



The Hickory Regional Planning Commission will hold its regular meeting on **Wednesday, October 23rd, 2024, 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 September 25, 2024, meeting.
- Reading of State Rules of Ethics
- Reading of Rules of Public Hearing Procedures

PRESENTATIONS AND HEARINGS

1. **Rezoning Petition 24-11.** Rezoning of property owned by Country Club Towns, LLC located at the intersection of Sandy Ford Road and Robinson Road from R-20 Residential to Medium Density Residential R-2. The subject properties are shown in more detail Catawba County PIN 3710-16-83-6918, 3710-16-84-5483, 3710-16-74-9736.
2. **Rezoning Petition 24-12.** Rezoning of property owned by BB&L Associates, LLC located at the intersection of 9th ST NE and 9th Ave Pl NE from Industrial to High Density Residential. The subject property is shown in more detail Catawba County PIN 3713-13-12-8779.

OTHER BUSINESS

1. Approval of consolidated meeting date for November and December.

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 24-25

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	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	Christina McNally			P									Aug-24	Jun-25
Ward 3	Junior Hedrick	P		P									Jul-20	Jun-26
Ward 4	Sam Hunt	P		A									Jul-21	Jun-24
Ward 5	Robert Lelewski	P		P									Jul-23	Jun-26
Ward 6	Anne Williams	P		P									Jul-22	Jun-25

Hickory Regional Planning Commission
Wednesday, September 25, 2024, 6:00 pm

A regular meeting of the Hickory Regional Planning Commission (HRPC) was held on Wednesday, September 25, 2024, 6:00 pm, in the Council Chambers of the Julian G. Whitener Municipal Bldg.

Members Present: Bill McBrayer, Bill Pekman, Junior Hedrick, Anne Williams, Steve Mull, Robert Lelewski, and Christina McNally

Members Excused: none

Members Absent: Sam Hunt

Others Present: Planning Director Brian Frazier, Planning Manager Cal Overby, City Attorney Tim Swanson, and Minutes Clerk Anne Starnes

A quorum was present.

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

Roll Call: Planning Director Brian Frazier welcomed a new member, Christina McNally to the commission. He said a quorum was present.

Swearing in of New Members: Bill McBrayer was recently re-appointed to another term on the Hickory Regional Planning Commission. He and Christina McNally were sworn in as members and took the oath of office.

Items of Correspondence: Mr. Frazier said staff had received Ms. McNally's appointment letter from Mayor Guess.

City Council Action: Mr. Frazier said the City Council had approved Text Amendment 24-01 since the previous meeting, the recommended changes to the Land Development Code.

Approval and Signing of Minutes from the July 24, 2024 Meeting: Minutes from the previous meeting in July were distributed to members in advance. No additions, deletions, or corrections were stated. Bill Pekman moved, seconded by Steve Mull, to approve the July 24, 2024 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 this board have any known conflict of interest, or appearance of conflict, with respect to any matters coming before us today? If so, please identify the conflict, or appearance of conflict, and refrain from any undue participation in the particular matter involved.

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

Reading of Hearing Procedure Rules: Mr. McBrayer said there was one hearing on the agenda.

PRESENTATIONS & HEARINGS

1. Rezoning Petition 24-10.

Request by Pelican Partners, LLC for the consideration of rezoning approximately 8.56 acres of property located at 3109 15th Avenue Blvd. SE, including a vacant abutting parcel to the south, from Regional Commercial (C-3) to Industrial (IND). The subject properties are shown as PINs 372107586862 and 372107586590 on the Catawba County Tax Map.

Mr. McBrayer opened the hearing for Rezoning Petition 24-10.

Planning Manager **Cal Overby** presented the staff report, referring to PowerPoint slides. He reviewed **slide #2.**

- Property Owners: Pelican Partners, LLC
- Applicant: Heidi Bradley
- Location: 3109 15th Avenue Boulevard SE and a vacant parcel to the south
- Current Zoning: Regional Commercial (C-3)
- Property Size: 8.56 acres
- Background: The rezoning is being requested to give the current industrial business an opportunity for expansion.
- Request: Rezone the properties to Industrial (IND)

He said manufacturing is allowed in a Commercial district but is capped at 50,000 sqft. of floor area. Industrial districts have no cap on their floor area, so rezoning their properties to Industrial would allow them to expand their current manufacturing operation.

Slide #3. (Map 1. HBC 2030). Mr. Overby said the slide shows the Hickory by Choice 2030 Future Land Use Map. This map originated with the first Hickory by Choice Plan in the '90s and the area was planned to be Commercial. He described the area from Mike Johnson Toyota over to Sweetwater Fire Station, pointing out a very large creek and flood plain north of Highway 70 and 30th Street SE, with no bridge over it, which is located in Regional Commercial. The subject properties are just east of the flood plain. Staff will review this again when the plan is updated, likely in the next couple of years. Commercial development is not likely in the area, since there is no access; it is not what is typically expected in a Regional Commercial area.

Slide #4. (Map 2. Current Zoning). Mr. Overby said the subject area is currently zoned as Regional Commercial (C-3), with an adjacent area of Planned Development (PD), which is a housing development off Sweetwater Road. He pointed out the Fairgrove Business Park, industrial areas located behind the Higher Ed Center, and the additional Residential and Office located nearby.

Slide #5. (Map 3. Aerial Photography.) Mr. Overby pointed out the subject property and a small neighborhood located east of it. The map shows the Hickory Motor Speedway located south of the property and Catawba Valley Medical Center to the north, but there is no access.

Mr. Overby reviewed **slide #6.** (Rezoning Petition 24-10).

