The Hickory Regional Planning Commission will hold its regular meeting on **Wednesday, December 2, 2026, 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 September 23, 2026 meeting.
- Reading of State Rules of Ethics
- Reading of Rules of Public Hearing Procedures

PRESENTATIONS AND HEARINGS

1. **Rezoning Petition RZ 26-09**. Rezoning of property owned by the Hawks Ridge Apartments, LLC, from R-3 Residential to Office – Institutional (OI). The subject property is shown in more detail as Catawba County PIN 3703-10-46-9302.

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 accommodation should contact the Planning Department at (828) 323-7422 at least 48 hours prior to the scheduled meeting.

Attendance Roster

FY 25-26

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	AX		P										Jul-25	Jun-28
Catawba County	William Pekman	P		P										Jul-24	Jun-27
Burke County	Vacant														
Ward 1	John Andrews			P										Sep-26	Jun-27
Ward 2	Christina McNally	P		P										Jul-25	Jun-28
Ward 3	Beth Berry	P		AX										Jul-26	Jun-29
Ward 4	Sam Hunt	P		P										Jul-24	Jun-27
Ward 5	Robert Lelewski	AX		AX										Jul-26	Jun-29
Ward 6	Anne Williams	P		P										Jul-25	Jun-28

Hickory Regional Planning Commission
Wednesday, September 23, 2026, 6:00 pm

A regular meeting of the Hickory Regional Planning Commission was held on Wednesday, September 23, 2026, 6:00 pm, in Council Chambers of the Julian G. Whitener Municipal Bldg.

Members Present: Bill Pekman, Anne Williams, Steve Mull, Sam Hunt, Christina McNally, and John Andrews

Members Excused: Beth Berry and Rob Lelewski

Members Absent: none

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

A quorum was present.

Parliamentary Call to Order & Welcome: Bill Pekman, Vice-Chair, called the meeting to order at 6:08 pm and welcomed everyone.

Roll Call: Planning Director Brian Frazier said a quorum was present, and Mr. Lelewski and Ms. Berry were excused.

Swearing in of New Member: John Andrews took the City's oath of office and was sworn in as a member of the Planning Commission, representing Ward 1. Self- introductions were made.

Items of Correspondence: Mr. Frazier said staff received a letter from Mayor Guess regarding Mr. Andrews' appointment to the Planning Commission.

City Council Action: Mr. Frazier said City Council unanimously approved Rezoning Petition 26-07, the Matthew and Yer Varney property located on Startown Road.

Approval and Signing of Minutes from the July 22, 2026 Meeting: The Commission did not meet in August. Minutes from the previous meeting held in July were distributed in advance. No additions, deletions, or corrections were stated. Anne Williams moved, seconded by Sam Hunt, to approve the July 22, 2026 minutes as presented. The motion carried unanimously.

Reading of State Rules of Ethics: Dr. Pekman 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 the appearance of conflicts. 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 the appearance of conflict, and refrain from any undue participation in the particular matter involved.*

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

Reading of Rules of Public Hearing Procedures: Dr. Pekman said there was one public hearing on the agenda.

PRESENTATIONS & HEARINGS

1. Rezoning Petition 26-08. Rezoning of property owned by the City of Hickory, located at 964 and 970 Airport Rhodhiss Road and a vacant parcel to the east, from Burke County R-3 Residential to

Planned Development (PD). The subject properties are shown in more detail as Burke County PINs 2783785060, 2783788894, and 2783886713.

Planning Manager **Cal Overby** presented the staff report and referred to PowerPoint slides. He reviewed **slide #2** (Rezoning Petition 26-08).

- Property Owner / Applicant: City of Hickory
- Location: 964 and 970 Airport Rhodhiss Road, and including an adjacent unaddressed parcel to the east
- Current Zoning: R-3 Residential (Burke County)
- Property Size: 24.39 acres
- Request: Rezone the property to Planned Development (PD)

Mr. Overby said the rezoning petition, submitted by the City of Hickory, involves three (3) pieces of property annexed by the City at a prior Council meeting.

Slide #3 (Current Zoning). Mr. Overby said the map shows existing zoning in the area, and the properties in question were highlighted in red. He noted a very straight, diagonal line on the map, which represents the demarcation line of Hickory's Extraterritorial Area and the City Limits of Burke County, and in fact, the property is located in Burke County. He said everything to the right of the line is in Hickory, noting the R-1 Residential and NC Neighborhood commercial zoning designations; everything to the left of the line is in Burke County and includes R-1 Residential, R-2 Residential, R-3 Residential and General Business zoning. The properties are being acquired through satellite annexation.

Slide #4 (Aerial Photography). Mr. Overby said the subject properties were hatched in red on the aerial photo, noting the area is sparsely populated compared to other areas of Hickory that are located near the lake. The property is between the Lake Rhodhiss Dam and Highway 321 Bridge.

