



The Hickory Regional Planning Commission will hold its regular meeting on **Wednesday, July 26, 2022, 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
- Annual Election of Officers
- Items of Correspondence
- City Council Action
- Approval and signing of minutes from the June 26, 2023 meeting.
- Reading of State Ethics Rules.

PRESENTATIONS AND PUBLIC HEARINGS

Rezoning Petition (RZ) 23-03. Request by Fred Parsons for the consideration of rezoning 0.55 acres of property located at 1120 22nd Street NE from R-4 Residential to Commercial Corridor (CC-2). The property is further identified as PIN 3713-16-93-2284 on the Catawba County tax map.

Rezoning Petition (RZ) 23-04. Request by Barbara Vellen, Larry J. Guthrie Grantor Trust for the consideration of rezoning approximately 30.36 acres of property owned by the Barbara Vellen, Larry J Guthrie Grantor Trust, located at 1448 Zion Church Road between Yoder Road and Moretz Drive, from Industrial (IND) to Medium Density Residential (R-2). The subject property is shown as PIN 3701-18-31-5906 on the Catawba County Tax Map.

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.

Hickory Regional Planning Commission
Wednesday, June 28, 2023, 6:00 pm

A regular meeting of the Hickory Regional Planning Commission (HRPC) was held on Wednesday, June 28, 2023, 6:00 pm, in the Map Conference Room of the Julian G. Whitener Municipal Bldg.

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

Members Excused: none

Members Absent: none

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

Parliamentary Call to Order & Welcome: Bill McBrayer, Chair, called the meeting to order at 6:50 pm. A meeting of the Hickory Board of Adjustment preceded the Planning Commission meeting.

Introduction of City Attorney: Recently appointed City Attorney Tim Swanson introduced himself. His swearing-in ceremony will be held on Tuesday, July 18. A reception will be held in the atrium at 6:00 pm, and his ceremony will follow during the City Council meeting at 7:00 pm.

Roll Call: Director of Planning Brian Frazier said a quorum was present, with all members in attendance.

Items of Correspondence: Mr. Frazier said Mayor Guess had corresponded with Rev. Johnson and Mr. Hedrick and reappointed them to serve another 3-year term on the Commission.

City Council Action: Mr. Frazier said City Council had recently approved the annexation of The Horse Barn property. Mr. McBrayer noted the attendance at their meeting and Mr. Frazier said two (2) residents from the Moore's Ferry development attended, and one of them contacted him about having time to voice his concerns. Dr. Pekman asked if the annexation had not been approved along with the property rezoning (in February 2022), and Mr. Frazier said no.

Approval and Signing of Minutes from the May 24, 2023 Meeting: Mr. McBrayer thanked Dr. Pekman for conducting the meeting last month in his absence, while he attended his older son's wedding in the state of Washington.

Minutes from the previous meeting held in May were distributed to members in advance. No additions, deletions or corrections were stated. Philip Reed moved, seconded by Bill Pekman, to approve the May 24, 2023 minutes as presented. The motion carried unanimously.

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

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

None of the members stated a current conflict of interest or asked to be recused.

PRESENTATIONS & PUBLIC HEARINGS

1. Text Amendment (TA) 23-01.

Amendments to Section 4.6, Airport Overlay, of the Hickory Land Development Code (LDC). Said amendments clarify certain standards and add additional provisions regarding development in the immediate vicinity of the Hickory Regional Airport.

Mr. McBrayer opened the public hearing for Text Amendment 23-01.

Planning Manager **Cal Overby** presented the staff report and referred to PowerPoint slides. He reviewed **slide #2** (Airport Overlay District).

- **Amendment Article and Section:** Article 4, Section 4.6 of the Hickory Land Development Code
- **Reasoning:** Improve safety on and around the Hickory Regional Airport.
- **Impacts:** Increased regulatory land-use control of adjacent properties.
- **Outcome:** Improved safety for air traffic and surrounding development.

He said there are federal regulations for the area around the Hickory Regional Airport, and this is an amendment to the Airport Overlay District, related to improving safety in the surrounding area.

Mr. Overby reviewed **slides #3-5** (Airport Overlay District Proposed Amendments).

- **Section 4.6.2:** Amend to make general reference to Airport Master Plan, rather than a specific iteration.

He said the staff's reasoning for this is because specific dates come and go. If you have a dated master plan with only the one reference and the plan changes in 2022, then if your reference plan was for 2018 you still are stuck with reference in that plan from 2018. That is what staff is trying to move away from here.

- **Section 4.6.2:** Amend to define what constitutes a Runway Protection Zone.
 - *"A trapezoidal area off the end of the runway that serves to enhance the protection of people and property on the ground, and air traffic and airport operations."*

Mr. Overby said the City has what is called a Runway Protection Zone, but it has never been defined. He went to the information provided by both the Federal Aviation Administration (FAA) and United States Department of Transportation and found the definition of it, so they will now add the definition to the City's code. It was always inferred, he assumes, but it was never actually in the City's code, and it will be better to have it included.

Dr. Pekman asked if it is strictly a height issue. Mr. Overby said it regards both height and usage.

- **Section 4.6.3:** Amend to establish a 50-foot maximum height limit in the Runway Protection Zone.

Mr. Overby said the height issue regards adding a physical height limit. Currently, it is fairly vague. If you read through it, it is not exactly stated. The actual Master Plan goes into a lot more detail, and he wishes they could go by that; however, they cannot. They have to have an Ordinance vs. a Master Plan.

- **Section 4.6.4:** Amended to further regulate permissible and prohibited uses within the Runway Protection Zone.

