



The Hickory Regional Planning Commission will hold its regular meeting on **Wednesday, September 25, 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
- Swearing in of New Members
- Items of Correspondence
- City Council Action
- Approval and signing of minutes from the July 24, 2024, meeting.
- Reading of State Rules of Ethics
- Reading of Rules of Public Hearing Procedures

PRESENTATIONS AND 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 Boulevard SE including a vacant parcel 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.

OTHER BUSINESS

1. **None**

The Hickory Regional Planning Commission does not discriminate on the basis of disability in the provision of its service as charged by the City Council of the City of Hickory. All meetings are held in accessible facilities. Any person with a disability needing special accommodations should contact the Planning Department at telephone number (828) 323-7422 at least 48 hours prior to the scheduled meeting.

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											Jul-22	Jun-25
Catawba County	William Pekman	P											Jul-21	Jun-24
Burke County	Vacant												Dec-19	Jun-26
Ward 1	Bill McBrayer	P											Jul-22	Jun-24
Ward 2	Christina McNally												Aug-24	Jun-25
Ward 3	Junior Hedrick	P											Jul-20	Jun-26
Ward 4	Sam Hunt	P											Jul-21	Jun-24
Ward 5	Robert Lelewski	P											Jul-23	Jun-26
Ward 6	Anne Williams	P											Jul-22	Jun-25

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

Representation	Name and Address	Phone and E-mail	Appointed Current Term	Current Term Expires
Ward 1	Bill McBrayer 446 17 th Avenue Drive NE Hickory, NC 28601	397-8922 (cell) 397-4661 (office) 850-9362 (cell) bmcbrayer@lexington.com	June 2021	June 2025
Ward 2	Christina McNally 3814 9 th Street Drive NE Hickory, N 28601	christina.a.mcnally@gmail.com 828-291-9001	August 2024 (Unexpired term)	June 2025
Ward 3	Junior Hedrick 1450 25 th Street NE Hickory, NC 28601	(h) 256-8404 (w) 381-6700 jrhedrick12@charter.net	June 2021	June 2025
Ward 4	Samuel Hunt 626 9 th Avenue Drive SE Hickory, NC 28602	328-5013 320-1563 samhunt0225@gmail.com	June 2021	June 2025
Ward 5	Robert Lelewski 674 6 th Street NW Hickory, NC 28601	828-303-3101 rllewski@gmail.com	June 2023	June 2027
Ward 6	Anne Williams 149 21 st Avenue NW Hickory, NC 28601	322-6871 arw28601@gmail.com	June 2021	June 2025
Burke County	Vacant			
Catawba County	Dr. William M. Pekman P.O. Box 1387 Hickory, NC 28603	381-5577 alaska.pearl52@gmail.com	June 2021	June 2025
Catawba County	Steve Mull 4258 6 th Street Drive NW Hickory, NC 28601		June 2022	June 2026

Hickory Regional Planning Commission
Wednesday, August 28, 2024, 6:00 pm

A regular meeting of the Hickory Regional Planning Commission (HRPC) was held on Wednesday, August 28, 2024, 6:00 pm, in Council Chambers of the Julian G. Whitener Municipal Bldg.

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

Members Excused: none

Members Absent: none

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 said a quorum was present with all members attending, and the Burke County ETJ seat on the commission remained vacant.

Swearing in of New Member: Mr. Frazier said Sam Hunt and Bill Pekman were recently re-appointed to another term. They were sworn in at the previous meeting. Bill McBrayer has also been re-appointed, and he will be sworn in at the next meeting.

Items of Correspondence: Mr. Frazier said staff received a letter from Mayor Guess re-appointing Mr. McBrayer to another 3-year term. They also received a letter of resignation from commission member Philip Reed. He thanked Mr. Reed for serving, saying it had been a pleasure working with him. Mr. Reed thanked him and all the members, saying he had enjoyed serving on the commission with them.

City Council Action: none

Approval and Signing of Minutes from the June 26, 2024, Meeting: Minutes from the previous meeting in June were distributed to members in advance. No additions, deletions, or corrections were stated. Anne Williams moved, seconded by Bill Pekman, to approve the June 26, 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 Rules of Public Hearing Procedures: Mr. McBrayer said there was one hearing on the agenda.