Slide #5 (Site Plan). Mr. Overby said the site plan explains the rezoning request for a Planned Development, with the intention of using the location for an environmental education center. He discussed the City's long-range plan of creating the Catawba River Environmental Education Center (CREEC) on the site. The CREEC will be a be a future destination for the public, showcasing the importance of the Catawba River and Lake Hickory, and offering opportunities for environmental learning, outdoor recreation, wildlife observation and cultural exploration, with activities for all ages. He pointed out various project components, including an Education Center near the lake; a trail and boardwalk; water access and an observation platform; two (2) wetland areas; a wildflower meadow; numerous educational and ancillary facilities; and, parking. The wetland area at far left is adjacent to Drowning Creek, which provides their water access. He noted the arrows at bottom left explain where the public will access the area. This is a long-range project, and the City is currently seeking grants to assist with funding.

Slide #6 (Rezoning Petition 26-08).

- The properties are **not located within an area strategized as a growth area** by the comprehensive plan when it was finalized in 2011.
- Burke County's ordinances for the area were examined, and **parks and similar facilities would be permitted as the properties are currently zoned.**
- While this is not a recommendation from the City's comprehensive plan, it is an indication the properties, prior to annexation, were **foreseen as possibly containing the same or similar use being proposed.**

Mr. Overby said the reason he was not referencing the Hickory by Choice 2030 Future Land Use Map, was because this property was not within the study area the comprehensive plan had considered. The study went up to the demarcation line he had pointed out earlier, and this property is located outside of it.

Mr. Overby reviewed **slide #7** (Rezoning 26-08).

Recommended Action

- Staff has found:
  - The request is neither consistent nor **inconsistent with the Hickory by Choice 2030 Comprehensive Plan.**
  - The requested **action is reasonable**, as it **involves a land use permissible by the existing zoning.**

- Given these factors, staff recommends the following:
  - Affirming the petition is **neither consistent nor inconsistent** with the Hickory by Choice 2030 Comprehensive Plan
  - **Acknowledge the action is reasonable**, as the future use would be permissible as the properties are currently zoned.
  - Forward a **recommendation of approval** to Hickory City Council.

Mr. Overby asked if members had any questions, noting the City's Special Projects Manager, Natalie Jackson, was present to discuss project details, if needed.

Dr. Pekman asked if the City of Hickory would be providing the water and sewer utilities for the project. Mr. Overby said he understood their water would be supplied by either Long View or Ikard, and the site would have an on-site septic system, since the City's sewer system ends some distance from the property.

Mr. Mull noted reading that the City will be partnering on the project with Duke Energy, Catawba Science Center, Catawba Riverkeeper, and others. He asked if the area, from this property to the river, is in the right-of-way for Caldwell County's railroad system, and asked if that could be a potential problem. Mr. Overby referenced slide #5 (Site Plan) and said no, the City is not proposing to go onto the rail line for various reasons, including legal issues. He again pointed out the location of Drowning Creek, at far left on the Site Plan, where they will access the water. Mr. Mull said he read that docks are planned and asked if they would be located in this area. Mr. Overby said yes, and they have no plans to access the Caldwell Short Line.

There were no additional questions, and Dr. Pekman thanked Mr. Overby.

Dr. Pekman opened the hearing for Rezoning 26-08.

PROPONENTS

No proponents signed up or requested to speak.

OPPONENTS

No opponents signed up or requested to speak.

Dr. Pekman closed the public hearing. He asked for a motion to recommend City Council approve or deny Rezoning Petition 26-08, and discussion by the members would follow.

Ms. Williams said she was proud the City of Hickory is considering creating this type of facility.

Christina McNally moved, seconded by Sam Hunt, to forward a recommendation of approval to City Council for Rezoning Petition 26-08. There was no discussion, and the motion carried unanimously.

Dr. Pekman said the motion had carried, and a recommendation of approval would be forwarded to City Council.

Other Business:

· Annual Election of Officers – Dr. Pekman clarified that members would only be electing a new Chair and Mr. Frazier said he was correct. Dr. Pekman agreed to continue serving as Vice-Chair, and opened the floor for nominations of a Chair.

Christina McNally moved, seconded by Sam Hunt, to nominate Anne Williams as Chair of the Hickory Regional Planning Commission. Ms. Williams accepted the nomination. There were no additional nominations, and Ms. Williams was unanimously elected Chair.

Current FY 2026-2027 officers for the Hickory Regional Planning Commission are Anne Williams, Chair, Bill Pekman, Vice-Chair, and Sam Hunt, Secretary, serving July 1, 2026 through June 30, 2027.

· Discussion of Consolidated Meetings Date – Members discussed consolidating the November and December 2026 meetings, due to the holidays. Wednesday, December 2, 2026 at 6:00 pm was proposed, which is the first Wednesday in December.

