

The following ordinance was introduced by Aldermen _____ and
duly seconded by Aldermen _____.

AN ORDINANCE AMENDING THE CARRBORO ZONING MAP TO REZONE
APPROXIMATELY .65.85 ACRES OF LAND KNOWN AS THE T.E. HOGAN HEIRS
PROPERTY FROM R-20 (RESIDENTIAL, MINIMUM 20,000 SQUARE FEET PER
DWELLING UNIT) TO VMU CU (VILLAGE MIXED-USE CONDITIONAL USE)

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

SECTION 1. Subject to the approved Master Plan for Winmore, an Architecturally
Integrated Subdivision/Village Mixed Use Development, the Official Zoning Map of the
Town of Carrboro is hereby amended as follows:

That property being described on Orange County Tax Maps as:

Lots 11, 11C, 11D, and 15 of Tax Map 109, in the Chapel Hill Township, and
being the area that is called out on the accompanying map as "Winmore Property"
is hereby rezoned from R-20 (Residential, minimum 20,000 square feet per
dwelling unit) to VMU CU (Village Mixed Use Conditional Use).

SECTION 2. All provisions of any Town ordinance in conflict with this ordinance are
hereby repealed.

SECTION 3. This ordinance shall become effective upon adoption.

The foregoing ordinance having been submitted to a vote, received the following vote
and was duly adopted, this the _____ day of _____ 2003.

AYES:

NOES:

ABSENT OR EXCUSED:

TOWN OF CARRBORO



CONDITIONAL OR SPECIAL USE PERMIT WORKSHEET

I. COMPLETENESS OF APPLICATION

- ☐ The application is complete
☐ The application is incomplete
-
-
-

II. COMPLIANCE WITH THE ORDINANCE REQUIREMENTS

- ☐ The application complies with all applicable requirements of the Land Use Ordinance
☐ The application is not in compliance with all applicable requirements of the Land Use Ordinance for the following reasons:
-
-
-

III. CONSIDERATION OF PROPOSED CONDITIONS

If the application is granted, the permit shall be issued subject to 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.

IV. GRANTING THE APPLICATION

- ☐ The application is granted, subject to the conditions agreed upon under Section III of this worksheet.

V. DENYING THE APPLICATION

- ☐ The application is denied because it is incomplete for the reasons set forth above in Section 1.
- ☐ The application is denied because it fails to comply with the Ordinance requirements set forth above in Section II.
- ☐ The application is denied because, if completed as proposed, the development more probably than not:

- 1. Will materially endanger the public health or safety for the following reasons:**

- 2. Will substantially injure the value of adjoining or abutting property for the following reasons:**

- 3. Will not be in harmony with the area in which it is to be located for the following reasons:**

- 4. Will not be in general conformity with the Land Use Plan, Thoroughfare Plan, or other plans officially adopted by the Board of Aldermen for the following reasons:**

REVISED SUMMARY SHEET OF STAFF AND ADVISORY BOARD RECOMMENDATIONS

CONDITIONAL USE PERMIT— WINMORE VMU

Recommended by	Recommendations*
	*Revisions to Conditions, as requested by the Board of Aldermen, shown in bold text
Staff, EAB, AC	1. That the Board of Aldermen hereby approves the development as presented, per Section 15-176.2(a)(1) and 15-176.2(b) of the Land Use Ordinance;
Staff, EAB, AC	2. That a proposed civic use is hereby permissible on the 'proposed future civic use' lot as a part of this development, but that any project proposed to be constructed on the 'proposed future civic use' lot shall be subject to a separate CUP review and approval process. Further, that the following use categories shall be permissible on the civic use lot: 5.200, 5.300, 6.110, 6.121, 6.140, 13.000, 15.100, 15.800, 22.200, and 22.300;
Staff, EAB, AC	3. That arrangements are made to assure the continued affordability of forty-eight (48) units within the development. Specifically, the twenty-four (24) units proposed in the affordable apartment complex and the twenty-four (24) units that may be proposed at a later date on the 'co-op' lot (Lot #99) both shall be restricted in a manner that is consistent with the language found in Section 15-182.4 of the Town of Carrboro Land Use Ordinance. The restrictions must be reviewed and approved by the Town Attorney, and must be in place prior to final plat approval;
Staff, EAB, AC	4. That 24 apartment units (Use 1.331) are hereby permissible on the 'co-op' lot (Lot #99) as a part of this development, but that any project proposed to be constructed on the 'co-op' lot will be subject to a separate CUP review and approval process;
Staff, EAB, AC	5. That no additions or interior renovations designed to increase the heated square footage of the size-limited units 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 and reference the applicable 'size-limited unit' lots;

ATTACHMENT C-2

Staff, EAB, AC	6. That 'Homeowner's Association (HOA) Documents' (for both the residential and commercial portions of the project) be reviewed and approved by the Town Attorney prior to final plat approval, and that the HOA documents include the language found in Attachment G to the staff report regarding potential non-residential uses in townhouse use areas;
Staff, EAB, AC	7. That all cross-sections shown on the construction plans shall show utility line locations for all proposed utilities, that all proposed roads and bridges shall comply with Town of Carrboro and/or NCDOT TND road and bridge standards, and that full compliance shall be demonstrated on the construction plans for the project, except where specific deviations to those standards are permitted by the granting of this CUP for Olmsted Drive, which represents a hybrid of Town standards and NCDOT standards;
Staff, EAB, AC	8. That the applicant realign the proposed sidewalk on the construction plans so that it will fall completely within the existing NCDOT right-of-way, and that the 'end-point' for the sidewalk construction shall be where it ties in with the existing sidewalk on the south side of Camden Lane. Further, that the applicant agrees to construct intersection improvements at the Homestead Road/High School Road intersection shown in Exhibit A, subject to approval by NCDOT, or reasonable, alternative intersection improvements as required by NCDOT. The Homestead/High School Road intersection improvements must be completed prior to the issuance of a Certificate of Occupancy for the 117th primary residential dwelling unit;
Staff, EAB, AC	9. That the applicant must obtain a driveway permit from NCDOT prior to construction plan approval;
Staff, EAB, AC	10. That the Board of Aldermen chooses the parkway design presented on Sheet 3a of the plans, and that the parkway design including the 12' wide pedestrian/bicycle path be included on the construction plans;
Staff, EAB, AC	11. That a 'speed-table' or other traffic calming feature from the Town's Residential Traffic Management Plan be added to the plans at the construction plan stage, on Winmore Avenue, immediately to the west of the Bolin Creek bridge crossing;
Staff, EAB, AC	12. That the Board of Aldermen chooses the originally proposed alignment of Kiley Street and Atterbury Street, allowing an offset between the intersections where they intersect with Winmore Avenue;
Staff, EAB, AC	13. That all sight triangle easements be free of street trees and other obstructions and be shown as such on the construction plans;

