



**CHATHAM COUNTY
BOARD OF COMMISSIONERS
AGENDA ABSTRACT**

ITEM NUMBER:
MEETING DATE:
7-21-08

PART A

Subject:

A request by Jerry Turner & Associates on behalf of HBP Properties, Inc. (Brantley Powell) for a revision to the conditional use permit for Polk Center, located off US 15-501 N, Baldwin Township, approved for a Conditional Use B-1 zoning district for a shopping center on October 16, 2006, to allow an extension of Condition No. 13 to extend a new expiration date of two years (October 16, 2010) to begin construction.

Action Requested:

See Recommendations and *updated information from the Planning Board meeting in italicized wording*

Attachments:

See Page 4 and may be viewed at www.chathamnc.org, Planning Department webpage, Rezoning and Subdivision Cases, 2008

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: Polk Center

Introduction / Background / Previous Board Actions:

A public hearing was held May 19, 2008. No one spoke in opposition of the extension request. The Planning Board voted at their regular meeting on June 3, 2008 to postpone a recommendation to the Board of Commissioners to receive additional information on a proposed development schedule and consideration for incorporating some design guidelines as has been proposed with a new major corridor overlay district. That information has been posted on the webpage and shown as additional documentation No. 8 and 9.

The Planning Board voted 8-1-1 to approve the extension as shown in the below recommendation. Members of the Board requested follow up information to be provided to clear up their concerns from the last meeting. The developer, Brantley Powell, Glenda Toppe of Jerry Turner & Associates, Jeff Vaughn of Agri-Waste Technologies, and Richard Adams and Travis Fluitt of Kimley-Horn were all present. Their responses to the following concerns are listed in the notes.

A Conditional Use B-1 permit for various uses was granted to Blake & Associates on October 16, 2006. The original application and all supporting documentation may be reviewed on the Planning Department's webpage at www.chathamnc.org/planning, rezoning and subdivision cases, 2006. The property is located at the corner of US 15-501 N and Polk's Landing Road across from the Williams Corner development. When the conditional use rezoning and the conditional use permit were approved, Condition No. 13 stated "the first building permit shall be issued within 24 months from the date of this permit's approval or the expiration of the appeal period or any court decision, whichever is later or this permit will automatically expire or become void." (Resolution #2006-59)

At the time of this project's approval, there were several factors that needed to be in place before they could get a first building permit. One of those factors was an approval from NCDWQ authorizing the connection onto the Williams Corner wastewater treatment facility as was approved in the application request. This was also a requirement as stated when Williams Corner received its approval in January of 2006. A delay in the design and permitting of the facility at Williams Corner caused further delay in Polk Center obtaining approval from NCDWQ. The Polk Center developer is now looking at other methods of waste disposal to try and expedite the start of construction on this project. *Mr. Vaughn stated soils had been identified on the site to support a conventional septic system for some of the various uses of the development. He stated the Environmental Health Section of the Chatham County Health Department had issued a construction authorization for a 2,995 gpd system. This system would not be for the entire project but there are more soils on site to support an expansion when needed. The applicant was advised to ensure existing vegetation remained except for what is needed to be cleared for the septic system, maintenance shed, and lines.*

Re: Polk Center

Introduction / Background / Previous Board Actions – con't

A second factor was the NCDOT was provided a request for preliminary review in November 2007 by Jerry Turner & Associates on behalf of Mr. Powell and on May 17, 2007 by The John R. McAdams Company, Inc. A revised Traffic Impact Analysis was prepared by Kimley-Horn and Associates sealed and dated on January 11, 2008 for both the Polk Center and William's Corner developments. After review from the NCDOT Congestion Management Office, further discussions were needed between the developers of Polk Center, Williams Corner, and the NCDOT District Offices.

A meeting was held on April 1, 2008 in Asheboro with the district engineer of NCDOT. A copy of those minutes can be viewed on the Planning Department webpage as indicated. The proposed changes could alter the site plan previously approved depending on the exact locations of stop lights and intersections. Congestion Management will re-review the proposed changes in the road layout and submit their approval before any further activity can take place. This process could take an additional three to four months. The developer cannot begin construction on the entrance drive until such approval of its location is given by NCDOT. As of this date, that approval has not been provided nor a commercial driveway permit issued.

Planning Department staff, the developers from Polk Centre and William's Corner, members of Kimley-Horn, and members from NCDOT Division and Congestion Management met in Raleigh on June 8, 2008 to discuss flow data and accesses. NCDOT is okay to approve the point of access for each development per Reuben Blakley, District Engineer. Email correspondence can be viewed on the Planning Department webpage as indicated. A letter of approval is forth-coming. There are still some reviews being conducted to determine signalization locations and peak hour counts. Should a signal be required or a change in access into Polk's Landing Road be altered by NCDOT, the applicant has been advised he may be required to come back before the Boards for a revision to the conditional use permit.

Some Planning Board members expressed concern in making more conditions on the approved site plan so that the proposed major corridor design guidelines could be taken into consideration. The applicant and/or his representative stated they had considered the new proposals and said the front building setback is 50 feet verses the proposed 100 feet, they will be providing additional plantings along US 15-501 N and Polk's Landing Road to enhance the spirit of the proposed new guidelines on buffering, but said they had already taken measures to buffer the existing creek on this property by an extra 50 feet on each side. There exists an approved site plan with the landscaping, signage, and parking approved on the original approval date.

The developer has stated in the updated documentation he thinks a one year extension to obtain the first building permit will allow the appropriate time needed.

Issues for Further Discussion and Analysis:

If the permit expires, which will be on October 16, 2008, the property would have Conditional Use B-1 Business zoning without benefit of a Conditional Use B-1 Permit. Legal advice may need to be sought before such expiration is allowed.

Re: Polk Center

Recommendation:

It is the recommendation of the Planning Department and Planning Board (by vote of 8-1-1) that an extension of *one* year be approved to allow the developer more time to obtain necessary permits as directed in the conditions outlining the original approval. The revised expiration date would be October 17, 2009.

ATTACHMENTS:

The following was submitted prior to the May 19, 2008 public hearing:

1. Application packet

The following may be viewed on the Planning Department website at www.chathamnc.org under Rezoning & Subdivision Cases, 2008:

2. Arcview map
3. Letter dated April 8, 2008 from Jerry Turner & Associates making the extension request
4. Survey of the property
5. Letter dated January 20, 2008 from NCDOT to Kimley-Horn & Associates
6. Letter and drawings dated February 21, 2008 from NCDOT Congestion Management to NCDOT District Engineer
7. Copy of minutes from a meeting on April 4, 2008 with NCDOT, Planning Department, and various other participants including the developer, Brantley Powell.
8. Statement for Planning Board update of development
9. Proposed development schedule
10. ***Email correspondence from Kimley-Horn regarding the commercial driveway permit.***