Anne Williams moved, seconded by Christina McNally, to consolidate the November and December regular meetings of the Hickory Regional Planning Commission as a single meeting on Wednesday, December 2, 2026, at 6:00 pm. The motion carried unanimously.

· Bill McBrayer Farewell – Commission members and City staff will gather at 5:30 pm tomorrow at the Olde Hickory Station to thank Bill McBrayer for his friendship and service to the City over many years.

· Upcoming Retirement – Planning Director Brian Frazier recently announced his plans to retire. His Retirement Party will be on Thursday, October 29, 2:00 – 4:00 pm, in the Map Conference Room at City Hall.

Dr. Pekman said he has served on many Boards and Commissions and had truly enjoyed working with Mr. Frazier, and especially appreciated their monthly meeting prior to Planning Commission meetings, which have been very educational for him.

Mr. Frazier said he was fortunate to work with wonderful volunteers and staff members at the City of Hickory, including Mr. Overby, during his tenure of nearly 21 years. He thanked the Commission members for their dedication and service, saying it had been an honor and a pleasure to work with each one of them. The members applauded him.

Dr. Pekman asked if there was any further business for Commission members, and there was none.

Next Meeting: The next regular meeting is scheduled for Wednesday, October 28, 2026, 6:00 pm at City Hall. Mr. Frazier did not expect members would need to meet in October, but noted the deadline to submit an application had not passed yet. Staff will advise members of the meeting status in advance.

Adjourn: Dr. Pekman thanked everyone for attending. There being no further business, he declared the meeting adjourned at 6:32 pm.

_____
Bill Pekman, Vice-Chair
Hickory Regional Planning Commission

_____
Anne Starnes, Minutes Clerk
City of Hickory

6 Use Regulations

6.1 Use Table

6.1.1 [P] Permitted Uses

A "P" indicates that a use is permitted by right in the respective zoning district, subject to compliance with all other applicable regulations of this Land Development Code.

6.1.2 [S] Special Uses

An "S" indicates that a use is allowed only if reviewed and approved in accordance with the Special Use procedures of Sec. 2.4.

6.1.3 [AC] Accessory Uses

The abbreviation "AC" indicates that a use is allowed only as an accessory use in the respective zoning district. For additional information on accessory uses, see Sec. 6.3.

6.1.4 Uses Not Allowed

A blank cell (one that doesn't contain an "S" or "P") indicates that the listed use is not allowed in the respective zoning district, unless it is otherwise expressly allowed by other regulations of this Land Development Code.

6.1.5 Classification of Uses

Considerations

(1) Uses are assigned to the category whose description most closely describes the nature of the primary use. 14 defines each use category. Developments may have more than one primary use. Developments may also have one or more accessory uses. Developments with more than one primary use are addressed in Sec. 6.1.6.

(2) The following items are considered to determine what use category in which a use is placed, and whether the activities constitute primary uses or accessory uses:
   (a) The description of the activity(ies) in relationship to the characteristics of each use category;
   (b) The relative amount of site or floor space and equipment devoted to the activity;
   (c) The relative amounts of sales from each activity;
   (d) The customer type for each activity;
   (e) The relative number of employees in each activity;
   (f) Hours of operation;
   (g) Building and site arrangement;
   (h) Vehicles used with the activity;
   (i) The relative number of vehicle trips generated by the activity;
   (j) Signs;
   (k) How the use advertises itself; and
   (l) Whether the activity would be likely to be found independent of the other activities on the site.

6.1.6 Developments with Multiple Primary Uses

When all of the primary uses of a development fall within one use category, then the development is assigned to that use category. For example, a development that contains a retail bakery and a café would be classified in the Retail Sales and Service category because all the primary uses are in that category. When the primary uses of a development fall within different use categories, each primary use is classified in the applicable category and is subject to the standards for that category.

6.1.7 Unlisted Uses (TA 18-01)

If an application is submitted for a use type that is not listed in the use table of this section, the Planning Director shall be authorized to classify the new or unlisted use type into an existing land use category that most closely fits the new or unlisted use.

6.1.8 Standards and Conditions *(TA 21-01)*

Some uses in some zoning districts are subject to special use-specific conditions and standards. These standards and conditions are indicated by bracketed numbers"[1]" or by a cross-reference in the final column of the table. Cross references refer to detailed standards that apply to the listed use type. Bracketed numbers refer to conditions that immediately follow the use table.

