

**A RESOLUTION APPROVING AN EXTENSION OF THE DATE ON WHICH A CUP  
WOULD OTHERWISE EXPIRE FOR THE WINMORE VILLAGE MIXED USE  
PROJECT AT 1400 HOMESTEAD ROAD  
Resolution No. 100/2004-05**

WHEREAS, the Carrboro Board of Aldermen approved a Conditional Use Permit for the Winmore Village Mixed Use Project at 1400 Homestead Road on June 10, 2004; and

WHEREAS, Section 15-62(a) of the Town of Carrboro Land Use Ordinance states that a CUP will expire automatically within two years of the issuance date if less than ten percent (10%) of the total cost of the project has been completed on site, unless the permit-issuing authority extends the expiration date pursuant to the findings found in Section 15-62(c) of the Land Use Ordinance; and

WHEREAS, the Board of Aldermen finds, per Section 15-62(c) of the LUO, that: 1) the CUP has not yet expired, 2) the permit recipient has proceeded with due diligence and in good faith, and 3) conditions have not changed so substantially as to warrant a new application.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the expiration date for the Winmore Village Mixed Use Project Conditional Use Permit is hereby extended to June 10, 2006.

## STAFF REPORT

**TO:** Board of Aldermen

**DATE:** March 1, 2005

**PROJECT:** Conditional Use Permit Extension Request for Winmore Village Mixed Use (VMU) at 1400 Homestead Road

**APPLICANT/OWNER:** Capkov Ventures, Inc.  
211 Old Franklin Grove Drive  
Chapel Hill, NC 27514

**PURPOSE:** Request for an extension of date when Conditional Use Permit would otherwise expire for the Winmore VMU project.

**EXISTING ZONING:** VMU, Village Mixed Use

**TAX MAP NUMBER:** 7.109..11B, 7.109..11C, 7.109..11D, and 7.109..15

**LOCATION:** 1400 Homestead Road (on four lots currently addressed as 1318 Homestead Road, 1400 Homestead Road, 1410 Homestead Road, and 700 Lake Hogan Road). Generally described, the site is located on the west side of Homestead Road between Lake Hogan Farms subdivision and High School Road (located northeast of the proposed entrance/exit point for the development)

**TRACT SIZE:** 65.85 acres

**EXISTING LAND USE:** Single-Family Dwelling (Use 1.111) at 1318 Homestead Road, All Other Lots Vacant

**PROPOSED LAND USE:** Village Mixed Use Development (Use 32.000) – A Village Mixed Use Architecturally Integrated Subdivision of 98 Single-Family Lots (Use 1.111), 66 Multi-Family Townhome Lots (Use 1.321), 68 Multi-Family Apartments (Use 1.331), and 20 Commercial Lots (All Uses Listed as Permissible in B-3T and O/A districts in Permissible Use Table as of 11/11/02)

## SURROUNDING

**LAND USES:** North: R-20 – Single-Family Residences (Camden Subdivision and Lake Hogan Farms Subdivision), and Vacant Land (UNC Property)  
South: R-20 – Single-Family Residences and Vacant Land  
East: R-20 – Single-Family Residences and Smith Middle School Athletic Fields  
West: R-20 – Single-Family Residences and Vacant Land

**ZONING HISTORY:** VMU, since 2003; R-20, 1988-2003; Orange County’s jurisdiction prior to that

**RELEVANT**

**ORDINANCE SECTIONS:** Section 15-62, Expiration of Permits

**BACKGROUND**

The owner of the Winmore VMU project at 1400 Homestead Road, Capkov Ventures, Inc. (Capkov), has requested an extension of the date on which a previously issued Conditional Use Permit (CUP) would otherwise expire (**Attachment C**). The Board of Aldermen originally granted the Conditional Use Permit on June 10, 2003 (**Attachment D**). The CUP allows construction of 98 Single-Family Lots, 66 Multi-Family Townhome Lots, 68 Multi-Family Apartments, and 20 Commercial Lots (48 units will meet the Town’s affordable housing criteria) (**Attachment E**).

Upon realizing that the permit expiration date was nearing, Capkov contacted staff to discuss the possibility of seeking an extension. In a letter submitted to staff regarding this matter, Mr. Bob Chapman (on behalf of Capkov) cited several reasons including difficulty receiving approval of construction plans and two civil lawsuits (now settled) as reasons why ten percent (10%) of on-site construction is not yet complete (see **Attachment F**). Mr. Chapman also mentions that a considerable amount of money and time has been expended on the project.

Should the Board choose to grant the permit extension request, please note that construction plans must still be reviewed and approved, and a pre-construction meeting still must be held before construction may begin.

**APPLICABLE LUO PROVISIONS**

Extensions to the date on which a permit would otherwise expire must be granted in accordance with Section 15-62 (Expiration of Permits) of the LUO, which is attached for your information (**Attachment G**). Specifically, please note that Section 15-62(a) of the LUO dictates that the CUP would expire on June 10, 2005 in this case (i.e.- two years after the date of issuance) because less than ten percent (10%) of the total cost of all construction, erection, alteration, excavation, demolition, or similar work on the development authorized by the permit has been completed on the site. As previously

mentioned, Capkov is actively pursuing approval of construction plans for the project and plans to begin construction upon approval, but no work (0%) has been completed on the site to date.

Section 15-62(c) gives the permit-issuing authority (Board of Aldermen) the authority to grant an extension to the date on which the permit would otherwise expire. Section 15-62(c) reads as follows:

*“(c) The permit-issuing authority may extend for a period up to one year the date when a permit would otherwise expire pursuant to subsections (a) and (b) if it concludes that (i) the permit has not yet expired, (ii) the permit recipient has proceeded with due diligence and in good faith, and (iii) conditions have not changed so substantially as to warrant a new application. Successive extensions may be granted for periods up to one year upon the same findings. All such extensions may be granted without resort to the formal processes and fees required for a new permit.”*

Staff offers the following information related to the conditions outlined in Section 15-62(c):

**1. The permit has not yet expired.**

COMPLIANCE: *Yes, it is true that the permit has not yet expired. As previously mentioned, the permit would expire on June 10, 2005 should an extension not be granted.*

**2. The permit recipient has proceeded with due diligence and in good faith.**

COMPLIANCE: *Yes, the permit recipient has proceeded with due diligence and in good faith. Capkov is actively pursuing approval of construction plans and plans to begin construction upon approval. Due to difficulty receiving approval of the construction plans and a delay caused by the filing of two civil lawsuits, Capkov has been unable to begin construction to date.*

**3. Conditions have not changed so substantially as to warrant a new application.**

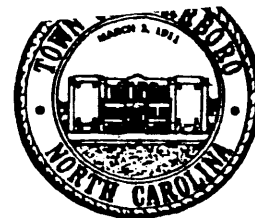
COMPLIANCE: *Yes, it is true that conditions have not changed so substantially as to warrant a new application. No changes to the property have taken place since the permit was originally approved and the LUO has not been changed with regard to VMU projects.*

## RECOMMENDATION

The Town Staff recommends that the Board of Aldermen adopt the attached resolution (**Attachment A**) approving the permit extension request. The new expiration date for the permit will be June 10, 2006.

