



February 13, 2003

Mayor Foy and Chapel Hill Town Council
Town of Chapel Hill
306 N. Columbia Street
Chapel Hill, NC 27516

Re: **Creekside Subdivision**
Response to January 22 Public Hearing comments

Dear Mr. Mayor and Town Council:

We are writing to respond to questions raised at the January 22, 2003 Public Hearing for the Creekside Subdivision. The following are items we were asked to respond to:

- 1. At least one Council member raised the question whether the density of this project is compatible with the existing Morgan Creek, Morgan Bend and Morgan Bluff neighborhoods.**

We believe the proposed 11 lots are compatible with the existing neighborhoods adjacent to Creekside. The proposed density of 11 lots yields a net average lot size of 0.83 acres. When we include the proposed recreation area in the total land area we arrive at a net average lot size of 0.92 acres. This is a very generous lot size by most standards, especially true for an urban lot. The average lot size in Creekside is well over 2 times the minimum lot size allowed in the R1 zoning. Today, neighborhoods in Chapel Hill are being built with lots averaging one half the size of these lots if not smaller. We are happy to propose lots this large because a majority of the trees will be preserved on the lots which are arguably the most valuable feature on the site next to Morgan Creek itself.

- 2. Council requested a response from the applicant regarding the revised payment in lieu of affordable housing.**

Our proposal under the old ordinance was to provide a payment-in-lieu of providing affordable housing in the amount of \$52,500 payable to the Town's Revolving Acquisition fund to subsidize affordable housing. This amount as proposed would provide for one affordable home in Town.

Under the new ordinance, the payment would be a true 15% of the number of lots times the payment for one home. In other words, there would be no rounding down for the payment-in-lieu option.

Upon enactment of the new Land Use Management Ordinance (LUMO) on January 27, 2003, our payment-in-lieu figure would have to be increased to reflect a true 15% payment. We have decided to retract the payment-in-lieu offer and comply with section 3.8.5 of the new LUMO. Two lots (25%) shall contain size limited dwellings at or below 1,350 square feet (3.8.5.b).

3. A council member suggested a payment-in-lieu of recreation space because the conservation land proposal does not offer specific recreation area for the subdivision.

Our goal is to provide the land for the neighborhood that will serve the 11 houses the best while considering the Town's needs in the process. We feel that the conservation land dedication proposal will serve the neighborhood by protecting the subdivision's greatest assets; Morgan Creek, the steep slope next to the creek, and the vegetation along Morgan Creek. There seemed to be enough support from the different Town Boards to provide the area as strictly conservation space and dedicate the land to the Botanical Gardens Foundation, Inc. A member of the Community Design Commission expressed interest in seeing land dedicated specifically for Recreation Area, but we felt there was more support dedicating the land for conservation. The Town's Parks and Recreation Board approved the conservation land proposal as well.

We would like to offer as a substitution to the existing proposal which dedicates the entire recreation area requirement as conservation land. Our substitution is to offer lot 1 as the neighborhood recreation area and retract the offer of 1 acre of conservation land along Morgan Creek. Lot 1 would have enough area to fulfill the recreation area requirement for this subdivision.

This offer is not our preference, but we do want to offer it as an option. Our concern with this option is that the neighborhood will not use the space and it would essentially be conserving land that is not the most sensitive.

4. Show what areas of the property contain significant stands of trees and measures being taken to protect these stands.

We have prepared a drawing showing the significant tree stand on the property. The entire back portion of the parcel is a significant stand of

trees. The property is heavily wooded, but the portion making up lots 1 and 2 is mostly pines which does not constitute a 'Stand of Trees' by the LUMO definition. The Landscape Protection Plan (sheet C6) shows the minimal clearing required to construct the road and utilities. Lots will remain wooded until individual building permits are applied for by each builder. The LUMO requires a tree survey and landscape protection plan for each lot if the builder proposes to clear more than 5000 square feet. If the builder proposes to clear less than 5000 square feet to build a house, then trees will be protected by the fact that so little is being disturbed.

5. A Council member suggested providing conservation easements beyond the proposed conservation land boundary.

We will dedicate conservation easements on parts of the steepest slopes on some of the lots. We are happy to provide these measures of additional protection of the most sensitive areas of the property.

We want to thank you for your consideration of this proposed neighborhood.

