

BEFORE THE CHAPEL HILL TOWN COUNCIL

CHAPEL HILL, NORTH CAROLINA

In Re:)
)
MEADOWMONT DESIGN)
GUIDELINES and)
INFRASTRUCTURE PLAN)
SPECIAL USE PERMIT)
)
-----)

PUBLIC HEARING

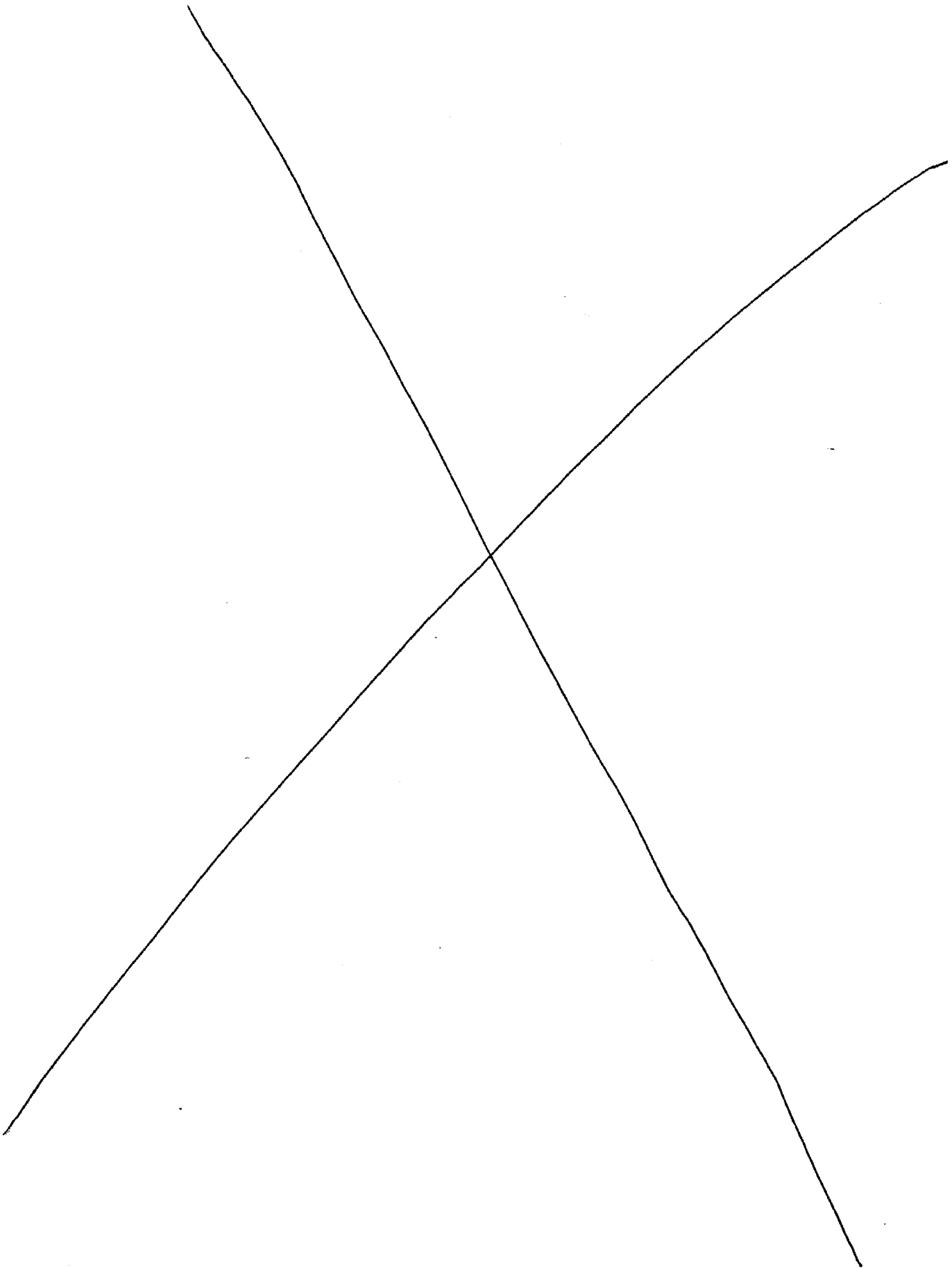
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Pages 1 - 200

COUNCIL MEMBERS:

- ROSEMARY WALDORF, MAYOR
- FLICKA BATEMAN
- KEVIN C. FOY
- JOYCE BROWN
- JOE CAPOWSKI
- LEE M. PAVAO
- PAT EVANS
- EDITH M. WIGGINS
- JULIE ANDRESEN

7:00 p.m.
March 11, 1998



CONTENTS

TESTIMONY OF WITNESSES	PAGE
LARRY SITTON	13
MIKE HORN	18
DALE SWIFT	39
ROBERT SPROUSE	69
TOM HEFFNER	92
BARBARA CHAIKEN	116
VALERIE BRODDWELL	121
PATRICIA SUANNE BROOKS	125
CYNTHIA WISE	136
EDMUND WISE	141
MICHAEL BROUGH	151
BILL DAVIS	168
REGINALD MORGAN	173

1 Public Hearing - Meadowmont - 3/11/98 4
 2
 3 PROCEEDINGS
 4 MAYOR WALDORF: Good evening. This
 5 public hearing of the Chapel Hill Town Council will
 6 come to order. This is a reconvening of the public
 7 hearing on the Meadowmont infrastructure special use
 8 permit, as we were directed to do by Judge Battle in
 9 his order dated December 18, 1997.
 10 The procedures that we're going to follow
 11 here tonight are very, very similar to what we always
 12 follow when we're having public hearings on special
 13 use permit hearings, but I would like to go over a few
 14 procedural points, because there are some slight
 15 differences.
 16 All people who want to speak tonight need
 17 to be sworn. Even though this is a reconvening of the
 18 hearing, there has been a considerable time lapse
 19 between now and the original hearings, and our
 20 attorney advises that anybody who wants to speak needs
 21 to be sworn, even if you were sworn before and spoke
 22 before.
 23 I was just advised a few minutes ago that,
 24 for some reason, attorneys don't have to be sworn. I
 25 personally object to that, but I guess I can't do

Contents, contd.

TESTIMONY OF WITNESSES	PAGE
ARNOLD LOEWY	177
RAY DOOLEY	181
KEN ROBINSON	186
GLYN COLLINS	190
JANA COLLINS	194

1 Public Hearing - Meadowmont - 3/11/98 5
 2
 3 anything about it. So we would ask that attorneys who
 4 have not been sworn, when they come up to the podium,
 5 to please identify themselves so that the clerk can
 6 get their full names in the record.
 7 Evidence tonight does not need to be
 8 repeated. This is a continuation of a hearing, and
 9 evidence previously received by the council is already
 10 part of the record and does not need to be resubmitted
 11 in order for it to be before the council when the
 12 council makes its decision.
 13 In terms of order of presentation, you
 14 probably all have a copy of the agenda face sheet.
 15 You'll notice that there is one thing that is a little
 16 bit different from what we usually do. The advisory
 17 board recommendations are usually a part of our
 18 special use permit hearing process.
 19 Those advisory board recommendations for
 20 the project as it's currently designed have already
 21 been submitted and are before the council for its
 22 consideration. So apart from that, the order of
 23 presentation is consistent with what we usually do.
 24 We often try to impose what we think is a
 25 reasonable time limit on testimony. Tonight we're

1 Public Hearing - Meadowmont - 3/11/98 6
 2
 3 going to be lenient in allowing the presentation of
 4 evidence, but we do encourage citizens to be concise
 5 when they present their evidence and to try to not be
 6 repetitive.
 7 The manager is going to go over at the
 8 beginning of the meeting when I finish talking--he and
 9 the planning director are going to go over the scope
 10 of the hearing and exactly what is the issue before
 11 the council.
 12 But I do encourage folks who are speaking
 13 to present evidence that's relative to the issue
 14 that's before us tonight, and again, there won't be
 15 any time limitations. Just whatever limits you can
 16 put on yourself will be appreciated by all of us.
 17 There is, as always in special use
 18 hearings, the right of cross-examination. Witnesses
 19 may be cross-examined at this hearing, as at all
 20 special use hearings. If there are groups in the
 21 audience--and I've already spoken to a couple of the
 22 attorneys here--it would be highly preferable if the
 23 groups could designate a person to do any cross-
 24 examining that needs to be done. And, of course,
 25 council members can also ask questions.

1 Public Hearing - Meadowmont - 3/11/98 7
 2
 3 So what I plan to do after every person
 4 speaks is to say, "Is there anyone who wishes to ask
 5 questions of this witness?" And if there is anyone,
 6 then that person needs to come up to the podium, ask
 7 the question, and the witness needs to answer it.
 8 And then I'll say, "Are there any council
 9 members who wish to ask questions of this witness?"
 10 And I would ask the mayor pro tem and the attorney to
 11 help me remember this, because I will surely forget at
 12 least once.
 13 At the end of this evening, I hope that we
 14 will have received all the testimony that we need to
 15 receive. I hope we don't have to continue this to a
 16 second hearing, but if we do, we do. So when we have
 17 received all the testimony, either tonight or on a
 18 subsequent night, we'll need to recess the hearing to
 19 a date and time certain.
 20 We've been--we've received a recommendation
 21 from the staff that a date at which we could have a
 22 staff analysis, which is required by the ordinance,
 23 would be April 6. So I hope we'll get all the
 24 testimony in tonight. If we don't, we'll probably
 25 have to have another hearing tomorrow night.

1 Public Hearing - Meadowmont - 3/11/98 8
 2
 3 So with those procedural suggestions on the
 4 floor, I'd like to turn to the manager for a
 5 presentation about the issue.
 6 CAL HORTON: Thank you, Madam
 7 Mayor. I'll be very brief and then call on Roger
 8 Waldon, the planning director. I would note one
 9 additional thing in regard to process.
 10 We do not usually have a transcriptionist
 11 attend these meetings, but we have made that
 12 arrangement this evening. That's the person sitting
 13 at the table in the center of the room. It would be a
 14 help to her, I'm sure, if each person who came to
 15 speak would state their name as they begin their
 16 remarks.
 17 This is a matter that has come before the
 18 council over a period of several years, beginning with
 19 the master land use plan application considered by the
 20 council and subsequently acted upon, and then followed
 21 up by several special use permits, also considered by
 22 the council.
 23 One has returned to you remanded by the
 24 court for your further consideration. Roger Waldon
 25 will remind everyone just briefly of some of the key

1 Public Hearing - Meadowmont - 3/11/98 9
 2
 3 elements included in the permit that is before you
 4 this evening and touch on the issues as we understand
 5 them and defined by the court. Roger?
 6 ROGER WALDON: Thank you. Good
 7 evening. As the mayor has mentioned, this public
 8 hearing has been called for consideration of aspects
 9 of the Meadowmont infrastructure special use permit.
 10 I would like to take about two minutes and
 11 help set the stage with just a little bit of history.
 12 On July 3 of last year, the town council adopted a
 13 special use permit for the Meadowmont infrastructure.
 14 It was one of five special use permits that were
 15 adopted on July 2 and 3 of last year.
 16 The slide behind me shows a graphic that I
 17 used that night. It shows the overall Meadowmont area
 18 covered by the scope of the master plan that was
 19 approved in 1995. And then, colored in are the five
 20 special use permits. The yellow is the infrastructure
 21 special use permit. The green was the park and school
 22 site. The red was the village center. The brown was
 23 the apartments, and then blue was the swim club.
 24 So those were the five permits that were
 25 approved that night, and what we're talking about

1 Public Hearing - Meadowmont - 3/11/98 10
 2
 3 tonight is the infrastructure permit. So zeroing in
 4 on that yellow area, the infrastructure special use
 5 permit application covered 182 acres. It proposed a
 6 lot of the basic infrastructure, obviously, for the
 7 Meadowmont development, including streets, storm water
 8 systems, water and sewer, and 405 residential building
 9 lots for development of single family housing.
 10 So that's what was approved. And the mayor
 11 and the manager have mentioned the legal challenge and
 12 the court order. The court found in review of the
 13 council's record on the public hearing and the
 14 council's decision of July 3 that one of the four
 15 findings that the council met was not adequately
 16 supported by evidence in the public hearing.
 17 As you know, the council has to make four
 18 findings in order to approve a special use permit, and
 19 the court found that one of those four was lacking
 20 sufficient evidence in the record to support it. And
 21 that was the finding about property values.
 22 It's the finding that reads as follows:
 23 "No special use permit shall be approved by the
 24 council unless a finding is made concerning the
 25 proposed special use that the use or development is

1 Public Hearing - Meadowmont - 3/11/98 11
 2
 3 located, designed, and proposed to be operated so as
 4 to maintain or enhance the value of contiguous
 5 property."
 6 Consistent with the court order, we brought
 7 a report to the council, and on February 9, the town
 8 council called this public hearing tonight for the
 9 purposes of receiving evidence on that finding.
 10 We included in your packet tonight a brief
 11 description, reminder of what was in this special use
 12 permit for infrastructure. We also included a copy of
 13 the July 3 resolution that the council adopted
 14 approving the infrastructure special use permit.
 15 We also included in your packets a copy of
 16 the court order directing that this hearing be
 17 reconvened tonight. And the last thing that we
 18 included was a stack of papers that represents the
 19 minutes of the public hearings conducted over several
 20 evenings that the council heard during last spring and
 21 early summer.
 22 What we have for you tonight are two
 23 preliminary resolutions, a resolution (A), which would
 24 approve, again, the Meadowmont special use permit, if
 25 the council chooses to do that. We also have in your

1 Public Hearing - Meadowmont - 3/11/98 12
 2
 3 packet a draft resolution (B), which would deny the
 4 Meadowmont special use permit if you decide that there
 5 isn't evidence that allows you to make that finding
 6 that's on the table tonight.
 7 And with that, I'll sit down. We're, of
 8 course, here to answer questions that you might have.
 9 CAL HORTON: Madam Mayor and
 10 members of the council, if there is no objection, we
 11 would ask that the materials that we've prepared and
 12 presented to you, in addition to others as may be
 13 presented to you this evening in writing and handed in
 14 for your consideration, be made a part of the record.
 15 MAYOR WALDORF: Very good. All right.
 16 We'll first hear a presentation by the applicant. I
 17 assume that you've all been sworn and all that.
 18 ROGER PERRY: Yes, Madam Mayor, we
 19 have. Thank you.
 20 MAYOR WALDORF: Okay.
 21 ROGER PERRY: My name is Roger
 22 Perry. Madam Mayor and council members, it's so nice
 23 to see you all again. You're fortunate tonight in
 24 that you'll not hear very much from me. Our
 25 presentation will be given by experts on the matter at

1 Public Hearing - Meadowmont - 3/11/98 13
 2
 3 hand. And with that said, let me introduce to you
 4 Larry Sitton with the Smith, Helms law firm, who will
 5 make opening remarks and moderate our presentation
 6 tonight. Thank you.
 7 TESTIMONY OF LARRY SITTON
 8 MR. SITTON: Madam Mayor and
 9 members of the council, as Mr. Perry said, I'm Larry
 10 Sitton. I'm an attorney from Greensboro with Smith,
 11 Helms. And even though I'm an attorney, I am sworn
 12 also.
 13 Your staff, the town manager and the
 14 planning director, have gone over why we're here
 15 tonight and how we got to this point. I would
 16 reemphasize the fact that the scope of this hearing is
 17 obviously very limited.
 18 The purpose is to consider whether the
 19 value of the contiguous property--and that's the word
 20 that's used in the development ordinance--will be
 21 maintained or enhanced by virtue of this
 22 infrastructure permit.
 23 Now, "contiguous" can be defined narrowly,
 24 and we submit that it should be defined narrowly. And
 25 the definition should be that it directly abuts the

1 Public Hearing - Meadowmont - 3/11/98 14
 2
 3 development, although there could be evidence
 4 submitted tonight that would show--that would define
 5 "contiguous" more broadly. But regardless, we think
 6 the evidence put forth on behalf of the applicant,
 7 Meadowmont development, will show that it doesn't
 8 matter how "contiguous" is defined.
 9 Also, as already stated, this hearing is
 10 limited to new evidence, evidence that's not already
 11 in the record before you from the prior hearings. I
 12 think, too, it's important that in the hearing
 13 tonight, we put the matter into perspective.
 14 The town council cannot compare the effect
 15 of the infrastructure permit to the property remaining
 16 as it is. This property is going to be developed.
 17 It's already zoned R-1 for single family residential,
 18 and thus, it will be developed in some fashion no
 19 matter what the decision is here tonight.
 20 And any development would likely include an
 21 extension of Pinehurst Drive, the primary focus of
 22 this hearing tonight. And so this creates a baseline
 23 for any comparison. That is that the council, you,
 24 the members of the council, must look at the effect of
 25 the infrastructure permit by virtue of this multi-use

1 Public Hearing - Meadowmont - 3/11/98 15
 2
 3 development as compared to a single family
 4 development, which could occur at any time as a matter
 5 of right.
 6 Now, in order to present our evidence, and
 7 in order for you to understand the effect of the
 8 allowance of the infrastructure permit on the property
 9 values, we'll first hear from Mike Horn, who is with
 10 Kimley-Horn, who did--this is the firm that did the
 11 traffic impact analysis. And obviously, traffic and
 12 the increase in traffic on Pinehurst Drive is an
 13 important part of this consideration.
 14 Then you'll hear from three experts in the
 15 field of land valuation, Dale Swift from John
 16 McCracken & Associates, Bob Sprouse with Pickett,
 17 Sprouse Real Estate, and Tom F. Heffner from here in
 18 Chapel Hill.
 19 As you'll hear from each of these experts,
 20 they've all conducted detailed analyses of the impact
 21 of the connection of Pinehurst Drive and Meadowmont to
 22 the property values on the contiguous property. And
 23 based on these analyses, each of them has concluded
 24 that the property values will not be adversely
 25 affected. In fact, it's likely that the property