	R-1	R-2	R-3	R-4	NC	CC-1	CC-2	OI	C-1	C-2	C-3	IND	Standards (Notes)
Residential Categories													
Residential Household Living													
Single-family Residence (detached)	P	P	P	P	P	P	P	P	P				(TA 22-01)
Single-family Residence (attached)	P	P	P	P	P	P	P	P	P	P	P		(TA 21-01, 22-01)
Accessory Dwelling Unit	P	P	P	P	P	P	P	P	P	P	P		6.3.2, (TA 21-01, 22-01)
Caretaker's Residence					AC	AC	AC	AC	AC	AC	AC	AC	(TA 21-01)
Duplexes	P		P	P	P	P	P	P	P	P			*(TA 11-01, 14-01, 21-01)*
Manufactured Home	P												6.2.13 (TA 22-01)
Manufactured Home Park	S												6.2.14 (TA 22-01
Multi-family Structure			P	P	P	P	P	P	P	P	P		
Upper Story Residential					P	P	P	P	P	P	P		
Group Living													
Boarding House				P						P			6.2.9 (TA 22-01)
Family Care Home (6 or fewer residents)	P	P	P	P	P	P	P	P	P				(TA 24-01)
Group Living Facility (7 or more residents)	S	S	S	S				S		S			6.2.9
Nursing, Convalescent, and Extended Care Facilities						P	P	P	P	P			6.2.17, (TA 21-01) (TA 24-01)
Commercial Categories													
Animal Hospital/Veterinary Clinic					P	P	P	P	P	P	P	P	6.2.2
Amusement Facilities, Indoor					P	P	P		P	P	P	P	
Amusement Facilities, Outdoor						P	P			P	P	P	
Bed and Breakfast	S	S	S	S	P	P	P	P	P	P			6.2.3 *(TA 11-01)*
Campground/Recreational Vehicle Park	S												6.2.30 *(TA 24-01)*
Food Truck and Trailer Court					P	P	P			P	P		6.2.29 (TA 23-02)
Drinking Establishment					S	S	S	S	S	S	S	S	6.2.8 (TA 11-01, 19-03, 21-01)

	R-1	R-2	R-3	R-4	NC	CC-1	CC-2	OI	C-1	C-2	C-3	IND	Standards (Notes)
Major Event Entertainment									S	S	S	S	
Marina										S	S		6.2.12 *(TA 11-01)*
Mini-storage Facilities							P			P	P	P	6.2.15
Professional Office and Personal Services					P	P	P	P	P	P	P	P	
Retail Sales and Service (unless otherwise listed)					P	P	P		P	P	P	P[1]	
Seasonal Sales					P	P	P		P	P	P		6.2.21 *(TA 14-02)*
Temporary Sales					AC	AC	AC		AC	AC	AC		6.2.21 *(TA 14-02)*
Vehicle Repair					P	P	P		P	P	P	P	6.2.22
Industrial Categories													
Industrial Service										P [2]	P [2]	P	(TA 24-01)
Junkyards and Recycling Facilities												S	6.2.10
Manufacturing and Production										P [2]	P [2]	P	(TA 24-01)
Railroad Yards												P	
Warehouse and Freight Movement										P [2]	P [2]	P	
Waste-related												S	
Wholesale Sales										P [2]	P [2]	P	
Institutional Categories													
Basic Utilities	P	P	P	P	P	P	P	P	P	P	P	P	
Cemetery	P	P	P	P	P	P	P	P	P	P	P	P	6.2.4
Colleges					S	S	P	P	P	P	P	P	
Community Recreation Centers	S	S	S	S	P	P	P	P	P	P	P	P	6.2.5
Cultural Facilities	S	S	S	S	P	P	P	P	P	P	P	P	6.2.6 (TA 22-01)
Daycare (5 or fewer clients)	AC	AC	AC	AC	P	P	P	P	P	P	P		6.2.7 *(TA 11-01)*
Daycare (6 or more clients)	S	S	S	S	P	P	P	P	P	P	P		6.2.7
Day Center								S	S	S			6.2.25 *(TA 19-03)*
Food Pantries								S	S	S			6.2.26 *(TA 19-03)*
Medical Centers					P	P	P	P	P	P	P		
Parks and Playgrounds	P	P	P	P	P	P	P	P	P	P	P		
Public Facilities	P	P	P	P	P	P	P	P	P	P	P	P	6.2.19 (TA 24-01)

	R-1	R-2	R-3	R-4	NC	CC-1	CC-2	OI	C-1	C-2	C-3	IND	Standards (Notes)
Religious Institutions	P	P	P	P	P	P	P	P	P	P	P	P	
Shelter Facilities								S	S	S			6.2.27 *(TA 19-03)*
Schools	P	P	P	P	P	P	P	P	P	P	P		6.2.20 (TA 11-01) .(TA 24-01)
Other Categories													
Adult Business												S	6.2.1
Agriculture	P											P	6.2.28
Airports												P	
Detention Facilities												S	
Kennels	S				S	S	S			S	S	S	6.2.11
Mining												S	6.2.16
Open Storage, Accessory										AC	AC	AC	6.3.4
Open Storage, Principal												P	6.2.18 (TA 24-01)
Parking, Off Street	P[3]	P[3]	P[3]	P[3]	P	P	P	P	P	P	P	P	
Wireless Communication Facilities, Alternative Structures/Collocation	P	P	P	P	P	P	P	P	P	P	P	P	6.2.23
Wireless Communication Facilities, New Towers	S	S	S	S	P	P	P	P	P	P	P	P	6.2.24

[1] No Retail use in an Industrial district shall occupy more 20,000 square feet of floor area and outdoor storage area per zoning lot.

