



**RESOLUTION 2006-076 OF THE MORRISVILLE TOWN BOARD
OF COMMISSIONERS PERTAINING TO THE ADOPTION OF
THE CRUIZERS CONVENIENCE STORE WITH PUMPS SITE
PLAN**

WHEREAS, Marc Christopher, Phillips Architecture submitted a proposed site plan for the Cruizers Convenience Store with Pumps; and

WHEREAS, the Planning and Zoning Board forwarded a recommendation to deny the proposed site plan on May 11, 2006; and

WHEREAS, the Board of Commissioners, which is authorized to approve or disapprove the proposed site plan, did receive the Planning and Zoning Board's recommendation at their Briefing Meeting on June 12, 2006 and was deferred to the July 24, 2006 Town Board meeting for action; and

NOW, THEREFORE, BE IT RESOLVED THAT THE MORRISVILLE TOWN BOARD OF COMMISSIONERS *approve* the proposed Cruizers Convenience Store with Pumps Site Plan with a seal date of March 31, 2006, subject to the following conditions:

1. The applicant/subsequent property owner/subsequent property owner will carry out remediation measures as detailed in Mineral Springs Environmental, P.C. ("Mineral Springs") document of February 20, 2006 (Attachment D). Additionally, the applicant/subsequent property owner/subsequent property owner will carry out remediation measures for the area designated as "Highest Concentration" (the area designated by the darkest circle on page 3 of Attachment D) and the old UST basin to the level described in bullet 1 of the Mineral Springs document and backfill from the adjacent area.

However, remediation of the area of "Highest Concentration" and the old UST basin is contingent upon minimal disturbance to any buried fiber-optic cable, or other utilities or infrastructure. If, while excavating, utilities are found in the field other reasonable corrective actions may be necessary as determined by the Planning Director.

The applicant/subsequent property owner/subsequent property owner will carry out annual monitoring for a period of five (5) years on all ten (10) existing monitoring wells to track movement of the plume. Each year the applicant/subsequent property owner/subsequent property owner will forward the results of the monitoring, as well as the results of the soil excavation activities, to the North Carolina Department of Environment and Natural Resources Underground Storage Tank Section Incident Manager (NCDENR) for the site and to the Planning Department for the town. The results shall be forwarded within 30 days of the completion of the sampling event.

If, after five years of monitoring, any of the wells read at a level ten (10) times the NCDENR 2B surface water standards, then modeling shall be conducted by the applicant/subsequent property owner/subsequent property owner to assess in a technically defensible manner whether natural attenuation will mitigate such contamination to levels below ten times the NCDENR 2B surface water standards by the time such contamination reaches the unnamed tributary located at the eastern boundary of the site.

If such modeling is deemed by NCDENR to be technically valid and the model demonstrates that natural attenuation will achieve such mitigation by the time the groundwater contamination reaches the unnamed tributary, then no further mitigation shall be required by the Town of Morrisville.

If such modeling is deemed by NCDENR to be technically valid and it demonstrates that natural attenuation will not achieve such mitigation by the time the contamination reaches the unnamed tributary, then the applicant/subsequent property owner/subsequent property owner shall prepare and submit a remediation plan to NCDENR for review and approval. The responsibility for implementation of the remediation plan shall be as required by NCDENR. If at any time a No-Further Action is granted by NCDENR, the Town would acknowledge this and not require any further work task.

The applicant/subsequent property owner/subsequent property owner shall maintain all ten monitoring wells on site and allow access upon request so that sampling may be conducted as needed in perpetuity by NCDENR, the Town of Morrisville and/or their designees.

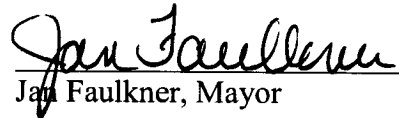
In addition to these measures, the applicant/subsequent property owner/subsequent property owner agrees to install a totally integrated, double wall, tank and line system and perform continuous monitoring of the interstitial space. This system will exceed the DNER minimum standards for "Siting and Secondary Containment Requirements for UST Systems near Wells and Surface Water".

2. The developer shall contribute a fee-in-lieu toward upgrading the intersection signal arms. The amount of the contribution shall be equal to one-quarter (1/4) of the cost to purchase and install the upgraded signal arms or \$25,000.00, whichever is less. The fee-in-lieu shall be placed in a line item until such time the intersection signal is upgraded.
3. Canopy lighting shall only consist of recessed fixtures incorporating a lens cover that is either recessed or flush with the bottom surface (ceiling) of the canopy or awning that provides full cutoff or fully-shielded light distribution.
4. The sides of the canopy shall not be illuminated.
5. Light levels shall not exceed twenty (20) foot candles under the canopy.
6. The developer shall recombine the lots before permitting.
7. The developer shall save existing specimen trees that lie in any landscape buffer area.
8. Prior to issuance of any Certificate of Occupancy, the developer shall place the existing overhead utility lines underground along the frontage of the subject property

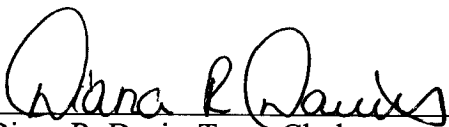
on Chapel Hill Road (NC 54) as depicted per Site Plan Sheet C-5, with a sealed date of March 31, 2006.

9. Each driveway shall have right-in/right-out access only.
10. The developer shall install all road improvements prior to the issuance of a Certificate of Occupancy. All road improvements include but are not limited to the monolithic concrete islands, sidewalk, and road widening along the frontage of the subject property on Aviation Parkway and NC 54.
11. The developer shall provide a payment in lieu for the construction of a sidewalk and road widening of Aviation Parkway from the northeast side of the entrance drive off Aviation Parkway to the northeastern property line (which is the stream centerline). The amount shall be determined between the Town of Morrisville Engineering Department and the Engineer of Record for the project.

Adopted this 22nd day of October 2007.


Jan Faulkner, Mayor

ATTEST:


Diana R. Davis, Town Clerk