He said some prohibitive uses would be added. He referred members to **Section 4.64, Use Restrictions, in the staff report**, where he had highlighted a portion of page 85 in the City of Hickory Land Development Code (November 15, 2022). Under Use Restrictions, currently this Ordinance affects the height Ordinance, which Dr. Pekman had pointed out earlier. The changes are basically intended to set some use standards, in addition to the zoning. The way overlay works is you have your general use zoning, whether it is Industrial or Commercial, or whatever; the overlay zone basically comes in and applies additional regulation on something, because of some specific standards or something in need of protection.

Referencing “The use, development or redevelopment of property within the Runway Protection Zone (RPZ) ...” on page 85 of the LDC, he said what was done here are some broad classifications of land uses, including, “(a) Manufacturing and/or bulk storage of combustible or hazardous materials.” Obviously, it would be a good idea to keep those away from an airport; if something explodes or an airplane crashed, that would not be what you want to have nearby. Referencing “(c) Uses that include flashing lights or similar features” and “(d) Uses which create excessive vibrations,” he said you do not want to have any of these in this particular zone. He said when he discusses the maps, members would see the exact area included, but it is not a long distance and they are not discussing including L.P. Frans Stadium or U.S. 321. It is a very specific area, and when planes are coming in to land, that specific area is clear. If you go out to the airport, you will notice the tower beacons, which are basically marking that area; if you are coming in from U.S. 321 or Clement Blvd, you will begin seeing those towers. At the former Clement Center, which is now Resurrection Church, there are two (2) of them sitting in the parking lot, and as you proceed across the road they are beginning to climb up to the airport elevation. This is kind of what your Runway Protection Zone is.

Mr. Reed said he understands the current runway is being lengthened, and asked what the approved length would be. He thought it was being extended so that people traveling from here to the west coast in corporate jets could carry enough fuel. Mr. Frazier said the runway is being extended, but not by a great deal. Mr. Reed asked if it was several hundred feet, and Mr. Frazier said yes. Mr. Overby said they would adjust as the FAA plan pushes these zones back and forth, noting there were four (4) runways around the airport 15-years ago, but one (1) runway was closed. Mr. Reed said he was just trying to anticipate the future, so if the Commission approves this and then someone outside the zone exceeds the height. Mr. Overby said yes and those things would be addressed, that a lot of times you have to purchase the property. Mr. Reed agreed. Mr. Frazier said part of it was what Mr. Overby had brought up before in a meeting, which is that, with where the airport is located, they are dealing with other municipalities. Mr. Reed said that was true, and Mr. Overby said he would go over that later.

- **Sections 4.6.5 & 4.6.9:** Amend to reference the Planning Director, rather than the Zoning Administrator, as no such position exists.
- **Section 4.6.5:** Lower the threshold for reconstruction of damaged non-conforming structures and land-uses. Airport Overlay states 80% of tax value, while the section pertaining to the remainder of the code states 50% of tax value. Provides greater authority over non-conforming structures and uses. If a non-conforming building or use is destroyed 50% or more of its access tax value, then it can only be re-built / re-established if in conformity with current regulations.

Mr. Overby said staff is also recommending changes to this section, being that it lowers the threshold for reconstruction of damaged non-conforming structures. This section currently says 80% and the remainder of the Land Development Code (LDC) is 50% for every other use, and under every other circumstance. So by making this change, the 50% will be used across the board. He referenced Mr. Crain, the petitioner who had addressed the Board of Adjustment earlier this evening, noting it would be 80% of the value of that home vs. 50%. They are basically making it the same, so it is the same playing field for all uses and all locations.

- **Section 4.6.7:** Amend to add language “related specifically to the Airport Overlay”. Current language is vague and must be more specific for legal enforcement purposes.
- **Section 4.6.7:** Amend to clearly state a permit will be needed for a change of use, new development or redevelopment within the Runway Protection Zone.

He said this refers to permits; it kind of says you need a permit, but it does not say exactly that you need a permit. It talks around it, but does not actually say it, so they want to change the language to state very clearly that a permit is needed.

- **Section 4.6.10:** Amend to allow the Airport Director to review applications for permits and provide written comments regarding the permit application. Also, allow the Airport Director to review petitions for rezonings, variances and special use permits prior to their hearings, and to provide oral comments or testimony at the hearings regarding the petitions.

Mr. Overby said that, as it is written now in the draft, staff is not especially happy with that language. For several reasons, he said it does not work practically and had sounded better when it was written the first time, so he was asking the Planning Commission to, at least, consider some changes to what is written. His proposed wording was included on Slide # 5. Basically, what it would say is to allow, instead of require, the Airport Director to review applications for permits and provide comments on the permits themselves. It would also give the Director the opportunity to review petitions for rezonings, variances, and special use permits prior to the hearings, and then be able to attend the hearings and provide either oral or sworn testimony. He recommends making this one change.

- **Overall Section:** Amend to correct cross-referencing, formatting and typographical errors that do not impact the intent, applicability, administration or enforcement of the regulations.

Mr. Overby said none of the changes noted are substantive, but there are slight errors that should be corrected.

Mr. McBrayer asked if there were any additional questions on this portion of the presentation.

Dr. Pekman referenced the Runway Protection Zone and noted the Commission's prior consideration of the church's property, saying that it appears the entire church is located in the Runway Protection Zone, and Mr. Frazier nodded affirmatively. **Slide #6** (Airport Area Municipal Jurisdiction) was shown on the screen. Dr. Pekman also noted the adjacent business park, and Mr. Overby showed **Slide #8** (Northeastern Zone) on the screen. Dr. Pekman asked if there were any current businesses located there that would violate the regulations discussed, such as flammable materials or anything else. Mr. Overby said no, the only thing that could be a violation is that if the church were to go away, then it could not be rebuilt the same as now; the former Clement Center could not be rebuilt like it is now. The portion at the far end, which is in Lake Park, that is all conforming.