[2] Industrial Size Limitation: Floor area and outdoor storage areas related to a use shall be no more than 50,000 square feet per zoning lot in C-2 and C-3 zoning districts. *(TA 21-01)(TA 24-01)*

[3] Off street parking is only permitted for uses permitted in the zoning district.

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

DATE SUBMITTED: 9-30-2026

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 13th AVE PL NW between 231 13th AVE PL NW and 1313 4th St NW.

   PIN NO. (S): 3703104693 02

   Physical (Street) Address: 239 13th AVE PL NW HICKORY, 28601

2. The property is owned by: (please print) HAWKSRIDGE APARTMENTS 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: DAVID FONTANA

   Address: 926 2nd St NE, HICKORY NC 28601

   Phone Number: 828 324 9780

   Email Address: david@fontanagroup.org

3. The petition is submitted by: OWNER

   (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: R-3 TO: OI

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

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.

NUNZIO DAVID FONTANA

Printed Name of Owner **Signature of Owner**

(Please choose the appropriate notary block)

State of North Carolina – County of Catawba

I, the undersigned Notary Public of the County and State aforesaid, certify that Nunzio David Fontana 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 15th day of September, 20 22.

EMMA LEANNE BROWN
NOTARY PUBLIC
Catawba County
North Carolina
My Commission Expires April 29, 2031

My Commission Expires: April 29th 2031

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 an 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.

LIMITED LIABILITY COMPANY ANNUAL REPORT

1/6/2022

NAME OF LIMITED LIABILITY COMPANY: HAWKSRIDGE APARTMENTS, LLC

SECRETARY OF STATE ID NUMBER: 1994110 STATE OF FORMATION: NC

REPORT FOR THE CALENDAR YEAR: 2026

Filing Office Use Only
E - Filed Annual Report
1994110
CA202610509318
4/15/2026 05:17

☐ Changes

SECTION A: REGISTERED AGENT'S INFORMATION

1. NAME OF REGISTERED AGENT: Shook & Tarlton Realty LLC

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

3. REGISTERED AGENT OFFICE STREET ADDRESS & COUNTY
926 2nd St NE Suite #201
Hickory, NC 28601 Catawba County

4. REGISTERED AGENT OFFICE MAILING ADDRESS
926 2nd St NE Suite #201
Hickory, NC 28601

SECTION B: PRINCIPAL OFFICE INFORMATION

1. DESCRIPTION OF NATURE OF BUSINESS: Real Estate

2. PRINCIPAL OFFICE PHONE NUMBER: (828) 328-9470 x112

3. PRINCIPAL OFFICE EMAIL: Privacy Redaction

4. PRINCIPAL OFFICE STREET ADDRESS
926 2nd St NE Suite #201
Hickory, NC 28601

5. PRINCIPAL OFFICE MAILING ADDRESS
926 2nd St NE Suite #201
Hickory, NC 28601

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: David Fontana	NAME:	NAME:
TITLE: Manager	TITLE:	TITLE:
ADDRESS: Shook & Tarlton Realty LLC	ADDRESS:	ADDRESS:
926 2nd St Ne Ste 201		
Hickory, NC 286013898		

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

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

4/15/2026
DATE

David Fontana
Print or Type Name of Company Official

Manager
Print or Type Title of Company Official

This Annual Report has been filed electronically.

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

REZONING ANALYSIS

PETITION: 26-09

APPLICANT: Hawks Ridge Apartments, LLC

AGENT: David Fontana

PROPERTY LOCATION: 239 13th Avenue Place NW

PIN NUMBER: 370310469302

WARD: The subject property is in Ward 5 (Councilwoman Dula).

ACREAGE: 2.54 acres

REQUESTED ACTION: Rezone from R-3 Residential to Office – Institutional (OI)

BACKGROUND: The subject property is 2.54 acres in size and occupied by a 26 unit apartment complex, Hawks Ridge Apartments. The current zoning permits attached and detached single-family residences at a density of 8 units per acre, and multi-family development at a density of 10 units per acre. As the property and complex currently exists the density is 10 units per acre, which is the permissible maximum for multi-family development.

The property owner desires to convert the complex into a townhome community, where each unit is individually platted and can be sold or owned by the occupants. As defined by the City's Land Development Code, such units are known as single-family attached residences. The regulations for the current R-3 zoning limits attached single-family dwellings to 8 units per acre. With the current density limit for attached single-family residences at 8 units per acre, the conversion would not be permissible, as the density would be more than the maximum permitted.

