



The Hickory Regional Planning Commission will hold its regular meeting on **Wednesday, September 27, 2023, at 6:00 p.m. in the City Hall Map Conference Room.** 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 August 23, 2023 meeting.
- Reading of State Ethics Rules.

PRESENTATIONS AND PUBLIC HEARINGS

1. **Rezoning Petition 23-06.** Rezoning of property owned by Boureau and Creech Properties, LLC located at 3940 River Road from R-20 Residential to Planned Development. The subject property is shown in more detail Catawba County PIN 3710-09-17-5434.

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	Steve Mull	P	P										Jul-22	Jun-25
Catawba County	William Pekman	P	P										Jul-21	Jun-24
Burke County	Vacant												Dec-19	Jun-26
Ward 1	Bill McBrayer	P	P										Jul-22	Jun-24
Ward 2	Philip Reed	P	P										Jul-21	Jun-25
Ward 3	Junior Hedrick	P	P										Jul-20	Jun-26
Ward 4	Sam Hunt	P	P										Jul-21	Jun-24
Ward 5	Wallace Johnson	P	P										Jul-20	Jun-26
Ward 6	Anne Williams	P	P										Jul-22	Jun-25

Hickory Regional Planning Commission
Wednesday, August 23, 2023, 6:00 pm

A regular meeting of the Hickory Regional Planning Commission (HRPC) was held on Wednesday, August 23, 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: Planning Director Brian Frazier, Senior Planner Mike Kirby, 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.

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

Items of Correspondence: Mr. Frazier said there were no items of correspondence, but thanked Mr. McBrayer for participating with him in Hal Rowe's WHKY radio program recently.

City Council Action: Mr. Frazier said City Council had recently approved Rezoning 23-04.

Approval and Signing of Minutes from the July 26, 2023 Meeting: Minutes from the previous meeting held in July were distributed to members in advance. No additions, deletions or corrections were stated. Bill Pekman moved, seconded by Wallace Johnson, to approve the July 26, 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 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

Mr. McBrayer said there was one rezoning petition on the agenda.

1. Rezoning Petition 23-05.

Request by the City of Hickory for the consideration of rezoning approximately 1.85 acres of property owned by Legacy Home Builders, LLC, located on 34th Street Place NE, between Springs Road and Section House Road, from Catawba County Zoning Residential (R-20) to City of Hickory Neighborhood Center Commercial (NC). The subject property is shown as PIN 3724-19-70-3169 on the Catawba County Tax Map.

Mr. McBrayer opened the public hearing for Rezoning Petition 23-05.

Senior Planner **Mike Kirby** presented the staff report and referred to PowerPoint slides. He reviewed **slide #2** (Rezoning Petition 23-05).

- **Property Owners:** Legacy Home Builders, LLC
- **Applicant:** City of Hickory
- **Location:** 34th St Pl NE (PIN 372419703169)
- **Current Zoning:** Catawba County R-20
- **Property Size:** 1.85 acres
- **Background:** The property is currently utilizing a split zoning designation with R-20 by Catawba County and Neighborhood Commercial (NC) by the City of Hickory. The property in its entirety is in the process of being annexed.
- **Request:** Rezone the property from Residential (R-20) to Neighborhood Commercial (NC)

He said Legacy Home Builders LLC is the property owner, but the applicant is the City of Hickory, due to their application for annexation.

Mr. Kirby reviewed **slide #3** (Current Zoning), saying the property is currently split-zoned, with a small portion zoned as Catawba County Residential (R-20) and the remainder as City of Hickory Neighborhood Commercial (NC). The subject area, shown in hashed lines on the zoning map, is located in the City of Hickory's ETJ. The white area shown on the map represents Catawba County, and the purple area represents Neighborhood Commercial. They are requesting to rezone the small portion to City of Hickory Neighborhood Commercial (NC).

Slide #4 (Aerial Map). Mr. Kirby said the subject property on 34th Street Place NE was outlined in red on the map. It is located near the intersection of Section House Road and Springs Road. As can be seen here, the property is currently vacant and the owners intend to use it for residential development, which is an allowed use in Neighborhood Commercial.

Mr. Kirby reviewed **slide #5** (HBC 2030 Future Land Use), saying the map shows the subject property will be utilized for Neighborhood Mixed Use, and Neighborhood Commercial zoning is included in this use.

