot build a porch, and it seems like some of the RV Parks they are referring to are that type of a RV Park. There are a lot of those around. The Lake Hickory RV Park is 90% permanent structures, and plenty of them on Lake Norman are the same way. So again, the applicant will follow what is in the City ordinance, as far as the requirements of them not being permanent structures. As was said earlier, they cannot pull up and plan on staying there for 6-months or a year, or for 2-years, or making it a vacation home on the river, or whatnot.

As far as vetting them, Mr. Williams said he could not answer that question, but again, it is not a permanent RV Park, with permanent residents, or with permanent structures attached. Again, he did not know how much research

was done on RV Parks, but these are typically your, like she had mentioned, weekend people traveling from one place to the other, with destination stops in the middle, spend a few days (here), see what Hickory has to offer and visit venues in the area, then move on to the next destination. Most of these types of RV Parks are not the type that attracts the same type of people who stay in permanent RV Parks. Occasionally you will get some traveling workers staying who may have a job in the area. Instead of renting in a motel, they bring their camper and stay in it for a month or two while they are in town working. That is another (situation) he has seen in the past with these types of RV Parks. Again, they are not permanent, and there are no permanent structures attached. That is according to the Hickory ordinance and provisions of the conditioned use.

Mr. McBrayer thanked Mr. Williams. He said the 15-minute time limit had expired, and asked if members wanted to extend the time for cross-examination of the applicant.

Sam Hunt moved, seconded by Bill Pekman, to add 15 minutes of time for cross-examination of the proponents. The motion carried unanimously.

Brad Weeks, 2615 Rolling Ridge Drive, came to the podium. His property abuts near the RV sites, but not directly. Dr. Pekman asked if his property is in the large development that is adjacent, and Mr. Weeks said yes. Mr. Weeks said his back property line is where the City stops and the County starts. He asked how security would be mediated there, because they call about things happening out there now and the County says it is the City's problem, and to call the City police; then the City says it is a County problem, so they never get any resolution. He does not know how that is going to be dealt with. Also, the engineer keeps saying that the total number of sites is going to be determined. So, is there a maximum number of sites, or could it end up being 200, because they determine it could be 200? Mr. McBrayer thanked him.

Mr. Williams addressed Mr. Weeks' question. He said the maximum could not exceed what the ordinance requires. There is a certain density number for the area, and the Park cannot exceed that maximum. If they wanted to put 200 in there, they could not, because of the maximum density. Whether it is 75 or not, as they get into the design phase, going forward they may lose a few sites on phase one, and they may gain a few back on phase two, but the point is that the density set by the ordinance determines the maximum number they can put out there.

Mr. McBrayer asked about Mr. Weeks' security question, and Mr. Williams deferred to the applicant.

Mr. Dietz came to the podium, saying he had been researching this for a long time. He is planning on 24-hour surveillance and someone will be on-site all the time. They will have a 10 pm curfew and everyone will have to be in their RVs; no one will be out and running around. Regarding the gentleman's statement about the County and the City, he said the Sheriff's Department has always handled their property; it has never been part of the City, and the Sheriff comes out every time. They have an existing disc golf course; they play music on their property every Wednesday night and the cops are called on them all the time. They are well within their rights to do that, they carry an ABC Permit to sell beer and wine, and they have entertainment every Wednesday night at their facility, which they are permitted to do. So, to answer his question regarding the police, it is the Sheriff's Department, not the City of Hickory.

Dr. Pekman said the gentleman had made the assertion that there had been problems requiring law enforcement. He asked what kind of problems they were talking about and how many times the Sheriff had been called, that it was not clear. Mr. Dietz said he would tell Dr. Pekman what the Sheriff told him – that if you hear a noise outside of your house, you can call them and the Sheriff has to respond. So they come out, and if they tell you your music or whatever is going on is too loud, you have to turn it down. If they come back a second time, they will ticket you. Mr. Dietz said they constantly get calls about the music; they play Southern Rock, they play Blues, every Wednesday night. His average (patron) age is 45 to 65; that is who frequents his spot. Dr. Pekman asked if this is in the clubhouse of the golf course. Mr. Dietz said yes, and they have an attached patio, so when it is warm enough they play (music) outside. But that is what the calls are about, their music.

Mr. Hunt asked, regarding the calls, did any arrests take place? Mr. Dietz said as far as he knew, when people come out for the music and the Sheriff has come out, no sir, no arrest has ever been made.

Roger Pitts, 5178 Timberwood Lane, came to the podium. He lives south of the property and to the right. He asked how they plan to control the people who come in. They need safety for the neighborhood and to take care of the people who are already there. As far as what he just said about no arrests, Mr. Pitts said a few years ago there was a killing there. Dr. Pekman asked what he had said, and Mr. Pitts said someone got killed. Dr. Pekman asked if it was a criminal action and someone was charged. Mr. Pitts said they got killed. Dr. Pekman asked if they were murdered, and Mr. Pitts said yes. Mr. McBrayer said he knew it was tempting, but everyone needed to stay focused.

Mr. Pitts said his concern was, when (the applicant) said they would have security on-site at all times. They do not even have an RV Park yet and they still have trouble, so how is that going to help? Mr. McBrayer thanked him.

The applicant, **Mr. Dietz** said that, as far as safety for the neighborhood, they could put houses, they could put RVs, but you cannot determine what kind of person owns an RV and what their character is when they pull in. They could build a nice house, but still be a bad person; you cannot use that argument, in his opinion. You are just judging. A lot of rich people, wealthy people, own RVs, so it suggests that people with RVs coming in are automatically going to cause trouble. That is ridiculous. As far as the shooting goes, they were having a private party and some family members did get into a fight. One of the family members went to his car and got a pistol, and then he was taken out by someone in the parking lot and they deemed it justifiable homicide. No one was arrested. That was the incident, and ever since then he has backed off and tried to do everything he could to make the neighborhood feel safe.

Mr. Dietz said an RV Park, or a family campground with nightlife like that, he would think it would be an asset, especially with the type of RV Park he is looking to put there. The last thing he wants to do is make anybody in the community feel unsafe. Shootings happen everywhere, unfortunately they do, and more and more. This is an idea he thought would be something good. They have plans for a pool, a pickleball court and horseshoe pits, things that the whole community could enjoy. Like he said, they are going to have security, and they have not had one incident since that happened, basically because they took care of that. You have no control over what another human being is going to do. They do not have that any more, and it is never going to be back there. That is a bad look, he knows that. They have taken that into consideration and have not had any incidents like that happen again. The only thing (the neighbors) are talking about is the music. And like he said, anybody who wants to come and talk to him and have an adult-to-adult conversation, he is right here. He offered it up, and none of them came for it. Mr. McBrayer thanked him.

Tanya and David Mikeal, 5228 Joseph Court, came to the podium. Ms. Mikeal said this was a lot of change from what they thought was going to be on the property, from a few RVs to a lot more, and they are concerned about the environmental issues. They would like to know if they are providing electricity, bathrooms, and showers for the campsites. Regarding plans for noise control, there is a noise ordinance, which she cited. Mr. McBrayer reminded her that this is a cross-examination, and an opportunity to ask questions. She said (the applicant) said something about keeping the loud music under control, and they were originally told that at 10:00 pm the music would stop. This past weekend, at 11:15 that loud music was still going on, and some people go to bed early. Mr. McBrayer asked what her question was, and she asked what is he going to do about the loud music?

Mr. Mikeal said that on Saturday, at 2:30 in the afternoon, the bass on the music was so loud that, while his neighbor next door used his leaf blower, he could still hear and feel the music. Their neighbor 200-yards up the road ... Mr. McBrayer stopped Mr. Mikeal's testimony and reminded him this was a cross-examination, only for asking questions, that all the people here who are against the permit would have an opportunity to come up later and tell their story, but right now, it is only for questions.

Mr. Mikeal asked how this is a low-density area, when it abuts a neighborhood with a hundred or more homes in it. There is only one-way in and one-way out, and (the applicant) said it would be easy in and out, but he cannot see

that. He also asked about keeping 4-wheel vehicles off of their private property, saying some of these vehicles came across their property at 2:00 am, and what are they going to do to keep this from happening.

As the engineer, **Mr. Williams** came to the podium, saying that she had two questions and he could answer one of them. The density is determined by the ordinance; the County and/or City have already determined what the density is. It is already zoned low-density and that is what determines how many units they can put on it, per acre. That is not up to the applicant and that is not up to this board; it is already there.

Dr. Pekman said there was one other question Mr. Williams could answer, in regards to having only one ingress and one egress, only one. Mr. Williams said correct. Dr. Pekman asked if he had run that by the County, and Mr. Williams said yes. Dr. Pekman asked if they were okay with it and thought they could provide fire and ambulance access, and Mr. Williams said yes. Dr. Pekman said the County had recently turned down a development with only one ingress and egress. Mr. Williams said, again, once everything gets into final draft, the project would still need to go through the normal approval process. None of this has final approval.

Mr. McBrayer asked the applicant to come forward and answer the question regarding the loud music, and then he would move into the next portion of the hearing.

Mr. Dietz came to the podium. He said they are an event space. People rent their space for birthday parties, baby showers, weddings – they do all kinds of functions. As far as music, the majority of the time their music is inside the building. The particular recent event with rock music was run by Drew Ledbetter. He had planned to hold the same event at Hickory Motor Speedway back in April, but it was rained out. The owner re-negotiated it, but did not like it, so he came to him. Mr. Dietz assumed he had all the proper permitting to do it, since he was already approved to hold it there. So all he can say there is their property was being leased – they did not book one single band, they did not order any porta-johns or any tents, none of that. He got the lease with the man's name on it, and he had said if anyone needed to reach out to him for verification, he would do that, too. He said that is kind of what they do there. As far as the 4-wheelers go, Mr. Dietz does not own a 4-wheel, and no one he knows has a 4-wheel; most of those belong to the kids in the surrounding neighborhood. He has to run them off, too, because they tear his grass up. As far as that goes, he has no control over 4-wheelers. Mr. McBrayer thanked him.

Mr. McBrayer explained the procedure for hearing testimony from the opponents, saying relevant evidence would be presented; it is not just an opportunity for citizens to speak their minds. Key factual findings cannot be based upon unsupported allegations and opinions of non-expert witnesses. So, unless you are an attorney representing this group, or a realtor representing this group, everyone else will need to be specific in what you are saying, and the opponents would be called up in the order they had signed in.

Mr. McBrayer reminded them of the 15-minute time limit. If an extension is needed, the members could do that. However, if someone stands up and says they are against it, followed by 14 others saying the same thing, Mr. McBrayer would cut that off; the members know they are against it. Witnesses need to present substantial evidence the members can use.

OPPONENTS

• **Berkley Canupp**, 2496 Mountain View Road, Hickory NC, addressed Commission members. He is the largest adjoining landowner to this proposed park. He pointed out his property on the aerial photo (Slide #11. Map 3. Aerial Photography), saying his property includes the entire right side and upper portion. Dr. Pekman asked him to clarify his address, and Mr. Canupp said his is the last house when going down Mountain View Road. Mr. Canupp said he has the most to lose here, property wise, with approval of this park. There are routinely a lot of things that go on in there that are well over the line, such as this past weekend with all the noise, the 12-hours of rock and roll music that rattled the windows, where his mother resides, as well. There were many calls made by the Sheriff's department, and this was just one time; this goes on weekly on Wednesday nights. There is a lot of traffic and a lot of noise.