Mr. Overby said the next zone, shown on **slide #9** (Southwestern Zone), is coming off the southwest side of the airport. The interesting part about this is that, while this is the Airport Protection Zone, it is not in Hickory, nor is it in the ETJ, and Hickory has to work with Long View to maintain the integrity of the Runway Protection Zone. He showed **slide #7** (City of Hickory Zoning), saying luckily, in that particular area, as you can see on this slide, it is basically scattered low-density housing. He has driven through this area and there is not a lot there, just some scattered housing.

Mr. Mull asked if any of this property touches Burke County, and Mr. Overby said most of the airport is located in Burke County. Mr. Mull asked if Hickory leases the property from Burke County and they collect the taxes on it. Mr. Overby said no, the City owns the airport, but it is entirely in Burke County except for a small part at the end of it. It is tax-exempt, but Burke County does receive some sales tax revenue from it. **Slide #9** (Southwestern Zone) was returned to the screen, and Mr. Overby noted a straight line on the left side of the Runway Protection Zone, which is the actual county line for Burke and Catawba Counties. Mr. Frazier said it supposedly goes through the baseball stadium, and Mr. Overby said L.P. Frans Stadium is located in Burke County.

Ms. Williams referenced the Runway Protection Zone portion of Section 4.6.2, noting the word "end" should be plural, and needs to be changed to "ends." She also referenced the Excepted Height Limitations under Section 4.6.3 and asked if staff would consider adding the verbiage "or lower, if required by the FAA" at the end of the sentence. She said this is stated in the staff report but it does not appear in the actual LDC text; adding it might eliminate the need for another text amendment in the future. Mr. Overby said that could easily be added.

Mr. Overby said staff recommends approval of this request. He asked for questions from Commission members, and there were none. Mr. McBrayer thanked him.

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

PROPOSERS

None

OPPOSERS

None

Mr. McBrayer closed the public hearing. He asked for further discussion or questions on Text Amendment 23-01. Hearing none, he requested a motion to approve or deny the petition.

Philip Reed moved, seconded by Anne Williams, that the Planning Commission recommends approval of Text Amendment 23-01, including all recommended changes suggested and discussed by members, as it is consistent with the Hickory by Choice 2030 Comprehensive Plan, and to forward a recommendation of approval to Hickory City Council. The motion carried unanimously.

Mr. McBrayer said the Commission's recommendation of approval would be forwarded to City Council.

Other Business: Mr. Frazier said there would be at least one rezoning request on the agenda for the next meeting on July 26. He was not sure if they would meet in the Map Conference Room again or return to Council Chambers, it depends on when the renovations are completed.

Regarding the Board of Adjustment meeting held earlier tonight, Mr. Frazier said when appellant Jason Crain was referencing some of the rental properties, he was referencing only market rate properties. Beyond the Section 8 vouchers issued by Western Piedmont Council of Governments, which are in the hundreds, Hickory does have 50 affordable housing units through the NC Housing Finance Agency at Viewmont Square, another 50 at Center Street Crossing, 84 or 86 at The Lodge at Hickory, 72 at Highland Park, and 72 at Catawba Landing, for a total of 336 units; that is just the ones funded by the NC Housing Finance Agency.

During his presentation and some of their conversations, Mr. Frazier said he and Mr. Crain were a little bit at odds, as Mr. Crain was saying the City was doing nothing about affordable housing, and Mr. Frazier had said that, with the public-private partnerships and with the state of North Carolina, the City was most definitely doing something. Mr. McBrayer said that his response to all of that is that it is irrelevant, whether the City is or is not doing it; the point is that it is the law, and he broke the law. He said Mr. Frazier made the decision and it does not matter beyond that. In fact, he had felt badly for Mr. Crain, too, but he would not have put a trailer back in there.

Mr. Frazier again apologized that members were unable to meet in Council Chambers, and thanked everyone for their patience during the renovation.

Next Meeting: The next regular meeting is scheduled for Wednesday, July 26, 2023, at 6:00 pm.

Adjourn: There being no further business, Mr. McBrayer declared the meeting adjourned at 7:15 pm.

Bill McBrayer, Chair
Hickory Regional Planning Commission

Anne Starnes, Minutes Clerk
City of Hickory

Attendance Roster
FY 22-23

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

Hickory Regional Planning Commission

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Appoint	Expire
Catawba County		P	P	P		P			P	P	P	P	Jul-22	Jun-25
Catawba County		AX	P	P		P			P	P	P	P	Jul-21	Jun-23
Burke County		P											Dec-19	Jun-22
Ward 1		P	P	P		AX			P	P	AX	P	Jul-22	Jun-25
Ward 2		P	P	P		P			P	P	P	P	Jul-21	Jun-24
Ward 3		P	P	P		P			P	P	P	P	Jul-20	Jun-23
Ward 4		P	P	P		P			P	P	P	P	Jul-21	Jun-24
Ward 5		A	P	P		P			P	P	P	AX	Jul-20	Jun-23
Ward 6		P	P	P		P			P	P	P	P	Jul-22	Jun-25

REZONING ANALYSIS

PETITION: 23-03

APPLICANT: Amy Saine

OWNERS: Fred Parsons

PROPERTY LOCATION: 1120 22nd Street NE

PIN: 3713-16-93-2284

WARD: This property is located in Ward 3 (Councilman Seaver).

ACREAGE: .055 acres

REQUESTED ACTION: Rezone the property from High Density Residential (R-4) to Commercial Corridor (CC-2).

