



## Agenda Abstract

### BOARD OF COMMISSIONERS

Meeting Date:	Dec. 12, 2022
Department:	Planning and Economic Development
Agenda Section:	Regular
Public hearing:	Yes
Date of public hearing:	Oct. 20, 2022

#### PRESENTER/INFORMATION CONTACT

Planning and Economic Development Manager Shannan Campbell

#### ITEM TO BE CONSIDERED

**Subject:** General Use Rezoning and Future Land Use Plan Amendment - 1220 NC 57, OC PIN 9875075617; Business Park to Office and Institutional and Update the Future Land Use Map from Light Industrial to Suburban Office

#### Attachments:

1. Consistency Statement
2. Rezoning Ordinance
3. Rezoning and FLUP Amendment Application Materials & Maps

#### Summary:

The parcel is vacant and is adjacent to Eno River Academy, on the north side of town.

The request is for a general use rezoning— meaning a range of uses are permitted by right. This is a legislative decision for the board – meaning the members can take a wide range of information into consideration and testimony may be in writing and does not need to be sworn. The board has broad discretion in determining whether to approve this request. No statements by the applicant as to potential use of the property are binding on the applicant or the town. For this reason, the town requires no development plans from applicants seeking rezoning to a general-purpose district.

#### GENERAL STANDARDS/FINDINGS OF FACT:

Before amending this Ordinance or the Official Zoning Map, the Town Board must find, after conducting the process below, that the request is not inconsistent with the adopted Comprehensive Plan for the Town of Hillsborough.

Amending the Official Zoning Map (Rezoning) is a matter committed to the legislative discretion of the Town Board. In determining whether to adopt a proposed amendment, the Town Board shall consider and weigh the relevance of the following factors:

- (a) The extent to which the proposed amendment is consistent with all applicable Town-adopted plans;
- (b) The extent to which there are changed conditions that require an amendment;
- (c) The extent to which the proposed amendment addresses a demonstrated community need;
- (d) The extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land, and is the appropriate zoning district for the land;

- (e) The extent to which the proposed amendment would result in a logical and orderly development pattern, or deviate from logical and orderly development patterns;
- (f) The extent to which the proposed amendment would encourage premature development;
- (g) The extent to which the proposed amendment would result in strip or ribbon commercial development;
- (h) The extent to which the proposed amendment would result in the creation of an isolated zoning district unrelated to or incompatible with adjacent and surrounding zoning districts;
- (i) The extent to which the proposed amendment would result in significant adverse impacts on the property values of surrounding lands; and
- (j) The extent to which the proposed amendment would result in significantly adverse environmental impacts, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

October Joint Public Hearing Minutes:

- C. General Use Rezoning and Future Land Use Plan Amendment: 1220 N.C. 57 — To rezone from Business Park to Office and Institutional (OC PIN 9875075617)

Campbell presented the staff report. She clarified no annexation is associated with this application. She said although the approximately 5-acre property is disconnected from the main part of town, it was previously annex into the town and zoned. She said the property is adjacent to the Eno River Academy. The applicant requests to amend the Future Land Use Plan and rezone the land from Business Park to Office and Institutional. She displayed a map and photographs of the property, pointing out its location on an area map.

Johnston referred the board members to information on pages 33 and 34 of the agenda packet. He invited the applicant to speak.

Laura Loehr addressed the board members. She said she would like to build an indoor pickleball facility on the property. Loehr said the facility would not be large and would fit well on the lot. She said she hopes to bring America's fastest growing sport to Hillsborough. Loehr said there are few such facilities in North Carolina and thus the facility would become a destination, with people traveling to play on an indoor court. She said she hopes to build a facility similar to one in Leland, N.C. Loehr said the requested zoning would overlap with that of the adjacent Eno River Academy, noting the school has a gym. She said the project would fall under the "recreational facilities" use.

Ferguson said she has visited the Leland, N.C., pickleball facility. Loehr said her facility would be nearly identical to the Leland facility. Ferguson expressed excitement about the proposed project.

Loehr added although pickleball is played at the Orange County Sportsplex, the balls and surfaces used there are different, resulting in slower play. When asked, she said she plans six courts. She said she had not finalized the facility's hours of operation but anticipated it being open from 8 a.m. to 9 p.m.

When asked, Loehr said she had been looking for a site for about six months. She said Hillsborough would be a good location because it would attract people from Durham, Chapel Hill, Mebane and Burlington.

When asked, Loehr said pickleball tournaments ideally need at least eight courts. She said she wants to bring professional players to the facility for exhibition and clinics, noting former professional pickleball player Noah Sariban was with her tonight.

Weaver asked Campbell what water and sewer impacts rezoning the property would have, noting the rezoning would allow any use allowed by right in the Office and Institutional zoning district. Weaver also noted the town is nearly finished crafting its Comprehensive Sustainability Plan. She asked Campbell what the best practice would be regarding amending the Future Land Use Plan so close to completing the Comprehensive Sustainability Plan.

Campbell said she reached out to Utilities Director Marie Strandwitz, who reported the projected water and sewer use for the pickleball facility would not be much more than for a single-family home. When asked, Loehr confirmed the facility probably would have one shower each for men and women. Campbell said the proposed use would not strain the town's water and sewer capacity, any other uses permitted in the district would have to be evaluated as to whether or not the town could serve them based on available sewer capacity.

Campbell said rezoning from Business Park to Office and Institutional would not constitute a large difference. She said the Office and Institutional zoning district might be more appropriate given what is on the parcel. She briefly described the parcel. When asked, she said Eno River Academy's land is zoned Business Park.

Salvi said she is not opposed to pickleball but is concerned the land could be used for any use allowed by right in the Office and Institutional zoning district. She worried the land could be sold and a more water-intense use built. Salvi asked if the town had a way to stop the land being developed for other uses if water and sewer capacity becomes a concern for the site.

Campbell said the town would evaluate the water and sewer usage when the site plan was submitted. Campbell said the town could determine water and sewer could not be extended if capacity is not available. When asked, Campbell confirmed Eno River Academy has water and sewer service. She pointed out a sewer line on the property.

Salvi said she felt uneasy about the site's water and sewer impacts and whether upgrades would be needed.

When asked, Campbell said this parcel is not part of any discussions about potential de-annexation of town property.

Johnston invited members of the public to speak.

Sariban addressed the board in support of the pickleball facility. He said he played professionally from 2017 to 2020 and now teaches pickleball. Sariban said he also is a physical therapist and noted the sport's health benefits. He said the sport's popularity is growing quickly, and people have few options for playing indoors on the correct surface in winter. He said there are no such facilities nearby, and people would come to Hillsborough from far away to play pickleball at the facility. Sariban said those people also would eat at Hillsborough's restaurants while in the area.

When asked, Sariban said the space could be used for other events, but those events probably would be related to pickleball, such as professional exhibitions. He explained tennis uses the same surface as pickleball but is played on a larger court.

Salvi expressed concern that a large tournament would attract too many cars for the site. Sariban explained the facility would be too small for a tournament. He said typical tournaments use between 14 and 50 courts, as opposed to the proposed facility's 6 courts.

There were no further comments for this item.

November Planning Board Meeting:

The Planning Board discussed the permitted uses allowed in the O&I zoning district versus Business Park and the constraints on the site. They also discussed the proximity to the existing school and whether or not the uses allowed in O&I would be compatible with that and the surrounding existing uses. The board voted 7-0 to recommend approval of the rezoning and future land use plan amendment.

**Financial impacts:**

None.

**Staff recommendation and comments:**

None.

**Action requested:**

Approve or deny the request for rezoning and future land use plan amendment.