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MINUTES OF PUBLIC HEARINGS OF THE  
MAYOR AND BOARD OF ALDERMEN  
TOWN OF CHAPEL HILL, MUNICIPAL BUILDING  
MONDAY, MAY 21, 1979  
7:30 P.M.

Mayor Wallace called the meeting to order. Present were:

Marilyn Boulton  
Robert Epting  
Jonathan Howes  
Beverly Kawalec  
R. D. Smith  
Bill Thorpe

Also present were Town Manager E. Shipman and Town Attorney E. Denny. Alderman Cohen and Alderman Vickery were excused.

Residential Parking Lot for the Hargraves Park--Public Hearing

All those wishing to speak were sworn. Mr. Jennings presented the request for a 30-space parking lot for the Hargraves Recreational Center. He pointed out the location of other capital improvements to be made at the center. Mr. Ballentine submitted the statement of justification. He explained there is no planned parking in the area of the ball field. Cars park in the rights-of-way creating a dangerous situation. There would be adequate sight distances at the drives for the parking lot. Existing houses would be acquired by the Housing Authority and removed. The project complied with zoning ordinances and had been approved by the Recreation Commission. It would not injure adjoining property values. There would be a 60' buffer between the lot and adjoining houses. There would be no significant tree removal. Mr. Ballentine stated he thought the project a public necessity. There were no comments from the audience. ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN HOWES TO REFER THE MATTER TO THE PLANNING BOARD FOR CONSIDERATION AND RECOMMENDATION. THE MOTION WAS CARRIED UNANIMOUSLY.

Residential Parking Lot for the Umstead Park--Public Hearing

All witnesses were sworn. Mr. Jennings presented the proposal for a 45-space parking lot for Umstead Park. He located the park on the map. The lot would have screening around it. Traffic would enter and exit near the basketball court.

Mr. Ballentine submitted the statement of justification. The picnic area would be relocated and screened. The park was part of the greenway plan. Foot paths would be constructed to the park. Alderman Howes suggested the burm might impede observation of the police on security patrol. Mr. Ballentine responded that the burm would be 3 to 4 feet high. Screening for the lot was needed. Mr. Hooper stated the police would drive into the center on patrol. Mr. Ballentine said the burm could be lowered or deleted. In response to a citizen, Mr. Ballentine explained the cut next to the basketball court would have a 3 to 1 slope. There were no further comments. ALDERMAN KAWALEC MOVED, SECONDED BY ALDERMAN SMITH, THAT THE MATTER BE REFERRED TO THE PLANNING BOARD AND RECREATION COMMISSION FOR CONSIDERATION AND RECOMMENDATION. THE MOTION WAS CARRIED UNANIMOUSLY.

Unified Housing Development Special Use Request for Franklin Hills--Public Hearing

Witnesses were sworn. Mr. Jennings stated the proposal was to construct 77 units on 22 acres of land, zoned R-10. He pointed out the location of the property. There would be four accesses to the project. Concern was expressed over the lack of two means of access to all of the units and the length of the cul-de-sac off Deepwood Road. The land was classified as low density area, which the project met.

Mr. Baker thought the cluster development would allow the best development of land. The location would meet the fill-in policy of Chapel Hill. The clustering would make the extension of city services easier. The project would meet all required conditions and specifications. The cul-de-sac was planned, rather than a loop road, to prevent destroying a large wooded section and for a safer traffic situation. Mr. Baker submitted the statement of justification, the traffic impact study, and a letter from the State Department of Transportation regarding the accesses to the project. He stated that much of the land had been preserved in open space. Only 7 of the 22 acres would be disturbed. The developers would use energy efficient construction.

Mr. Rashkis stated that he had examined the plans and the property. He thought it a desirable plan which would not adversely affect the adjacent property. He suggested the Board in its consideration should take the best of potential plans which would be similar to surrounding development. In answer to Alderman Epting, Mr. Rashkis stated that although adjoining property owners would at first be dismayed by any development this development would not have a significant adverse effect on adjoining property. Alderman Thorpe asked what adjoining property sold for. Mr. Rashkis answered that they were the same or higher than the project because Franklin Street property was desirable.

