

A RESOLUTION APPROVING THE MINOR MODIFICATION TO THE CUP FOR THE CHAN MIXED-USE BUILDING LOCATED AT 114 MERRITT MILL ROAD ALLOWING THE APPLICANT TO USE A SLIGHTLY REDESIGNED BUILDING AND ASSOCIATED SITE PLAN IN CONSTRUCTION OF THE APPROVED BUILDING Resolution No. 155/2002-03

WHEREAS, the Carrboro Board of Aldermen approved a Conditional Use Permit for the Francis Chan Mixed Use Building on 114 Merritt Mill Road on May 7th, 2002; 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 Aldermen 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 Aldermen that the Board of Aldermen approve the minor modification to the Chan Mixed-Use Building on 114 Merritt Mill Road allowing the applicant to use a slightly redesigned building and associated site plan in construction of the approved mixed-use Apartment Building subject to the following additional condition:

1. That all engineering related issues created by the minor modification be resolved in the Construction Plan review.

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

BOOK 2624 FACE 291

NORTH CAROLINA ORANGE COUNTY



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: Giles Blunden

OWNER: Francis Chan

PROPERTY LOCATION (Street Address): 111 and 114 North Merritt Mill Road

TAX MAP, BLOCK, LOT(S): 7.92.B.1 and 7.92.B.3

9788-06-3380 9788-06-4201 ms

PROPOSED USE OF PROPERTY: To construct a three-story mixed-use building with associated parking and landscaping.

CARRBORO LAND USE ORDINANCE USE CATEGORY: 27.000 (Combination Use), 1.340 (Multi-Family, Single-Room Occupancy), 3.110 (Office-Client Attracting), 3.120 (Office-Non-Attracting)

MEETING DATES: May 7, 2002

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:

- 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 pointed out specifically to the 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) The applicant shall provide a correct lighting plan to limit the level at the property line to .2 foot-candles per the requirements of Section 15-243 of the Land Use Ordinance.
- 4) That the applicant revise the plan to include "parking provided".
- 5) That the plans be revised to read "Conditional Use Permit" instead of "Special Use Permit".
- 6) That the construction plans show the location of the three satellite parking spaces at the adjacent lot (owned by the applicant) located at 111 N. Merritt Mill Road, further identified as Tax Map 7.92.B.3, PIN number 9788064201.

- 7) That the applicant provide proof that the satellite parking spaces are an encumbrance upon the property where they are located for as long as this conditional use permit is active.
- 8) That the applicant pave and stripe the satellite parking spaces per the requirements of the Land Use Ordinance.
- 9) That the applicant provide effective maintenance of the bio-retention facility to ensure that it performs as designed and intended.

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.

IN WITNESS WHEREOF, the Town of Carrboro has caused this permit to be issued in its

NORTH CAROLINA

ORANGE COUNTY

Conditional Use Permit, together and place and itions, as binding upon them and their successors in interest. THE TOWN OF CARRBORO 1911 BY Town Clerk Town Manager I, Jack L Judge, 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
THE TOWN OF CARRBORO 1911 ATTEST: BY Town Clerk I, June 1 Junes 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
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Town of Carrboro and that the seal affixed to the foregoing instrument is the corporate seal of the
Town of Carrboro, that Robert W. Morgan, 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 THEREOE Lhave becounts set by hand and notarial seal this the 3 day of JANE L. TUOHEY NOTARY PUBLIC ORANGE COUNTY, N. C. My Commission Expires Dec. 1, 2003

My Commission Expires Dec. 1, 2003

My Commission Expires: 12-01-2003

I (We), <u>Francis Chan</u>, <u>Jenny Chan</u>, owner(s), do hereby acknowledge receipt of this Conditional Use Permit. The undersigned owner(s) do further acknowledges 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.

TOWN OF CARRBORO

CONDITIONAL USE PERMIT (con't) Owner NORTH CAROLINA **ORANGE COUNTY** WITNESS my hand and notarial seal this the 29+4day of May My Commission Expires: 6/22/2005 (Not valid until fully executed and recorded) STATE OF NORTH CAROLINA **COUNTY OR ORANGE** The foregoing certificate(s) of Notary/Notaries Public of the designated governmental units (is) (are) certified to be correct. This the ____day of ____ , A.D. 2002. By: Register of Deeds Assistant/Deputy Register of Deeds

PREPARED BY AND RETURN TO:

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

Sungate Design Group, P.A. ENGNEGRAG - LANDSCAPE ARCHITECTURE - ENVIRONMENTA

915 Jones Franklin Road • Raleigh, NC 27606 • Phone 919.859.2243 • Fax 919.859.6258

April 22, 2003

Ms. Jane L. Tuohey
Program Support Assistant II
Town of Carrboro
Zoning Division
301 West Main Street
Carrboro NC 27510

Re: Proposed Redevelopment of the Francis Chan Property at Rosemary Street and Merritt Mill Road. CUP minor modification plans.

Dear Jane:

We have completed our second review of the CUP minor modification plans for the referenced property prepared by SGI Technical Services. The submittal consists of calculations for stormwater quality and quantity. Following is a list of comments based on this review:

1) The proposed retaining wall appears to be longer than the approved wall. Is the new wall higher than 3 feet?

This comment has not been satisfactorily addressed.

2.) There appears to be three new paved parking spaces on the plan. Water quality and quantity need to be addressed.

This comment has been satisfactorily addressed.

3.) There are no proposed contours shown on the plan.

This comment was not satisfactorily addressed.

4.) Will any of the revisions produce a change in the site stormwater quantity and quality numbers from the approved plan.

This comment was not satisfactorily addressed.

Based on the above information, I would not recommend approval of the modification to the CUP. If you have any questions or need further information please contact me.

Sincerely,

W. Henry Wells Jr., PE

cc: Mr. Steven Addy, PE