

A RESOLUTION APPROVING A MINOR MODIFICATION TO THE
WINMORE VILLAGE MIXED USE CONDITIONAL USE PERMIT PROJECT
AT 1400 HOMESTEAD ROAD
Resolution No. 90/2006-07

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, 2003; and

WHEREAS, the Town of Carrboro desires to see developments constructed in the Town's jurisdiction in a predictable and timely manner; and

WHEREAS, Town Staff has determined that this request constitutes a Minor Modification to the Conditional Use Permit; and

WHEREAS, the applicant has met the criteria in the Town's Land Use Ordinance related to Minor Modifications.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Minor Modification to the Winmore Village Mixed Use Conditional Use Permit is hereby approved, subject to the following stipulation:

That CUP condition #30 on the original CUP document is hereby repealed in favor of a new CUP condition reading as follows:

- That a Letter of Map Revision (LOMR) must be obtained from FEMA prior to the granting of the 117th Certificate of Occupancy for homes at Winmore, and that the following or similar note be included on the final plat:

"Use of land within a floodplain / special flood hazard area is substantially restricted by Article XVI of Chapter 15 of the Carrboro Town Code." Further, since at the time final plat approval is granted, a Conditional Letter of Map Revision (CLOMR) affecting such subdivision has been approved but a Letter of Map Revision (LOMR) has not yet been approved, all property purchasers are hereby on notice that the location of the boundary of the floodplain / special flood hazard area may be altered by a request for a floodplain / special flood hazard map revision now pending before the Federal Emergency Management Agency."

FILED Joyce H. Pearson
Register of Deeds Orange COUNTY, NC
BY:

[Signature]
ASSI

FILED
Register of Deeds Orange County, NC
BY:

Deputy *[Signature]*

[Handwritten initials]

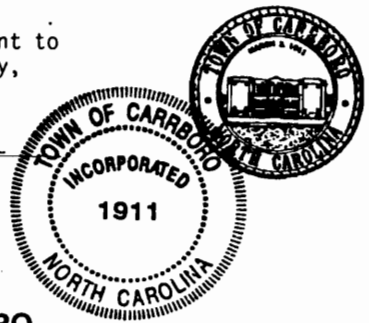
PREPARED BY AND RETURN TO:
TOWN CLERK
TOWN OF CARRBORO
301 West Main Street
CARRBORO, NORTH CAROLINA 27510

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 11-5-03</i> <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-3-1 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

3

Road intersection improvements must be completed prior to the issuance of a Certificate of Occupancy for the 117th 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 Polin 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

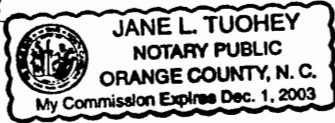
ATTEST:

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.

Fay H. Daniel
Owner
Attended in past 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 5th day of August, 2003



Alan C. Robbins
Notary Public

My Commission Expires: Jan. 29, 2006

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 H 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 5th 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 5th 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

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

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

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.