With the disc golf, which Mr. Canupp said is not vacant, that there were disc golfers playing today, there is routinely trespassing, there is open-air alcohol use and drug use; that goes along with this. It comes across the property and spills over on to them, just on a routinely daily and weekly basis, and this has been going on for quite a few years. He believes the property is already being used for something other than it was intended to be as an R-1 neighborhood, and the noise especially. And anything with an RV Park, if you look at what they proposed, it is going to be 10-units to an acre, versus in the neighborhood there, and it is already a high-density neighborhood, with three (3) houses to an acre. He was speaking for the entire neighborhood and as an adjoining landowner. He yielded his remaining time to the others speaking against this, and Mr. McBrayer thanked him.

- **Julie Cline**, 2522 Henry Falls Drive, Hickory NC, addressed Commission members, saying she had lived in Old River Trails for 13-years. She was prepared to speak for 3 minutes and would try to skim her remarks. When they bought their house 13-years ago, it was under construction and they most certainly would not have bought it if there had been a RV Park next door. Most of the people in their neighborhood who she talked to say this new business will not only affect people on Rolling Ridge when it comes to property values. They are concerned about (real estate) comps, and when the comps go down their real estate is hurt, the basis for which you charge for a house; it is going to affect all owners, all 90 homes in their neighborhood. Her house is currently valued by the County at \$552,000 and the house around the corner from her is \$611,000. A house not even in their neighborhood, up on Timberwood, that backs into this property, is a \$792,000 valuation, and they are going to put a trailer right behind it. She does not think the County is going to lower her taxes just because the comps in her neighborhood start dropping.

Mr. McBrayer said, for the board members' sake, that she was stating hearsay; it is not particular evidence that has been brought forth. Ms. Cline said a realtor lives in their neighborhood and that is what they have been told. Mr. McBrayer said the realtor is not here to represent them tonight.

Ms. Cline is also concerned about traffic. She was not sure if anyone is familiar with Fleetwood (Drive). When they come in, all these trailers and motor homes pulling in that are being directed by GPS, they will come down to the stoplight, where they have a shopping center with Lowes Foods on one side and a CVS on the other, they have a church, they have a daycare, they have four houses – and that is within 2-tenths of a mile from where they make a sharp turn onto Mountain View Road and then drive on down to the end. She was saying this as someone who owns a trailer, a camper. They bought a trailer in 2010, but she is not one of these people who camp in their motor home that cost more than their own homes; it is not a \$100,000 motor home, but that is not really the point here. She is not sure they are all going to be coming to this location though.

Ms. Cline said they live in a neighborhood that does not even allow them to have a trailer or motor home on their property. They have to bring theirs in and pack it up with food; there is a kitchen, bathroom, so on in the trailer they have, and they have stayed all over the country in nice RV Parks. They just spent 6-weeks in the west and Alaska. They have stayed in nice RV Parks, so they are familiar with it and that kind of makes her the expert on trailers and motor homes, and RV Parks. But it is kind of ironic that this neighborhood, that allows no RVs to be parked there, would have to concern itself with a RV Park next door. They have stayed in some wonderful RV Parks, and they were wonderful RV Parks; but of all of those wonderful RV Parks that they stayed in, she would not want a single one of them next to her own neighborhood. Mr. McBrayer thanked her.

- **Adam Farrow**, 2581 Rolling Ridge Drive, Hickory NC, addressed Commission members, saying his property is located directly behind the site proposed for this, on the upper right hand side. His main concern is that Harris Farm Road and Fleetwood (Drive) are not set up correctly for RVs (coming) in and out, or trailers. He does have a concern about the drive-ins and drop-offs that are required, and this being a planning board, he would ask that members really consider, not the immediate concerns, but the concerns that come 5 to 10 years down the road from now. Mr. McBrayer thanked him.

- **Kathy Kea**, 2589 Rolling Ridge Drive, Hickory NC, addressed Commission members, saying her property is located right next to Adam (Farrow) and it directly borders the proposed property for the RVs. She has no problem with the music; however, she has small children and pets. It has not been bothersome to her, and she has even

attended some events up there. Her concern is more about the security than anything else, and she has not really heard anything addressing that specifically. What are they going to do about that? And at the disc golf course, there have been many times that people have wandered into her yard, who were playing over there. There have been a lot of times when you hear them playing; they get very excited, and that is fine, she is not really concerned about that. But if there are people wandering into her yard, what is to prevent strangers that are there temporarily for 6-months, or what have you, from coming onto their property. Mr. McBrayer thanked her.

• **Jeff Tice**, 5045 Old River Drive, Hickory NC, addressed Commission members, saying he lives one street over from the proposed park. His concern is about the potential for a favorable decision by the commission being made this evening. It seems clear that the proposal is incomplete, and that several responses to your questions were vague and ambiguous regarding this proposal moving forward at this time. As was mentioned already, there are dust and other environmental impacts likely to be realized, in addition to increased traffic volume, which means more wear and tear on the facilities and roadways in the area, which will mean more costs for the County and City. He also had concerns about the transient nature of the visitors.

With respect to communications, Mr. Tice was not aware of this until recently, when somebody pointed out something about a social media post, a week or so ago. No formal notice was received from the Commission or the City, and there were no posted notices about this, so that is why a number of them are here for the specific data. In his brief research about the impacts of crime in RV parks, they were mixed; there was some indication there are increased crimes with RV Parks. Around the country, other parks have seen remnants of drug paraphernalia, beer bottles, that sort of thing seen on the property itself. They have had conversations with the Hickory Police Department regarding specific cases, not relative to the property, but relative to crime in the area. With the proximity of this property to I-40, Highway 70 and Highway 321, Hickory Police Department said that makes it very attractive for people who are attempting to commit crimes, because of the easy access in and out of there. So that is a concern, as well as their traffic. He appreciated the members' time this evening. Mr. McBrayer thanked him.

• **Katy Moses**, 2635 Mahogany Lane, Hickory NC, addressed Commission members, saying they started a petition in the neighborhood and posted it on social media multiple times. A total 74 people in their neighborhood signed the petition. Many other people were not able to sign it, due to either not being on social media or not hearing about it. In addition to that, it was stated here multiple times that there are 90 lots within their property, and she would say that, on average, their property tax value is around \$350,000. Not being an expert on the subject, but looking at the potential for decreased property value, and for the City's potential for decreased tax values, as well, that should be a concern for this panel. As well as the security concerns people have raised, there are concerns about liability for their neighborhood. They have a commons area that borders the property for the neighborhood, and they already have people who come over into that neighborhood. They have problems with trespassing, and are concerned with potentially adding 100 more units, with maybe more people than that per unit. It would significantly increase the liability to their property and it is already an issue.

Referring to the applicant's overall plan for the property, Ms. Moses also has concerns about where kayaks would be put in and taken out. The property shown here does not border the river long enough for that to be a put in and take out point, so would that be located on their property, increasing the liability? That is a question that, hopefully, Mr. Deitz will address, as well as concerns about the septic, and lack of septic. If they were to have a truck running up and down the road to remove septic, it would feel a lot like it has felt for many of them for somewhere around 2+ years, where they had septic trucks ruin their road while the City of Hickory was fixing a septic issue that happened on property, in fact, adjacent to her property, where there is an easement. Seeing more wear and tear to the roads and traffic from septic trucks would be pretty discouraging at this point.

Mr. McBrayer thanked her. He said the 15-minute time limit had expired, and that he had not offered an opportunity for the proponents to cross-examine witnesses. He asked if members wanted to extend the time by another 15 minutes.

Anne Williams moved, seconded by Wallace Johnson, to approve adding another 15 minutes of time. The motion carried unanimously.

Mr. Dietz said, as far as the kayaking, the property she referred to, he would not dare let people kayak, for his benefit, out on the neighborhood property. The property that borders the river, he does have a deal on the property; it is all in a conservation. He is in contact with the owner now and they are trying to negotiate a price. If he can get the additional 53-acres, it will stay a conservation (area) and he will have some ownership rights, including access to the river. So that is where that comes from. Basically, what he is trying to tell the neighborhood, is that it is going to be a nice RV Park. There are going to be nice amenities. The vetting process will be what it is; it is going to be pretty expensive to stay at their spot, that is kind of what he is going for. He did not know if anybody was familiar with the Motorcoach Luxury Resort in Sapphire Ridge at Lake Toxaway, but it is going to be very similar to that. Very nice set-ups, lots of activities, and he would hope the neighborhood would join in and come share the fun, because he is trying to put in something family-friendly and positive. He figured that this would be something they would embrace.

Dr. Pekman asked where the river is located. Mr. Dietz pointed to the river, saying if members looked at the proposed area on the aerial photo and then looked straight up (above it), they would see a line going straight across (horizontally) that borders I-40. A laser pointer was provided, and Mr. Dietz pointed out the Henry Fork River, which borders I-40. He said basically, the proposed access – and this was his long-term vision that he was speaking of – the proposed access would be from his property, just north of the clubhouse, as he pointed it out on the aerial photo. Basically, when they purchase the land from the owners of the conservation, the path will lead directly to the river. That is the long-term vision he has; it is not immediate. As far as amenities go for the long-term vision of the park, you would have access to the river.

Dr. Pekman asked if their clubhouse is located outside of the shaded area. Mr. Dietz said that is a separate tract of land; that is where they have the music and entertainment on Wednesday nights. He pointed it out on the photo. Dr. Pekman asked if he owns that (property), and Mr. Dietz said yes. Dr. Pekman asked where his property ends, and Mr. Dietz pointed it out. Dr. Pekman asked if he owns the strip that runs down the center, and Mr. Dietz said no, that is conservation as well, but it is not in the 100-year flood (plain). That was purchased by a private (engineering) firm; they wanted to buy it just to ensure proper watershed. They came in and raised the water table on the right side of the property (pointing to an area with no trees, and also noting where the (former) golf course fairways were located). So, they (the engineering firm) raised the water on that side, and now it is a conservation area with trees. He pointed out the area where their clubhouse is located, and where they would access the river from the property.

Dr. Pekman asked if any Environmental Permits would be required by being next to a conservation area. Mr. Dietz said yes, and once they get ready to do that, they would get all the necessary permits. They have already been in contact with the State of NC and the owner of the property. When the time comes, they will tell him what is allowed, because there are only certain things you can do as the owner of a property when it comes to this type of conservation area.

Mr. Hunt asked where all of these neighbors live. Mr. Dietz pointed out the two (2) neighborhoods, which are on different sides of the subject property. He also pointed out where the last phase would be located, saying to his knowledge there is no time limit on how long it could take them to get to that part. He said there may be some struggles with it, because the property is so thin. They may not even make it to there, but this is a maximization of the property they do have. That is the last part. Mr. McBrayer thanked him.

• **Peggy Sue Hefner**, 2423 JJ Hefner Road, Hickory NC, addressed Commission members, saying her property directly joins what used to be the golf course. Her dad sold them 25-feet one time, over the line; 25-feet another time. They wanted more land, but her dad said no. If she could go back, she would definitely talk her dad out of that, because this has been her home, and she does not mind telling you, for 84-years. And right now, the only time she knew about all of this stuff that is going on was when she got this through the mail; she got this (waving her letter) through the mail. Mr. McBrayer asked if it was through the mail from the City of Hickory, and she said yes

sir. And as far as horseback riding, her sister, who lives with her now, she was also born there. They own 16-acres, and (her sister) has nine (9) – no, she believes it is 7-acres – right down below that golf course, and she had not been approached on anything. They have had a lot of encroaching on that land, and they do not know exactly where they are going to ride horses, if it is not on somebody else's land.

