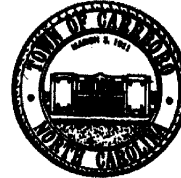


M
SG

FILED Joyce H. Pearson
Register of Deeds Orange COUNTY, NC
By: *[Signature]*
ASSR

PREPARED BY AND RETURN TO:

TOWN CLERK
TOWN OF CARRBORO
301 West Main Street
CARRBORO, NORTH CAROLINA 27510



**ORANGE COUNTY
NORTH CAROLINA**

**TOWN OF CARRBORO
CONDITIONAL USE PERMIT GRANTED
Jones Property AIS**

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: 1st American Builders
OWNERS: Priority Development, L.P., a Delaware Limited Partnership
PROPERTY LOCATION (Street Address): 8112 Old NC 86
TAX MAP, BLOCK, LOT(S): 7.23.C.31F <i>9860-92-6679</i>
PROPOSED USE OF PROPERTY: Major subdivision consisting of 49 single-family detached residences and 16 townhomes.
CARRBORO LAND USE ORDINANCE USE CATEGORY: 26.100, 1.111 and 1.320
MEETING DATES: June 27 and August 22, 2006

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 of no effect.
3. The continued affordability of the units (lots 51, 52, 55, 56, 59, 60, 61, 62, 63, 64) must be specified in the Homeowner's Association documents per the provisions of Section 15-182.4 of the Land Use Ordinance. These documents must be approved by the Town Attorney prior to construction plan approval.
4. Certificates of Occupancy for each of the seven (7) bonus 'market-rate' units may not be issued until such time as all of the affordable units (lots 51, 52, 55, 56, 59, 60, 61, 62, 63, 64) are constructed and offered for sale or rent for an amount consistent with the language found in Section 15-182.4 of the Town of Carrboro Land Use Ordinance.
5. No additions or interior renovations designed to increase the heated square footage of the size-restricted units (lots 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65) can be approved/completed within the first year following the issuance of the Certificate of Occupancy (CO) per Section 15-188(e). This statement must also be included on the recorded final plat.
6. That the single-family home lots, when developed, have sufficient room to conveniently park two cars, off of the street, without blocking the sidewalk. Garages may not be counted toward this requirement. This parking will be shown on individual plot plans during the building permit stage.
7. That on the construction plans, a handicap van accessible parking space and corresponding ramp be provided in each of the two townhome parking lots, to be shown on the construction plans
8. That, if it is determined that the construction of the sewer in the proposed location will cause a rise in the 100 year flood, the developer will be allowed to construct the sewer only if the Board of Aldermen concludes that such rise does not constitute "damage" to the affected property in accordance with Section 15-263 of the Land Use Ordinance.
9. Prior to construction plan approval, the on-site, 100-year floodplain needs to be field-located and that information needs to be shown on the plans, subject to the approval of the Town Engineer. Furthermore, if any lots shown on the preliminary plat are so constricted by areas made unbuildable in accordance with this condition that they cannot practicably be developed, then the preliminary plat must be redesigned to eliminate such lots. Similarly, if any areas shown as bio-retention facilities are shown to fall within the 100 year floodplain, that they will be redesigned to eliminate this encroachment. Any changes required by this condition are subject to the provisions of Section 15-64 of the Land Use Ordinance.
10. Prior to construction plan approval, the crossings of the PSNC gas transmission line must be field-verified to meet PSNC's minimum cover and maximum fill requirements, subject to the approval of the Town Engineer.
11. 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.
12. That the developer shall include a detailed stormwater system maintenance plan. This maintenance plan shall specify the entity responsible for performance of all elements of this maintenance plan, shall indicate how that entity will fund said maintenance, and shall clearly indicate that the Town of Carrboro is not responsible for these activities. The maintenance plan shall include scheduled maintenance activities for each stormwater best management practice (BMP) in the development, (including but not limited to cisterns,

bio-retention areas, swales, constructed wetlands, level spreaders, energy dissipaters, and buffers), performance evaluation protocol for each BMP, and frequency of self-inspection and self-reporting requirements (including a proposed inspection/reporting template clearly indicating how often reports will be submitted to the Town of Carrboro) for maintenance and performance of each BMP. The maintenance plan and supporting documentation shall be submitted to the Town Engineer and Environmental Planner for approval prior to construction plan approval. Upon approval, the maintenance plan and supporting documentation shall be included in the construction drawings and homeowner's association documentation to ensure the long-term maintenance of the BMPs.

