



TOWN OF
HILLSBOROUGH

**APPLICATION FOR
Text and/or Map Amendment Request**

Planning Department
101 E. Orange Street/P.O. Box 429
Hillsborough, NC 27278
Phone: (919) 296-9477 Fax: (919) 644-2390
Website: www.hillsboroughnc.gov

Amendment Type: ☐ Future Land Use Plan Map ☒ Zoning Map
☐ Comprehensive Plan Text ☐ Unified Development Ordinance text

Property Address: 1700 NC 86 South, Hillsborough, N.C. **PIN:** 9874429362

Applicant Name: Mark Trustin

Mailing Address: 221 Deer Chase Lane **Phone:** 919-490-1581

City, State, Zip: Durham, NC 27705 **E-mail:** mark@trustinlaw.com

Property Owner Name: Owls Wood Development LLC

Mailing Address: 221 Deer Chase Lane **Phone:** _____

City, State, Zip: Durham, NC 27705 **E-mail:** _____

Location/Streets Accessed: 1700 NC 86 south at corner of US 70-A Business

Current Zoning District(s): LO - Limited Office

Proposed Zoning District(s): HIC - High Intensity Commercial

Acreage: 15.38 +/-

Water Service: ☒ Public Water ☐ Well

Sewer Service: ☒ Public Sewer ☐ Septic Tank

Existing Structures on Site: N/A

Critical Areas:

☐ Flood ☒ Drainage/Stream/Pond ☐ Cemetery ☐ Historic Resource ☒ Steep Slopes

☒ Easement See next page



RECEIVED

8/23/2022

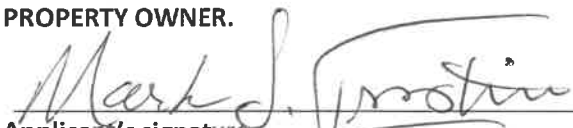
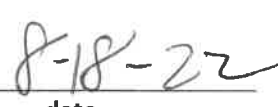

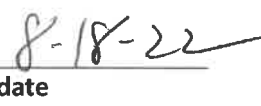
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Tom Y

Describe how the request will address the following factors that the Town Board of Commissioners must determine when considering an amendment to the test of the Unified Development Ordinance or Zoning Map (use separate sheet):

1. The extent to which the amendment is consistent with all applicable Town-adopted plans.
2. The extent to which there are changed conditions that require an amendment.
3. The extent to which the proposed amendment addresses a demonstrated community need.
4. 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.
5. The extent to which the proposed amendment would result in a logical and orderly development pattern or deviate from logical and orderly development patterns.
6. The extent to which the proposed amendment would encourage premature development.
7. The extent to which the proposed amendment would result in strip or ribbon commercial development.
8. 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.
9. The extent to which the proposed amendment would result in significant adverse impacts on the property values of surrounding lands.
10. 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.

I/We certify that all of the information presented by me/us in this application is accurate to the best of my/our knowledge, information, and belief. **APPLICATIONS WILL NOT BE ACCEPTED WITHOUT SIGNATURE OF PROPERTY OWNER.**

