

**ATTACHMENT A**

**A RESOLUTION CALLING A MINOR MODIFICATION TO THE CLAREMONT  
SUBDIVISION CONDITIONAL USE PERMIT TO REMOVE TWO ADDITIONAL PHASES  
(PHASE 4 & 5) APPROVED ON MARCH 17<sup>TH</sup>, 2009 BY THE BOARD OF ALDERMEN  
Draft Resolutoin No. 128/2011-12**

WHEREAS, an application has been received for a Minor Modification to delete the Major Modification to the Claremont Subdivision Conditional Use Permit that approved two additional phases on March 17<sup>th</sup>, 2009 by the Board of Aldermen.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen to approve the Minor Modification to delete the Major Modification to the Claremont Subdivision Conditional Use Permit that approved two additional phases (Phase 4 & 5).



Attachment B

mm

20090527000124690 PRMIT  
Bk:RB4744 Pg:541  
05/27/2009 12:05:33 PM 1/7

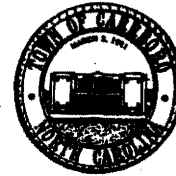
FOR MULTIPLE PIN SHEET  
SEE BOOK 1744 PAGE 537

FILED Joyce H. Pearson  
Register of Deeds, Orange Co, NC  
Recording Fee: \$32.00  
NC Real Estate TX: \$ .00

PREPARED BY AND RETURN TO:

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

M  
DB



ORANGE COUNTY  
NORTH CAROLINA

**TOWN OF CARRBORO**  
**CONDITIONAL USE PERMIT GRANTED**  
Claremont 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:

<b>APPLICANT:</b> Parker Louis, LLC
<b>OWNERS:</b> Parker Louis, LLC
<b>PROPERTY LOCATION (Street Addresses):</b> 1018 Homestead Road and 1001 Homestead Road
<b>TAX MAP, BLOCK, LOT(S):</b> 7.109..16, 7.109..16D and 7.109..17
<b>PROPOSED USE OF PROPERTY:</b> Major Subdivision consisting of the following uses: 1.111 (single-family detached), 1.231 (duplex) and 1.321 (multi-family townhouses)
<b>CARRBORO LAND USE ORDINANCE USE CATEGORY:</b> 26.100
<b>MEETING DATES:</b> November 22, 2005, January 27, February 24 and March 17, 2009

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 52, 53, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69) 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 twelve (12) bonus 'market-rate' units may not be issued until such time as the corresponding affordable unit (lots 52, 53, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69) is 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. That prior to construction plan approval, bike lane striping is shown on Claremont's collector street.
6. That prior to allowing the use of roll-type curb in the subdivision, written authorization from the Town of Carrboro Public Works Director is required.
7. That the applicant must obtain a driveway permit from NCDOT prior to construction plan approval;
8. That, on the final plat, the applicant makes Offers of Dedication for the Homestead Road sidewalk, and, the Greenway Trail, (with their associated public pedestrian and bicycle easements) to the Town.
9. That the greenway trail as proposed for Claremont have a minimum pavement width of 10 feet consistent with the standards of AASHTO, NCDOT and the Town's Recreation and Park's Comprehensive Master Plan.
10. That flexibility be allowed in the execution of the street tree planting plan (subject to the approval of public works and the planning department), such that the combination of existing and proposed trees along all publicly dedicated streets in Claremont meet the street tree requirements of Section 15-315 of the Land Use Ordinance and that the final arrangement is such that 1/3<sup>rd</sup> of the street trees retained and/or proposed for this purpose are evergreen.
11. That a fully detailed planting plan be required as needed for the proposed stormwater management devices prior to construction plan approval.
12. That the proposed berm be removed from the plans and replaced with mixed plantings of trees and shrubs that have proven wildlife value and that fulfill the Type A buffer requirement
13. 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.
14. That the developer shall include detailed stormwater system maintenance plan, specifying responsible entity and schedule. The plan shall include scheduled maintenance activities for each unit in the development, (including cisterns, bio-retention areas, swales, check dams, and irrigation pond), performance evaluation protocol, 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 Town engineer and Environmental Planner for approval prior to construction plan approval.



Upon approval, the plans shall be included in the homeowners' association documentation.

15. 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;
16. 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.
17. All light fixtures (public or private) are cut-off, thereby reducing glare to surrounding properties and limiting upward light trespass.
18. That prior to construction plan approval, site lighting, sufficient to meet the requirements of Sections 15-242 and 15-243 of the LUO, be provided in the vicinity of the swim club parking lot and grounds.
19. That on the final plat, all primary conservation areas located on private lots will be reserved as non-buildable areas.
20. That the applicant submit a Voluntary Annexation Petition prior to final plat approval.
21. That the applicant receive(s) 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.
22. That all landscape plants be native species.
23. That the Homeowners Association not prohibit clotheslines or active or passive solar technologies.
24. That the town staff work with the applicant to execute an agreement with the homeowners association to provide access to the town to provide water quality monitoring.