Mr. Kirby reviewed **slide #6** (Rezoning Petition 23-05).

- The HBC 2030 Plan identifies the area as Neighborhood Mixed Use.
 - Consistent with Neighborhood Center designations
- Neighborhood Mixed Use is characterized by:
 - A mix of residential, retail and office space
 - The current land use pattern of the larger area consists mainly of residential and commercial usesThe rezoning of the property, as discussed, maintains this current pattern, sort of, but the prevailing NC district uses are non-residential
- The Neighborhood Center (NC) district permits for a variety of commercial and residential uses:
 - Single Family, Two Family, and Multi Family Residential
 - Commercial uses such as Office Space, Retail Sales and Service, Medical Facilities, Schools, etc.

Slide #7 (Rezoning Petition 23-05).

Recommended Action

- *Staff recommends the following:*
 - The adoption of a statement affirming the petition's consistency with the Hickory by Choice 2030 Comprehensive Plan.
 - The development of the property shall adhere to the regulations provided in the Land Development Code and any other applicable standards; and
 - Forward a recommendation of approval to the Hickory City Council.

Mr. Kirby said staff recommends approval of this request and asked for questions from Commission members.

Mr. McBrayer asked if staff had received any inquiries regarding the petition since August 16th. Mr. Kirby said they had received three (3) calls from people asking what was planned for the property.

Ms. Williams said it seemed the staff recommendation to rezone the property from Residential (R-20) to Neighborhood Commercial (NC) was due to the Future Land Use Plan, and Mr. Kirby said yes. She noted having one reaction to the rezoning request as she read through the staff report materials, but her position had wavered after visiting the property. Mr. Kirby said Neighborhood Mixed Use is much like the other mixed uses, which mix commercial with a little bit of residential. He said the applicant was present and could discuss his proposed project for this area.

Mr. Frazier said this was one of the many new cores that staff had recommended to the Planning Commission in 2010, when they originally revised the Hickory by Choice, Future Land Use, and Transportation Plans to make it a truly comprehensive plan. This core has existed for the past 12 years, but it has not developed as they forecasted it would.

Ms. Williams noted a large nearby area of property that is currently on the market for sale. Mr. Frazier said yes, it has been on the market, and twice they applied for subsidized senior multi-family use, but their plan did not make the cut through Raleigh. But yes, some other people have been interested in residential uses in that area. It is totally consistent with the plan and the use is allowed.

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

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

Mr. McBrayer explained the procedure for a public hearing, saying testimony would be presented, both for and against the proposal.

PROPONENTS

• **Vitaliy Gladyshev**, 2149 Country Club Road, Lincolnton NC, addressed Commission members, saying they purchased the land 2-weeks ago and, as members could see, all but a sliver of it is zoned Neighborhood Commercial. They are requesting the entire property be zoned NC and have no plans for any commercial uses on the property. Their plan is to build multi-family housing. It currently appears they will be able to build nine (9) duplexes, or 2-family homes, with 18 total dwellings. The size of each will be approximately 2,500 sqft. total, 1,250 sqft on each side with 3 bedrooms and 2½ bathrooms.

Mr. McBrayer asked their expected sale price for each duplex. Mr. Gladyshev said they would not be selling them, that they plan to rent them.

There were no other questions for Mr. Gladyshev, and Mr. McBrayer thanked him.

No additional proponents were present.

OPPONENTS

None

Mr. McBrayer closed the public hearing.

Mr. Bridges noted the Staff Report initially stated the property location as being in Ward 6, but staff has since determined it is in Ward 3, Councilman Danny Seaver's ward. The property is split between Wards 3 and 6, but staff agrees it is closer to Ward 6. Also, he said the purpose for the annexation is to utilize City water and sewer.

Mr. McBrayer asked for discussion or questions on Rezoning 23-05. Hearing none, he requested a motion to approve or deny the petition.

Bill Pekman moved, seconded by Philip Reed, that the Planning Commission recommends approval of Rezoning 23-05, which is consistent with the Hickory by Choice 2030 Comprehensive Plan, and requests a recommendation of approval be forwarded to Hickory City Council. By a show of hands, the motion was carried unanimously.

Mr. Bridges said both the annexation and rezoning requests would go to City Council on Tuesday, September 19.