Mr. Baker assured the neighbors a large amount of screening would remain between the development and their property. The terrain would help to provide noise buffering.

Mr. Hakan explained the engineering of the project. Roadways would be built to town standards. He reviewed the grades on the property and methods taken to control soil erosion. A new sewer line would be constructed up the ravine to replace the existing one which was not adequate. Alderman Smith asked why the developer did not dedicate both streets. Mr. Hakan responded that nothing precluded dedicating both but one was a type of access drive and did not need to be dedicated to the town. Alderman Smith asked what would happen to the retention basin during a dry spell. Mr. Hakan explained that the retention basin would hold water for only 30 to 40 minutes after a 10-year rain. It would remain as it now is. Alderman Kawalec asked what the grade would be at the base of Carolina. It was 10%. Brookstone would be 12% grade. Alderman Boulton asked how long Deepwood was. It will be 1070 ft. Although it would be cheaper to loop the road, environmentally a cul-de-sac would be best. Fire Station #3 would provide quick response time in case of emergency. OWASA had approved the new 8" main.

A series of nature trails would go through the woods on the property. They would be owned by the Homeowners Association. The other formal recreation would be a small set of elevated tennis courts.

Mr. Thompson reviewed the traffic counts coming from Franklin Hills, a Place in the Woods and that possible if the Hemp property was developed. The increased traffic would have little impact on the existing road system. Mr. Thompson believed a loop road from Elizabeth to Franklin Street would be environmentally disruptive; nor would the sight distance be good. Alderman Howes asked if Mr. Thompson could estimate the difference in the traffic counts during the classes-in time. Mr. Thompson responded that his counts on Franklin Street were very close to the average daily count for Franklin Street. Alderman Smith asked about the effect on school buses. Mr. Thompson had observed approximately 4 school buses which had no problem entering Franklin Street. Mr. Baker stated that impact of traffic from the development would be less in this location close to town than it would be on the fringes of town.

In response to residents, Mr. Thompson stated there would be a traffic light at the intersection of Carolina and Franklin Streets if the state found the need for such a light. Mr. Warrick, from the State Highway Division, stated that a light was not now warranted at this location. Mr. Rindfuss asked what to expect during snow and ice. Mr. Thompson answered that this would be a problem anywhere in Chapel Hill for two or three days during the year and would be difficult to design for.

Ms. Parker asked why the project was designed with much more parking than needed. Mr. Baker said this was to be sure there was enough parking so that people would not park on the street. The extra parking would not cause a problem with run-off.

Mr. Alexander represented citizens opposed to the project as presented. (Alderman Cohen came in.) They requested the Board to delay referral of this matter to the Planning Board until the traffic study, which had not been available before, had been reviewed.

Mr. Heath stated the residents of the area believed the project violated each of the four findings necessary for the special use. He presented a petition from the residents requesting rejection of the project. They believed the sight distances at Carolina Avenue and the proposed curb cut inadequate and a danger to the public safety. Lack of a turning lane at Carolina Avenue would endanger those making a left turn. The project violated the ordinances by proposing cul-de-sacs over 400 feet and grades over 8%. One access would make it difficult to provide emergency and town services. The street would not meet the requirement for 60 feet right-of-way. They believed the project would substantially injure the value of adjoining properties. Although the developers proposed screening, the residents did not think it could be

grown in the location. The character of the project would be out of character with the surrounding area which was single-family houses on approximately 1 acre of land. Mr. Heath stated the residents wanted the developers to consider alternatives.

Ms. Tyson presented a slide show showing existing drives on Estes and Franklin Streets and sight distances. She had also recorded traffic movements in the area. Ms. Tyson stated the residents were opposed to the project because it would materially endanger the public health and safety of the citizens of the neighborhood by increasing traffic on an already dangerous state road; increase the numbers and varieties of traffic vehicles already using Franklin Street; increase the traffic flow; increase the serious accident rate.