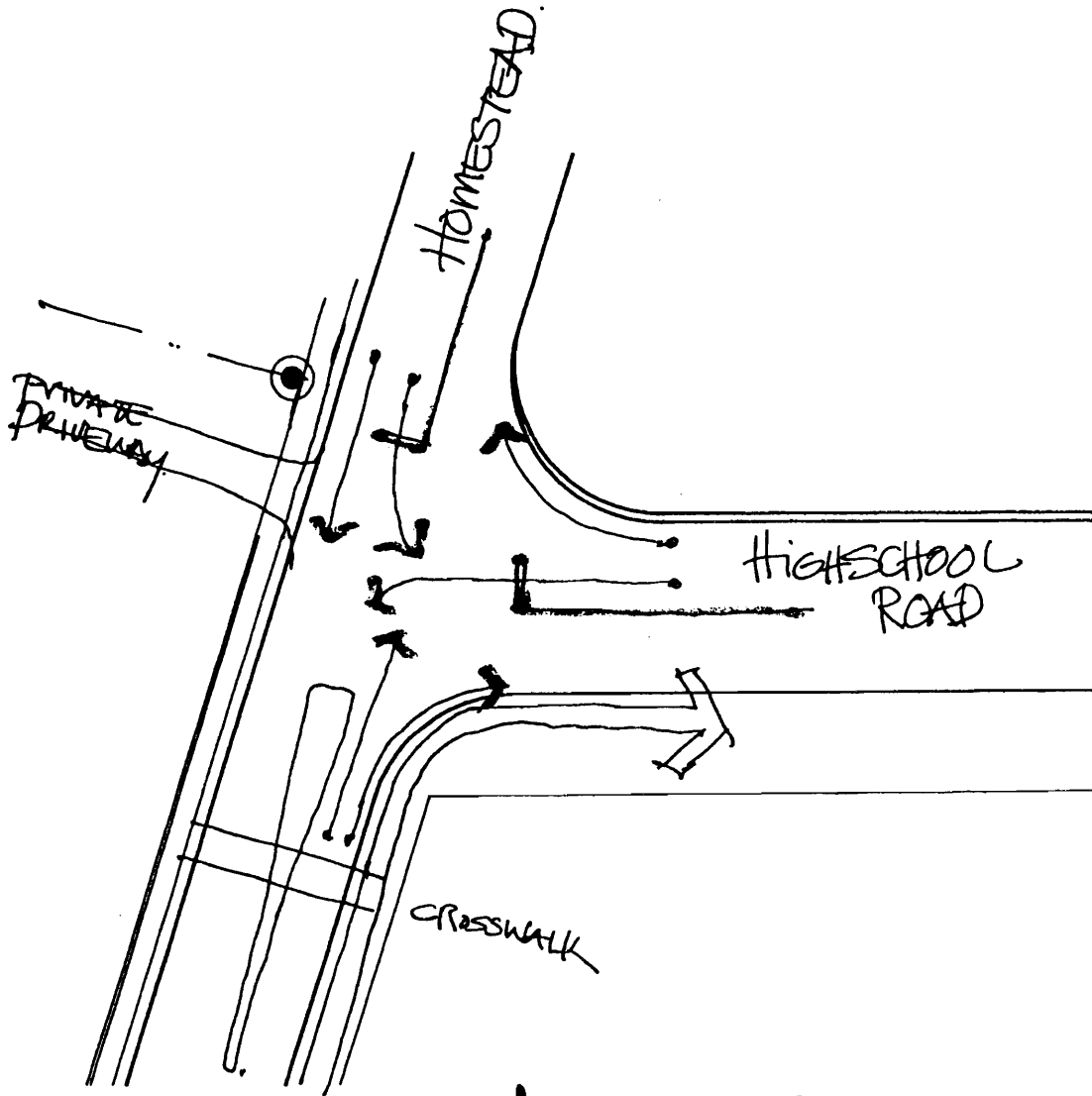
This the ___ day of _____, A.D. 20__.

