

STAFF REPORT

TO: Town Council

DATE: February 25th, 2020

PROJECT: Conditional Use Permit Extension Request for Merritt Mill Affordable Housing at 802 & 806 Merritt Mill Road

APPLICANT and OWNERS: CASA NC
Attention: Neil Ritter
624 West Jones Street
Raleigh, NC 27603

PURPOSE: Request for an extension of date when Conditional Use Permit would otherwise expire for Merritt Mill Affordable Housing at 802 & 806 Merritt Mill Road. This CUP permit expires on March 27th, 2020

EXISTING ZONING: R-7.5 Residential District

PIN: 9778-93-0135 & 9778-93-1183

LOCATION: 802 & 806 Merritt Mill Road

TRACT SIZE: 86,833sf (1.99acres)

EXISTING LAND USE: Vacant

PROPOSED LAND USE: SURROUNDING Three (3) story multi-family apartment (use#1.330) complex. Total of twenty-four (24) units with two (2) bedrooms within each unit

LAND USES: North: M1, Village Self Storage
South: Chapel Hill Planning Jurisdiction
East: R-7.5, single-family residence
West: Chapel Hill Planning Jurisdiction

ZONING HISTORY: R-7.5 since 1980

RELEVANT ORDINANCE SECTIONS: Section 15-62 Expiration of Permits

BACKGROUND

The applicant/property owner, CASA NC, has requested that the date on which a previously issued Conditional Use Permit (CUP) that expires on March 27th, 2020 be re-established to an expiration date of February 25th, 2022.

The Town Council originally granted the Conditional Use Permit on March 27th, 2018. The CUP allowed for the construction of a twenty-four (24) unit affordable apartment complex at 802 & 806 Merritt Mill Road.

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 March 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 (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 March 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. CASA NC has stated that they are continuing to work on funding for 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 Town Council adopt the attached resolution approving the permit extension request. The new expiration date for the permit would be February 25th, 2022.