# TOWN OF CARRBORO

## LAND USE PERMIT APPLICATION



DATE: 1/15/2005

FEE: \$250

APPLICANT: Capkov Ventures, Inc.	OWNER: Capkov Venture, Inc.
ADDRESS: 211 Old Franklin Grove Drive	ADDRESS: 211 Old Franklin Grove Drive
CITY/STATE/ZIP: Chapel Hill, NC 27514	CITY/STATE/ZIP: Chapel Hill, NC 27514
TELEPHONE/FAX: PHONE: 919-942-8005 FAX: 919-968-4646	TELEPHONE/FAX: PHONE: 919-942-8005 FAX: 919-968-4646
LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: Same	TAX MAP(S), BLOCK(S), LOT(S): 7.109.11B 7.109.11C 7.109.11D 7.109.15
PROPERTY ADDRESS: 1318 Homestead Road	PROPOSED LAND USE & USE CLASSIFICATION: Village Mixed Use
PRESENT LAND USE & USE CLASSIFICATION: Village Mixed Use	LOT AREA: 66.74 Acres 2,907,194 Square Feet
ZONING DISTRICT(S) AND AREA WITHIN EACH (including Overlay Districts): VMU	
# OF BUILDINGS TO REMAIN: N/A	GROSS FLOOR AREA: N/A square feet
# OF BUILDINGS PROPOSED: 232	GROSS FLOOR AREA (of proposed building or proposed addition): 610,429 square feet

NAME OF PROJECT/DEVELOPMENT:

TYPE OF REQUEST	**INFORMATION REQUESTED (Refer to Attached Key)
SUBDIV. FINAL PLAT	1, 18, 19, 21, 23, 31, 33, 34, 36
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
X 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
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
ZONING PERMIT (Building) Residential Infill & Additions	9, 10, 22, 24, 34, 36 (also see "Building Permit Review - Residences Only" checklist)
SIGN PERMIT	1, 10, 13, 14, 17, 20, 36
VARIANCE	4, 5, 10, 20, 29, 34, 36 Attachment A
APPEAL	4, 5, 36, Attachment B
SPECIAL EXCEPTION	1, 4, 5, 8, 10, 20, 35, Attachment C

APPLICANT:

DATE: 1/14/2005

OWNER:

DATE: 1/14/2005

FILED Joyce H. Pearson  
Register of Deeds Orange COUNTY, NC  
BY *[Signature]*  
ASSI

FILED  
Register of Deeds Orange County  
BY *[Signature]*  
Deputy

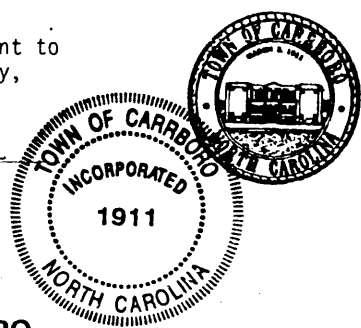
*MS*

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

RE-RECORDING STATEMENT:

The Town of Carrboro is re-recording this document to remove an incorrect tax map number. Specifically, Tax Map #7.109..11 should read 7.109..11B.

*[Signature]*  
Town Clerk



ORANGE COUNTY  
NORTH CAROLINA

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: Winmore Land Management, Inc.
OWNERS: Annie H. Collier, Bryan and Helen Yates, Fay H. Daniel
PROPERTY LOCATION (Street Address): 1318 Homestead Road, 1400 Homestead Road, 1410 Homestead Road, and 700 Lake Hogan Farm Road
TAX MAP, BLOCK, LOT(S): 7.109..11, 7.109..11C, 7.109..11D and 7.109..15 <i>9779-59-5501 9779-49-2200 9779-29-7157 9779-48-0734</i>
PROPOSED USE OF PROPERTY: Village Mixed Use Development - Village Mixed Use Architecturally Integrated Subdivision of 98 Single-Family Lots, 66 Multi-Family Townhome Lots, 68 Multi-Family Apartments, and 20 Commercial Lots
CARRBORO LAND USE ORDINANCE USE CATEGORY: 32.000 (VMU). For the residential areas (1.111, 1.321, 1.331), all uses listed under 15-176.2(b)(2)(a and b) (as of 11-26-02) are allowed. For the commercial areas, all uses listed under B-3-T and O/A in the Table of Permissible Uses (as of 11-11-02) are allowed.
MEETING DATES: May 27, May 28, June 3, June 10, 2003

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 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. That the development is approved as presented, per Section 15-176.2(a)(1) and 15-176.2(b) of the Carrboro Land Use Ordinance.
4. That a proposed civic use is hereby permissible on the 'proposed future civic use' lot as a part of this development, but 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, 22.300, as well as meeting halls and schools.
5. That arrangements be made to assure the continued affordability of 48 units within the development. Specifically, the 24 units proposed in the affordable apartment complex and the 24 units that may be proposed at a later date on the 'co-op' lot (lot #99) shall be restricted in a manner that is consistent with the language found in Section 15-182.4 of the 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.
6. That 24 apartment units (Use. 1.331) are permissible on the "co-op" lot (Lot #99) as 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.
7. 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 per Section 15-188(e) of the Carrboro Land Use Ordinance. This statement must also be included on the recorded final plat and reference the applicable 'size-limited unit' lots.
8. 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 a letter from Winmore Land Management dated February 18, 2003 regarding permissible uses in residential districts.
9. 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.
10. 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 (and acquisition by NCDOT of any necessary additional right-of-way), 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 117<sup>th</sup> primary residential dwelling unit.

11. That the applicant must obtain a driveway permit from NCDOT prior to construction plan approval.

12. That the Board of Aldermen chooses the parkway design presented on Sheet 3a of the plans, and that the parkway design, including the 12-foot wide pedestrian/bicycle path be included on the construction plans.

13. 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 Eolin Creek bridge crossing.

14. 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.

15. That all sight triangle easements be free of street trees and other obstructions and be shown as such on the construction plans.

16. That the construction plans and final plat for the project include a 'private' label for the proposed 8-foot pedestrian way easements between Lots 4 and 5 and Lots 8 and 9.

17. 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.

18. 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.

19. 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.

20. That the 'multi-use field' note be removed from the proposed 'overflow parking' area on the construction plans.

21. 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.

22. That, if NCDOT deems it necessary, the proposed 17 willow oak trees alongside Homestead Road not be included on the construction plans.