Mr. Koon submitted a statement to the Board that he believed the addition of 16 units to the area would increase the hazard of access to Franklin Street from Carolina Avenue. He was also concerned that grading along his boundary would cause a serious erosion problem.

Dr. Koch stated that a living fence along this boundary would not be effective as a screen because it would not have full light.

Mr. Kaufman explained how he had arrived at his appraisal of the property. He thought the project would have significant economic damage on Carolina Avenue properties. Alderman Cohen asked for Mr. Kaufman's opinion on the rest of the property. Mr. Kaufman had not studied the rest of the property as he had only been requested to comment on Carolina Avenue. Alderman Cohen asked what use of the land would not injure property values. Mr. Kaufman responded that the development should not be close to Mr. Heath's property; there should be no access from Carolina Avenue and no fill or widening of Carolina Avenue for access. Alderman Cohen asked if single units would have less effect. Mr. Kaufman stated that the multi-family aspect of the project did not affect the value; if the number of units was reduced to two or three, he did not believe this would significantly affect the value. Mr. Wells asked if the appraisal was based on the widening of the road. Mr. Kaufman answered that the road would have an impact on the trees. Mr. Wells responded that the city would probably require widening and paving of Carolina for any more development.

Mr. Alexander asked that the hearing be continued so that the residents could present more evidence in response to the presentation by the developers. Alderman Howes suggested the hearing could be continued to June 11. Alderman Thorpe thought the matter should be referred to the Planning Board as was normal process. Mayor Wallace said the hearing could be left open and the Planning Board could also give input to the Board. Alderman Epting thought the plans could be altered to resolve the problem areas. Mr. Page asked that the matter be presented to the Planning Board. He felt they were qualified to make a recommendation on the evidence presented. If further information was required for clarification either he or the residents could provide such information.

Ms. Wells challenged the point that a living screen would not be feasible. She said that many conifer species would grow and provide screening.

Alderman Epting pointed out that if the hearing was continued, it would be an unusual circumstance and done only because Mr. Alexander did not feel he had been able to get information needed in time for the hearing.

Alderman Kawalec suggested that because the matter might finally go to court, she did not want the hearing to be an issue. ALDERMAN KAWALEC MOVED, SECONDED BY ALDERMAN SMITH, TO CONTINUE THE PUBLIC HEARING UNTIL JUNE 11. Ms. Stein was concerned that this would set a precedent. ALDERMAN HOWES MOVED TO AMEND THE MOTION TO INCLUDE THAT THE MATTER BE REFERRED TO THE PLANNING BOARD DURING THAT TIME THAT THE HEARING WAS CONTINUED. Alderman Kawalec and Alderman Smith accepted the amendment. THE MOTION WAS DEFEATED BY A VOTE OF FIVE TO THREE WITH ALDERMEN HOWES KAWALEC AND SMITH SUPPORTING AND ALDERMEN BOULTON, COHEN, EPTING, THORPE AND MAYOR WALLACE OPPOSING. ALDERMAN HOWES MOVED SECONDED BY ALDERMAN BOULTON TO REFER THE MATTER TO THE PLANNING BOARD FOR CONSIDERATION AND RECOMMENDATION. THE MOTION WAS CARRIED BY A VOTE OF SIX TO TWO WITH ALDERMAN BOULTON, COHEN, EPTING, HOWES, THORPE AND MAYOR WALLACE SUPPORTING AND ALDERMEN KAWALEC AND SMITH OPPOSING.

On motion, the meeting was recessed until May 22, 1979, at 7:30 p.m.

On May 22, 1979, at 7:30 p.m., Mayor Wallace reconvened the meeting. Present were Marilyn Boulton, Gerald Cohen, Robert Epting, Jonathan Howes, Beverly Kawalec, and Bill Thorpe. Alderman Smith had indicated he would be late to the meeting. Alderman Vickery was excused.