Register of Deeds

By: _____
Assistant/Deputy Register of Deeds

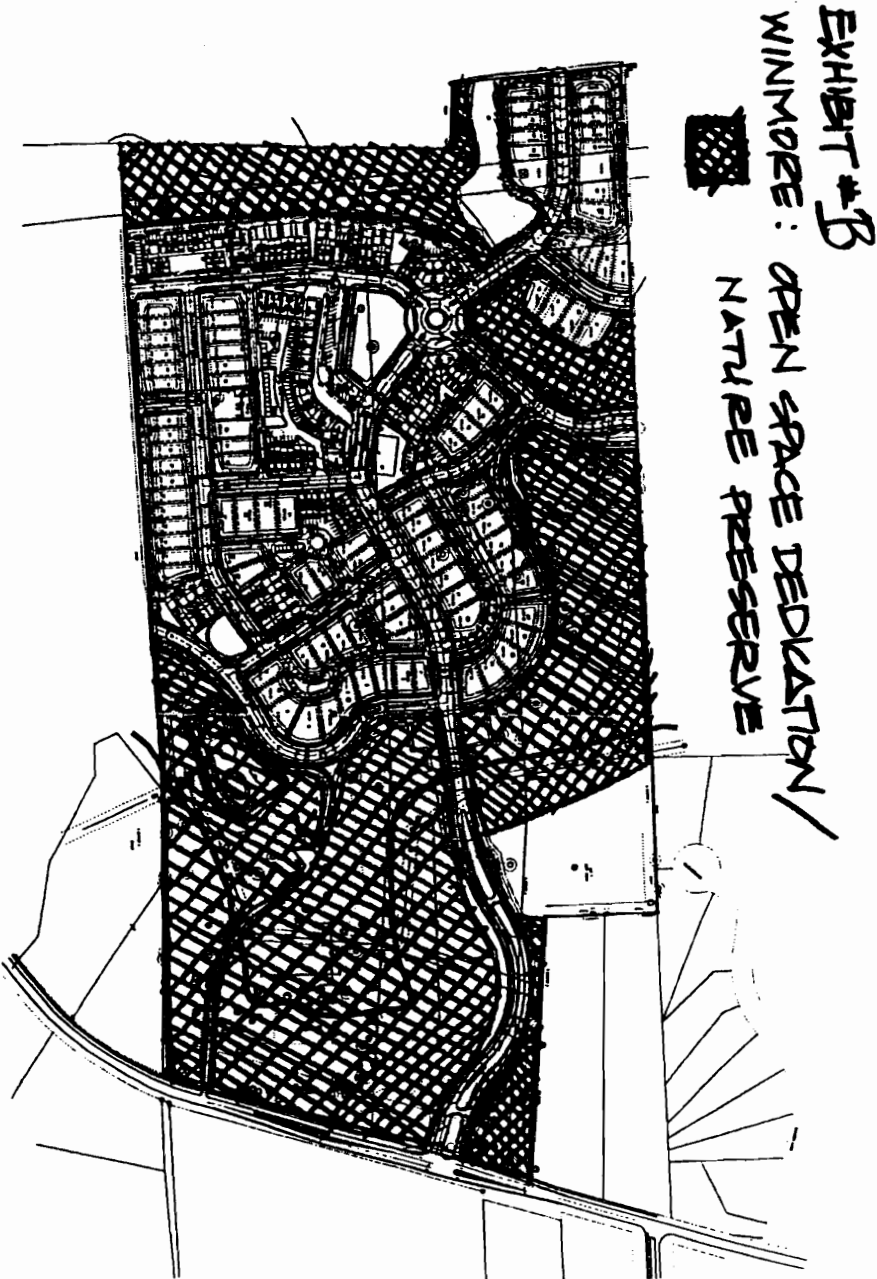
PREPARED BY AND RETURN TO:
TOWN CLERK
TOWN OF CARRBORO
301 West Main Street
CARRBORO, NORTH CAROLINA 27510

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.