The applicant has requested the rezoning to Office – Institutional (OI) to overcome the maximum permissible density for attached single-family developments. Office – Institutional (OI) zoning permits residential uses but does not differentiate between residential use types and permits all such uses, at a maximum density of 30 units per acre. Given the current number of dwelling units located on the property, if rezoned to Office – Institutional the density would be under the maximum prescribed density.

DEVELOPMENT POTENTIAL: The current R-3 Residential regulations permit residential uses at 8 units per acre for detached and attached residences and 10 units per acre for multi-family residences. The maximum development potential for detached and attached single-family development could be 20 dwellings, or 30 dwelling units for multi-family dwellings.

If rezoned to Office – Institutional, the property could be used for non-residential uses at a maximum floor area ratio of 2:1 for non-residential uses, or residential uses at a maximum of 30 dwelling units per acre. These regulations could potentially yield over 200,000 square feet or non-residential floor area, or 76 residential dwelling units. It should be noted these numbers are theoretical and do not consider physical land constraints and ancillary needs, such as parking and stormwater facilities.

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 property is in an area identified as Medium Density Residential. Such areas are intended to accommodate varying types of residential uses with densities from two to four units per acre in established single-family areas, and eight to ten dwelling units per acre in historically mixed-use areas. These areas are characterized as being located on the periphery of high density residential areas north of I-40 and in the southeastern portion of the city.

   The Comprehensive Plan intends the Medium Density Residential future land use classification to be implemented by R-2 and R-3 Residential districts, with the requested Office – Institutional zoning not being identified as an implementing district. Office – Institutional (OI) districts are intended to implement the High Density Residential (along major thoroughfares), Public – Institutional and General Business classifications.

   Given these factors, the rezoning of the property is inconsistent with the comprehensive plan. However, it needs to be noted several adjacent properties are zoned Office Institutional (OI) and close by Neighborhood Commercial (NC) and Planned Development (PD) districts. Several of which fall within the Medium and High Density Residential future land use classifications (See Maps 2 and 3). It may be the larger area was misclassified by the comprehensive plan.

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

     The requests is to rezone the property to Office - Institutional (OI) with the intention of converting the existing apartment complex into a townhome community. The physical and functional use of the property as it currently exists is not proposed to change. Although this is the current proposal, all uses and densities allowed by Office – Institutional (OI) zoning should be considered. High intensity uses could have unforeseen impacts on other properties in the area.

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

     The larger area is made up of several use types, which include both detached single family as well as multi-family residences, office buildings, institutional uses and retail / commercial uses. The request to rezone the property to Office – Institutional does not break or create a new land-use pattern. Adequate services in the area would not be expected to diminish in a manner to create future problems.

- Regulate the type and intensity of development; and

  The current land use pattern of the area is a mixture of uses. The requested rezoning would increase the intensity permitted on the subject property and would be similar to the permissible intensity of some nearby properties but dissimilar to others.

- Ensure protection from fire, flood and other dangers.

  Development on the property will be required to adhere to all state and local building, fire, and flood zone related development regulations. Such regulations will ensure proper protection is provided to ensure surrounding residents, and property is adequately protected as prescribed by law.

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

   - **North:** Zoned R-3 Residential and occupied by an apartment complex (NW Studios) and an assisted living center (The Greens at Viewmont).

   - **South:** Zoned R-2 Residential and Occupied by detached single-family residences.

   - **East:** Zoned Office – Institutional (OI) and occupied by an office building.

   - **West:** Zoned R-2 Residential and Occupied by detached single-family residences.

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

   The current R-3 Residential district permits both detached and attached single-family residences as well as multi-family residences. The requested OI zoning also permits these use as well as office and institutional uses. The property could support a residential development in both the current and requested district. The construction of a non-residential use such as an office building would be possible under Office – Institutional (OI) zoning.

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

   Although the property owner has indicated the use of the property will remain residential, rezoning the property to Office – Institutional (OI) could also allow the construction of non-residential uses, which could increase noise, lighting and hours of operations not typical of residential uses. The impacts of the rezoning should consider all permissible use types and potential scenarios.

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.

   The current development has adequate public resources. If the use should change in the future the availability of such will be evaluated at that time.