23. 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.

24. 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.

25. 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 Carrboro Land Use Ordinance.

26. 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.

27. 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.

28. That the applicant provide to the Carrboro 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.

29. That an application for a "No Impact Certification" or Conditional Letter of Map Revision (CLOMR) must be submitted to FEMA by the developer for the Bolin Creek crossing prior to the construction plans being approved. No construction governed by the issuance of a CLOMR or No Impact Certification may take place until certifications are issued.

30. That if a Letter of Map Revision (LOMR) must be obtained from FEMA, that such letter must be obtained prior to final plat approval.

31. 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 constructions plans being approved.

32. 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.

33. That the 30-foot 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.

34. 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.

35. 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.

36. That when building permit plans for each storefront and townhouse use building are submitted, the plans shall be forwarded to the Carrboro Appearance Commission for review prior to the issuance of the building permit.

37. That prior to construction plan approval, the applicant shall submit to the 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.

38. That the applicant shall offer 7 townhome units to Orange Community Housing and Land Trust at a price consistent with the language found in Section 15-182.4 of the Carrboro Land Use Ordinance.

39. 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. Also, prior to final plat approval, the applicant shall submit for review and approval by the Town Attorney an encroachment agreement or easement document that provides to the Winmore Homeowner's Association a right of access to and maintenance responsibilities for all recreation facilities and stormwater features located within the open space. The encroachment agreement or easement document must be recorded with the final plat for the project.

40. That the design of the stormwater wetland be modified to soften the edges and give it more of an appearance of a natural wetland.

41. That the developers consider changing some of the specific plants scheduled for the wetland unit.

42. That fully shielded lighting fixtures (as defined by International Dark Sky Association's Lighting Fixtures Guidelines) 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. And, 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 such lights.

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.

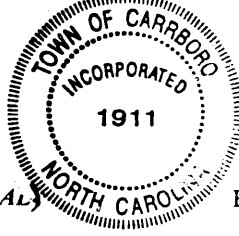
If this permit authorizes development on a tract of land in excess of one acre, nothing authorized by the permit may be done until the property owner properly executes and returns to the Town of Carrboro the attached acknowledgment of the issuance of this permit so that the town may have it recorded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

Sarah C. Williamson (SEAL)  
Town Clerk

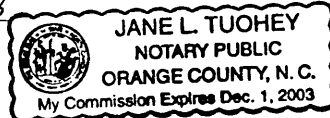
BY

Michael B. Brough  
Interim Town Manager

STATE OF NORTH CAROLINA COUNTY OF ORANGE

I, Jane L. Tuohy, 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 Michael B. Brough, Interim 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 19 day of August, 2003



Jane L. Tuohy (SEAL)  
Notary Public

My Commission Expires: 12-01-2003

I, Annie H. Collier, owner, do hereby acknowledge receipt of this Conditional Use Permit. The undersigned owner does further acknowledge 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.

Ray H. Daniel  
Owner  
Attorney in fact  
for Annie H. Collier

NORTH CAROLINA  
~~ORANGE COUNTY~~Durham

I, Alan C. Robbins, a Notary Public in and for said County and State, do hereby certify that Annie H. Collier appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and notarial seal this the 5<sup>th</sup> day of August, 2003

My Commission Expires: Jan. 29, 2006

Alan C. Robbins  
Notary Public

We, Bryan and Helen Yates, owners, do hereby acknowledge receipt of this Conditional Use Permit. The undersigned owners 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.

Bryan R Yates  
Owner

Helen R Yates  
Owner

NORTH CAROLINA  
ORANGE COUNTY  
DURHAM

I, Alan C. Robbins, a Notary Public in and for said County and State, do hereby certify that Bryan and Helen Yates appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and notarial seal this the 5<sup>th</sup> day of August, 2003



My Commission Expires: Jan. 29, 2006

Alan C. Robbins  
Notary Public

I, Fay H. Daniel, owner, do hereby acknowledge receipt of this Conditional Use Permit. The undersigned owner does 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.

Fay H. Daniel  
Owner

NORTH CAROLINA  
ORANGE COUNTY  
DURHAM

I, Alan C. Robbins, a Notary Public in and for said County and State, do hereby certify that Fay H. Daniel appeared before me this day and acknowledged the due execution of the foregoing instrument.

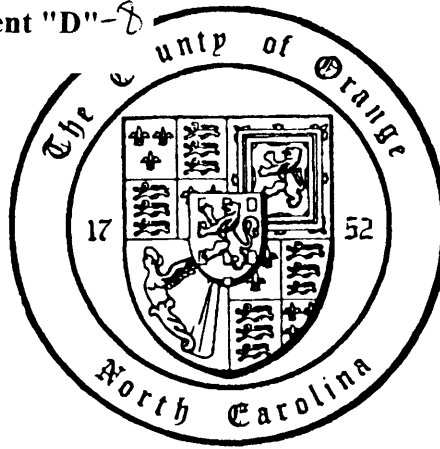
WITNESS my hand and notarial seal this the 5<sup>th</sup> day of August, 2003



My Commission Expires: Jan. 29, 2006

Alan C. Robbins  
Notary Public

(Not valid until fully executed and recorded)



Joyce H. Pearson  
Register of Deeds  
Orange County  
North Carolina

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**State of North Carolina, County of Orange**

The foregoing certificate(s) of ALAN C. ROBBINS -2nd ONE PG 7 ONLY, NOTARY PUBLIC, JANE L. TUOHEY, NOTARY PUBLIC for the Designated Governmental units is/are certified to be correct. See filing certificate herein.

This day November 4, 2003.

Joyce H. Pearson, Register of Deeds

BY: Wendy R. Dixon  
Deputy / ~~Assistant~~ Register of Deeds

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**Yellow probate sheet is a vital part of your recorded document. Please retain with original document and submit for recording.**

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STATE OF NORTH CAROLINA  
COUNTY OF ORANGE

The foregoing certificate(s) of \_\_\_\_\_ Notary/Notaries  
Public of the designated governmental units (is) (are) certified to be correct.