As far as the noise, Ms. Hefner said she cannot describe it. She can hear quite well, and she can stand on her back porch and hear the music, she can hear the screaming and hollering. On the Fourth of July, when everybody has to have fireworks, it seems like all of those fireworks are aimed up toward the backside of her property, and they go on, and on, and on, all through the night. But as far as noise, it is unbearable, and it is very personal to her because, just like she said, she has 84 years there. Mr. McBrayer thanked her.

- **David & Tanya Mikeal**, 5228 Joseph Court, Hickory NC, addressed Commission members. Mr. Mikeal said they spoke earlier. Ms. Mikeal declined, but he said, if there are going to be 75 or however many campsites, that means that on any given weekend there are going to be 30 or 40 campers lined up down the road. How are they going to accommodate that and get them all in there, so the people in that development can travel? And emergency vehicles that need to come in and out of there, how are they going to accommodate that? Anyone who has been to one of the campgrounds down at the beach, or anywhere, you know they are lined up for checking-in, and sometimes there will be 20, 50, or 60. So that is his question, how are they going to accommodate that many on any day of the week? Mr. McBrayer thanked him.

- **Robin Donkle**, 2423 JJ Hefner Road, Hickory NC, addressed Commission members. She said her aunt is Peggy Hefner, who spoke earlier. She pointed out where Ms. Hefner's property line is located, describing where it adjoins her cousin Ricky Donkle's property, and the boundaries of his property. She has a barn on that property. On Saturday, they had a RockFest; Hickory's first RockFest. It started somewhere around 2:30 and they supposedly had all these bands that were supposed to be playing Seventies and Eighties music, and all this kind of stuff, blah blah blah. She is 63-years old, and that music they were playing was a disgrace to the bands that actually made that music, okay? It was actually a disgrace. Foreigner, AC/DC, all these bands, Bad Company; it was just a disgrace, and it actually made her sick. She asked to play something, which was very relevant and would only take a few seconds to do.

Deputy City Attorney Dula and Mr. McBrayer both asked what it was, and Ms. Donkle said it involves music from Saturday's RockFest. Mr. McBrayer yielded to Ms. Dula to decide if it could be entered into evidence. Ms. Dula asked if it was a recording from an event. Ms. Donkle said yes, from an event they held Saturday, and she was over 600-yards away. Ms. Dula told her to go ahead and play it. Ms. Donkle played her cell phone recording and Mr. McBrayer said okay, we get the picture.

Ms. Donkle said the (recording) was made from over 600-yards away and that her horses would not come to the barn until their bands took a break. She believed it was six (6) bands, she was pretty sure, but it might have only been five (5). There was a 30-minute break in between each one, and every time, she knew when they were getting ready to start back up, describing the sounds and yelling she heard. That is not pleasing, and she was pretty sure it was not pleasing to the neighbors on the other side of what used to be a pretty, serene type of golf course, that she had played on before. This is very annoying, and if you are going to have these people that are coming to camp, and you are providing all these activities, and you are going to have all this stuff at your country club, and all the drugs and things. She did not know how many times she heard them say, "Go get a beer! Go get another drink!" ... all this kind of stuff. So, it is not pleasing to this neighborhood by any means whatsoever. This property, and she is 63-years old, she learned to walk on this property 62-years ago when her brother was born. This is not something that is going to be pleasing to anyone in this neighborhood.

Mr. McBrayer thanked her. He asked Ms. Dula if Ms. Donkle needed to provide a copy of the recording as evidence. Ms. Dula said yes, if she was able to. Ms. Donkle offered to provide the recording by e-mail, saying she has several of them.

• **Mike Heaton**, 5159 Harris Farm Road, Hickory NC, addressed Commission members. Along with what Ms. Hefner said, they live a considerable way away, probably a mile away from the property, and they can hear the music from there. About 2:00 in the morning on Saturday night, the music woke them up when they were in bed, and that goes on a lot. As the applicant described earlier, they own this property, and Mr. Heaton thinks a lot of people here agree that it is known as the neighborhood bar. But it is not a neighborhood bar, it is a place for unwanted type people that you do not want in your neighborhood, who come there to drink and do drugs. He thinks a lot of people here would agree with that.

Mr. McBrayer said that is hearsay and Mr. Heaton believes that, but asked him to stick to some evidence members could use to judge what they need to here.

Mr. Heaton said, okay, the concern he had is, with all these campers in that facility, what will their ability be for serving and having alcohol on that property. And as far as the horses are concerned, he had heard a lot about horses, but had heard nothing about where these horses are going to be kept or stalled. Are they going to be brought in trailers as people come in, or is this going to require having an on-site location to house the horses? And, is that something that falls into the proper jurisdiction of this property? These are things he would like this Commission to take into consideration. Also, if you would not want this in your neighborhood, they do not want it in theirs, and please take that into consideration. Mr. McBrayer thanked him.

• **Chue Hue Yang**, 5158 Timberwood Lane, Hickory NC, addressed Commission members. He thanked members for the opportunity, saying he moved into this community, where his property aligns with Mr. Pitts on the side, back in 2017. The first notice he received was the letter from the City of Hickory, so thank you for that. He was here tonight to listen to what the investors, or the applicants, had to say. It is well known that this is not a proposition, but an interest. At this point in time, the only interest he has is as an opponent. That is 16 versus 2.

Mr. Yang said his question was to (members) and the applicant. He is sure you all have families of your own. He has four (4) young kids. They play out in the backyard everyday, and with having this RV trailer park up against the back part of his property, he does have concerns about the safety of his children. Not only his children, but all of his neighbors, they also have children, and grandchildren, as well. Mr. Yang said his question to the applicant was, where you currently live now, on the property where you live, is there an RV Park or trailers where you live?

Mr. McBrayer thanked him, and offered the proponents an opportunity to cross-examine the witnesses.

Mr. Williams said answering his question was a repeat, but again, what the applicant is proposing, the due diligence was done, they have met with staff, they have gone through the process up to this point. Anything beyond this point is the permitting and design, not the due diligence as far as the requirements for this zoning. He did not want to say it was 16 against 2, because it is not; it is not that match up. They have met with staff, they have gone through the process to this point, and it is now up to this committee to determine. So, all the zoning issues, and as far as the health environmental issues, those will be handled, they have to (*inaudible*) as part of the approval process. All of those issues, in his opinion, are null and void, because they will be handled by the design process. Mr. McBrayer thanked him.

• **Rick Donkle**, 5377 D&H Farm Lane., Hickory NC, signed up to speak, but said he had nothing to add that had not already been said.

• **Roger Pitts**, 5178 Timberwood Lane, Hickory NC, addressed Commission members, saying his property adjoins their property, and he tries to be a good neighbor to them. He has never complained, but earlier someone referenced somebody's property tax was \$790,000 and that is him. So, what is this going to do to his property value? Next question, they downplay the trouble down there, and he has never complained. But during Covid, they were shut down for serving alcohol, all kinds of problems, and all anyone has to do is go look – it is out there. Just go look. He said the applicant said there had not been any trouble, but there is plenty of trouble. All you have to do is ask each person, individually. Mr. McBrayer thanked him.

No additional opponents were present to speak.

The proponents were provided 5 minutes for rebuttal.

PROPONENTS – REBUTTAL

Mr. McBrayer asked the proponents if they wanted to respond to anything that was brought up, and they declined.

Dr. Pekman asked if members could question the proponents. Ms. Dula advised Mr. McBrayer that they could, and the applicant returned to the podium.

Dr. Pekman said he wanted clarification, that there had been a lot of allegations about illegal activity, and the Sheriff being called, and Hickory City Police. **Mr. Deitz** said absolutely. Dr. Pekman said the ones he had heard the applicant confirm were for noise and a justifiable homicide. He asked if there are other times the Sheriff was called to his property. Mr. Deitz said only when they call about the music and, fortunately for him, he has the names of people who called; he had the Sheriff show him the names of people who called in, so that is how he knows. He has texts; he has social media screen shots of people in the neighborhood, things they have said. This is ridiculous; if you want to know the record of what has happened out there, everything is public information, and they know this. They can sit here and throw mud at him all day long. Dr. Pekman said, so the Sheriff or the HPD have never been down there to arrest someone for drunkenness or illegal drug use ... Mr. Deitz said no. Dr. Pekman said or prostitution, or for any kind of issue like that. Mr. Deitz said he had to laugh at that. Dr. Pekman said they were talking about criminal activity. Mr. Deitz said what do you mean, for prostitution? No. Dr. Pekman said the police had come, and they heard all these accusations ... Mr. Deitz said yes, because they do not like him; it is obvious by their comments. But if you want to know if anybody has been arrested, it is public record; it is public record. Whatever you want to know about his facility, it is out there for people to know, and he would think that a family style campground, this would be something they would embrace, because he knows they do not like them down there, and he does not even want to talk about that. But that is the fact of the matter; he is trying to bring something good to the community that he thought these folks would embrace, but no, he guesses they do not. So everything is public record, okay? Mr. McBrayer thanked him.

Mr. McBrayer said there would now be 5 minutes for rebuttal by the opponents who were signed up to speak.

OPPONENTS – SURREBUTTAL

• **Kathy Kea** said this might have already been answered and she may not have heard it, but is there any proposed timeframe for this to go on. She knows there are a lot of things that are going to be addressed, with regards to etc. etc., but how long are we talking about before this would start. When would it begin, and how long do they propose it might take, once it is approved, or if it is approved? McBrayer thanked her.

• **Berkley Canupp** said he would like to add that, over the last several years, everything that has been built down there has been non-permitted, it has not been inspected, there have been many structures built down there as well, structures that have encroached on ... Mr. McBrayer stopped him and asked if he knew that was a fact, did he have any substantial evidence of it. Mr. Canupp said yes, he had been in touch with the Hickory planning and zoning folks many times over the last couple of years. He had met with them out there when structures were being built up to the property line, and they were not obeying the setbacks, as well. Part of his point is that there are no rules; there are no laws for the applicant; everything that he does, they do pretty much blur the line and it spills over to everyone.

Mr. McBrayer stopped him, saying that was Mr. Canupp's opinion and speculation, and this is an evidentiary procedure. Mr. Canupp said exactly, and when you are not obeying zoning laws and building setbacks, you are blurring the line and that is just the way he sees it; you are not above the law and you are not being open.

Dr. Pekman asked Mr. Canupp if he was sure he met with the Hickory Planning Department, because this is not in the City limits. Mr. Canupp said no, it is not, but it is in the planning area, it always has been, all of his property has been for 25-years. He owns 25-acres over there, and he knows where it lays. He has had discussions about this

(going) back to Mayor MacDonald and all of them. When you own property in the ETJ and you are not in the City, you are not really recognized; you sort of have taxation without representation, so to speak. Not that he is paying City taxes, but he has to obey the City laws and rules. But he is not really in the City, this is something that has gone on for decades; these are things that they have dealt with. His family has been there – this was his grandfather's property, as well, and the property that he owns now goes back well over a hundred years. Mr. McBrayer thanked him.

Dr. Pekman asked Ms. Dula if members were allowed to question planning department staff about this assertion, specifically Mr. Frazier. She said yes, but not to close the hearing, and to finish this portion first.

- **Brad Weeks**, 2615 Rolling Ridge Drive, Hickory NC, had signed up to speak, but did not testify earlier. He said the man had mentioned the portion to the left, that he was not even sure they would build there. Well, if you are losing a third of your sites, what is the financial liability on this thing then. Mr. McBrayer thanked him.