BACKGROUND: The property is currently vacant and zoned High Density Residential (R-4). The rezoning request is an indication the owner desires to expand permissible uses of the property for future development purposes.

DEVELOPMENT POTENTIAL: The 0.55 acre property is currently zoned High Density Residential R-(4). The district permits higher density residential uses (single and multi-family) at maximum densities of 12 units per acre for single-family residential and 20 units per acre for multi-family residential.

The requested Commercial Corridor (CC-2) zoning permits for commercial, office and residential uses. The maximum density for non-residential development is a floor area ratio of 2:1 (two square feet of floor area for each 1 square foot of land area), while residential density is permitted at a maximum density of 30 units per acre.

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 Commercial Corridor and High Density Residential by the Hickory by Choice 2030 Comprehensive Plan. (Note: The Hickory by Choice 2030 Comprehensive Plan's Future Land Use map does not contain parcel line data, as the general boundaries of the land use categories are not concrete.) (Please refer to Map 1 for detail).

The Hickory by Choice 2030 Comprehensive Plan states the following about Commercial Corridor areas: "The commercial corridor is primarily applicable to those areas located along NC 127 and Springs Road." (HBC 2030, Pg. 3.10). The Hickory by Choice 2030 Comprehensive Plan goes on to state; "While these areas are intended to be pedestrian focused, the commercial corridor should remain accommodating of vehicular traffic." (HBC 2030, Pg. 3.10)

The CC-2 zoning district is listed as the implementing zoning district for the Commercial Corridor classification and the density discussed within the quoted section of the Hickory by Choice 2030 Comprehensive Plan clearly states Commercial development in this district is intended to be automobile focused, while providing adequate pedestrian accommodation, which is compatible with the language found with the Hickory by Choice 2030 Comprehensive Plan.

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

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

- Implement the Hickory by Choice 2030 Comprehensive Plan.

The area under consideration for rezoning is indicated by the Hickory by Choice 2030 Comprehensive Plan as an automobile dependent corridor providing goods and services to nearby residents.

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

All improvements that are to take place on the property 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 property has access to a NCDOT maintained roadway (22nd Street NE / SR 1444), as well as public water infrastructure. Sanitary sewer is located in the vicinity; however, the property owner will be responsible for any necessary extensions needed for service. The land-use pattern of the area, with the inclusion of the subject property, 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 commercial businesses along the corridor, with residential at its margin. This development pattern will continue under the CC-2 Commercial Corridor district, as commercial business that are permitted under this zoning classification. The future use of the property is best suited to further the existing development pattern of the area. Public resources to provide critical public services are in place to service the area. These include public utilities and transportation infrastructure.

- Ensure protection from fire, flood and other dangers.

The subject property will be required to adhere to all state and local building, fire, and flood zone related development regulations. Such regulations will ensure proper

protections are provided to ensure surrounding residents, 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 property is zoned Commercial Corridor (CC-2) and is occupied by a multi-tenant commercial building.
- **South**: The properties are zoned High Density Residential (R-4) and are occupied by a single-family residence and a townhome development (Springs Meadows).

East: The property is zoned Commercial Corridor (CC-2) and occupied by a vacant commercial structure (former bank).
- **West**: The property is zoned Commercial Corridor (CC-2) and is church owned property (Miller's Lutheran Church). The property does contain an existing single-family residence.

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 corridor is for commercial businesses. The rezoning of the property to CC-2 would continue this development pattern and will be similar to existing zoning already in place, within larger area.

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

Any change in land use has the potential to have detrimental impacts on surrounding areas. Should development occur on the property the City of Hickory has specific development regulations in place designed to mitigate, to the maximum extent possible, negative impacts that may result from future development. These include stormwater runoff, buffering and lighting.

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

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

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

Any future development that occurs of the subject property 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.

