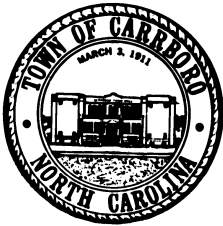


<p>PREPARED BY AND RETURN TO:</p> <p>TOWN CLERK TOWN OF CARRBORO 301 West Main Street CARRBORO, NORTH CAROLINA 27510</p>



**ORANGE COUNTY
NORTH CAROLINA**

**TOWN OF CARRBORO
CONDITIONAL USE PERMIT GRANTED**

On the date(s) listed below, the Board of Aldermen of the Town of Carrboro met and held a public hearing to consider the following application:

APPLICANT: VHB Engineering NC, P.C.
OWNERS: Carrboro Retail, LLC
PROPERTY LOCATION (Street Address): 700 and 706 Old Fayetteville Road
TAX MAP, BLOCK, LOT(S): 9778-09-7922 and 9778-19-6618
PROPOSED USE OF PROPERTY: High-volume retail- use# 2.110, 2.250, Restaurant- use# 8.100, 8.200, 8.500, 8.600, Dry cleaner/laundromat- use# 16.200, Gas station- use# 9.300, Amphitheater- use# 6.210
CARRBORO LAND USE ORDINANCE USE CATEGORY: B4-CZ
MEETING DATES: October 15 and October 22, 2019

Having heard all the evidence and arguments presented at the hearing, the Board finds that the application is complete, that the application complies with all of the applicable requirements of the Carrboro Land Use Ordinance for the development proposed, and that therefore the application to make use of the above-described property for the purpose indicated is hereby approved, subject to all applicable provisions of the Land Use Ordinance and the following conditions:

1. The applicant shall complete the development strictly in accordance with the plans submitted to and approved by this Board, a copy of which is filed in the Carrboro Town Hall. Any deviations from or changes in these plans must be submitted to the Development Review Administrator in writing and specific written approval obtained as provided in Section 15-64 of the Land Use Ordinance.

2. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.
3. That the rezoning conditions for the Lloyd Farm project created for the subject properties have been hereby satisfied subject to the remaining conditions of this Conditional Use Permit. Modifications to the rezoning conditions approved for the project will require approval by the Board of Aldermen subject to an additional public hearing.
4. That the Board of Aldermen finds that 358 parking spaces are sufficient to serve Lot 1 of the Lloyd Farm project. This finding is based on information provided by the applicant regarding the proposed mix of uses, which should result in this portion of the development having sufficient parking.
5. Town staff will continue to coordinate with Chapel Hill Transit and NCDOT on locations for transit service with possible stops in the vicinity of the grocery store and senior living complex.
6. That the applicant shall provide to the Zoning Division, prior to the recordation of the final plat for the project or before the release of a bond if some features are not yet in place at the time of the recording of the final plat, Mylar and digital as-builts for the stormwater features of the project. Digital as-builts shall be in DXF format and shall include a base map of the whole project and all separate plan sheets. As-built DXF files shall include all layers or tables containing storm drainage features. Storm drainage features will be clearly delineated in a data table. The data will be tied to horizontal controls.
7. That the developer shall provide a detailed stormwater system maintenance plan, specifying the entity responsible for maintenance and a maintenance schedule. The plan shall include scheduled maintenance activities for each unit in the development, (including, if specified on the plans, cisterns, bioretention areas, swales, check dams, and irrigation pond), performance evaluation protocols, and frequency of self-reporting requirements (including a proposed self-reporting form) on maintenance and performance. The plan and supporting documentation shall be submitted to the Town engineer and Environmental Planner for approval prior to construction plan approval. Upon approval, the plans shall be included in the Declaration of Easements, Covenants and Restrictions.
8. That in accordance with rezoning condition number 18 and in advance of draining the property's constructed ponds near Old Fayetteville Road, the applicant will engage a wildlife relocation organization such as NC State Turtle Rescue Team to assess options for developing and implementing a strategy to relocate turtles currently residing in the ponds. The applicant shall evaluate its stormwater management plan to determine if the construction of stormwater devices can provide a receiving area for some or all of the existing turtles. This condition must be satisfied prior to the approval of construction plans for the project.
9. For all exterior lighting, the applicant must install a maximum fifteen foot high light poles throughout the project and use a maximum 3000 kelvin rating for all LED lights.
10. Consistent with rezoning condition number 11, the Declaration of Easements, Covenants and Restrictions will restrict the hours of deliveries between the hours of 6am and 10pm on weekdays and 7am to 10pm on weekends. A copy of the Declaration of Easements, Covenants and Restrictions will be provided to the town prior to approval of constructions plans.
11. Consistent with rezoning condition number 12, the Declaration of Easements, Covenants and Restrictions will restrict the hours of collection of trash and recycling. A copy of the Declaration of Easements, Covenants and Restrictions will be provided to the town prior to approval of construction plans.
12. Consistent with rezoning condition number 13, the Declaration of Easements, Covenants and Restrictions will restrict the hours of landscape maintenance. A copy of the Declaration of Easements, Covenants and Restrictions will be provided to the town prior to approval of construction plans.