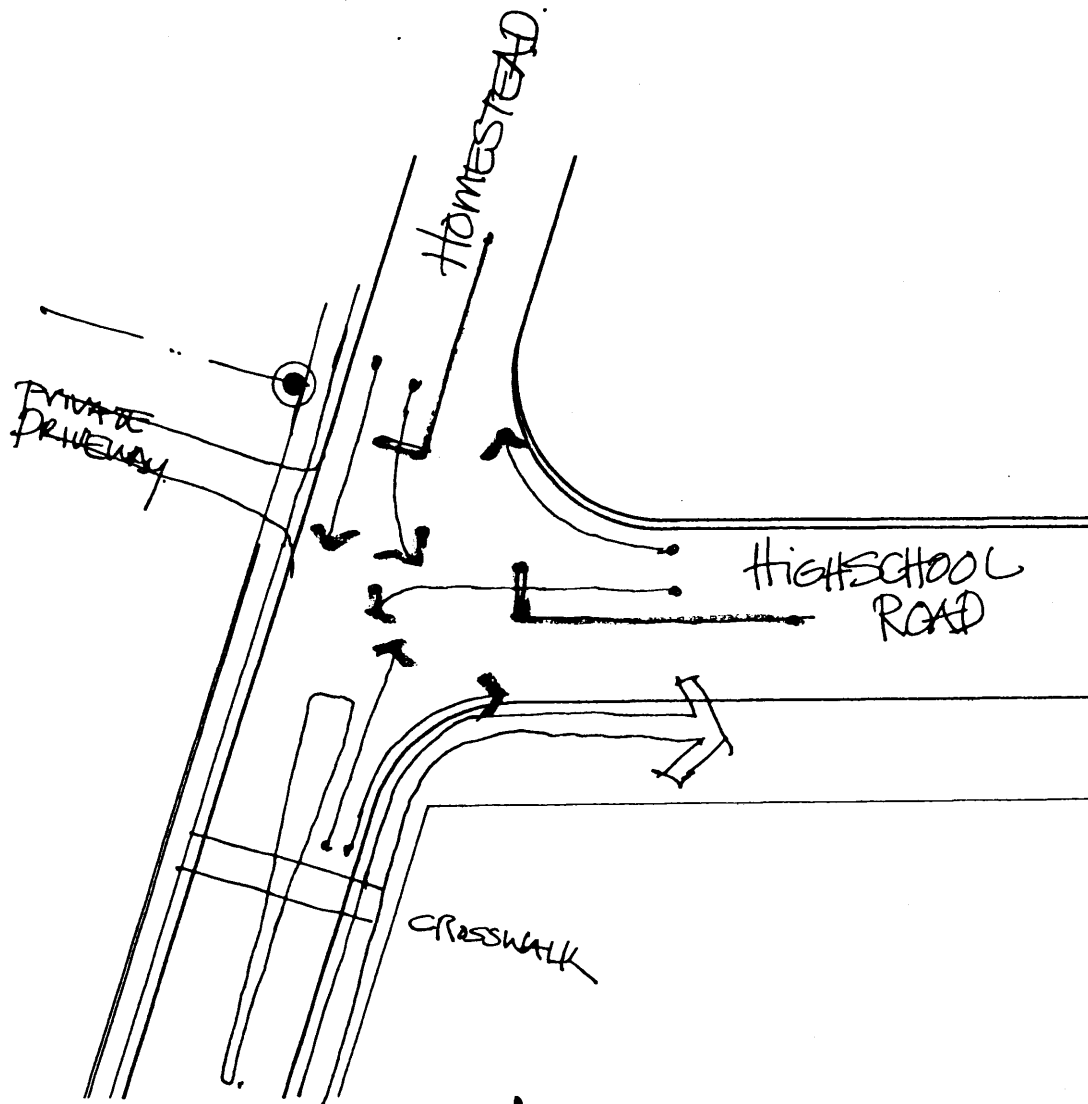
This the \_\_\_\_ day of \_\_\_\_\_, A.D. 20 \_\_\_\_.

\_\_\_\_\_  
Register of Deeds

By: \_\_\_\_\_  
Assistant/Deputy Register of Deeds

<p>PREPARED BY AND RETURN TO:</p> <p>TOWN CLERK TOWN OF CARRBORO 301 West Main Street CARRBORO, NORTH CAROLINA 27510</p>
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## EXHIBIT "A"



# HIGH SCHOOL RD INTERSECT.

THIS MAP IS NOT A CERTIFIED SURVEY AND HAS NOT BEEN  
REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR  
COMPLIANCE WITH ANY APPLICABLE LAND  
DEVELOPMENT REGULATIONS.

