File #: 14-0314, **Version:** 1

TITLE:
Permit Extension Request for Previously Issued Conditional Use Permit for the Shoppes at Jones Ferry at 405 Jones Ferry Road

PURPOSE: The Board is asked to review a request for an extension of the date when a Conditional Use Permit would otherwise expire for The Shoppes at Jones Ferry at 405 Jones Ferry Road. The Town Staff recommends approval of the request.

DEPARTMENT: Planning Department

CONTACT INFORMATION: James Thomas, 918-7335

INFORMATION: The property owner, Calvin Mellot, has requested an extension of the date on which a previously issued Conditional Use Permit (CUP) would otherwise expire. The Board of Aldermen originally granted the Conditional Use Permit on September 25th, 2007.

The original developer objected to one or more conditions placed on the CUP by the Board of Aldermen and appealed those impositions to Superior Court, which ruled in favor of the Board of Aldermen. The developer appealed this decision to the Court of Appeals which determined that the Board of Aldermen had failed to include adequate findings of fact in its order approving the permit with the conditions in question and remanded that case back to the Superior Court with the instructions to the Superior Court to remand the case to the Board of Aldermen to make findings of fact to support its decision to impose the conditions. Afterwards, the permit remained inactive but still valid until at least November 21, 2013, as described in the Abstract for this agenda item.

The Board of Aldermen extended the permit for an additional year at their February 18th, 2014 meeting with an expiration date of November 21st, 2014.

In essence, Mr. Mellot wishes to receive an extension to the date on which the Conditional Use Permit would otherwise expire.

FISCAL & STAFF IMPACT: None

RECOMMENDATION: 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 November 21st, 2015.