ATTACHMENT C-3

Staff, EAB, AC	14. That the construction plans and final plat for the project include a 'private' label for the proposed 8' pedestrian way easements between lots 4 and 5 and lots 8 and 9;
Staff, EAB, AC	15. That the construction plans for the project shall include design configurations for the two proposed bus stop locations and that the developer shall build the bus stops during road construction for the project. Further, the Board finds acceptable the use of the future bus stop locations as on-street parking areas until such time as Chapel Hill Transit provides service to the development;
Staff, EAB, AC	16. That the applicant provide a diagonal parking plan for Lot H on the construction plans, consistent with the one-way traffic flow pattern presented for Burroughs Lane;
Staff, EAB, AC	17. That the applicant must receive approval of a minor modification to the CUP before making use of the proposed 'overflow parking area' identified on the project plans, and that the applicant must obtain formal permission from Duke Power to make such use of the area before obtaining modification approval;
Staff, EAB, AC	18. That the 'multi-use field' note be removed from the proposed 'overflow parking' area on the construction plans;
Staff, EAB, AC	19. That the Homeowner's Association documents for the project shall include language specifically providing that on residential lots the required number of off-street parking spaces, including spaces in enclosed or partially enclosed garages, will be maintained for use as parking spaces;
Staff, EAB, AC	20. That, if NCDOT deems it necessary, the proposed 17 willow oak trees alongside Homestead Road not be included on the construction plans;
Staff, EAB, AC	21. That the applicant modify the lighting plan to the satisfaction of the Public Works Department with regard to the developer and homeowner's association being responsible for the additional costs associated with the placement of decorative lights around the main roundabout traffic circle prior to construction plan approval;
Staff, EAB, AC	22. 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;

ATTACHMENT C-4

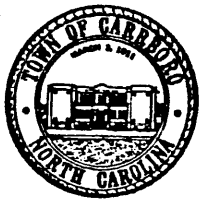
Staff, EAB, AC	23. That the applicant further explore the possibility of including a 'linear stormwater infiltrator system' in the project, and that the stormwater feature may be included on the construction plans if the Town Engineer and Town's Environmental Planner are satisfied with evidence presented by the applicant with regard to the workability and potential success of such a system on the site. If the feature is approved, then the applicant shall be allowed to modify the other stormwater features on the site at the construction plan level, so long as the Town Engineer confirms that the final stormwater related aspects of the plan do comply with the requirements of the LUO;
Staff, EAB, AC	24. That if the 'linear stormwater infiltrator system' is approved, then the applicant shall include notations on the construction plans for the project establishing that the Winmore Homeowner's Association will be responsible for the maintenance of the feature, even though it is contained within a Town of Carrboro Public Access Easement;
Staff, EAB, AC	25. That the applicant reconfigure the proposed locations of stormwater pipes wherever possible, so that pipes are contained within the public right-of-way, or that the applicant include stormwater easements on the construction plans and on the final plat on any lots that still contain any portion of the public stormwater piping system;
Staff, EAB, AC	26. 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 project. Digital as-builts should be in DXF format and shall include a base map of the whole project and all separate plan sheets. As-built DXF files should include all layers or tables containing storm drainage features. Storm drainage features should be clearly delineated in a data table. The data should be tied to horizontal controls;
Staff, EAB, AC	27. That a "No Rise Certification" will be obtained by the developer from FEMA through the CLOMR (Conditional Letter of Map Revision) process for the Bolin Creek crossing prior to the construction plans being approved;
Staff, EAB, AC	28. That if a Letter of Map Revision (LOMR) must be obtained from FEMA, that such letter must be obtained prior to final plat approval;
Staff, EAB, AC	29. That a 404 National Wetlands Permit from the US Army Corp of Engineers and a 401 Water Quality Certification from NCDENR's Division of Water Quality be obtained by the developer prior to the construction plans being approved;

ATTACHMENT C-5

Staff, EAB, AC	30. That the applicant must obtain all necessary temporary construction easements and permanent easements related to the project before construction plan approval, and that all easements shall be labeled appropriately on the construction plans and, for permanent easements, on the final plat;
Staff, EAB, AC	31. That the 30' Town of Carrboro Public Access Easement be extended the entire length of the existing driveway so as to provide a possible public access point to the greenway from Homestead Road, and that this extension be shown on the final plat for the project;
Staff, EAB, AC	32. That the applicant must receive approval of a detailed striping plan for the proposed pedestrian/bicycle trail prior to construction plan approval, and that the cross-section and striping plan must be shown on the construction plans. Additionally, the construction plans must show separation devices where roads and trails come together at bridge crossings to ensure pedestrian and bicycle safety;
Staff, EAB, AC	33. That the Winmore Homeowner's Association documents shall stipulate that the playfields included in the development shall be cared for or otherwise maintained without the use of chemical fertilizers or pesticides;
Staff, EAB, AC	34. That when building permit plans for each storefront and townhouse use building are submitted, the plans shall be forwarded to the Appearance Commission for review prior to the issuance of the building permit;
Staff	35. That prior to construction plan approval, the applicant shall submit to Town staff copies of contractual agreements with third-party builders for the construction of the 24-unit affordable housing apartment building and the construction of the 24-unit cooperative housing area identified on the plans as Lot 99, as well as a complete Conditional Use Permit application for the 24-unit cooperative housing area on Lot 99. The contractual agreements shall include language referencing an anticipated review and construction schedule, and shall state that upon receiving the land, the third-party builders agree to construct the affordable housing within a specified timeframe. The contractual agreements shall be reviewed and approved by the Town Attorney. If contractual agreements and a Conditional Use Permit application for the 24-unit cooperative housing area are not in place before the applicant wishes to record the final plat, then the applicant shall offer the land to the Town of Carrboro free of charge by way of dedication on the final plat for the purpose of the Town working with a third party to construct the affordable housing;