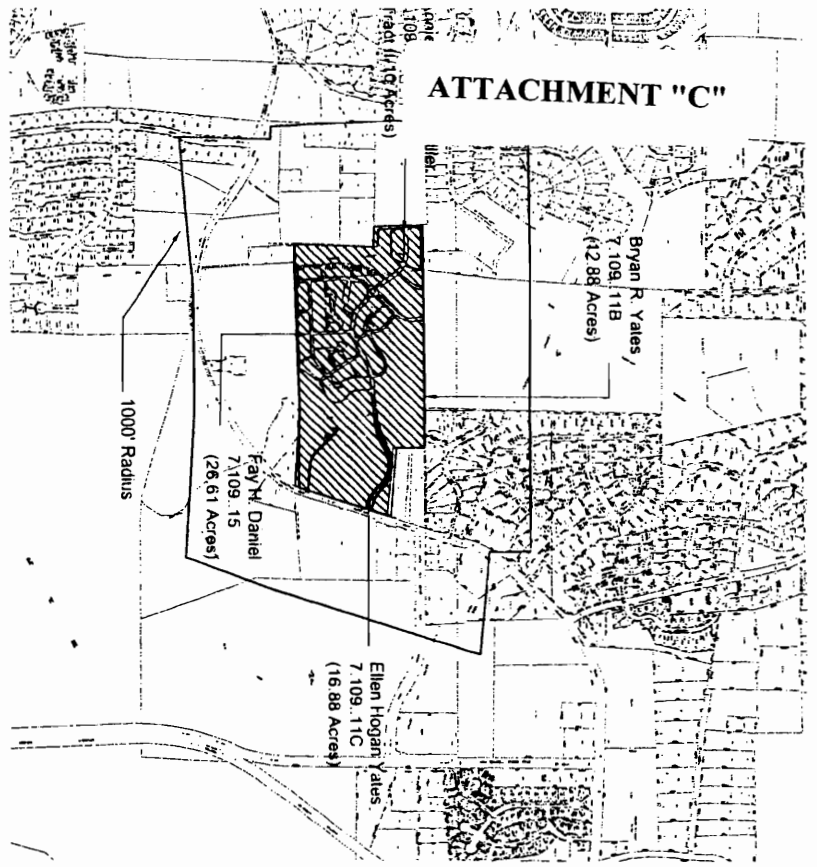


THIS MAP IS NOT A CERTIFIED SURVEY AND HAS NOT BEEN
REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR
COMPLIANCE WITH ANY APPLICABLE LAND
DEVELOPMENT REGULATIONS.

Wimmore

Permit Requested: CUP for VMU Master Plan

Commercial/Industrial/Highway



Vicinity Map
1:600

Proposed Properties Listed by Commercial Area

Parcel No.	Owner Name	Area (Acres)	Area (Sq. Ft.)	Volume	Height	Use	Notes
7109.11C	Ellen Hogan Yates	16.88	730,000	100	35	Commercial	
7109.15	Fay M. Daniel	26.61	1,150,000	100	35	Commercial	
7109.11B	Bryan R. Yates	12.88	550,000	100	35	Commercial	
7109.11A	Fratt	11.6	500,000	100	35	Commercial	

General Notes:
1. All proposed structures shall be constructed in accordance with the provisions of the Zoning Ordinance, Chapter 152, and the Subdivision Ordinance, Chapter 153, of the Town of Wimmore.
2. The applicant shall provide a site plan showing the proposed structures, setbacks, and other details as required by the Zoning Ordinance.
3. The applicant shall provide a site plan showing the proposed structures, setbacks, and other details as required by the Subdivision Ordinance.
4. The applicant shall provide a site plan showing the proposed structures, setbacks, and other details as required by the Subdivision Ordinance.
5. The applicant shall provide a site plan showing the proposed structures, setbacks, and other details as required by the Subdivision Ordinance.

Parcel No.	Area (Acres)	Area (Sq. Ft.)	Volume	Height	Use	Notes
7109.11C	16.88	730,000	100	35	Commercial	
7109.15	26.61	1,150,000	100	35	Commercial	
7109.11B	12.88	550,000	100	35	Commercial	
7109.11A	11.6	500,000	100	35	Commercial	

General Notes:

1. The applicant shall provide a site plan showing the proposed structures, setbacks, and other details as required by the Zoning Ordinance, Chapter 152, and the Subdivision Ordinance, Chapter 153, of the Town of Wimmore.
2. The applicant shall provide a site plan showing the proposed structures, setbacks, and other details as required by the Subdivision Ordinance.
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7. The applicant shall provide a site plan showing the proposed structures, setbacks, and other details as required by the Subdivision Ordinance.
8. The applicant shall provide a site plan showing the proposed structures, setbacks, and other details as required by the Subdivision Ordinance.
9. The applicant shall provide a site plan showing the proposed structures, setbacks, and other details as required by the Subdivision Ordinance.
10. The applicant shall provide a site plan showing the proposed structures, setbacks, and other details as required by the Subdivision Ordinance.