Other Business: None

Next Meeting: The next regular meeting is scheduled for Wednesday, September 27, 2023, at 6:00 pm.

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

Bill McBrayer, Chair
Hickory Regional Planning Commission

Anne Starnes, Minutes Clerk
City of Hickory

**CITY OF HICKORY
APPLICATION FOR REZONING
(PLANNED DEVELOPMENT OR CONDITIONAL ZONING DISTRICT)**

DATE SUBMITTED: 8/31/2023

**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 Land Development Code and / or change 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 River Road
between Hidden Creek Circle and Grady Lane.

PIN NO. (S): 3710-09-17-5434

Physical (Street) Address: 3940 River Road

2. The property is owned by: (please print) Boureaunu and Creech Properties, LLC
(Attach a copy of the most recent deed, contract for purchase or other legal interest demonstrating an interest in the property.)

Owner Information:

Name: Boureaunu and Creech Properties, LLC

Address: 5164 Meadow Park Lane; Hickory, NC 28602-6018

Phone Number: 828.320.4255

Email Address: costel@advelec.net

3. The petition is submitted by: _____

(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: _____

Address: _____

Phone Number: _____

4. It is desired and requested that the foregoing property be REZONED:
FROM: County R-20 TO: City Planned Development
5. Please list any overlay districts that apply to the subject property: County ED-O and FMP-O
6. Please list the current use(s) of the property: Wooded; undeveloped
7. Specify the acreage of the proposed development: 47.8
8. Specify the intensity (gross square footage) and/or density (size and number of dwelling units) of the proposed development: 150-180 single family dwellings

Additional Required information

Planned Development Districts

A Planned Development Master Land Use Plan must be submitted as part of all petitions to rezone to a Planned Development district. Such plan shall include maps and plans for the subject property that depicts the following items if relevant:

1. The name of the proposed Planned Development and the names of the developer and design professionals;
2. Scale, dimensions, date, north arrow;
3. Conceptual grading, site preparation and stormwater management;
4. General location, height, number of stories, floor area, orientation, setbacks and proposed land-uses of all structures;
5. Building elevations of all proposed buildings;
6. Open space (designate public or private), floor area, recreation space and impervious surface area necessary to demonstrate conformance with applicable requirements;
7. Landscaping and buffering;
8. Any proposed property subdivision, including proposed future property lines;
9. Primary vehicular and pedestrian circulation system including all proposed exclusive storage bays, turn lanes, vehicular and pedestrian cross access points, points of ingress and egress for principal pedestrian, vehicle, bicycle, and transit;
10. Proposed street layout (both public or private);
11. Location of all parking, loading, sanitation and recycling facilities; area and number of parking spaces in parking lots;
12. Location, character and intensity of all proposed outdoor lighting fixtures;
13. Location of all utility systems;

14. Location, height, dimensions and type of all signs; and

15. Locally or nationally recognized historic structures.

Conditional Zoning Districts

Conditional Zoning can be applied in conjunction with any base zoning district. Applicants petitioning to rezone to a conditional zoning district must meet all the requirements of the underlying zoning district. All applicants must include a list of additional conditions to be placed upon the subject property with their application. Depending on the complexity of the conditions proposed, a site plan similar to the Master Land Use Plan described above may be required.

9. 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.

Daniela Bourneau

Member/Manager Boureanu and Creech Properties, LLC

Printed Name of Owner or Agent

Daniela Bourneau
Signature of Owner or Agent

(Please choose the appropriate notary block)

State of North Carolina – County of _____

I, the undersigned Notary Public of the County and State aforesaid, certify that _____ 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 _____ day of _____, 20____.

My Commission Expires: _____

Notary Public

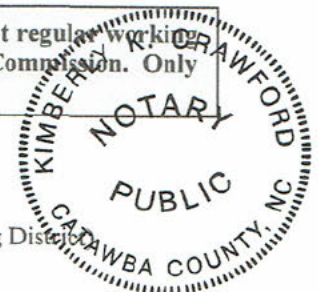
State of North Carolina – County of Catawba

I, the undersigned Notary Public of the County and State aforesaid, certify that Daniela Bourneau personally came before me this day and acknowledged the he / she is the member/manager of Boureanu and Creech, LLC ~~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 10th day of August, 2023.

My Commission Expires: 11/19/2026

Kimberly K Crawford
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.