	
Applicant's signature	date
	
Property Owner's signature	date

Magr. Owl's wood

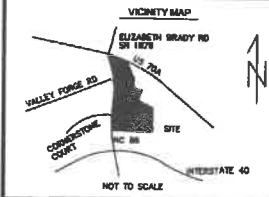
August 22, 2022

Amendment Request
Owls Wood Development,
Mark Trustin- Owner

1. This amendment aligns well with the Town's Land Use plan and the "2030 Vision Plan"; thus, providing additional marketable and flexible commercial uses consistent with zoning along Highway 86. High Intensity Commercial will allow uses which will contribute positively to Hillsborough's image and commercial tax base.
2. This property has been under contract four times since the Great Recession. Those contracts were terminated due to conditions such as rezoning risks, a Town moratorium on development, uncertain impacts of the Orange Grove Road Extension, and potential impact from unknown off-site development costs. These factors have created uncertainty for Buyers. Rezoning will define the potential allowed uses and reduce that risk. The current zoning is "Limited" and extremely limiting. Limited Office zoning allows Artisan Studios, Banks, Funeral Homes, Gallery/Museums, Libraries, Meeting Facilities, Offices, Park and Ride, Personal Services, Public Safety, and Transit Passenger Terminals. LO does not allow FLEX, Hotels, Restaurants, Child or Adult Care, Health Care, Fitness, or Retail.
3. HIC will provide options for a variety of service and retail businesses such as hospitality, restaurant, grocery, and flex space for small businesses.
4. Much of the surrounding land has already been developed. The proposed amendment is consistent with zoning along Hwy 86 and Business 70A with the other High Intensity Commercial, Entrance Way Special Use, and Economic Development District zoning across the highway, which includes Cornerstone Court and Valley Forge Road. See attached zoning map.
5. Rezoning to HIC is consistent with the development patterns in the area. As mentioned above, the surrounding developments are zoned High Intensity Commercial, Entrance Way Special Use, and Economic Development District which allow for defined retail and commercial uses. The rezoning proposed for this property is a logical pattern to allow for similar use in the same corridor.

6. Premature development is not a risk on this site. There have been multiple site plan iterations considered during the previous rezoning attempts and the desired use by the town and potential developers is now well understood. The site is well suited for development today, with all utilities present to serve the site.
7. The topography does not lend itself to large sprawling buildings.
8. Allowed uses in HIC are consistent with current uses along Hwy 86, Cornerstone Court, Valley Forge Road, and Business 70A.
9. The additional commercial services will add to the convenience of the location and contribute to property values.
10. Due to the topography and steep slopes along the eastern boundary of the property, a significant greenway and wildlife buffer along the creek and Town's sewer line easement will be preserved. The stormwater control measure will comply with all stormwater management regulation stipulated by the Town of Hillsborough and could also recoup some function for wildlife and air quality with vegetated plantings required to treat stormwater runoff. In general, HIC uses are low water and sewer users. Given the existing public road structure and local nature of this site, there will be minimal other environmental impacts. Impact would likely come from additional I-85 retail users on that short stretch of Hwy 86.

FILED
DECEMBER 31, 1998
N.C. DEC 31 A 10 20
JONCHAL PARKER
REGISTERED SURVEYOR



I HEREBY CERTIFY THAT THIS PLAT IS OF THE FOLLOWING TYPE:
G.S. 42-30 (X)(X)(X). This survey is of an existing parcel or parcels of land and does not create a new street or change an existing street.

PROFESSIONAL LAND SURVEYOR REGISTRATION NUMBER

I ALSO CERTIFY THAT THIS PLAT IS OF THE FOLLOWING TYPE:
G.S. 42-30 (X)(X)(X). THIS SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.

PROFESSIONAL LAND SURVEYOR REGISTRATION NUMBER

SCALE 1" = 100'

PROJECT NUMBER
88-318

TAX MAP NUMBER
4.40.4.8

PN NUMBER
9874-91-2-444

DRAWN BY
EWP

CHECKED BY
JSP

DRAWING NAME
88-318

REFERENCES
PB 87/41 PB 87/50
PB 47/72 PB 48/158
PB 88/188 PB 400/505
PB 74/127 DB 822/818
PB 60/188 DB 224/844
PB 58/188 DB 223/848
PB 60/255 PB 74/252
PB 48/15 PB 58/27
PB 58/38 PB 58/38