Item	Description	Sheet #
1	Site Plan	Sheet 1
2	Site Plan	Sheet 2
3	Site Plan	Sheet 3
4	Site Plan	Sheet 4
5	Site Plan	Sheet 5
6	Site Plan	Sheet 6
7	Site Plan	Sheet 7
8	Site Plan	Sheet 8
9	Site Plan	Sheet 9
10	Site Plan	Sheet 10
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42	Site Plan	Sheet 42
43	Site Plan	Sheet 43
44	Site Plan	Sheet 44
45	Site Plan	Sheet 45
46	Site Plan	Sheet 46
47	Site Plan	Sheet 47
48	Site Plan	Sheet 48
49	Site Plan	Sheet 49
50	Site Plan	Sheet 50

PSA

Professional Seal and Stamp Area

Wimmore

Carboro, NC

Permit Requested: CUP for VMU Master Plan

Commercial/Industrial/Highway

Site Plan

Sheet 1

Scale: 1" = 40'

Date: 01/21/18

By: [Signature]

For: [Signature]

Project: [Signature]

Client: [Signature]

Address: [Signature]

City: [Signature]

State: [Signature]

Zip: [Signature]

Country: [Signature]

Phone: [Signature]

Fax: [Signature]

Email: [Signature]

Website: [Signature]

Logo: [Signature]

COVER SHEET

CO-1

Wimmore

Carboro, NC

Permit Requested: CUP for VMU Master Plan

Commercial/Industrial/Highway

Site Plan

Sheet 1

Scale: 1" = 40'

Date: 01/21/18

By: [Signature]

For: [Signature]

Project: [Signature]

Client: [Signature]

Address: [Signature]

City: [Signature]

State: [Signature]

Zip: [Signature]

Country: [Signature]

Phone: [Signature]

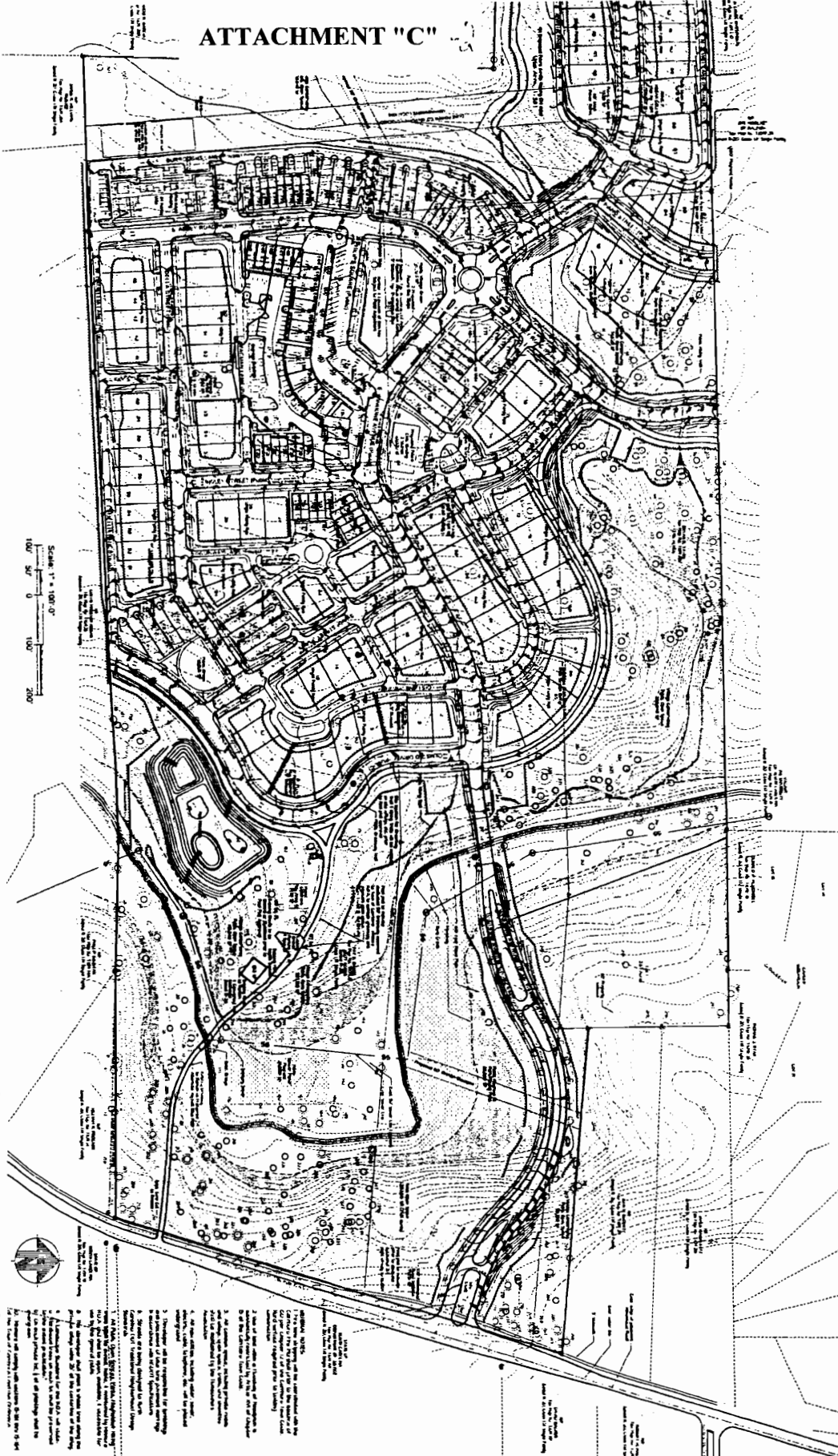
Fax: [Signature]