LIMITED LIABILITY COMPANY ANNUAL REPORT

SOSID: 0915276
Date Filed: 4/21/2023
Elaine F. Marshall
North Carolina Secretary of State
CA2023 111 02037

NAME OF LIMITED LIABILITY COMPANY: Boureau and Creech Properties, LLC

SECRETARY OF STATE ID NUMBER: 0915276 STATE OF FORMATION: NC

REPORT FOR THE CALENDAR YEAR: 2023



Filing Office Use Only
Changes

SECTION A: REGISTERED AGENT'S INFORMATION

1. NAME OF REGISTERED AGENT: Daniela S Boureau

2. SIGNATURE OF THE NEW REGISTERED AGENT: SIGNATURE CONSTITUTES CONSENT TO THE APPOINTMENT

3. REGISTERED AGENT OFFICE STREET ADDRESS & COUNTY 4. REGISTERED AGENT OFFICE MAILING ADDRESS
5164 Meadow Park Lane Hickory, NC 28602 Catawba
5164 Meadow Park Lane Hickory, NC 28602 Catawba

SECTION B: PRINCIPAL OFFICE INFORMATION

1. DESCRIPTION OF NATURE OF BUSINESS: Real Estate

2. PRINCIPAL OFFICE PHONE NUMBER: (828) 327-4077 3. PRINCIPAL OFFICE EMAIL: Privacy Redaction

4. PRINCIPAL OFFICE STREET ADDRESS 5. PRINCIPAL OFFICE MAILING ADDRESS
5164 Meadow Park Lane Hickory, NC 28602 Catawba
5164 Meadow Park Lane Hickory, NC 28602 Catawba

6. Select one of the following if applicable. (Optional see instructions)
The company is a veteran-owned small business
The company is a service-disabled veteran-owned small business

SECTION C: COMPANY OFFICIALS (Enter additional company officials in Section E.)

NAME: Daniela S Boureau NAME: TITLE: ADDRESS:
5164 Meadow Park Lane Hickory, NC 28602 Catawba

SECTION D: CERTIFICATION OF ANNUAL REPORT. Section D must be completed in its entirety by a person/business entity.

Daniela S Boureau 04/12/2023
SIGNATURE DATE

Form must be signed by a Company Official listed under Section C of This form.

DANIELA S. BOUREANU MANAGER/MEMBER
Print or Type Name of Company Official Print or Type Title of Company Official

SUBMIT THIS ANNUAL REPORT WITH THE REQUIRED FILING FEE OF \$200

MAIL TO: Secretary of State, Business Registration Division, Post Office Box 29525, Raleigh, NC 27626-0525

FILED May 26, 2022
AT 10:24:00 AM
BOOK 03747
START PAGE 0530
END PAGE 0533
INSTRUMENT # 12029
EXCISE TAX \$700.00

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$700.00

Parcel Identifier No. 371009175434 Verified by _____ County on the ____ day of _____, 20__
By: _____

Mail/Box to: Law Offices of Amos & Kapral, LLP, 1331 N. Center Street, Hickory, NC 28601

This instrument was prepared by: Law Offices of Amos & Kapral, LLP, 1331 N. Center Street, Hickory, NC 28601

Brief description for the Index: V/L River Rd, Hickory, NC 28602

THIS DEED made this 26th day of May, 2022, by and between

GRANTOR

Catherine M. Colvard, as Successor Trustee of the Colvard Family Trust dated March 18, 2003; and Eric M. Yoder, as Successor Trustee of the Harold M. Yoder Revocable Trust dated May 12, 2009
453 Beaverdam Rd
Asheville, NC 28804

GRANTEE

Boureau and Creech Properties, LLC, a North Carolina limited liability company
5164 Meadow Park Lane
Hickory, NC 28602

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 Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot, parcel of land or condominium unit situated in the City of _____, Hickory Township, Catawba County, North Carolina and more particularly described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 2522 page 463.

All or a portion of the property herein conveyed ____ includes or X does not include the primary residence of a Grantor.

A map showing the above described property is recorded in Plat Book _____ page _____.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

Any restrictions, easements and/or right-of-way affecting the subject realty.
2022 Ad Valorem Taxes.