13. That the applicant and NCDOT will discuss the side path along NC Highway 54 during review of the driveway permit.
14. That the 60 foot easement shown on the 1994 plat shall be abandoned on the recorded final plat for the project in accordance with the configurations of lots as shown on the CUP plans.
15. That the applicant must utilize native plants as identified in the LUO in supplemental landscaping to the extent possible. Supplemental aesthetic plantings, such as pots and beds, may utilize drought tolerant and non-invasive plants.
16. That the applicant must install raised and painted crosswalks along Merchant's Way consistent with and upon approval by Fire, EMS, and Chapel Hill Transit.
17. That the applicant must relocate 14 non-covered bike parking spaces from the north side of the grocery store to the south side of the grocery store, as indicated on Exhibit B submitted by the applicant at the public hearing.
18. That the applicant must coordinate with staff alternative locations for the accessible parking locations, away from the grocery store pickup lane.
19. That the applicant must incorporate additional screening along the rear elevation of the grocery store between the store and Old Fayetteville Road.
20. That the applicant must incorporate either increased landscaping or mesh fencing along NC Highway 54 in the area of the amphitheater for the purpose of safety.
21. That the applicant must incorporate and design wiring infrastructure for solar panels within the grocery store design
22. That the applicant agrees to incorporate in the retail shops white reflective energy efficient roofs, thermally broken storefronts with low e insulated glass, and require tenant specific upfits incorporating low flow sinks and toilets and LED lighting. The Harris Teeter design will meet or exceed all applicable building code requirements and will incorporate a white reflective energy efficient roof, LED lighting throughout the store (including all refrigerated cases), low flow urinals and faucets, non-ozone depleting low GWP refrigerant, motion detection lighting, energy management systems, recycling for oil, grease, and cardboard, use of skylights and windows to utilize natural light, food waste composting and paper bag recycling. Harris Teeter has committed to eliminating plastic bag use at grocery checkout at this location.
23. That, subject to NCDOT approval, the applicant agrees to install a median along the street adjacent to the post office to keep traffic from turning left.
24. That prior to issuance of the first building permit, that the applicant must dedicate the lots identified in the conditional rezoning to the town.
25. This permit shall automatically expire within two years of the date of issuance if the use has not commenced or less than 10 percent (10%) of total cost of construction has been completed or there has been non-compliance with any other requirements of Section 15-62 of the Carrboro Land Use Ordinance.

All street construction on those streets proposed for acceptance by the Town of Carrboro shall be certified by an engineer. Engineering certification is the inspection by the developer's engineer of the street's subgrade, base material, asphalt paving, sidewalks and curb and gutter, when used. The developer's engineer shall be responsible for reviewing all compaction tests that are required for streets to be dedicated to the town. The developer's engineer shall certify that all work has been constructed to the town's construction specifications.

If this permit authorizes development on a tract of land in excess of one acre, nothing authorized by the permit may be done until the property owner properly executes and returns to the Town of Carrboro the attached acknowledgment of the issuance of this permit so that the town may have it recorded in the Orange County Registry.

NORTH CAROLINA
ORANGE COUNTY

IN WITNESS WHEREOF, the Town of Carrboro has caused this permit to be issued in its name, and the undersigned being all of the property above described, do hereby accept this Conditional Use Permit, together with all its conditions, as binding upon them and their successors in interest.

THE TOWN OF CARRBORO

ATTEST:

_____(SEAL)
Town Clerk

BY_____
Town Manager

I, _____, a Notary Public in and for said County and State, do hereby certify that Catherine Dorando, Town Clerk for the Town of Carrboro, personally came before me this day and being by me duly sworn says each for himself that she knows the corporate seal of the Town of Carrboro and that the seal affixed to the foregoing instrument is the corporate seal of the Town of Carrboro, that David Andrews, Town Manager of said Town of Carrboro and Catherine Dorando, Town Clerk for the Town of Carrboro subscribed their names thereto; that the corporate seal of the Town of Carrboro was affixed thereto, all by virtue of a resolution of the Board of Aldermen, and that said instrument is the act and deed of the Town of Carrboro.

IN WITNESS THEREOF, I have hereunto set by hand and notarial seal this the ____ day of _____, 20____.

_____(SEAL)
Notary Public

My Commission Expires:_____

We, Carrboro Retail, LLC, owners, do hereby acknowledge receipt of this Conditional Use Permit. The undersigned owner does further acknowledge that no work may be done pursuant to this permit except in accordance with all of its conditions and requirements and that this restriction shall be binding upon them and their successors in interest.

Carrboro Retail, LLC

By:

Authorized Party

NORTH CAROLINA

_____ COUNTY

I, _____, a Notary Public for said County and State, do hereby certify that,_____, representing Carrboro Retail, LLC, personally appeared before me this day and acknowledged the due execution of the foregoing instrument on behalf of the company.

Witness my hand and official seal this the ____ day of _____, 20____.

Notary Public

My Commission Expires:_____

(Not valid until fully executed and recorded)

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