- **Roger Pitts** said he wanted everyone in the room to realize that this is supposed to be harmonious under City of Hickory. Everybody is supposed to like it, but none of them like it. McBrayer thanked him.

- **Jeff Tice** said he wanted to make a point, as far as the facts in evidence. The area down by the river, all the way up to just about where that red line is (on the map) is in a floodplain. When they have storms, it increases the flooding of that entire area (*inaudible*). Mr. Hunt asked him to use the pointer to show the area he was referring to. Mr. Tice did so, saying this area is all in the floodplain, and he appreciated Dr. Pekman and Ms. Williams' environmental concerns, relative to the septic collection. He was not sure where that was going to be sitting, but he just wanted to make note that the area is hazardous, it does flood. McBrayer thanked him.

- **Peggy Hefner** asked if they still have the Frisbee golf permitted down there for late at night, saying those chains rattle real loud and it scares the older women near there who are outside. She was just wondering if they were going to get rid of the Frisbee golf. And, if there would be a fence in-between her property and their property, because ... she just wants (an answer) to those two questions. McBrayer thanked her.

PROPOSERS – REBUTTAL

Mr. McBrayer asked Mr. Dietz if he wanted to answer any of those questions, saying that he did not have to. Mr. Dietz declined.

- **Mr. Williams** (the engineer) returned to the podium. He said the gentleman noted it is a flood zone; that is not the area they will be building on, they cannot build there. And again, regulations and everything will be followed after this process. Again, the grievance that the gentleman had about the existing structures, that is, again, not this board. If you have a grievance about something that was built without a permit, the NC Contractors Licensing Board takes those complaints, and they investigate them. What the applicant is doing in this proposal, he is doing the due diligence and meeting with the City, meeting with Planning, meeting with County, and they, as the engineers, are on staff to design it according to Environmental, State, and City regulations. McBrayer thanked him.

Dr. Pekman said he was talking real fast, and Mr. Williams apologized. Dr. Pekman said there were so many accusations flying back and forth. This board is supposed to get the facts. Have you ever built a building that was unpermitted on this land? Mr. Williams said he could not speak to that. He is speaking to the facts, and anything built on this RV Park will be permitted. An existing structure, what they are referring to, is something that is already there. Dr. Pekman agreed, saying one of the other people made that accusation and he does not know how to evaluate that. Perhaps the gentleman behind him, Mr. Dietz, could explain.

- **Mr. Dietz** said yes, they do have a disc golf course on their property. The sport of disc golf covers a large area and there are a lot of obstacles that you have to create yourself. One of those obstacles is a wall, where you have a mandatory area you have to throw the disc through. They did build a structure over Mr. Canupp's line, who is his cousin by the way, and they did remove that structure. He believed it was Mr. Overby who came out and told them they had to build so far off his line. Basically, it is just four (4) posts with a roof on it, just for people to sit under,

like a rain shelter. Dr. Pekman asked if he had permits for it. Mr. Dietz said no, they were told they did not need a permit for that, (a permit) was only for a fence or something like that. Mr. McBrayer said he was just dealing with the setbacks. Mr. Dietz said yes, they removed that and any other structures that he is referring to, he does not know what he is talking about. McBrayer thanked him.

There were no further comments from the proponents.

OPPONENTS – SURREBUTTAL

An additional opponent was sworn in to testify.

• **Tom Parra**, 5205 Joseph Court, Hickory NC, addressed Commission members. He said these are his neighbors and he lives just south of the proposed area. This is the first time he has been here and he was also not aware of this (hearing) until very recently, so he could not investigate any more. His neighbors have given their evidence, or maybe not evidence, but at least their opinions and experiences, as well as asking many questions the applicant had not been able to fully or completely address and answer. So his question would be, why is all the information they need not available today, when the decision has to be made? Also, how can a decision for this permit be given today, with no health resolution or waste, fire, natural gas, and police?

Mr. Parra said, also, in the future, after a permit is given and a problem happens, would we be having the same answer as they heard today, that we are only renting to RV owners? Because right now, there are (other) issues, like loud music and stuff. And they will say, we are just renting this space, it is not us. So in the future, if a renter of this RV space causes some issues, crimes or whatever, would the answer be the same? Who would be accountable if they are just renting the space to someone else? Now, if the community does not like it right now, what gave the applicant the idea the community would embrace the RV Park (*inaudible*). Also, there was a question of how many campsites would there be, and he had very vaguely answered a different number from what was first presented. Mr. Parra thinks the return on investment has to be calculated well before today; an answer should have been provided today.

Mr. McBrayer said he wanted to ask a question of Mr. Frazier, because a lot of people had held up a piece of paper and said they did not know about this until they got that letter. He asked Mr. Frazier to share what the regulation is, and what the City does to go above and beyond the regulation, including when it went out, etc.

Planning Director Brian Frazier was sworn in.

• **Mr. Frazier** said, first of all, all of the adjoining property owners were sent a notice, according to the appropriate NC statutes. A sign was placed on the property, at the property entrance. Certain people have asked staff why (the sign) was not placed further up or down the road, or on Highway 127, but that is not per the statute; it has to be on the subject property in question. So staff sent the notices, it was on the City's website, they put a sign out (on the property), and on the past two (2) Fridays it was in the *Hickory Daily Record* newspaper, per the State statute. So the City went a bit above and beyond what the State requires, in terms of notification. And he was made aware of what has been on Facebook, he had known for close to a week.

Mr. McBrayer said the State regulation says to send out (notification) within 100-feet or so, and the City goes beyond? Mr. Frazier said to adjoining property owners. Mr. McBrayer said it states the City must do this, but staff does more than that. Mr. Frazier said it is also on the City website, which is not required under the State statute. But they do put out the sign and the legal notices of record, which go in the *Hickory Daily Record*, on the two (2) Fridays preceding the Planning Commission hearing.

Mr. Frazier addressed the gentleman's earlier comment about the ETJ, the (City's) Extra Territorial Jurisdiction, and that he would certainly agree with him. He could not refute his statements; it is something they deal with in Planning on a daily basis. So basically, with this property, County Building Services administers State Building Code; it would not necessarily be the Hickory Fire Department administering or overseeing State Fire Code. If

there is a law enforcement issue, it is not HPD sworn officers, it is the Catawba County Sheriff. If it is code enforcement, is not HPD Hickory Code Enforcement, it is County Code Enforcement. For land use planning and zoning issues, even though it is in the ETJ, it does come under his Department's jurisdiction for Planning. So the applicant mentioned that Mr. Overby, or someone in his office, had said something should be moved. That is not a structure, but the applicant did meet their recommendation and move such.

Dr. Pekman asked, if someone wanted to build something on this land, like that arbor, that would come under County? Mr. Frazier said if someone is looking at building something on property, whether it is residential or commercial, they have to get a City of Hickory Commercial or Residential Zoning Permit, if it is in the City or in the ETJ. Dr. Pekman said zoning, but what about the actual structure. Mr. Frazier said the actual structure would come under Catawba County Building Services. Dr. Pekman said (Mr. Frazier) would have no knowledge of any unpermitted buildings, is that what you are saying? Mr. Frazier said he would need to check their files, and if it was not in their files, it would be under the County. He said, again, this would be more of a County Code Enforcement issue than a Planning jurisdiction issue. Dr. Pekman said that part he gets, but the assertion made was there were unpermitted buildings on the land, and Mr. Frazier would have never known it. Mr. Frazier said right, that he believed he had not personally spoken with anyone (here) about this. McBrayer thanked him.

• **Robin Donkle** asked to reiterate that (the applicant) said he wanted to meet with the neighborhood, and she was pretty sure that no one in the neighborhood got any type of invitation like that. No one made a point to make sure that all these residents in the neighborhood knew that he was even planning this, much less getting to this point where there was a hearing to issue a permit for it. So, she was just speaking for all the residents; she knows for a fact that her aunt received nothing. And just because you put something in the *Hickory Daily Record*, does not mean everyone gets the newspaper; just because you list something on Facebook, does not mean everyone has Facebook. McBrayer said members understood her point, and thanked her.

There were no further comments from the opponents.

Mr. McBrayer declared the Public Hearing was closed. He asked for discussion by members on Special Use Permit 23-03, conversation or questions, or a motion to approve or deny the petition. He reminded members it is a Special Use Permit with a roll call vote, and they would be voting individually, substantiating the reasons for their vote, using the criteria and testimony presented here this evening.

Mr. McBrayer requested a motion to approve or deny the Special Use Permit.

Bill Pekman moved, seconded by Anne Williams, **to deny** Special Use Permit (SUP) 23-03. Mr. McBrayer asked if there was any further discussion on the motion. Hearing none, he brought the motion to a vote.

Mr. Hedrick voted in favor of the motion to **deny** SUP 23-03, as half of the seven (7) Special Use Permit criteria were not met to his satisfaction, specifically #3, #4, #5, and #6.

Ms. Williams voted in favor of the motion to **deny** SUP 23-03, agreeing with Mr. Hedrick in finding issues with #3, #4, and #5 of the Special Use Permit criteria.

Rev. Johnson voted in favor of the motion to **deny** SUP 23-03, based on issues with Special Use Permit criteria #3, #4, and #5.

Mr. McBrayer voted in favor of the motion to **deny** SUP 23-03, based on testimony, the staff report, specifically #3 and #4 of the Special Use Criteria, and having not heard the proponent describe a solid business plan.

Dr. Pekman asked to say a couple of things. Number one, he visited this land, and spent at least an hour and a half driving around to get a lay of the land, which he thought was important. They heard a lot of assertions tonight, and members could not adequately decide if those were valid or invalid; some of them probably are not. But what bothers him the most is that these plans are ill defined, and on questioning the engineer and the applicant, only after

extensive questioning did he get some appreciation of what they are going to do with sewage and other problems, and it is sitting next to an environmentally sensitive area. He would have never come before this board without having that resolved. He served on the Environmental Health Committee for the County. That is an important point for this project, and they have no answer for that. You have no answer for the rules for occupancy and he could not find it on the site plan. They do not know how many sites they are going to have, and are not even sure they are going to build on area three. You drive off those roads, you come down Fleetwood Road and turn to the right, those are not large roads, and you are sitting there with a daycare on the corner. And perhaps one of the greatest problems is egress and ingress (using) one road. He cannot believe that that will not cause concern for fire and safety. Lastly, when you look at the land, at the housing development next to it, these are well-maintained homes. They are large homes that sit on large lots; the neighbors obviously take a tremendous amount of pride. He cannot, by any stretch of his imagination, find how an RV Park would be compatible with the surrounding development, and voted to **deny** SUP 23-03.

Mr. Hunt voted in favor of the motion to **deny** SUP 23-03, based on Special Use Criteria #3, #4, and #5.

Planning Commission member **Philip Reed** was called away and left the meeting at 6:55 pm. He did not return and was not present to vote.

Mr. McBrayer said a decision was made to deny Special Use Permit 23-03. He clarified that this was a Special Use Permit and the members' decision would stand. The applicant has a 30-day window to appeal the decision to the Superior Court in Newton, if so desired. This will not go to Hickory City Council like typical zoning requests do, this body has the final say so on it. He appreciated everyone coming out for the hearing, and thanked them for being cordial and courteous.

Mr. McBrayer called for a 5-minute recess before the next hearing.

2. Text Amendment 23-02.

Various amendments to Articles 2, 3, 4, 6, 7, 8, 9, 10, 12, and 14 of the Hickory Land Development Code (zoning and development ordinance). Amendment reflects the annual review of said ordinance.

Bill McBrayer reconvened the meeting at 8:20 pm and opened the public hearing for Text Amendment 23-02.

