

STAFF REPORT

TO: Board of Aldermen

DATE: February 11th, 2020

PROJECT: Conditional Use Permit Extension Request for Mixed Use Building on Commercially Zoned Property within Claremont South PUD

APPLICANT and OWNERS: Parker Louis, LLC
301 Montclair Way
Chapel Hill, NC 27516

PURPOSE: Request for an extension of date when Conditional Use Permit would otherwise expire for the Mixed Use Building on Commercially Zoned Property with Claremont South PUD. This CUP permit expires on February 27th, 2020

EXISTING ZONING: R-10B3PUD

PIN: 9779-37-0476

LOCATION: 1001 Homestead Road

TRACT SIZE: 1.23 acres (53,418sf)

EXISTING LAND USE: Vacant

PROPOSED LAND USE: Mixed Use Building- 1st floor to be office space (use# 3.120) and 2nd floor to be four (4) residential units

SURROUNDING LAND USES: North: Homestead Road
South: R-15, Wexford Subdivision, Phase VI
East: R-20, vacant (Carolina North Property)
West: R-10CZ, Single Family Residence

ZONING HISTORY: Rezoned to R-10B3PUD in 2012

RELEVANT ORDINANCE SECTIONS: Section 15-62 Expiration of Permits

BACKGROUND

The property owner, Parker Louis LLC, has requested that the date on which a previously issued Conditional Use Permit (CUP) that expires on February 27th, 2020 be re-established to an expiration date of February 11th, 2022.

The Board of Aldermen originally granted the Conditional Use Permit on February 27th, 2018. The CUP allowed the construction of a new two (2) story mixed use building with the first floor containing 6,797sf of office space and the 2nd floor containing 4,879sf and a total of four (4) residential units.

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 February 27th, 2020 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 (Board of Aldermen) 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 February 27th, 2020.*

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. Parker Louis LLC has stated that they have completed approximately 75 percent of the architectural work related to this project.

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

The Town Staff recommends that the Board of Aldermen adopt the attached resolution approving the permit extension request. The new expiration date for the permit would be February 11th, 2022.