**The Board of Aldermen approved a Major Modification to the Claremont Subdivision to approve two additional phases at their March 17<sup>th</sup>, 2009 meeting. Listed below are those conditions set forth by the Board of Aldermen:**

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 71, 72, 73, 74, 75, 78, 79, 80, 81, 82, 86, 87, 88, 93, 94, 95) 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 five (5) bonus 'market-rate' units may not be issued until such time as the corresponding affordable unit (lots 71, 72, 73, 74, 75, 78, 79, 80, 81, 82, 86, 87, 88, 93, 94, 95) is constructed and offered for sale or rent for an amount consistent with the language found in Section 15-82.4 of the Town of Carrboro Land Use Ordinance.
5. That the applicant must obtain a driveway permit from NCDOT prior to construction plan approval.



6. That if a CLOMR for the proposed walkway beneath the Homestead Road bridge is necessary, then it must be received prior to the approval of the Construction Plans. The LOMR, if necessary must be received prior to the recording of the final plat for Phase IV of Claremont.
7. If necessary, that all state and federal 401 and 404 permits be obtained prior to construction plan approval.
8. Additional width for the easement be provided in the greenway for the area north of the bridge where steps may need to be installed due to the steep slope of the area.
9. That flexibility be allowed in the execution of the street tree planting plan (subject to the approval of public works and the planning department), such that the combination of existing and proposed trees along all publicly dedicated streets in Claremont meet the street tree requirements of Section 15-315 of the Land Use Ordinance and that the final arrangement is such that 1/3<sup>rd</sup> of the street trees proposed for this purpose are evergreen.
10. That the Homestead Road buffer and screening layout be incorporated into the Construction Plans.
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 detailed stormwater system maintenance plan, specifying responsible entity and schedule. The plan shall include scheduled maintenance activities for each unit in the development, (including cisterns, bioretention areas, swales, check dams, and irrigation pond), performance evaluation protocol, 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 Town engineer and Environmental Planner for approval prior to construction plan approval. Upon approval, the plans shall be included in the homeowners' association documentation.
13. That prior to Construction Plan approval, the developer provide the necessary easements for all the bio-retention basins.
14. That prior to Construction Plan approval, a soil scientist (or other qualified engineers/personnel) provide the appropriate information that the seasonal water table is at least two (2) feet below the bottom of the basins per NCDENR "Best Management Practice" manual. Any substantial design changes will require the approval of the Board of Aldermen (with possible public hearing) per the provisions of 15-64 of the LUO.
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 prior to final plat approval.
17. That the applicant receive(s) 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. On the final plat, the street right-of-way for the two connections to the Carolina North Property indicated on the plans before the Board as of March 17<sup>th</sup>, 2009 be dedicated right-of-way, but that no improvement (ie. grading, paving, curbing etc.) within these portions of the right-of-way be completed.



19. That a voluntary payment be paid the Town of Carrboro for a portion of the greenway that connects to the Carolina North Property. This payment will be an amount equal to the developer's estimated cost (certified by developer's engineer) to construct the portion of the greenway indicated, and shall be in lieu of and shall satisfy the developer's obligation to construct this portion of the greenway.
20. On the final plat, a sixteen (16) foot public access and maintenance easement that will connect to the Carolina North Property be dedicated.
21. During construction plan review, the developer will discuss with staff and consider alternative designs for constructing the project's greenway, in conjunction with recommendations for the Bolin Creek Greenway conceptual design if they are available at the time.
21. As recommended by the Transportation Advisory Board, and to the extent approved by NCDOT, the developer shall install a pedestrian refuge island and crosswalk in Homestead Road at Claremont Drive on the eastern crosswalk.
22. In Phase 4/5, the developer shall install a playground/tot lot consisting of 140 recreation points appropriate for ages 2-12.
23. That full right-of-way dedication remain for Colfax Drive, as shown on the CUP plans, but construction of a full street is not required at this time. Instead, construction within the Colfax Drive right-of-way, from its current terminus to Subcollector Street A in Claremont, shall consist of an asphalt pedestrian and bicycle path the minimum width necessary to satisfy State standards for fire emergency access. Design and engineering details for this section must be reviewed by the Fire Department and Town Engineer, with the Town Manager granting final approval for the design prior to construction plan approval. Also, removable or collapsible bollards must be installed such that Fire and other emergency services may make use of the connection in emergency situations. Signage also shall be posted informing viewers of the possibility of a future full-street connection.
24. That there be no construction access through Colfax Drive.

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.

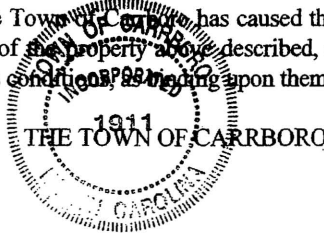
If this permit authorizes development on a tract of land in excess of one acre, nothing authorized by the permit may be done until the property owner properly executes and returns to the Town of Carrboro the attached acknowledgment of the issuance of this permit so that the town may have it recorded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



ATTEST:

Sarah C. Williamson (SEAL)  
Town Clerk

BY Steve Stewart  
Town Manager

I, \_\_\_\_\_, 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 \_\_\_\_ day of \_\_\_\_\_, 2009.