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

Catherine M. Colvard, as Successor Trustee of the Colvard Family Trust dated March 18, 2003 _____ (SEAL)
Print/Type Name: _____

(Entity Name)

By: Catherine M. Colvard _____ (SEAL)
Print/Type Name & Title: Catherine M. Colvard, Successor Trustee

Eric M. Yoder, as Successor Trustee of the Harold M. Yoder Revocable Trust dated May 12, 2009 _____ (SEAL)
Print/Type Name: _____

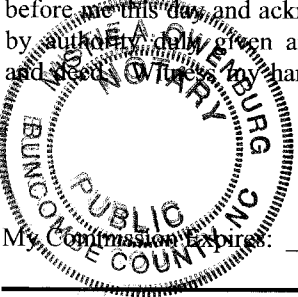
(Entity Name)

By: _____ (SEAL)
Print/Type Name & Title: Eric M. Yoder, Successor Trustee

By: _____
Print/Type Name & Title: _____

State of North Carolina - County of Buncombe

I, the undersigned Notary Public of the County and State aforesaid, certify that Catherine M. Colvard, personally appeared before me this 21st day and acknowledged that she is the Successor Trustee of The Colvard Family Trust dated March 18, 2003, and that by authority duly given and as the act of such entity, she signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this 21st day of May, 2022.



Mistie A. Owenburg
Notary Public

State of _____ - County of _____

I, the undersigned Notary Public of the County and State aforesaid, certify that Eric M. Yoder, personally appeared before me this day and acknowledged that he is the Successor Trustee of The Harold M. Yoder Revocable Trust dated May 12, 2009, and that by authority duly given and as the act of such entity, he signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this ____ day of May, 2022.

My Commission Expires: _____

Notary Public

A map showing the above described property is recorded in Plat Book _____ page _____.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

Any restrictions, easements and/or right-of-way affecting the subject realty.
2022 Ad Valorem Taxes.

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

Catherine M. Colvard, as Successor Trustee of the Colvard Family Trust dated March 18, 2003 _____ (SEAL)
(Entity Name) Print/Type Name: _____

By: _____ Print/Type Name: _____
Print/Type Name & Title: Catherine M. Colvard, Successor Trustee

Eric M. Yoder, as Successor Trustee of the Harold M. Yoder Revocable Trust dated May 12, 2009 _____ (SEAL)
(Entity Name) Print/Type Name: _____

By: _____ Print/Type Name: _____
Print/Type Name & Title: Eric M. Yoder, Successor Trustee

By: _____
Print/Type Name & Title: _____

State of North Carolina - County of _____

I, the undersigned Notary Public of the County and State aforesaid, certify that Catherine M. Colvard, personally appeared before me this day and acknowledged that she is the Successor Trustee of The Colvard Family Trust dated March 18, 2003, and that by authority duly given and as the act of such entity, she signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this _____ day of May, 2022.

My Commission Expires: 04/30/2026 _____
Notary Public

State of Virginia - County of Virginia Beach

I, the undersigned Notary Public of the County and State aforesaid, certify that Eric M. Yoder, personally appeared before me this day and acknowledged that he is the Successor Trustee of The Harold M. Yoder Revocable Trust dated May 12, 2009, and that by authority duly given and as the act of such entity, he signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this 26 day of May, 2022.