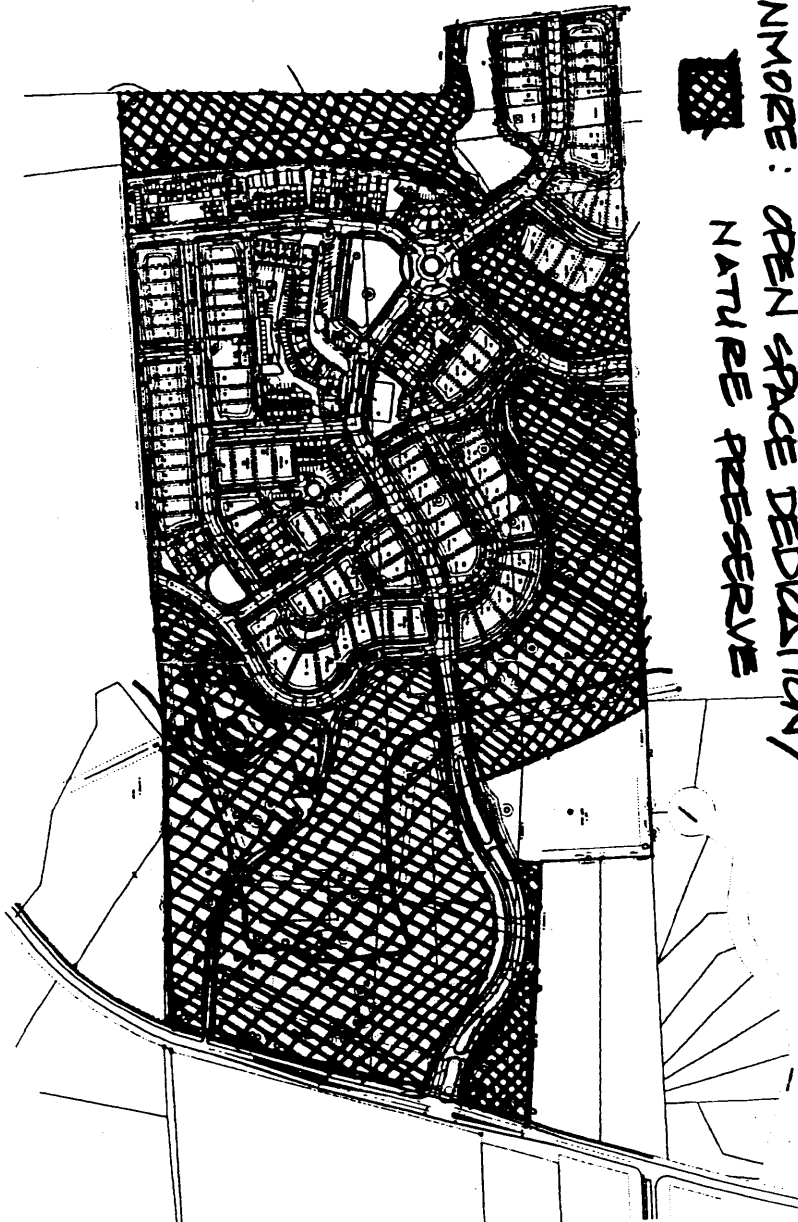


EXHIBIT #B

WINMORE: OPEN SPACE DEDICATION/

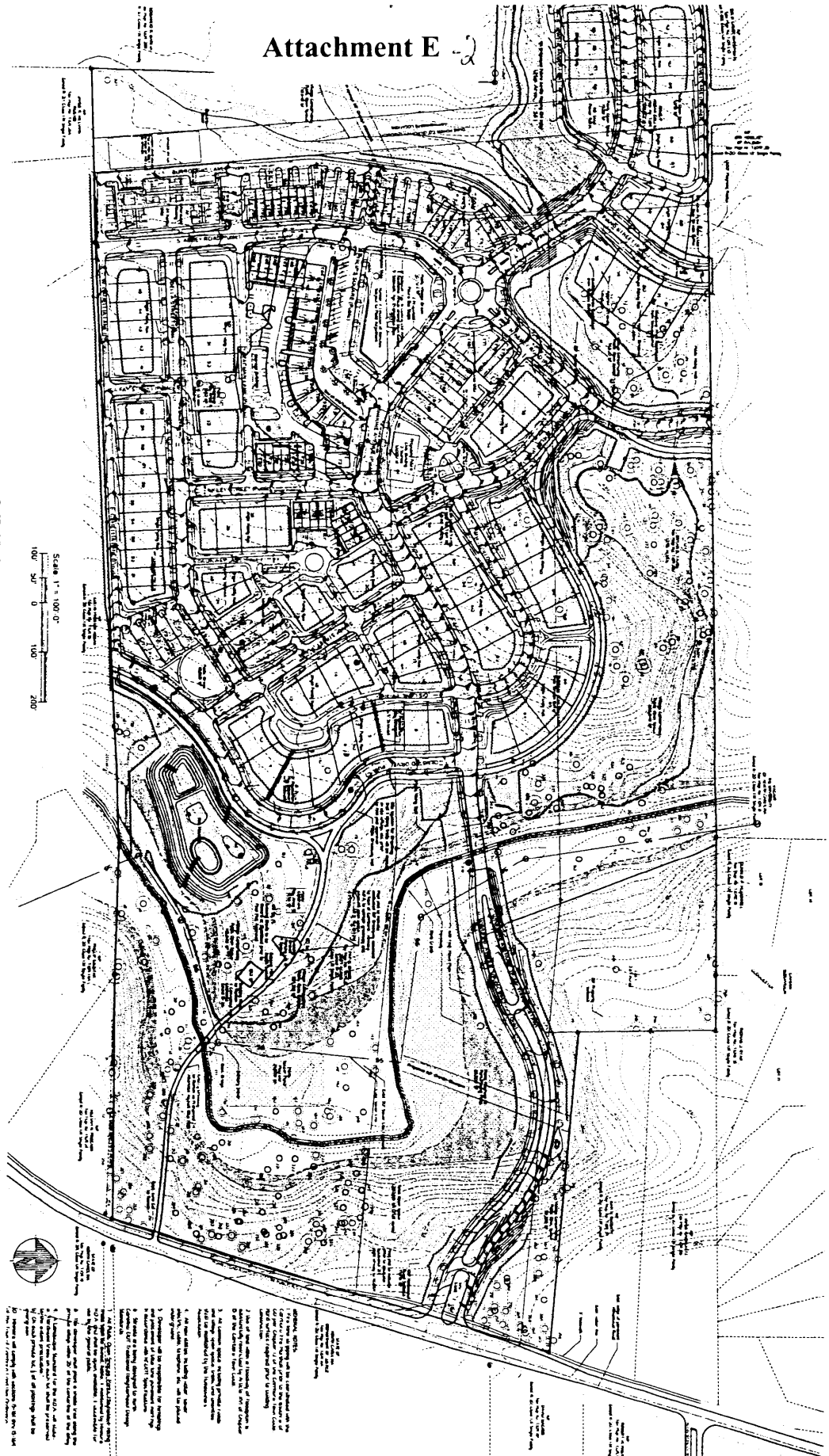


NATURE PRESERVE

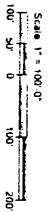


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COMPLIANCE WITH ANY APPLICABLE LAND  
DEVELOPMENT REGULATIONS.