1 Public Hearing - Meadowmont - 3/11/98 16
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 3 values will be enhanced.
 4 Obviously, I don't need to remind you of
 5 your duty in this matter. You're sitting--it's a
 6 quasi-judicial proceeding, a special use permit--
 7 you're sitting as judges, and that you have the
 8 responsibility to be fair and to listen to the
 9 evidence and make your decision based on the evidence
 10 that you hear tonight and evidence that's already in
 11 the record.
 12 If any of you have already made up your
 13 mind and will not base your decision on what's in the
 14 record now or to be put in the record tonight, then
 15 you should recuse yourself. Obviously, this is a
 16 volatile issue, but the question is not whether
 17 Meadowmont is good or bad as a development. The issue
 18 is the narrow issue that's been remanded to the
 19 council, and that is the issue of property valuation
 20 and the infrastructure permit.
 21 The other--as you've already been told,
 22 there are other findings that need to be made in
 23 connection with an infrastructure permit or any
 24 special use permit. Those findings have already been
 25 made. Those findings stand. The only question is

1 Public Hearing - Meadowmont - 3/11/98 17
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 3 whether or not this development and the extension of
 4 Pinehurst Drive by virtue of this development will
 5 maintain or enhance the property values. We
 6 appreciate your attention.
 7 And first, we've got Mike Horn.
 8 MAYOR WALDORF: I don't--let me just
 9 stop for just a second. I said that after everybody
 10 spoke, I would ask whether anyone wanted to ask
 11 questions of this witness. I would suggest to the
 12 council, I guess, that we let--the developer seems to
 13 have a coordinated presentation--that we let that
 14 presentation go on and then allow questions to come at
 15 the end, or if--we can do it either way.
 16 What's your preference? At the end is all
 17 right? I think that's probably better. All right.
 18 Thank you very much.
 19 MR. SITTON: I would suggest, and
 20 it's obviously up to you, you might want to do it
 21 after each witness. It is coordinated, but each of
 22 them has a distinct part.
 23 MAYOR WALDORF: Yeah, yeah.
 24 MR. SITTON: So if there's a
 25 question as to that witness's presentation, you might

1 Public Hearing - Meadowmont - 3/11/98 18
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 3 want to do it then.
 4 MAYOR WALDORF: I think so, too. You
 5 know, I stopped here because you didn't so much
 6 present an evidence as you did an argument and a
 7 framework, so I just wanted to get it clarified. All
 8 right. So we'll stop after Mr. Horn and see if
 9 anybody has any questions of him.
 10 TESTIMONY OF MIKE HORN
 11 MR. HORN: Good evening, Madam
 12 Mayor, members of the council. My name is Mike Horn.
 13 I am with Kimley-Horn & Associates. I'm a licensed
 14 engineer in the state of North Carolina, having
 15 practiced traffic engineering for the past 15 years.
 16 My experience in traffic studies ranges from the
 17 private development arena, like Meadowmont, to
 18 municipalities, including the City of Raleigh and the
 19 Town of Chapel Hill.
 20 I've also worked for multiple DOTs,
 21 including the North Carolina, Virginia, South
 22 Carolina, Florida DOT. I was retained in December,
 23 1993, to prepare a traffic study for the 425-acre
 24 Meadowmont development. At that time, we met with
 25 town staff to determine the elements they wanted

1 Public Hearing - Meadowmont - 3/11/98 19
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 3 covered in the analysis.
 4 These elements included trip generation,
 5 trip distribution, and growth factors. The
 6 distribution of traffic was developed and agreed upon
 7 by the staff to be 60 percent to the west, Chapel
 8 Hill, and 40 percent to the east.
 9 In April, 1994, we completed the original
 10 traffic study for Meadowmont. In early 1995, we were
 11 asked to update the report due to land use changes.
 12 In April, 1995, we resubmitted our analysis. In
 13 February, 1996, we were again asked to update our
 14 report, primarily due to land use changes. In May of
 15 1996, we resubmitted the traffic study, which follows
 16 the master land use plan that you currently see on the
 17 screen.
 18 This plan includes 342 single family units,
 19 795 apartments, 161 town homes, 394,000 square feet of
 20 office, a 200-room motel, a 216,380 square foot
 21 specialty retail, a 12,000 square foot, sit-down
 22 restaurant, a 3,720 square foot fast food restaurant,
 23 two 4,500 square foot banks, a 70-acre park, and a
 24 1,000 student middle school.
 25 With this land use, we estimated that

1 Public Hearing - Meadowmont - 3/11/98 20
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 3 Meadowmont could generate approximately 24,500 new
 4 trips a day. Now, let me take a minute and see if I
 5 can describe what is another number that is being
 6 discussed of the amount of traffic that Meadowmont is
 7 generating. And I believe that's 31,000.
 8 And yes, in our report we reported that
 9 there is a 31,000 vehicles trips per day associated
 10 with Meadowmont, but understand that in generating or
 11 in looking at Meadowmont, a 425-acre development, that
 12 in determining trip generation, the generation for--
 13 take one element of this--the 200-room hotel or any of
 14 the retail, that the trip generation in the manual
 15 treats it as a stand-alone, you know, by itself and
 16 tells you what that generation is.
 17 When you combine, and in this case having
 18 mixed use development, you have certain elements that
 19 have what we term internal capture. In other words,
 20 people at the hotel can go use the restaurant that is
 21 there. They can go to the retail. People living
 22 there can go to the retail. So there's this internal
 23 capture that was allotted for, and essentially
 24 approximately 10 percent of the traffic was deemed to
 25 be internal.

1 Public Hearing - Meadowmont - 3/11/98 21
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 3 Another factor is what we term pass-by
 4 traffic, traffic that's already on the network, in the
 5 case of 54, that would want to use the retail. So
 6 there were allowances, and these allowances are
 7 provided for in the trip generation manual.
 8 Therefore, that's why you see a difference between a
 9 31,000 and 24,500. I report 24,500 new trips.
 10 I'll note that this trip generation has
 11 been approved by the town staff. The developers of
 12 Meadowmont have agreed to widen N.C. 54 to six lanes
 13 with turn lanes at the intersections, which will allow
 14 N.C. 54 to operate at acceptable levels of service.
 15 Throughout the study and with each update,
 16 the distribution of traffic had remained the same. In
 17 late 1996, the town staff asked East-West Partners to
 18 study the traffic impact Meadowmont would have on
 19 Pinehurst Drive if it were connected.
 20 I met with the town staff to go over what
 21 their concerns were and what they wanted to have
 22 analyzed. On November 11, 1996, I prepared a letter
 23 report describing the potential traffic impact of
 24 Meadowmont development onto Pinehurst Drive. I
 25 reported Pinehurst Drive had a daily volume of 2,700

1 Public Hearing - Meadowmont - 3/11/98 22
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 3 to 3,000 vehicles per day and was classified as a
 4 minor thoroughfare on the thoroughfare plan, the
 5 approved thoroughfare plan.
 6 Based upon my research and analysis, I
 7 determined the impact on Pinehurst Drive from the
 8 Meadowmont development would be approximately 8-1/2
 9 percent of the Meadowmont traffic. I met with the
 10 town staff and was requested to use 10 percent of the
 11 Meadowmont traffic on Pinehurst Drive to represent a
 12 maximum impact. Ten percent of the Meadowmont
 13 external traffic volume would be 2,400 to 2,500
 14 vehicles per day.
 15 This impact did not include any traffic
 16 calming. We would anticipate this impact to be
 17 lowered if traffic calming procedures were introduced
 18 in Pinehurst Drive. I indicated this increase was
 19 within the design capacity of Pinehurst Drive, but
 20 that the intersection of Pinehurst Drive and Ephesus
 21 Church Road should be monitored for signalization.
 22 On February 27, 1997, I submitted
 23 additional information regarding the traffic impact of
 24 Meadowmont onto Pinehurst Drive with and without the
 25 connection. Based upon our previous studies,

1 Public Hearing - Meadowmont - 3/11/98 23
 2
 3 discussions with the town staff, travel times,
 4 location of homes, and alternate routes, I projected
 5 the following impact on Pinehurst Drive and
 6 Burningtrees Drive with and without a connection to
 7 Pinehurst Drive.
 8 What you see essentially is what I've said
 9 as far as the existing traffic on Pinehurst. That's
 10 today. I indicated that it was 2,700 to 3,000
 11 vehicles per day, 3,000. We see that there's a
 12 potential of a 2,400 to 2,500 vehicle per day increase
 13 on Pinehurst with the connection. Without the
 14 connection, we see the impact on Pinehurst being
 15 slightly lower.
 16 But as you can see, going up on
 17 Burningtrees, the reason there's no connection to
 18 Pinehurst, you have to get back out on N.C. 54 and go
 19 back up Burningtrees. But that impact would be less
 20 because that's a more difficult maneuver to make.
 21 Travel time is increased. That concludes my
 22 presentation.
 23 MAYOR WALDORF: Are there any
 24 questions of this witness? Well, I know Julie has a
 25 question, but I just want to see if anybody in the

1 Public Hearing - Meadowmont - 3/11/98 24
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 3 audience does. All right. Julie?
 4 MS. ANDRESEN: Yeah. I just wanted
 5 to kind of clarify questions about your testimony.
 6 You stated that the town staff requested that you
 7 perform these traffic studies in a certain way, and
 8 you kind of reeled off those things, and I didn't get
 9 them real quick. One was trip generation. Was there
 10 anything else?
 11 MR. HORN: Trip distribution.
 12 MS. ANDRESEN: Okay.
 13 MR. HORN: Essentially, that is
 14 once you've generated the amount of traffic, that
 15 24,500, how or where will it go onto the roadway
 16 system. Which intersections will it impact?
 17 MS. ANDRESEN: So that was on 54 or
 18 on any related roads, or any other roads? Just only
 19 on 54?
 20 MR. HORN: The initial study,
 21 again, dating back to 1994, had originally looked at
 22 only N.C. 54, that the town staff at that time was not
 23 concerned with impact, or they felt that the impact
 24 was negligible, on other areas. Their concern was
 25 basically toward N.C. 54.

1 Public Hearing - Meadowmont - 3/11/98 25
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 3 It was not until later on, as I had
 4 indicated, that they had asked, and essentially asked
 5 East-West Partners, what was the impact on Pinehurst
 6 Drive. And then we went back and looked at that and
 7 performed additional analysis.
 8 MS. ANDRESEN: And in the traffic
 9 study, there were studies of turning movements from
 10 54, then, onto Pinehurst and other roads; is that
 11 right? As I recall, I did look at that traffic study
 12 some time ago. I don't mean Pinehurst. I'm sorry.
 13 Burningtrees, Meadowmont Lane, the ones right in front
 14 of Meadowmont. You did a study of those
 15 intersections, correct?
 16 MR. HORN: Yes, turning from--
 17 starting from Barbee Chapel Road to Meadowmont Lane-
 18 Friday Lane to the new, let's call it, Barbee Chapel
 19 Extension--
 20 MS. ANDRESEN: Right.
 21 MR. HORN: --to Burningtrees
 22 Drive, yes, ma'am.
 23 MS. ANDRESEN: So you basically did a
 24 study of the intersections in front of Meadowmont but
 25 not down the road, not 54 or not--excuse me--not 15-

1 Public Hearing - Meadowmont - 3/11/98 26
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 3 501 or anything else. Okay.
 4 MR. HORN: No, we were never
 5 instructed to.
 6 MS. ANDRESEN: Okay. And then you
 7 also stated that 54 would need to be widened to six
 8 lanes, which I assume you had a couple of turning
 9 lanes in there, too.
 10 MR. HORN: Yes.
 11 MS. ANDRESEN: I just needed to
 12 clarify that you were talking about the area
 13 immediately in front of Meadowmont and not either side
 14 down the road.
 15 MR. HORN: Well, what we found--
 16 MS. ANDRESEN: Yeah.
 17 MR. HORN: --is that the
 18 controlling intersections--and that's how you truly
 19 determine a level of service on a roadway is at its
 20 intersection, where the two roads cross. That's where
 21 everybody stops. In looking at the levels of service,
 22 we saw, first of all, that going back toward or into
 23 town, that actually N.C. 54 is six lanes and that from
 24 Burningtrees outward, it was four lanes.
 25 What we looked at then, in the original

1 Public Hearing - Meadowmont - 3/11/98 27
 2
 3 study, looked at just keeping the existing laneage at
 4 or on N.C. 54 at the intersections that I described on
 5 N.C. 54. We then went back and had performed
 6 additional analysis that looked at the widening of
 7 N.C. 54 from Burningtrees to Barbee Chapel, which is
 8 what the developers agreed to.
 9 And those intersections, the ones we
 10 studied, all came up to an acceptable level of
 11 service, whereas originally we had reported them as
 12 being congested and to an unacceptable.
 13 MS. ANDRESEN: So bottom line, with
 14 the widening of the road in front of Meadowmont, the
 15 intersections in front of Meadowmont show an
 16 acceptable level of service?
 17 MR. HORN: Correct.
 18 MS. ANDRESEN: Okay.
 19 MAYOR WALDORF: Other questions of Mr.
 20 Horn? Flicka?
 21 MR. HORN: I've got to stand away
 22 from mine.
 23 MS. BATEMAN: I wonder if you could,
 24 I guess not right now, but at some point break down
 25 for us the amount of car trips generated by each

1 Public Hearing - Meadowmont - 3/11/98 28
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 3 segment of buildout--and I'm not explaining this very
 4 clearly--i.e., how many cars are you predicting will
 5 come from the single family dwellings, how many will
 6 come from the hotel, how many will come from the
 7 office, how many will go to the swim club, how many
 8 will go to, et cetera, that same list that you went
 9 over for us?
 10 MR. HORN: I'll run through a
 11 quick list. I have it right here. I listed what the
 12 master land use plan included. In that was--and I'll
 13 go through the list that I have right here--394,000
 14 square feet of office. Based again on the ITE Trip
 15 Generation Manual, which is what is used nationwide
 16 and used by NCDOT and the Town of Chapel Hill--
 17 MS. BATEMAN: Just to save you time.
 18 MR. HORN: Actually, unless other
 19 folks want to hear it, it would help me just to see it
 20 in writing, if you could just--
 21 MR. HORN: Oh, no problem.
 22 MS. BATEMAN: I don't know if
 23 anybody else wants to hear it.
 24 MR. SITTON: If I can, Madam
 25 Mayor--

1 Public Hearing - Meadowmont - 3/11/98 29
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 3 MAYOR WALDORF: Yes, sir.
 4 MR. SITTON: For this witness and
 5 for all the other witnesses, they all have written
 6 reports, and we'll submit that to you at the end of
 7 the presentation so you'll have all of the stuff in
 8 writing.
 9 MR. HORN: And I'll go right to
 10 it in the report, or show you where it is, if you
 11 want.
 12 MS. BATEMAN: Fine.
 13 MR. HORN: Okay.
 14 MAYOR WALDORF: Kevin, you had your
 15 hand up?
 16 MR. FOY: You said that you
 17 updated the traffic analysis a couple of times and
 18 that you did the update based on land use changes.
 19 And I wondered if those were land use changes in the
 20 project or other kinds of land use changes.
 21 MR. HORN: Land use changes
 22 primarily in the project.
 23 MR. FOY: And so did those
 24 land--you had already done traffic analysis of the
 25 project as it was planned, and then changes were made

1 Public Hearing - Meadowmont - 3/11/98 30
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 3 to the project, and you made new predictions of
 4 traffic?
 5 MR. HORN: Correct, along with
 6 making new traffic counts along key areas, again, at
 7 the request of the town, to help them understand what
 8 these changes would have as far as the roadway impact,
 9 or the impact on the roadway.
 10 MR. FOY: So were the traffic
 11 analyses--did they show a greater or lesser impact on
 12 the surrounding neighborhoods based on the land use
 13 changes?
 14 MR. HORN: From the original 1994
 15 going forward to, finally, the 1996, the land use has
 16 decreased as far as what you see currently with this
 17 master land use plan. I'll throw it back up if you
 18 want.
 19 MAYOR WALDORF: Mr. Horn, you mean the
 20 intensity of the land use in the Meadowmont area has
 21 decreased? Is that what you mean?
 22 MR. HORN: Yes. As a traffic
 23 engineer, let me say that the traffic intensity--and
 24 that's how I describe things--has gone down. In other
 25 words, the impact of the traffic, the amount of

1 Public Hearing - Meadowmont - 3/11/98 31
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 3 traffic generated, has gone down. Now, I'm happy to
 4 pull back out the 1994 report and go over what was
 5 assumed in that study.
 6 MR. FOY: That's in the packet
 7 that you're giving us?
 8 MR. HORN: I think so. It's
 9 clearly in the packet if we truly have all of what has
 10 been submitted. I have not seen it, I'm sorry to say,
 11 but I have copies if you'd like to see, or I'm happy
 12 to read that in.
 13 (To Mr. Perry) Maybe you could describe
 14 what's changed.
 15 MR. PERRY: It's been a long
 16 history. During the approval of the rezoning and the
 17 master land use plan, the overall commercial density
 18 of Meadowmont was reduced by some 150,000 to 200,000
 19 square feet during that period of time, which is now--
 20 we're now between seven-fifty and eight hundred.
 21 We were at approximately 950,000 feet of
 22 commercial space in the original master land use plan
 23 submission and that we made a reduction during the
 24 hearings on the zoning in the master land use plan,
 25 and that's what's resulted in a diminution of the