Planning Manager **Cal Overby** presented the staff report and referred to PowerPoint slides. He reviewed slide #17 (Text Amendment 23-02), saying his presentation reflected changes made over the past year.

- Applicant: City of Hickory
- Request: Consideration of Text Amendment 23-02
- Annually, Planning and Development staff conducts a review of the City's Land Development Code to identify modifications needed or required to maintain the document's legality and effectiveness.

Mr. Overby reviewed slide #18 (Text Amendment 23-02).

- Article 2 – Development Review Procedures
 - Notice requirements to comply with NC General Statutes.
 - Notice matrix to reflect notices required for specific actions.
 - Update building permit and vested rights duration and requirements.
 - Deleted unnecessary verbiage regarding subdivisions covered in other section of the document.
- Article 3 – Base Zoning Districts
 - Revised to modify how residential building code is referenced, as recent state legislation changed in this way.

Dr. Pekman asked Mr. Overby if his presentation was a review of the summary provided to members in their agenda packet, and Mr. Overby said yes.

Slide #19 (Text Amendment 23-02).

- Article 4 – Overlay Zoning Districts
 - Change reference residential code as previously discussed.
 - Water-supply Watershed revised to comply with new state rules.

Mr. Overby said the most significant change here was made to the Water-supply Watershed code (Section 4.5). Revisions to this section are required by the NC Department of Environmental Quality (NCDEQ). The rules for regulating development within designated water-supply watershed were revised, and a new model ordinance was produced. These revisions were incorporated into the current language, reviewed, and approved by NCDEQ.

- Article 6 – Use Regulations
 - Add food truck as listing in use table
 - Further strengthen requirements governing location and operation of group living facilities and add boarding houses to use table.
 - Eliminate reference to R-4 in Mobile Home Parks.
 - Provide development standards for food truck courts.

Dr. Pekman asked if a food truck was required to operate in a Food Truck and Trailer Court. Mr. Overby said no, and explained what is required.

Slide #20 (Text Amendment 23-02).

- Article 6 – Use Regulations (continued)
 - Moved accessory building height standards to Article 7.
 - Eliminated prohibition of fences greater than 4-feet in height in front yards.
 - Provide for larger accessory dwelling units and building code reference.
 - Revise permit requirements for food trucks.
- Article 7 – Intensity Dimensional and Design
 - Reduced lot widths in R-3 and R-4 districts.
 - Revised additional setback requirements for multi-family development.
 - Footnote changed to indicate rear setbacks do not apply to when party walls are used.

Slide #21 (Text Amendment 23-02).

- Article 8 – Subdivision Standards
 - Revised to eliminate fee in-lieu requirement for sidewalk installation. Sidewalks required when existing network is in place.
- Article 9 – Standards of General Applicability
 - Eliminate required dumpster enclosure when not visible.
 - Require parking lot landscaping in parking lots associated with one and two family development.
 - Eliminate calculations for determining vegetation credit.
 - Clarify mechanical equipment serving one and two family development is not required to be screened.
 - Increase spacing for trees and shrubs around parking lots.
 - Eliminated medians in larger parking lots.
 - Move fence regulations to Article 6.

Mr. Overby said a couple of the above changes would eliminate unnecessary development costs. Mr. McBrayer asked if dumpster enclosures are used to reduce their unsightly appearance, or are the enclosures used to catch trash falling out of the dumpster. Mr. Overby said it was intended to be the former, but is probably for both; the original intent was for the esthetic purpose. As an example, he said a dumpster installed behind a shopping center would not

be seen by anyone, so no one would complain about it. The enclosure would cost money to build, but since the dumpster is not visible, it is not necessary. Therefore, Section 9.6 has been revised.

Regarding the elimination of medians in larger parking lots (Section 9.13.7), Ms. Williams asked if it would make more sense to have something to replace them with, before they eliminate something that might not work as well as it should. Should the medians be eliminated and there be absolutely nothing, or should they be eliminated and replaced with something else? Mr. Overby said that was a good question, and staff could look into revising this. If the Commission would like staff to hold off and not push this particular portion forward to Council, staff would have no problem with re-addressing it and coming back with an alternative later on. He said they were trying to identify things they know of that have not worked in the past. But again, they could hold off and do a deeper dive into it if the Commission desires.

Slide #22 (Text Amendment 23-02).

- Article 10 – Signs
 - Revised to reference Engineering Manual of Practice.
 - Inclusion of graphic examples of sign types.
 - Revised to clarify construction signs must conform to sign specifications.

Mr. McBrayer said members discussed feather flags during their previous Commission meeting in September. He specifically noted the 60- or 90-days that violators are allowed, before they are required to come into compliance. He said feather flags are often displayed on the weekends; there is one code enforcement officer in Hickory, but he does not work on weekends. It seems like a frivolous rule; these flags were banned a few years ago, but it is not being enforced. It does not make a lot of sense to him, personally. Members noted a few businesses they have observed regularly displaying feather flags, some of which are displayed all week long.

Mr. McBrayer asked if this could be addressed, possibly by doing away with the City’s policy, because many people do not adhere to it. Some do, but a lot do not, especially on Sundays. Mr. Overby asked if he meant all small signs, including yard signs, or which specific signs. Mr. McBrayer said he was only discussing feather flags. Mr. Overby said, theoretically, they could add feather flags to how banners are handled, that there is a section of Hickory’s sign code that addresses banners. A banner can be displayed for a temporary purpose, whether it is a going out of business sale, an invitation to a specific event, etc. Mr. McBrayer said that would be fine, and Mr. Overby said feather flags could be added to that section, which would make it a temporary sign.

Dr. Pekman asked if it could be changed so they would not be allowed 60-days to comply; instead, they would be required to take it down before 60-days had passed. Mr. Overby said it could be permitted for x-amount of days. Dr. Pekman said he thought what Mr. McBrayer meant was, “If we are not going to enforce it, then we should just forget about it; but if we are going to do it, we need a way to actually do it.”

Mr. McBrayer said the allowed timeframe of 60- or 90-days is a problem, and that Mr. Frazier had discussed the required procedure with members in detail last month, so Mr. McBrayer was referencing what he had said. Mr. Overby said, as with the medians discussed earlier, that if feather flags are something the Commission would like staff to re-address, then they could certainly do so. Dr. Pekman said he sees those flags all the way down a particular street and has taken photos of them for Mr. Frazier, but nothing changes. Either you enforce it, or not.

Mr. McBrayer agreed with Mr. Overby’s suggestion for members to request staff re-address the City’s policy on feather flags. Mr. Overby said Mr. Frazier would definitely be included in the discussion.

- Article 12 – Nonconformities
 - Eliminate opportunity to replace non-conforming mobile homes in districts where they are not permitted.
 - Address signs located on properties where the businesses they are advertising has since closed or relocated.

- Article 14 – Definitions
 - Revise definition of non-traditional residences to clarify building code standards and add definition for food truck court.

Dr. Pekman noted a situation that came before the Board of Adjustment a few years ago, regarding benches with paid advertising on them, and the owner was told to remove all of his benches. He asked if this was a reasonable concern for members. Mr. Overby said if there is a list of things the Commission would like staff to look at, they could send them a list and they will do it. That is part of the Commission’s purview; they can also advise staff of activities they want pursued. If the Commission wants to do this, or anything else, send them a list and they will investigate it. Dr. Pekman said one of the “advertisement benches” had been at Checker’s in Viewmont, and Mr. Frazier had received one complaint, so this man, who had been in business for many years, had to remove all of his benches. Dr. Pekman did not understand having to throw someone out of business because one citizen lodged a complaint. He would like for staff to re-visit this issue, too. Mr. Overby said yes, if the Commission would like staff to look into, all they need to do is tell them. And if there are other issues, in addition to the three addressed here, please let the staff know.

Mr. Overby reviewed slide #23 (Findings & Recommendation).

- **Findings**
 - Staff conducted a review of the Hickory Land Development Code, and provided amendments deemed necessary to continue the document’s purpose as an implementation tool for the Hickory by Choice 2030 Comprehensive Plan.
- **Recommendation**
 - Staff has found Text Amendments 23-02 to be consistent with the Hickory by Choice 2030 Comprehensive Plan, and recommends the following:
 - The Planning Commission move to affirm the text amendment’s consistency with the Hickory by Choice 2030 Comprehensive Plan; and
 - Forward a recommendation of approval to Hickory City Council.

M. Overby said staff recommends approval of this request. There were no further questions from Commission members.

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

No one signed up to speak, either in favor or in opposition, and no one was present in the audience who might be interested in speaking.

PROPOSERS

None

OPPOSERS

None

Mr. McBrayer closed the public hearing. He asked for discussion or additional questions on Text Amendment 23-02. Hearing none, he asked for a motion to approve or deny the request.

Ms. Williams said she spoke for all members in thanking staff for their attention to detail in conducting their annual review of the City’s Land Development Code.

Anne Williams moved, seconded by Bill Pekman, that the Planning Commission finds Text Amendment 23-02 to be consistent with the Hickory by Choice 2030 Comprehensive Plan and, with the exception of feather flags,

medians and benches, members recommend the remaining portion of the amendments to Hickory City Council for their consideration and approval. By a show of hands, the motion carried unanimously.

Other Business:

1. Consideration of Consolidation of November and December Meetings.

Mr. McBrayer said the Planning Commission regularly meets on the fourth Wednesday of the month, and members do not normally meet during the holiday weeks of November or December. Typically, a combined meeting is held on the first Wednesday in December, which would be December 6th this year.

Bill McBrayer moved, seconded by Sam Hunt, to combine the November and December regular meetings of the Hickory Regional Planning Commission on Wednesday, December 6, 2023, at 6:00 pm. By a show of hands, the motion carried unanimously.

Next Meeting: The next meeting will be on Wednesday, December 6, 2023, at 6:00 pm.

Adjourn: There being no further business, the meeting adjourned at 6:55pm.

Bill McBrayer, Chair
Hickory Regional Planning Commission

Anne Starnes, Minutes Clerk
City of Hickory

**CITY OF HICKORY
APPLICATION FOR REZONING (NON PD OR CZ)**

DATE SUBMITTED: 10-5-2023

**TO THE PLANNING COMMISSION AND THE CITY COUNCIL OF THE CITY OF
HICKORY, NORTH CAROLINA:**

I (We), the undersigned, do hereby respectfully make application and petition to amend the Zoning Map of the City of Hickory, as hereinafter requested, and in support of this application, the following facts are shown of the application and all required materials):

1. The property proposed to be rezoned is located on Robinson Road
between Fisher Street and Wakefield Drive.

PIN NO. (S): 371114344769, 371110452075, 371114442597, & 371114348055

Physical (Street) Address: 2239 Robinson Road

2. The property is owned by: (please print) Michael Edward Pollard
(Attach a copy of the most recent deed, contract for purchase or other legal interest demonstrating an interest in the property.)

Owner Information:

Name: Michael Edward Pollard

Address: 9032 Coatbridge Dr., Oxford, MS 38655

Phone Number: _____

Email Address: _____

3. The petition is submitted by: Prestige Acquisitions, LLC

(If the Petition is submitted by someone other than the owner, a letter from the owner(s) authorizing the agent to act on his or her behalf must be submitted with the application. This authorization must be signed and notarized by all owners having an interest in the subject property.)

