



THE LAW OFFICE OF

HEIDI G. CHAPMAN

December 3, 2002

Chapel Hill Planning Board
Town Hall
Chapel Hill, NC 27514
HAND-DELIVERED

Dear Members of the Chapel Hill Planning Board:

I am the President of the Kings Mill/Morgan Creek Neighborhood Association. You are reviewing an application for the proposed Creekside subdivision tonight. Creekside is to be constructed on 11.3 acres adjacent to Morgan Creek, as infill to the existing Kings Mill/Morgan Creek neighborhood. Our neighborhood recognizes the efficacy of infill and the need to allow development of available land within Town limits. We also recognize the ecological importance of Morgan Creek and the critical need to take steps when developing nearby land to be as sensitive as possible to stormwater runoff issues.

On behalf of the Board of the Kings Mill/Morgan Creek Neighborhood Association and its members, I am asking you to postpone your decision on the Creekside subdivision for 35 days and conduct further investigation for the following reasons.

- 1) OWASA has not been provided copies of the Creekside plats before you.
- 2) The proposed plats under the old and new ordinances do not take into consideration intermittent and perennial streams on the 11.3 acres to be developed. For example, the area now designated as an OWASA easement is actually an intermittent streambed. Florrie Glasser will address this in greater detail. There is a perennial stream between Lots 9 and 10. Jef and Leena French will address that issue.
- 3) To our knowledge no one from Town Staff has gone out to look at the property and note the streambeds.
- 4) The developers do not have a contract that will give them title to a portion of the land on the proposed plat of Creekside subdivision. The land abutting

HEIDI G. CHAPMAN, CERTIFIED MEDIATOR

JOAN T. HUNT, LEGAL ASSISTANT

Chapel Hill Planning Board
December 3, 2002
Page Two

Morgan Creek Road is in dispute. The Adams family, the current owners of the remainder of the Creekside property, have paid the taxes on the disputed property during the last few years, but do not have title to the land.

- 5) The proposed plans do not adequately deal with stormwater runoff.
- 6) To maintain consistency with the rest of the neighborhood and diminish impervious surfaces, we are asking the Planning Board to consider eliminating the sidewalks and narrowing the road.
- 7) In February 2002, the Town Council stated that pending applications would be governed by the new Development Ordinance that is in the final stages of review. It would be inefficient for the Planning Board to consider this application under the old Development Ordinance and then have to reconsider it under the new Ordinance.

Please postpone review of this application for 35 days to allow necessary investigation into title to the land, stormwater runoff, and the existence and placement of intermittent and perennial streams. Please order the Town Engineers and OWASA to inspect the property to determine appropriate setbacks and easements. Please have the Staff review methods to minimize the impervious surface.

Thank you for your attention.

Sincerely,



Heidi G. Chapman

/sc
C603

48

Laura Moore Designs
Landscape Architecture and Garden Design

Mr. Roger Waldon
Town of Chapel Hill Planning Board
Chapel Hill, North Carolina

December 3, 2002

RE: Creekside Subdivision Application for Preliminary Plat Approval

Dear Mr. Waldon:

I would like to thank you and the Planning Board for this opportunity to address the Board concerning the current application for Preliminary Plat Review for the proposed Creekside Subdivision.

I am a Landscape Architect by profession and have spent my career as a proponent of planned and responsible community development. I have watched with great interest as the Town of Chapel Hill has worked to create the new Land Use Ordinance for our community. I appreciate the challenges and opportunities that this process has presented and commend the Planning Staff, Planning Board and Town Council for their thorough and diligent efforts to craft a new ordinance, which will determine the direction and type of growth for the Town of Chapel Hill.