1 Public Hearing - Meadowmont - 3/11/98 32
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 3 traffic counts from that original study to now, is
 4 that we have reduced the density from what was
 5 originally submitted for the project.
 6 MAYOR WALDORF: Kevin, is your
 7 question answered?
 8 MR. FOY: Yes, thank you. I
 9 have one more question.
 10 MAYOR WALDORF: Okay.
 11 MR. FOY: What is the grade that
 12 you're predicting for N.C. 54?
 13 MR. HORN: As I described
 14 earlier, the grade for an urban section such as N.C.
 15 54 is dictated by its intersections. With the six-
 16 laning of N.C. 54, we have an acceptable level of
 17 service, D or better.
 18 And I'll tell you it ranges from D to C to
 19 B at the critical intersections, the ones that I had
 20 mentioned from Burningtrees to Barbee Chapel. I'm
 21 happy to pull that information out and tell you what
 22 each one is if you'd like.
 23 MR. FOY: That's fine.
 24 MAYOR WALDORF: Other questions? Joe?
 25 MR. CAPOWSKI: Not this evening, but,

1 Public Hearing - Meadowmont - 3/11/98 33
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 3 Mike, would you please provide us the level of service
 4 calculations for each of the intersections of the four
 5 roads of the Meadowmont proposal with Raleigh Road?
 6 MR. HORN: With Raleigh Road?
 7 MR. CAPOWSKI: Yeah, 54.
 8 MR. HORN: Oh, with 54. Okay.
 9 They are already in with the special use permits that
 10 have been supplied. I have provided those to the
 11 staff.
 12 MR. CAPOWSKI: Okay. I have a
 13 question about the difference between your 31,000
 14 figure and your 24,000 figure. You said that the
 15 difference there is due to internal trips.
 16 MR. HORN: And pass-by, what we
 17 term pass-by traffic that is already on the network
 18 that would use certain elements within Meadowmont.
 19 I'm on N.C. 54, I'm coming home from the Park, and I
 20 want to drop off something at a dry cleaner.
 21 MR. CAPOWSKI: Right.
 22 MR. HORN: And it's right there
 23 at Meadowmont. I am already on N.C. 54. Therefore,
 24 I'm going to be able to use a new facility that is
 25 there. I am already on the network. I'm not an

1 Public Hearing - Meadowmont - 3/11/98 34
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 3 additional new trip of someone that now comes because
 4 Meadowmont is there now. They've decided to take
 5 another route or they've changed their route to come
 6 there.
 7 MR. CAPOWSKI: Okay. So in effect, a
 8 person who is coming down Raleigh Road anyway goes
 9 into the dry cleaner, stops, parks, and goes back out
 10 doesn't count in your 24,000 cars?
 11 MR. HORN: As far as new trips,
 12 but we do take into account the turns.
 13 MR. CAPOWSKI: All right.
 14 MR. HORN: What does turn in,
 15 does turn out does account for that full, maximum
 16 number. The only number that does fall out is the 10
 17 percent internal, because they never get out onto the
 18 external street network.
 19 MR. CAPOWSKI: What is the internal
 20 figure?
 21 MR. HORN: Approximately 10
 22 percent.
 23 MR. CAPOWSKI: Ten percent of what?
 24 MR. HORN: Of the 31,000, of the
 25 total number, but actually, it's 10 percent of the

1 Public Hearing - Meadowmont - 3/11/98 35
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 3 nonresidential traffic.
 4 MAYOR WALDORF: I'm sorry. I don't
 5 know what that means.
 6 MR. CAPOWSKI: I didn't understand
 7 that.
 8 MR. HORN: I'm sorry. The
 9 internal capture was agreed upon with the staff to be
 10 10 percent of the nonresidential development. In
 11 other words, we did not get a reduction factor due to
 12 residential development being in. It is--
 13 MR. CAPOWSKI: So you just
 14 arbitrarily said, or someone made a decision, that
 15 you'll call 10 percent of the traffic internal
 16 capture?
 17 MR. HORN: No. Let me--
 18 MR. CAPOWSKI: Excuse me. I'm
 19 confused.
 20 MR. HORN: No problem. Let me
 21 see if I can read something right out of the report,
 22 see if I can help you with that.
 23 Section 4.0 of our traffic study, "Traffic
 24 Generation: "All the trips that would be generated by
 25 the proposed development were based on traffic

1 Public Hearing - Meadowmont - 3/11/98 36
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 3 generation rates published in the Trip Generation,
 4 Institute of Transportation Engineers, Fifth Edition,
 5 1991. These trip generation rates assume suburban
 6 development, little use of transit or bicycles, and
 7 limited ride sharing.
 8 "Therefore, these estimates of vehicle
 9 trips are conservative in that they would be expected
 10 to be lower if other means of transportation are used.
 11 We did not allow for any what we term modal split.
 12 Table 2 summarizes the estimated traffic generation
 13 for the proposed Meadowmont development assuming no
 14 pass-by traffic, and pass-by traffic is defined as
 15 traffic already on the street system."
 16 That was the original table that came out.
 17 We then came back and said that based on this
 18 development being a mixed use development of this
 19 size, it could have a pass-by traffic of 36 percent.
 20 And that is again using criteria set forth
 21 in the ITE Trip Generation Manual. They are standards
 22 set forth just like the generation rates, but they are
 23 standards set forth for mixed use development. This
 24 was not something that was just grabbed out of the
 25 air.

1 Public Hearing - Meadowmont - 3/11/98 37
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 3 I've indicated that it was 36 percent based
 4 on the ADT on N.C. 54, 38 percent based on the size of
 5 the development. Because N.C. 54 is a commuter route
 6 surrounded by residential land uses, pass-by traffic
 7 is anticipated to be significant.
 8 To be conservative, this analysis assumed
 9 that 25 percent of the nonresidential development
 10 traffic would come from pass-by trips. So based off
 11 using criteria again in the Trip Generation Manual, it
 12 could have been 36 to 38. We used 25.
 13 And again, using the 10 percent internal--a
 14 capture rate is defined as a percentage reduction for
 15 trips forecast to accounts for trips internal to the
 16 site--it is anticipated that 10 percent of the
 17 development traffic and 20 percent of the middle
 18 school traffic would be internal to that. And again,
 19 that's based off of working on other mixed use
 20 developments of this nature.
 21 And actually, I would feel that it would be
 22 much higher, but again, to be conservative, we've used
 23 a 10 percent reduction. And again, it is--imagine 425
 24 acres of Meadowmont. I have a retail center. I have
 25 homes. It makes sense that people are going to use

1 Public Hearing - Meadowmont - 3/11/98 38
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 3 that retail center that are internal or, you know,
 4 live in Meadowmont, therefore, will not impact N.C.
 5 54, whereas I could go there and get my carton of
 6 milk, whereas if it wasn't there, I'd have to get on
 7 N.C. 54, drive into town, find my carton of milk, and
 8 come back.
 9 That's very simply how the concept is.
 10 Have I answered the question?
 11 MAYOR WALDORF: I think so.
 12 MR. HORN: I'll be happy to read
 13 the report.
 14 MAYOR WALDORF: No, I think you've
 15 answered it. Any other questions? Joyce?
 16 MS. BROWN: I'd just like to have
 17 you clarify something. You said that no requests were
 18 made to you for traffic studies beyond the immediate
 19 area of Meadowmont. Did you mean by the developer and
 20 the staff, or by either, or would you have done
 21 requests from either?
 22 MR. HORN: As I said, I started
 23 back December, 1993, working with the staff. I sat
 24 down with the staff and asked them what was the study
 25 area that they wanted me to look at, what

1 Public Hearing - Meadowmont - 3/11/98 39
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 3 intersections would they have me to study. That has
 4 not changed.
 5 MS. BROWN: Thank you.
 6 MAYOR WALDORF: Thank you very much.
 7 MR. HORN: Thank you.
 8 TESTIMONY OF DALE SWIFT
 9 MR. SWIFT: Good evening, Madam
 10 Mayor, council members. My name is Dale Swift. I'm
 11 with John McCracken & Associates based in Greensboro.
 12 We're a 23-year-old real estate appraisal and
 13 consulting company practicing throughout the United
 14 States.
 15 We have been asked by the developers of
 16 Meadowmont, "Will the development of Meadowmont, and
 17 more specifically the opening of Pinehurst Drive
 18 through Meadowmont, likely cause any decrease in value
 19 for the homes in The Oaks development, and
 20 specifically along the existing section of Pinehurst
 21 Drive, or conversely, will Meadowmont serve to
 22 maintain and enhance property values?"
 23 Our studies indicate that the values will
 24 not be adversely affected. In order to properly
 25 address this issue, we undertook a study of Meadowmont

1 Public Hearing - Meadowmont - 3/11/98 40
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 3 and the neighboring development, The Oaks, considering
 4 both the positive factors that Meadowmont brings to
 5 the neighborhood and any potential negative factors.
 6 Some of the residents of The Oaks contend
 7 that the increase in traffic will devalue their
 8 property, so we gave serious consideration to that
 9 potential, as well as the more favorable influences on
 10 surrounding property values that Meadowmont will
 11 bring.
 12 When the question was first posed to us,
 13 the first thought was, "Would I rather have more
 14 traffic in front of my house or less traffic?" And
 15 obviously, my answer, and I think anybody's answer,
 16 is, "I'd rather have less traffic."
 17 But we quickly realized that this is not
 18 the question. That question does not go to the point
 19 of the issue at hand. Rather, the issue is whether
 20 the residential real estate market, upon recognizing
 21 an increasing trend in traffic on Pinehurst Drive,
 22 would then find that the neighborhood is less
 23 desirable and would therefore be willing to pay less
 24 for those properties.
 25 It is our understanding that for Meadowmont

1 Public Hearing - Meadowmont - 3/11/98 41
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 3 to be approved, Town Council must find that the values
 4 will be maintained or enhanced or, in other words, not
 5 reduced. When we studied The Oaks and a number of
 6 other, similar developments around the state, we
 7 searched for an honest answer to that question,
 8 something that we could support with market data.
 9 What we found--and you will have the
 10 complete study in your information packet for your
 11 perusal later--what we found is that the increase in
 12 traffic likely to be caused by the buildout of
 13 Meadowmont will not cause any property values within
 14 The Oaks, or specifically on Pinehurst Drive, to
 15 decline. Those values will be maintained and be
 16 probably enhanced by Meadowmont.
 17 Let me take you through our process, and I
 18 think you'll agree. First, we have to consider that
 19 The Oaks is Chapel Hill's premier, exclusive, country
 20 club neighborhood, and everyone wants to live there.
 21 Demand for homes in The Oaks is well in excess of
 22 supply. The prices are high, marketing times are low.
 23 At any given time, a potential home buyer in the
 24 market will have very little to choose from in the way
 25 of available homes within The Oaks.

1 Public Hearing - Meadowmont - 3/11/98 42
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 3 And therefore, homes on Pinehurst Drive,
 4 which already have more traffic than any of the other
 5 side streets feeding into Pinehurst and will obviously
 6 have increasing future traffic, regardless of what
 7 form Meadowmont takes, homes on Pinehurst sell for
 8 just as much as homes off of Pinehurst because there
 9 is so much demand relative to the rather limited
 10 supply.
 11 We considered the amount of traffic that is
 12 likely to result from Meadowmont. We reviewed the
 13 traffic studies prepared by Kimley-Horn, which we have
 14 been discussing, and learned that the existing traffic
 15 on Pinehurst is approximately 2,700 to 3,000 vehicles
 16 per day.
 17 And without any traffic calming measures,
 18 the increase in traffic resulting from Meadowmont was
 19 projected to be 2,400 to 2,500 vehicles per day,
 20 bringing the total—I think Mr. Horn's outside figure
 21 was 5,500 vehicles per day.
 22 Now, that amount of increase is based on an
 23 assumption by Kimley-Horn of how much Meadowmont
 24 traffic is likely to go out the back door. He's used
 25 rather the high side numbers, and he did not consider

1 Public Hearing - Meadowmont - 3/11/98 43
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 3 any traffic calming measures that would tend to reduce
 4 the amount of traffic that goes out the back door.
 5 So it appears that the assumption is
 6 reasonable in that even if more traffic than is
 7 anticipated uses Pinehurst, then it can still be
 8 mitigated through engineering.
 9 Now, given what we consider to be
 10 reasonable projections of the amount of traffic that
 11 will end up going to Pinehurst, we consider the likely
 12 result on property values of that increase. Now,
 13 Pinehurst Drive is a wide street, always designed to
 14 be a collector street, or thoroughfare. It's 37 feet
 15 wide and a 90 foot right of way.
 16 It was obviously not designed to be just
 17 another feeder street within that neighborhood. If it
 18 had been so intended, it would not be so wide, and it
 19 would have been cul-de-sacked at the south end rather
 20 than just dead-ending into the trees waiting for the
 21 next extension.
 22 Thus, the projected traffic volume upon
 23 full buildout of Meadowmont is still only a fraction
 24 of what that street is very capable of handling. And
 25 we should also consider that that increase in traffic

1 Public Hearing - Meadowmont - 3/11/98 44
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 3 is not going to be immediate. It's going to be
 4 gradual over about a 10-year buildout for Meadowmont.
 5 Now, with that type of a traffic situation
 6 in mind, we set out to identify some comparable
 7 residential high-end neighborhoods with central
 8 collector streets like Pinehurst that have already
 9 experienced substantial increases in traffic. We
 10 studied those traffic volumes and the sales and
 11 resales of homes on those streets to see if values had
 12 decreased or had been maintained or enhanced.
 13 The comparable neighborhoods that we
 14 studied were the high-end neighborhoods in high-demand
 15 areas such as the North Ridge Country Club area in
 16 Raleigh, the Irving Park, the new Irving Park area, in
 17 Greensboro, and the Southpark-Myers Park area in
 18 Charlotte.
 19 Now, I'm only going to speak briefly to the
 20 specifics of these individual studies in that all of
 21 the data is going to be in your information pack, all
 22 the comparables, all the sales, all the resales, all
 23 the rates of appreciation, depreciation, so we won't
 24 get bogged down in a bunch of numbers.
 25 But all of that information is there that

1 Public Hearing - Meadowmont - 3/11/98 45
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 3 you can review yourself and, basically, form your own
 4 conclusions. I think you'll find there's only one
 5 overriding conclusion that can be reached. On these
 6 central collector streets through these other high-end
 7 neighborhoods, as traffic has increased considerably,
 8 property values have not declined.
 9 In the study of North Ridge Country Club in
 10 Raleigh, we found probably our most comparable
 11 situation to Pinehurst Drive and The Oaks. Rainwater
 12 Road is a primary collector street extending north and
 13 south through the North Ridge Country Club
 14 neighborhood. Until 1992, it connected on the north
 15 end with Harp's Mill Road, but it dead ended just
 16 south of North Ridge Drive, much the same way as
 17 Pinehurst now connects with Ephesus Church Road on the
 18 north and dead ends just south of Burningtrees.
 19 Rainwater is a wide street that was then
 20 extended south to connect with Spring Forest Road in
 21 1992. Spring Forest, of course, is another heavily
 22 traveled street. Traffic volume prior to that
 23 extension in 1992 was approximately 1,400 vehicles per
 24 day. Now it has increased 140 percent to about 3,400
 25 vehicles per day.

