



**CHATHAM COUNTY
BOARD OF COMMISSIONERS
AGENDA ABSTRACT**

ITEM NUMBER:
MEETING DATE:
9-17-07

PART A

Subject: Request by Nicolas P. Robinson, Attorney-at-Law on behalf of Baycorp Development, Inc. for an extension of Conditional Use Permit deadline.

Action Requested: See Recommendations.

Attachments: The following may be viewed on the Planning Department website at www.chathamnc.org under Planning, Rezoning & Subdivision Cases, 2007.

1. Letter of request from Nicolas P. Robinson, dated August 10, 2007.
2. Site map of Property
3. Description Of The Project from original application

Submitted By:

Keith Megginson, Planning Director

Date

County Manager Review:

Charlie Horne, County Manager

Date

This abstract requires review by:

County Attorney

Date Reviewed

Finance Officer

Date Reviewed

Budget Officer

Date Reviewed

PART B

Re: Baycorp

Introduction / Background / Previous Board Actions: A Conditional Use B-1 permit for various uses was granted to Baycorp on October 19, 2005. The approval was for all the permitted uses listed in the Zoning Ordinance with the exception of ones in the application. The attachment # 3 lists the uses that are not allowed. On attachment # 2 the building is listed as a bank, but this is for illustrative purposes and it is not the only allowed use according to the conditional use permit. Per the applicant's representative, Nick Robinson, there have been negotiations with a financial institution that have been delayed. Please refer to the letter located on the Planning webpage.

Issues for Further Discussion and Analysis: The Planning Board reviewed this request at their September 4, 2007 meeting. A vote was taken on whether to recommend approval of the request or not. The vote was 5 for the extension and 5 against. It was stated by Planning Board members one concern was for the on going work of the Major Corridor Committee and the commercial nodes that are being formed. It was not clear at this point if this area was going to be within one of those nodes. The members who voted for the extension stated the permit has already been approved and the reason they had to ask for the extension was due to it being part of the conditions of the original permit approval and should be allowed to continue in trying to obtain a tenant or buyer for the property.

Should the permit expire, which will be on October 19, 2007 if not approved for the extension, the property would have Conditional Use B-1 Business zoning without benefit of a Conditional Use B-1 Permit.

Recommendation: There was a motion to approve the extension that resulted in a tie vote, 5 for and 5 against by the Planning Board. The Board discussed deferring the decision on this request until delineation of commercial nodes by the Major Corridor Task Force is completed.

The Planning staff recommends the extension request be approved so that there is not a Conditional Use District existing without a Conditional Use Permit.

If the Board would like additional review of the uses allowed in the conditional use permit or specific conditions such as the Major Corridor Task Force addressing then you may want to allow this permit to expire. Legal advice on this course of action is recommended.