



AGENDA ITEM COVERSHEET

PREPARED BY: Jeremy Hardison, Planning &
Development Director

DEPARTMENT: Planning &
Development

MEETING: Town Council 9.14.21

SUBJECT: Special Use Permit Extension Request– 402 N. Lake Park Blvd

BACKGROUND:

A special use permit, issued by the town council, shall become null and void if start of construction or occupancy of the proposed use as specified on the special use permit has not commenced within 24 months of the date of issuance. At the request of the permittee, and for good cause shown, the Town Council may extend said period required for start of construction or occupancy for up to 12 months. No work or permits have been issued since the Conditional Use Permit was issued on October 8, 2019.

The applicant, Charles Poindexter is requesting a Special Use Permit Extension for 12 months for a multi-family project to construct 36 residential condo units located at 402 N. Lake Park Blvd. As part of the 160D NC Statute rewrite Conditional Use Permits are now referred to as Special Use Permits. In 2015 the applicant was issued a previous Conditional Use Permit for a 52' 7" tall building with 36 one bedroom units. That permit was good for two years, but expired due to construction not starting. On October 8, 2019 the applicant was issued another Conditional Use Permit for a 57 ft tall building consisting of 36 units (28 one bedroom units and 8 two bedroom). That permit is set to expire on October 8, 2021.

The ordinance and the 2007 Land use plan was amended prior to the 2019 Conditional Use Permit to state that the building height may be permitted up to sixty (60) feet maximum with one additional foot on the required front setback and one additional foot added cumulatively to the required side setbacks for each additional foot. The height allowance is still mentioned in the ordinance with the approval of a Special Use Permit, but that specific verbiage did not carry over to the 2020 Land Use Plan. The Land Use Classification in this area does not address a specific height allowance.

ACTION REQUESTED:

The applicant is requesting a Special Use Permit Extension for 12 months to October 8, 2022. For good cause shown the Council may extend the Special Use Permit for up to 12 months.