- According to the HBC 2030 Plan, the area is classified as **Regional Commercial.**
- The Hickory by Choice 2030 Comprehensive Plan explains the Regional Commercial designation as areas located along the City's **major transportation corridors.** These areas are **automobile oriented** and **contain goods, services and entertainment activities** for city residents, as well as patrons from surrounding communities.

- While **industrial zoning is inconsistent** with the plan’s recommendations, a few other points need to be added. First, the manufacturing facility is a **legally conforming business** that has been in operation for a number of years. Secondly, Hickory’s Land Development Code **permits industrial use in Regional Commercial (C-3)** districts with a size limitation.
- The existing industrial use is **adjacent to other such uses** and in close proximity to another, and **borders I-40**. The rezoning is compatible with several adjacent land uses, all of which have been in operation for some years.

He said the rezoning would benefit the business, as well as the city, and could become a core for development in the future.

Slide #7. (Recommended Action)

Recommended Action

- As outlined, the rezoning is **inconsistent** with the Hickory by Choice 2030 Comprehensive Plan. However, the requested **action is reasonable**, as it would provide an opportunity for a **conforming use to expand** in an area where other **industrial uses already operate**. The current industrial uses have caused no reported or visible problems to the area, and as such, the requested rezoning would not be expected to do so.
- Given these factors, staff recommend the following:
 - The adoption of a statement **affirming the petition’s inconsistency** 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.
 - Forward a **recommendation of approval** to Hickory City Council.

Mr. Overby asked for questions from the Commission members.

Mr. McBrayer asked if staff had received any inquiries since the staff report was prepared on September 16, noting that neighbors are located near these properties, and Mr. Overby said no.

Mr. Lelewski requested having slide #4 (Map 2. Current Zoning) shown on the screen. He said the request is inconsistent with the plan, however staff believe it is potentially reasonable to have a larger footprint. He asked at what point the expansion to Industrial would be too large, such as, if the neighbors said they would like their space to be Industrial, too, and then another one also makes a request, etc. So when would the city say there is a limit, or would they say this entire area, up to a quarter mile in each direction, would become Industrial. Mr. Overby said it would only be along the adjacent roadway, which he pointed out on the map, noting this would also be included when they next update the plan. For now, this would likely be the only area considered, and he again noted the large floodplain area west of the adjacent roadway.

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

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

Mr. McBrayer said proponents of the rezoning petition would speak first, for 15 total minutes, followed by the opponents.

PROponents

- **Heidi Bradley**, 3109 15th Avenue Blvd. SE, Conover NC, addressed Commission members, saying she is the applicant and owner of Rubber Mill, Inc., a manufacturing facility that has operated out of this facility for about five (5) years. They are headquartered in Liberty NC, which is south of Greensboro. They wanted to expand their operation to the west of Greensboro and found this location, which was formerly a Sun Belt truck terminal. They purchased the property and were able to rehabilitate it as a manufacturing facility. The current building is about 36,000 sq. ft. They provide products to appliance and transportation businesses and need to warehouse a lot of their materials for the larger corporations that want to do more “just in time.” They looked into adding on to their building and found out they could not go over 50,000 sqft., due to their current zoning. They filed this petition because they are considering expanding the building to be able to do this. Right now, it is being used for warehousing, but later, they expect it will transition to include a manufacturing site.

Mr. Mull asked if the expansion would include employee growth or manufacturing growth, or is it limited to only the building. Ms. Bradley said they have already grown the number of employees. They previously had 15 employees, but now have about 20 employees at this site, due to gaining some additional business recently. They are fortunate to have a new contract that begins in 2025; it will possibly require hiring more employees, but only a few more.

Mr. Lelewski said Ms. Bradley had stated they currently have about 36,000 sqft. He asked if they have a goal of what size they want their facility to be in the future. She said they are considering adding about 18,000 sqft. of space. They have an opportunity to purchase a metal building, larger than they need now, but she could see them using it eventually, further out in the future.

Mr. Lelewski asked if they intend to purchase any of the adjacent lots. Ms. Bradley said no, they do not need any additional lots. They also have a great relationship with their neighbors, who also intend to remain there. In fact, they both bought property there and split it into three (3) parcels. The neighbors plan on staying and Ms. Bradley is happy with the arrangement. She does not expect any of them to purchase any additional property.

Mr. Lelewski asked if the increased activity at her expanded business would create additional noise and impact her neighbors. Ms. Bradley said no, because they do not plan to add additional manufacturing at this time. They will continue to manufacture products in their current space, and the expanded space will be used for storage. Again, their need for additional storage is related to the new contracts they gained for 2025, which they are very excited about having. They need more storage space for incoming materials, and to warehouse finished goods. She said they have added one new machine, but do not plan to add any additional equipment at this time.

There were no further questions, and McBrayer thanked her.

No additional proponents were present.

OPponents

- No opponents were present.

Mr. McBrayer closed the hearing. He asked for discussion or questions from members on Rezoning 24-10, or a motion to approve or deny the petition.

Ms. Williams asked Mr. Swanson if the motion should include a reference to the change in the Transportation Plan that rendered this inconsistent with Hickory by Choice. He said it could be included, if she chooses.

Anne Williams moved, seconded by Bill Pekman, that the Planning Commission recognizes Rezoning 24-10 is inconsistent with the Hickory by Choice 2030 Comprehensive Plan, as changes to the Transportation Plan have

rendered it to be out of compliance, however, the Commission recommends Rezoning 24-10 be approved as requested. There was no discussion on the motion. By a show of hands, the motion carried unanimously.

