

STAFF REPORT

TO: Town Council

DATE: May 19th, 2020

PROJECT: Conditional Use Permit Extension Request for Mixed Use Building at 603 Jones Ferry Road

APPLICANT: O'Brien Architects
Attention: Matthew O'Brien
143 North Main Street
Greensboro, NC 27284

OWNERS: FJC Trust
Contact: Francis Chan
101 Harkness Circle
Durham, NC 27705

PURPOSE: Request for an extension of date when Conditional Use Permit would otherwise expire for a Mixed Use Building at 603 Jones Ferry Road. This CUP permit will otherwise expire on June 26th, 2020.

EXISTING ZONING: O (Office)

PIN: 9778-34-6032

LOCATION: 603 Jones Ferry Road

TRACT SIZE: 1.1 acres (47,916sf)

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 (use# 1.200)

SURROUNDING LAND USES: North: O, Willow Creek Office Complex
South: R-3, Ashbrook Apartments
West: R-3, Poplar Place Apartments
East: R-3, Ashbrook Apartments

RELEVANT

ORDINANCE SECTIONS: Section 15-62 Expiration of Permits

BACKGROUND

The applicant, O'Brien Architects, has requested that the date on which a previously issued Conditional Use Permit (CUP) would otherwise expire, on June 26th, 2020, be extended two years to an expiration date of June 26, 2022.

The Town Council originally granted the Conditional Use Permit on June 26th, 2018. The CUP allows for the construction of 1st floor to be office space (use# 3.120) and 2nd floor to be four (4) residential units (use# 1.200).

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 June 26th, 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. Construction plans are under review, 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 26th, 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. Mr. Francis Chan was dealing with a personal health issue.*

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 June 26, 2022.