EXISTING TREE CHART



1. 10' DBH	2. 12' DBH	3. 14' DBH	4. 16' DBH	5. 18' DBH	6. 20' DBH	7. 22' DBH	8. 24' DBH	9. 26' DBH	10. 28' DBH	11. 30' DBH	12. 32' DBH	13. 34' DBH	14. 36' DBH	15. 38' DBH	16. 40' DBH	17. 42' DBH	18. 44' DBH	19. 46' DBH	20. 48' DBH	21. 50' DBH	22. 52' DBH	23. 54' DBH	24. 56' DBH	25. 58' DBH	26. 60' DBH	27. 62' DBH	28. 64' DBH	29. 66' DBH	30. 68' DBH	31. 70' DBH	32. 72' DBH	33. 74' DBH	34. 76' DBH	35. 78' DBH	36. 80' DBH	37. 82' DBH	38. 84' DBH	39. 86' DBH	40. 88' DBH	41. 90' DBH	42. 92' DBH	43. 94' DBH	44. 96' DBH	45. 98' DBH	46. 100' DBH	47. 102' DBH	48. 104' DBH	49. 106' DBH	50. 108' DBH	51. 110' DBH	52. 112' DBH	53. 114' DBH	54. 116' DBH	55. 118' DBH	56. 120' DBH	57. 122' DBH	58. 124' DBH	59. 126' DBH	60. 128' DBH	61. 130' DBH	62. 132' DBH	63. 134' DBH	64. 136' DBH	65. 138' DBH	66. 140' DBH	67. 142' DBH	68. 144' DBH	69. 146' DBH	70. 148' DBH	71. 150' DBH	72. 152' DBH	73. 154' DBH	74. 156' DBH	75. 158' DBH	76. 160' DBH	77. 162' DBH	78. 164' DBH	79. 166' DBH	80. 168' DBH	81. 170' DBH	82. 172' DBH	83. 174' DBH	84. 176' DBH	85. 178' DBH	86. 180' DBH	87. 182' DBH	88. 184' DBH	89. 186' DBH	90. 188' DBH	91. 190' DBH	92. 192' DBH	93. 194' DBH	94. 196' DBH	95. 198' DBH	96. 200' DBH	97. 202' DBH	98. 204' DBH	99. 206' DBH	100. 208' DBH	101. 210' DBH	102. 212' DBH	103. 214' DBH	104. 216' DBH	105. 218' DBH	106. 220' DBH	107. 222' DBH	108. 224' DBH	109. 226' DBH	110. 228' DBH	111. 230' DBH	112. 232' DBH	113. 234' DBH	114. 236' DBH	115. 238' DBH	116. 240' DBH	117. 242' DBH	118. 244' DBH	119. 246' DBH	120. 248' DBH	121. 250' DBH	122. 252' DBH	123. 254' DBH	124. 256' DBH	125. 258' DBH	126. 260' DBH	127. 262' DBH	128. 264' DBH	129. 266' DBH	130. 268' DBH	131. 270' DBH	132. 272' DBH	133. 274' DBH	134. 276' DBH	135. 278' DBH	136. 280' DBH	137. 282' DBH	138. 284' DBH	139. 286' DBH	140. 288' DBH	141. 290' DBH	142. 292' DBH	143. 294' DBH	144. 296' DBH	145. 298' DBH	146. 300' DBH	147. 302' DBH	148. 304' DBH	149. 306' DBH	150. 308' DBH	151. 310' DBH	152. 312' DBH	153. 314' DBH	154. 316' DBH	155. 318' DBH	156. 320' DBH	157. 322' DBH	158. 324' DBH	159. 326' DBH	160. 328' DBH	161. 330' DBH	162. 332' DBH	163. 334' DBH	164. 336' DBH	165. 338' DBH	166. 340' DBH	167. 342' DBH	168. 344' DBH	169. 346' DBH	170. 348' DBH	171. 350' DBH	172. 352' DBH	173. 354' DBH	174. 356' DBH	175. 358' DBH	176. 360' DBH	177. 362' DBH	178. 364' DBH	179. 366' DBH	180. 368' DBH	181. 370' DBH	182. 372' DBH	183. 374' DBH	184. 376' DBH	185. 378' DBH	186. 380' DBH	187. 382' DBH	188. 384' DBH	189. 386' DBH	190. 388' DBH	191. 390' DBH	192. 392' DBH	193. 394' DBH	194. 396' DBH	195. 398' DBH	196. 400' DBH	197. 402' DBH	198. 404' DBH	199. 406' DBH	200. 408' DBH	201. 410' DBH	202. 412' DBH	203. 414' DBH	204. 416' DBH	205. 418' DBH	206. 420' DBH	207. 422' DBH	208. 424' DBH	209. 426' DBH	210. 428' DBH	211. 430' DBH	212. 432' DBH	213. 434' DBH	214. 436' DBH	215. 438' DBH	216. 440' DBH	217. 442' DBH	218. 444' DBH	219. 446' DBH	220. 448' DBH	221. 450' DBH	222. 452' DBH	223. 454' DBH	224. 456' DBH	225. 458' DBH	226. 460' DBH	227. 462' DBH	228. 464' DBH	229. 466' DBH	230. 468' DBH	231. 470' DBH	232. 472' DBH	233. 474' DBH	234. 476' DBH	235. 478' DBH	236. 480' DBH	237. 482' DBH	238. 484' DBH	239. 486' DBH	240. 488' DBH	241. 490' DBH	242. 492' DBH	243. 494' DBH	244. 496' DBH	245. 498' DBH	246. 500' DBH	247. 502' DBH	248. 504' DBH	249. 506' DBH	250. 508' DBH	251. 510' DBH	252. 512' DBH	253. 514' DBH	254. 516' DBH	255. 518' DBH	256. 520' DBH	257. 522' DBH	258. 524' DBH	259. 526' DBH	260. 528' DBH	261. 530' DBH	262. 532' DBH	263. 534' DBH	264. 536' DBH	265. 538' DBH	266. 540' DBH	267. 542' DBH	268. 544' DBH	269. 546' DBH	270. 548' DBH	271. 550' DBH	272. 552' DBH	273. 554' DBH	274. 556' DBH	275. 558' DBH	276. 560' DBH	277. 562' DBH	278. 564' DBH	279. 566' DBH	280. 568' DBH	281. 570' DBH	282. 572' DBH	283. 574' DBH	284. 576' DBH	285. 578' DBH	286. 580' DBH	287. 582' DBH	288. 584' DBH	289. 586' DBH	290. 588' DBH	291. 590' DBH	292. 592' DBH	293. 594' DBH	294. 596' DBH	295. 598' DBH	296. 600' DBH	297. 602' DBH	298. 604' DBH	299. 606' DBH	300. 608' DBH	301. 610' DBH	302. 612' DBH	303. 614' DBH	304. 616' DBH	305. 618' DBH	306. 620' DBH	307. 622' DBH	308. 624' DBH	309. 626' DBH	310. 628' DBH	311. 630' DBH	312. 632' DBH	313. 634' DBH	314. 636' DBH	315. 638' DBH	316. 640' DBH	317. 642' DBH	318. 644' DBH	319. 646' DBH	320. 648' DBH	321. 650' DBH	322. 652' DBH	323. 654' DBH	324. 656' DBH	325. 658' DBH	326. 660' DBH	327. 662' DBH	328. 664' DBH	329. 666' DBH	330. 668' DBH	331. 670' DBH	332. 672' DBH	333. 674' DBH	334. 676' DBH	335. 678' DBH	336. 680' DBH	337. 682' DBH	338. 684' DBH	339. 686' DBH	340. 688' DBH	341. 690' DBH	342. 692' DBH	343. 694' DBH	344. 696' DBH	345. 698' DBH	346. 700' DBH	347. 702' DBH	348. 704' DBH	349. 706' DBH	350. 708' DBH	351. 710' DBH	352. 712' DBH	353. 714' DBH	354. 716' DBH	355. 718' DBH	356. 720' DBH	357. 722' DBH	358. 724' DBH	359. 726' DBH	360. 728' DBH	361. 730' DBH	362. 732' DBH	363. 734' DBH	364. 736' DBH	365. 738' DBH	366. 740' DBH	367. 742' DBH	368. 744' DBH	369. 746' DBH	370. 748' DBH	371. 750' DBH	372. 752' DBH	373. 754' DBH	374. 756' DBH	375. 758' DBH	376. 760' DBH	377. 762' DBH	378. 764' DBH	379. 766' DBH	380. 768' DBH	381. 770' DBH	382. 772' DBH	383. 774' DBH	384. 776' DBH	385. 778' DBH	386. 780' DBH	387. 782' DBH	388. 784' DBH	389. 786' DBH	390. 788' DBH	391. 790' DBH	392. 792' DBH	393. 