1 Public Hearing - Meadowmont - 3/11/98 46
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 3 In studying in that neighborhood, we found
 4 15 recent sales of homes on Rainwater over, say, the
 5 past three years, and we compared those sales with
 6 what those same dwellings had sold for on the previous
 7 transaction going back to 1986. And by comparing the
 8 earlier sale price with the later sale price for each
 9 property, we calculated the average annual rate of
 10 increase or decrease that that property had
 11 experienced during this period of time in which
 12 traffic was steadily increasing on Rainwater.
 13 We found that the average annual rate of
 14 appreciation or depreciation on those 15 sales on
 15 Rainwater to be a positive 2.6 percent per year.
 16 These properties had continued to increase in value
 17 during the period that increasing traffic was
 18 occurring.
 19 We also studied 15 other sales in that same
 20 neighborhood on the side streets, the feeder streets
 21 that feed into Rainwater, but the less heavily
 22 traveled streets. On those 15 sales we found the
 23 average annual rate of increase to be 2.5 percent. In
 24 other words, the homes on Rainwater, just like the
 25 homes on Pinehurst, performed just as well as on the

1 Public Hearing - Meadowmont - 3/11/98 47
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 3 side streets.
 4 We did a similar study in the Irving Park
 5 area of Greensboro. Old Irving Park is kind of the
 6 old money country club section of Greensboro, and New
 7 Irving Park is the more recent northerly extension of
 8 that neighborhood. Willoughby Boulevard is a primary
 9 collector road that extends through that neighborhood
 10 connecting with North Elm Street on the south end.
 11 And then in the mid-1980s it was extended north to
 12 connect with Pisgah Church Road, another heavily
 13 traveled thoroughfare.
 14 When that occurred, traffic volume
 15 increased from 3,500 vehicles per day up to 6,000
 16 vehicles per day. We were able to find eight
 17 residences on Willoughby that had sold during the past
 18 few years and which had earlier sold going back to
 19 about 1982.
 20 By comparing these earlier sales with their
 21 more recent sales, we found that the average annual
 22 rate of appreciation on Willoughby was a plus, or
 23 positive, 2.9 percent despite the increasing traffic
 24 during that period of time.
 25 We also found about 30 sales in the

1 Public Hearing - Meadowmont - 3/11/98 48
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 3 surrounding neighborhood, the other parts of Irving
 4 Park on the less heavily traveled streets that feed
 5 into Willoughby, and we found that the values on
 6 Willoughby were performing actually much better than
 7 on the side streets. And that's presumably because of
 8 the prestige associated with that Willoughby Boulevard
 9 address.
 10 Given the heavy demand and the relatively
 11 slim supply of properties available in New Irving Park
 12 and on Willoughby Boulevard, these homes continue to
 13 sell at ever-increasing prices despite the increasing
 14 traffic.
 15 Finally, we undertook a third study in the
 16 Southpark area of Charlotte where Colony Road is the
 17 primary connector road. If you're familiar with
 18 Charlotte, the growth is enormous. On Colony Road
 19 since 1990, the traffic volume has increased from
 20 approximately 5,000 vehicles per day to 20,000
 21 vehicles per day. And our research indicated there as
 22 well that the property values on Colony were
 23 continuing to increase and indeed were increasing at a
 24 rate comparable to what the side streets were doing.
 25 Now, the obvious conclusion is that there

1 Public Hearing - Meadowmont - 3/11/98 49
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 3 is much more here to be considered than just traffic
 4 volume. The evidence says that factors such as
 5 prestige, heavy demand, limited supply will overshadow
 6 factors such as increases in traffic volume.
 7 Now, before I conclude, I would like to
 8 briefly point out that there are numerous influences
 9 on The Oaks and on Pinehurst Drive that Meadowmont
 10 will bring--a positive influence that should serve to
 11 enhance property values, not detract from them.
 12 Prospective homeowners in The Oaks are all
 13 well-educated, professional folks to whom education
 14 for their children is of paramount importance. Chapel
 15 Hill has always had a good school system, but it has
 16 become overcrowded.
 17 Meadowmont will bring a new 22-acre school
 18 site and the related athletic facilities to the
 19 neighborhood, literally within walking distance of The
 20 Oaks. How can that not be a positive influence on
 21 property values for The Oaks?
 22 Meadowmont will bring a new 70-acre
 23 recreational park. Within a short, leisurely walk,
 24 residents of The Oaks will be able to access hiking
 25 trails, wildlife viewing areas, picnic shelters, the

1 Public Hearing - Meadowmont - 3/11/98 50
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 3 additional athletic facilities.
 4 Meadowmont is also going to include a new
 5 swim club, several smaller parks. There will also be
 6 a new, upscale, neo-traditional village retail
 7 development, restaurants, places of employment.
 8 There will be a congregate care facility
 9 that will enable the residents of The Oaks to have
 10 their aging relatives live nearby, not to mention the
 11 residents of The Oaks themselves as they grow older.
 12 They won't even have to move out of the neighborhood.
 13 These are all positive influences on property values
 14 in The Oaks.
 15 The Meadowmont plan also calls for the
 16 developer to restore and protect the North Carolina 54
 17 entryway corridor, one of Chapel Hill's important
 18 visual features at the eastern entry to the city
 19 adjacent to The Oaks.
 20 Meadowmont will include a community
 21 recycling and yard waste compost facility. It will
 22 eventually bring light rail mass transit to the
 23 neighborhood and, of course, will bring tax benefits
 24 to all the residents of Chapel Hill. These are all
 25 factors that portend a positive impact on property

1 Public Hearing - Meadowmont - 3/11/98 51
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 3 values for adjacent property such as The Oaks.
 4 And in conclusion, we must recognize that
 5 it is impossible to quantify the exact effects
 6 Meadowmont will have on surrounding property values.
 7 But it is not difficult to predict what direction that
 8 effect will take. Almost every aspect of Meadowmont,
 9 given its design that has already been thoroughly
 10 scrutinized and all but approved, will reflect
 11 positively on adjacent property values.
 12 Even the increase in traffic, while perhaps
 13 not a positive influence in its own right, is not a
 14 negative influence on property values any more than it
 15 has been a negative influence on these property values
 16 in these other neighborhoods that we studied in
 17 Raleigh and Greensboro and Charlotte.
 18 Would we rather have more traffic or less
 19 traffic in front of our house? That's not the point.
 20 Will the development of Meadowmont enhance or maintain
 21 surrounding property values. All the evidence we've
 22 found is in the affirmative.
 23 I appreciate your attention. Anybody have
 24 any questions?
 25 MAYOR WALDORF: Thank you. Are there

1 Public Hearing - Meadowmont - 3/11/98 52
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 3 any questions of Mr. Swift? Yes, ma'am. Ms. Fulton,
 4 would you please go to the podium and stand beside Mr.
 5 Swift so that the clerk can get your comments?
 6 Ms. Fulton, would you identify yourself
 7 and--
 8 MS. FULTON: Yes. My name is Susan
 9 Fulton, and I have a couple of questions, Mr. Swift.
 10 You've mentioned three neighborhoods that are not in
 11 Chapel Hill, North Ridge in Raleigh, Myers Park in
 12 Charlotte, and Irving Park in Greensboro. And these
 13 neighborhoods, you stated, that there would be an
 14 increase in traffic.
 15 My question is twofold. What type of
 16 developments do these neighborhoods connect with?
 17 You're telling us about one where there was a cul-de-
 18 sac and it connected. Did it connect in fact to
 19 another similar type neighborhood, or did it connect
 20 to a massive project similar to Meadowmont?
 21 And the second part of that question, you
 22 gave us traffic numbers. Were those internal capture
 23 numbers, people going from one neighborhood to the
 24 next neighborhood, or were they new trips?
 25 MR. SWIFT: I'll have to take them

1 Public Hearing - Meadowmont - 3/11/98 53
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 3 one at a time. In the Raleigh situation, that road
 4 was extended south through a smaller development
 5 called Turnbury, I believe, but the primary issue was
 6 there that it connected directly into Spring Forest
 7 Road, which was a heavily traveled road.
 8 It would be similar to connecting Pinehurst
 9 directly into 54, where you pick up an awful lot of
 10 traffic that then uses it as a connector between, in
 11 that case, Harp's Mill and Spring Forest or, in the
 12 Chapel Hill situation, if they had a connection
 13 directly between 54 and Ephesus Church Road.
 14 In the Greensboro instance, it was similar.
 15 It did not connect through any other development. As
 16 Willoughby Boulevard was extended north, it was only
 17 as Irving Park continued to grow north and expand
 18 until at such point it abutted Pisgah Church Road,
 19 another heavily traveled thoroughfare, a four-lane
 20 highway with center turn lanes and what have you.
 21 So again, once that connection was made,
 22 you had a connection between North Elm Street, which
 23 is Greensboro's main street, and Pisgah Church Road.
 24 And so now connecting two heavily traveled roads, we
 25 pick up an awful lot of traffic.

1 Public Hearing - Meadowmont - 3/11/98 54
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 3 In the case of Colony Road, Colony Road is
 4 still being extended through one development after
 5 another after another after another, some of which are
 6 residential, some of which are retail, some of which
 7 are office, all of it in the general vicinity of
 8 Southpark.
 9 In each case, those traffic counts on that
 10 road are total traffic counts of traffic traveling
 11 through various points on those streets.
 12 MS. FULTON: So then, what I heard
 13 you saying is that you're connecting--it would be
 14 similar to connecting Pinehurst with 54 if there was a
 15 residential development, not similar to connecting
 16 Pinehurst to 54 with a Meadowmont type of development?
 17 MR. SWIFT: I don't think we can
 18 speculate on that.
 19 MAYOR WALDORF: Mr. Swift, would you
 20 please come to the microphone and answer the question?
 21 MR. SWIFT: I'm sorry. I don't
 22 think I could speculate on whether it's the same or
 23 not the same. All I can speculate on is that because
 24 of the connection, the result was a substantial
 25 increase in traffic.

1 Public Hearing - Meadowmont - 3/11/98 55
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 3 MS. FULTON: I understand. But the
 4 fact is that it connects the roads that you gave me
 5 with another major road, and in between that
 6 connection or that road that was put in, it's a
 7 similar type--you've just testified, a similar type of
 8 neighborhood. One was a smaller development, and one
 9 was another similar neighborhood.
 10 MR. SWIFT: Well, the smaller
 11 development I don't think is significant to the
 12 increase in that traffic on that road. That smaller
 13 development did not generate the increased traffic on
 14 that road. What generated the increased traffic was
 15 the connection to Spring Forest Road.
 16 In the case of the Greensboro situation
 17 where the New Irving Park development just continued
 18 expanding to the north, it would be the same as, I
 19 guess, the situation where Pinehurst is going to come
 20 into the residential section of Meadowmont.
 21 MS. FULTON: The residential
 22 section. All right.
 23 MAYOR WALDORF: Did you have another
 24 question, Ms. Fulton?
 25 MS. FULTON: Yes, I do. You

1 Public Hearing - Meadowmont - 3/11/98 56
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 3 mentioned that you compared, or you stated that The
 4 Oaks, there was little to choose from--there was
 5 demand but too little supply. Did you compare the
 6 inventory in The Oaks with the inventory three years
 7 ago when the Meadowmont plan was approved?
 8 MR. SWIFT: One of the other
 9 consultants did the study of the Chapel Hill market.
 10 MS. FULTON: Okay.
 11 MR. SWIFT: I did not specifically
 12 study that. The next speaker will speak to that.
 13 MS. FULTON: But as to your point,
 14 you didn't make that comparison?
 15 MR. SWIFT: I didn't make any
 16 comparison--
 17 MS. FULTON: All right.
 18 MR. SWIFT: --specifically
 19 relating to property here.
 20 MS. FULTON: Okay.
 21 MR. SWIFT: I looked at comparable
 22 situations.
 23 MAYOR WALDORF: Thank you, Mr. Swift.
 24 Was there any other question of Mr. Swift? Yes, sir.
 25 Would you please come forward, state your name?

1 Public Hearing - Meadowmont - 3/11/98 57
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 3 DON SWEEZY: My name is Don Sweezy,
 4 S-w-e-e-z-y. Do you know what the average inflation
 5 rate in the U.S. dollar was for the time period that
 6 you studied the real estate prices?
 7 MR. SWIFT: I would hazard a guess
 8 at about 2-1/2 to 3 percent over the last several
 9 years, the last three years or so. If you go back ten
 10 years, you can see some that go to nearly double
 11 digit, but that was a long time ago. If you're asking
 12 me the total inflation rate during the entire period--
 13 MR. SWEEZY: So you did not compare
 14 the numbers that you developed to the inflation rate?
 15 MR. SWIFT: What I looked at was
 16 rates of appreciation for each individual property.
 17 What did it sell for the first time? What did it sell
 18 for the second time? How much time was between those
 19 two sales? Therefore, what was the average annual
 20 rate of appreciation during that period of time for
 21 each sale?
 22 MR. SWEEZY: As a real estate
 23 expert, what is your understanding of the growth rate
 24 in average real estate prices for Raleigh and
 25 Greensboro and Charlotte during the time period that

1 Public Hearing - Meadowmont - 3/11/98 58
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 3 you studied?
 4 MR. SWIFT: I'm not sure I
 5 understand the question. I can speak to the average
 6 growth rate within these neighborhoods that I studied.
 7 Obviously, the average growth rate in other
 8 neighborhoods is going to be higher or lower, and if
 9 you're asking me what it is overall, I don't know.
 10 MR. SWEEZY: You don't have an
 11 opinion on that?
 12 MR. SWIFT: No, I don't.
 13 MR. SWEEZY: Thank you.
 14 MAYOR WALDORF: I would like the
 15 audience to not laugh at people. Everybody is asking
 16 questions, I think in all honesty, and people are
 17 doing their best to answer them, so I would appreciate
 18 that courtesy.
 19 Was there anybody else who had a question
 20 to direct to this witness? Madeline?
 21 MADELINE JEFFERSON: I'm Madeline
 22 Jefferson. I want to know if any of those streets had
 23 major traffic calming measures on them, such as stop
 24 signs, narrowing, speed humps, speed bumps, or were
 25 they just through streets?

1 Public Hearing - Meadowmont - 3/11/98 59
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 3 MR. SWIFT: I'm sorry. I should
 4 have made that point. None of them did.
 5 MAYOR WALDORF: None of them did?
 6 MR. SWIFT: None of them had any
 7 traffic calming measures.
 8 MAYOR WALDORF: Not even any stop
 9 signs?
 10 MR. SWIFT: Between those major
 11 points, those major intersections--and I'm thinking
 12 of, such as in Raleigh, between Spring Forest and
 13 Harp's Mill--I don't believe there were any stop signs
 14 except perhaps one at North Ridge Drive. On
 15 Willoughby between Elm and Pisgah Church, none.
 16 On Colony Road--Colony Road is a much
 17 longer road. It crosses many major streets, such as
 18 Fairview, for instance, where there are signalized
 19 lights. But again, between the major streets where
 20 all the feeder streets come in, there were not stop
 21 signs there.
 22 Had there been more stop signs or speed
 23 humps or narrowing or things like that, then
 24 certainly, that would have probably reduced the amount
 25 of traffic volume that had been generated over the

1 Public Hearing - Meadowmont - 3/11/98 60
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 3 period of time that we studied.
 4 MAYOR WALDORF: Okay. Thank you. Do
 5 the council members have any questions? Flicka?
 6 MS. BATEMAN: Did your study look at
 7 the properties on Burningtrees, and I think the one or
 8 two properties on Pinehurst, that actually literally
 9 about the Meadowmont property?
 10 MR. SWIFT: No, ma'am. My studies
 11 were outside of the Chapel Hill market, and Mr.
 12 Sprouse, who is, you know, here, local, and I think
 13 Mr. Heffner, who is here, local, studied the Chapel
 14 Hill properties.
 15 MAYOR WALDORF: Other questions by
 16 council members? Pat?
 17 MS. EVANS: I have a friend who
 18 was a builder who was not a realtor who decided to
 19 become an appraiser. For several years he went to
 20 Raleigh for classes, and then he did, I think he
 21 called it, an apprenticeship.
 22 Is there a licensing of appraisers? Is
 23 there a registering of appraisers that differs from
 24 that of a realtor? And what is the background,
 25 instructional background, that one has to go through

1 Public Hearing - Meadowmont - 3/11/98 61
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 3 to be an appraiser?
 4 MR. SWIFT: You'll find in this
 5 packet that I gave you there is a list of what my
 6 experience and education and so forth has been. But
 7 in general, specifically to answer your question,
 8 there is both licensing, and there are also
 9 professional designations, which are earned through
 10 organizations such as the Appraisal Institute.
 11 I'm designated as an MAI through the
 12 Appraisal Institute, which is a combination of
 13 education and experience and demonstration appraisal
 14 reports and what have you that it takes to earn that
 15 designation.
 16 In recent years, going back over, I guess,
 17 three or four years ago, state licensing has become
 18 the norm, where it was not prior to that. And state
 19 licensing essentially requires you to demonstrate the
 20 requisite amount of experience and also to pass a
 21 comprehensive examination. And once you do so, then
 22 you become state-licensed.
 23 MS. EVANS: Thank you.
 24 MAYOR WALDORF: Thank you, sir. Any
 25 other questions from the council? Kevin?

1 Public Hearing - Meadowmont - 3/11/98 62
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 3 MR. FOY: Based on your
 4 research, I'm wondering if you could extrapolate at
 5 what point, if any, increased traffic volume would
 6 have a deleterious effect on contiguous properties.
 7 MR. SWIFT: No, because in none of
 8 the situations studied, nor any that we tried to find,
 9 we didn't find any where traffic actually got to the
 10 point of being so great that property values actually
 11 started declining.
 12 In fact, that was one reason that we went
 13 to Charlotte to Colony Road, because that was an area
 14 where the traffic volume had increased so much, from
 15 5,000 to 20,000 since 1990. And even in that market--
 16 you saw the chart--in that market, the average annual
 17 rate of appreciation was exceeding 4 percent. It was
 18 even greater than the other markets that had less
 19 traffic volume.
 20 I don't personally know of a neighborhood
 21 in which traffic volume has become so great that
 22 property values actually declined. I'm not saying
 23 there aren't any. I don't personally know of any. I
 24 would speculate that if there are such neighborhoods,
 25 then they are not heavily demanded, high-end, premier

1 Public Hearing - Meadowmont - 3/11/98 63
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 3 neighborhoods such as The Oaks where there is so much
 4 more demand than there is supply, where, basically,
 5 everybody wants to live.
 6 MAYOR WALDORF: Other questions from
 7 council? Edith?
 8 MS. WIGGINS: Mr. Swift, in your
 9 experience as an appraiser, you mentioned the
 10 availability of a certain kind of housing impacting
 11 the price. When the supply is scarce, the price will
 12 remain the same or go up.
 13 Would it be fair to extrapolate from that
 14 that an additional four or five hundred houses similar
 15 to the houses that are in The Oaks area, how would
 16 that impact the value of the properties already there?
 17 MR. SWIFT: Four or five houses
 18 similar to The Oaks?
 19 MS. WIGGINS: Four or five hundred
 20 houses similar to the ones that are already there.
 21 MR. SWIFT: I don't know.
 22 MS. WIGGINS: Would that not relate
 23 to the supply or the availability?
 24 MR. SWIFT: It certainly will
 25 relate to the supply. But how much is the demand?

