



THE UNIVERSITY
of NORTH CAROLINA
at CHAPEL HILL

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January 13, 2009

Mayor Kevin C. Foy
Town of Chapel Hill
405 Martin Luther King Jr. Blvd.
Chapel Hill, NC 27514

Dear Mayor Foy:

On behalf of The University of North Carolina at Chapel Hill Foundation, Inc. (the "Foundation"), I am writing in regard to the Aydan Court development proposal to express the Foundation's strong concern about the possibility of the Town Council imposing a 100 foot hunting/stormwater buffer and/or a 150 yard hunting safety buffer requirement on this project. As you are aware, the Foundation owns the Lloyd property, the 50+/- acre parcel adjacent to Aydan Court. To the extent that imposition of either or both of these buffers on the Aydan Court property would cause the Town to impose similar buffers on the Foundation's property, the Foundation objects in the strongest terms.

We have received information from Aydan Court developer Carol Ann Zinn and planner Scott Radway that shows that either buffer restriction on Aydan Court would have serious, negative implications for the development potential of the Foundation's property, as shown on the attached map. As can be seen, if a 150 yard buffer were imposed, the development potential of the lower portion of the Foundation's property would be severely limited and development of the northern portion would be impossible. Obviously, such limitations on the Foundation's property are highly objectionable. Moreover, such a buffer presents a problem since it would extend into an already developed area of The Cedars at Meadowmont.

Based on information provided to Ms. Zinn from the Army Corps of Engineers and the North Carolina Wildlife Resources Commission, these extensive buffer areas are "recommendations" only. Importantly, in one memorandum, the NCWRC, which generally recommends a 150 yard hunting safety buffer, makes clear that it would not be reasonable to impose such a buffer when it would take away all or most of the development potential of a property. In such a case, they instead recommend establishing the "widest buffer possible between the Game Land boundary and the permanently inhabited residences". We ask the Town Council to take a similarly reasoned approach to the matter when it continues its public hearing of the Aydan Court project.

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In fact, such a buffer may be established entirely on the Game Land. While the Council's concern for the adjacent natural reserve area is understandable, it does not need to lead to a decision which would effectively bar development in the area. As we are all aware, development that is sensitive to the surrounding environment through such measures as stormwater and landscaping management can certainly be accomplished. It is our understanding that Aydan Court plans to implement such measures.

Thank you for your consideration of our comments.

Sincerely,


Bruce L. Runberg

Cc: Richard L. Mann, Vice Chancellor for Finance & Administration

bc: Pat Crawford
Jannice Ashley
Mary Jane Nirdlinger
Anna Wu