Sincerely,

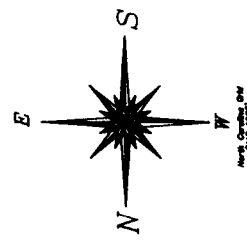


Warren D. Mitchell, PE for
Creekside Development Group, LLC

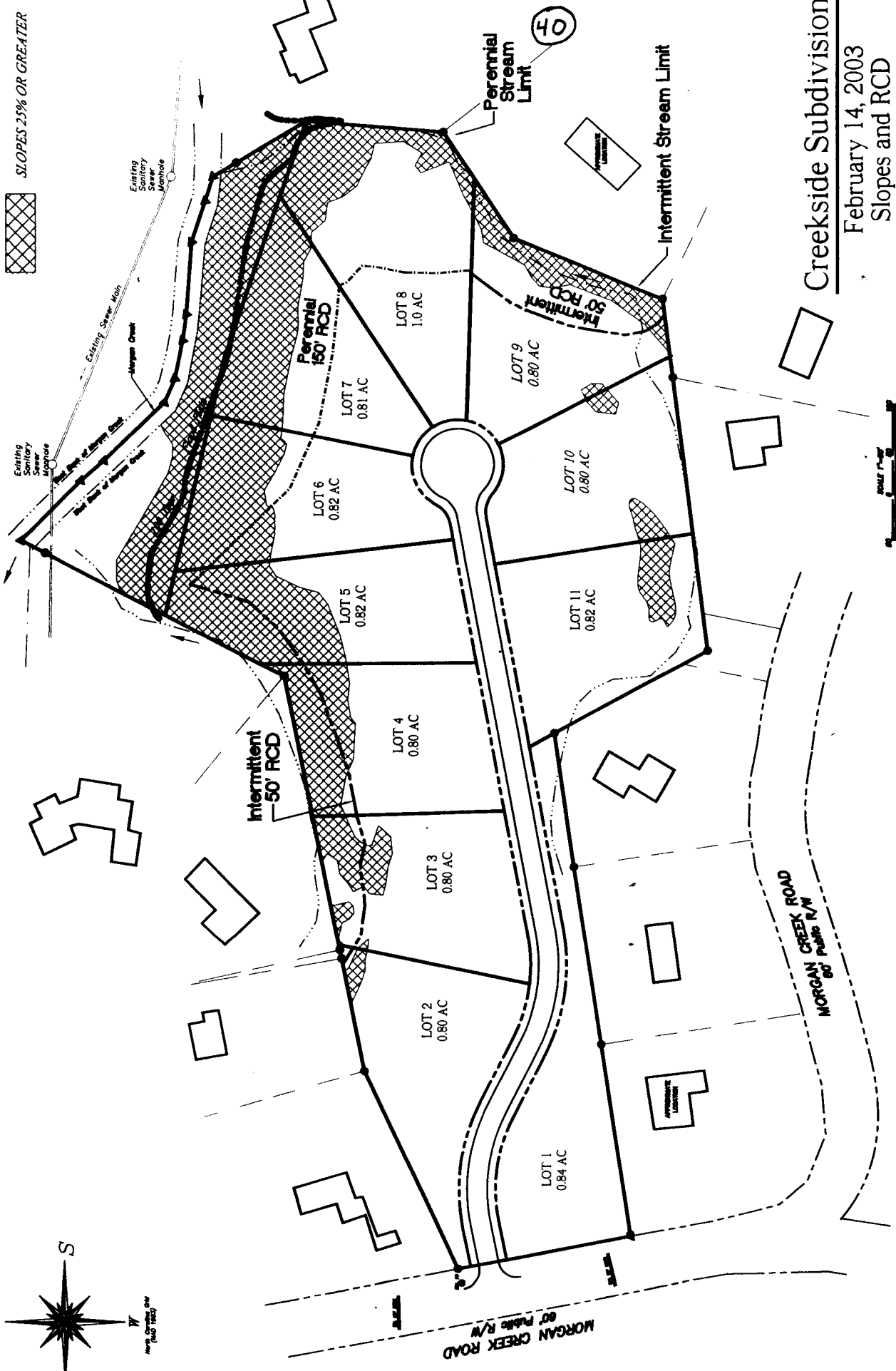
Cc: Roger Walden, Town of Chapel Hill Planning Department

