

Agenda Item: Decision on Rezoning Application 2014-622, 9603 E Independence

DATE: February 4, 2015
FROM: Jay Camp

Background/Issue:

Since the last discussion on this issue at the January 7th Council meeting, staff has received very little information from the applicant. We sent an email on Friday, January 30th to advise the applicant and owner that Staff would be recommending denial of the project due to a lack of communication and information on their behalf. We have since received an email from Mr. Karas that states his willingness to continue the process. A letter from the owner requesting withdrawal of the rezoning application was also received.

Proposal/Solution:

Staff recommends that Council accept the withdrawal request from the owner so that they can bring a rezoning request back at their convenience at any time without a one year waiting period. It is still in the best interest of the community and the property owner to rezone from the old Conditional category to B-1 (CD) as soon as possible.

Financial Impact:

None

Related Town Goal(s) and/or Strategies:

Economic Development/Land Use Planning:

Recommended Motion/Action:

Grant withdrawal request of Application 2014-622

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DATE: January 7, 2015
FROM: Jay Camp

Background/Issue:

After the meeting with NCDOT on December 8th, the applicant decided that the proposed Newk's restaurant would not be viable at the subject property. Staff has placed numerous emails and phone calls to discuss next steps with the applicant but only received email responses with little information. It is our understanding that the applicant still wishes to rezone the property but no longer wishes to add parking or building square footage. We have requested updated site plans to reflect what the owner plans to do with the property and have not received anything new. Last night, with no new plans and no representation by the applicant, Planning Board unanimously recommended denial. Due to the potential change of use at the site, a number of variances may still be required. The applicant has elected to defer an appearance before the Board of Adjustment to a later date. Therefore, the project as proposed cannot currently be approved without the required variances in place. Without a new and correct site plan and without knowing what variances may be required, Council cannot yet approve any zoning change here.

Proposal/Solution:

Staff will continue to reach out to the applicant to determine what their intentions are at the property

Financial Impact:

None

Related Town Goal(s) and/or Strategies:

Economic Development/Land Use Planning:

Recommended Motion/Action:

Defer decision on Application 2014-622 to February 9, 2015.