Mr. McBrayer said the motion passed and the petition would now go to City Council for their consideration and a final decision.

Other Business: Mr. McBrayer asked if there was any additional business for the commission. Mr. Frazier said a few applicants had discussed applying with their staff, but none had been confirmed yet. For their applications to be considered at the October meeting, they would need to submit their application by next Monday afternoon. He noted the Commission's November and December meeting dates usually occur during holiday weeks, so a single combined meeting is typically held on the first Wednesday in December.

Next Meeting: The next regular meeting is scheduled for Wednesday, October 23, 2024, at 6:00 pm, at City Hall. Members will be advised in advance whether the meeting will be held.

Adjourn: Mr. McBrayer thanked Ms. McNally for joining the commission. There being no further business, he declared the meeting adjourned at 6:20 pm.

Bill McBrayer, Chair
Hickory Regional Planning Commission

Anne Starnes, Minutes Clerk
City of Hickory

REZONING ANALYSIS

PETITION: Rezoning 24-11

APPLICANT: City of Hickory

OWNER: Country Club Towns, LLC

PROPERTY LOCATION: At the intersection of Sandy Ford Road and Robinson Road.

PINs: 371016836918, 371016845483, 371016749736

WARD: The subject properties, if annexed, would be located in Ward 3 (Councilman Seaver). The parcels are currently in the County's jurisdiction and would be required to be annexed if the rezoning request is approved.

ACREAGE: Approximately 29.58 acres

REQUESTED ACTION: The applicant has submitted a petition requesting to rezone the subject properties from Catawba County's R-20 designation to Medium Density Residential R-2. The development on the newly acquired parcels would consist of 75 residential units consisting of single family detached dwellings.

DEVELOPMENT POTENTIAL: The current residential (R-20) zoning assigned to the property allows for primarily residential uses. As currently zoned, the subject properties could theoretically yield up to 59 dwelling units. It should be understood these numbers are a theoretical maximum, and other regulatory requirements for building setbacks, parking, buffering, natural features, and similar items could substantially decrease this maximum intensity. It should also be noted that the R-20 zoning district has a maximum height limitation of 45 feet, therefore any new structures could not exceed three (3) stories.

BACKGROUND: The applicant has submitted a petition requesting the properties be rezoned to Medium Density Residential R-2. R-2 zoning allows for up to 4 units per acre. Theoretically, the property could yield up to 118 under R-2 zoning. The applicants have asked for an R-2 conservation subdivision plan. Under a conservation subdivision, the plan must keep 30% of the acreage for open space. The applicants are asking for 75 units total.

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* and the stated Purpose and Intent of this Land Development Code **(Please refer to Map 1 for more detail)**;

The vicinity in which the subject properties are located is classified as low-density residential by the Hickory by Choice 2030 Comprehensive Plan. The low-density residential land use classification is discussed on page 25 of the comprehensive plan. In summary, the classification consists of areas found to be suitable for varied levels of residential development.

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;

Any and all improvements that are to take place on the properties 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 properties are located at the intersection of Sandy Ford Road (SR 1143) and Robinson Road (SR 1146), which are major thoroughfares south of Hickory. Public utilities (water and sewer) are also located long Robinson Road and Sandy Ford Road, but will need to be extended to serve the proposed development. The owner and/or developer of the properties will be required to cover any financial costs needed for any required infrastructure improvements identified through the evaluation process.

- Regulate the type and intensity of development; and

This Hickory Land Development Code regulates the type and intensity of development that is located on the subject properties. If the request is approved, the planned development master plan submitted as part of the petition will serve as the document that guides development on the properties. Additionally, construction plans for the properties, once received, will be reviewed in light of the regulations contained within the Hickory Land Development Code.

- Ensure protection from fire, flood and other dangers.

Any future development occurring on 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 for the patrons of the subject properties, as well as the residents of the surrounding area.

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

North: *The properties to the north are occupied by single family residences.*

South: *The properties to the south are single family residences;*

East: *The properties to the east are occupied by single-family residences; and*

West: *The properties to the west are occupied by single-family residences.*

3. The zoning classification of property within the general vicinity of the subject properties **(Please refer to Map 3 for more detail):**

North: *The properties to the north are zoned R-20 residential by Catawba County;*

South: *The properties to the south are zoned R-20 Residential by Catawba County;*

East: *The properties to the east are zoned R-20 Residential by Catawba County; and*

West: *The properties to the west are R-20 Residential by Catawba County.*

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

The current residential (R-20) zoning assigned to the property allow for primarily residential uses. The proposed development would utilize residential uses.

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

Any rezoning has the potential to detrimentally impact properties in the general vicinity. Through proper site planning, buffering, and screening, as required by the City's Land Development Code, any real or perceived detrimental impacts could be mitigated to maximum extent practical.

6. 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.

With regards to sanitary sewer, the developer will be extending the existing line located on Robinson Road to serve the property this project would be adjoining.

Both Sandy Ford Road and Robinson Road are operated and maintained by the NCDOT. Any improvements required by NCDOT will be required to be put in place during the construction, or its phases(s).

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

The properties in question are located within an area where the City's comprehensive plan anticipates as being more urbanized and mixed use in nature. Any future development that occurs of the subject properties will be guided by the planned development master plan. Additionally all development activities on the subject properties will 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.