1 Public Hearing - Meadowmont - 3/11/98 64
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 3 That's what I don't know.
 4 MS. WIGGINS: Okay.
 5 MR. SWIFT: We know there is
 6 enough demand to absorb everything that comes for sale
 7 in The Oaks--
 8 MS. WIGGINS: Uh-huh (affirmative).
 9 MR. SWIFT: --but how deep is that
 10 well? I don't know. I know it's an extremely
 11 desirable neighborhood. I know that Chapel Hill--you
 12 can say this of just about the entire city. When you
 13 look at the Triangle area and all of the employment
 14 growth at RTP, where would people like to live?
 15 Chapel Hill. Can they find suitable housing they can
 16 afford in Chapel Hill?
 17 MS. WIGGINS: No.
 18 MR. SWIFT: Most of them can't.
 19 So if you provide that kind of housing in Chapel Hill,
 20 will there be sufficient demand? I don't know.
 21 MS. WIGGINS: You don't know. Okay.
 22 Thank you.
 23 MAYOR WALDORF: Other questions from
 24 council? Yes, sir?
 25 ARNOLD LOEWY: I would like to--

1 Public Hearing - Meadowmont - 3/11/98 65
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 3 MAYOR WALDORF: Okay. Please come
 4 forward and identify yourself.
 5 MR. LOEWY: I'm Arnold Loewy. Mr.
 6 Smith [sic], I've been hearing wonderful things about
 7 The Oaks from you, that it's the kind of neighborhood
 8 that everybody wants to live in, that there just
 9 aren't enough houses to go around. I agree with you
 10 that it's a wonderful neighborhood. I like living in
 11 there. But I have just not seen the not being enough
 12 houses to go around.
 13 I know when I was looking for the house
 14 that I bought about a year and half ago, my agent told
 15 me that houses were regularly for sale in The Oaks,
 16 that the houses tended to stay for sale for a long
 17 time in The Oaks. The house I bought had been for
 18 sale for quite a long time, and I bought it at what I
 19 like to think was a pretty good price.
 20 I know on Pinehurst Drive there's been a
 21 house that was sold very recently that had been on the
 22 market for, I think, something close to two years.
 23 And certainly in terms of "For Sale" signs, as far as
 24 I can tell, there seem to be more in The Oaks.
 25 And it's not like we don't have

1 Public Hearing - Meadowmont - 3/11/98 66
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 3 competition. We do have Chesley, which does not have
 4 a main street going through it. There's the
 5 Governor's Club, which is a gated community, which The
 6 Oaks does not want to be. And what you're saying is
 7 news to me. And I'm wondering, where do you get the
 8 idea that people are just dying to get into The Oaks,
 9 and whenever a house goes up for sale, it's sold
 10 immediately? I just don't see it happening.
 11 MR. SWIFT: The research that I
 12 have done would indicate that marketing times are
 13 relatively low. Now, that's not to say that there are
 14 not times when properties are placed on the market
 15 overpriced and don't sell right away. But I think you
 16 will admit that those prices, when they finally do
 17 occur, continually go up and don't go down.
 18 I'm not sure you can compare The Oaks with
 19 Governor's Club. I'm not sure that I'd want to be
 20 trapped in the Governor's Club in case of a fire.
 21 MR. LOEWY: Well, I think I'd have
 22 to add that Meadowmont hasn't been built yet, in terms
 23 of the prices going up.
 24 MAYOR WALDORF: Thank you. It might
 25 be interesting to have, for the record, as we consider

1 Public Hearing - Meadowmont - 3/11/98 67
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 3 this further, whether there was in fact a house that
 4 was on Pinehurst on the market for two years, and if
 5 so, what was the asking price.
 6 Joyce was telling me that someone in the
 7 back also wanted to ask a question. Yes, sir. Please
 8 come forward.
 9 NELSON CHAO: My name is Nelson
 10 Chao, C-h-a-o. I guess I was a little confused with
 11 the numbers of the appreciation that you gave,
 12 somewhere around between two and some change. And I
 13 guess what I wanted to clarify is, is that increase in
 14 those three neighborhoods you gave us basically what
 15 the rate of inflation is, or is that 2.9 percent, or
 16 whatever it was, above the rate of inflation? In
 17 other words, are these communities just barely keeping
 18 up with what inflation is?
 19 MR. SWIFT: In the case of two of
 20 the communities, the Raleigh and the Greensboro--and I
 21 think we will also hear evidence for the Chapel Hill
 22 market--that that's essentially what we had all
 23 experienced. Only in the Charlotte market have we
 24 seen increases approaching 4 percent.
 25 It's not unusual to see the increases or

1 Public Hearing - Meadowmont - 3/11/98 68
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 3 inflation rates relative to residential real estate
 4 approximating rate of inflation. I know we'd all like
 5 to think in terms of ten years ago when the investment
 6 in the real estate was certainly a hedge against
 7 inflation. That has not been the case in most markets
 8 for quite a number of years.
 9 MR. CHAO: That's no
 10 appreciation.
 11 MR. SITTON: After inflation?
 12 MAYOR WALDORF: Thank you. Mr.
 13 Sitton, who is next? Oh, I'm sorry. There's another
 14 question. Sorry. Mr. Swift, one more question from
 15 the council.
 16 MS. WIGGINS: - No, not of Mr. Swift.
 17 Mr. Loewy--
 18 MR. LOEWY: Yes, ma'am?
 19 MS. WIGGINS: --what is your
 20 address?
 21 MR. LOEWY: My address is 109
 22 Waterford Place.
 23 MS. WIGGINS: Thank you.
 24 MAYOR WALDORF: Thank you, Mr. Swift.
 25 Mr. Sitton, who is next?

1 Public Hearing - Meadowmont - 3/11/98 69
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 3 MR. SITTON: Mr. Sprouse.
 4 MAYOR WALDORF: Thank you.
 5 TESTIMONY OF ROBERT SPROUSE
 6 MR. SPROUSE: Madam Mayor, council
 7 members, my name is Robert Sprouse. I'm with Pickett-
 8 Sprouse Real Estate in Durham. I've been in the real
 9 estate appraisal and brokerage business in the Durham-
 10 Orange County area for over 25 years. I am an MAI
 11 member of the Appraisal Institute and a state-
 12 certified general appraiser.
 13 The basic question we were asked to
 14 consider and provide our opinion on is whether or not
 15 the values of property contiguous to the proposed
 16 Meadowmont development would be maintained or enhanced
 17 as a result of the extension of Pinehurst Drive and
 18 the development of Meadowmont.
 19 In order to answer this question, we
 20 studied the impact of traffic on residential property
 21 values, and we considered what impact the development
 22 of Meadowmont would have on contiguous property
 23 values.
 24 To study and analyze impact of traffic on
 25 the residential property values, we first identified

1 Public Hearing - Meadowmont - 3/11/98 70
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 3 residential neighborhoods that have collector roads
 4 that are more heavily traveled than other streets
 5 within those neighborhoods.
 6 The neighborhoods analyzed were The Oaks,
 7 Timberlyne, Coker Hills and Estes Hills, all of which
 8 are in Chapel Hill, and American Drive, which is in
 9 Durham County, American Village in Durham County,
 10 American Drive specifically.
 11 Within each of these neighborhoods, we
 12 analyzed sales of homes both on and off the collector
 13 road during the past several years to see if there was
 14 any difference in the average sales price per square
 15 foot of homes, and we looked at sales and resales of
 16 homes both on and off the collector road to see if
 17 prices were increasing on the collector roads and if
 18 annual appreciation rates were any different.
 19 We also identified two collector roads that
 20 had experienced an increase in traffic resulting from
 21 an extension, and we were able to compare the sales of
 22 houses along those roads before the extension to
 23 resales of the same house after the extension.
 24 Sales of homes along Burningtrees Drive in
 25 The Oaks and American Drive in American Village were

1 Public Hearing - Meadowmont - 3/11/98 71
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 3 used in this analysis. In the Timberlyne development,
 4 we were able to do a paired sales analysis of houses
 5 along Kingston Drive, the collector road, to very
 6 similar houses off Kingston Drive to see if there was
 7 any difference in the selling prices.
 8 And in American Village, we analyzed the
 9 market value of the home of a broker in our office who
 10 bought a house on American Drive before it was
 11 extended.
 12 Although one might expect that a house on a
 13 connector road would just as a matter of course sell
 14 for less than an identical house located on a less
 15 heavily traveled side street, analysis of the data
 16 does not support such an assumption.
 17 Based on our analysis, we have concluded
 18 that it is only the case when the traffic volume is
 19 extremely heavy, 15,000-plus vehicles per day. It is
 20 our opinion that in some instances where there is high
 21 traffic volume, that property values will increase on
 22 a par with those off the heavily traveled road.
 23 Franklin Street provides a prime example of
 24 this. A recent count by Kimley-Horn of traffic along
 25 Franklin Street east of Boundary Street indicates a

1 Public Hearing - Meadowmont - 3/11/98 72
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 3 current traffic volume of 21,400 vehicles per day.
 4 Homes along Franklin Street, however, have continued
 5 to increase in value over the years, with some recent
 6 home sales bringing extraordinary prices.
 7 The extension of Pinehurst Drive through
 8 Meadowmont is expected to increase the traffic along
 9 existing Pinehurst Drive from about twenty-four to
 10 twenty-seven hundred vehicles per day, up to 5,000
 11 vehicles per day. This increase will not be
 12 instantaneous but will take place gradually during the
 13 anticipated ten-year buildout of Meadowmont.
 14 This does not represent an increase that
 15 would in any way compare to the traffic volume along
 16 Estes Drive, for instance, which is 15,000-plus cars
 17 per day. And it is not of a magnitude that, in our
 18 opinion, would have an effect on contiguous property
 19 values.
 20 Sales and resales of homes along
 21 Burningtrees Drive before and after the completion of
 22 Pinehurst Drive show that values increased even after
 23 traffic increased. We looked at the sales of four
 24 houses on Pinehurst--on Burningtrees Drive.
 25 Pinehurst was completed, according to the

1 Public Hearing - Meadowmont - 3/11/98 73
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 3 information we got from the engineering department of
 4 the Town of Chapel Hill, in 1989, at which point the
 5 extension or the traffic flow from Ephesus Church
 6 through Pinehurst to Burningtrees to 54 would have been
 7 completed and at which time the traffic on Burningtrees
 8 would have increased.
 9 So what we wanted to do was to see what
 10 happened to homes that had sold on Burningtrees before
 11 that connection was completed and compare it to sales
 12 after the connection was completed, at which point the
 13 traffic would have obviously been higher than it was
 14 before.
 15 1143 Burningtrees sold in 1994 for \$255,000.
 16 It had previously sold in 1984 for \$167,000.
 17 Comparing that to the 1994 sale is a 5.5 percent
 18 increase. The second time it sold was in 1997 for
 19 \$285,000, an increase from the 1984 sales price of 5.4
 20 percent.
 21 1135 Burningtrees sold in 1985, sold again
 22 in 1996, went up 6 percent. 1103 Burningtrees sold in
 23 1988, went up in 1994, during that time period, 2.5
 24 percent. Now, these are average annual rates of
 25 increase during those time periods. And 1015

1 Public Hearing - Meadowmont - 3/11/98 74
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 3 Burningtrees went from \$168,000 in 1984 to \$294,000 in
 4 1992, an increase of 8.9 percent per year.
 5 American Drive, before and after the
 6 extension of American Drive, also showed that property
 7 values along those streets continued to increase even
 8 after traffic volume increased. I don't have a slide
 9 of that, but if I may just hold up this map that shows
 10 American Village. Many of you may be familiar with
 11 N.C. Highway 751. It is right here (indicating).
 12 American Village is this area right in here
 13 (indicating). The red line designates where it
 14 stopped prior to an extension of American Drive in the
 15 early 1990s, mid to late 1980s, early 1990s.
 16 When this part of American Village was
 17 built, it was mostly in the early 1980s and mid-1980s,
 18 and at that time, this section of American Village was
 19 not planned (indicating). It dead-ended--American
 20 Drive dead-ended right here, into just trees. It
 21 wasn't a cul-de-sac. It just stopped.
 22 After--we looked at the sales and resales
 23 of homes that occurred on American Drive before this
 24 connection was made and on the existing American Drive
 25 after. Before the extension, the average sales price

1 Public Hearing - Meadowmont - 3/11/98 75
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 3 per square foot of the homes on American Drive was
 4 sixty-three dollars and thirty-eight cents (\$63.38)
 5 per square foot. After the extension, the average
 6 sales price per square foot of the homes on American
 7 Drive was seventy dollars and ninety-nine cents
 8 (\$70.99).
 9 What we were looking at there in the before
 10 situation was a sample of sales that occurred on
 11 American Drive in 1987, which would have been prior to
 12 the connection being made. The after sample of sales
 13 was from the time period 1992 to 1997. So we were
 14 able to see what properties on American Drive were
 15 going up before and then in a sample of sales after.
 16 And it showed an increase in the value of the homes,
 17 regardless of the fact that the traffic had increased.
 18 Sales and resales of houses in The Oaks,
 19 Timberlyne, Coker Hills, and Estes Hills, as shown
 20 graphically on the bar chart on the overhead,
 21 indicates that homes on the more heavily traveled
 22 collector roads have continued to increase in value at
 23 typical market levels.
 24 What we did was, in each of these
 25 developments, we looked at sales and resales of the

1 Public Hearing - Meadowmont - 3/11/98 76
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 3 same house, both on the collector road and in streets
 4 off of the collector road.
 5 In The Oaks, those that sold and resold on
 6 Pinehurst went up an average of about 4.1 percent per
 7 year, off Pinehurst Drive, 2.43 percent. In
 8 Timberlyne on Kingston, they went up 3.63 percent per
 9 year, off of Kingston, 3.14 percent per year.
 10 On Elliott in Coker Hills, the sample of
 11 the sales and resales was rather limited. I think
 12 there may have been just two or three on Elliott and
 13 just one or two off Elliott. But nonetheless, this
 14 shows that houses on Elliott that sold and resold
 15 continued to increase at a rate commensurate with or
 16 better than those off Elliott.
 17 And on Estes Drive, which is the most
 18 heavily traveled street that we used in our analysis,
 19 even though it is heavily traveled, the sales and
 20 resales that we did have on Estes went up in value.
 21 Again, the sample of the sales that we
 22 used--that we had for sales and resales on Estes and
 23 off was fairly limited. But nonetheless, it shows
 24 that the ones that we did have went up in value. A
 25 more detailed analysis of our data and conclusion is

1 Public Hearing - Meadowmont - 3/11/98 77
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 3 contained in your packet.
 4 Other factors taken into consideration in
 5 our analysis were the Chapel Hill market in general,
 6 the specific location and character of The Oaks
 7 development, and the overall plan of development of
 8 Meadowmont.
 9 The scarcity of available land suitable for
 10 residential development in Chapel Hill, coupled with
 11 continued strong demand for housing, results in a very
 12 strong and active residential real estate market with
 13 homes in existing developments profiting from
 14 increasing demand and prices.
 15 The Oaks is Chapel Hill's only country
 16 club-golf course development. It is among Chapel
 17 Hill's most exclusive residential neighborhoods and
 18 perhaps the most prestigious because of the country
 19 club being there.
 20 The Orange County sections of The Oaks are
 21 basically 100 percent developed, with no remaining
 22 sections to be built. Because of the lack of
 23 available land suitable for development in Chapel
 24 Hill, particularly any tracts large enough to support
 25 a golf course, The Oaks will likely be Chapel Hill's

1 Public Hearing - Meadowmont - 3/11/98 78
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 3 only country club-golf course community.
 4 Even if the volume of traffic generated by
 5 the extension of Pinehurst Drive increased beyond that
 6 anticipated, the fact that homes along existing
 7 Pinehurst Drive are a part of the prestigious Oaks-
 8 Chapel Hill Country Club-golf course development
 9 would, in our opinion, result in there not being any
 10 negative effect on contiguous property values.
 11 The Meadowmont development will offer many
 12 amenities and features considered attractive in
 13 today's real estate market. Those features include a
 14 70-acre park, a greenway trail, sidewalks, attractive
 15 landscape protection and buffer areas, and street
 16 plantings.
 17 In addition, a middle school site,
 18 restaurants, offices, and retail space are a part of
 19 the Meadowmont development that will afford the
 20 residents of Meadowmont and other nearby and adjoining
 21 neighborhoods the opportunity to walk or ride bikes to
 22 school, places of employment, restaurants, and other
 23 retail facilities.
 24 All of these features of the Meadowmont
 25 development should serve to enhance or maintain the

1 Public Hearing - Meadowmont - 3/11/98 79
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 3 property values of contiguous properties. As a result
 4 of our analysis, it is our opinion that the extension
 5 of Pinehurst Drive through the proposed Meadowmont
 6 development and the development of Meadowmont will not
 7 adversely impact the value of contiguous properties
 8 and that the value of contiguous properties will be
 9 maintained or enhanced.
 10 That concludes my presentation. Again, the
 11 packet has my complete analysis, and I'll be glad to
 12 answer any questions.
 13 MAYOR WALDORF: All right. Thank you.
 14 Are there any questions of this witness? Yes, sir.
 15 Would you please come forward, identify yourself?
 16 (Bruce Meyerfield approaches podium.)
 17 MAYOR WALDORF: Ma'am, would you be
 18 ready to come on forward, if you could? Thanks.
 19 BRUCE MEYERFIELD: Good evening. I'm
 20 Bruce Meyerfield. I live on Pinehurst Drive. In all
 21 of your examples of neighborhoods, when people buy
 22 homes, built into the price of the home, the lot,
 23 everything else, are future assumptions.
 24 In any of these neighborhoods, after people
 25 bought, did someone come along and say, "We've changed