REVISIONS

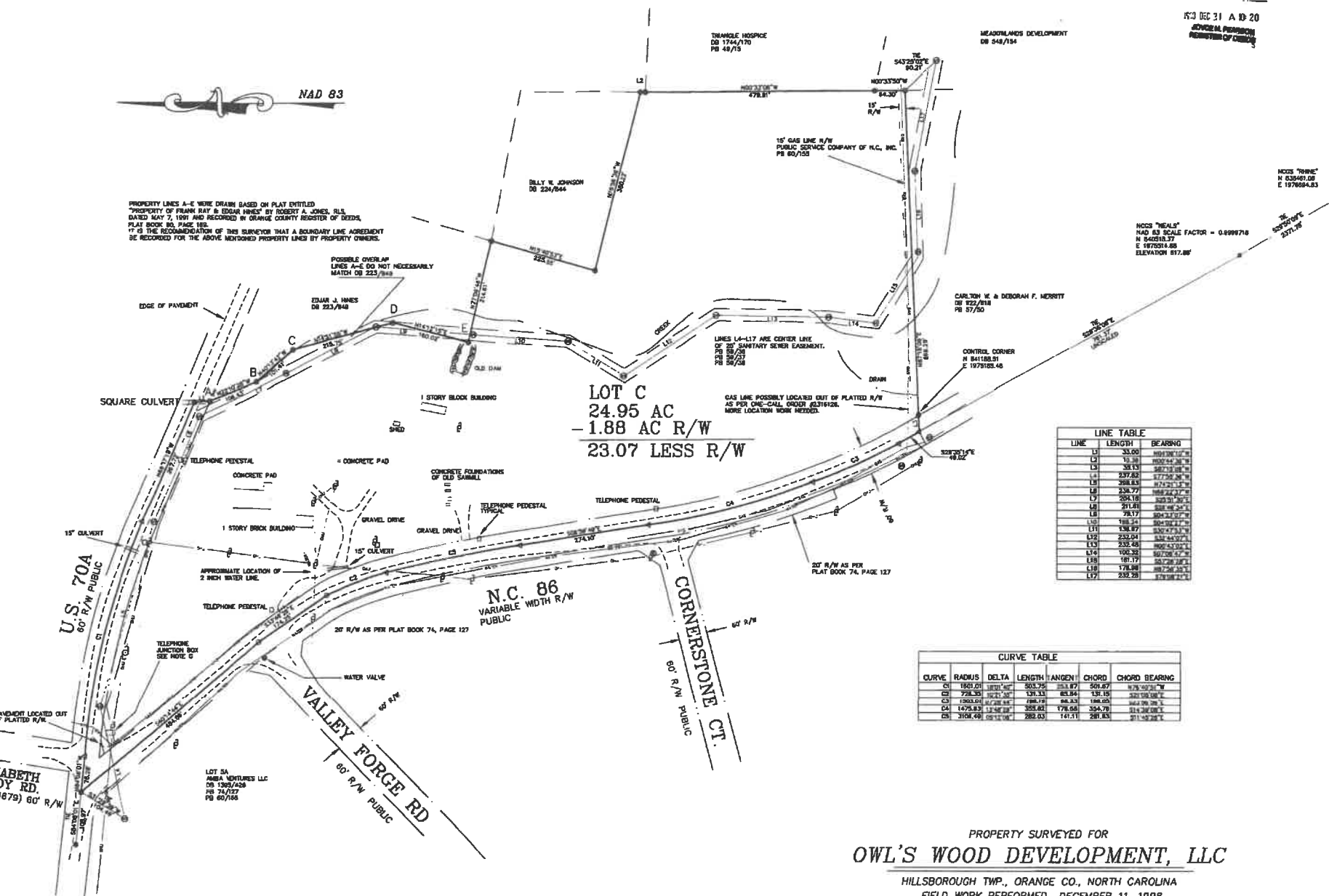
NUMBER DESCRIPTION DATE BY

OWNER'S ADDRESS
J. FRANK RAY
301 NORTH CHURTON ST.
HILLSBOROUGH, NORTH CAROLINA 27278

LEGEND

IRON PIN SET
EXISTING ROW/MAIL/ROAD
CONC. MONUMENT SET
EXISTING CONC. MON.
MATHEMATICAL POINT

CALLEMYN
PARKER INC.
ENGINEERING & LAND SURVEYING
104 N. CHURTON ST., HILLSBOROUGH, NC 27278
VOICE (919) 732-3883 FAX (919) 732-8876
callemparker@earthlink.net
http://www.callemparker.com



