



Agenda Abstract PLANNING BOARD

Meeting Date: October 17, 2024
Department: Community Services
Agenda Section: 7A
Public hearing: Yes
Date of public hearings: August 15, 2024

PRESENTER/INFORMATION CONTACT

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

ITEM TO BE CONSIDERED

Subject: Paliouras Tract Master Plan amendment

Attachments:

1. Submitted Application Package
2. Vicinity, Zoning, and Future Land Use Maps
3. Original Paliouras Tract Master Plan & Approval
4. Staff Analysis
5. Draft Consistency Statement

Background & Proposal:

In 2019, James Paliouras submitted annexation, rezoning, and master plan applications for several parcels totaling 25 acres east of NC Highway 86 S and south of the I-85 interchange. The 25 acres is known as the “Paliouras Tract.” The Board of Commissioners approved the requests on June 10, 2019. This annexed the Paliouras Tract to the town, rezoned it to Entranceway Special Use (ESU), and enacted the master plan.

Vicinity, zoning, and future land use maps for the Paliouras Tract are enclosed, as are the master plan and the Resolution of Approval. Note that the Sheetz site (1990 NC 86 S; PIN 9873-69-3547) is not part of the Paliouras Tract. It was annexed and rezoned separately and is zoned High Intensity Commercial (HIC).

The applicant is proposing the following amendments to the Paliouras Tract Master Plan:

- Change the allowable land uses for lots 1, 2, and 8 from retail and hotel/retail to multi-family residential to allow for the development of apartments (see original master plan map to the right);
- Allow a maximum of 260 apartment units, 30% of which would be affordable to those making 70% of the average median income (AMI); and
- Set a maximum building height of 60’ for the apartment units.



Original Paliouras Tract Master Plan 2019

The applicant is proposing to amend the master plan for the Paliouras Tract but not the zoning designation. If this amendment request is approved, the zoning will remain Entranceway Special Use (ESU). Under the terms of the master plan, the applicant will need to submit a Special Use Permit application, including a site plan, to the Board of Adjustment for approval to develop the property.

Note the applicant has submitted a sketch plan showing a conceptual layout for the apartment units. This is for illustrative purposes only. If the proposed master plan amendments are approved, the applicant will be submitting a site plan to the Board of Adjustment as stated above.

The joint public hearing for this proposal was held on August 15, 2024. The draft minutes for the hearing are enclosed in this agenda packet for Planning Board review and approval.

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: To be determined

Staff comments and recommendations:

See the enclosed Staff Analysis for detailed comments.

Staff and the applicant have agreed to the conditions below. Staff supports approval of the proposed amendment with these conditions. Note that staff recommendations are based on compliance with the town's adopted plans and ordinances. Staff cannot consider personal opinions or public comment when making recommendations. However, the Planning Board and Board of Commissioners can.

1. Thirty percent (30%) of the market rate apartment units shall be affordable to those earning 70% or less of the average median income (AMI) OR ten percent (10%) of the market rate units shall be affordable to those making 60% or less of the AMI. Median income shall be determined using data from the US Department of Housing and Urban Development for the geographic statistical areas in which Hillsborough is located.
2. A deed restriction shall be recorded that reserves the affordable units for a period of ten (10) years before a Zoning Compliance Permit will be issued for the first apartment building. The deed restriction shall require the developer, its successors, and/or assigns to certify to the town in writing during the month of July of each year that they comply with the affordability condition as of the date of the certification.
3. If allowed and approved by the North Carolina Department of Transportation, the developer shall modify the intersection of NC 86 S and Paliouras Court/Hampton Point Boulevard and install a painted crosswalk with high-visibility striping, pedestrian signal heads, and a flashing beacon.
4. A "Type A" land use buffer shall be required along the shared property lines with Parcel Identification Numbers 9873-69-8536 (2000 NC 86 S) and 9873-78-6516 (1400-UT Old NC 10). The developer may choose from the Type A buffer options in UDO Table 6.5.4.1, *Standards for Type A Buffers*.

5. To encourage walkability, the proposed development shall conform to UDO Section 6.17, *Sidewalks and Pedestrian Access*.
6. To provide better cash flow for downstream capital improvement projects that are necessary and will benefit the project, the developer agrees to accelerate payment of System Development Fees (SDFs) sooner than otherwise provided by state statute for the apartment development. The SDFs shall be paid within sixty (60) days of construction drawing approval for either the upgrade of the private pump station or for the multi-family development, whichever comes first. The SDFs shall be calculated based on the unit bedroom counts, and construction drawing approval will not be issued until the appropriate SDFs are paid. SDFs shall be those in effect at the time of payment. This condition shall not impact any replacement of the force main under NC 86.
7. The developer shall contribute \$100,000 to cover the costs associated with the interim upgrade of the Elizabeth Brady Pump Station. This contribution shall be made before the approval of the construction drawings for the apartments and will be used by the town to install upgraded facilities, monitoring equipment, and controls. If the timing of the proposed development does not align with the town's Capital Improvement Plan, then the town may use the contributed funds for the design of the replacement pump station and associated force main in lieu of an interim upgrade.

Action requested:

Make a recommendation on the proposed Master Plan amendment.