PRESENTATIONS & HEARINGS

1. Text Amendment 24-01.

Revisions to Article 2 (Development Review Procedures), Article 3 (Base Zoning Districts), Article 4 (Overlay and Special Purpose Districts), Article 6 (Use Regulations), Article 7 (Intensity, Dimensional and Design Standards), Article 8 (Subdivisions), Article 9 (Standards of General Applicability), Article 10 (Signs), Article 12 (Nonconformities), and Article 14 (Definitions). Said amendments reflect annual updates, as well as statutory rule changes.

Mr. McBrayer opened the hearing for Text Amendment 24-01.

Planning Manager **Cal Overby** presented the staff report and referred to PowerPoint slides.

Slide #3.

- Applicant: City of Hickory
- Request: Consideration of Text Amendment 24-01
- Annually, Planning and Development staff conducts a review of the City's Land Development Code to identify modifications needed or required to maintain the document's legality and effectiveness.

Slide #4.

- Article 2 – Development Review Procedures
 - Change notice requirements for evidentiary (quasi-judicial) hearings to align with NC General Statutes.
 - Revise procedure matrix to reflect notice requirements.
 - Revise to indicate development agreements are not held to standard duration of approval.
 - Revise standards for approval of special use permits.
 - Revise to require applicant to acknowledge any agreed to conditions at any required hearing.
- Article 3 – Base Zoning Districts
 - Reference to manufactured homes was deleted from R-4 district narrative, as mobile homes are not permitted in the district.
 - Revise to include appearance standards for parking garages in the central business district.

Mr. Overby clarified that the City has a narrative for all four (4) of the districts that explains their characteristics, and manufactured homes are no longer allowed in the R-4 district. Dr. Pekman asked if they are allowed in any of the residential districts and Mr. Overby said yes, in R-1.

Slides #5-6.

- Article 4 – Overlay Districts
 - Revitalization Overlay was revised to eliminate mandatory parking reductions and make the reduction optional.

Mr. Overby said there is a requirement that parking automatically be reduced by 30%, which is appropriate in many instances. Parking may be reduced in non-residential development, but is not advisable for residential development, such as apartment complexes, where each residence would typically have two (2) cars on-site.

- Article 6 – Use Regulations
 - Family Care Homes permitted by-right in NC, CC-1 and CC-2 districts rather than as special use.
 - Nursing and Convalescent Homes were struck from R-1, R-2, R-3, R-4 and NC as special uses.
 - Industrial Service and Manufacturing were struck from C-1 and CC-1 districts as special uses.
 - Public Facilities were changed from special use to by-right uses in residential and NC districts.
 - Schools were changed from special to by-right uses in residential districts with additional standards.
 - Open storage as a principal use was changed from special use to by-right use in industrial districts.
 - Reference to thoroughfare plan removed.

- Revise to indicate open storage located entirely within an industrial park is not required to be screened.
- Require schools to be located on and accessed from collector or arterial streets.
- Revise temporary sales to allow sales on properties where the business is not located. 22:20
- Clarify language regarding telecommunication tower fall zones.
- Addition of section creating site and operational standards for recreational vehicle parks.
- Amended standards for the location and operation of mobile food vendors.

Regarding the addition of Section 6.2.30, which establishes site and operational design standards for recreational vehicle parks, Mr. Overby said they had a listing for recreational parks for many years, but there were no standards for them. This created a challenge last year, when there was a request for an RV park but there were no standards for staff to use for review and comparison. He read aloud the (draft) list of 16 standards for campgrounds or recreational vehicle parks on page 120 of the staff report. Mr. McBrayer clarified that all 16 of the standards listed must be met by the applicant to receive approval for their project, and Mr. Overby said that was correct.

Regarding food trucks and trailers (Section 6.4.7), Mr. Overby explained the new ordinance for mobile food trucks in more detail, included on pages 126-127 of the staff report.

Slide #7.