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

Any future development that occurs on the property as the result of the rezoning, will be required to 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:

Upon analysis, staff has found Rezoning Petition 26-09 to be **inconsistent** with the **Hickory by Choice 2030 Comprehensive Plan**, while also recognizing the rezoning of the property would enlarge an office district existing prior to the plan's adoption and recommends the following:

1. The Hickory Regional Planning Commission determine if the request is reasonable given development and zoning in the area, while also inconsistent with the Comprehensive Plan;

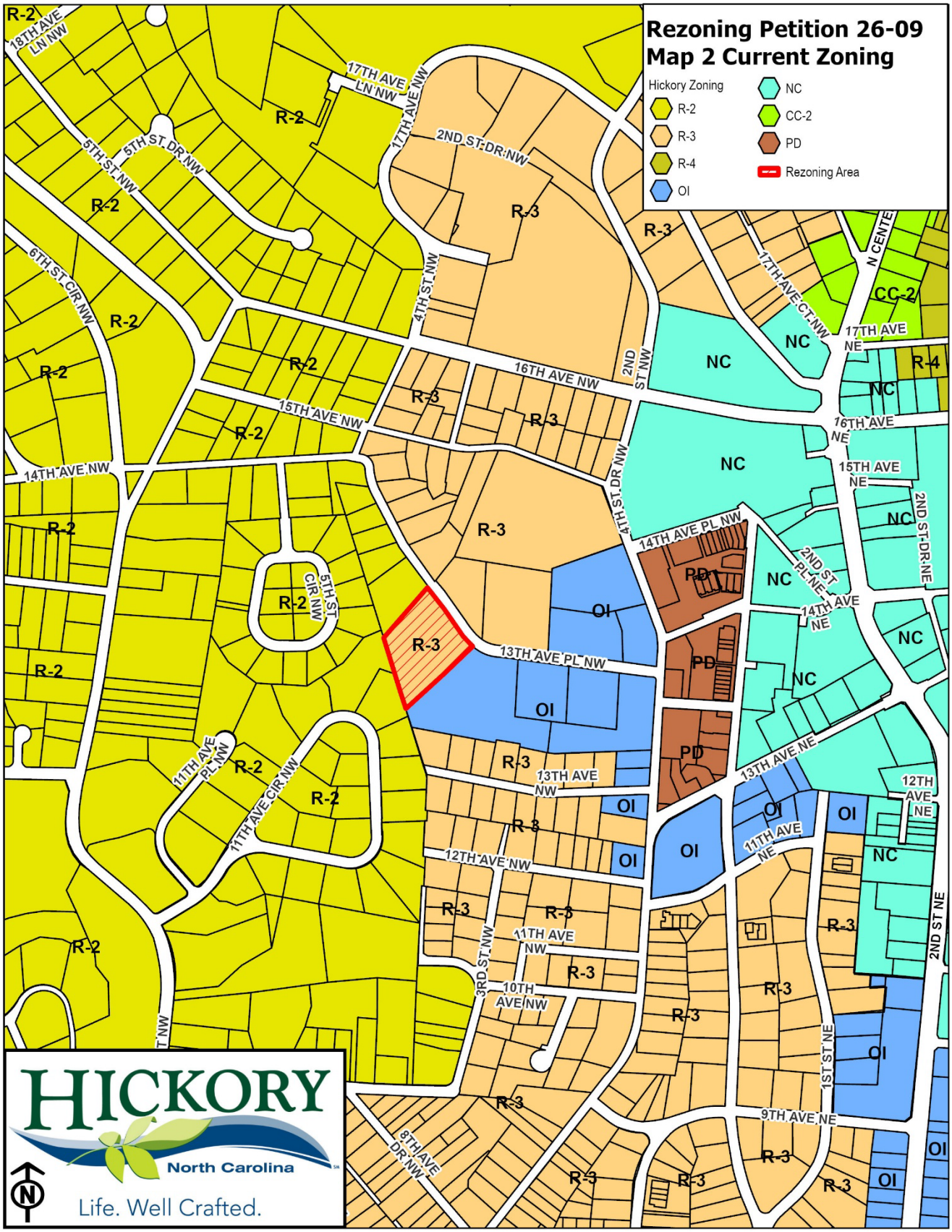
2. Adopt a statement outlining the Planning Commission's findings; and