Agent Information:

Name: Alex Bonda alex.bonda@prestigecorp.com

Address: 7224 Jameson Way, Stanley, NC 28164

Phone Number: 803-979-7172

4. It is desired and requested that the foregoing property be REZONED:

FROM: R-1 TO: R-2

5. Please list the current use(s) of the property: Residence, mostly wooded and vacant

5. OWNER'S AFFIDAVIT

We, the undersigned owner(s), hereby certify that the information contained herein and submitted in support of this application is true and correct.

Michael Edward Pollard
Printed Name of Owner

[Handwritten Signature]
Signature of Owner

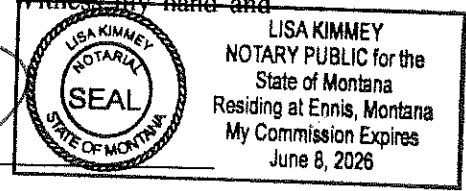
(Please choose the appropriate notary block)

State of Montana - County of Madison

I, the undersigned Notary Public of the County and State aforesaid, certify that Michael Edward Pollard personally appeared before me this day and acknowledged the due execution of this foregoing instrument for the purposes expressed herein. Witness my hand and Notarial stamp or seal, this 12th day of September, 2023.

My Commission Expires: 6-8-2026

[Handwritten Signature]



Notary Public

State of North Carolina - County of _____

I, the undersigned Notary Public of the County and State aforesaid, certify that _____ personally came before me this day and acknowledged the he / she is the _____ of _____ corporation / limited liability corporation / general partnership / limited partnership (strike through the inapplicable), and that by authority duly given and as the act of such entity he /she signed the foregoing instrument in its mane on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this _____ day of _____, 20____.

My Commission Expires: _____

Notary Public

This Application must be submitted to the Planning Department by 5:00 p.m. on the last regular working day of the month preceding the meeting at which it is to be considered by the Planning Commission. Only complete applications will be accepted.

CITY OF HICKORY
APPLICATION FOR REZONING (NON PD OR CZ)

DATE SUBMITTED: 10-25-2023

TO THE PLANNING COMMISSION AND THE CITY COUNCIL OF THE CITY OF HICKORY, NORTH CAROLINA:

I (We), the undersigned, do hereby respectfully make application and petition to amend the Zoning Map of the City of Hickory, as hereinafter requested, and in support of this application, the following facts are shown of the application and all required materials):

1. The property proposed to be rezoned is located on Robinson Road
between Fisher Street and Wakefield Drive

PIN NO. (S): 371114344769, 371110452075, 371114442597, & 371114348055

Physical (Street) Address: 2239 Robinson Road

2. The property is owned by: (please print) Michael Edward Pollard & Kem K Pollard

(Attach a copy of the most recent deed, contract for purchase or other legal interest demonstrating an interest in the property.)

Owner Information:

Name: Kem K Pollard

Address: 9032 Coatbridge Drive Oxford, MS 38655

Phone Number: 901-413-2703

Email Address: kkpollard@bellsouth.net

3. The petition is submitted by: Prestige Acquisitions, LLC

(If the Petition is submitted by someone other than the owner, a letter from the owner(s) authorizing the agent to act on his or her behalf must be submitted with the application. This authorization must be signed and notarized by all owners having an interest in the subject property.)

Agent Information:

Name: Alex Bonda

Address: 7224 Jameson Way, Stanley, NC 28164

Phone Number: 803-979-7172

4. It is desired and requested that the foregoing property be REZONED:

FROM: R-1 TO: R-2

5. Please list the current use(s) of the property: Residence, mostly wooded and vacant

5. OWNER'S AFFIDAVIT

We, the undersigned owner(s), hereby certify that the information contained herein and submitted in support of this application is true and correct.

Kem K Pollard
Printed Name of Owner

Kem K. Pollard
Signature of Owner

(Please choose the appropriate notary block)

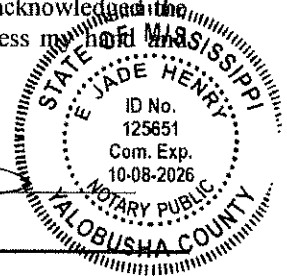
State of MS - County of Yalobusha

I, the undersigned Notary Public of the County and State aforesaid, certify that Kem K. Pollard personally appeared before me this day and acknowledged the due execution of this foregoing instrument for the purposes expressed herein. Witness my hand and Notarial stamp or seal, this 11 day of October, 2023.

MY COMMISSION EXPIRES OCTOBER 8, 2026

My Commission Expires: _____

[Signature]
Notary Public



State of _____ - County of _____

I, the undersigned Notary Public of the County and State aforesaid, certify that _____ personally came before me this day and acknowledged the he / she is the _____ of _____ corporation / limited liability corporation / general partnership / limited partnership (strike through the inapplicable), and that by authority duly given and as the act of such entity he /she signed the foregoing instrument in its mane on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this _____ day of _____, 20 _____.

My Commission Expires: _____

Notary Public

This Application must be submitted to the Planning Department by 5:00 p.m. on the last regular working day of the month preceding the meeting at which it is to be considered by the Planning Commission. Only complete applications will be accepted.

FILED	Jul 20, 2018
AT	11:02:00 AM
BOOK	03463
START PAGE	0608
END PAGE	0611
INSTRUMENT #	12058
EXCISE TAX	\$5.00

**NORTH CAROLINA GENERAL WARRANTY DEED
(Joint Tenants with Right of Survivorship)**

Excise Tax: \$5.00

Parcel Identifier No. 3711-14-44-2597; 3711-10-45-2075; 3711-14-34-4769; 3711-14-34-8055 Verified by _____
County on the ____ day of _____, 20____
By: _____

Mail/Box to: Casey W. Pope, Patrick, Harper & Dixon LLP, PO Box 218, Hickory, NC 28603This instrument was prepared by: Casey W. Pope, Patrick, Harper & Dixon LLP, PO Box 218, Hickory, NC 28603Brief description for the Index: 2239 Robinson Road, Newton and three adjacent tracts off Robinson Road

THIS DEED made this 18th day of July, 2018, by and between

GRANTOR

Ruth Bolick Pollard, widow
2239 Robinson Road
Newton, NC 28658

GRANTEE

Ruth Bolick Pollard, widow
2239 Robinson Road
Newton, NC 28658

Michael Edward Pollard, married
4585 Walnut Grove
Memphis, TN 38117

As joint tenants with right of survivorship, and not as tenants in common, and in the following properties: to Ruth Bolick Pollard, a 99% undivided interest, and to Michael Edward Pollard, a 1% undivided interest.

Enter in appropriate block for each Grantor and Grantee: name, mailing address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantees, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantees in fee simple, as joint tenants with right of survivorship, and not as tenants in common, a 99% undivided interest unto Ruth Bolick Pollard and a 1% undivided interest unto Michael Edward Pollard, in that certain lot or parcel of land situated in Hickory Township, Catawba County, North Carolina and more particularly described as follows:

Tract 1 (PIN 3711-14-44-2597)

BEGINNING in the Robinson Road, opposite the Catalpa Tree and runs with the road North 15-3/4° West 210 feet to a stake in the road; thence Southwest between two white oak trees growing from same stump, 420 feet to a stake; thence South 15-3/4° East 210 feet to a stake; thence parallel with the North line to the BEGINNING, containing two acres, more or less, and known as the George W. Bolick home place.

Being the same property as indicated in the Deed recorded in Book 1202, Page 373, Catawba County Registry. For further reference to chain of title, see the Deed recorded in Book 1202 Page 373, Catawba County Registry.

Tract 2 (PIN 3711-10-45-2075)

BEGINNING at a stake in the Southern line of Glenn Miller, on the Western edge of the Robinson Road, at a power pole, which point is 412 feet from the old corner, and runs thence with the Western edge of said Road, South 15° 45' East 100 feet to a stake, a new corner; thence a new line, North 81° 30' West 200 feet to a stake, another new corner; thence North 15° 45' West 100 feet to a stake in the Southern line of Glenn Miller's property; thence with his said line South 81° 30' East, 200 feet to the point of Beginning.

Containing 0.42 acres.

Being a parcel of land located in the North East part of the 44-1/2 acre tract described in that certain deed executed by George W. Bolick to the Grantor herein dated the 28th day of August, 1957, and recorded in Book 554 at page 189 in the Catawba County Registry, to which deed, reference is made for a partial chain of titles.

For further reference to chain of title, see the Deed recorded in Book 1125 Page 968, Catawba County Registry.

Tract 3 (PIN 3711-14-34-4769)

BEGINNING on a light pole on the West edge of Robinson Road 412 feet from the old corner, and runs with new lines the following courses and distances: North 81 1/2° west 706 feet South 86° West 339 feet to an iron stake, West 217 feet to an iron stake, South 77° West 945 feet to a dogwood, an old corner; thence with the old line South 9° East 44 poles to a Walnut, O B Cline's corner; thence with his line South 82° E 400 feet to a stone, O B Cline and George W. Bolick's corner of his 2-7/10th acres tract; thence South 59° East with the 2-7/10th Acre tract 33 poles to a stone in George W. Bolick's line; thence North 7° East with the old line (now R.L. Bolick) 270 feet to a stake, corner of 16 1/2 acre tract sold to R L Bolick; thence with his line North 80° East 1370 feet to a stake on West edge of Robinson Road; thence with the said road North 9 1/2° West 190 feet to an iron stake opposite a Catalpa tree; corner of the 2 acre dwelling house tract; thence South 65° West with the said tract 420 feet to an iron stake; thence North 15° 45' West with the said line 210 feet to an iron stake; thence North 65° East with the said line of the 2 acre tract 420 feet to an iron stake on the West edge of Robinson Road; thence with the road North 15° 45' West 348 feet to the light pole, the beginning corner, and containing 44 1/2 acres, more or less.

For further reference to chain of title, see the Deed recorded in Book 638 Page 524, Catawba County Registry.

Tract 4 (PIN 3711-14-34-8055)

BEGINNING on a pine stump, Fisher's corner and runs North 70° East 31 1/2 poles to a stone, J.T. Cline's corner; thence South 87° East 61 1/2 poles to a stone in Robinson road; thence with said road North 6 1/2° West 29 1/2 poles to a stake in the road; thence with the Road North 9 1/2° West 9 1/2 poles to a stake; thence South 80° West with a new line 1370 feet to a stake in the old line and Fisher's line; thence South 7° West with old line 530 feet to the BEGINNING, AND containing 16 1/2 acres, more or less.

From the above description is excepted a lot of land heretofore conveyed by George W. Bolick and wife, L.S. Bolick, which is known as the Whitener lot, facing on the Robinson Road.

For further reference to chain of title, see the Deed recorded in Book 570 Page 481, Catawba County Registry.

Grantor acquired the above referenced property by Deed recorded in Book 3463, Page 470, Catawba County Registry.

All of the property herein conveyed *does* include the primary residence of Grantor.

THE PREPARER OF THIS INSTRUMENT DID NOT SEARCH OR CERTIFY TITLE.

TO HAVE AND TO HOLD said undivided interest in and to the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantees in fee simple as joint tenants with right of survivorship, and not as tenants in common, in the following properties: To Ruth Bolick Pollard a .99% undivided interest, and to Michael Edward Pollard a 1% undivided interest.

