



## Agenda Abstract

### JOINT PUBLIC HEARING

Meeting Date: August 15, 2024  
 Department: Planning and Economic Development Division  
 Agenda Section: 5A  
 Public hearing: Yes  
 Date of public hearings: April 18, 2024; May 16, 2024; August 15, 2024

#### PRESENTER/INFORMATION CONTACT

Molly Boyle, Planner II  
 Tom King, Senior Planner  
 Shannan Campbell, Planning and Economic Development Manager

#### ITEM TO BE CONSIDERED

**Subject:** Annexation and rezoning request for "Waterstone South"

##### Attachments:

1. Submitted application forms
2. Master Plan set
3. Annexation map
4. Project narrative & "findings of fact"
5. Draft conditions of approval
6. Staff analysis
7. Traffic impact analysis – summary & NCDOT review letter
8. Fiscal benefits & economic impacts
9. Net fiscal impact analysis
10. Neighborhood Information Meeting summary
11. Draft Planning Board consistency statement

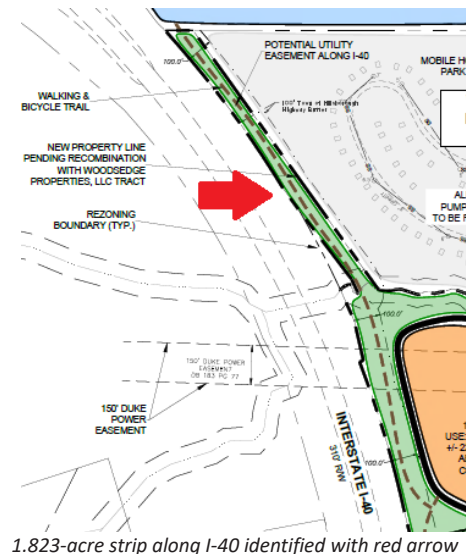
##### Background:

The public hearing was opened on April 18, 2024, and continued to May 16, 2024. The approved minutes for the April 18<sup>th</sup> hearing are available online at <https://mccmeetings.blob.core.usgovcloudapi.net/hillsbrnc-pubu/MEET-Minutes-149f3b7cd6f542f3a6bf8dbc6ac55f01.pdf>. The draft minutes for May 16<sup>th</sup> are included in this agenda packet under Item 3.

The original application materials did not list the PIN for the 1.823-acre strip along I-40, which is a portion of PIN 9873-41-0172 (see image to the right). The legal advertisement that ran in the newspaper did not list this PIN.

Hearing notices were sent to all property owners entitled to receive mailed notice (*i.e.*, owners of property within 500 feet of the project boundary). Signs advertising the hearing were also posted on site in accordance with the UDO and the General Statutes. However, because this PIN was not listed in the legal advertisement in the newspaper, the Town Attorney has confirmed that another hearing must be held to meet statutory requirements. Please note:

- The acreage for the proposal has not changed. The 1.823-acre strip was always physically shown on the master plan, and it was discussed at the previous hearings.



- Residents who spoke at the previous hearings do not have to speak again unless they wish to do so. Their previous comments are summarized in the meeting minutes referenced above.

**Proposal:**

The applicants, Capkov Ventures, Inc. and Woodsedge Properties, LLC, are requesting to:

- Annex 97.02 acres of the project area (remaining 2.12 acres is already within town limits); and
- Rezone approximately 99.14 acres from R1 (County), EDH-2 (County), and ESU (Town) to a Planned Development (PD) district for apartments, townhomes, and various non-residential uses, including medical, office, and neighborhood commercial.

Please see the enclosed Staff Analysis for a more detailed summary of the proposal (**Attachment 6**). The executive summary for the Traffic Impact Analysis and NCDOT's approval letter are attached (**Attachment 7**). If you wish to see the full Traffic Impact Analysis, it is available on the town's website at

<https://www.hillsboroughnc.gov/home/showpublisheddocument/891/638587269106070117>.

**Comprehensive Sustainability Plan goals:**

- Land Use and Development Goal 1:  
Ensure that future growth and development, including infill and redevelopment, are aligned with smart growth principles and consider infrastructure constraints such as water and wastewater system capacity.
- Strategy:  
Develop and adopt plans that contribute to meeting preferred future land use and growth patterns.

**Financial impacts:**

See the attached Fiscal Benefits and Economic Impacts Assessment (**Attachment 8**) and the Net Fiscal Impact Analysis (**Attachment 9**).

**Staff comment and recommendation:**

Staff recommends approval of the annexation and rezoning requests. Staff's recommendation is based on technical compliance (*i.e.*, compliance with the town's Unified Development Ordinance and other development regulations). Staff does not have the discretionary authority to consider public comment in its recommendations.

When ultimately rendering a recommendation or decision on this item, staff encourages the Planning Board and Town Board of Commissions to discuss whether they feel this proposal is consistent with the Comprehensive Sustainability Plan and why pursuant to [NC GS § 160D-605, Governing board statement](#).

**Action requested:**

Hold the public hearing. After the public hearing closes and the commissioners are excused, the Planning Board will need to make its recommendation on this item.