1 Public Hearing - Meadowmont - 3/11/98 80
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 3 the rules. Instead of R-1, we're going to have mixed,
 4 high-density commercial with a magnet as big as New
 5 Hope Commons"? If that happened, what do you think
 6 that would do to the imputed appreciation value of the
 7 property you had bought?
 8 MR. SPROUSE: I don't know that any
 9 of the neighborhoods that I identified specifically
 10 had, you know, the types of development like
 11 Meadowmont that adjoin it.
 12 But I would think that, again, that
 13 oftentimes that type of development is an enhancement
 14 because people want to be close to work, they want to
 15 be close to employment, they want to have schools
 16 close by so that their kids can walk, ride their bikes
 17 to school. So, I mean, none of the neighborhoods that
 18 I identified were specifically like Meadowmont.
 19 MR. MEYERFIELD: So you're saying
 20 they're not comparable in that sense?
 21 MR. SPROUSE: In that sense they
 22 would not be comparable.
 23 MAYOR WALDORF: Ma'am, did you have a
 24 question?
 25 MS. WIGGINS: Could I--I might could

1 Public Hearing - Meadowmont - 3/11/98 81
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 3 give him some information regarding the question he
 4 asked. Mr. Meyerfield, not exactly comparable, but
 5 similar, Kingston Drive, that was a residential area
 6 long before the Timberlyne Shopping Center went in.
 7 MAYOR WALDORF: Ma'am, could you
 8 please come forward? Thank you.
 9 MR. SPROUSE: If I may add, that is
 10 one reason that we chose to use Kingston Drive,
 11 because the traffic along Kingston oftentimes is used
 12 as a cut-through by people coming down Piney Mountain
 13 through some of the other adjoining neighborhoods to
 14 go Kingston over to Weaver Dairy Road to get to the
 15 Timberlyne Shopping Center and office retail areas.
 16 MS. WIGGINS: I know. I live on
 17 Piney Mountain.
 18 MAYOR WALDORF: Ma'am, please come
 19 forward, identify yourself.
 20 JACKIE CARSANARO: I'm Jackie Carsanaro.
 21 I live on Pinehurst Drive. I had more of an anecdotal
 22 question. I don't have as much data as you have, but
 23 I have been talking to some realtors recently, and
 24 I've been asking them how they might act upon the
 25 information about Meadowmont being developed and

1 Public Hearing - Meadowmont - 3/11/98 82
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 3 Pinehurst being the connection--the connector to
 4 Meadowmont.
 5 And one of the things that they've been
 6 telling me is that they would highly encourage their
 7 clients to use that as a negotiating point in the
 8 negotiations for home prices, to say, you know, "We
 9 would like to submit this bid on a home because we
 10 know that there's going to be this huge development
 11 somewhere down the road and that, therefore, creates a
 12 more dangerous environment," you know, so forth and so
 13 on, those kinds of arguments.
 14 And as a realtor yourself and with your, I
 15 think it was 20 years--
 16 MR. SPROUSE: Twenty (20), 25.
 17 MS. CARANARO: --25 years of
 18 experience, you know, how would you coach your clients
 19 given this information?
 20 MR. SPROUSE: Well, in today's real
 21 estate environment of agency, if I was a buyer's
 22 agent, I probably would do the very same thing. I
 23 probably would encourage the buyer to do that very
 24 thing.
 25 But as a listing agent, I would talk about

1 Public Hearing - Meadowmont - 3/11/98 83
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 3 the positive points of Meadowmont, the fact that the
 4 school is going to be close by, a 70-acre park,
 5 shopping, things of that nature. It can go either
 6 way. It would depend on who I was representing.
 7 MAYOR WALDORF: Are there other
 8 questions of this--all right.
 9 MR. SPROUSE: You've got to
 10 understand agency in today's real estate market.
 11 MAYOR WALDORF: Okay. I think we all
 12 understand. Sir, would you please come forward and
 13 ask your question?
 14 REGINALD MORGAN: My name is Reg Morgan,
 15 and I live at 160 Kingston Drive. I'm a state-
 16 certified general real estate appraiser. I'm your
 17 worst nightmare. Can we see that overhead with those
 18 statistics?
 19 MR. SPROUSE: Which one?
 20 MR. MORGAN: The one with the
 21 numbers on it.
 22 (Mr. Sprouse complies.)
 23 MR. MORGAN: Just the first
 24 question, has your--
 25 MR. SPROUSE: Are you talking about

1 Public Hearing - Meadowmont - 3/11/98 84
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 3 the one--
 4 MR. MORGAN: No, the other one with
 5 the individual sales on them.
 6 (Mr. Sprouse complies.)
 7 MR. MORGAN: Yeah. If you were
 8 coming up--you're an expert in this area, correct?
 9 MR. SPROUSE: Sure.
 10 MR. MORGAN: So if you were coming
 11 up my street and you wanted to go to Councilman
 12 Pavao's neighborhood to cut through to get to Elliott
 13 Road, how would you do that?
 14 MR. SPROUSE: You live on what
 15 street?
 16 MR. MORGAN: Kingston Drive.
 17 MR. SPROUSE: If I was coming up
 18 Kingston and wanted to cut through to go to Elliott,
 19 coming from Weaver Dairy, I would probably go over to
 20 Piney Mountain and go up and get on 86, go over to
 21 Estes, come back.
 22 MR. MORGAN: I wouldn't consider
 23 this a connector if he can't describe how to go down
 24 to Lakeview [sic], which is where Mr. Pavao lives.
 25 MAYOR WALDORF: Lakeview? What is

1 Public Hearing - Meadowmont - 3/11/98 85
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 3 Lakeview?
 4 MR. MORGAN: Lakeshore. Excuse me.
 5 MAYOR WALDORF: Yeah, thanks.
 6 MR. MORGAN: It's a very difficult
 7 way. If you live there, you know how to go. If you
 8 live in Durham, you don't know how to go. So there's
 9 very little traffic, fortunately for us on Kingston
 10 Drive. So I don't think Kingston Drive really works
 11 as an example of a connector street.
 12 The other question I have about these sales
 13 is you have sales here from 1984. There's an 1985 to
 14 1996. This is 1998. And I think we can get better
 15 data than that. That's sort of ancient history. And
 16 I think the market here really took off in 1992-1993,
 17 so we could sort of work with those.
 18 But when we're starting to look at those,
 19 there's an 1984 and a 1985 and a 1988 and an 1984
 20 [sic]. I don't think those are really valid
 21 comparables to draw some ideas about what's happening
 22 in those neighborhoods. Do you want to respond to
 23 that?
 24 MR. SPROUSE: On Kingston Drive, if
 25 I may address that first, the point was the traffic on

1 Public Hearing - Meadowmont - 3/11/98 86
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 3 Kingston is obviously heavier than traffic off of
 4 Kingston on side streets within the Timberlyne
 5 development. I looked at homes off of Kingston and on
 6 to see if they had continued to go up in value, and
 7 they had, and if they had continued to go up in value
 8 at rates that were at least close to each other, and
 9 they had.
 10 With response to the Burningtree issue, the
 11 only way that I could do a before and after the
 12 Pinehurst connection analysis was to in fact go back
 13 to a time period before the connection on Pinehurst
 14 was made to see if I could find a sale and a resale of
 15 a house that had sold before the connection and after.
 16 These were the only ones I could find. I
 17 had to go back past 1989, because that's when the
 18 connection on Pinehurst was completed. So that's the
 19 reason that the first sales are dated--they were
 20 intended to be dated in order to facilitate the
 21 analysis.
 22 MAYOR WALDORF: Okay. Thank you. Mr.
 23 Morgan, did you have another question?
 24 MR. MORGAN: I just have one more
 25 question. I just want to bring something out here

1 Public Hearing - Meadowmont - 3/11/98 87
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 3 that--
 4 MAYOR WALDORF: Okay. I'd appreciate
 5 it if people, if they have questions, ask questions,
 6 and then if they have statements to make--
 7 MR. MORGAN: Right.
 8 MAYOR WALDORF: --sign up and make
 9 those.
 10 MR. MORGAN: I guess the question
 11 is, working on Burningtree as a connector, it's really
 12 connecting one residential area to another. It is not
 13 connecting a residential area to 800,000 square feet
 14 of commercial space; is that correct?
 15 MR. SPROUSE: I guess it depends on
 16 where you want to go. If you're on Ephesus Church
 17 Road and you want to get over to Highway 54 and maybe
 18 go to what used to be Slug's at the Pines or go to the
 19 Quadrangle on Highway 40 via Highway 54, and you were
 20 on Eubanks, you might make that connection.
 21 If you were on 54 and wanted to go over to
 22 Highway 15-501 bypass, you might take--to the New Hope
 23 Commons, for instance--you might do that. Again, the
 24 point was to see after the connection at Pinehurst was
 25 made. Obviously the traffic increased.

1 Public Hearing - Meadowmont - 3/11/98 88
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 3 We're trying to identify and ascertain
 4 whether or not property values increased in light of
 5 increased traffic. And that's why I think the
 6 Burningtree, regardless of why the people are using
 7 it, works. I mean, the traffic increased. There's no
 8 doubt about it.
 9 MAYOR WALDORF: Thank you. Thanks.
 10 Are there any other questions of this witness? Yes,
 11 sir. Please come forward.
 12 MR. SWEEZY: I'm Don Sweezy. Let
 13 me try you, too. What was the average annual increase
 14 in real estate value in Chapel Hill during these time
 15 periods?
 16 MR. SPROUSE: I would say--I mean,
 17 when you get back into the mid-1980s to the late
 18 1980s, we had a downturn in the real estate market in
 19 this area. So during that time period, values would
 20 have been flat or they might have gone down a little
 21 bit. But as we got into the 1990s, early 1990s,
 22 property values started to stabilize and go back up as
 23 the economy turned around.
 24 I would guess that the average rate of
 25 increase of residential real estate in this area over

1 Public Hearing - Meadowmont - 3/11/98 89
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 3 the last several years has probably been somewhere in
 4 the 2-1/2 percent to 5 percent range.
 5 MR. SWEEZY: Two and a half to
 6 five. Okay. Could you put up the last exhibit,
 7 please?
 8 MR. SPROUSE: The bar graph?
 9 MR. SWEEZY: Yes.
 10 (Mr. Sprouse complies.)
 11 MR. SWEEZY: Does this chart
 12 compare the prices of houses on busy streets against
 13 the prices of equivalent houses off of the busy
 14 streets?
 15 MR. SPROUSE: No. This one compares
 16 sales and resales of the same house on a busy street
 17 to sales and resales of houses in the same
 18 neighborhood off of the busy street to see if, number
 19 one, property values on the busy street continue to
 20 increase, and, number two, if they were increasing at
 21 annual rates of increase at least similar to those
 22 off, but not the other that you mentioned first.
 23 MR. SWEEZY: So as far as the
 24 information that you're presenting here goes, the
 25 house on Pinehurst could have been identical to the

1 Public Hearing - Meadowmont - 3/11/98 90
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 3 house off Pinehurst but sold on both occasions that
 4 you did your computation from for 10 percent less, 20
 5 percent less? We can't tell by looking here whether
 6 the--how they--
 7 MR. SPROUSE: That's exactly right.
 8 These are just sales and resales of the same house on
 9 and off of the street.
 10 MAYOR WALDORF: Is that all, Mr.
 11 Sweezy?
 12 MR. SWEEZY: One more.
 13 MAYOR WALDORF: Okay.
 14 MR. SWEEZY: On the American Drive
 15 houses, do you know what the average annual
 16 appreciation rate for that area of real estate was
 17 during the years that you've talked about?
 18 MR. SPROUSE: We looked at quite a
 19 number of sales and resales of houses on American
 20 Drive--in American Village. It's a very active
 21 neighborhood. They were all over the board. Some of
 22 them were negative numbers, both on and off, but in
 23 general, I would say that they were somewhere in the 1
 24 percent to 5 percent range, both on American Drive and
 25 off, during this time period.

1 Public Hearing - Meadowmont - 3/11/98 91
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 3 MR. SWEEZY: Thank you.
 4 MAYOR WALDORF: Other questions? Ms.
 5 Fulton? I just want to say to the council and to the
 6 audience that I've gotten a note from one citizen here
 7 who has asked if we could move it along because--to
 8 get to the citizens who signed up to speak, because
 9 she has a babysitter only until 9:30. So I just--you
 10 know, we need to do the cross-examination and have the
 11 evidence, but let's be expeditious.
 12 Ms. Fulton, please come forward and ask
 13 your question.
 14 MS. FULTON: My question is very
 15 short. What years did the chart represent? I can't
 16 see it, or I don't have it in my notes.
 17 MR. SPROUSE: Generally, the time
 18 frame for all of these sales in these neighborhoods
 19 was a period from 1992 to early 1998.
 20 MAYOR WALDORF: Her question was,
 21 "What years does the chart represent?" Is that right?
 22 MR. SPROUSE: Right.
 23 MAYOR WALDORF: Okay.
 24 MR. SPROUSE: That's correct.
 25 MAYOR WALDORF: Do council members

1 Public Hearing - Meadowmont - 3/11/98 92
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 3 have any questions of Mr. Sprouse? Kevin?
 4 MR. FOY: I'd like to look at
 5 that slide again of the Burningtree sales.
 6 MR. SPROUSE: Okay.
 7 MR. FOY: My question is one of
 8 those homes, the first one, is showing a 5-1/2 percent
 9 average annual increase over that ten-year period, but
 10 then it seems to show about a 3 percent annual
 11 increase over the three-year period. And I'm
 12 wondering if you have an opinion as to why it's
 13 showing a lower annual increase during the 1994 to
 14 1997 period.
 15 MR. SPROUSE: No, I don't.
 16 MR. FOY: Okay.
 17 MAYOR WALDORF: Other questions of Mr.
 18 Sprouse from the council? Okay. Thank you. Mr.
 19 Sitton?
 20 MR. SITTON: No.
 21 MAYOR WALDORF: Mr. Sitton, could I
 22 ask, is Mr. Heffner the applicant's last speaker?
 23 MR. SITTON: Yes.
 24 MAYOR WALDORF: Okay. Thank you.
 25 TESTIMONY OF TOM HEFFNER

1 Public Hearing - Meadowmont - 3/11/98 93
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 3 MR. HEFFNER: My name is Tom
 4 Heffner, and I've been involved in the real estate
 5 business in Chapel Hill for about 25 years. As most
 6 of you know, I've served as president of the Chapel
 7 Hill Board of Realtors, the North Carolina Real Estate
 8 Educational Foundation, and the North Carolina
 9 Association of Realtors. I currently serve as the
 10 director of the National Association of Realtors.
 11 I've taught real estate appraising in the
 12 North Carolina Realtors' Institute, and I've served as
 13 a visiting lecturer at the Kenan-Flagler Business
 14 School. I currently serve, and have for the last
 15 several years, as chair of the Orange County Board of
 16 Equalization and Review, which is charged with
 17 assuring that the county's property values are
 18 equitable and correct.
 19 Additionally, as most of you know, I was
 20 involved with the late J.P. Goforth at the time when
 21 he was completing development of The Oaks II
 22 development. And I was also involved in the
 23 development and sale of the lots in The Oaks III
 24 subdivision as part of the administration of Mr.
 25 Goforth's estate.

1 Public Hearing - Meadowmont - 3/11/98 94
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 3 Essentially, and especially as a result of
 4 that involvement, I don't take my testimony here
 5 tonight lightly. Many preceding councils, as you
 6 know, have heard me testify. You all have heard me
 7 testify many times, perhaps more times than you would
 8 have liked to, and as you know, I represent a variety
 9 of people. I sometimes testify for developers,
 10 sometimes for homeowners. Sometimes I have been
 11 retained by this council to do work for them.
 12 So I've looked very, very carefully at this
 13 issue. In the process of selling lots in The Oaks and
 14 being involved in the development of that subdivision,
 15 I have many friends who live there, and clearly, I
 16 don't want to do anything that jeopardizes their
 17 property values.
 18 I have known Mr. Sprouse and Mr. Swift
 19 professionally for many, many years, certainly ten or
 20 10 years, and I believe that they've probably been
 21 modest in talking about their qualifications. Both
 22 are members of the Appraisal Institute. Both are
 23 widely regarded in the state and in the region for
 24 their appraisal abilities.
 25 I have looked carefully at the reports they

1 Public Hearing - Meadowmont - 3/11/98 95
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 3 have prepared. It's my personal opinion that their
 4 analysis is correct and that it has been carefully
 5 done. In completing my own analysis on this issue,
 6 though, I have used an approach similar to what you
 7 see in Mr. Sprouse's work that you have in his written
 8 report.
 9 Since I had considerable knowledge of
 10 properties that were in the downtown historic
 11 district, specifically the Franklin-Rosemary Street
 12 historic district, I've chosen to analyze a number of
 13 sales in that area since 1992.
 14 Basically, this map shows the Franklin-
 15 Rosemary historic district and shows the 35 sales that
 16 we analyzed during that period of time. The blue dots
 17 are sales of properties that took place during the
 18 period of time since 1992 along Franklin Street. The
 19 red dots represent properties that sold off of
 20 Franklin Street.
 21 As you heard Mr. Sprouse mention a moment
 22 ago, the Kimley-Horn traffic study of the number of
 23 cars on Franklin Street recently indicated that there
 24 are approximately 21,400 cars a day that travel that
 25 street. That's certainly considerably more traffic

1 Public Hearing - Meadowmont - 3/11/98 96
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 3 than anyone's projections of Pinehurst Drive after the
 4 connection to Meadowmont is made and after the full
 5 development of Meadowmont takes place.
 6 Likewise, the properties that are located
 7 off of Franklin Street have considerably less traffic,
 8 just as the streets that are off of Pinehurst Drive
 9 currently have considerably less traffic than they
 10 have. In conducting my analysis--and you have this in
 11 your handout--
 12 MAYOR WALDORF: Good.
 13 MR. HEFFNER: I can see it just
 14 fine. I'm probably the only one. Basically, so when
 15 you see it in your own handouts you'll understand the
 16 methodology, the sales numbered one through 13 at the
 17 top over here (indicating) are sales that are located
 18 on Franklin Street.
 19 We have the date that the sales took place,
 20 the address of the sale, the sales price of each, the
 21 living area, bedrooms and bathrooms, the year the
 22 property was built, whether it had a garage or
 23 carport, whether it had a basement, what its lot size
 24 was, and what its price per square foot was.
 25 To calculate the price per square foot, we