794' DBH	394. 796' DBH	395. 798' DBH	396. 800' DBH	397. 802' DBH	398. 804' DBH	399. 806' DBH	400. 808' DBH	401. 810' DBH	402. 812' DBH	403. 814' DBH	404. 816' DBH	405. 818' DBH	406. 820' DBH	407. 822' DBH	408. 824' DBH	409. 826' DBH	410. 828' DBH	411. 830' DBH	412. 832' DBH	413. 834' DBH	414. 836' DBH	415. 838' DBH	416. 840' DBH	417. 842' DBH	418. 844' DBH	419. 846' DBH	420. 848' DBH	421. 850' DBH	422. 852' DBH	423. 854' DBH	424. 856' DBH	425. 858' DBH	426. 860' DBH	427. 862' DBH	428. 864' DBH	429. 866' DBH	430. 868' DBH	431. 870' DBH	432. 872' DBH	433. 874' DBH	434. 876' DBH	435. 878' DBH	436. 880' DBH	437. 882' DBH	438. 884' DBH	439. 886' DBH	440. 888' DBH	441. 890' DBH	442. 892' DBH	443. 894' DBH	444. 896' DBH	445. 898' DBH	446. 900' DBH	447. 902' DBH	448. 904' DBH	449. 906' DBH	450. 908' DBH	451. 910' DBH	452. 912' DBH	453. 914' DBH	454. 916' DBH	455. 918' DBH	456. 920' DBH	457. 922' DBH	458. 924' DBH	459. 926' DBH	460. 928' DBH	461. 930' DBH	462. 932' DBH	463. 934' DBH	464. 936' DBH	465. 938' DBH	466. 940' DBH	467. 942' DBH	468. 944' DBH	469. 946' DBH	470. 948' DBH	471. 950' DBH	472. 952' DBH	473. 954' DBH	474. 956' DBH	475. 958' DBH	476. 960' DBH	477. 962' DBH	478. 964' DBH	479. 966' DBH	480. 968' DBH	481. 970' DBH	482. 972' DBH	483. 974' DBH	484. 976' DBH	485. 978' DBH	486. 980' DBH	487. 982' DBH	488. 984' DBH	489. 986' DBH	490. 988' DBH	491. 990' DBH	492. 992' DBH	493. 994' DBH	494. 996' DBH	495. 998' DBH	496. 1000' DBH	497. 1002' DBH	498. 1004' DBH	499. 1006' DBH	500. 1008' DBH	501. 1010' DBH	502. 1012' DBH	503. 1014' DBH	504. 1016' DBH	505. 1018' DBH	506. 1020' DBH	507. 1022' DBH	508. 1024' DBH	509. 1026' DBH	510. 1028' DBH	511. 1030' DBH	512. 1032' DBH	513. 1034' DBH	514. 1036' DBH	515. 1038' DBH	516. 1040' DBH	517. 1042' DBH	518. 1044' DBH	519. 1046' DBH	520. 1048' DBH	521. 1050' DBH	522. 1052' DBH	523. 1054' DBH	524. 1056' DBH	525. 1058' DBH	526. 1060' DBH	527. 1062' DBH	528. 1064' DBH	529. 1066' DBH	530. 1068' DBH	531. 1070' DBH	532. 1072' DBH	533. 1074' DBH	534. 1076' DBH	535. 1078' DBH	536. 1080' DBH	537. 1082' DBH	538. 1084' DBH	539. 1086' DBH	540. 1088' DBH	541. 1090' DBH	542. 1092' DBH	543. 1094' DBH	544. 1096' DBH	545. 1098' DBH	546. 1100' DBH	547. 1102' DBH	548. 1104' DBH	549. 1106' DBH	550. 1108' DBH	551. 1110' DBH	552. 1112' DBH	553. 1114' DBH	554. 1116' DBH	555. 1118' DBH	556. 1120' DBH	557. 1122' DBH	558. 1124' DBH	559. 1126' DBH	560. 1128' DBH	561. 1130' DBH	562. 1132' DBH	563. 1134' DBH	564. 1136' DBH	565. 1138' DBH	566. 1140' DBH	567. 1142' DBH	568. 1144' DBH	569. 1146' DBH	570. 1148' DBH	571. 1150' DBH	572. 1152' DBH	573. 1154' DBH	574. 1156' DBH	575. 1158' DBH	576. 1160' DBH	577. 1162' DBH	578. 1164' DBH	579. 1166' DBH	580. 1168' DBH	581. 1170' DBH	582. 1172' DBH	583. 1174' DBH	584. 1176' DBH	585. 1178' DBH	586. 1180' DBH	587. 1182' DBH	588. 1184' DBH	589. 1186' DBH	590. 1188' DBH	591. 1190' DBH	592. 1192' DBH	593. 1194' DBH	594. 1196' DBH	595. 1198' DBH	596. 1200' DBH	597. 1202' DBH	598. 1204' DBH	599. 1206' DBH	600. 1208' DBH	601. 1210' DBH	602. 1212' DBH	603. 1214' DBH	604. 1216' DBH	605. 1218' DBH	606. 1220' DBH	607. 1222' DBH	608. 1224' DBH	609. 1226' DBH	610. 1228' DBH	611. 1230' DBH	612. 1232' DBH	613. 1234' DBH	614. 1236' DBH	615. 1238' DBH	616. 1240' DBH	617. 1242' DBH	618. 1244' DBH	619. 1246' DBH	620. 1248' DBH	621. 1250' DBH	622. 1252' DBH	623. 1254' DBH	624. 1256' DBH	625. 1258' DBH	626. 1260' DBH	627. 1262' DBH	628. 1264' DBH	629. 1266' DBH	630. 1268' DBH	631. 1270' DBH	632. 1272' DBH	633. 1274' DBH	634. 1276' DBH	635. 1278' DBH	636. 1280' DBH	637. 1282' DBH	638. 1284' DBH	639. 1286' DBH	640. 1288' DBH	641. 1290' DBH	642. 1292' DBH	643. 1294' DBH	644. 1296' DBH	645. 1298' DBH	646. 1300' DBH	647. 1302' DBH	648. 1304' DBH	649. 1306' DBH	650. 1308' DBH	651. 1310' DBH	652. 1312' DBH	653. 1314' DBH	654. 1316' DBH	655. 1318' DBH	656. 1320' DBH	657. 1322' DBH	658. 1324' DBH	659. 1326' DBH	660. 1328' DBH	661. 1330' DBH	662. 1332' DBH	663. 1334' DBH	664. 1336' DBH	665. 1338' DBH	666. 1340' DBH	667. 1342' DBH	668. 1344' DBH	669. 1346' DBH	670. 1348' DBH	671. 1350' DBH	672. 1352' DBH	673. 1354' DBH	674. 1356' DBH	675. 1358' DBH	676. 1360' DBH	677. 1362' DBH	678. 1364' DBH	679. 1366' DBH	680. 1368' DBH	681. 1370' DBH	682. 1372' DBH	683. 1374' DBH	684. 1376' DBH	685. 1378' DBH	686. 1380' DBH	687. 1382' DBH	688. 1384' DBH	689. 1386' DBH	690. 1388' DBH	691. 1390' DBH	692. 1392' DBH	693. 1394' DBH	694. 1396' DBH	695. 1398' DBH	696. 1400' DBH	697. 1402' DBH	698. 1404' DBH	699. 1406' DBH	700. 1408' DBH	701. 1410' DBH	702. 1412' DBH	703. 1414' DBH	704. 1416' DBH	705. 1418' DBH	706. 1420' DBH	707. 1422' DBH	708. 1424' DBH	709. 1426' DBH	710. 1428' DBH	711. 1430' DBH	712. 1432' DBH	713. 1434' DBH	714. 1436' DBH	715. 1438' DBH	716. 1440' DBH	717. 1442' DBH	718. 1444' DBH	719. 1446' DBH	720. 1448' DBH	721. 1450' DBH	722. 1452' DBH	723. 1454' DBH	724. 1456' DBH	725. 1458' DBH	726. 1460' DBH	727. 1462' DBH	728. 1464' DBH	729. 1466' DBH	730. 1468' DBH	731. 1470' DBH	732. 1472' DBH	733. 1474' DBH	734. 1476' DBH	735. 1478' DBH	736. 1480' DBH	737. 1482' DBH	738. 1484' DBH	739. 1486' DBH	740. 1488' DBH	741. 1490' DBH	742. 1492' DBH	743. 1494' DBH	744. 1496' DBH	745. 1498' DBH	746. 1500' DBH	747. 1502' DBH	748. 1504' DBH	749. 1506' DBH	750. 1508' DBH	751. 1510' DBH	752. 1512
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Attachment F