Email: [Signature]

Website: [Signature]

Logo: [Signature]

ATTACHMENT "C"



EXISTING TREE CHART

DATE: 10/18/00
SCALE: 1" = 100'-0"

Tree ID	Species	DBH (in)	Height (ft)	Health	Notes
T-001	Red Oak	12	25	Good	Preserve
T-002	White Oak	10	20	Fair	Preserve
T-003	Live Oak	15	30	Good	Preserve
T-004	Magnolia	8	18	Fair	Preserve
T-005	Water Oak	10	22	Good	Preserve
T-006	Red Oak	12	25	Good	Preserve
T-007	White Oak	10	20	Fair	Preserve
T-008	Live Oak	15	30	Good	Preserve
T-009	Magnolia	8	18	Fair	Preserve
T-010	Water Oak	10	22	Good	Preserve

REMOVAL CHART

Tree ID	Species	DBH (in)	Height (ft)	Health	Notes
T-011	Red Oak	12	25	Poor	Remove
T-012	White Oak	10	20	Fair	Remove
T-013	Live Oak	15	30	Good	Preserve
T-014	Magnolia	8	18	Fair	Remove
T-015	Water Oak	10	22	Good	Preserve

NEW TREE CHART

Tree ID	Species	DBH (in)	Height (ft)	Health	Notes
T-016	Red Oak	12	25	Good	Plant
T-017	White Oak	10	20	Fair	Plant
T-018	Live Oak	15	30	Good	Plant
T-019	Magnolia	8	18	Fair	Plant
T-020	Water Oak	10	22	Good	Plant

SYMBOLS & LINE/TYPE LEGEND

- Existing Building Footprint
- Proposed Building Footprint
- Existing Parking Lot
- Proposed Parking Lot
- Existing Road
- Proposed Road
- Existing Utility
- Proposed Utility
- Existing Tree
- Proposed Tree
- Tree to be Removed
- Tree to be Preserved
- Tree to be Planted

PSA

Professional Seal of a Professional Surveyor

David M. Smith
Surveyor License No. 23512
Exp. 12/31/2004

Winnmore

Carrollton, NC

Phone: 919-928-7244
Fax: 919-928-7242
Cell: 919-928-7242

- Revised 9/29/02
- Revised 11/29/02
- Revised 1/14/03
- Revised 5/7/03

Permit Requested: CUP

Applicant:
Winnmore Land Management
302 U2 West Hargett Street
Carrollton, NC 27514
919-928-7244
919-928-7242

Owner:
David H. Carter
405 South Level Road
Carrollton, NC 27516
919-928-7244

Engineer:
Bryan S. Hester, TSE
1209 Hargett Street
Raleigh, NC 27612

1st U.S. Design
1218 Woodcroft Road
Carrollton, NC 27516

Consulting Firm:
David R. McQueen Company
PO Box 14005
Raleigh, NC 27609
919-361-5900
919-361-2891 Fax