New – Board of Aldermen	36. That the applicant shall offer seven (7) townhome units to Orange Community Housing & Land Trust at a price consistent with the language found in Section 15-182.4 of the Town of Carrboro Land Use Ordinance;
New – Board of Aldermen	37. That the final plat for the project include an offer of dedication to the Town of Carrboro for the land along and near Bolin Creek totaling approximately 27 acres as shown on Exhibit B (to be attached).
Additional Advisory Board Comments & Recommendations:	
Planning Board	The Planning Board split their vote (4 yes, 4 no) for the request to rezone the Winmore Property. 'Points of agreement' regarding the project are included and further explained in the recommendation statement (Attachment B, Pages 7-8).
Environmental Advisory Board.	<ol style="list-style-type: none"> 1. Adhere to conditions recommended in the staff report. 2. Modify the design of the stormwater wetland to soften the edges and give it more of an appearance of a natural wetland. 3. Consider changing some of the specific plants scheduled for the wetland unit.
Appearance Commission	<ol style="list-style-type: none"> 1. Adhere to conditions recommended in the staff report. 2. That the street trees be spaced at irregular intervals. 3. That, in support of the developers plans, the demarcation of crosswalks be with red-tinted asphalt. 4. That full cut-off light fixtures be installed along public streets, rather than cobra heads, to reduce light pollution and that the lights be similar in look and function to the lights being used along the private streets within the development.

Transportation Advisory Board	<ol style="list-style-type: none"> 1. The amount of commercial space indicated by the developer should remain as commercial space and not revert to residential for a period of at least five years after the first certificate of occupancy (C.O.) is issued. 2. The developer should share in the cost of a roundabout or other traffic-calming facility at the intersection of High School Road and Homestead Road. 3. That no C.O.'s be issued until the sidewalk and intersection improvements have been made on Homestead Road. 4. That the Town coordinate the construction of the sidewalk being planned for the Smith Middle School Athletic Fields property across Homestead Road so that it will align with the southern Winmore paved bicycle path on the other side of the road. 5. That the Board of Aldermen encourage the developer to try to secure adjoining property as soon as possible to add another connection to Homestead Road. 6. That a traffic signal be installed at the intersection of Winmore Avenue and Homestead Road.
Northern Transition Area Advisory Committee	<p>The NTAAC split their vote (2 yes, 2 no) for both the rezoning request and the CUP request. Additionally, votes were cast regarding possible rewordings of specific conditions contained in the staff report as well as for possible new conditions that might be imposed (votes for individual matters contained in the draft recommendation statement).</p>



TOWN OF CARRBORO

PLANNING BOARD

301 West Main Street, Carrboro, North Carolina 27510

R E C O M M E N D A T I O N

MAY 22, 2003

VILLAGE MIXED USE REZONING AND CONDITIONAL USE PERMIT: WINMORE ARCHITECTURALLY INTEGRATED SUBDIVISION

MOTION WAS MADE BY FRANK HAMMILL AND SECONDED BY ANDE WEST THAT THE PLANNING BOARD RECOMMENDS THAT THE BOARD OF ALDERMEN DENY THE REQUEST TO REZONE THE WINMORE PROPERTY TO VILLAGE MIXED USE CONDITIONAL USE.

VOTE: AYES (4) (Hammill, Haven-O'Donnell, Ludwig, West); NOES (4); (Babiss, Carnahan, Hogan, Marshall) ABSENT/EXCUSED (2) (Paulsen, Poulton)

MOTION WAS MADE BY STAN BABISS AND SECONDED BY JAMES CARNAHAN TO PROVIDE THE BOARD OF ALDERMEN WITH THE FOLLOWING EXPLANATORY REMARKS.

Points of Agreement	Cons	Pros
Town should be responsible for oversight of SW management	Doesn't meet Section 15-141.2	Responsible use of public services
"Dark sky" practices should be used	School impacts too great	Aesthetically more attractive than more conventional developments
Additional SW management features (e.g. linear infiltrator, expanded wetlands) should be used.	Need to examine whole concept that includes later phases of project	Supports connectivity and walkability
Recreation points for playfield should be waived so that area can remain open but undeveloped.	Private (homeowner) responsibility for maintenance of stormwater management devices/system	Meets directives of <i>Shaping Orange County's Future Task Force Recommendations</i>
	Traffic impacts too great	Compact form in keeping with vision of <i>Facilitated Small Area Plan for Carrboro's Northern Study Area</i>
	Higher density of development overburdens Bolin Creek environment	Builds critical mass to support public transit
	Private jurisdiction of open space	Tax revenue advantages
	FEMA maps are outdated	Serves as a model for village/neighborhood development
	Number of bridge crossings; wetlands impacts	

VOTE: AYES (8) (Babiss, Carnahan, Hammill, Haven-O'Donnell, Hogan, Ludwig, Marshall, West); NOES (0); ABSENT/EXCUSED (2) (Paulsen, Poulton)

John Marshall 5/27/03
John Marshall, Chair (date)

TRANSPORTATION ADVISORY BOARD

RECOMMENDATION

May 29, 2003

SUBJECT: Winmore Village Mixed Use Conditional Use District Rezoning and Architecturally Integrated Subdivision Conditional Use Permit Application

PREFACE: The Transportation Advisory Board would have preferred to review this application as one larger project rather than the smaller phases that have been proposed.

