

25

Oleander Business Center
5710 Oleander Drive, Suite 102, Wilmington, North Carolina 28403
Tel.: (910) 313-1874/75 Fax: (910) 313-1876

Wilmington, April 15, 2002

Town of Chapel Hill
Office of the Mayor
306 North Columbia Street
Chapel Hill, NC 27516

RE: Cross Creek Subdivision – Public Hearing April 22, 2002

Dear Mayor Foy,

I would like to respond to questions and issues raised at the March 25th continuation of the February 18th Public Hearing regarding the application for preliminary plat approval of the Cross Creek subdivision. Prior to that March 25th meeting we had sent a letter to Cal Horton addressing issues brought up at the February 18th Public Hearing where the project was first presented.

In that letter we had responded with what we thought was a generous package of offers and concessions, including the acceptance of the drainage swales to be totally outside the RCD, accepting the voluntarily offered underground storm water storage pipes to be outside the right-of-way. We are proposing to split the road around the white oak in order to preserve it. We are accepting the pedestrian connection towards Cedar Hills to be on homeowner's association property rather than on lots, thus reducing the buildable area on the adjoining lots. More details can be found in that letter.

As you know what had led to us having been deferred to the April 22nd meeting were the storm water run-off problems which Mia Burrows of Cedar Hills Drive is occasionally experiencing. Her house was built exactly in the original bed of Cedar Creek and at the bottom of a large watershed which begins at the Timberlyne Shopping Center. Cross Creek only makes up approximately 7% of that total water shed area; the impervious surface which we will be creating will be approximately 14% of our site. The difference in the amount of rain which penetrates the ground with or without houses on this site is insignificant.

(26)

Jack Smyre from The Design Response, Inc. and Amos Clark from The John R. McAdams Company have met with George Small and Fred Royal last Monday, April 8th and were able to provide explanations and calculations to support the above statement and also pointed out that the underground retaining pipes which we are proposing will not only compensate for the insignificant difference in run-off from a developed Cross Creek versus an undeveloped site but actually improve Cedar Hill's situation during 1, 2 and maybe even during 5 year flood events. These are the frequently reoccurring floods that one really should focus on.

During 10 or 50 year floods the amount of storm water from the entire water shed area is so large that the insignificant additional water from Cross Creek becomes immeasurable.

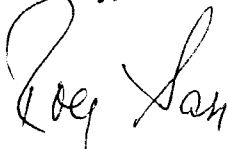
I am sure that George Small or Fred Royal will be able to confirm the above in their own words at the April 22nd meeting. I am wondering if the Council members are fully aware of the fact that the ordinance does not require any kind of storm water retention on site and that the proposed, very expensive devices are being voluntarily offered in order to help our neighbors during storm events where help can be provided.

Regarding the small house on this property which we proposed to bring into compliance with the small house ordinance by partially deconstructing it, we herewith confirm that I will remove the house from the lot and construct a new house if this continues to be an important issue to some of the Council members. If we should be required to remove the house we would do so following the guidelines of the Solid Waste Management Ordinance.

Lastly, I want to reconfirm my commitment to sponsor the Habitat for Humanity house which I am certain is of great importance to this Council which shows its desire to provide truly affordable housing in Chapel Hill. I am hopeful that this offer will be seen as a significant voluntary contribution.

Please feel free to contact me if I can answer any questions.

Sincerely,



Rolf Sass
Sass Development Company, Inc.