



Agenda Abstract

Department: Planning

Meeting Date: **10-18-10**

Submitting Official: Jason Sullivan

Authorizing Signature: _____

Subject:	Continuation of a public hearing request by HBP Properties, LLC for a revision to the existing conditional use permit on Parcel No. 2407, known as Polk's Village, 10677 US 15-501 N, to add additional uses on the property.
Action Requested:	Hold a hearing and receive public input.
Attachments (List Individually):	<ol style="list-style-type: none"> 1. Application Information – distributed prior to 9-20-10 public hearing. 2. Information packet from Styers & Kemerait for BOC minutes for Polk's Village in 2006. 3. Planning Board minutes from 9/5/2006 and 10/3/2006 for Polk's Centre/Village 4. Minutes from the BOC and PB during the approval process for William's Corner dated 9/19/05; 11/1/05; 12/6/05; 1/3/06; and 1/17/06.

Introduction & Background

A public hearing was held on September 16, 2010 on a request from HBP Properties to add additional use to the already approved conditional use permit. Mr. Jack Smyre, representative for the applicant and Ms. Karen Kemerait, representative for William's Corner, spoke at the public hearing. Also speaking

on behalf of William's Corner was Luis Rios, project manager for the development. Mr. Brantley Powell was present but did not speak. Several concerns were raised regarding the additional uses proposed by the applicant to include adding an additional 30 uses to the 79 approved uses existing with 18 of those being shared with William's Corner across US 15-501 at Lystra Rd. There were several uses that concerned the Commissioners to include but not limited to amusements enterprises, appliance sales & service, cabinet shops, food stores, laboratories that would have disposal of medical waste, chemicals that may be used in a dry cleaner, and lawn and garden shops. One of the main concerns was the increase in traffic several of these uses would produce. These uses were not included in the detailed traffic studies conducted for both developments which took several months to complete.

Jim Elza, Planning Board Chair, asked specifically about a food store. His concerns were traffic and parking and if a site plan change would be needed.

This raised another concern from various board members in regards to the now septic system being proposed for the development. Originally, the development was to share the wastewater treatment plant constructed across US 15-501 on the William's Corner development. The owner/developer has decided not to connect to the facility and will be installing a septic system.

Mr. Jack Smyre stated on several occasions his client would be willing to restrict certain concerns revolving around certain uses such as a restriction on certain amusement attractions, dry cleaners would be pick up only, the cabinet shops would be gallery type, restrictions on dog runs, etc.

Ms. Kemerait stated these two developments were referred to as "sister" developments and were to complement each other and not be in direct competition with all the exact same uses. She stated she believed the minutes from the two proposals would show that intent from the beginning and should be kept separate. She stated William's Corner, which was approved first, was to be tailored toward the medical, residential, neighborhood type uses and Polk's Centre, now Village, was strictly a commercial/business development. Commissioners requested a continuation of the public hearing in order to obtain copies of the minutes from the two developments.

Discussion & Analysis

Copies of all the minutes or sections that pertain to these two (2) specific developments have been attached.

Recommendation

Review and discuss any further concerns regarding the proposed application and close the public hearing.