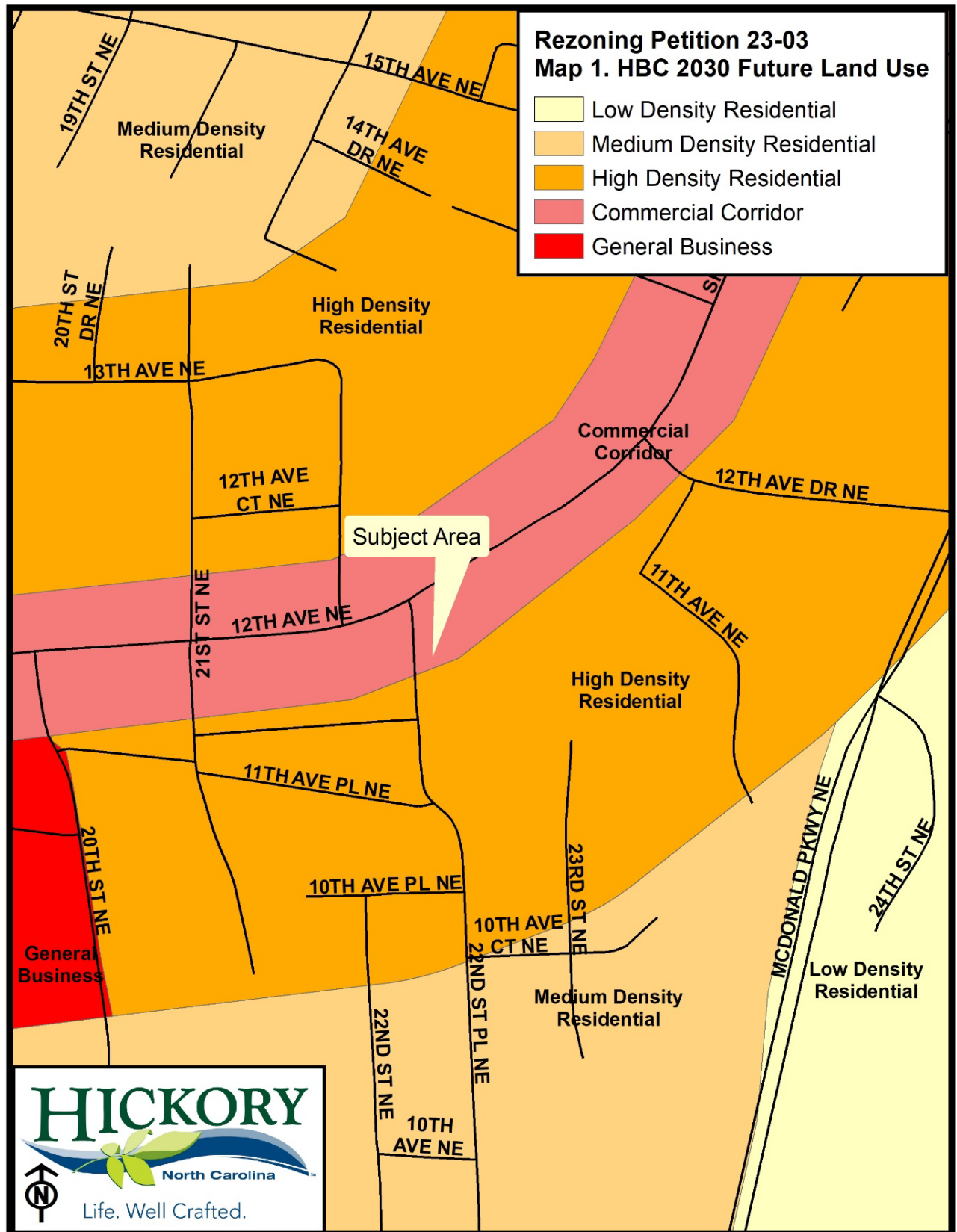
RECOMMENDED ACTION:

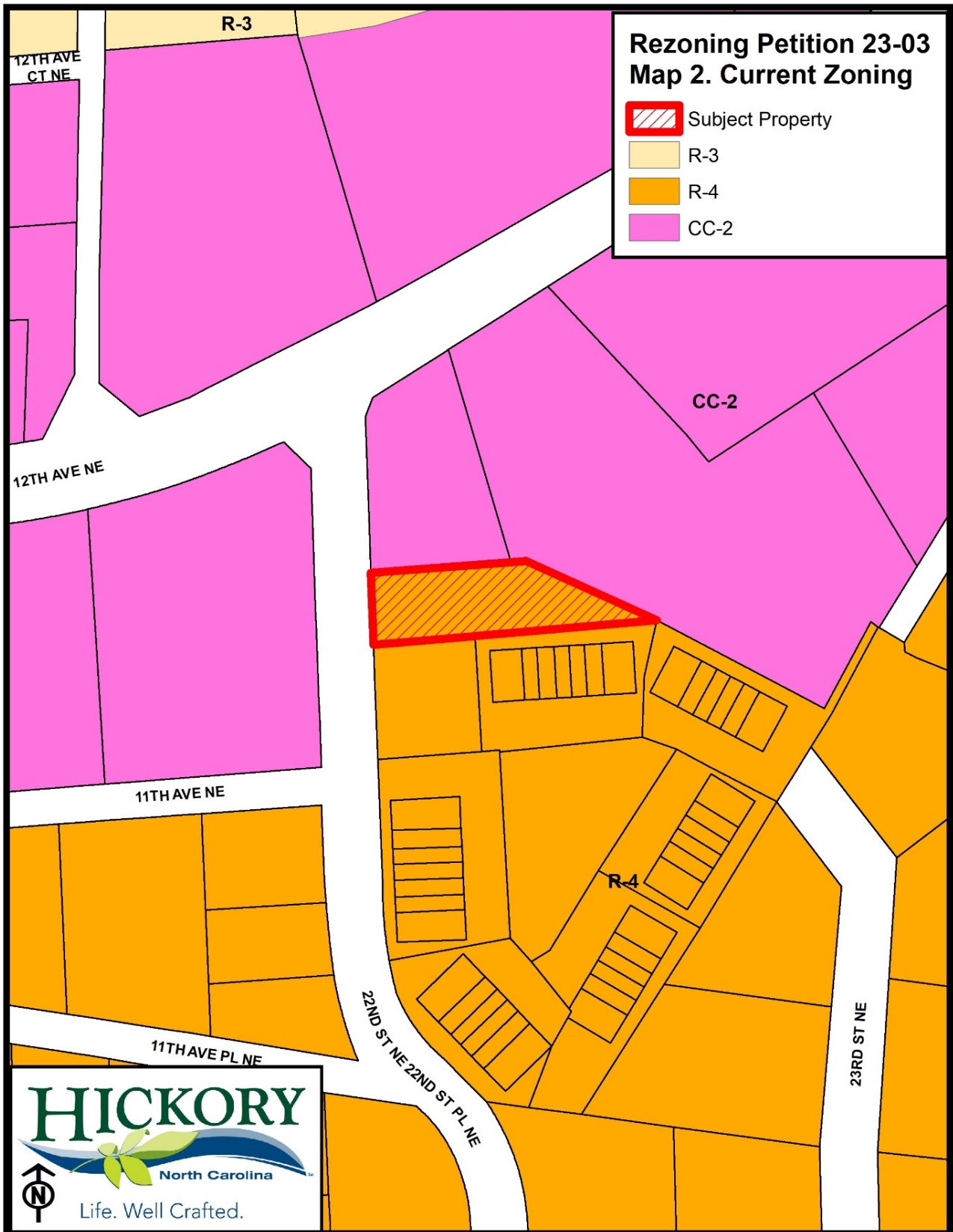
Staff finds Rezoning Petition 23-03 to be **consistent** with the Hickory by Choice 2030 Comprehensive Plan, and recommends the following:

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:

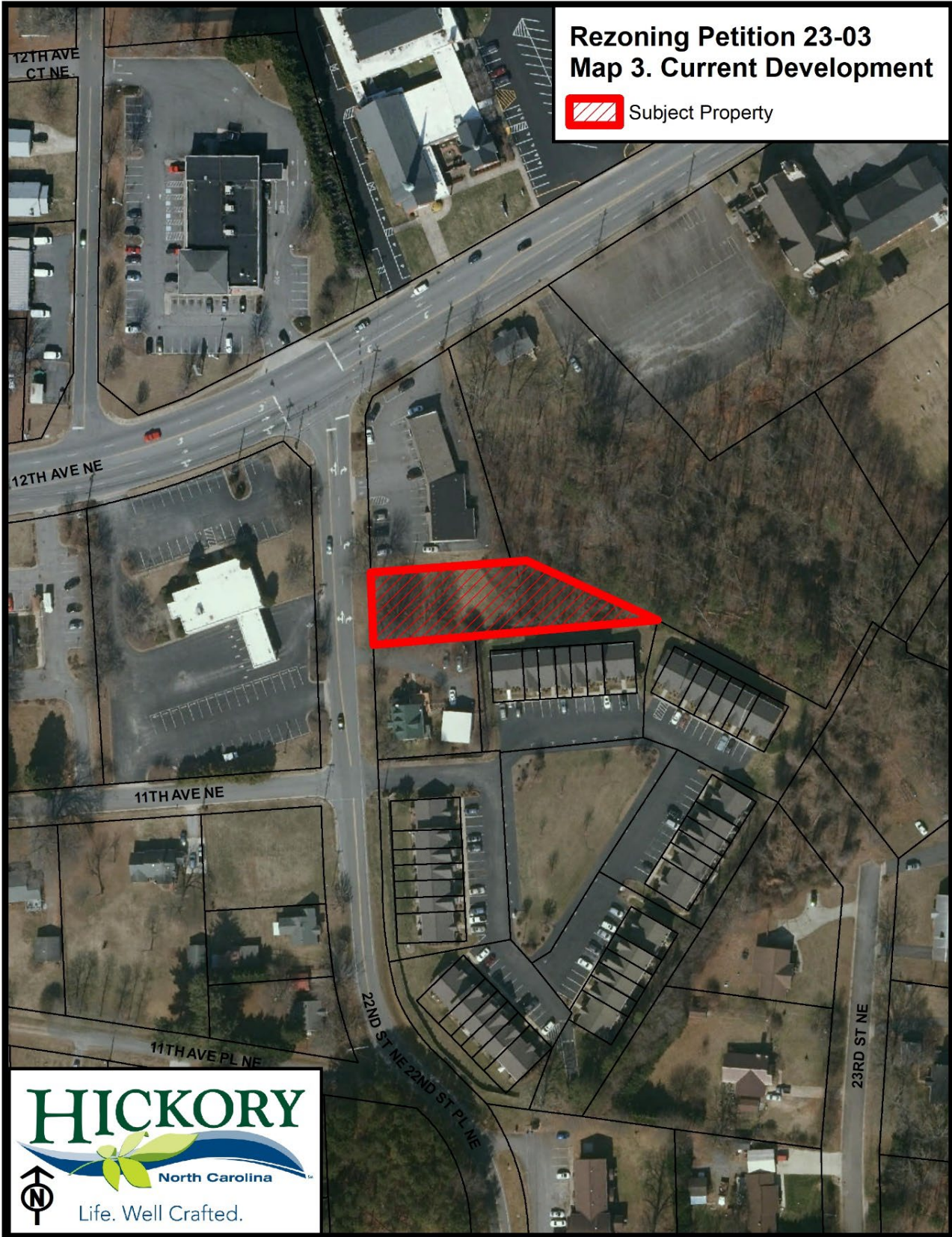
As of July 19, 2023, staff has received no inquiries regarding this petition.





**Rezoning Petition 23-03
Map 3. Current Development**

 Subject Property



REZONING ANALYSIS

PETITION: 23-04

APPLICANT: City of Hickory

OWNERS: Barbra Vellen, Larry J. Guthrie Grantor Trust

PROPERTY LOCATION: 1448 Zion Church Road, Hickory, NC 28602.

PIN: 3701-18-31-5906

WARD: This property is located in Ward 4 (Councilman Freeman).

ACREAGE: 30.36 acres

REQUESTED ACTION: Rezone the property from Industrial (IND) to Medium Density Residential (R-2).

BACKGROUND: The property is currently zoned Industrial (IND), and was zoned such in 1999 as part of a perspective industrial park that never came to fruition. The applicant is requesting the zoning map amendment in the expectation of constructing a single-family residential development utilizing a conservation subdivision design.

DEVELOPMENT POTENTIAL: The subject property is currently zoned Industrial, and totals 30.36 acres in total size. The current Industrial zoning permits a variety of office and industrial uses with no specified development density.

The subject property is currently sitting as unoccupied land. The owners' intention is to develop the land into a single-family residential conservation subdivision. The City of Hickory Land Development Code allows for conservation subdivision in Medium Density Residential (R-2) zoning districts.