(SEAL)



Carrie B. Farrington  
Notary Public

My Commission Expires: Jan 28, 2012



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.

(SEAL)

PARKER LOUIS, LLC

By: [Signature]

Title: Managing Member

North Carolina (STATE)

Orange (COUNTY)

I, Jennifer B. Boger, a Notary Public of the County and State  
aforesaid, certify that Adam Linn personally appeared before me  
this day and acknowledged that he is Managing Member of  
Parker Louis, LLC, 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  
Managing Member on behalf of the limited partnership as  
Owner thereof all by authority duly given.

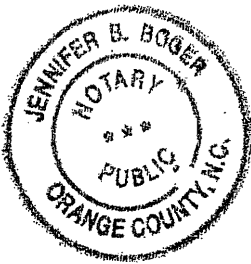
Witness my hand and official seal, this 13th day of May, 2009.

(SEAL)

Jennifer B. Boger  
Notary Public

My commission expires: March 5, 2012

(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

**James Thomas**

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**From:** Adam Zinn <azinn@zinndesignbuild.com>  
**Sent:** Friday, March 30, 2012 12:41 PM  
**To:** James Thomas  
**Subject:** Claremont PUD

James – Regarding the minor modification request:

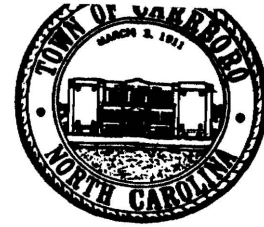
We are separating Claremont phase 4 and 5 (approved by the BOA 3/2009) due to the fact that we are creating a new planned unit development to be called Claremont South.

Thanks.

Adam Zinn  
Zinn Design Build  
180 Providence Rd suite 1-B  
Chapel Hill, NC 27514  
919-493-0099  
[azinn@zinndesignbuild.com](mailto:azinn@zinndesignbuild.com)

## TOWN OF CARRBORO

## LAND USE PERMIT APPLICATION



DATE: 3/29/12 FEE: \$300.00

APPLICANT: <u>Parker Louis LLC</u>		OWNER:	
ADDRESS: <u>180 Providence Rd Ste 1-B</u>		ADDRESS: <u>Same as applicant</u>	
CITY/STATE/ZIP: <u>Chapel Hill, NC 27514</u>		CITY/STATE/ZIP:	
TELEPHONE/EMAIL: PHONE: <u>919-493-0099</u> EMAIL: <u>azinn@zinndesignbuild.com</u>		TELEPHONE/EMAIL: PHONE: EMAIL:	
LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: <u>Same owner</u>		PIN: <u>077948533/9779370343</u>	
PROPERTY ADDRESS: <u>1001 Homestead Rd</u>		PROPOSED LAND USE & USE CLASSIFICATION: <u>N/A</u>	
PRESENT LAND USE & USE CLASSIFICATION: <u>Vacant</u>		LOT AREA: <u>138</u> Acres Square Feet	
ZONING DISTRICT(S) AND AREA WITHIN EACH (including Overlay Districts): <u>Combination of R-15 &amp; R-20</u>			
# OF BUILDINGS TO REMAIN		# OF BUILDINGS PROPOSED	
EXISTING GROSS FLOOR AREA OF BUILDING(S) square feet	GROSS FLOOR AREA (of proposed BUILDING / proposed ADDITION) square feet	AMOUNT OF IMPERVIOUS SURFACE / proposed square feet	

NAME OF PROJECT/DEVELOPMENT: \_\_\_\_\_

INFORMATION REQUESTED (Refer to Attached Key)	
SUBDIV. FINAL PLAT / EXEMPT PLAT	1, 18, 19, 21, 23, 31, 33, 34, 38
CONDITIONAL USE PERMIT (CUP)	1, 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32, 34, 35, 36, 37, 38
CUP MODIFICATION	SAME AS CONDITIONAL USE PERMIT (CUP)
SPECIAL USE PERMIT (SUP)	1, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32, 34, 35, 36, 37, 38
SUP MODIFICATION	SAME AS SPECIAL USE PERMIT (SUP)
ZONING PERMIT (Project)	1, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24, 25, 26, 27, 29, 30, 32, 34, 35, 36, 37, 38
ZONING PERMIT (Building) Residential Infill & Additions	9, 10, 22, 24, 34, 37 (also see "Building Permit Review - Residences Only" checklist)
SIGN PERMIT	1, 10, 13, 14, 17, 20, 38
VARIANCE	4, 5, 10, 20, 29, 34, 38, Attachment A
APPEAL	4, 5, 38, Attachment B
SPECIAL EXCEPTION	1, 4, 5, 8, 10, 20, 35, Attachment C

APPLICANT: \_\_\_\_\_

DATE: \_\_\_\_\_

OWNER: \_\_\_\_\_

DATE: 3/29/12