Unified Business Development Special Use Request for Timberlyne Village Shopping Center

All witnesses for the Timberlyne projects were sworn. Mr. Jennings explained that this proposal was not in the town planning area, but the applicant had requested review and issuance of a special use permit from the town because it would soon be within the planning jurisdiction. The total site for the four projects was 86 acres. Mr. Jennings pointed out the location and surrounding properties. The single-family area for the project was not under consideration. The shopping center was bounded by Weaver Dairy Road, Kingston Drive to the east and Cardinal Street to the south. There would be five buildings on the site. Seven hundred thirteen parking spaces were proposed, more than was required. Access would be from Kingston Drive. A reduction in the parking for the office park was being proposed in accordance with the ordinances. The third project would have 8 buildings for an office park and also proposed a reduction in the amount of parking from 672 to 523 as allowed under the zoning ordinance. The condominium project would be located next to the shopping center and office park. Although the project conformed to the location of an activity center on the land use plan, the applicant proposed more office and commercial space than was recommended on the land use plan. However, the floor area ratio was lower than usual in Chapel Hill.

Mr. Page stated the owners would also operate the office park and shopping center. The single family lots were 90% complete. The developers had constructed a sewer outfall line and 12" water main for the projects. Mr. Page submitted the statement of justification.

Mr. Atkins explained that the buildings for the shopping center had been terraced with walkways tying them together. An impoundment pond would be in the lower area. This was an existing pond. The developers believed the project would curtail some of the traffic on 86 coming into town. Alderman Howes asked about pedestrian access. Mr. Atkins responded that this was a design detail which was being worked on to prevent conflict with parking. He submitted the statement of justification and traffic study for the record. Ms. Parker asked about the buffer. Mr. Atkins answered that there was a forest now existing which would be maintained between the shopping center and the roads. Mr. Reeve asked why the developers proposed the excess parking. Mr. Atkins said that the tenants, such as groceries and drugstores, had higher parking requirements than the town.

Mr. Cheek said his apartments across Weaver Dairy Road had drainage problems. He asked if the impoundment pond would prevent much of the water from draining on his property. Mr. Atkins said there would be no more water going onto Mr. Cheek's property than there now is. The flow rate would be slower. Ninety per cent of the water from the project property would go to the pond.

Mr. O'Brien stated that masonry and heavy timbers would be used for the shopping center. Bus service would be provided to the area and the developers would work with the Transportation Department on shelters.

Mr. Horn reviewed the traffic impact study and their recommendations for improvements to Weaver Dairy Road, the intersection of Weaver Dairy Road and Airport Road, and Kingston Drive. He did not believe the development would generate sufficient traffic to create problems on Weaver Dairy Road with the construction of turning lanes. Airport Road and Weaver Dairy Road would probably become a signalized intersection in the near future. Kingston Drive would meander through the residential area, connecting to Emily Road and then to Piney Mountain. The connection to Piney Mountain would not be paved until the town received a petition from the residents.

Mr. Page read a letter from Mr. Littlefield giving a market analysis for the site.

Alderman Smith asked that the developer monitor the traffic on Weaver Dairy Road and inform the State DOT so that the intersection could be signalized as soon as needed.

In response to Alderman Cohen, Mr. Atkins stated there was approximately 75' of trees between the road right-of-way and the shopping center. There were no further comments on the shopping center. ALDERMAN THORPE MOVED, SECONDED BY ALDERMAN HOWES, TO REFER THE MATTER TO THE PLANNING BOARD FOR CONSIDERATION AND RECOMMENDATION. THE MOTION WAS CARRIED UNANIMOUSLY.

Unified Business Development Special Use Request for Timberlyne Office Park--South---  
Public Hearing

Mr. Atkins pointed out the structures on the site plan and the existing pond to be retained. He submitted the statement of justification for the record. Each time the developers began a building, they would return to the Board for a modification to the special use permit. There were no comments from the audience. ALDERMAN HOWES MOVED, SECONDED BY ALDERMAN SMITH, TO REFER THE MATTER TO THE PLANNING BOARD FOR CONSIDERATION AND RECOMMENDATION. THE MOTION WAS CARRIED UNANIMOUSLY.

