

STAFF REPORT

TO: Town Council

DATE: May 21, 2024

PROJECT: Special Use Permit-A, Extension Request for Commercial Building at 201 North Greensboro Street

APPLICANT: Ed Lammas, on behalf of CKE III, LLC
16122 Morehead
Chapel Hill, NC 27517

OWNERS: CKE III, LLC
16122 Morehead
Chapel Hill, NC 27517

PURPOSE: Request for an extension of date when a Special Use Permit-A would otherwise expire for a Commercial Building at 201 North Greensboro Street. This SUP-A permit will otherwise expire on June 7, 2024.

EXISTING ZONING: B-1(g) and B-2

PIN: 9778-86-3587 & 9778-86-2555

LOCATION: 201 North Greensboro Street & 101 West Weaver Street

TRACT SIZE: 0.53 acres (23,211 sf)

EXISTING LAND USE: Vacant

PROPOSED LAND USE: Commercial Building – Multiple commercial uses in a three-story building (retail, office, restaurant, etc)

SURROUNDING LAND USES: North: B-1(g), Vacant building
South: B-1(g), West Weaver Street right of way
West: B-2, Center Street right of way
East: B-1(g), North Greensboro Street right of way

RELEVANT ORDINANCE SECTIONS: Section 15-62 Expiration of Permits

BACKGROUND

The applicant is requesting that the date on which a previously issued Special Use Permit-A (SUP-A) would otherwise expire, on June 7, 2024, be extended two years to an expiration date of June 7, 2026.

The Town Council originally granted the Special Use Permit-A on June 7, 2022. The SUP-A allows for the construction of a three-story building with multiple commercial uses permitted in the building.

APPLICABLE LUO PROVISIONS

Extensions to the date on which a permit would otherwise expire must be granted in accordance with Section 15-62 (Expiration of Permits) of the LUO. Specifically, please note that Section 15-62(a) of the LUO dictates that the SUP-A would expire, on June 7, 2024 in this case, because less than ten percent (10%) of the total cost of all construction, erection, alteration, excavation, demolition, or similar work on the development authorized by the permit has been completed on the site. Construction plans have not yet been submitted, and onsite work has not commenced.

Section 15-62(c) gives the permit-issuing authority (Town Council) the authority to grant an extension to the date on which the permit would otherwise expire. Section 15-62(c) reads as follows:

“(c) The permit-issuing authority may extend for a period up to two years the date when a permit would otherwise expire pursuant to subsections (a) and (b) if it concludes that (i) the permit has not yet expired, (ii) the permit recipient has proceeded with due diligence and in good faith, and (iii) conditions have not changed so substantially as to warrant a new application. Successive extensions may be granted for periods up to two years upon the same findings. All such extensions may be granted without resort to the formal processes and fees required for a new permit.”

Staff offers the following information related to the conditions outlined in Section 15-62(c):

1. The permit has not yet expired.

COMPLIANCE: *No, the permit has not expired. The permit is set to expire on June 7, 2024.*

2. The permit recipient has proceeded with due diligence and in good faith.

COMPLIANCE: *Yes, the permit recipient has proceeded with due diligence and in good faith, and has provided a letter explaining as much (Attachment B).*

3. Conditions have not changed so substantially as to warrant a new application.

COMPLIANCE: *Yes, it is true that conditions have not changed so substantially as to warrant a new application. No changes to the property have taken place since the permit was originally approved.*

RECOMMENDATION

Town Staff recommends that the Town Council adopt the attached resolution approving the permit extension request. The new expiration date for the permit would be June 7, 2026.