MOTION: The Transportation Advisory Board (TAB) recommends that the Board of Aldermen support the staff recommendations for the Winmore project with the following six additional conditions:

1. The amount of commercial space indicated by the developer should remain as commercial space and not revert to residential for a period of at least five years after the first certificate of occupancy (C.O.) is issued.
2. The developer should share in the cost of a roundabout or other traffic-calming facility at the intersection of High School and Homestead roads.
3. That no C.O.'s be issued until the sidewalk and intersection improvements have been made on Homestead Road.
4. That the Town coordinate the construction of the sidewalk being planned for the Smith Athletic Fields property across Homestead Road so that it will align with the southern Winmore paved bicycle path on the other side of the road..
5. That the Board of Aldermen encourage the developer to try to secure adjoining property as soon as possible to add another connection to Homestead Road..
6. That a traffic signal be installed at the intersection of Winmore Avenue and Homestead Road.

Moved: Heidi Perry

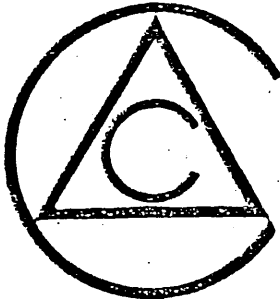
Second: Ellen Perry

VOTE: Ayes (David Deming, Chris van Hasselt, Ellen Perry, Heidi Perry, Ginny Wolpin); Noes (Elizabeth Shay).

CHRIS VAN HASSELT (COM)
TAB Chair

6 / 2 / 03
Date

Town of Carrboro / Carrboro Appearance Commission / Carrboro, North Carolina 27510



THURSDAY, MAY 15, 2003

WINMORE VILLAGE MIXED USE CONDITIONAL USE PERMIT AND REZONING

The Appearance Commission Advisory Board hereby recommends approval of the proposed project subject to staff's recommended conditions plus three additional recommendations outlined below:

- 1) That the street trees be spaced at irregular intervals and
- 2) That, in support of the developers plans, the demarcation of crosswalks be with red-tinted asphalt and
- 3) That full cut off light fixtures be installed along the public streets, rather than cobra heads, to reduce light pollution and that the lights be similar in look and function to the lights being used along the private streets within the development.

VOTING:

AYES: 4 (Wendy Wenck, Chuck Morton, Richard Taylor and Tom Wiltberger)

NOES: 0

Stephanie Bray (on behalf of Wendy Wenck-Chair)
Appearance Commission Chair

5/21/03
Date

TOWN OF CARRBORO
ENVIRONMENTAL ADVISORY BOARD



Meeting on May 13, 2003
at the Carrboro Town Hall
Carrboro, North Carolina

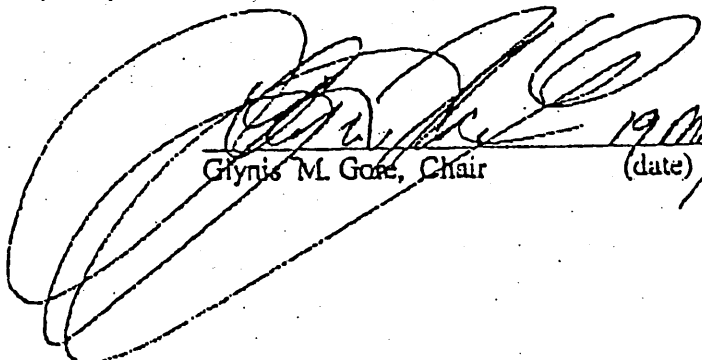
RECOMMENDATION

Winmore VMU

Motion was made by Glynis Gore, and seconded by Kathy Buck, that the Environmental Advisory Board recommends that the Board of Aldermen approve the request for the Conditional Use Permit to allow the development of the Winmore Village Mixed Use project as proposed, to be located at 1410, 1400, 1318 Homestead Road and 700 Lake Hogan Farm Road, subject to the following conditions:

1. Adherence to conditions recommended in the staff report.
2. The developer has agreed to modify the design of the stormwater wetland to soften the edges and give it more of an appearance of a natural wetland area.
3. The developer will consider changing some of the specific plants scheduled for the wetland unit.

VOTE: AYES (5) (Buck, Gallagher, Gore, Mathews, Rehm); NOES (0); ABSENT/EXCUSED (2) (Durwell, White).


Glynis M. Gore, Chair

19 May 03
(date)

NORTHERN TRANSITION AREA ADVISORY COMMITTEE (NTAAC)

Board of Aldermen
Carrboro Town Hall, Room 110
Tuesday, June 03, 2003

Northern Transition Area Advisory Committee **Winmore Recommendations**

The NTAAC is providing these recommendations regarding the Winmore VMU as follows below. The committee consists of four members. Note that split votes are in **bold**.

I. Supplemental motions.

1. Motion to approve the Winmore CUP subject to the modified conditions in section III below; (2 Ayes, 2 Noes)
2. Motion to approve the Winmore VMU rezoning; (2 Ayes, 2 Noes)
3. Motion to make items 2 through 11 of the attached list of proposed conditions, (Attachment 1) as prepared by NTAAC member Kathy Kaufman, be conditions of the permit; (1 Aye, 3 Noes)
4. Motion to refer that items 3,4,7,8,9,10,11 of the attached document (Attachment 1) be adopted as conditions of the permit (2 Ayes, 2 Noes)
5. Motion to refer items 1 through 11 of the attached document, to the Board to obtain further information (Attachment 1). (3 Ayes, 1 Noe)
6. Motion to require the developer to extend the proposed sidewalk along Homestead Road to connect with the sidewalk at Camden Lane. (3 Ayes, 1 Noe).
7. Motion to recommend that the Town of Carrboro work with Orange County and the Chapel Hill Carrboro School System to fund a crossing guard for the intersection of High School Road with Homestead Road. (4 Ayes)

II. Supplemental Motions related to CUP conditions.

1. Motion to require staff conditions 27 through 29 to be obtained by developer prior to approval of the CUP (2 Ayes, 2 Noes).
2. That trees be allowed within site triangle easements so long as they are sufficiently "limbed-up" so as not to pose a visibility hazard. (4 Ayes)

III. Revisions to staff recommendations. Note that language that is omitted uses the ~~striketrough~~ convention while new text is show in **bold**. Each of the staff recommendations as well as the proposed revisions were voted upon by the committee.

