

The following resolution was introduced by Aldermen \_\_\_\_\_ and duly seconded by Aldermen \_\_\_\_\_.

**A RESOLUTION APPROVING THE MINOR MODIFICATION TO THE CUP FOR THE LLOYD HARBOR ARCHITECTURALLY INTEGRATED SUBDIVISION LOCATED AT 100 DEER STREET ALLOWING THE REDUCTION IN DENSITY BY ONE UNIT (FROM 16 TO 15), THE ACCEPTANCE OF PAYMENTS IN LIEU OF THREE AFFORDABLE UNITS, AND, THE REVISIONS TO THE LOT LAYOUT AS PRESENTED TO THE BOARD DURING THE MEETING.**

**WHEREAS**, the Carrboro Board of Adjustment approved a Conditional Use Permit for the 16 lot Lloyd Harbor Architecturally Integrated Subdivision (AIS) located at 100 Deer Street on September 22, 2009; and

**WHEREAS**, the Town of Carrboro Land Use Ordinance requires that any modification of an existing Conditional Use Permit that does not substantially impact neighboring properties, the general public, or the intended occupants of the project, constitutes a minor modification to the original Conditional Use Permit; and

**WHEREAS**, the Board of Adjustment finds that the applicant has satisfied the requirements related to minor modifications contained in the Land Use Ordinance.

**NOW, THEREFORE BE IT RESOLVED** by the Carrboro Board of Adjustment that the Board of Adjustment approve the minor modification to the Lloyd Harbor Architecturally Integrated Subdivision (AIS) located at 100 Deer Street allowing the reduction of the density by one unit (from 16 to 15), the acceptance by the Town of payments in lieu of affordable units, and, the revisions to the lot layout as presented to the Board during the meeting subject to the following conditions:

1. That conditions 3, 5 and 8 from the original approved Conditional Use Permit be removed from the permit as the proposed changes to the permit no longer require provisions pertaining to the long term management of affordable units and the revised layout no longer requires a HEC/RAS study.
2. That Condition 4 from the original approved Conditional Use Permit be replaced with the following condition: Certificates of Occupancy for each of the three (3) bonus 'market-rate' units may not be issued until such time as a corresponding *payment in lieu* for an affordable unit is made to the Town. This is equivalent to a total of three payments in lieu of affordable units. The fee shall be set in accordance with the Town's fee schedule at the time of payment. The three bonus units are to be identified on the plans prior to construction plan approval and shall be identified on the final plat.
3. That the existing sanitary sewer service to serve Lot 12 can be realigned beginning within 2' of the existing Lisa Dr. pavement edge and angled south across the Lisa Dr. roadway shoulder and swale to access the established Lot 12 sanitary sewer service easement.
4. That the realigned Lot 12 sanitary sewer service line shall be constructed of 4" ductile iron pipe and associated fittings from its connection point 2' outside of the pavement edge and extending to the property line or 1' outside of the existing Lisa Dr. public right-of-way.
5. That all excavated soils shall be sufficiently compacted and all disturbances within the public right-of-way fully restored to existing conditions and surface elevations within 5 days of the initial excavation.
6. That the contractor shall provide appropriate Traffic Control Devices, Road Work Ahead(2); traffic cones for separating the work area from public traffic lane and flagman provided as needed to safely direct motorist around the work area. All excavations shall be backfilled daily. That Public Works will be notified prior to beginning work within the Lisa Dr. public right-of-way.

This the 25<sup>th</sup> day of June, 2013.