

PLANNING & ZONING REVIEW NOTES

VI. A.

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**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.

*NOTE: Additional notes and submissions can be viewed in italic and bold lettering.*

**ATTACHMENTS:**

*The following was submitted at the May 7, 2008 Planning Board meeting:*

1. Application packet

*The following may be viewed on the Planning Department website at [www.chathamnc.org](http://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*

**INTRODUCTION & BACKGROUND:**

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.*

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](http://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.

A second factor to review is 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.

*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. The developer also thinks the site plan as approved shows the extra steps and precautions that the existing ordinances and guidelines require or that were required at the time of the original approval. For example, the creek is buffered 100 feet on each side instead of 50 feet as was required when the permit was approved.*

#### **DISCUSSION & 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. *The last correspondence the Planning Department has received from NCDOT was on June 5, 2008. At that time there still had not been a definite plan and permit issued but would be forthcoming. That time has not been determined.*

**RECOMMENDATION:**

It is the recommendation of the Planning Department 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.