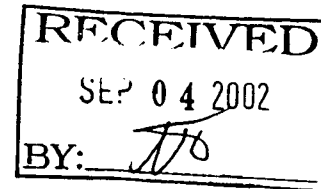




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ATTACHMENT 16

FEDERAL REALTY INVESTMENT TRUST



September 3, 2002

Town of Chapel Hill Planning Board
306 North Columbia Street
Chapel Hill, NC 27516

Re: Village Plaza Phase I and Phase II – Special Use Permit (File #46.B.11)

Dear Members of the Planning Board:

Federal Realty Investment Trust is the owner of the Eastgate Shopping Center, an adjacent property to the existing Village Plaza Theatres. We wish to voice our serious concern over the proposal to develop 66,840 square feet of office and retail space inclusive of a 1,928-seat theatre, unless substantial storm drainage improvements are also implemented in conjunction with the proposed development.

As many of you may be aware, the Eastgate Shopping Center experienced a flood event caused by a rainstorm on the night of July 23-24, 2000. This flood caused substantial physical damage to the shopping center property, as well as significant financial damage to many of the tenants and Federal Realty. Since the Town of Chapel Hill does not have a program developed for the technical review of stormwater management on a regional basis, Federal Realty assumed the burden of hiring engineering and hydrologic experts to analyze the drainage systems in the Booker Creek watershed. Many of the consultants' recommendations are currently being implemented by Federal Realty at the Eastgate Shopping Center property at a significant financial investment.

The engineer's watershed study, and more specifically, several specific drainage facility improvements that could help mitigate the potential for future flooding were forwarded to the Mayor and Council in February of 2001. One of the suggested improvements identifies the inadequate hydraulic capacity of the Elliot Road crossing over Booker Creek, which created a backwater condition and contributed to the flood event of July 23-24, 2000. Since the theatre property is located along Elliot Road, its stormwater drainage could negatively aggravate the existing flooding problem in this area of the watershed.

Therefore, Federal Realty respectfully requests that the Town of Chapel Hill Planning Board, as well as the Mayor, Town Council, and Town Staff, pledge themselves to thoroughly and thoughtfully analyze the stormwater management implications which might arise from the future development of the Village Plaza Theatres Concept Plan (File

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No.46.B.11). It is clearly in all of our best interests to reduce the financial burdens imposed on the community, governmental units, and individuals due to recurring flooding. Governmental reviewing bodies should be bound by a moral imperative to always commit themselves to minimize this danger to public health, safety, and welfare whenever and wherever possible.

Sincerely,



Chris Weber
Assistant Director
Planning & Pre-Development Services

Cc: The Honorable Mayor Kevin Foy
Town of Chapel Hill Council
W. Calvin Horton, Town Manager
Jeanne Connor, C.O.O., Federal Realty Investment Trust