- Article 7 – Intensity, Dimensional and Design Standards
 - Revise to reduce front property line setbacks for accessory structures to be the same as those for primary structures.
 - Revise footnotes to indicate accessory buildings of a certain size have different property line setbacks.
 - Addition of footnote to explain attached residences and commercial buildings do not have specific dimensional requirements. Overall development would comply.
- Article 8 – Subdivisions
 - Addition of section allowing storage lots within residential subdivisions.
 - Deletion of block length standards.
 - Clarification of when sidewalks are required along existing streets.

Mr. Overby discussed some subdivision storage lot situations he had seen or heard of, in detail. He said the City’s code would permit them in subdivisions consisting of 50 or more building lots, as stated in 8.4.8 Subdivision Storage Lots on page 142 of the staff report.

Dr. Pekman clarified that there were no recommended sizes for storage lots. Mr. Overby said that was correct, but possibly a minimum and/or maximum size should be added that would state exactly what is allowed, rather than it being arbitrary. He repeated that a subdivision must have at least 50 lots to have one (1) storage lot on the property. Discussion followed.

Mr. Overby offered to conduct research on storage lot sizes and report his findings back to the members so they could consider revising the language in Section 8.4.8. Mr. Lelewski suggested staff create a formula, based on acres, so there would be no ambiguity.

Mr. McBrayer suggested the storage lots portion should be removed from the petition while Mr. Overby conducts his research, and members could then recommend an action on storage lots at a future meeting. Mr. Overby agreed, saying staff could be directed to take this action as part of the motion later in the meeting.

Slide #8.

- Article 9 – Standards of General Applicability
 - Off-street parking requirements for single- and two-family residences has been modified.
 - Deletion of parking lot diagram. Diagram being added to Engineering Manual of Practice.

- Removal of section regarding animal keeping. Section is already located in the City’s general code of ordinances.
- Added RV parks and storage lots to screening table.
- Article 10 – Signs
 - Addition of section outlining a process for review and approval of murals.

Mr. Overby said Article 10, Section 10.6 was amended to add a policy on murals. Staff, management and Council wanted to have a policy in place regarding murals, to ensure against something the size of a billboard being put on a building and that nothing offensive would be used, such as inappropriate language. All murals on public property, or that are visible from public property, must receive prior permit approval from the Planning Director, after receiving a recommendation from the Hickory Community Appearance Commission. He said Ms. Williams had noted that “visual blight” was mentioned in 10.6.2. Objectives. He clarified that the term was not included as being regulatory. Simply put, he said the city likes art, and they appreciate unique, eclectic art, but wants to ensure that new art being created is not extreme or outlandish.

Slide #9.

- Article 12 – Nonconformities
 - Revise to allow for the replacement of manufactured homes, provided new manufactured home meets specific standards.
 - Revise to require landscaping upgrades when a change of use occurs.
- Article 14 – Definitions
 - Addition definition of several terms used but not previously defined.

Dr. Pekman asked exactly what was being changed regarding mobile homes. Mr. Overby said they would now allow for the replacement of nonconforming mobile homes; it will no longer be prohibited, provided the new mobile home meets the city standards. However, it must be replaced within 180 days of removal; after the period of 180-days has lapsed, it will be too late to replace it.

Dr. Pekman clarified that mobile homes would only be allowed in R-1. Mr. Overby said correct, that there will be no additional mobile homes, but some of the existing ones could be replaced with new ones.

Slide #10 (Findings & Recommendation).

- **Findings**
 - Staff conducted a review of the Hickory Land Development Code, and provided amendments deemed necessary to continue the document’s purpose as an implementation tool for the Hickory by Choice 2030 Comprehensive Plan.
- **Recommendation**
 - Staff has found Text Amendment 24-01 to be consistent with the Hickory by Choice 2030 Comprehensive Plan, and recommends the following:
 - The Planning Commission move to affirm the text amendment’s consistency with the Hickory by Choice 2030 Comprehensive Plan; and
 - Forward a recommendation of approval to Hickory City Council.

Mr. Overby reviewed the slide and said staff recommends approval, minus Section 8.4.8 Subdivision Storage Lots, as discussed by Dr. Pekman earlier. He asked if members had any questions or further comments.

Mr. Lelewski referred to the addition of Section 6.2.30, regarding RV parks. He said standard #13 states that all recreational vehicles must be operational, which could possibly be perceived as being nebulous, or subjective. He

proposed saying the RV must be capable of moving under its own engine power and, also, that it should be insured, with current registration and inspection.

