



THE UNIVERSITY  
of NORTH CAROLINA  
at CHAPEL HILL

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June 11, 2010

Roger L. Stancil, Town Manager  
Town of Chapel Hill  
405 Martin Luther King Jr. Blvd.  
Chapel Hill, NC 27514

Re: Carolina North Development Agreement  
Minor Modification Request 2010-2

Dear Mr. Stancil:

I am writing on behalf of the University to request a minor modification to the Carolina North Development Agreement in accordance with the procedures outlined in Section 3.5.5(j) of the Land Use Management Ordinance and Section 4.12 of the Carolina North Development Agreement.

In preparation for application to the Army Corps of Engineers for a permit that will allow certain impacts to wetlands and streams by development at Carolina North and will set forth the required mitigation for those impacts, the University must examine the impact of all Development Agreement requirements on existing wetlands and streams. Further examination of the requirements in the Development Agreement for Sidewalk Improvements (Section 5.8.17.5) and Bicycle Improvements (Section 5.8.18.2) indicate significant stream impacts within the area identified as Area 5 in Exhibit E. Section 5.8.17.5 requires a sidewalk on one side of Seawell School Road between Estes Drive and Homestead Road and Section 5.8.18.2 requires bicycle facilities on both sides of Seawell School Road between Estes Drive and Homestead Road.

We have explored an alternative for the section of Seawell School Road that runs alongside Area 5 that will avoid stream impacts while still providing sidewalk and bicycle improvements. This alternative shifts the required bicycle improvement from the west side of Seawell School Road and combines a two way bicycle facility/sidewalk on the east side of Seawell School Road. This alternative avoids 600 linear feet of stream impact while still providing the sidewalk and bicycle facilities. Please see the attached drawing that illustrates this alternative. We have reviewed these proposed changes with Town Staff.

To address this alternative way of providing bicycle facilities along Seawell School Road, we propose that Section 5.8.18.2 be revised to read as follows (proposed new language in italics):

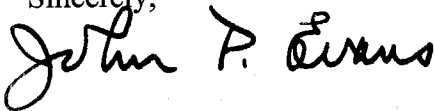
2) Both sides of Seawell School Road between Estes Drive and Homestead Road, *except for the segment of Seawell School Road where locating bicycle facilities on both sides would cause stream impacts, this requirement shall be satisfied by locating a two way bicycle facility/sidewalk on the east side of Seawell School Road for that segment.*

As provided in Section 3.3.5(j) of the Land Use Management Ordinance, we request that you approve the revised language of Section 5.8.18.2 as a minor modification because we believe these changes do not fit the definition of a major modification in that there is no:

1. Substantial change in the boundaries of the development agreement.
2. Substantial change in floor area or number of parking spaces.
3. Changes that will substantially affect pedestrian, bicycle or vehicular access or circulation beyond the boundaries of the development agreement.
4. Substantial change in the amount or location of open space within the boundaries of a development agreement.

Moreover, these adjustments are in substantial compliance with the approving action of the town council and all other applicable requirements. Please let us know if you need additional information in order to proceed with this request.

Sincerely,



John P. Evans

Cc: Holden Thorp  
Patricia Crawford  
Richard Mann  
Bruce Runberg  
William Tricomi  
Tony Waldrop  
Anna Wu

Attachment

# Seawell School Road Impacts: Middle Section - Alternative 1 Revised



03/5/2010