Encl: RCD and Slope drawing
Significant Tree Stand drawing

SLOPES 25% OR GREATER



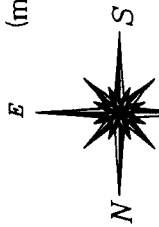
North Creek, Inc.
(Map 1983)



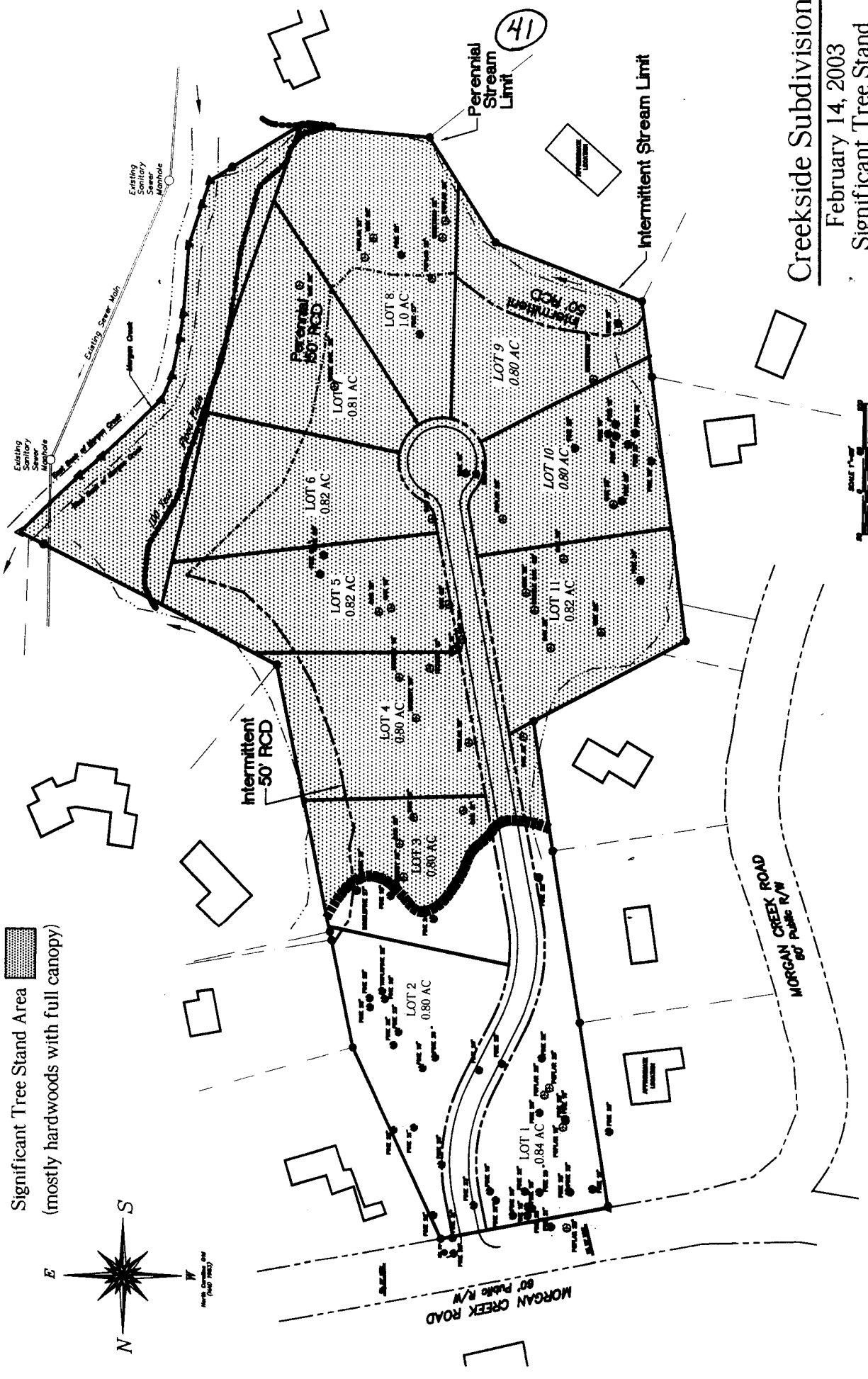
Creekside Subdivision
February 14, 2003
Slopes and RCD



Significant Tree Stand Area
(mostly hardwoods with full canopy)



North Creek Road
(Road Right)



Creekside Subdivision

February 14, 2003

Significant Tree Stand