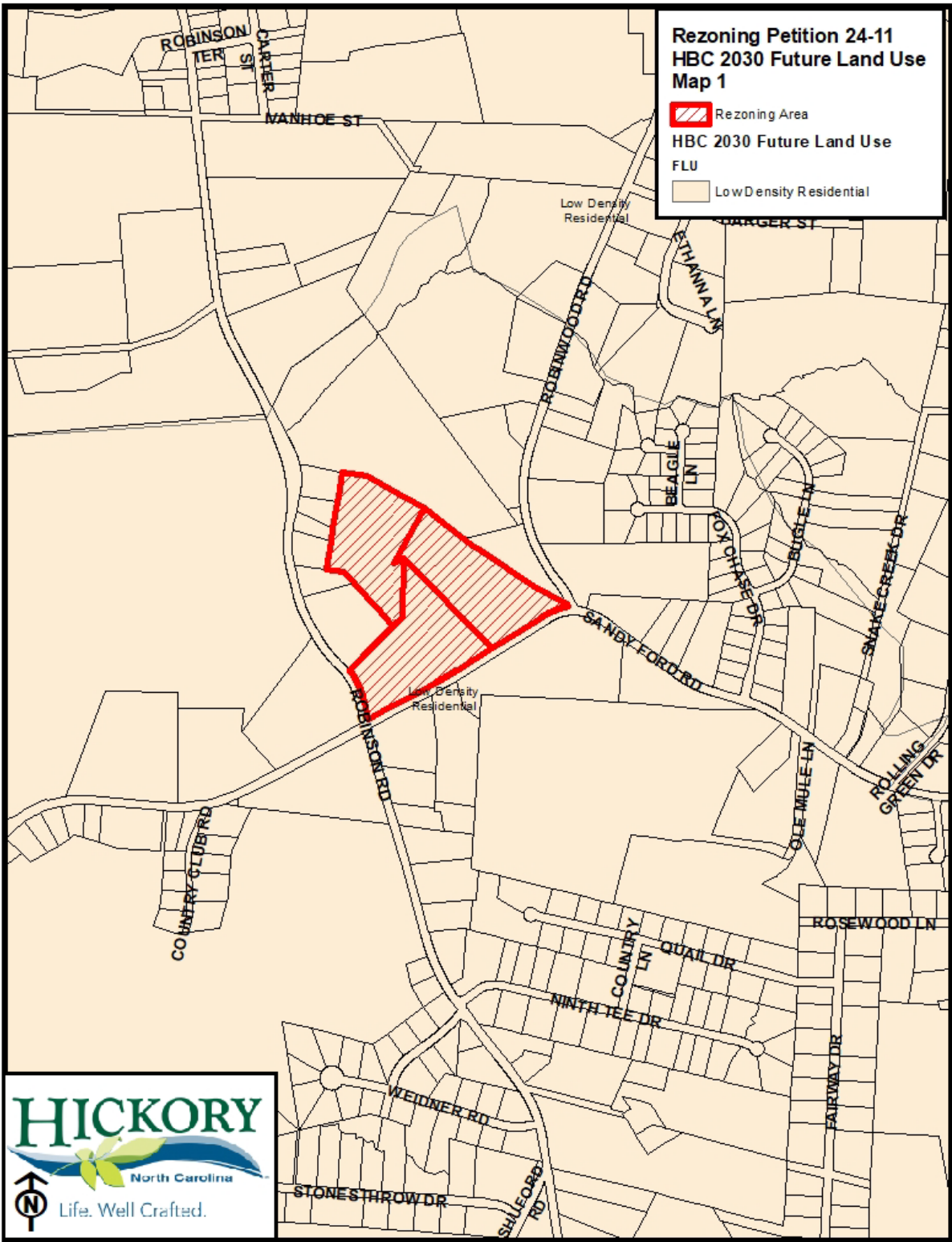
RECOMMENDED ACTION:

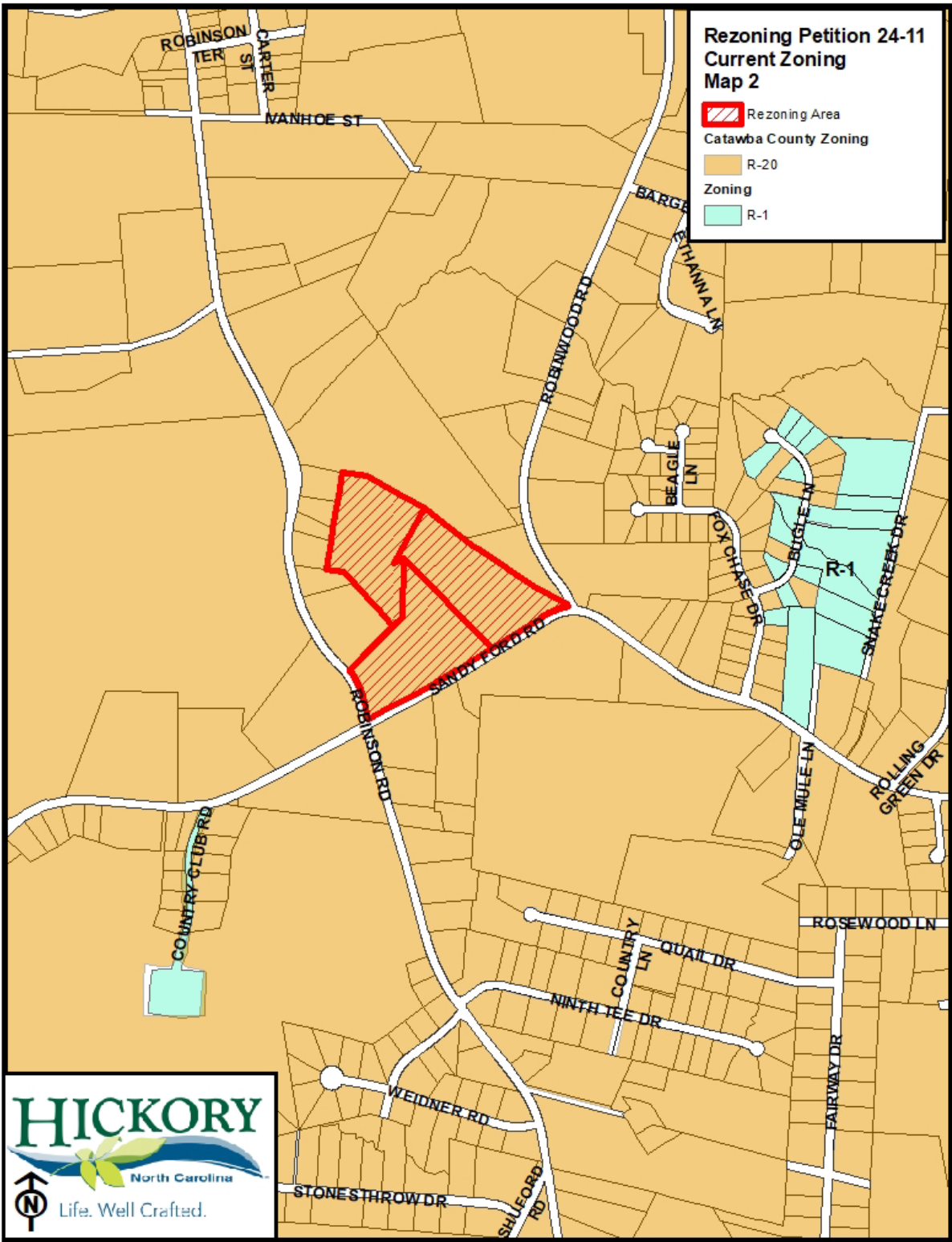
Staff finds Rezoning Petition 24-11 to be **consistent** with the Hickory by Choice 2030 Comprehensive Plan, and recommends the following:

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:

Staff has received no inquiries regarding this rezoning petition as of Oct 16th, 2024.







REZONING ANALYSIS

PETITION: 24-12

APPLICANT: Byron Bean

OWNERS: BB&L Associates, LLC

PROPERTY LOCATION: The corner of 9th St NE and 9th Ave PI NE

PIN: 3713-13-12-8779

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

ACREAGE: 0.88 acres.

REQUESTED ACTION: Rezone the property from City of Hickory IND Industrial to City of Hickory R-4 Residential.

BACKGROUND: The property is currently zoned Industrial by the City of Hickory. The property owner requests that it be rezoned to R-4 Residential to accommodate further residential uses.

DEVELOPMENT POTENTIAL: The property is currently unoccupied, unimproved vacant land totaling 0.88 acres. The property is Industrial, which does not permit residential uses such as single family detached residences, duplexes, multi-family structures, and upper story residential.

The owners have requested the property be rezoned to R-4 Residential. This residential district permits a maximum density of 12 dwelling units per acre and would allow for a single family detached residence to be built, keeping with the high density future land use.

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 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 High-density Residential areas: High density residential development in Hickory is located in or near mixed-use areas or higher-intensity commercial districts. The combination of smaller single-family lots, shorter building setbacks, shorter blocks, and multi-family development would create a gross average density for housing at approximately 12 to 20 units per acre. These areas may also contain office uses along thoroughfares and adjacent to commercial areas to act as a transition between commercial and residential land uses. (HBC2030, Page 24)

Given these factors, the rezoning of the properties to R-4 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 property is in an area identified by the Hickory by Choice 2030 Comprehensive Plan as a high-density residential area that provides opportunities for residential development. Additionally, R-4 Residential zoning is listed by the comprehensive plan as an implementing district for high density residential areas.

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

The development regulations contained within the Hickory Land Development Code, coupled with regulations from the state and federal government, will work with one another to mitigate detrimental impacts to the extent allowed by law.

- 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 City maintained roads on 9th St NE, 9th Ave PI NE, and 9th St Dr NE. Public utilities are also available. The property owner will be responsible for any necessary extensions needed for services, as well as any required transportation improvements. 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 is a mix of residential and commercial. Any future residential 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 any future 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 R-4 Residential and has a single-family residence.
- **South:** The properties are zoned Industrial IND, occupied by single-family residence.
- **East:** The properties are zoned Industrial IND and occupied by commercial business.

- **West:** The properties are zoned R-4 Residential and are occupied by single-family residences.

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 a mix of residential and commercial. The current zoning does not permit residential, which is promoted by the city's comprehensive plan. The requested district would allow for a single-family development that matches the high-density residential guidelines set forth in the comprehensive plan.

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

Most of the area surrounding the subject property is residential, and the requested zoning is residential. Being the requested district is residential in nature, if ever developed, such development would add additional residences to the 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 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 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.

