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MITCHELL WESTENDORF, P.A.



April 1, 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 February 24 Public Hearing Comments

Dear Mr. Mayor and Town Council:

We are writing to respond to issues the Council raised at the February 24, 2003 Public Hearing for the Creekside Subdivision. These issues all relate to environmental protection on this parcel of land. Specific areas mentioned included tree protection, stormwater management, and RCD preservation. We thought the Council was very clear that they expected sincere effort from us to consider the environmental impacts of this project.

The Creekside Subdivision proposal mirrors the adjacent Morgan Creek neighborhoods but proposes a slightly higher density than the existing neighborhoods. The adjacent neighborhood association has publicly stated that they support the Creekside neighborhood with a maximum of nine lots. We have decided to reduce the proposed number of lots in the Creekside proposal from eleven lots to nine lots. We concluded this was the best way to comply with the Council's request to reduce the impact on the environment. Additionally, we decided our chance for preliminary plat approval was greatly improved if we had neighborhood support for the project.

We would like elaborate on specific changes made to the plan and how these changes address Council comments we heard on February 24, 2003.

- 1. Testimony offered at the February 24 hearing raised the possibility that the tributary along the western boundary of the property is intermittent and not ephemeral as determined by the Town.**

The Town has not made a new determination for this tributary. We are anxious to move this project forward and comply with the RCD ordinance if the Town determines that this tributary is intermittent. If this stream remains ephemeral, we want to provide a natural, protected stream buffer for this tributary which carries the same protection and restrictions as the

RCD boundary for an intermittent stream. Our revised plan has moved all land disturbance outside of the 50 foot stream buffer / RCD. This change not only provides additional protection for this tributary, but many significant trees are also protected including the 35" diameter oak tree along the tributary.

2. Council requested additional effort be made to further protect significant trees.

Dropping the proposed number of lots from 11 to 9 significantly reduces the impact this project has on the trees. Our revised plan shows what significant trees must be removed. It is instantly apparent that the new proposal allows a majority of all the significant trees to remain undisturbed.

Our plan illustrates a house of 3000 square feet on each lot. We added typical driveways for each lot. Two of the houses will be size restricted but these two lots have not been determined at this time. The proposed houses are only schematic, but do show what is possible and likely to exist on each lot. There are 14 trees being removed with the road construction but only 7 are hardwood trees. There are a total of 7 trees that would have to be removed for all house construction but only 2 are hardwoods. We designed each lot with the protection of the trees as the primary goal. That should be apparent from the plan. The actual houses built on the lots may vary from the conceptual houses we have shown on the drawing. Every home will require a single family Zoning Compliance Permit before construction can start.

It would be impossible to build the road and nine houses on this parcel without clearing some significant trees. The entire parcel is wooded and has over 100 significant trees. The proposed road and each lot were designed to protect as many significant trees as possible. Our community values hardwoods over pine trees and we chose to preserve the hardwoods where practical. Our plan shows that the road and 9 houses will remove only 9 significant hardwoods.

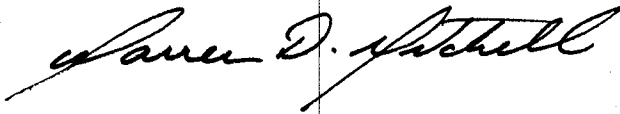
3. The council requested that the staff and applicant consider allowing the grass road swales to be outside the right-of-way so the houses can be built away from the steep slopes (especially lots 1, 2 and 3).

The front setbacks for this project must remain at 50 feet because of the existing restrictive covenants that apply. We also believe this to be a desirable setback. By moving the proposed road 50 feet off the tributary, the houses get pushed to the backs of the lot but not into the steep slopes. We have proposed a 30 foot public road right-of-way to keep the houses closer to the ridge of the property. We propose to provide a drainage

easement outside of this 30-foot right-of-way that contains the grass drainage swales for the road. This easement will be approximately 10 feet wide and just outside of the right-of-way on both sides of the road. We believe this will achieve the Council's stated request to keep the proposed houses away from the steep slopes and allow the project to comply with all existing neighborhood restrictive covenants.