1 Public Hearing - Meadowmont - 3/11/98 97
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 3 took the sales price of the house and divided it by
 4 the square footage of the house as reported through
 5 Multiple Listing or the Orange County Land Records
 6 Office.
 7 In this chart, the average sales price of
 8 properties on Franklin Street during this period of
 9 time was four hundred and fourteen thousand four
 10 hundred and sixty-nine dollars (\$414,469), the average
 11 living area 2,949 square feet, the average year built
 12 1914, the average lot size just a little over a half
 13 acre, and average price per square foot a hundred and
 14 forty-five dollars and seventy-eight cents (\$145.78).
 15 Again, that's a multiple-year period.
 16 The next area of the larger number of sales
 17 were properties that were located off of Franklin
 18 Street. The average there was three hundred and
 19 forty-two thousand eight hundred and seventy-three
 20 dollars (\$342,873), so a lower sales price. The
 21 square footage of the houses was similar, 2,879 square
 22 feet, off of Franklin Street as opposed to 2,949 on.
 23 Year built was somewhat newer off, 1936 as opposed to
 24 1914 on. Lot sizes were similar.
 25 And probably the most important comparison,

1 Public Hearing - Meadowmont - 3/11/98 98
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 3 a hundred and twenty dollars and eighty-three cents
 4 (\$120.83) per square foot for houses off as opposed to
 5 one-forty-five seventy-eight (\$145.78) for houses on.
 6 In looking at that, that appeared to be an
 7 illogical conclusion. You say, "Well, that implies
 8 that houses on Franklin Street, a more heavily
 9 traveled street, sell for significantly more than
 10 houses off." So we tried to look at any mitigating
 11 circumstances that the analysis had.
 12 There was one sale--you see the million-
 13 dollar sale--that's been much reported in the
 14 newspaper. That sale may be a bit of an aberration.
 15 So we refined and took that sale out. Likewise, we
 16 had a number of sales that were on Rosemary Street
 17 that would have been west of Boundary Street.
 18 And all of us who--we probably shouldn't
 19 admit this, but I think all of us do this--when we
 20 come up Franklin Street and we're going someplace
 21 downtown, we frequently cut across at Boundary Street
 22 and come down Rosemary Street. So houses that lie
 23 west of Rosemary Street tend to also be on a fairly
 24 heavily traveled street.
 25 So to further refine what we were doing, we

1 Public Hearing - Meadowmont - 3/11/98 99
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 3 removed the sale of the million-dollar house on
 4 Franklin Street and also removed all the sales of the
 5 houses on the more heavily traveled portion of
 6 Rosemary Street.
 7 And rather than go through all the numbers,
 8 you'll see, when you get your packet, that the sales
 9 prices are very, very similar, again, the square
 10 footages of the houses are similar, and the final
 11 point, I suppose, is that the price per square foot, a
 12 hundred and twenty-six dollars and sixty-seven cents
 13 (\$126.67) per square foot for the houses on Franklin
 14 Street, excluding the million-dollar sale, and a
 15 hundred and twenty-five thousand--I'm sorry--a hundred
 16 and twenty-five dollars and forty-six cents (\$125.46)
 17 a square foot for the houses on the less heavily
 18 traveled streets.
 19 So my conclusion would be in this case, in
 20 Franklin Street, that we're all familiar with, that
 21 the mere presence of traffic, in fact, in the case of
 22 Franklin Street, a significant amount of traffic, is
 23 not having a harmful impact on property values. The
 24 logical question to ask is, "Why is this so? Why do
 25 people pay the same thing for the houses on Franklin

1 Public Hearing - Meadowmont - 3/11/98 100
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 3 Street?"
 4 And I think there are multiple reasons for
 5 that. One is that Franklin Street is close to the
 6 University of North Carolina campus and to downtown
 7 Chapel Hill. Basically, the area we studied went down
 8 to about as far as Park Place and Glendale, which is a
 9 distance of about a mile from downtown Chapel Hill and
 10 the university campus.
 11 Beyond that you probably do begin to see
 12 some declines in property values. But in that area
 13 that's within a mile of the campus and downtown Chapel
 14 Hill, the prices remain very, very strong because of
 15 the demand of that area.
 16 I think we have a similar situation along
 17 Pinehurst Drive. From Ephesus Church Road to the
 18 Chapel Hill Country Club clubhouse is approximately a
 19 mile. And my opinion would be, just as some of the
 20 other appraisers have said, that The Oaks continues to
 21 be a very prestigious neighborhood.
 22 I would like to think that because I was
 23 involved in the development of it. But my experience
 24 as a realtor shows me that people continue to want to
 25 live in The Oaks. As other people have pointed out,

1 Public Hearing - Meadowmont - 3/11/98 101
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 3 it is likely to be the only country club community in
 4 Chapel Hill. I think demand for property will remain
 5 strong there.
 6 And therefore, it's my opinion based on my
 7 research, and also in reviewing the research that Mr.
 8 Swift and Mr. Sprouse have done, that property values
 9 will not be negatively impacted by the connection and
 10 that they will be maintained or enhanced.
 11 MAYOR WALDORF: Is that all?
 12 MR. HEFFNER: Uh-huh (affirmative).
 13 MAYOR WALDORF: Are there any
 14 questions of this witness from anyone in the audience?
 15 Are there questions from council members? Joe?
 16 MR. CAPOWSKI: There are no more
 17 real-estate-related witnesses for the applicant; is
 18 that correct?
 19 MR. HEFFNER: I think that's right.
 20 MR. CAPOWSKI: Okay. Then, I have a
 21 question for any of the three of you. Mr. Litton
 22 [sic], when you started, you suggested that contiguous
 23 property meant property that was literally abutting
 24 the Meadowmont project.
 25 MR. SITTON: That's correct.

1 Public Hearing - Meadowmont - 3/11/98 102
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 3 MR. CAPOWSKI: Do any of the real
 4 estate analyses--are they at all comparable? Are
 5 there any before and after sales of a piece of
 6 property or a home that literally abuts a project the
 7 size of Meadowmont that you have analyzed?
 8 MR. SITTON: Is the question do we
 9 have an analysis of a comparative sale as to
 10 Meadowmont, or in any of the other places that they
 11 looked?
 12 MR. CAPOWSKI: What I'm looking for
 13 is something to compare to the effect of literally
 14 abutting a project the size of Meadowmont. So can you
 15 in, say, the Greensboro example or the Raleigh example
 16 or a Chapel Hill example, can you show before and
 17 after sales where the difference between before and
 18 after was the construction of a project the size of
 19 Meadowmont that literally touched the property that
 20 you analyzed?
 21 MR. SITTON: I can ask Mr. Swift if
 22 he knows the answer to that. I'm from Greensboro, and
 23 I live very close to one of those. I don't think
 24 there's been a sale on the corner of Willoughby and
 25 Elm Street, and that would be the exact example you're

1 Public Hearing - Meadowmont - 3/11/98 103
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 3 talking about, where it abuts. And the development
 4 hasn't gone as far as Pisgah Church Road. So I know
 5 that there's no comparable in Greensboro.
 6 MAYOR WALDORF: Mr. Horn, you're going
 7 to answer this?
 8 MR. HORN: Let me try and help,
 9 because I think, first of all, let's understand that
 10 Meadowmont is in itself the largest project that's
 11 been brought forth in the Town of Chapel Hill. But
 12 with these other projects that we're discussing, each
 13 of them has been connected to an existing street
 14 network.
 15 Take the case of Rainwater within the City
 16 of Raleigh. If you want to say that it's been
 17 connected to Spring Forest Road, itself then connected
 18 to the City of Raleigh, and the amount of traffic that
 19 Springwater [sic] adds to it--and that's the question
 20 that we're really looking at: how much traffic are we
 21 adding?
 22 MR. CAPOWSKI: I'm sorry. My
 23 question had to do with what Mr. Sitton brought up at
 24 the beginning. Have you analyzed--and it's a real
 25 estate question, so I can't understand that the

1 Public Hearing - Meadowmont - 3/11/98 104
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 3 traffic expert is relevant. Have you analyzed a
 4 property that abuts a major development, where the
 5 difference--where there was the construction of a
 6 literally touching major development that has before
 7 and after sales prices? I think the answer is no.
 8 MR. SPROUSE: Well, the American
 9 Drive-American Village example is just residential, so
 10 the answer is no in the respect that there were no
 11 commercial, office, retail portions of that
 12 development.
 13 The other ones that we did, the Timberlyne
 14 would be the closest thing, I mean, and it did not
 15 just happen. You know, it happened over time that
 16 sections along Weaver Dairy Road increased. There was
 17 a new school, high school, built, the Timberlyne
 18 Shopping Center, and the Timberlyne development was in
 19 fact there before that stuff started taking place.
 20 So in that regard. But no, not just a big,
 21 sprawling, vacant tract of land, but as close as
 22 possible to similar situations as we could get, and
 23 nonetheless, trying to show that property values
 24 continued to increase after traffic increased and that
 25 they increased on a level at least at a par close to

1 Public Hearing - Meadowmont - 3/11/98 105
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 3 or better than those off of the main streets.
 4 MR. CAPOWSKI: I understand.
 5 MAYOR WALDORF: Other questions from
 6 council?
 7 MR. PERRY: May I address that
 8 question a moment as well? Your question, Mr.
 9 Capowski, in my opinion, is not a germane question.
 10 The issue is we gave you analysis of streets where the
 11 traffic increased in many cases to greater degrees
 12 than the traffic on Pinehurst and adjoining streets
 13 will increase because of Meadowmont.
 14 The reason that the traffic increases is
 15 irrelevant. The fact is the traffic has increased
 16 dramatically in those areas, and that's the apples-to-
 17 apples comparison. The reason the traffic increased,
 18 or the attendant development around the traffic
 19 increased, is not important.
 20 What's important are the number of cars
 21 that have been generated over time in these particular
 22 examples, and they are a perfect comparison with
 23 Pinehurst regardless of what happens to our piece of
 24 property.
 25 MR. CAPOWSKI: Then--may I respond,

1 Public Hearing - Meadowmont - 3/11/98 106
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 3 Rosemary?
 4 MAYOR WALDORF: Yes.
 5 MR. CAPOWSKI: Then, we should extend
 6 the definition of "contiguous" to be quite--to be
 7 properties in the general vicinity of Meadowmont.
 8 MR. PERRY: I don't see how that
 9 has any relevance at all to that issue.
 10 MAYOR WALDORF: There was another
 11 question here, I believe, from council.
 12 MR. FOY: Yeah. I wondered if
 13 any of the--all of the evidence that I saw had to do
 14 with properties north and west of the applicant's
 15 property, and I wondered if there was any analysis
 16 done of contiguous property on the eastern or southern
 17 side of Meadowmont.
 18 MR. SITTON: I think the southern
 19 side--isn't the southern side Highway 54?
 20 MR. FOY: South of the
 21 Meadowmont property.
 22 MAYOR WALDORF: That's university
 23 property.
 24 MR. PERRY: Mr. Foy, the property
 25 to the south of Meadowmont across 54 is all University

1 Public Hearing - Meadowmont - 3/11/98 107
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 3 of North Carolina property. The property to the east,
 4 with the exception of the undeveloped Lloyd tract, is
 5 Army Corps of Engineers flowage easement. There are
 6 no adjacent or contiguous neighborhood streets to the
 7 east in the reasonable vicinity of Meadowmont, to the
 8 east or the south.
 9 MR. FOY: Have you analyzed
 10 Finley Forest Condominiums, which I believe abut the
 11 Meadowmont property?
 12 MR. PERRY: Finley Forest does
 13 abut to the southeast corner. Examined it from what
 14 standpoint?
 15 MR. CAPOWSKI: Have you analyzed it?
 16 MR. FOY: That was my question.
 17 Apparently, there is no other evidence as to property
 18 values that abut the Meadowmont project in other areas
 19 other than north and east--north and west?
 20 MR. SWIFT: Mr. Capowski, to
 21 address your question, I studied three areas, and two
 22 of them were contiguous to rather significant mixed
 23 use. The North Ridge Country Club area, once that
 24 road was connected to Spring Forest, that connected it
 25 directly to all of the commercial development in the

1 Public Hearing - Meadowmont - 3/11/98 108
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 3 North Ridge area.
 4 And probably even more specifically would
 5 be the Charlotte incident, where Colony Road is right
 6 there at Southpark Shopping Center with all the
 7 related office development and everything that has
 8 grown up around the Southpark area.
 9 MAYOR WALDORF: Do you have any idea
 10 what the approximate square footage is of Southpark
 11 Shopping Center?
 12 MR. SWIFT: Not off the top of my
 13 head. I'm afraid I don't.
 14 MAYOR WALDORF: Is it, what, 250,000,
 15 half a million?
 16 MR. SWIFT: -I would say all of the
 17 retail and office and hotel development in the
 18 Southpark area, I would hazard a guess, would exceed
 19 Meadowmont.
 20 MS. EVANS: By a long shot, yeah.
 21 MAYOR WALDORF: We do have a citizen
 22 who has a babysitter and another one who is not
 23 feeling good, and I'd really like to get to them soon.
 24 Are there any other questions of the developers
 25 represented that can't wait till later? They'll be

1 Public Hearing - Meadowmont - 3/11/98 109
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 3 available, I trust.
 4 MR. SITTON: Madam Mayor--
 5 MAYOR WALDORF: Yes, sir.
 6 MR. SITTON: --we would like Mr.
 7 Sprouse to answer the gentleman's question
 8 specifically.
 9 MAYOR WALDORF: All right. And then
 10 we're going to move on to--
 11 MR. SPROUSE: With regards to did we
 12 look east or west--east or south? Is that correct?
 13 Those were areas that we kind of looked at and thought
 14 of in general, but we couldn't identify, or at least
 15 to his point, haven't identified that they had streets
 16 that we could get any meaningful information off of,
 17 i.e., a heavily traveled street or a more heavily
 18 traveled street with a side street.
 19 I mean, we can certainly look at other
 20 areas, but to date, no. I mean, these were the areas
 21 that we identified that we felt like would be valid
 22 comparisons.
 23 MAYOR WALDORF: Were there any other
 24 questions from the audience? Yes? Would y'all please
 25 come forward, then, and direct questions. I'm going

1 Public Hearing - Meadowmont - 3/11/98 110
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 3 to need to know whom you wish to ask your question.
 4 RAY DOOLEY: Hi. My name is Ray
 5 Dooley. I'd ask this to any of the gentlemen, and I
 6 thank them for their detailed analysis. I had the
 7 good fortune to watch Carolina defeat Duke this
 8 weekend, and at the end of the game as the Carolina
 9 team was celebrating, Dick Vitali yelled, I believe it
 10 was, "They'll be dancing on Franklin Street tonight."
 11 So I'm addressing the apples-to-apples
 12 issue. I did not hear him say, "They'll be dancing on
 13 Pinehurst Drive tonight." I wonder, as thorough and
 14 as sincere as the analysis of Franklin Street and the
 15 traffic thereon was, whether in fact that itself is an
 16 apples-to-oranges issue and that Franklin Street
 17 itself is, to anyone who knows Chapel Hill, the
 18 essence of Chapel Hill, and that the prestige involved
 19 in living on Franklin Street itself would supersede a
 20 great deal more than just an increase in traffic.
 21 And if any of the gentlemen would care to,
 22 or not, address the issue of whether they truly
 23 believe Franklin Street is analogous to any other
 24 street in Chapel Hill, that would be fine.
 25 MAYOR WALDORF: Thank you.