My Commission Expires: 04/30/2026 _____
Notary Public

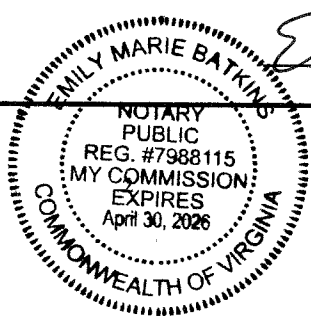


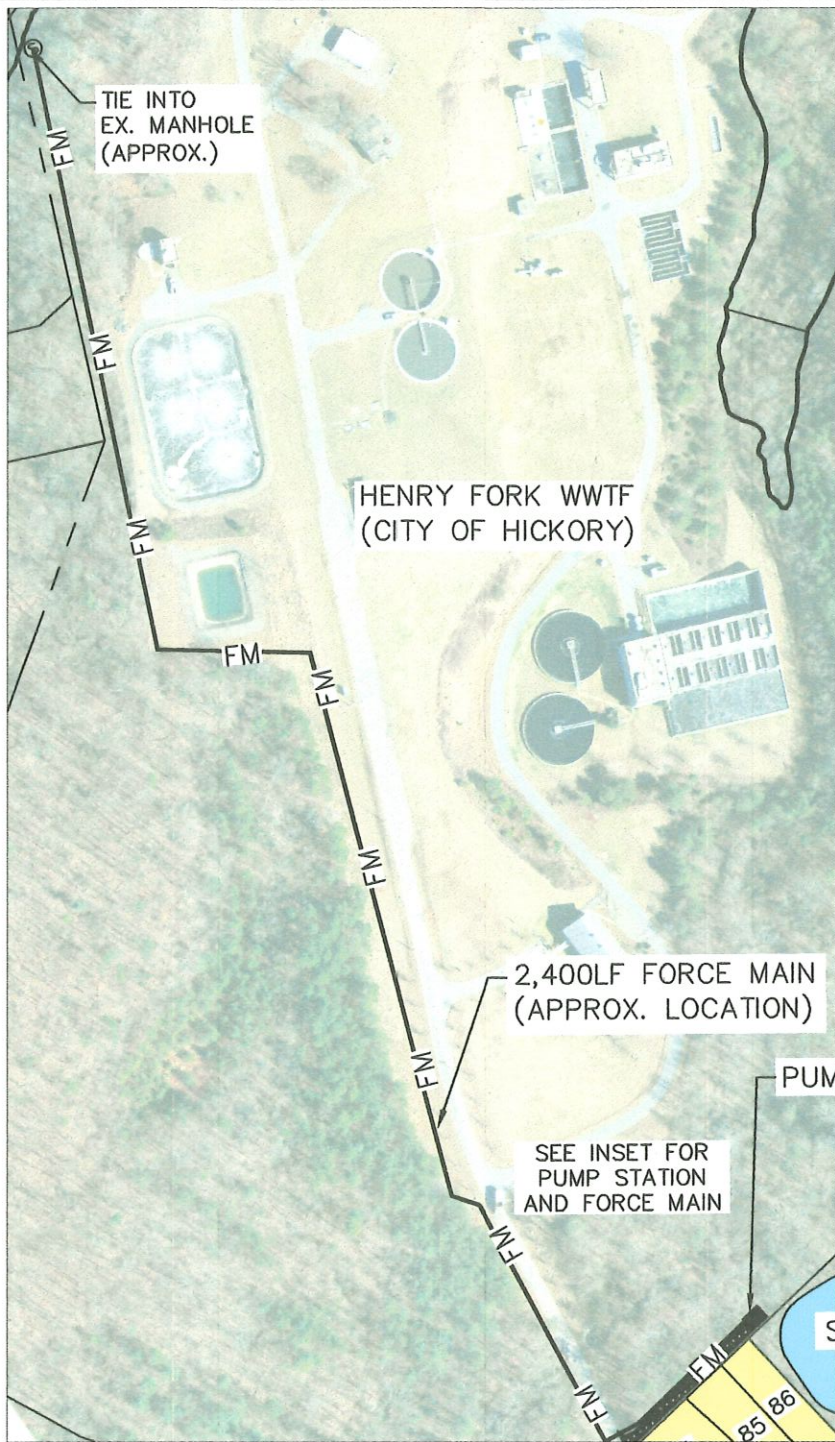
Exhibit A**Tract One:**

BEGINNING at a large Spanish oak on the Robinson line, and runs North 77' East, 102 poles to a Hickory; thence South 77' East, 6 $\frac{1}{4}$ poles to a Sassafras; thence North 56' East, 33 poles to a Willow on the bank of the river; thence down the river as it meanders South 41' East 29 $\frac{1}{2}$ poles to a stone where a Birch formerly stood; thence with the Robinson line South 54 $\frac{1}{4}$ ' West 130 poles to a Post-oak, the corner of the Robinson lands; thence with another of the Robinson lines North 39' West 72 poles to the beginning, containing 38 $\frac{3}{4}$ acres more or less.