1. That the Board of Aldermen hereby approves the development as presented, per Section 15-176.2(a)(1) and 15-176.2(b) of the Land Use Ordinance; (2 Ayes, 2 Noes) (This item refered to attachment R in your staff report"
2. That a proposed civic use is hereby permissible on the 'proposed future civic use' lot as a part of this development, but that any project proposed to be constructed on the 'proposed future civic use' lot shall be subject to a separate CUP review and **public hearing** approval process; (4 Ayes)
3. That arrangements are made to assure the continued affordability of forty-eight (48) units within the development. Specifically, the twenty-four (24) units proposed in the affordable apartment complex and the twenty-four (24) units that may be proposed at a later date on the 'co-op' lot (Lot #99) both shall be restricted in a manner that is consistent with the language found in Section 15-182.4 of the Town of Carrboro Land Use Ordinance. The restrictions must be reviewed and approved by the Town Attorney, and must be in place prior to final plat approval; (4 Ayes)
4. That 24 apartment units (Use 1.331) are hereby **required** permissible on the 'co-op' lot (Lot #99) as a part of this development, but that any project proposed to be constructed on the 'co-op' lot will be subject to a separate CUP review and **public hearing** approval process; (4 Ayes)
5. That no additions or interior renovations designed to increase the heated square footage of the size-limited units 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 and reference the applicable 'size-limited unit' lots; (4 Ayes)
6. That 'Homeowner's Association (HOA) Documents' (for both the residential and commercial portions of the project) be reviewed and approved by the Town Attorney prior to final plat approval, and that the HOA documents include the language found in Attachment G to the staff report regarding potential non-residential uses in townhouse use areas, and that **the HOA documents, to be reviewed by the Town Attorney, be available for public access and comment 90 days prior to final plat approval. That these HOA documents and comments be subject to review by the Board of Aldermen prior to final plat approval;** (4 Ayes)
7. That all cross-sections shown on the construction plans shall show utility line locations for all proposed utilities, that all proposed roads and bridges shall comply with Town of Carrboro and/or NCDOT TND road and bridge standards, and that full compliance shall be demonstrated on the construction plans for the project, except where specific deviations to those standards are permitted by the granting of this CUP for Olmsted Drive, which represents a hybrid of Town standards and NCDOT standards; (4 Ayes)

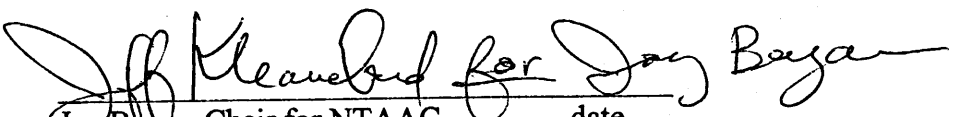
8. That the applicant realign the proposed sidewalk on the construction plans so that it will fall completely within the existing NCDOT right-of-way, and that the 'end-point' for the sidewalk construction shall be where NCDOT reasonably expects a future crosswalk to be located leading across Homestead Road to High School Road; (4 Ayes)
9. That the applicant must obtain a driveway permit from NCDOT prior to construction plan approval; (4 Ayes)
10. That the Board of Aldermen chooses the parkway design presented on Sheet 3a of the plans, and that the parkway design including the 12' and 8' wide pedestrian/bicycle path, be included on the construction plans; (4 Ayes)
11. That a 'speed-table' or other traffic calming feature from the Town's Residential Traffic Management Plan be added to the plans at the construction plan stage, on Winmore Avenue, immediately to the west of the Bolin Creek bridge crossing; (4 Ayes)
12. That the Board of Aldermen chooses the originally proposed alignment of Kiley Street and Atterbury Street, allowing an offset between the intersections where they intersect with Winmore Avenue; (4 Ayes)
13. ~~That all sight triangle easements be free of street trees and other obstructions and be shown as such on the construction plans;~~ (4 Ayes)
14. That the construction plans and final plat for the project include a 'private' label for the proposed 8' pedestrian way easements between lots 4 and 5 and lots 8 and 9; (4 Ayes)
15. That the construction plans for the project shall include design configurations for the two proposed bus stop locations and that the developer shall build the bus stops during road construction for the project. Further, the Board finds acceptable the use of the future bus stop locations as on-street parking areas until such time as Chapel Hill Transit provides service to the development; (4 Ayes)
16. That the applicant provide a diagonal parking plan for Lot H on the construction plans, consistent with the one-way traffic flow pattern presented for Burroughs Lane; (4 Ayes)
17. That the applicant must receive approval of a minor modification to the CUP (so long as it continues to comply with the 40% open space requirement of the LUO) before making use of the proposed 'overflow parking area' identified on the project plans, and that the applicant must obtain formal permission from Duke Power to make such use of the area before obtaining modification approval; (4 Ayes)
18. That the 'multi-use field' note be removed from the proposed 'overflow parking' area on the construction plans; (4 Ayes)
19. That the Homeowner's Association documents for the project shall include language specifically providing that on residential lots the required number of

off-street parking spaces, including spaces in enclosed or partially enclosed garages, will be maintained for use as parking spaces; (4 Ayes)

20. That, if NCDOT deems it necessary, the proposed 17 willow oak trees alongside Homestead Road ~~not~~ be included on the construction plans; (4 Ayes)
21. That the applicant modify the lighting plan to the satisfaction of the Public Works Department with regard to the developer and homeowner's association being responsible for the additional costs associated with the placement of **full cut-off** decorative lights around the main roundabout traffic circle prior to construction plan approval;
22. 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; (4 Ayes)
23. That the applicant further explore the possibility of including a 'linear stormwater infiltrator system' in the project, and that the stormwater feature may be included on the construction plans if the Town Engineer and Town's Environmental Planner are satisfied with evidence presented by the applicant with regard to the workability and potential success of such a system on the site. If the feature is approved, then the applicant shall be allowed to modify the other stormwater features on the site at the construction plan level, so long as the Town Engineer confirms that the final stormwater related aspects of the plan do comply with the requirements of the LUO; (2 Ayes, 1 Noes, 1 Abstain)
24. That if the 'linear stormwater infiltrator system' is approved, then the applicant shall include notations on the construction plans for the project establishing that the Winmore Homeowner's Association will be responsible for the maintenance of the feature, even though it is contained within a Town of Carrboro Public Access Easement; (1 Aye, 2 Noes, 1 Abstain)
25. That the applicant reconfigure the proposed locations of stormwater pipes wherever possible, so that pipes are contained within the public right-of-way, or that the applicant include stormwater easements on the construction plans and on the final plat on any lots that still contain any portion of the public stormwater piping system; (4 Ayes)
26. 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 project. Digital as-builts should be in DXF format and shall include a base map of the whole project and all separate plan sheets. As-built DXF files should include all layers or tables containing storm drainage features. Storm drainage features should be clearly delineated in a data table. The data should be tied to horizontal controls; (4 Ayes)
27. That a "No Rise Certification" will be obtained by the developer from FEMA through the CLOMR (Conditional Letter of Map Revision) process for the Bolin Creek crossing prior to the construction plans being approved; (2 Ayes, 2 Noes)