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 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. This development pattern also provides a measure of diversity of housing options for city residents. Although the gross density in these areas is proposed to be less than medium density residential, conservation subdivision design principles can provide opportunities for a combination of small and large lot development that helps preserve open spaces and environmentally sensitive

lands.” (HBC 2030, Pg. 3.9)

The R-2 zoning district is listed as an implementing zoning district for the Low-Density Residential land use classification. The planned future use of the property is a single-family residential conservation subdivision. The Hickory by Choice 2030 Comprehensive Plan clearly states conservation subdivisions are appropriate for the area. Conservation subdivisions are designed to preserve open spaces, flood plains, wetlands, and minimize storm water runoff in watershed protection areas, which is compatible with the language found with the Hickory by Choice 2030 Comprehensive Plan.

Additionally, the rezoning places the property into a zoning district much more harmonious with the surrounding area. The rezoning of the property to R-2 is what is referred to as downzoning as the permissible intensity is being decreased.

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

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

- Implement the Hickory by Choice 2030 Comprehensive Plan.

The area under consideration for rezoning is indicated by the Hickory by Choice 2030 Comprehensive Plan as being an area for future low density residential development, which is what the Medium Density Residential (R-2) district provides.

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

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

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

The subject property has access to a state-maintained roadway (Zion Church Rd / SR 1008), and also has access to water and sewer infrastructure. The land-use pattern of the area, with the inclusion of the subject property, represents an efficient use of public services, and the wise use of public funding.

- Regulate the type and intensity of development; and

The property is current undeveloped / wooded. All other properties in the general vicinity are residentially used or vacant. This development pattern will continue under the R-2 Residential district, as residential uses are the primary permissible uses within the district. The future use of the property is best suited to further the existing development pattern of the area. Public resources to provide critical public services are in place to service the area. These include public utilities and transportation infrastructure.

- Ensure protection from fire, flood and other dangers.

The subject property will be required to adhere to all state and local building, fire, and flood zone related development regulations. Such regulations will ensure proper protections are provided to ensure surrounding residents, 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 R-20 Residential (Catawba County) and are either occupied by single-family residences or vacant.
- **South:** The properties are zoned 321-ED(MX) (Catawba County) and are unoccupied land.
- **East:** The properties across U.S. Hwy 321 are zoned R-20 Residential (Catawba County), These properties are unoccupied land.
- **West:** The properties are zoned R-2 Medium Residential (Hickory) and are occupied by single-family residences (Waterford Hills development).

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

The current land use pattern of the larger area consists of single-family residences running adjacent to the west of the property down Zion Church Rd. The rezoning of the property to R-2 Residential would continue this development pattern and will be similar to existing City zoning already in place, within the larger area.

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

The requested Medium Density Residential (R-2) zoning is much less intense than the current Industrial (IND) zoning. The rezoning of the property to R-2 will actually reduce the possibility of detrimental impacts to the surrounding areas.

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

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

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

The subject property is located within an area where the Hickory by Choice 2030 Comprehensive Plan anticipated continued residential development. The current use of the property is unoccupied land, which are usually suitable for conservation subdivisions within R-2 zoning districts.

Any future development that occurs of the subject property 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.

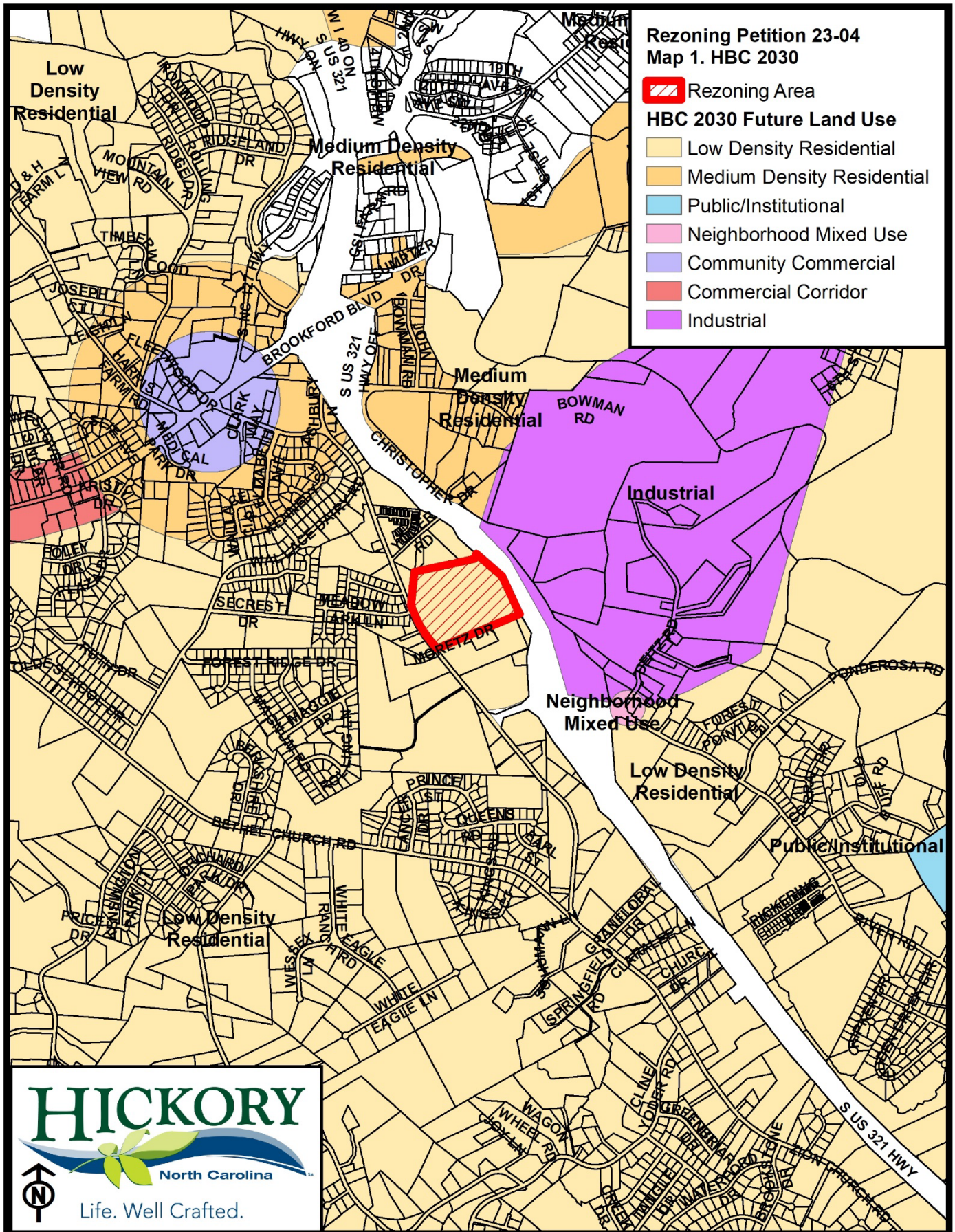
RECOMMENDED ACTION:

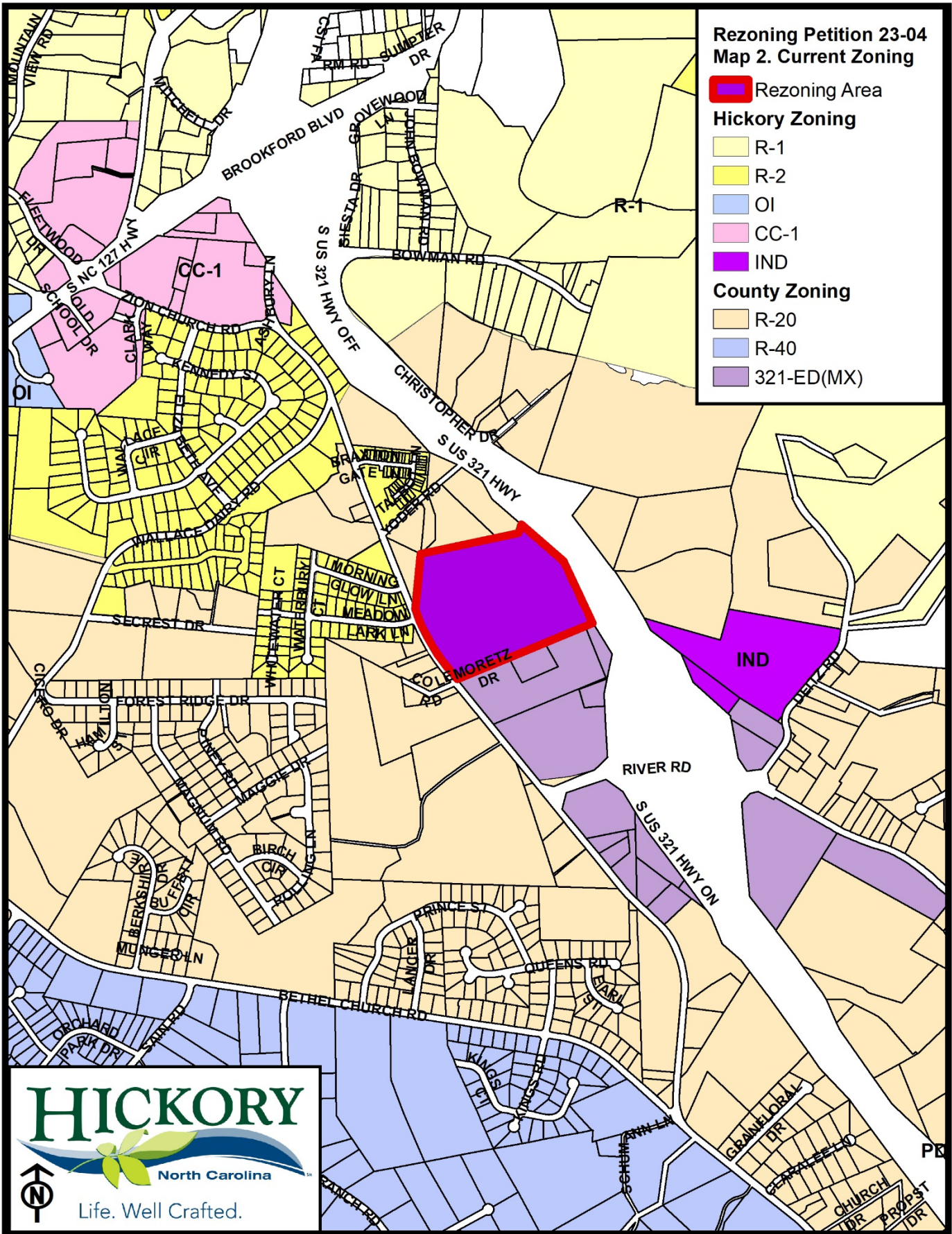
Staff finds Rezoning Petition 23-04 to be **consistent** with the Hickory by Choice 2030 Comprehensive Plan, and recommends the following:

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 July 26, 2023, staff has received no inquiries regarding this petition.





Rezoning Petition 23-04
Map 3. Aerial Photography

 Rezoning Area

Braxton Gate
Townhomes

Waterford Hills
Development

