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October 16, 2014

Hon. Lydia Lavelle
Mayor
Town of Carrboro
301 W. Main Street
Carrboro, NC 27510

Re: Special use permit issued to Calvin and Nora Mellott and Mellott Trucking and Supply, Co. on property at 407 Jones Ferry Road, PIN: 9778549917 & 9778641957.

Dear Mayor Lavelle:

I represent Mr. & Mrs. Mellott and Mellot Trucking and Supply Company who own two parcels on Jones Ferry Road where Mr. Mellott's grading contracting business is now headquartered. I write to request another extension of the special use permit the Town granted to Mr. & Mrs. Mellott, Mellott Trucking and Supply Co. and Northwest Property Group, LLC as developer for the two tracts for one year pursuant to Section 15-62(c) of the Land Use Ordinance.

The Board initially granted this special use permit on September 25, 2007 for the redevelopment of the property as a grocery store based shopping center. The developer objected to two conditions imposed by the Board and appealed the imposition of those conditions to Superior Court. The Superior Court ruled in favor of the Town. The developer appealed this decision to the Court of Appeals which determined that the Board had failed to include adequate findings of fact in its order approving the permit with the conditions in question and remanded the case back to the Superior Court with instructions to the Superior Court to remand the case to the Board of Alderman to make findings of fact to support its decision to impose the conditions. All of this took time so the final special use permit was not issued until November 21, 2011.

The original developer was no longer in a position to go forward with the project when the final permit was issued. Mr. Mellot continues to receive expressions of interest in the property as permitted but no one has made a firm offer as of yet, but the level of interest remains high enough to warrant paying the extension fee and asking the Board to extend the permit for another year.

NORTHEN BLUE, L.L.P.

Hon. Lydia Lavelle

October 16, 2014

Page 2

Under Section 15-62(c) of the Land Use Ordinance, the Board may extend a permit for up to a year 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.

The permit has not expired and the Mellotts have proceeded with all the diligence a weak economy would allow them to muster and they have acted in good faith. There have no changes in the surrounding property or in the use of the applicants' property that would warrant a new application. Mr. Mellott anticipates that if the project were to go forward, it would be as a grocery store just as was the case when the project was originally considered.

Please let me know if you need any additional information.

Sincerely,

NORTHEN BLUE, L.L.P.



David M. Rooks

DMR

dc: Calvin Mellott