NOTE 1: THE LOCATION OF UNDERGROUND UTILITIES AS SHOWN ARE BASED ON MEASUREMENTS AND RECORDS PROVIDED TO THE SURVEYOR. THE LOCATION OF UNDERGROUND UTILITIES AND STRUCTURES MAY VARY FROM FIELD EVIDENCE. SHOWN HEREIN, AND ADDITIONAL BURIED UTILITIES MAY EXIST. CONTACT THE APPROPRIATE UTILITY COMPANIES FOR INFORMATION REGARDING BURIED UTILITIES.

NOTE 2: ALL DISTANCES ARE HORIZONTAL DISTANCES AND ARE BY COORDINATE COMPUTATION.

NOTE 3: THIS SURVEY WAS DONE WITHOUT A TITLE SEARCH AND IS BASED ON REFERENCE INFORMATION. THERE MAY EXIST OTHER DOCUMENTS OF RECORD WHICH COULD AFFECT THIS PROPERTY.

NOTE 4: THERE ARE 3 BURIED TELEPHONE CABLES IN AND ALONG THE EASTERN RIGHT-OF-WAY OF US 70A. THERE ARE HANGING BURIED TELEPHONE CABLES IN THE AREA CLOSE TO THE TELEPHONE JUNCTION BOX AT THE INTERSECTION OF NC 86 AND US 70A. CONTRACT THE APPROPRIATE UTILITY COMPANIES FOR INFORMATION REGARDING BURIED UTILITIES.

NOTE 5: THE PLAT "PROPERTY OF FRANK RAY & EDGAR J. HINES" BY ROBERT A. JONES, JR., DATED MAY 7, 1991, RECORDED IN PLAT BOOK 80, PAGE 180, ORANGE COUNTY REGISTER OF DEEDS.

NOTE 6: THERE ARE 3 BURIED TELEPHONE CABLES IN AND ALONG THE EASTERN RIGHT-OF-WAY OF US 70A. THERE ARE HANGING BURIED TELEPHONE CABLES IN THE AREA CLOSE TO THE TELEPHONE JUNCTION BOX AT THE INTERSECTION OF NC 86 AND US 70A. CONTRACT THE APPROPRIATE UTILITY COMPANIES FOR INFORMATION REGARDING BURIED UTILITIES.