Ms. Williams referenced Section 10.6.8, New Mural Requirements. Under (a) Artist Requirements, she questioned the “c.” at end of the first sentence in item (2). Mr. Overby said the “c.” was a typo and would be deleted. She also noted a comma should be inserted between the words “design” and “color” in item (a) (4).

In Section 10.6.3 Exclusion of Commercial Messaging, Ms. Williams suggested using the term “hand-applied” in the place of the terms “hand-painted or hand-tiled”, since using this term would cover any new techniques artists might use in the future.

Mr. McBrayer asked if there were any additional revisions or questions. There were none, and he thanked Mr. Overby.

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

PROPOSERS

None

OPPOSERS

None

Mr. McBrayer stated no speakers were signed up in favor or opposition, and there were no audience members present who might choose to come forward and speak.

Mr. McBrayer closed the hearing. He asked for discussion by members, or a motion to approve or deny Text Amendment 24-01.

Anne Williams moved, seconded by Philip Reed, that the Planning Commission affirms Text Amendment 24-01 is consistent with the Hickory by Choice 2030 Comprehensive Plan and moves to recommend approval by Hickory City Council, except for Section 8.4.8, Storage Lots, and with additional revisions to Sections 10.6.3, 10.6.8 subparagraph (a) (2) and (a) (4), and Section 6.2.30, as discussed. By a show of hands, the motion carried unanimously.

Mr. McBrayer said the motion had passed.

Other Business: Mr. McBrayer asked if there was any additional business for the commission. Mr. Frazier said staff would know later this week if there were any applications for the commission to consider in August.

Next Meeting: The next regular meeting is scheduled for Wednesday, September 25, 2024, 6:00 pm, at City Hall. Members will be advised in advance whether the meeting will be held.

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

Bill McBrayer, Chair
Hickory Regional Planning Commission

Anne Starnes, Minutes Clerk
City of Hickory

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

DATE SUBMITTED: 8/14/2024

**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 15th Avenue Blvd SE
between Fairgrove Church Road and N/A.

PIN NO. (S): 372107586862, 372107586590

Physical (Street) Address: 3109 15th Avenue Blvd SE, Conover, NC 28613

2. The property is owned by: (please print) Pelican Partners, 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: Heidi B. Bradley

Address: 5003 Warfield Drive, Greensboro, NC 27406

Phone Number: (336) 207-4021

Email Address: hbradley@rubbermill.com

3. The petition is submitted by: Heidi B. Bradley, Member Manager, Pelican Partners, LLC

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

Agent Information:

Name: _____

Address: _____

Phone Number: _____

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

FROM: C3 TO: Industrial

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

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.

Heidi B. Bradley
Printed Name of Owner

Heidi B Bradley
Signature of Owner

(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 Randolph

I, the undersigned Notary Public of the County and State aforesaid, certify that Heidi B. Bradley personally came before me this day and acknowledged the he / she is the member manager of Pelican Partners 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 13 day of August, 2024.

My Commission Expires: 3-4-2028

Lisa Brower
LISA BROWER
NOTARY PUBLIC
Randolph County
North Carolina
My Commission Expires March 4, 2028

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 R

SOSID: 0757987
Date Filed: 4/23/2024
Elaine F. Marshall
North Carolina Secretary of State
CA2024 114 00648

1/6/2022

NAME OF LIMITED LIABILITY COMPANY: PELICAN PARTNERS LLC

SECRETARY OF STATE ID NUMBER: 0757987 STATE OF FORMATION: NC

REPORT FOR THE CALENDAR YEAR: 2024

Filing Office Use Only

Changes

SECTION A: REGISTERED AGENT'S INFORMATION

1. NAME OF REGISTERED AGENT: Keith A. Wood

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

235 North Edgeworth St 235 North Edgeworth St

Greensboro, NC 27402, Guilford Greensboro, NC 27402

SECTION B: PRINCIPAL OFFICE INFORMATION

1. DESCRIPTION OF NATURE OF BUSINESS: LESSOR OF COMMERCIAL PROPERTY

2. PRINCIPAL OFFICE PHONE NUMBER: 336-622-1680 3. PRINCIPAL OFFICE EMAIL:

4. PRINCIPAL OFFICE STREET ADDRESS 5. PRINCIPAL OFFICE MAILING ADDRESS

5003 Warfield Drive 5003 Warfield Drive

Greensboro, NC 27406, Guilford Greensboro, NC 27406

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: HEIDI B BRADLEY NAME: JOHN M BRADLEY NAME:

TITLE: Manager/Member TITLE: Manager/Member TITLE:

ADDRESS: ADDRESS: ADDRESS:

5003 WARFIELD DRIVE 5003 WARFIELD DRIVE

GREENSBORO, NC 27406 GREENSBORO, NC 27406

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

Handwritten signature: Heidi B Bradley DATE: 3/26/2024

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

Printed name: Heidi B Bradley Title: Manager/Member

FILED Catawba County
on May 29, 2019 at 10:42:00 am
Excise Tax \$1630.00 (AT)
INST. # 08760
DONNA HICKS SPENCER,
Register of Deeds
BK 03507 Pg 1978-1982

Prepared by and after
recording return to:

✓ HB Susie Hayes
Britton C. Lewis
Carruthers & Roth, P.A.
235 N. Edgeworth St.
Greensboro, NC 27401
(as counsel to only to Grantee)

Excise Tax \$1,630

A portion of Tax Parcel Identification No. 372107586862

NORTH CAROLINA

SPECIAL WARRANTY DEED

CATAWBA COUNTY

THIS SPECIAL WARRANTY DEED made as of the 28 day of May, 2019, by and between BKT HOLDINGS, LLC, a North Carolina limited liability company ("Grantor") whose address is 4725 Creekview Drive, Trinity, North Carolina 27370, and PELICAN PARTNERS, LLC, a North Carolina limited liability company ("Grantee") whose address is 5003 Warfield Drive, Greensboro, North Carolina 27406. 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.

This is not the personal residence of Grantor.

WITNESSETH:

That Grantor, for a valuable consideration paid by Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto Grantee in fee simple, all those certain lots or parcels of land situated in Catawba County, North Carolina which are more particularly described on Exhibit A attached hereto and incorporated herein by this reference (collectively, the "Property").

TO HAVE AND TO HOLD the Property and all privileges and appurtenances thereto belonging to Grantee in fee simple.

1979

And Grantor covenants with Grantee, that Grantor has done nothing to impair such title as Grantor received, and Grantor will warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor, except for the exceptions set forth on Exhibit B attached hereto and incorporated herein by this reference.

[signatures appear on the following page]

[signature page to Special Warranty Deed]

1980

IN WITNESS WHEREOF, Grantor has caused this instrument to be duly executed as of the day and year first above written.

BKT HOLDINGS, LLC

By *Ted A. Schmaus*
Ted A. Schmaus, Manager

Guilford County, State of NC

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document: Ted A. Schmaus.

Date: 5-24-19

Susan R Hayes
Print Name: Susan R Hayes
Notary Public

(Official Seal)

My Commission expires: 9-12-23

SUSAN R. HAYES
Notary Public
Davidson County, NC

EXHIBIT A

1981

Legal Description

BEING ALL of Tract 1 and Tract 3 shown on that plat entitled "Preliminary Minor Subdivision of Pelican Partners, LLC, Property of BKT Holdings, LLC, 3101 15th Ave. Blvd. SE, Conover, North Carolina, Hickory Township, Catawba County," as recorded in Plat Book 79, Page 104 in the Office of the Register of Deeds of Catawba County, North Carolina.

EXHIBIT B

1982

Exceptions to Title

1. The lien for ad valorem taxes for the year 2019, and subsequent years, not yet due or payable.
2. Sewer Line Easement to City of Hickory recorded in Book 1389, Page(s) 360, Catawba County Registry.
3. Riparian and/or littoral rights incident to the Property; rights of others in and to the continuous and uninterrupted flow of the waters bounding or crossing the Property; and title to any portion of the Property owned by governmental entity including, but not limited to , marsh, dredged, and/or filled areas and Property below the mean high-water mark.
4. Title to any portion of the Property lying within the right of way of SR 1477 and 15th Avenue Boulevard, S.E.
5. The following matter shown on that plat recorded in Plat Book 3, Page 33, in the Catawba County Registry: creek/branch.