28. That if a Letter of Map Revision (LOMR) must be obtained from FEMA, that such letter must be obtained prior to final plat approval; (2 Ayes, 2 Noes)
29. That a 404 National Wetlands Permit from the US Army Corp of Engineers and a 401 Water Quality Certification from NCDENR's Division of Water Quality be obtained by the developer prior to the construction plans being approved; (2 Ayes, 2 Noes)
30. That the applicant must obtain all necessary temporary construction easements and permanent easements related to the project before construction plan approval, and that all easements shall be labeled appropriately on the construction plans and, for permanent easements, on the final plat; (4 Ayes)
31. That the 30' Town of Carrboro Public Access Easement be extended the entire length of the existing driveway so as to provide a possible public access point to the greenway from Homestead Road, and that this extension be shown on the final plat for the project; (4 Ayes)
32. That the applicant must receive approval of a detailed striping plan for the proposed pedestrian/bicycle trail prior to construction plan approval, and that the cross-section and striping plan must be shown on the construction plans. Additionally, the construction plans must show separation devices where roads and trails come together at bridge crossings to ensure pedestrian and bicycle safety; (4 Ayes)
33. That the Winmore Homeowner's Association documents shall ~~state stipulate~~ that the playfields included in the development shall be cared for or otherwise maintained without the use of chemical fertilizers or pesticides; (4 Ayes)
34. That when building permit plans for each storefront and townhouse use building are submitted, the plans shall be forwarded to the Appearance Commission for review **and recommendations** prior to the issuance of the building permit. (4 Ayes)

In addition the NTAAC received comments regarding a possibility of a dedication of open space for the Town's benefit. The committee supports the Town acquiring such a dedication but does not have sufficient information to recommend said dedication.


 Jay Bryan, Chair for NTAAC date

Note to NTA Board as prepared by NTA Board Member Kathy Kaufman:

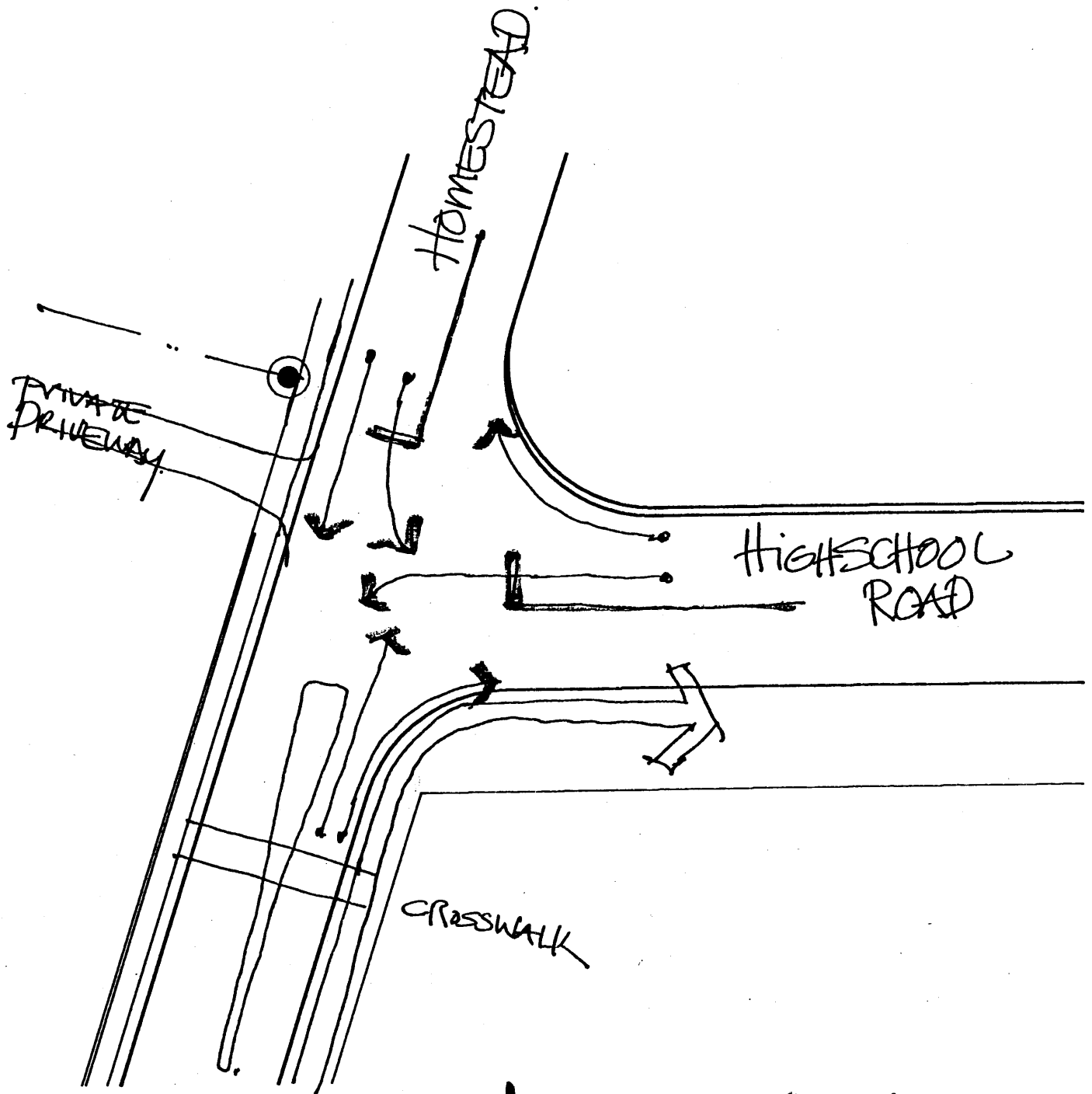
I intend to introduce the following resolutions tonight. I've had significant discussion with members of Friends of Bolin Creek, who have consulted with experts in the field, and many of these recommendations are a result of those discussions.