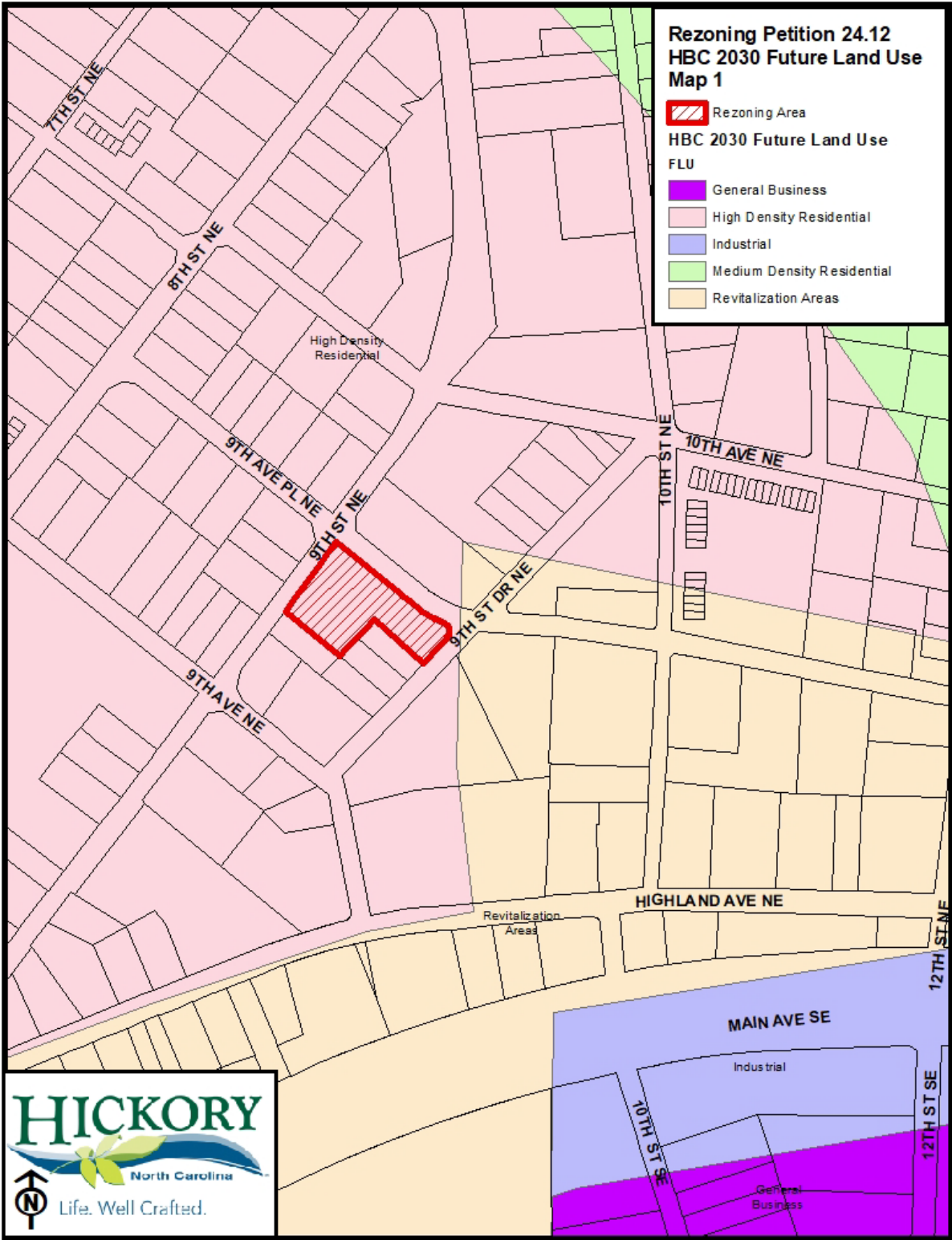
RECOMMENDED ACTION:

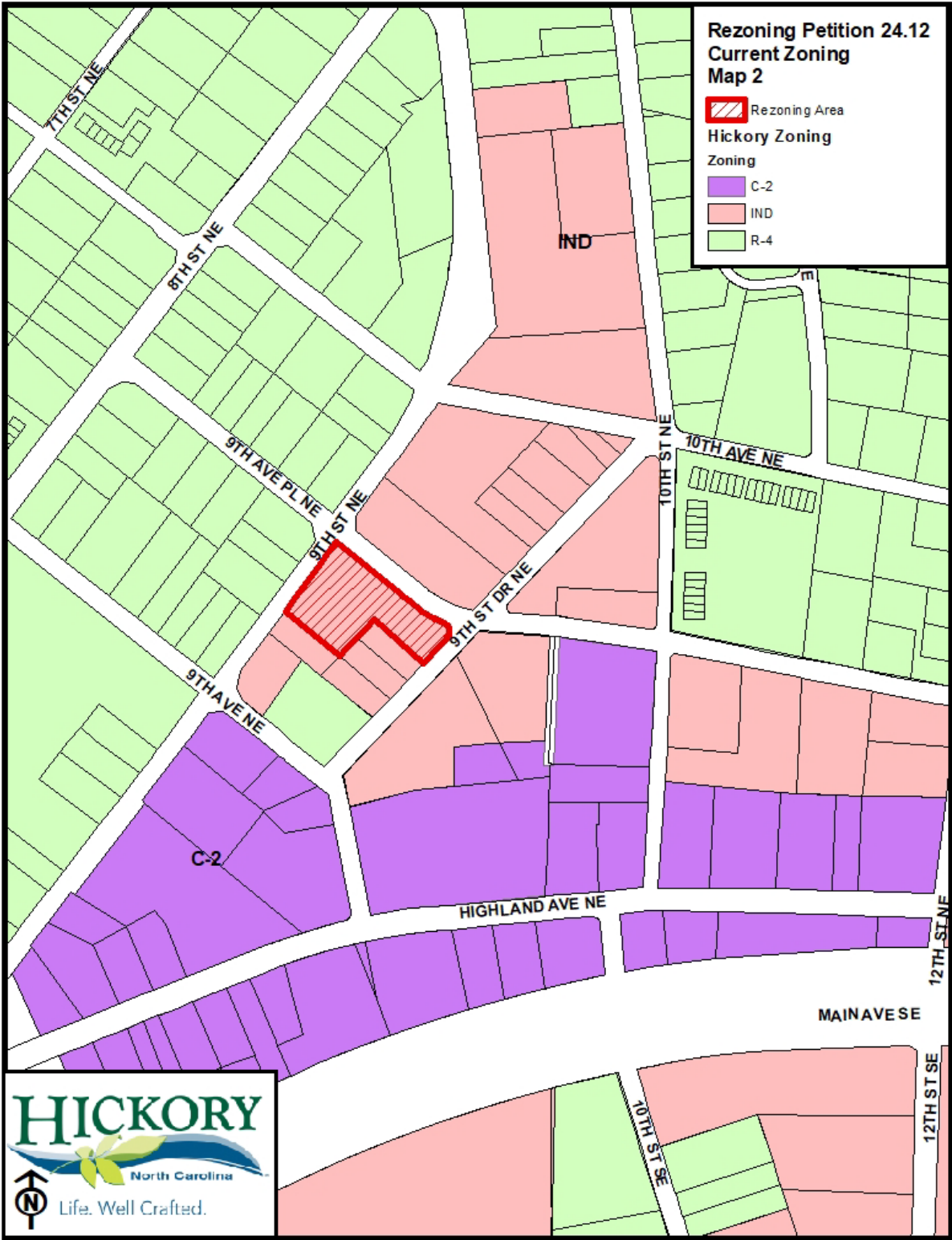
Staff finds Rezoning Petition 24-12 to be **consistent** with the Hickory by Choice 2030 Comprehensive Plan, and recommends the following:

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 October 16,2024, staff has received no inquiries regarding this petition.





Rezoning Petition 24.12
Aerial View
Map 3

 Rezoning Area

Leigh's Furniture Warehouse

Hickory Chair



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

DATE SUBMITTED: 9-1-2024

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 9th Ave P.L.N.E
between 9th St. N.E and 9th St. Dr. N.E
PIN NO. (S): 371313128779
Physical (Street) Address: 9th St. N.E.

2. The property is owned by: (please print) B B+L ASSOC 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: B B+L ASSOC LLC
Address: 530-43rd Ave Ct. N.W. - Hickory, N. C.
Phone Number: 828-381-3044
Email Address: byron.beah@charter.net

3. The petition is submitted by: BYRON BEAH, MANAGER
(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: IND TO: R-4

5. Please list the current use(s) of the property: 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.

BYRON BEAN, MANAGER
Printed Name of Owner

[Signature]
Signature of Owner

(Please choose the appropriate notary block)

State of North Carolina – County of Catawba

AMY R. SIGMON
NOTARY PUBLIC
Alexander County, North Carolina
My Commission Expires March 25, 2029

I, the undersigned Notary Public of the County and State aforesaid, certify that Byron Bean 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 4 day of September, 20 24.

My Commission Expires: 3/25/29

[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.

START PAGE 0927
END PAGE 0929
INSTRUMENT # 36222
EXCISE TAX \$661.00
Pam

REVENUE \$ 661⁰⁰

Tax Lot No. _____ Recording Time, Book and Page
Parcel Identifier No. _____
Verified by _____ County on the _____ day of _____
by _____

Mail after recording to Attorney M.V. Yount
This instrument was prepared by M.V. Yount, SIGMON CLARK MACKIE HUTTON HANVEY & FERRELL, P.A., P.O. Drawer 1470, Hickory, NC 28603

Brief Description for the index

Hickory Township, Catawba County

RIN 371313128779

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made December 21, 2005, by and between

GRANTOR

MILDRED W. LOCKE

GRANTEE

BB&L ASSOCIATES, LLC, a North Carolina
Limited Liability Company

Byron E. Bean, Manager
P.O. Box 747
Conover, NC 28613

Enter in appropriate block for each party: name, 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 or parcel of land situated in the City of Hickory, Hickory Township, Catawba County, North Carolina and more particularly described as follows:

Exhibit A attached and incorporated herein by reference

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 except for the exceptions hereinafter stated.

Title to the property hereinabove described is subject to the following exceptions:

IN WITNESS WHEREOF, the Grantor has hereunto set its hand and seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

(Corporate Name)

By: _____
President

ATTEST:

Secretary

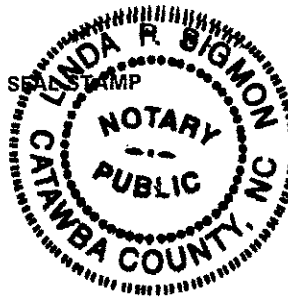
(Corporate Seal)

USE BLACK INK ONLY

Mildred W Locke (SEAL)
Mildred W. Locke

(SEAL)

(SEAL)



NORTH CAROLINA, Catawba County.

I, the undersigned, a Notary Public of Catawba County, North Carolina, certify that **MILDRED W. LOCKE**, a widow, Grantor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal on this the 21 day of December, 2005.

Linda P. Sigmon
Notary Public Linda P. Sigmon
My commission expires: 1/21/2010

SEAL-STAMP

NORTH CAROLINA, _____ County.

I, _____, a Notary Public of _____ County and State aforesaid, hereby certify that _____ personally appeared before me this day and acknowledged that he/she is Secretary of _____, a **North Carolina corporation**, and that by authority duly given and as the act of said corporation, the foregoing and annexed instrument was signed in its name by _____, its President, sealed with its corporate seal and attested by _____, as its Secretary.

Witness my hand and official stamp or seal on this the ____ day of _____, _____.

Notary Public
My commission expires: _____

The foregoing Certificate(s) of _____

is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

REGISTER OF DEEDS FOR _____ COUNTY

By _____
Deputy/Assistant-Register of Deeds.