Tract Two:

BEGINNING in the center of Sandy Ford Road, a corner of Fred Queen, and runs thence with Queen's line N 30 E 250 feet to a stake in said Queen's line; thence, continuing with Queen's line N 35 E 946 feet to a stake at another of Queen's corners; thence, S 35 E 946 feet to a stake at a corner of Craig Yoder; thence, with the Yoder's line N 59 E 712 feet to a stake in Yoder's line at a corner of Grady Bolick; thence, with Bolick's line S 15 $\frac{1}{2}$ E 190 feet to an iron at another of Bolick's corners; thence, with another of Bolick's lines S 58 $\frac{1}{2}$ W 773 feet to the center of Sandy Ford Road the following courses and distances; N 54 W 200 feet, N 55-15 W 400 feet, and N 56-20 W 375 feet to the point of the BEGINNING. Containing 11 acres, more or less.

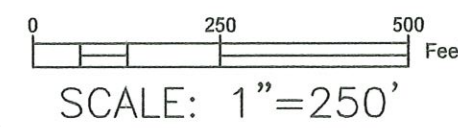
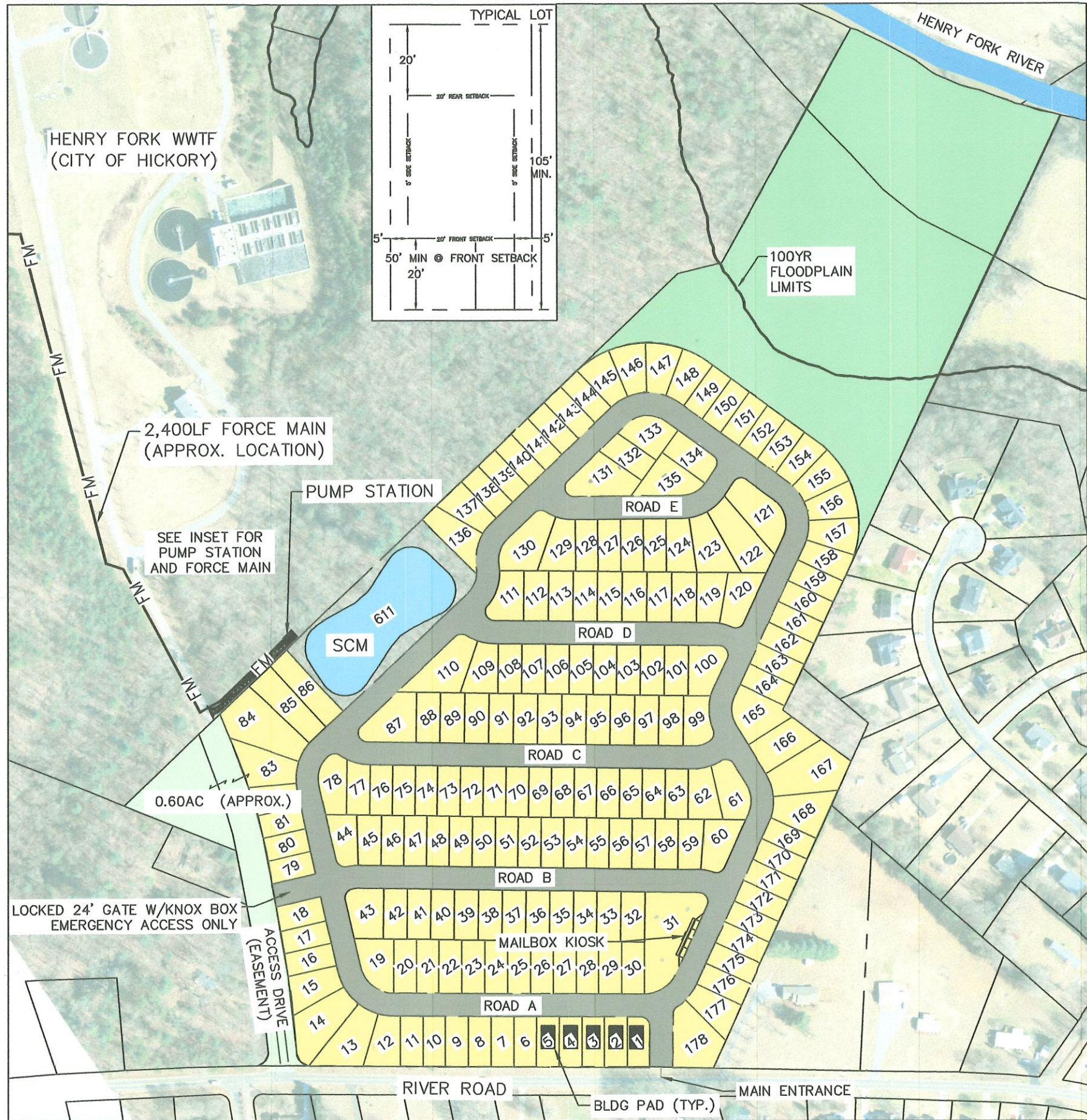
The above described lands are conveyed subject to a cart-way or road-way along the Western boundary thereof, adjoining the lands of Fred Queen, as a such cart-way or road-way has been designated upon a certain map of plat of the Aileen Bolick Property, Jacobs Forks Township, made by G. Sam Rowe, C.E., and duly recorded in the Office of the Register of Deeds for Catawba County, in Map Book 7 at page 79.