1. Stormwater calculations should correctly delineate the watershed, the soil types, percent of impervious surface added, with rainfall calculations. The goal should be to create the conditions that will be unchanged for the design storm for pre and post construction. Present plans do not do this.
2. Do not approve the CUP until the Town has received additional technical advice on soil types, wetlands and stream ecology for stormwater plans and the development has received staff approval for the stormwater and erosion control plans, to ensure that stormwater plans are feasible.
3. The Town of Carrboro should make itself responsible for storm water facilities, including the Stormceptors and wetland, not the Homeowners Association. Homeowners associations have a poor track record of maintaining these facilities.
4. The applicant must rely on up to date FEMA flood maps before approval. After 20 years, FEMA is remapping this area; new maps will be available this fall which will significantly change the flood plain footprint.
5. Clarify the specific maintenance requirements of the proposed Stormceptors, and describe in the permit condition who is responsible for maintaining and cleaning them, and how this will be enforced. The Town should request backup responsibility so that citizens have recourse when facilities fail. (Note that Carrboro could assess applicants for this oversight as Chapel Hill is planning to do).
6. Regarding the rate of stormwater: catch all of 2 year storm for first one inch of rain. Design for the 2 year storm and control for the 10 year storm. Controls should pose no risk to human life or property for the 50 or 100 year storm.
7. Regarding water quality: control for silt and Nitrogen into Bolin Creek (this will shortly be required by NC law).
8. Build in volume controls, even though they are not required. Because of the size of this development, hold stormwater on site by not less than 2 days or greater than 5 days. (UNC agreed to these volume controls in the expansion of the downtown campus and promised also to use them on Carolina North. New stormwater regulations will eventually require them.)

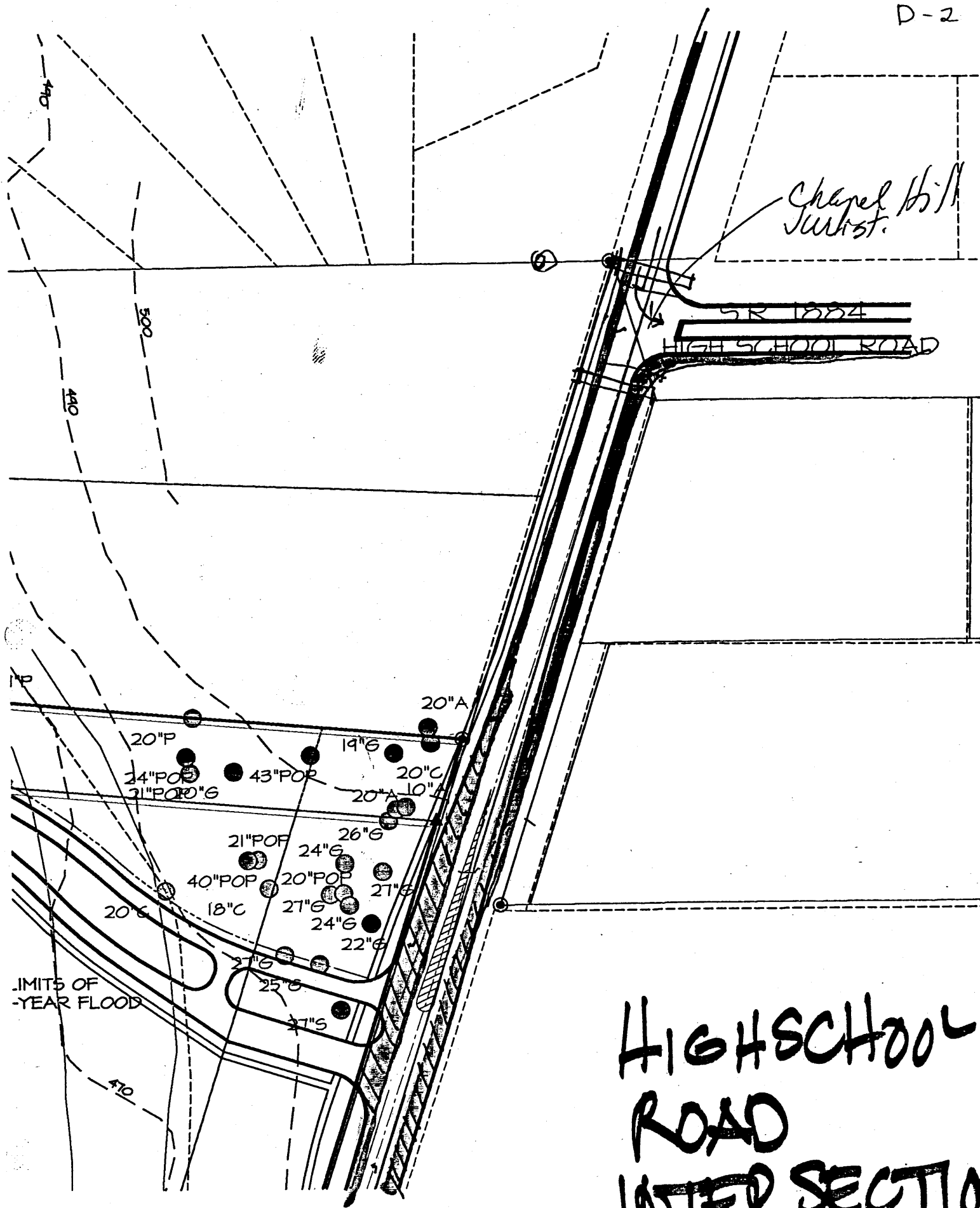
9. Improve the number of stormwater holding areas. To be effective the controls should disperse the water to more than one wetland area. A development of this size requires more than one outfall (into wetlands or rain gardens) of adequate size to hold the volumes necessary to hold the stormwater from 2 – 5 days. One outlet for discharge is not adequate; they should be spread along the stream at different points.
10. To minimize disturbance in the Bolin Creek stream buffers, playfields should be removed from the floodplain and buffers, and the hiking trails should be scaled back to narrow, unpaved nature trails.
11. Redesign roadways so there is one less stream crossing. The plans for Winmore include a major bridge across Bolin creek and two other bridges across a tributary, all in steep slopes areas. Three bridges and the consequent stream disturbance they will cause are excessive. Town ordinances "strongly discourage" crossing wetlands and slopes greater than 15%.