PARCEL TWO

Being First Tract of the Everette P. Huffman, Sr. land, covering Lots Nos. 13, 14 and 15 in Block "B" on plat of land which is recorded in Catawba County Registry in Book No. 5, at Page 20, to which said plat reference is hereby made for a more accurate description. Each lot has a frontage of 25 feet and a depth of 150 feet. Being that property conveyed by D.M. McComb, Trustee, to R.G. Hafer and wife, Mildred W. Hafer (now grantor Mildred W. Locke) by deed recorded in Book 574 Page 131, and PIN 370308896391 Catawba County Tax Records.

PARCEL THREE

TRACT I

Lying and being in the City of Hickory, and more particularly described as follows:

BEING all of Lot No. 29 of the Ed Bowman property as shown on a plat thereof prepared by E.M. Yoder, Surveyor, June, 1923, duly recorded in Catawba County Registry in Book of Plats 1, at page 95.

TRACT II

BEGINNING at an iron stake at the intersection of the property line on the East side of North 15th Street and the property line on the South side of McComb Drive (18th Avenue) and running thence with the property line on the East side of North 15th Street South 38° 00' West 50 feet to an iron stake, A.C. Kelly's Northwest corner; thence with A.C. Kelly's line, South 52° 17' East 154 feet to an iron stake, A.C. Kelly's Northeast corner; thence with Louise McComb Bennett's line, North 33° 28' East 58.10 feet to an iron stake in the South margin of McComb Drive (18th Avenue); thence 155.2 feet along the curved margin of McComb Drive (18th Avenue) in a Northwest direction to the point of **BEGINNING**. Said real estate being Lots Nos. 30 and 31 of the Ed Bowman property (as surveyed by E.M. Yoder June 13, 1923), a plat of which is to be found at Page 95, Plat Book 1, Catawba County Registry - deed for which is recorded in Book 180 at page 334 - and the adjoining property (Southeast of the said Bowman lots - Nos. 30 and 31), deeded by H.E. McComb (widower), D.M. McComb and wife, Lula W. McComb, to W.W. McComb, April 24, 1933 and being recorded as Lot No. 1 in deed as found in Book 259 at Page 264, Catawba County Registry.

TRACT III

BEGINNING at a stake in the Eastern margin of Fourth Street Drive, N.W. (formerly North 15th Street), the Southwest corner of Lot No. 29 of the Ed Bowman Property as surveyed and platted by E.M. Yoder, June 13, 1923, and a plat of which is duly recorded in Map Book 1 at page 95, Catawba County Registry; and runs thence South 38° West with the Eastern margin of Fourth Street Drive, N.W., 20 feet to a stake in said margin; thence South 52° 28' East 160 feet, more or less, to a stake in Jack and Elizabeth Fortune's line; thence with Fortune's and Louise McComb Bennett's lines North 33° 28' East 69.69 feet, more or less, to a stake in the Southeast corner of lands conveyed by W.W. McComb and wife to W. Earl Coffey and wife, Edna Mae Coffey, by deed recorded in Book 434 at page 196; thence North 52° 17' West 63.6 feet, more or less, to a stake in the Northeast corner of Lot No. 29; thence with the Eastern line of Lot No. 29, a distance of 51 feet, to a stake in the Southeast corner of Lot No. 29; thence with the Southern line of Lot No. 29, 104 feet to the point of **BEGINNING**.

The above lands (Parcel Three) being a 20 foot portion of Lot No. 28 of the Ed Bowman property and those additional lands lying to the East or Southeast of Lot No. 29 and that 20 foot portion of Lot No. 28.

Parcel Three being that property conveyed by Thomas V. Callanan and wife, Peggy B. Callanan, to Mildred W. Locke by deed recorded in Book 962 Page 52, and PIN 370315546165 Catawba County Tax Records.

PARCEL FOUR

Lying and being in the City of Hickory, North Carolina

BEGINNING at a stake at the intersection of the northern margin of 12th Avenue and the eastern margin of 24-1/2 Street in the City of Hickory, North Carolina, and runs thence with the margin of 12th Avenue, South 87° East 52 feet to a stake; thence North 1-3/4° East 96 feet to a stake; thence North 87° West 80-1/2 feet to a stake in the eastern margin of 24-1/2 Street; thence with the margin of said street, South 5° East 96 feet to the point of **BEGINNING**.

Being that property conveyed from D.M. McComb, Trustee, to R.G. Hafer and wife, Mildred Hafer (now grantor Mildred W. Locke) recorded in Book 400 at Page 78, and PIN 279320808518 Catawba County Tax Records.

PARCEL FIVE

Lots Nos. 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16 in Block "A" of the C.C. Bost property located in the City of Hickory (formerly Highland) as shown on plat of E.M. Yoder, Surveyor, registered in Plat Book No. 3 at page 6, in the office of the Register of Deeds for Catawba County

Selected Parcels Catawba County NC

1 records

Excel

Parcel ID / L.R.K: 371313128779 / 0027595
 Owner: B B & L ASSOCIATES LLC
 Owner2:
 Total Value: \$38,300
 Deed Book/Page: 2718/0927
 Subdivision: C C BOST PROP

Parcel Address: 9TH ST NE., HICKORY 28601 map
 Owner Address: 530 43RD AVE CT NW, HICKORY NC 28601-9018
 Building Value: \$0
 Plat Book/Page: 3/6
 Lot Number: 7-16

Land Value: \$38,300
 Legal: LOT 7-16 PL 3-6
 Calc Acreage: .880

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