NOTES:

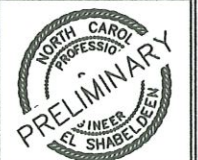
1. CITY HAS A PERPETUAL ACCESS EASEMENT TO THE WWTf.
2. DEVELOPER WILL DEED THE ACCESS DRIVE AND 0.6-AC PARCEL TO THE CITY.
3. CITY WILL GIVE DEVELOPER A TIE-IN TO THE WWTf AND A GATED ENTRANCE ON THE ACCESS DRIVE.

- | | |
|---------------|--------------|
| 1. DENSITY | 3.8 UNITS/AC |
| 2. ACREAGE | 47.80 AC |
| 3. OPEN SPACE | 10.78 AC |



SHABELDEEN ENGINEERING
 Ethics • Integrity • Engineering
 HICKORY, NC
 P: (828) 320-7252
 F: (828) 394-4126
 Environmental Stormwater/Erosion Control Construction Management
 License No. C-2945

SITE PLANS FOR:
RIVER ROAD SUBDIVISIONS
 3940 RIVER RD, HICKORY NC PIN:371009175434



PROJECT NO.	23-220	
DATE	AUG 29, 2023	
DRAWN BY	sew	
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REZONING ANALYSIS

PETITION: 23-06

APPLICANT: Boureau and Creech Properties, LLC

OWNERS: Boureau and Creech Properties, LLC

PROPERTY LOCATION: 3940 River Road

PIN: 3710-09-17-5434

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

ACREAGE: 47.53, plus 0.62 acres in street right-of-way (River Road) and 1.06 acres in access easement area.

REQUESTED ACTION: Rezone the property from Catawba County R-20 Residential to Planned Development (PD).

BACKGROUND: The property is vacant and zoned R-20 Residential by Catawba County. The property is in the process of being annexed, and the owners have requested the property be rezoned to Planned Development upon completion.

DEVELOPMENT POTENTIAL: The 47.53 acre property is zoned R-20 Residential by Catawba County. This district permits residential uses (single and two family) at maximum density of 2 dwelling units per acre, which could potentially produce up to 95 new dwelling units.

The requested Planned Development would consist of up to 178 single-family detached dwellings, which calculates to be 3.7 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 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.

The master plan for the requested Planned Development (PD) district produces both use types and densities consistent with the language from the comprehensive plan.

Given these factors, the rezoning of the property to Planned Development (PD) 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 a residential area with development density from 2 to 4 dwelling units per acre. The development as proposed meets both the use types and densities outlined within the comprehensive plan.

- 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 (River Road / SR 1144), as well as public utilities. The property owner / developer will be responsible for any necessary extensions needed for services. 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 residential uses, with the exception of the adjacent city-owned wastewater treatment plant (Henry Fork WWTP). The predominant development pattern will continue under the proposed Planned Development (PD), as residences will be the sole land use within the development. The potential 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 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 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 Low Density Residential (R-1) and occupied by a wastewater treatment plant.
- **South**: The properties are zoned R-20 Residential and occupied by single-family residences or used as farmland.

East: The properties are zoned R-20 Residential and are vacant.

- **West**: The property is zoned R-20 Residential and occupied by single-family residences or vacant.

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

The current zoning and use of the larger area is predominately residential and agricultural. The current district permits residential as its primary use. The requested Planned Development is proposed to consist entirely of new residential dwellings.

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 / developer to serve the development. 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 23-06 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 September 20, 2023, staff has received no inquiries regarding this petition.

Rezoning Petition 23-06
Map 1. HBC 2030 Future Land Use

-  Rezoning Area
-  Low Density Residential
-  Public/Institutional