This particular project has been submitted under the existing Ordinance guidelines: a new Ordinance has yet to be formally adopted. While I can appreciate this dilemma I respectfully ask that you review this plan under the guidelines of the new Development Ordinances. **Several key ordinance revisions would substantially affect the overall project design: stormwater management practices, Resource Conservation District buffers, guidelines for development of steep slopes, as well as the tree protection requirements.** These new requirements would provide more protection for the Morgan Creek watershed. This would be in the best interest to the community as a whole.

I ask that no action be taken on this request the new Development Ordinance is adopted and then that the plan be reviewed under the new Development Ordinance guidelines. I appreciate your thorough review of the plans to this point and am confident that your equitable and effective review of the proposal will bring good results. The protection of the Morgan Creek watershed is worth the effort.

Thank you very much.

Sincerely,


Laura Moore

614 Morgan Creek Road Chapel Hill, North Carolina 27517

TESTIMONY ON CREEKSIDE DEVELOPMENT

FLORENCE GLASSER

CHAPEL HILL PLANNING BOARD

DECEMBER 3, 2002

My name is Florence Glasser and for the past 40 years my husband and I have lived at 503 Morgan Creek Road. Our land is on the west side of the proposed Creekside development. To the east of our property is an intermittent stream, flowing through a ditch that continues and becomes deeper as it heads south toward Morgan Creek. Many of my neighbors have intermittent and/or perennial streams.

Yesterday I called Ted Blake at OWASA to learn more about just where the dedicated public sewer easement would be located on the amended Creekside plan. I was surprised to learn that he had not yet seen a copy of the plan before you tonight. Yet, OWASA must agree to the sewer design before it can be built.

My recommendation is that both OWASA and Planning Board staff make a field visit to the 11 acre site, that they map both perennial and intermittent streams and that the information be provided to the Planning Board for consideration well in advance of its vote on the Creekside application.

I call on Mr. Mitchell and this board to change the location of the land the applicants propose as public sewer sanitary easement so as to protect the streams, the neighborhood and Morgan Creek.

We support the position of the Morgan Creek-Kings Mill Home Owners Association in relation to the proposed Creekside development in a manner consistent with the character and nature of the existing community and the preservation of the plants and animals indigenous to the Morgan Creek watershed. Both 103 and 105 Morgan Bluff Lane (on the southern border of the proposed development) were developed from application permits that required observance of the resource conservation district (RCD) as required by the present land use ordinances. The preliminary plat submitted by Creekside developers did not include the RCD that borders the stream running between the property to be developed and the Blyth, French-Nylander, and Stutts properties that empties into Morgan Creek. This area may be best described as Piedmont-low mountain alluvial forest and the stream banks are home to widespread growth of Christmas fern and other native plants. This stream, which is dry in some portions during dry spells, runs from ground water along the lower portion from under the slate bed during periods in which the water table is sufficiently high. The bed of the stream varies between packed earth, gravel and slate and appears well scoured (in the absence of leaves at this time of the year).

The following pictures provide you with some idea of the nature of the stream and environment that we are concerned.





running stream with scoured bed covered with leaves and Christmas ferns along stream bank

27 11 2002



Stream bed near entrance to Morgan Creek

27 11 2002



Points of particular concern to us are:

- 1) the recognition of the resource conservation district, which should include this stream and protection of this area from invasive species, such as bamboo grass, that may result from disturbance to indigenous plants.
- 2) the potential impact of the storm water runoff pipes proposed between Creekside lots 8 & 9 and north of lot 11 that will dump surface water and contaminants into the stream, and
- 3) the development of a path that has been planned to run between proposed lots #8, 9, 10, and 11 and the-Blyth and French-Nylander properties, resulting in the potential infestation of non-indigenous species.

Therefore, we, respectfully, request that the planning department engineers and planners pay close attention to the RCD and other areas bordering this proposed development with the goal of preservation of this area to the maximum extent possible and consistent with the proposed new land use ordinance (draft 4).

Respectfully,



John Edgar French and Leena A. Nylander-French
105 Morgan Bluff Lane
Chapel Hill, North Carolina 27517