Unified Business Development Special Use Request for Timberlyne Office Park--North---  
Public Hearing

Mr. Atkins reviewed the site plan for the Office Park--North. The Village Companies had an option to obtain this part of the project. Approximately 15% of the drainage would flow into the ditch but the flow would be slow. There were no further comments from the audience. ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN EPTING, TO REFER THE MATTER TO THE PLANNING BOARD FOR CONSIDERATION AND RECOMMENDATION. THE MOTION WAS CARRIED UNANIMOUSLY.

Unified Housing Development Special Use Request for Timberlyne Condominiums--Public  
Hearing

Mr. Atkins described the site plan for the condominiums. He pointed out the recreation areas. Alderman Cohen asked if there were any open play areas. Mr. Atkins responded that there were no defined areas, but there was land for these areas to be put in. As the developers had not delineated any sidewalks Alderman Smith asked the Planning Board to consider this issue. Meeting space would be available in the shopping center. There would be 20 to 50' buffers around the condominiums. Mr. Page submitted the statement of justification and traffic impact study. Mr. Horn, when questioned, stated the sight distances where Cardinal exited onto Airport Road were minimally adequate. He believed, however, that the state might make some improvements to Airport Road in the future. There were no further comments from the audience. ALDERMAN HOWES MOVED SECONDED BY ALDERMAN EPTING, THAT THE MATTER BE REFERRED TO THE PLANNING BOARD FOR CONSIDERATION AND RECOMMENDATION. THE MOTION WAS CARRIED UNANIMOUSLY.

Unified Business Development Special Use Request for the Courtyard

All persons wishing to speak were sworn. Mr. Jennings presented the request for a special use permit to remodel an existing two story building and to construct new 2 and 3 story buildings on the property located on West Franklin Street. The permit was not needed for the buildings, but for the parking lot to serve the buildings which would extend into R-4A zoned area. The applicant proposed a 92 space parking lot, to be graveled. The NDP police, reflected in the land use plan, was not to extend the commercial area into the residential area. Mr. Jennings added that the town had acquired the Atkins property nearby for the purpose of a town-owned parking lot.

Mr. Northern submitted the statement of justification for the record. He pointed out the building locations on the site plan. The developer would retain as many of the trees on the lot as possible, and would plant more trees. Without the parking lot, the project would have 38 parking spaces, not enough to attract tenants. Mr. Northern explained the improvements to be made to the building when remodeling. The Board discussed the material to be used in the parking lot, and Alderman Epting suggested a type of block which allows grass to grow. Ms. Parker asked if less parking would serve. Mr. Northern stated the financiers had approved the plans with this amount of parking. Ms. Zinn explained that more parking spaces could have been constructed on these lots, but she had reduced the amount to allow for landscaping of the lots. To prevent people parking in the lot late at night, the developers would have the police patrol the lot and if necessary would block the lot and have a security guard. Mr. Francisco asked if the parking could be rearranged to allow more buffer between the residential areas. Mr. Northern stated the land was not available for use as a parking lot. Alderman Kawalec asked if the developers had considered utilizing space not immediately adjacent to the project. Mr. Northern answered that they had not been able to locate any property to use.

Mr. Heffner stated that the parking lot would serve as a buffer between the commercial and residential properties. This would be screened well enough to prevent damage to adjoining property values. He believed that the residential properties would become more valuable because of the close proximity of shopping and restaurants.

Mr. Craig thought the project would improve the value of his lots, both those used in the project and those adjoining. He stated the project was providing its own parking. If other businesses did so, the town would not have to build a parking lot in this area. He submitted petitions signed by citizens downtown in favor of the project. Mr. Craig did not want the lot paved. Mr. Northern submitted photographs of the site as it now is. (Alderman Vickery came in.)