Non-stormwater related recommendations:

12. Recommend that the rezoning not be approved until the Board of Aldermen can vote on Winmore I and Winmore II together.
13. Recommend that the applicant agree to ensure that affordable housing is built first, and that Orange County standards for affordability should be followed.



HIGH SCHOOL
RD INTERSECT.



HIGH SCHOOL ROAD INTERSECTION

WINMORE

WINMORE LAND MANAGEMENT, LLC
310 1/2 West Franklin Street
Chapel Hill, NC 27514
(919) 929-0336
(919) 929-0348

May 23, 2003

The Hon. Mayor Michael Nelson
The Town of Carrboro
301 West Main Street
Carrboro, NC 27510

Re: A Plan for a Natural Urban Preserve

Dear Mayor Nelson:

Over the past several months we have been circulating a draft letter seeking to develop a community consensus on how to best preserve more than 27 acres of forest and open space in *Winmore* Phase I and an additional 30 plus acres that we may be able to set aside as part of *Winmore* Phase II. This contiguous land follows Bolin Creek from just above Homestead Rd. to Lake Hogan Farms and includes both environmental diversity and beautiful natural vistas.

We strongly feel that a group with a broader base than the *Winmore* Homeowners Association should have policy and management responsibility for such a treasure. Therefore, we have had numerous of meetings with groups including The University of North Carolina, the NC Botanical Gardens, the Friends of Bolin Creek, the Triangle Land Conservancy, Homeowners of the Transition Zone as well as environmental groups and individual citizens from the surrounding neighborhoods. We were hoping to identify the perfect private-sector group to fill a leadership role for the creation of a continuous park and preserve along Bolin Creek that would benefit our community and guide future land acquisition and preservation along the entire creek.

We haven't found that private group, but perhaps the perfect sponsor should have been obvious all along — The Town of Carrboro. With that in mind, please consider the following offer:

Context

The Bolin Creek Greenway is an important connector for our community. When completed it will connect Orange County, Carrboro, the UNC-North tract (Horace Williams) and the Town of Chapel Hill. The segment of the greenway within *Winmore* preserve would be a very important link in this open space corridor. There are several important, community-based initiatives taking place: These include the Town of Carrboro's acquisition of the Adams Tract, the proposed Bolin Creek Master Plan, the Horace Williams/UNC North expansion, Orange County's Northern Park and the new school sites on Eubanks Road. All of these affect the final plan for the disposition and permanent protection of the *Winmore* preserve.

Key Issues

- Developing a continuum of common public open space along Bolin Creek.
- Developing a unified, inter-jurisdictional master plan.
- Developing common-use policies for all open spaces that will include areas for conservation and recreation.
- Developing a unified connector road policy for the Bolin Creek Corridor and other environmentally sensitive areas.
- Management and maintenance of a permanent community resource.
- Ensuring that conservation development practices are strictly followed.

A Carrboro Park:

The entire Bolin Creek corridor, from Lake Hogan Farms to the Adams Tract, is now either within the Town of Carrboro or in the Town's jurisdiction. Because of this, the Town has a rare opportunity to, over time, create a major community park, with the *Winmore* parcels as a large component.

The Winmore Plan

- *Winmore* will give its approximately 27 acres along and near Bolin Creek to the Town of Carrboro for use as public open space.
- A Conservation Easement will be placed over the dedicated open space.
- The Town will encourage the creation of a not-for-profit community organization to promote, enhance and protect the preserved natural areas. Models for this type of support organization would include two nearby non-profits, the Eno River Association and/or Durham Central Park.

Additional Maintenance Funds

The homeowners association documents for *Winmore* will provide for each homeowner to pay \$10 per month toward the open space maintenance. With 184 units paying (not counting the 48 affordable units) this assessment will provide around \$22,000 per year for open space maintenance.

Maintenance of Winmore Facilities

We recognize that *Winmore* has a special responsibility for storm-water and recreation facilities that relate specifically to the *Winmore* development. These facilities that are part of the open space will have a separate easements permitting their private maintenance and use. These facilities will be maintained entirely by the *Winmore* Homeowners Association.

A Name for the Park

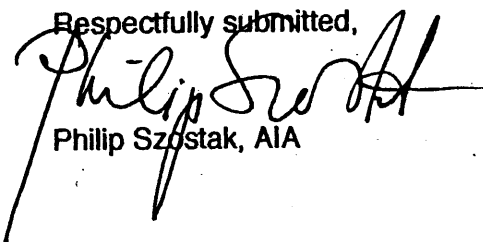
In addition, we would like to further signify this tract of land as an area for major importance to North Carolina, Chapel Hill/Carrboro and the University of North Carolina by naming it the Watts Hill, Jr. Nature Preserve. Watts was a dear friend, a friend of the University and a great North Carolinian.

Summary of Proposal

The *Winmore* Partners would like to work with the surrounding neighbors and the Town of Carrboro to preserve an important urban natural area. We have described a plan that we have discussed with these parties and for which we believe could become a reality. This plan involves preserving a large part of our Phase I and would carry over to any future phases of *Winmore* as natural urban landscape — an urban natural park.

We look forward to working with you, the Town of Carrboro and the other interested parties on this proposal.

Respectfully submitted,


Philip Szostak, AIA


Bob Chapman