WINMORE

Winmore Land Management, LLC

January 12, 2005

Mr. Martin Roupe  
Planning Department  
Town of Carrboro  
301 West Main Street  
Carrboro, North Carolina 27510

Dear Marty,

This is to follow up on our request of October 5, 2004, for a one-year extension of the Winmore Conditional Use Permit. The CUP will automatically expire on June 10, 2005, two years after issuance.

We respectfully request that the Board of Aldermen extend the CUP for one year — by finding, in accordance with Section 15-62(c)(ii) and (iii) of the Land Use Ordinance, that the developers of Winmore have "proceeded with due diligence and in good faith" and that "conditions have not changed so substantially as to warrant a new application." Our understanding from Section 15-62(c)(iii) is that the extension "may be granted without resort to the formal processes and fees required for a new permit."

Clearly, Winmore Land Management, LLC, ("WLM") diligently pursued issuance of the required zoning compliance (construction) permit from your department as well as the CLOMR from FEMA that would allow construction to start. Our successor, Capkov Ventures, Inc., has redoubled these efforts. Between June 10, 2003, when the CUP was granted, and October 15, 2004 when Capkov purchased our interests, WLM spent \$1.06 million on planning, engineering and other costs necessary to obtain the construction permits. This sum includes \$26,428 for consultants, \$382,226 for engineering, \$208,693 for land option payments, \$199,594 for land planning, \$14,125 for market studies, \$79,964 for legal fees, \$21,963 for permit fees, and \$128,007 for other costs such as interest and overhead. Total costs prior to receiving the CUP were an additional \$635,828 bring total pre-development expenses to \$1.696 million. Between June 10, 2003 and now, we and Capkov have met with town officials fifty or more times and made three major plan submissions and resubmissions, entailing over 5,000 plan sheets.

Over the summer and fall of 2003, a substantial amount of time that could and should have been devoted to preparing the construction documents was lost when a nearby property owner filed two lawsuits against the Town challenging the annexation of Winmore and the CUP. WLM was joined in the suit and we spent much time and money contributing to the successful defense.

Since acquiring the project in October, 2004, Capkov and its engineers and consultants have been hard at work completing what will be the fourth, and hopefully final, plan review submission.

The Land Disturbance Permit has already been issued by Orange County and the NCDOT has issued the connection permit.

After the fourth submission for the construction permit takes place around February 1, the Town's review will take several more months.

We seek the extension because it is simply unrealistic to assume that the final permits will be issued in time to allow Capkov to complete the required 10% minimum of the construction by June 10, 2005.

Please call if you have any questions.

Thank you,

A handwritten signature in black ink that reads "Robert L. Chapman III". The signature is written in a cursive style with a stylized "R" and "C".

Robert L. Chapman, III  
Winmore Land Management, LLC

RLC/ae

**Town of Carrboro Land Use Ordinance Excerpt:**

**Section 15-62 Expiration of Permits.**

(a) Zoning, special use, conditional use, and sign permits shall expire automatically if, within two years after the issuance of such permits: **(AMENDED 5/26/81)**

- (1) The use authorized by such permits has not commenced, in circumstances where no substantial construction, erection, alteration, excavation, demolition, or similar work is necessary before commencement of such use; or
- (2) Less than ten percent of the total cost of all construction, erection, alteration, excavation, demolition, or similar work on any development authorized by such permits has been completed on the site. With respect to phased development (see Section 15-61), this requirement shall apply only to the first phase.

(b) If, after some physical alteration to land or structures begins to take place, such work is discontinued for a period (i) of one year if the date of discontinuance occurs more than one year after the issuance of the permit, or (ii) equal to two years less the time between the issuance of the permit and the time work is discontinued if the date of discontinuance occurs less than one year after the issuance of the permit, then the permit authorizing such work shall immediately expire. However, expiration of the permit shall not affect the provisions of Section 15-63.

(c) The permit-issuing authority may extend for a period up to one year the date when a permit would otherwise expire pursuant to subsections (a) and (b) if it concludes that (i) the permit has not yet expired, (ii) the permit recipient has proceeded with due diligence and in good faith, and (iii) conditions have not changed so substantially as to warrant a new application. Successive extensions may be granted for periods up to one year upon the same findings. All such extensions may be granted without resort to the formal processes and fees required for a new permit.

(d) For purposes of this section, a permit within the jurisdiction of the Board of Aldermen or the board of adjustment is issued when such board votes to approve the application and issue the permit. A permit within the jurisdiction of the zoning administrator is issued when the earlier of the following takes place: **(AMENDED 11/10/81)**

- (1) A copy of the fully executed permit is delivered to the permit recipient, and delivery is accomplished when the permit is hand delivered or mailed to the permit applicant; or
- (2) The zoning administrator notifies the permit applicant that the application has been approved and that all that remains before a fully executed permit can be delivered is for the applicant to take certain specified actions, such as having the permit executed by the property owner so it can be recorded if required under G.S. 15-46(c).

(e) Notwithstanding any of the provisions of Article VIII (Nonconforming Situations), this section shall be applicable to permits issued prior to the date this section becomes effective.