REZONING ANALYSIS

PETITION: 24-10

APPLICANT: Heidi Bradley

OWNERS: Pelican Partners, LLC

PROPERTY LOCATION: 3109 15th Avenue Boulevard SE and a vacant parcel to the south.

PINs: 372107586862 and 372107586590

WARD: The properties are located in Ward 3 (Councilman Seaver).

ACREAGE: 8.56 acres.

REQUESTED ACTION: Rezone the properties from Regional Commercial (C-3) to Industrial (IND).

BACKGROUND: The property is currently zoned Regional Commercial (C-3) and occupied by a manufacturing facility (Rubber Mill). Rubber Mill is a manufacturer of rubber components for several different industries and specializes in gaskets and seals.

The owners of the facility are seeking to have the property rezoned so they may expand the facility's current operations. Regional Commercial districts permit for industrial uses, but limits total industrial floor areas to 50,000 square feet. Rezoning the property to Industrial will provide more opportunity for expansions, as industrial districts has no cap on floor area.

DEVELOPMENT POTENTIAL: The property is currently occupied by manufacturing facility, and zoned Regional Commercial. This district is designed to accommodate large retailers, entertainment, and services to populations within the city, as well as from the region.

Regional Commercial permits retail, and service uses at a floor area ratio of 2:1. Given the size of the property, several hundred thousand square feet of retail and service establishments could be placed on the property. This district also allows industrial and warehousing uses, but limits their floor area to 50,000 square feet.

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 area is classified as Regional Commercial 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 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.

The Hickory by Choice 2030 Comprehensive Plan lists C-3 as being the implementing district for the Regional Commercial designation. Likewise IND is listed as the implementing district for Industrially designated areas.

While the two prior paragraphs outline 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 uses in Regional Commercial (C-3) districts with a size limitation.

On the first point, the existing and continued operation of the Rubber Mill facility has and will be compatible with the area. The property is located on a less traveled street, bordered on the north by Interstate 40, and is adjacent to an industrial service use (Shull Transport), and close to another (Volvo Trucks). The second point, from a policy standpoint, the City's Land Development Code acknowledges industrial services of scale to their location are compatible with Regional Commercial areas.

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

- Implement the Hickory by Choice 2030 Comprehensive Plan.

The properties are located in an area identified by the Hickory by Choice 2030 Comprehensive Plan as a Regional Commercial area providing opportunities for shopping dining, entertainment and personal services. Industrial uses are permitted in the current C-3 zoning, as well as the requested IND zoning, with the difference being the scale of any such operation. Additionally, the existing industrial use is a legally conforming use, which would benefit from the change in zoning and continue to operate as it has for years to come.

- 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 properties have access to a city maintained roadway, 15th Avenue Boulevard SE, as well as access to public utilities. 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 properties, represents an efficient use of public services, and the wise use of public funding.

- Regulate the type and intensity of development; and

The current land use pattern of the larger area is a mixture of residential and industrial service. The property is best suited to continue its current use, which is industrial

service. Public resources to provide critical public services are in place or will be provided by the property owner 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 directly abuts Interstate 40 along its northern border.
- **South:** The properties are zoned Regional Commercial (C-3) and are vacant / wooded.
- **East:** The property is zoned Regional Commercial (C-3) and is vacant.
- **West:** The property is zoned Regional Commercial (C-3) and is occupied by an industrial use (Shull Transport).

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

The current C-3 zoning permits for industrial uses, which is the current use of the property. The requested IND zoning permits the same use, but at greater intensity.

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

The existing use, industrial, has been in operation for some years. If any impacts were to be caused, the impacts would have been realized in years past. Any expansions of the operations taking place on the properties will be required to adhere to all current development standards.

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 additional development occur. These include public utilities, transportation infrastructure, as well as police and fire protection.

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

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

RECOMMENDED ACTION:

Staff finds Rezoning Petition 24-10 to be **inconsistent** 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 inconsistency 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 16, 2024 staff has received no inquiries regarding this petition.