13. That the developer provide a written statement from the electrical utility stating that electric service can be provided to all locations shown on the construction plans prior to the approval of the construction plans.
14. That an additional fire hydrant be placed, to the satisfaction of the Town Fire Marshall, at the entrance to the development off of Hogan Hills Road and that this hydrant is to be shown on the construction plans.
15. That fire flow calculations and building-sprinkler design (as required) must be submitted and approved by the Town Engineer and Town Fire Department prior to construction plan approval.
16. That the applicant submit a Voluntary Annexation Petition to the Town Planning Department prior to final plat approval.
17. That the applicant receive CAPs from the Chapel Hill Carrboro City Schools District pursuant to Article IV, Part 4 of the Land Use Ordinance, prior to construction plan approval.
18. That, for the townhome parking lots, the Board hereby allows a deviation from the parking requirements of 15-291(g), finding that 31 spaces combined are sufficient to serve the 16 townhomes. Per 15-292(a), the Board makes this finding based on evidence submitted by the applicant as referenced in Attachments G of the staff report.
19. That all references to the project as being a part of the Lake Hogan Farms Homeowner's Association or subdivision be removed on the construction drawings.
20. That street trees, per the provisions of Section 15-315 of the Land Use Ordinance, be provided along the east side of the Lake Hogan Farms Road extension on the construction drawings.
21. In accordance with Section 15-182.4, the developer shall include in the restrictive covenants applicable to the subdivision, and in the deeds for the affordable units, covenants and restrictions that are sufficient to ensure that the affordable units will remain affordable as described in that section. Those covenants and restrictions shall include provisions that will allow the Town of Carrboro to enforce the commitment that the housing units remain affordable. These documents shall be subject to the approval of the Town Attorney.
22. That an *additional* speed table be provided, to be located approximately 400 to 500 feet west of the currently proposed speed table on Hogan Hills Road. The exact location of said speed table shall be coordinated during construction plan review.
23. That screened storage areas for the rollout garbage containers are provided for the townhome units and that their design and location be coordinated during construction plan review.
24. That mulch piles created during construction shall not exceed 8 feet in height, 20 feet in width and 20 feet in length. Piles shall be separated from adjacent piles and other exposures by 50 feet and a fire apparatus access road approved by the Fire Department shall be provided within the 50-foot separation.
25. That an area on the development be reserved for a future bus stop.

26. That, in an effort to maintain the rural character of the Northern Transition Area by managing lighting and glare, the street lights be full cutoff—and that the HOA documents require all outdoor lighting fixtures on the new homes or associated with common facilities be International Dark Sky Association (IDA) certified

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.

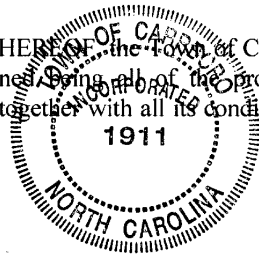
All street construction on those streets proposed for acceptance by the Town of Carrboro shall be certified by an engineer. Engineering certification is the inspection by the developer's engineer of the street's subgrade, base material, asphalt paving, sidewalks and curb and gutter, when used. The developer's 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:

Sarah C. Williamson (SEAL)
Town Clerk

BY St. Stewart
Town Manager

I, Sharmin Mirman a Notary Public in and for said County and State, do hereby certify that Sarah C. Williamson, 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 Steven E. Stewart, Town Manager of said Town of Carrboro and Sarah C. Williamson, 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 8th day of May, 2007.

(SEAL)



Sharmin Mirman
Notary Public

My Commission Expires: November 30, 2008

IN TESTIMONY WHEREOF, the undersigned Limited Liability Partnership Grantor has caused this instrument to be executed in the appropriate partnership name by the duly authorized general partner, and has adopted as its seal the word "Seal" appearing beside its name and their signature(s), this sealed instrument being executed and delivered on the date first above written.

PRIORITY DEVELOPMENT , L.P.
A Delaware Limited Partnership

(SEAL)

By: _____

Title: CFO

Texas (STATE)

Harris (COUNTY)

I, Misha F. King, a Notary Public of the County and State aforesaid, certify that Stuart Britting personally appeared before me this day and acknowledged that he is CFO of Priority Development , L.P., a Delaware Limited Partnership, and that by authority duly given and as the act of the limited partnership, the foregoing instrument was signed in its name by him as CFO on behalf of the limited partnership as CFO thereof all by authority duly given.

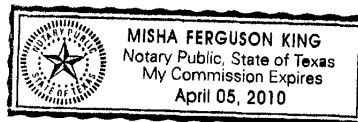
Witness my hand and official seal, this 10th day of October, 2006.

(SEAL)

Misha King
Notary Public

My commission expires: 4-5-10

(Not valid until fully executed and recorded)



PREPARED BY AND RETURN TO:

TOWN CLERK
TOWN OF CARRBORO
301 West Main Street
CARRBORO, NORTH CAROLINA 27510