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

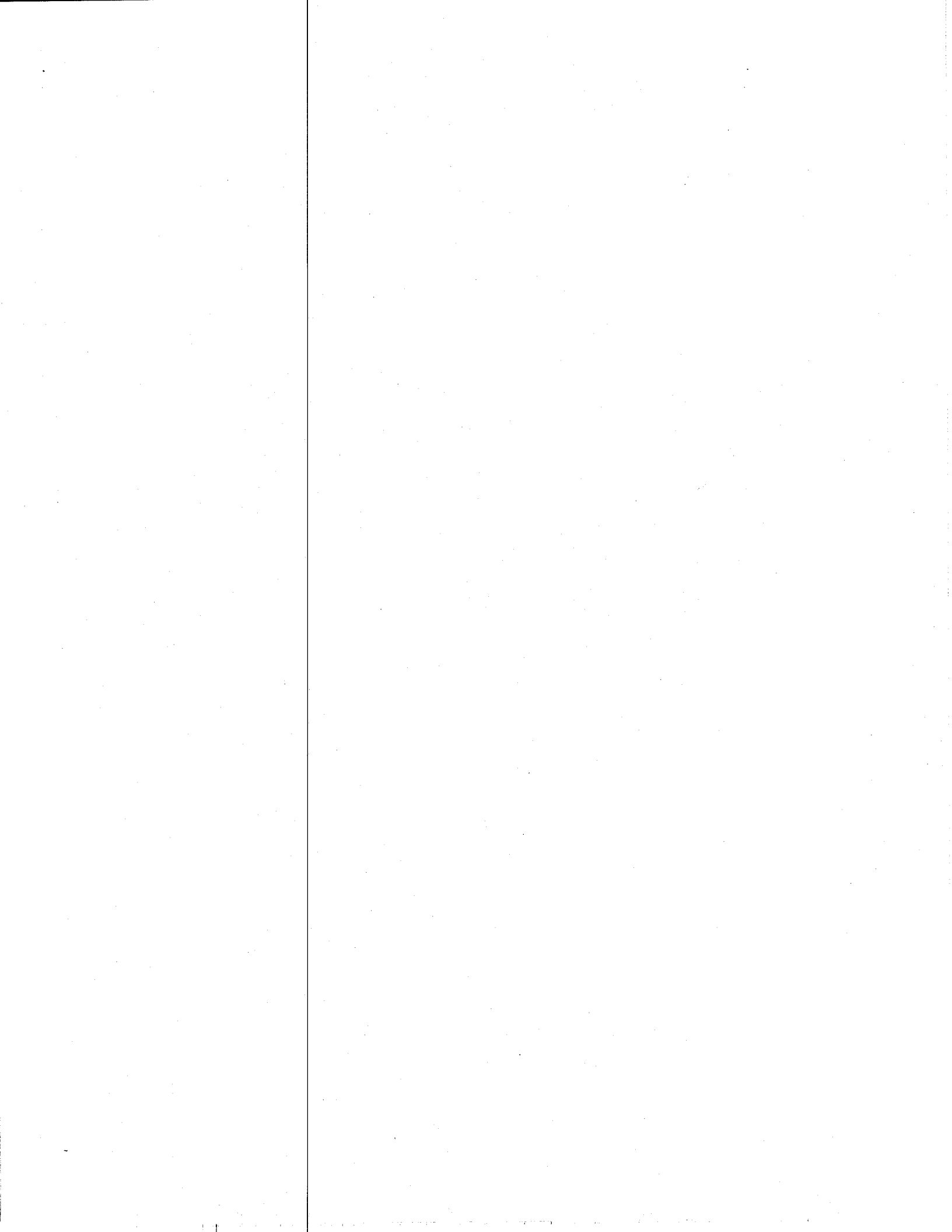
Sincerely,



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

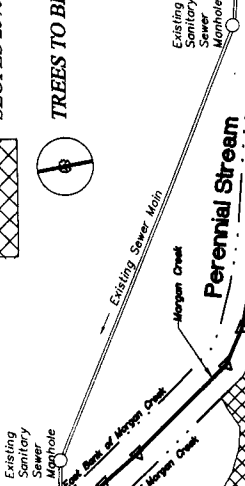
Cc: W. Calvin Horton, Manager, Town of Chapel Hill
Roger Walden, Planning Director, Town of Chapel Hill

Encl: Preliminary Plat drawing



SLOPES 25% OR GREATER

TREES TO BE REMOVED



1.0 Acre Conservation area

Intermittent Stream

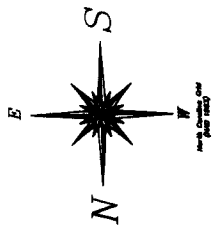
50' RCD

150' RCD

50' RCD

Intermittent Stream Limit

Perennial Stream Limit



MORGAN CREEK ROAD
60' Public R/W

MORGAN CREEK ROAD
60' Public R/W

LOT 1
0.80 AC

LOT 2
0.80 AC

LOT 3
0.80 AC

LOT 4
0.80 AC

LOT 5
0.93 AC

LOT 6
1.39 AC

LOT 7
0.81 AC

LOT 8
0.80 AC

LOT 9
2.10 AC

DRAINAGE ESMIT

DRAINAGE EASEMENT

DRAINAGE EASEMENT

EDGE OF PAVEMENT

30' ROW

50' Stream Buffer

Creekside Subdivision
April 01, 2003



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