Designed By:
David R. McQueen
Carrollton, NC 27514
919-928-7244
919-928-7242 Fax

Scale: 1" = 100'-0"

Title: WIN/00

Date: 11/3/00

Drawn: JLS

Checked: JLS

Reviewed: JLS

Site Plan

SP-1



November 30, 2006

Marty Roupe
Planner/Zoning Development Specialist
Town of Carrboro
301 W. Main Street
Carrboro, NC 27510

Dear Mr. Roupe,

I am writing to formally request a much needed modification of Condition #30 of the Conditional Use Permit that was approved for the Winmore development in August 2003. The condition states:

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

As a practical matter, the condition simply cannot be met without letting the entire project sit idle for what our engineers believe would be at least six months. The problem is one of timing. FEMA requires two levels of review for any project that proposes improvements within the floodway. First, the applicant submits a plan showing the proposed location and extent of improvements accompanied by an extensive analysis of how those improvements will affect the FEMA floodway maps. The review process of these calculations is lengthy and technical. The second level of review takes place following the construction of the proposed improvements. Once the improvements have been completed, as-built survey information is compiled to verify the improvements were built as the original application proposed they would be. The as-built information is then sent to FEMA so they may compare it to the plans originally submitted. If the improvements match they send you a LOMR or “letter of Map revision.”

The problem with the way that Condition #30 is written is that it does not allow the final plat to be recorded prior to the second review and the receipt of the LOMR. The recordation of the final plat triggers the developer’s ability to build homes and sell lots. Neither can take place prior to recording the final plat. In order for Condition #30 to be satisfied, a developer has to complete all improvements proposed, then basically shut down the development while as-built surveys are taken, a LOMR application prepared and then reviewed by FEMA. Our engineer estimates the time involved in gathering as-built information and receiving the LOMR to be between six months and one year, possibly longer. Once FEMA receives the completed application, they

have 90 days to even respond to it.

To further complicate matters, FEMA has just completed a comprehensive rewrite of all its flood maps for the area which will add substantially to the process of modeling to prepare the LOMR application. In addition, the Town of Carrboro itself is modeling the same general area as is involved with the Winmore project. Because of this, FEMA may decide that it would be beneficial to view both applications together. This would present the potential of delaying the Winmore application, the Town's application or both.

We do not believe this type of delay would be in the Town's best interest as it would extend the overall completion time, delay potential property tax income and cause unnecessary wear from neglect on public infrastructure improvements for which the Town will eventually be responsible. For Capkov Ventures, the owner, it would jeopardize the feasibility of continuing the development of Winmore. The interest alone on Winmore's \$12,500,000 worth of improvements is approaching \$100,000 per month. Additionally we have contracts in place to deliver forty Winmore lots to purchasers that are expecting to take possession before the end of the year.

Condition #30 by requiring a LOMR prior to final plat recording imposes a technical obstacle that has no effect on the scope, nature or quality of the development. It is a matter of record that subdivisions approved before Winmore that have involved construction in the floodway have never required LOMR approval prior to recordation of the final plat. In fact, in reading the Conditional Use Permit for the recently approved "Rosewalk" community, it makes no mention of a LOMR at all. The only reference made is to the CLOMR (conditional approval) which receipt of is required before obtaining more than one half of the building permits. Winmore received an approved CLOMR prior to even beginning its construction.

At Winmore, the bridge has been substantially completed, only lacking the asphalt surface that will be put down in the next two weeks. The bridge has been meticulously inspected at every stage of construction for its conformance with the plans and has not varied from what was submitted with the CLOMR. The remaining infrastructure at Winmore is quickly approaching completion and we are preparing the final plat for recording.

The Town Staff and Town Attorney are working toward FEMA Phase II Certification and have drafted language that would revise the Land Use Ordinance as it pertains to the receipt of a LOMR from FEMA. This newly drafted requirement puts the burden on the developer to re-record the final plat when the final floodway revisions are approved, but omits tying receipt of the LOMR to recordation of the final plat. We support this modification to the Land Use Ordinance and request that Condition #30 of the C.U.P. issued for the Winmore development be modified to contain the Town's proposed language.

Sincerely,



Eric B. Chupp
Director of Development