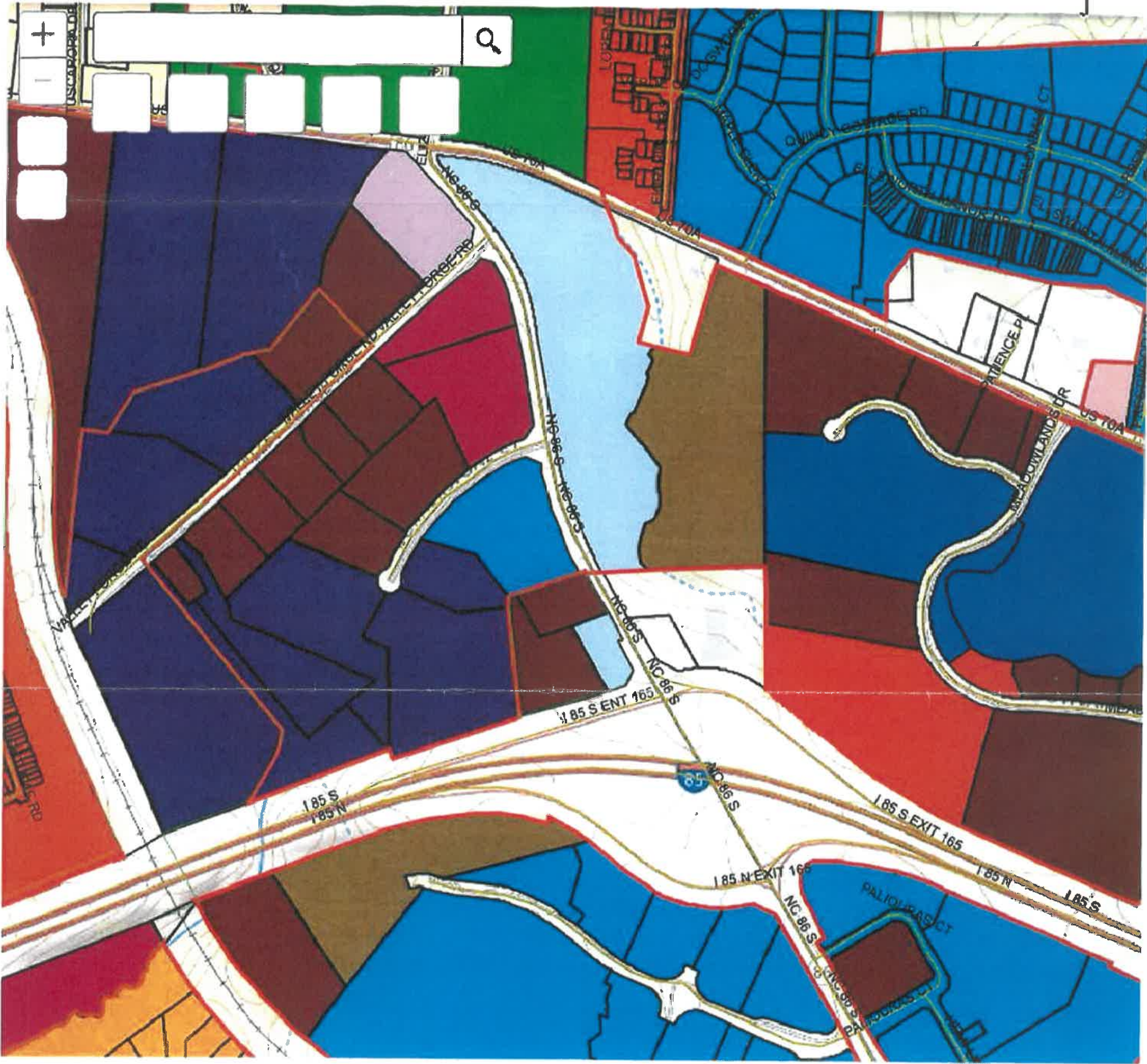
NOTE 7: SURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED OR CONSIDERED DURING THIS SURVEY. ALL RELEVANT SURFACE AND SUBSURFACE IMPROVEMENTS ON AND ADJACENT TO THE SITE ARE NOT NECESSARILY SHOWN HEREIN. NO ATTEMPT IS MADE TO DETERMINE THE EXISTENCE OF UNDERGROUND CONTAMINANTS WHICH MAY AFFECT THE USE OF THIS TRACT.

NOTE 8: ELEVATION IS NOT SHOWN OR SHOWN, THIS SURVEY DOES NOT REPORT ANY OF THE FOLLOWING ELEVATIONS: OTHER THAN THREE (3) FEET ABOVE FLOOD ELEVATION, BUILDING ELEVATION, INTERIOR CORNER, STORM OR LAND USE ELEVATION, AND ANY FACTS WHICH A TITLE SEARCH MAY DISCLOSE.

THIS PLAT DOES NOT REQUIRE APPROVAL.

Margaret A. Heath 12/31/98
PLANNING DIRECTOR

PROPERTY SURVEYED FOR
OWL'S WOOD DEVELOPMENT, LLC
HILLSBOROUGH TWP., ORANGE CO., NORTH CAROLINA
FIELD WORK PERFORMED DECEMBER 11, 1998
PROPERTY AS DESCRIBED IN D.B. 608 , PG. 505
STANDING IN THE NAME OF
J. FRANK RAY AND EDGAR J. HINES



Owls Wood

600ft

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