Mr. Hogan stated the residents of Roberson did not favor the rezoning of the property because it would create a traffic hazard as well as lowering the property values of adjoining property. The project would create noise and dust on a street where many elderly people lived. Alderman Epting asked how close the nearest resident was to the project. Mr. Hogan responded that the resident was next to the property, approximately 20' away. Ms. Hogan asked that the parking be put somewhere else so the residents would not be disturbed. Mr. Cordell agreed with Mr. Hogan and his mother.

Mr. Bacon, owner of Pyewacket Cafe, stated he had been negotiating with the developers as a tenant of the Courtyard. The parking in the West Franklin Street area was inadequate. The 35 spaces allowed without the special use permit and the proposed town parking lot would not, in his opinion, provide enough parking. He would not be interested in being a tenant without the parking lot. Ms. Parker asked if there was any specific amount of parking Mr. Bacon wanted. He responded that he wanted as much as possible constrained by aesthetic values. Alderman Kawalec asked if Mr. Bacon provided any parking for customers now. He did not, except for metered parking on West Franklin Street. Alderman Howes asked if this was a constraint on the business. Mr. Bacon believed it was. Alderman Smith asked if Mr. Bacon had been aware of the constraints when he started his restaurant. Mr. Bacon had, but preferred to be in the CBD rather than a mall, and could not afford a location on East Franklin Street. There were no further comments from the audience. ALDERMAN EPTING MOVED, SECONDED BY ALDERMAN COHEN, TO REFER THE MATTER TO THE PLANNING BOARD FOR CONSIDERATION AND RECOMMENDATION. THE MOTION WAS CARRIED BY A VOTE OF SEVEN TO ONE WITH ALDERMEN BOULTON, COHEN, EPTING, HOWES, KAWALEC, THORPE AND VICKERY SUPPORTING AND ALDERMAN SMITH OPPOSING.

#### Unified Business Development Special Use Request for the Hotel L'Europe

Witnesses were sworn. Mr. Jennings presented the request for the 148 room hotel on 5.5 acres of land. He pointed out the location of the project. The hotel would have a restaurant, meeting rooms and ancillary facilities. The applicant proposed an extension of Mt. Moriah Church Road. The staff had recommended for the Highway Improvement Program the continuation of the frontage road. It was not necessary here to provide for good traffic movement. Although the ordinance required 542 parking spaces, the applicant proposed only 318 spaces because of the sharing of facilities by guests.

Mr. DeMaere, representative of the owner, stated the owner was experienced in the business. He owned several hotels in Europe. He would maintain control over the hotel once built. Mr. Atkins reviewed a history of the property. He submitted for the record a letter from Mr. McClamrock, the adjoining property, stating he had no objections to the development. Mr. Atkins also submitted the statement of justification.

Mr. O'Brien described the materials to be used in the structure to provide low maintenance and energy conservation. The hotel would be on a bus line and guests would be encouraged to use the bus. Mr. O'Brien pointed out the location of facilities in the hotel. Meeting space for 400 to 500 would be provided.

Mr. Horn stated the traffic impact study was for a 160 room hotel even though the number of rooms had been reduced. He believed Mt. Moriah Church Road would be signalized in the near future. He proposed swinging the frontage road in to intersect with the entrance to the project. A four-lane road would be constructed between the service road and 15-501. Turning lanes on 15-501 should be provided. Alderman Smith suggested the extension of Mt. Moriah Church Road should not be opened until the intersection was signalized. Mr. Jennings explained that this connection was mandated by the permit granted to the office park. Alderman Thorpe asked how many people would be employed. Mr. DeMaere estimated between 80 and 100 people. ALDERMAN HOWES MOVED, SECONDED BY ALDERMAN EPTING, TO REFER THE MATTER TO THE PLANNING BOARD FOR CONSIDERATION AND RECOMMENDATION. THE MOTION WAS CARRIED UNANIMOUSLY.

Unified Business Development Special Use Request for the Central Carolina Bank and Trust Company--Public Hearing

All witnesses were sworn. Mr. Jennings pointed out the location for the two buildings. Projects on this location had been considered twice before and the Board had refused to grant permits. There were a number of structures existing on the property which would be demolished. The proposed bank would have four drive-in windows. The applicant proposed realigning Couch Road. The property was designated low density residential on the land use plan. The drive-in windows would be located next to the adjoining residential property which the staff believed a good location on the property.

