



**ORANGE COUNTY
NORTH CAROLINA**

**TOWN OF CARRBORO
CONDITIONAL USE PERMIT GRANTED
Veridia Architecturally Integrated Subdivision**

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: Sustainable Properties, LLC
OWNERS: Sustainable Properties, LLC
PROPERTY LOCATION (Street Addresses): 810 Old Fayetteville Road
TAX MAP, BLOCK, LOT(S): 7.108.41 and 7.108.32 (PIN #s 9779017345 and 9779017407)
PROPOSED USE OF PROPERTY: Major subdivision consisting of 1.111, single family detached residences
CARRBORO LAND USE ORDINANCE USE CATEGORY: 26.100
MEETING DATES: April 26, 2011

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 35 of the 39 homes shall be offered for a pre-construction base price of less than \$300,000. To secure a home at this rate, interested buyers must pay a deposit and meet the "qualified buyer" lending requirements of the financial institution funding the project's development. Upon being offered a home at this price, a potential buyer may choose to negotiate with the seller the purchase of a home at a higher price established relative to the market value of desired modifications and additions to the base price home's offerings. This restriction shall remain for any sales realized prior to construction beginning or within a one-year period following construction plan approval, whichever comes first. After the restriction expires, the maximum base price may increase three-percent (3%) annually to allow for inflation and building cost increases.
4. That the construction plans and final plat for the project must exhibit compliance with LUO Section 15-188, as written at the time of each respective approval.
5. That prior to construction plan approval, the applicant receive a driveway permit from NCDOT.
6. That the Board of Aldermen finds the provision of 68 parking spaces, within carport bays and parallel and perpendicular to the driveway, sufficient to serve Veridia development's 39 single-family homes. The Board makes this finding based on information provided by the applicant noting proximity to schools, shopping, parks, and a bus stop.
7. That the HOA documents for the development must include provisions requiring that the carport bay areas must remain available for parking of a vehicle.
8. 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 feature 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.
9. That prior to construction plan and final plat approvals, the developer shall submit detailed stormwater system maintenance information: maintenance and operations plan and manual, maintenance agreement, etc, in accordance with the requirements of LUO Section 15-263.1. The information must be reviewed and approved by the Town Engineer, Town Attorney, and Environmental Planner. Upon approval, the plans shall be included in the homeowners' association documentation.
10. That the construction entrance for the project must be clearly identified on the construction plans.
11. That the construction plans must call for a specific and acceptable type of inlet protection along Old Fayetteville Road.

12. That the developer provide a final, 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.
13. 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.
14. That the applicant work with staff during construction to establish a 'natural' playfield. The field may contain a small number of trees but must remain clear enough to reasonably allow for play and sports activities.
15. That all proposed recreation facilities and areas shall be marked 'private' on the construction plans and final plat.
16. That the subdivision must comply with the requirements of LUO Section 15-177(d)(3)(a), which specifies a minimum number of nine (9) different significantly different house plans, i.e. elevation sets. The elevations must be incorporated into the plans before the construction plans may be approved.
17. That the applicant must obtain a CAPS certificate for the project from the Chapel Hill – Carrboro City Schools System prior to construction plan approval.
18. That the final version of the homeowner's association documents must be reviewed and approved by the Town Attorney. The documents shall not preclude the use of clotheslines on private lots within the subdivision.
19. That the applicant must obtain all necessary temporary and permanent easements prior to construction plans approval.
20. For non-LUO required infrastructure, including but not limited to the project's solar array, the applicant must either install the features or submit a performance security in accordance with the town's process for bonding, prior to the issuance of the project's 26th building permit.
21. That prior to the final plat approval, the applicant must display a site plan and erect disclosure signs on-site, adhering to the requirements of LUO Sections 15-83.1 and -83.2.
22. The playground equipment should be CPSC compliant with an ADA component.
23. The 25 remaining units will be size limited to 1,350 square feet.
24. Construct 1,100 square feet units so that no more than two units are located adjacent to each other.
25. Buyers should be free to select the financial institution of their choice.
26. Storage sheds should have room for at least two bicycles.
27. The central walking path should be six feet in width.
28. The developer will provide a stub-out or path to connect through the James' property.
29. The developer will disclose parking limitations to buyers.
30. The developer will provide a minimum of three months notice to existing residents before they must vacate.

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:

Town Clerk

BY _____
Town Manager

(SEAL)

I, _____, a Notary Public in and for said County and State, do hereby certify that Catherine C. Wilson, 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, the Town Manager of said Town of Carrboro and Catherine C. Wilson, 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 _____, 2011.

(SEAL)

Notary Public

My Commission Expires: _____