

TOWN OF HILLSBOROUGH BOARD OF COMMISSIONERS

**RESOLUTION GRANTING A SPECIAL USE PERMIT SUBJECT TO
SPECIAL CONDITIONS AFFECTING 5.896 acres on NC 86 S
(part of OC PIN 9873-69-8276)**

WHEREAS, the Town of Hillsborough Board of Commissioners has received an application from Hillsborough CDJR, as Applicant, and Paliouras Enterprises, LLC, as Owner, for a Special Use Permit to allow the development of approximately 5.896 acres of land (the "Subject Property") on the east side of NC 86 S behind the existing Sheetz station as a motor vehicle sales and service location with a 24,600 sf building and parking/vehicle display for 349 vehicles; and

WHEREAS, the Town of Hillsborough Planning Board and the Board of Commissioners conducted joint public hearings to consider the application on July 18, 2019 and August 12, 2019 after giving notice thereof as required by law; and

WHEREAS, at the aforesaid public hearings, the Applicant and all others wishing to be heard in connection with the Application were given an opportunity to do so; and

WHEREAS, the Town of Hillsborough Planning Board has made its recommendation to the Town of Hillsborough Board of Commissioners regarding the Application;

WHEREAS, the Town of Hillsborough Board of Commissioners has considered the recommendation of the Planning Board and all the information and testimony presented to it at the public hearings.

NOW, THEREFORE, BE IT RESOLVED by the Town of Hillsborough Board of Commissioners, on motion of Commissioner Matthew Hughes, seconded by Commissioner Kathleen Ferguson, this 9th day of September, 2019 as follows;

1. The Board of Commissioners has considered all the information presented to it both in support of and in opposition to the application at the July and August public hearings;

2. The Board of Commissioners finds that the requested permit is within its jurisdiction according to the Table of Permissible Uses, that the application is complete, and that if the proposed development is completed as proposed in the application, subject to the Special Conditions attached hereto, it will comply with the requirements of the Unified Development Ordinance.

3. The Special Conditions attached hereto are intended to preserve and/or promote the health, safety and welfare of the surrounding areas and the Town of Hillsborough in general, and to insure that the provisions established by Section 3.8 and 5.2.9.2 of the Unified Development Ordinance are met.

4. Upon adoption of this Resolution, the Town of Hillsborough shall issue a Special Use Permit for the Subject Property in the standard form with the Special Conditions attached and

notice of this decision and issuance of the special use permit shall be transmitted forthwith in accordance with Section 3.8.16 of the Unified Development Ordinance.

5. The Special Conditions applying to this Special Use Permit are:
 - a. The application materials including, but not limited to, the site plan, building elevations, and narrative dated July 9, 2019, the revised plans dated August 2, 2019 as presented at the continued public hearing, the presentation slides from the August 12, 2019 continued public hearing, are those approved with this permit. A copy of the revised site plan showing the boundaries of the Subject Property is attached hereto as Exhibit A.
 - b. The following modifications and waivers (numbering from the July 18, 2019 staff report, a copy of which is included in the record of proceedings before the Board of Commissioners) are granted:
 - i. Modification 1 – Display of vehicles
 - ii. Modification 2 – Service bay doors
 - iii. Wavier 1 – Impervious surface
 - iv. Wavier 2 – Interstate buffer (with offer of supplemental plantings)
 - v. Waiver 3 – New lots with no more than 8 sides
 - vi. Waiver 4 – No lot areas wholly encumbered by setbacks
 - vii. Waiver 11 – Metal not a primary building material
 - viii. Waiver 13 – Ten foot wide planted setback for parking granted on the north side (adjacent to the interstate) and landscaping height limited to 2 feet along the front line vehicle display
 - ix. Waiver 14 – Five foot landscape separation building/parking
 - x. Waiver 18 – Parking at the side and rear
 - xi. Waiver 19 – Parking away from rights of way
 - xii. Waiver 20 – Parking not at the street corner
 - xiii. Waiver 21 – Square footage of wall mounted signs
 - c. The following waivers were deemed no longer needed and the revised plans reviewed on August 12 comply with the ordinance in regard to the following:
 - i. Wavier 5 – create vertical orientation with architectural features
 - ii. Waiver 6 – Limit use of horizontal design elements
 - iii. Waiver 10 – Window opening on the pedestrian side of building
 - iv. Waiver 12 – Use of multiple materials/colors on façade
 - v. Waiver 16 – The Owner is required to meet the UDO Open Space requirement for the entire unified development encompassed in the Master Plan of which Subject Property is a part.
 - vi. Waiver 17 – Parking in the setback
 - d. The Uniform Development Ordinance sections that were the subject of the following waivers were deemed to not apply to this use and not acted upon:
 - i. Waiver 7 – Locate primary building close to the street edge
 - ii. Waiver 8 – Locate the building near street intersections on corner lots
 - iii. Waiver 9 - Locate maximum building width near front of lot
 - e. Waiver 15 – maximum lighting levels was resolved with the conditions that the front line parking area be limited to a 40 foot candle maximum, other display

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areas are limited to a 35 footcandle maximum, and the remainder of the site is acceptable, based on the plans reviewed at the August 12 hearing.

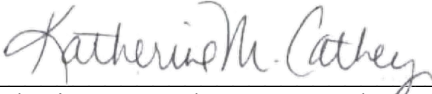
The foregoing Resolution was put to a vote of the Town of Hillsborough Board of Commissioners, the results of which vote are as follows:

Ayes: 5

Noes: 0

Absent or Excused: 0

Dated: Sept. 9, 2019



Katherine M. Cathey, Town Clerk