And the Grantor covenants with the Grantees, that the Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, as joint tenants with right of survivorship, that title is marketable and free and clear of all encumbrances, and that the Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions:

1. All easements, restrictions, and rights-of-way of record; and
2. Any local, county, state or federal laws, ordinances or regulations relating to zoning, environment, subdivision, occupancy, use, construction, or development of the subject property, including existing violations of said laws, ordinances, or regulations.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

GRANTOR:

Ruth Bolick Pollard (SEAL)
Ruth Bolick Pollard

GRANTEES:

Ruth Bolick Pollard (SEAL)
Ruth Bolick Pollard

Michel Edward Pollard (SEAL)
Michel Edward Pollard

#997441

State of North Carolina

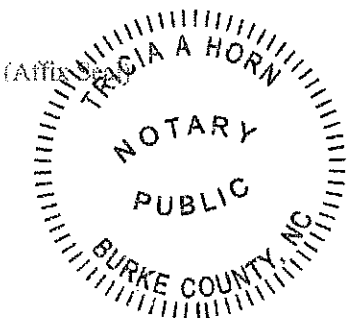
County of Catawba

I, the undersigned Notary Public of the County and State aforesaid, certify that **Ruth Bolick Pollard**, personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this 18th day of July, 2018.

My Commission Expires: 11/24/2020

Tracie A. Horn
Notary Public

Tricia A. Horn
Notary's Printed or Typed Name



State of North Carolina

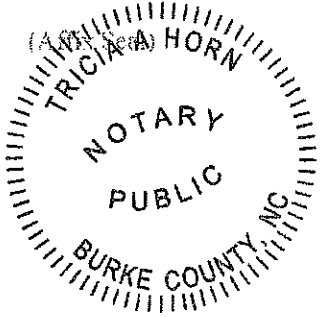
County of Catawba

I, the undersigned Notary Public of the County and State aforesaid, certify that **Michael Edward Pollard**, personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this 18th day of July, 2018.

My Commission Expires: 11/24/2020

Tricia A. Horn
Notary Public

Tricia A. Horn
Notary's Printed or Typed Name

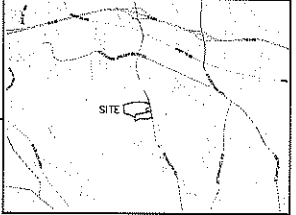


WEB

Curve Table					
Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	347.10'	4882.64'	4.07°	S15°35'20"E	347.03'
C2	211.01'	5379.80'	2.26°	S11°13'04"E	210.99'
C3	111.30'	2546.35'	2.50°	S8°32'09"E	111.30'

CERTIFICATE OF SURVEY AND ACCURACY:
 I, MALCOLM A. WRIGHT, CERTIFY THAT THIS PLAN WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION THAT THE DIMENSIONS NOT SURVEYED ARE CLEARLY INDICATED BY INFORMATION FURNISHED TO ME BY THE OWNER. THAT THE RATIO OF PRECISION AS CALCULATED IS FIVE THOUSAND TO ONE (5000:1). IN WITNESS WHEREOF, I HAVE HEREON SET MY HAND AND SEAL AT WASHINGTON, NORTH CAROLINA, THIS 22ND DAY OF SEPTEMBER, A.D. 2025.

Malcolm A. Wright
 SURVEYOR LICENSE NUMBER 15558

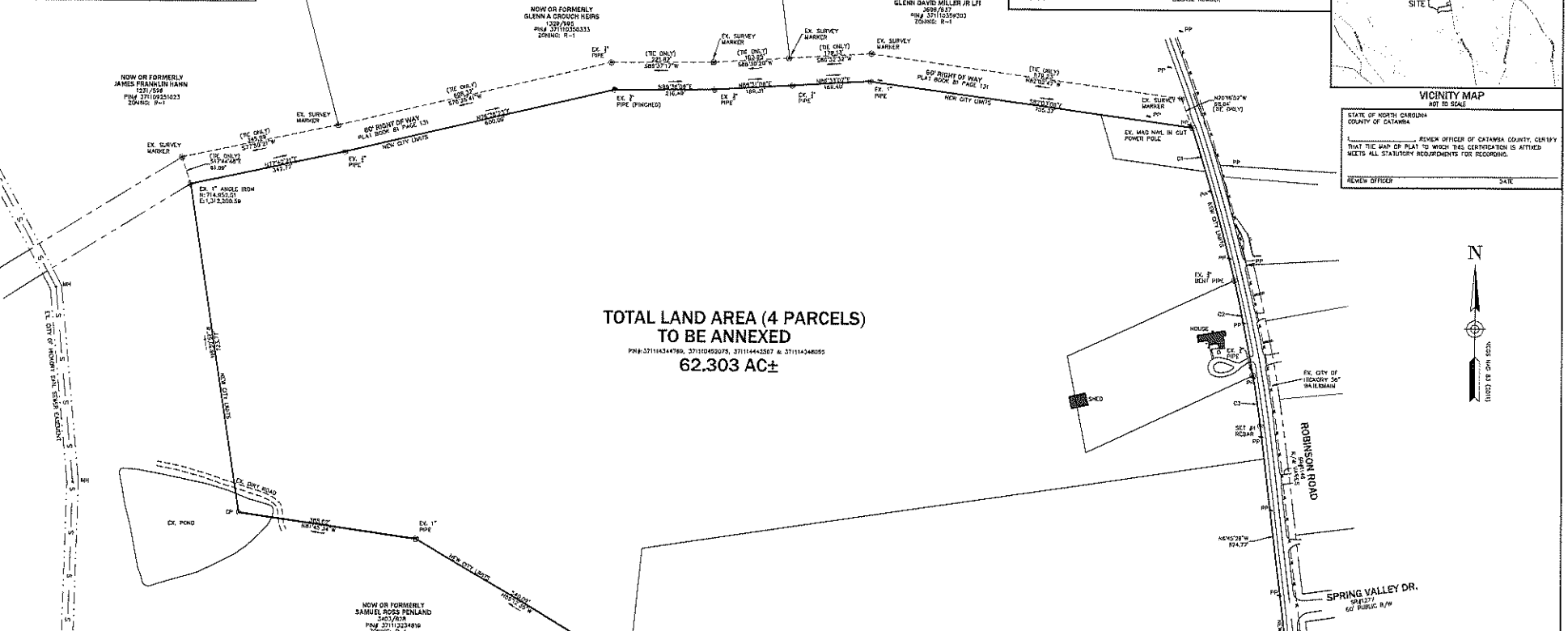


VICINITY MAP
 1" = 100' SCALE

STATE OF NORTH CAROLINA
 COUNTY OF CATAWBA

REVIEW OFFICER OF CATAWBA COUNTY, CERTIFY THAT THE MAP OF PLAT TO WHICH THIS CERTIFICATION IS ATTACHED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

REVIEW OFFICER: _____ DATE: _____



**TOTAL LAND AREA (4 PARCELS)
 TO BE ANNEXED**
 62.303 AC±

PNP# 37111434789, 371110452075, 371114442507 & 37111434855

IF THIS SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECONSTRUCTION OF EXISTING PARCELS, A COMPILED SURVEY, OR OTHER REVISION OR EXCEPTION TO THE DEFINITION OF SURVEYING.

Malcolm A. Wright
 ALL LICENSE NO. = L-15256

SATELLITE ANNEXATION
 BY THE
CITY OF HICKORY
 KNOWN AS THE
POLLARD PROPERTY
 CITY OF HICKORY
 HICKORY TOWNSHIP, CATAWBA COUNTY
 NORTH CAROLINA

SEPTEMBER 22, 2025

62.303 ACRES IN TOTAL AREA

AREA BY DOUBLE MERIDIAN DISTANCE:
 HICKORY TOWNSHIP
 CATAWBA COUNTY, NORTH CAROLINA
 CURRENT OWNER: WIGOLD EDWARD POLLARD
 12 THE WOOD BOND
 CAMERON, UT 84720

ZONING CLASS: R-1
 PNP# 37111434789, 371110452075, 371114442507 & 37111434855
 DEDD: 2483/808

1. THIS PROPERTY MAY BE SUBJECT TO EXISTING EASEMENTS AND/OR E.P.'S, RECORDED OR UNRECORDED, OBSERVED OR UNOBSERVED, AND NOT SHOWN ON THIS PLAN.
 2. THIS SURVEY IS BASED UPON EXISTING PHYSICAL EVIDENCE AND OLD DEEDS.
 3. A REBAR SET AT EACH CORNER UNLESS OTHERWISE NOTED

NORTH CAROLINA
 COUNTY OF CATAWBA

THE PROPERTY ON THIS PLAN WAS FULLY APPROVED FOR ANNEXATION BY THE CITY COUNCIL OF THE CITY OF HICKORY ON THE 24TH DAY OF SEPTEMBER 2025 AND ITS ORDINANCE FULLY ADOPTED AND ENTERED AND THIS MAP IS HEREBY ORDERED TO BE RECORDED IN ACCORDANCE WITH NC25 6601-20.

BY: _____
 MAYOR, CITY OF HICKORY

ATTEST: _____
 CITY CLERK

DATE: _____

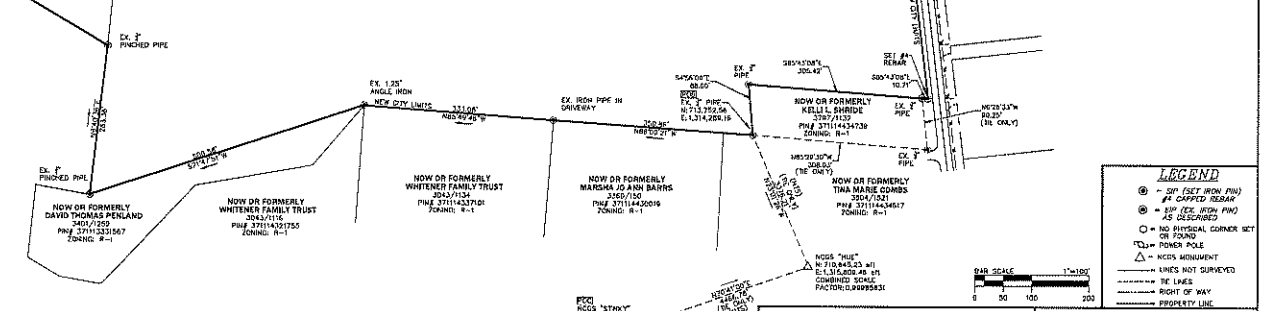
NORTH CAROLINA
 CATAWBA COUNTY

_____ A NOTARY PUBLIC IN AND FOR THE SAID COUNTY AND STATE DO HEREBY CERTIFY THAT _____, MAYOR OF THE CITY OF HICKORY AND _____, CITY CLERK FOR THE CITY OF HICKORY PERSONALLY APPEARED BEFORE ME THIS DATE AND ACKNOWLEDGED THE EXECUTION OF THE FOREGOING INSTRUMENT.

WITNESS MY HAND AND NOTARY SEAL, THIS _____ DAY OF _____, 2025.

MY COMMISSION EXPIRES: _____

BY: _____
 NOTARY PUBLIC



LEGEND

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- ⊙ - 1" (SET IRON PIN)
- ⊙ - 1 1/2" (SET IRON PIN)
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- ⊙ - 980" (SET IRON PIN)
- ⊙ - 1000" (SET IRON PIN)

WRIGHT & ASSOCIATES
 ENGINEERS & SURVEYORS
 LICENSE # C-4653
 209 1ST AVE. SOUTH
 CUMBER, NC 28613

808) 465-2205 OFFICE

SURVEYED BY: MALCOLM A. WRIGHT, PLS.
 LICENSE NUMBER 15558

DRAWN BY: WAH DATE: SEPTEMBER 22, 2025

APPROVED BY: WAH DATE: 1577-002

SCALE: 1" = 100'

REVISION:

REZONING ANALYSIS

PETITION: 23-07

APPLICANT: City of Hickory

OWNERS: Micheal Edward Pollard

PROPERTY LOCATION: 2239 Robinson Road

PIN: 371110452075, 371114344769, 371114442597, 371114348055

WARD: Upon annexation, these properties will be located in Ward 4 (Councilman Freeman).

