

STAFF REPORT

TO: Town Council

DATE: April 26th, 2022

PROJECT: Conditional Use Permit Extension Request for Veridia AIS Subdivision at 810 Old Fayetteville Road

APPLICANT and OWNER: Sustainable Properties, LLC
5020 Walnut Cove Road
Chapel Hill, NC 27516

PURPOSE: Request for an extension of date when Conditional Use Permit would otherwise expire for Veridia AIS Subdivision at 810 Old Fayetteville Road. This CUP permit expires on April 26th, 2022

EXISTING ZONING: R2-CU

PIN: 9779-01-7407 & 9779-01-7345

LOCATION: 810 Old Fayetteville Road

TRACT SIZE: 282,704sf (6.49acres)

EXISTING LAND USE: Mobile Home Park

PROPOSED LAND USE: 26.100, Major subdivision consisting of 1.111, single family detached residences

SURROUNDING LAND USES: North: R-20 , single-family residences
South: R-15, single-family residences
West: Old Fayetteville Road
East: R-20, single-family residences

ZONING HISTORY: R2-CU since 2011

RELEVANT ORDINANCE SECTIONS: Section 15-62 Expiration of Permits

BACKGROUND

The applicant/property owner, Sustainable Properties, LLC has requested that the date on which a previously issued Conditional Use Permit extension that expires on April 26th, 2022 be re-established to an expiration date of April 14th, 2024.

The Town Council originally granted the Conditional Use Permit on April 26th, 2011 and has approved four (4) permit extensions.

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 CUP would expire on April 26th, 2022 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.

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 April 26th, 2022.*

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. Sustainable Properties, LLC has stated that they are actively working with two*

nonprofit agencies on a plan to build a project. Work is active and ongoing, and the extension would allow for work to continue with the original approval intact.

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, except for maintenance and improvements to make living situations better for current residents.

RECOMMENDATION

The 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 April 14th, 2024.