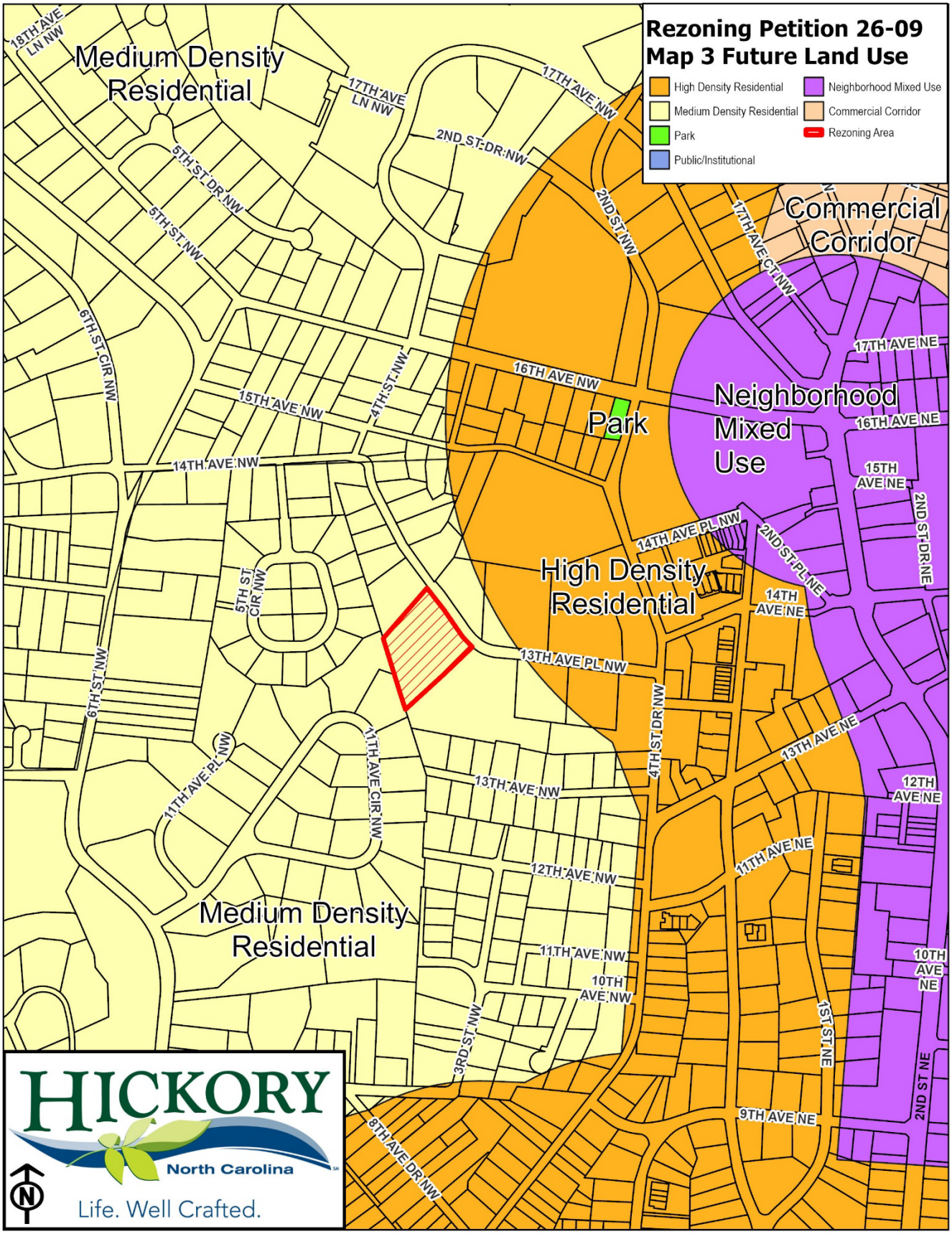
3. Forward a recommendation to Hickory City Council.

CITIZEN INPUT:

As of October 16, 2026, staff has not received any inquiries regarding this petition.


Rezoning Petition 26-09
Map 1 Aerial Photography
Rezoning Area
5TH ST NW
16TH AVE NW
6TH ST CIR NW
6TH ST NW
4TH ST NW
15TH AVE NW
Viewmont Elementary
14TH AVE NW
14TH AVE PL NW
The Greens
5TH ST CIR NW
13TH AVE PL NW
4TH ST DR NW
11TH AVE CIR NW
11TH AVE PL NW
13TH AVE NW
12TH AVE NW
3RD ST NW
11TH AVE NW
10TH AVE NW
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Rezoning Petition 26-09
Map 2 Current Zoning
Hickory Zoning
R-2
R-3
R-4
OI
NC
CC-2
PD
Rezoning Area
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Rezoning Petition 26-09
Map 3 Future Land Use
High Density Residential
Medium Density Residential
Park
Public/Institutional
Neighborhood Mixed Use
Commercial Corridor
Rezoning Area
Medium Density Residential
Commercial Corridor
Neighborhood Mixed Use
Park
High Density Residential
Medium Density Residential
18TH AVE LN NW
17TH AVE LN NW
17TH AVE NW
2ND ST DR NW
5TH ST DR NW
5TH ST NW
2ND ST NW
17TH AVE CT NW
6TH ST CIR NW
16TH AVE NW
15TH AVE NW
4TH ST NW
17TH AVE NE
16TH AVE NE
14TH AVE NW
15TH AVE NE
2ND ST DR NE
14TH AVE PL NW
2ND ST PL NE
5TH ST CIR NW
14TH AVE NE
13TH AVE PL NW
6TH ST NW
4TH ST DR NW
13TH AVE NE
11TH AVE PL NW
11TH AVE CIR NW
13TH AVE NW
12TH AVE NE
12TH AVE NW
11TH AVE NE
11TH AVE NW
10TH AVE NW
10TH AVE NE
3RD ST NW
1ST ST NE
2ND ST NE
9TH AVE NE
8TH AVE DR NW
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