ACREAGE: 62.873 acres.

REQUESTED ACTION: Rezone the properties from R-1 Residential to R-2 Residential.

BACKGROUND: The properties are currently located within the City's extra-territorial jurisdiction (ETJ) and zoned R-1 Residential. The properties are used largely for agricultural uses, but contain one single-family dwelling. The properties are in the process of being annexed.

DEVELOPMENT POTENTIAL: The 62.873 acre property is zoned R-1 Residential. This district permits residential uses (single and two family) at maximum density of 2 dwelling units per acre, which could potentially produce up to 125 new dwelling units.

The requested R-2 Residential district permits residential uses (single-family only) at a maximum density of 4 dwelling units per acre, which could potentially produce up to 250 new dwelling units.

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

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

The general area is classified as Low 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 concrete.) (Please refer to Map 1 for detail).

The Hickory by Choice 2030 Comprehensive Plan states the following about Low Density Residential areas: "This land use category is intended to provide an area of transition between higher density housing in Hickory and the surrounding rural areas by offering development at two to four units per acre." (HBC 2030, Pg. 25). The comprehensive plan also indicates a density of 2 to 4 dwelling units per acre is appropriate for the Low Density Residential classification.

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

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

- Implement the Hickory by Choice 2030 Comprehensive Plan.

The properties are located in an area identified by the Hickory by Choice 2030 Comprehensive Plan as a residential area with development density from 2 to 4 dwelling units per acre. The permissible uses and density maximum of the R-2 Residential district will work towards implementing the HBC 2030 Plan as was intended. The R-2 district is primarily residential in nature and limits development to a maximum density of 4 dwelling units per acre.

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

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

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

The subject properties have access to a NCDOT maintained roadway (Robinson Road / SR 1146), as well as access to public utilities. The property owner will be responsible for any necessary extensions needed for services. The land-use pattern of the area, with the inclusion of the subject properties, represents an efficient use of public services, and the wise use of public funding.

- Regulate the type and intensity of development; and

The current land use pattern of the larger area consists largely of residential uses. The future use of the properties is best suited to further the existing development pattern of the area. Public resources to provide critical public services are in place or will be provided by the property owner / developer to service the development. These include public utilities and transportation infrastructure.

- Ensure protection from fire, flood and other dangers.

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

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

- **North:** The properties are zoned Low Density Residential (R-1) and are occupied by residences or vacant.
- **South:** The properties are zoned Low Density Residential (R-1) and are occupied by residences or vacant.

- **East:** The properties are zoned Low Density Residential (R-1) and are occupied by residences or vacant.
 - **West:** The properties are zoned Low Density Residential (R-1) and are occupied by residences or vacant.
3. The suitability of the subject properties for the uses permitted under the existing and proposed zoning classification:

The current zoning and use of the larger area is predominately residential and agricultural. The current district permits residential as its primary use. The permissible uses within the requested district are predominantly single-family residential.

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

Given the similarity of the current and requested districts, conflicts in use types would not be anticipated, nor expected to cause detrimental impacts on the surrounding area.

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 or will be put in place by the property owner should construction or development occur. These include public utilities, transportation infrastructure, as well as police and fire protection.

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

Any future development that occurs of the subject properties as the result of the zoning map amendment, will be required to be adhere to regulations related to zoning, building and fire code, traffic, stormwater, etc.; which will work in conjunction with one another to ensure the health and safety of residents and visitors are properly protected.

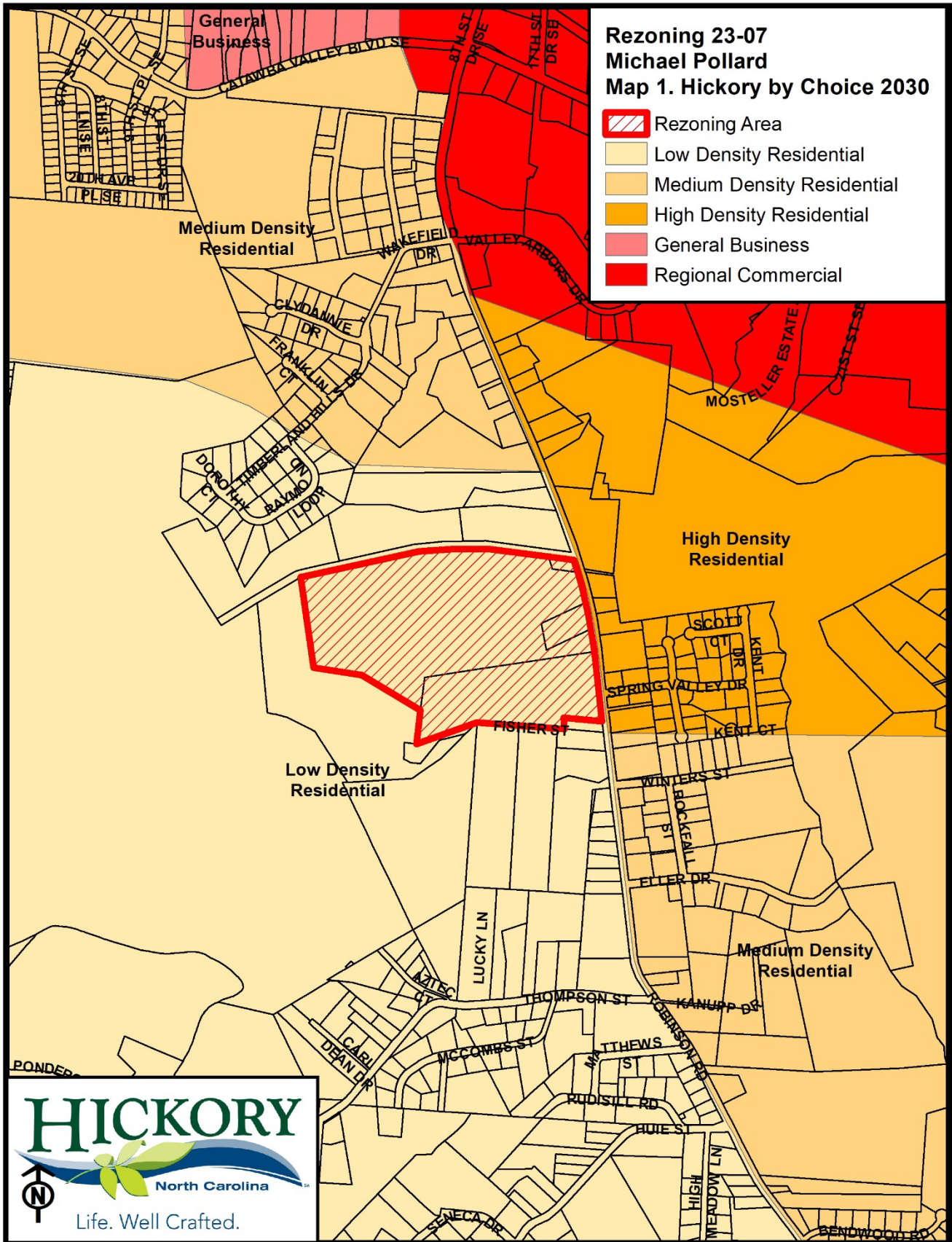
RECOMMENDED ACTION:

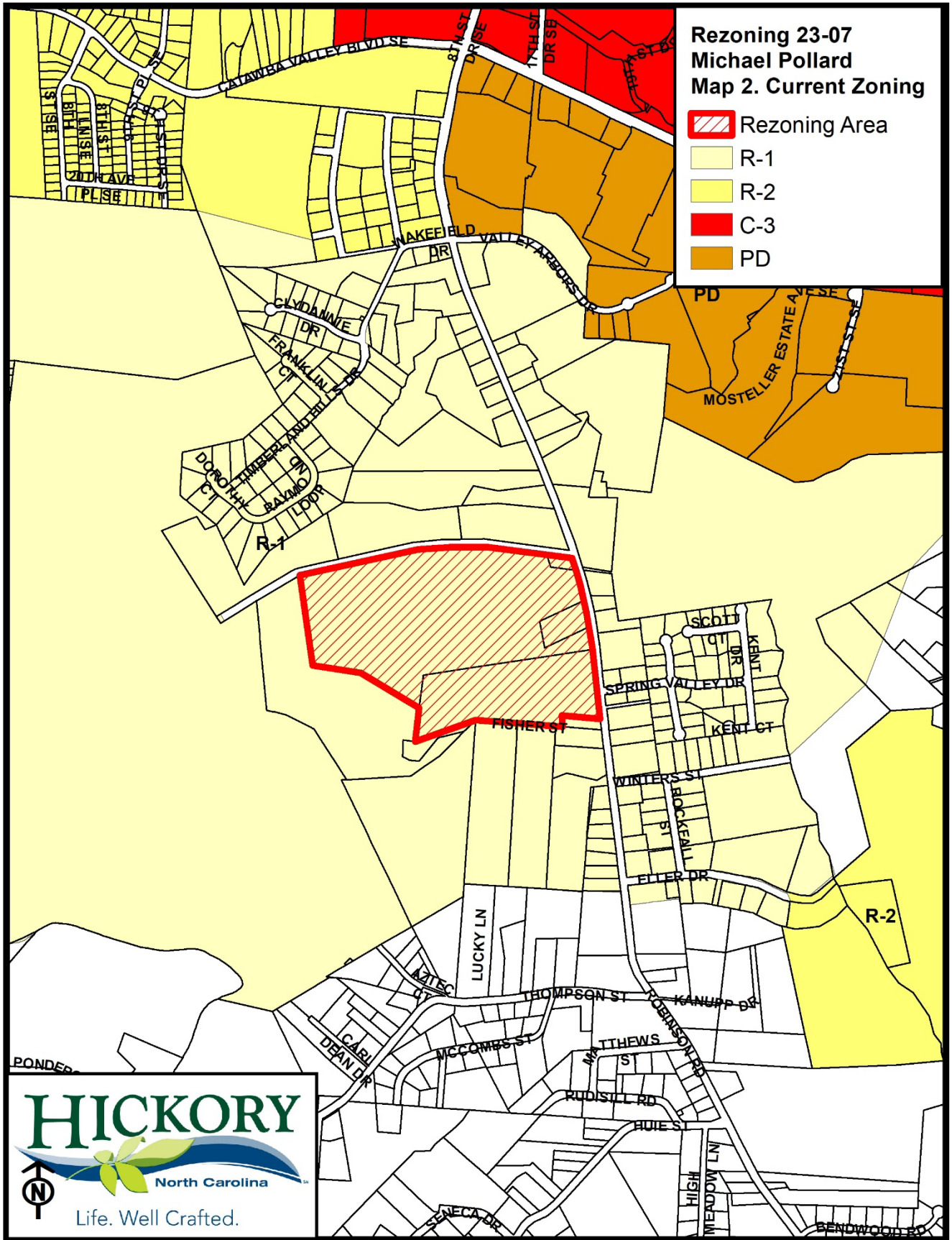
Staff finds Rezoning Petition 23-07 to be **consistent** with the Hickory by Choice 2030 Comprehensive Plan, and recommends the following:

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 November 27, 2023, staff has received no inquiries regarding this petition.







Rezoning 23-07
Michael Pollard
Map 3. Aerial Photography
[Red Hatched Box] Rezoning Area

Target Shopping Center

Robinson Road