Mr. Page stated the tract had been increased by an addition of land. Brendles had made improvements to the intersection of 15-501. With these improvements, the project presented no hazard to health and safety. Mr. Page submitted the statement of justification. He informed the Board there had been no opposition from the adjoining property owners. Mr. De Pasquale stated the project met all requirements. He reviewed the setbacks for the project. Traffic for the bank and drive-in windows would be split to avoid conflict. The bank would be a full-service bank.

Mr. Hill stated the northeastern part of town was without banking facilities which they hoped to serve. The service road would be aligned as it had been constructed at Brendles. Alderman Cohen asked if Mr. Hill thought other banks would be requesting sites in this area. Mr. Hill responded that this was the only site he had been able to find in the area. Mr. Francisco asked if the building could be moved to provide a greater buffer between the building and the residential property. Mr. Hill answered that the building had been located so as to provide for a back-up of two cars. If it was moved there would be no room for back-up of cars at the drive-in windows. Alderman Smith asked what the distance was from the outside drive-up window and the residential property. Mr. De Pasquale believed it to be 50'.

Mr. Hausler described the second building, a 2 story office building, residential in scale. Solar hot water heating would be used. Mr. Walker submitted the traffic impact analysis for the bank and office building, reviewing it for the Board. He did not believe the hotel would have a significant impact on the figures for this intersection. Ms. Parker asked why the difference in buffers between the bank and the office building. Mr. Hill responded there would be a difference in the type of parking, therefore in the type of screening needed. Mr. Rindfuss asked if the project would affect the property value of the residences adjoining. Mr. Hill believed these values would be increased. Alderman Cohen asked if the value as a residential use would be decreased. Mr. Hill answered the livability would be increased.

Mr. Howell, owner of adjoining property across the road, stated he did not believe the value of adjoining property would be injured.

Mr. Page believed the office would provide a transition between the commercial and residential uses. He stated the property was not viable for long term single-family residential use. The proposed use was in his opinion the highest and best use. Mr. Reeve stated there were residences fronting on 15-501 or the service road. Mr. Page responded that these were residences but had home office uses. ALDERMAN HOWES MOVED, SECONDED BY ALDERMAN SMITH, TO REFER THE MATTER TO THE PLANNING BOARD FOR CONSIDERATION AND RECOMMENDATION. THE MOTION WAS CARRIED UNANIMOUSLY.

Drive-in Business Special Use Request for the Burger King Restaurant--Public Hearing

Witnessess were sworn. Mr. Jennings reviewed the traffic pattern to be followed if the drive-in window was allowed. He read the policy on drive-in businesses. Mr. Breedlove stated the drive-in window would not increase the traffic, but would allow the business to serve their customers better. Surrounding facilities were commercial. The addition of a drive-in window would not endanger the public safety. A burm would reduce the reflection from lights at night. In response to questions from Aldermen Epting Mr. Breedlove stated that the project would not injure the value of adjoining property, it would not endanger the public safety, and it met all required conditions and specifications. Alderman Smith thought the traffic between the building and the parking would create a hazard. He said the developers would not need this to compete with other businesses in town as there were no other drive-in windows for this type of business in town. Mr. Breedlove responded that customers had requested the drive-in window. Mr. Francisco questioned the entrance to the business. Mr. Breedlove explained that there would be room for stacking up to 8 cars for the drive-in window without interfering with traffic on Elliott Road. ALDERMAN EPTING MOVED, SECONDED BY ALDERMAN HOWES, TO REFER THE MATTER TO THE PLANNING BOARD FOR CONSIDERATION AND RECOMMENDATION. THE MOTION WAS CARRIED UNANIMOUSLY.

There being no further business to come before the Board, the meeting was adjourned.

James C. Wallace

Mayor James C. Wallace

David B. Roberts

Town Clerk David B. Roberts