1 Public Hearing - Meadowmont - 3/11/98 111
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 3 MR. HEFFNER: I think it is
 4 analogous to other streets in Chapel Hill. I think
 5 there is certainly a tremendous amount of prestige
 6 with living on Franklin Street, but logically, there
 7 is a tremendous amount of traffic that's located on
 8 Franklin Street, too.
 9 I don't know that I understand what you're
 10 saying. Traffic is traffic to a degree, whether it's
 11 on Franklin Street or someplace else, but I believe
 12 that--I certainly agree with you. Franklin Street has
 13 a tremendous cachet to the name. People want to live
 14 on Franklin Street.
 15 But I think likewise, if you make the
 16 analogy to The Oaks subdivision, Pinehurst Drive is
 17 clearly the heart of The Oaks subdivision. Pinehurst
 18 Drive is the street that people most commonly think of
 19 when they think of The Oaks subdivision. And I
 20 personally think that The Oaks subdivision has a
 21 tremendous amount of market appeal, too.
 22 MAYOR WALDORF: Yes, ma'am. Please
 23 come forward.
 24 DIXIE HAPGOOD: I'm Dixie Hapgood, and
 25 I'm also a broker in North Carolina and a resident of

1 Public Hearing - Meadowmont - 3/11/98 112
 2
 3 The Oaks, although I've lived in a lot of different
 4 areas of Chapel Hill.
 5 And one of the questions I had for, I
 6 believe Mr. Sprouse and Mr. Smith [sic], concerns the
 7 size of the towns that they have used for their
 8 studies. I think they are three of the largest, if
 9 not the largest, ones in North Carolina, and also,
 10 these towns have along with Chapel Hill had a
 11 tremendous increase in property values due to all of
 12 the people moving to our towns.
 13 And I just wondered if they had taken into
 14 account the fact that when you think of the larger
 15 cities, you do think in terms of more traffic and
 16 maybe a little less of what we used to think of Chapel
 17 Hill being a smaller town. And I think when you look
 18 for a smaller town, you tend to look for some of the
 19 things that a smaller area offers, which frequently is
 20 a little less traffic on your streets.
 21 And you can't always get it, but a lot of
 22 people have been willing to pay what it takes to get
 23 it in Chapel Hill. And I think that has been the
 24 charm of Chapel Hill, and I just wonder if there are
 25 other towns that could have been used that have this

1 Public Hearing - Meadowmont - 3/11/98 113
 2
 3 appeal and not the largest cities that we have to
 4 offer in North Carolina.
 5 And again, I'd just like to ask the people
 6 that spoke, also, when we get down to a market
 7 analysis, one of the things you always try and do--I
 8 am not an appraiser, although I have done market
 9 appraisals--and that is you always try and consider,
 10 you know, the appeal. That's one of those factors
 11 that can't be put down with your numbers.
 12 But I will ask the people that spoke--and I
 13 think they did say that they would prefer less traffic
 14 rather than more--and if a street were being cut
 15 through your neighborhood, would you not be willing to
 16 do what you could to decrease the amount of traffic
 17 that is going through there? So I'm just asking that
 18 they will please take into account and give us an idea
 19 of why we weren't able to consider towns that had a
 20 smaller population.
 21 MAYOR WALDORF: All right. Thank you,
 22 Dixie. While somebody is coming forward to the
 23 podium, I suppose Mr. Sprouse or Mr. Swift needs to
 24 respond to this question.
 25 I'm going to ask one more time if there are

1 Public Hearing - Meadowmont - 3/11/98 114
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 3 any questions of these witnesses from the audience,
 4 but I really would like for people to ask questions
 5 and not make statements, because there are people who
 6 signed up to make statements, and they're having to
 7 wait. Thank you. Go ahead.
 8 MR. SWIFT: Madam Mayor, that was
 9 the longest question I've ever heard, and I'm not sure
 10 I can retain it all.
 11 We went to areas where we felt like there
 12 were substantial increases in traffic so we could see
 13 what was going on with property values in those areas.
 14 As far as picking another town similar to Chapel Hill,
 15 I have no idea where that would be.
 16 To think that Chapel Hill is going to
 17 remain the little village that it used to be is a
 18 rather utopian dream, I guess. It is a part of the
 19 Triangle area of North Carolina, the fastest-growing
 20 area in the country.
 21 And unless we just determine to leave all
 22 undeveloped land completely undeveloped, it's going to
 23 increase in population. There's going to be demand
 24 for housing, there's going to be increased traffic.
 25 And going to any other town, you have to go

1 Public Hearing - Meadowmont - 3/11/98 115
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 3 to areas where there is comparable substantial
 4 increase in traffic to make valid comparisons. I
 5 don't think I could have found a neighborhood to study
 6 in a meaningful way in Pittsboro. That's all the
 7 question I can remember. I'm sorry.
 8 MAYOR WALDORF: Okay. Thank you. Are
 9 there any other questions of any of the applicant's
 10 witnesses? I'd like to call on Valerie Broddwell,
 11 please, and after her, Barbara Chaiken.
 12 BARBARA CHAIKEN: Could we switch? She
 13 needed to call her babysitter.
 14 MAYOR WALDORF: Sure, that's fine.
 15 Are you Barbara?
 16 BARBARA CHAIKEN: I'm Barbara.
 17 MAYOR WALDORF: I'm sorry. Are you
 18 not quite finished?
 19 MR. SITTON: We are through with
 20 our evidence, but would you like to have these
 21 reports?
 22 MAYOR WALDORF: Just at the conclusion
 23 of the hearing would be fine, I think, Mr. Sitton.
 24 MS. WIGGINS: I was kind of hoping
 25 they would pass them out early, because I'd like to

1 Public Hearing - Meadowmont - 3/11/98 116
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 3 make notes.
 4 MAYOR WALDORF: All right.
 5 MS. WIGGINS: I would have preferred
 6 to have had it before--
 7 MAYOR WALDORF: We have a request to
 8 hand them out now.
 9 MS. WIGGINS: Yeah. I'd like to
 10 make notes in it.
 11 MAYOR WALDORF: Can y'all listen to
 12 Ms. Chaiken attentively while they're being handed
 13 out?
 14 MS. WIGGINS: Yeah, sure.
 15 MAYOR WALDORF: Okay. Go ahead,
 16 please.
 17 TESTIMONY OF BARBARA CHAIKEN
 18 MS. CHAIKEN: I'm Barbara Chaiken.
 19 This is my third time speaking on Meadowmont. It is
 20 an ill-conceived project which needs to be rethought
 21 and reconsidered. Aside from scarring the natural
 22 beauty of Chapel Hill, creating congestion on 54 and
 23 Ephesus Church Road, it will make the Little Creek,
 24 Colony Woods, Briarcliff, and Oaks neighborhoods much
 25 less desirable places to live.

1 Public Hearing - Meadowmont - 3/11/98 117
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 3 It will negatively impact property values
 4 while totally ruining Pinehurst as a safe, quiet,
 5 clean place to walk, bike, et cetera. I, for one,
 6 chose carefully before buying into these
 7 neighborhoods--I lived in Colony Woods for 11 years,
 8 and I've lived in The Oaks for eight years.
 9 I am an avid outdoors enthusiast, and I
 10 bike or rollerblade on Pinehurst and Cleland and
 11 Burningtree every single day. I only looked to buy in
 12 a neighborhood in Chapel Hill where there were streets
 13 with little traffic. To me, it's a quality of life
 14 issue. That's what property values mean to me, with
 15 all due respect to all your experts and all the graphs
 16 and statistics that they showed.
 17 Every day while I'm out exercising, I see
 18 cars parked along Cleland, parked along Pinehurst,
 19 where people come from neighborhoods all over Chapel
 20 Hill. I stop and talk to them. Sometimes it's
 21 mothers pushing babies in carts because their
 22 neighborhoods have too much traffic. Sometimes it's
 23 other rollerbladers, and sometimes it's bikers. They
 24 come all over town to use the streets for the same
 25 reasons that I do.

1 Public Hearing - Meadowmont - 3/11/98 118
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 3 I also just want to take a moment to speak
 4 against the traffic calming devices that we've been
 5 talking about. As someone who bikes and rollerblades,
 6 I can tell you from personal experience that a speed
 7 bump, in addition to being maddening--I know it's only
 8 one of the traffic calming devices you're looking at--
 9 but in addition to being absolutely maddening to car
 10 drivers, it is life threatening to people on bicycles.
 11 And as a rollerblader, I totally went out
 12 of control once when I was practically going one mile
 13 an hour. I mean, I was barely moving, and I lost my
 14 balance going over them. So I beg you, in whatever
 15 decision you make, to not consider speed bumps as a
 16 solution.
 17 Anyway, this mother of all developments,
 18 way out of scale to the other neighborhoods in the
 19 rest of Chapel Hill, will be a terrible legacy that we
 20 will leave to our children. Please consider reducing
 21 the scope.
 22 Mr. Perry, originally--as I said, this is
 23 my third time speaking to you--I was from the
 24 beginning against this project. He constantly
 25 threatened, "If you don't like my plan, I'm just going

1 Public Hearing - Meadowmont - 3/11/98 119
 2
 3 to build 500 houses like we have at The Oaks." And I
 4 challenge him, "Do it." Let him do it.
 5 We don't need another shopping center in
 6 Chapel Hill, and we certainly don't need additional
 7 noise, exhaust fumes, and traffic in our preexisting
 8 neighborhoods.
 9 If Highway 54 cannot handle the expected--
 10 and we've heard different numbers bantered about
 11 today--but I'm going to say the additional 33,000 car
 12 trips per day, then Mr. Perry simply needs to reduce
 13 the number of homes, the number of businesses, and the
 14 scope of his proposal.
 15 To me, it is unconscionable for him or for
 16 you to expect that Pinehurst and Ephesus, which we
 17 haven't spent enough time talking about--where do all
 18 those cars go when they go out of Pinehurst? They
 19 turn onto Ephesus. Ephesus recently just had a
 20 traffic light put in it. It's already being backed up
 21 now. And so we're talking about major traffic
 22 congestion. But it is unconscionable to expect that
 23 Pinehurst and Ephesus should bear the burden for this
 24 grandiose plan.
 25 In closing, I believe it was Larry Sitton,

1 Public Hearing - Meadowmont - 3/11/98 120
 2
 3 one of Mr. Perry's lawyers, suggested tonight that
 4 property values would be enhanced. Someone else--I
 5 didn't catch his name--also used the word "enhanced."
 6 And every time I heard that word, it made me cringe.
 7 And they said it will be enhanced because of
 8 Meadowmont.
 9 The property values in Chapel Hill go up.
 10 The property values perhaps will go up, but Pinehurst
 11 and The Oaks and the neighborhoods affected by this
 12 project will not be enhanced.
 13 To me, when the air we breathe is
 14 jeopardized, as it will be with increased traffic,
 15 when the quality of life, when the safety for those of
 16 us who want to be out on the streets--and I need to
 17 tell you that if you're--although there are
 18 sidewalks--if you are biking or rollerblading, you
 19 can't do them on sidewalks. People are always walking
 20 on those sidewalks. We need to be in the street.
 21 So we're talking not only about our safety
 22 and the safety of our children. It will be
 23 significantly jeopardized by this project, and I urge
 24 you to reconsider. Thank you.
 25 **MAYOR WALDORF:** Thank you. Are there

1 Public Hearing - Meadowmont - 3/11/98 121
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 3 any questions of this witness from anyone, from the
 4 council? Okay. Thank you. Valerie? And after
 5 Valerie will be Patricia Suanne Brooks.
 6 **TESTIMONY OF VALERIE BRODDWELL**
 7 **MS. BRODDWELL:** I'm Valerie Broddwell.
 8 I live on Rogerson Drive. I'm a member of the Little
 9 Creek Neighborhood Association. I wanted to comment
 10 on an impact that I haven't heard discussed before,
 11 and that's the impact that the cars generated from
 12 Meadowmont will have on air quality.
 13 I work for the United States Environmental
 14 Protection Agency as an air quality expert, and in
 15 that role I help states comply with the Clean Air Act.
 16 Recently the president signed into law a more
 17 stringent ozone standard.
 18 And just as a quick background, what ozone
 19 is, it's a secondary air pollutant that's formed when
 20 volatile organic compounds bond with nitrogen oxide
 21 under sunlight. It's called smog. Most people call
 22 it smog. And it has a number of health effects.
 23 One is that it can throw asthmatics into an
 24 asthma attack. Children that are repeatedly exposed
 25 to ozone are found to have reduced lung function and

1 Public Hearing - Meadowmont - 3/11/98 122
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 3 lesions on their lungs. And during an ozone alert,
 4 people with lung disease and heart disease are advised
 5 to stay indoors, and people are advised not to
 6 exercise strenuously.
 7 Getting back, then, to the new ozone
 8 standard, when the new ozone standard passed, the
 9 State of North Carolina Division of Air Quality
 10 conducted an analysis. And their analysis predicted
 11 that Chapel Hill will violate the new ozone standard
 12 15 days out of the 90-day ozone season, which is
 13 during the summer.
 14 Town staff, I've heard, is very concerned
 15 about this. They're aware of the problem. They're
 16 concerned because they know what I know, is that 90
 17 percent of the pollutants that cause ozone come from
 18 cars. That's the source. It's cars and cities. And
 19 here we are creating this huge project that's going to
 20 generate--you know, I'm not sure what the numbers are
 21 now. I've heard a lot of numbers, 31,000, twenty-
 22 four, whatever, a lot more cars.
 23 And we don't know what the effect is going
 24 to be. I think it's going to cause some serious ozone
 25 problems. At least that's what the state is telling

1 Public Hearing - Meadowmont - 3/11/98 123
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 3 us. And I do know that air quality also is hooked in
 4 with property values. It does affect property values,
 5 at least I know in Los Angeles. I'm sure of this.
 6 There are parts of Los Angeles, like Bel
 7 Air, Malibu, Long Beach, that are called the good air
 8 side of Los Angeles, and people pay more to live there
 9 because they realize that there's not as much smog.
 10 They live on the ocean side, and they get the clean
 11 air. The people who live against the San Gabriel
 12 Mountains, like Pomona and Pasadena, they have lower
 13 property values because that's where the ozone forms,
 14 it cooks. And you'll notice that, if you ever drive
 15 into L.A., you can see on bad ozone days what it's
 16 like.
 17 And I think that this project--I would
 18 argue it's not only going to affect the nearby
 19 property values, but in fact the whole town and the
 20 surrounding areas, if we start to have ozone
 21 violations.
 22 In closing, I want to say that I see the
 23 value of mixed use. I worked with the City of
 24 Portland, the Friends of Oregon, on their Lutrack
 25 study. Anyone who is a transportation person would

1 Public Hearing - Meadowmont - 3/11/98 124
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 3 know what Lutrack is. I've lived in Paris. It's the
 4 best mixed use you can ever live in. It's wonderful.
 5 It's also very dense, but that's mixed use.
 6 I understand the value of it, and I think
 7 that we need to have some mixed use there. I would
 8 argue it. I would argue that it's probably not done
 9 right with Meadowmont, but that's another story.
 10 But in closing, I just wanted to say that
 11 it seems like this is being posed as this black-and-
 12 white thing, either 600 houses or 825,000 square feet,
 13 you know, this huge project versus this very small one
 14 that a lot of people don't like either. And that's
 15 not a very productive argument.
 16 I think that--I know that the developer
 17 doesn't want to hear the "R" word, but I think that
 18 maybe a good way to look at this is to think about
 19 reducing the project to a level that's acceptable,
 20 that's not going to generate big-city traffic and big-
 21 city pollution, big-city air pollution. That seems to
 22 me to be the glaring solution.
 23 And we should be able to find a middle
 24 ground. I would think so. We're all smart people.
 25 And I would just urge you to think about doing that.

1 Public Hearing - Meadowmont - 3/11/98 125
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 3 Thank you.
 4 MAYOR WALDORF: Are there any
 5 questions of this witness from anyone? Okay. Thank
 6 you. Patricia Suanne Brooks, and after her, Cynthia
 7 Wise.
 8 TESTIMONY OF PATRICIA SUANNE BROOKS
 9 MS. BROOKS: Good evening. Distinguished
 10 members of the Chapel Hill Town Council, Madam Mayor,
 11 Town Manager, and staff, my name is Patricia Suanne
 12 Brooks, and I live at 1135 Burningtree Drive with my
 13 mother, who is a senior citizen and is legally blind.
 14 1135 Burningtree is one of the famous five
 15 just off Highway 54 on the right. It is a matter of
 16 public record tonight, but I paid three hundred and
 17 fifty-two thousand five hundred dollars (\$352,500) for
 18 this home. My mom and I purchased our home in
 19 September, 1996, and although I was aware of the
 20 Meadowmont project at the time, I was led to believe
 21 that Meadowmont would not seriously negatively affect
 22 my home. Nothing could be further from the truth.
 23 Since we moved to Chapel Hill from Atlanta,
 24 I was at a disadvantage, with neither the advantage of
 25 local knowledge nor the facts on nor history of

1 Public Hearing - Meadowmont - 3/11/98 126
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 3 Meadowmont that a local purchaser could have had. I
 4 am no stranger to development and zoning, however. In
 5 Atlanta I served as the zoning and development
 6 committee chair of my homeowners' association.
 7 In 1989, I was appointed North Fulton
 8 County representative to the Fulton County Planning
 9 and Development Committee, representing over 500,000
 10 homeowner interests. The committee was a policy
 11 advisory body to the Fulton County Board of County
 12 Commissioners. So I have some experience with the
 13 potential effects of unbridled new development on
 14 contiguous property values in existing older
 15 communities.
 16 I wish to bring four issues to your
 17 attention tonight, that from my past experience, which
 18 is my evidence, clearly would negatively impact
 19 property values, specifically the value of my home on
 20 Burningtrees Drive and the other contiguous four.
 21 Number one, safety. One reason I bought a
 22 home at The Oaks was because it provided a safe place
 23 for my mother, who cannot drive, to walk, or so I
 24 thought. The traffic on Burningtrees Drive is already
 25 excessive, unsafe, and largely unmonitored by the

1 Public Hearing - Meadowmont - 3/11/98 127
 2
 3 Chapel Hill Police Department.
 4 With the prospect of massive increases in
 5 cut-through traffic which would be created by
 6 Meadowmont and no attendant sidewalks on Burningtrees,
 7 my mother will be homebound totally when Meadowmont is
 8 built. Every day, at least 50 to 75 Oaks and Chapel
 9 Hill residents jog, walk, or rollerblade on our street
 10 at their peril.
 11 There are many senior citizens who walk at
 12 The Oaks despite current traffic hazards. The safety
 13 of our seniors will be threatened even more by
 14 increased traffic from Meadowmont. We have been asked
 15 to present evidence tonight of negative impacts.
 16 It doesn't take an expensive study to know
 17 an unsafe community and neighborhood negatively
 18 affects property values. Requests: therefore, I'm
 19 asking the town council to give serious consideration
 20 to either opening the connector or, better yet,
 21 finding a totally different access to Meadowmont other
 22 than through The Oaks. Let people access Meadowmont
 23 from Highway 54 into and out of Meadowmont.
 24 I realize this is a pretty simple solution
 25 to the problem of effects on The Oaks, but it is not

1 Public Hearing - Meadowmont - 3/11/98 128
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 3 too late for simple solutions to possibly simple
 4 problems. It should be the highest priority to
 5 preserve the characteristics of older existing
 6 neighborhoods in Chapel Hill. We did so very
 7 successfully in Atlanta.
 8 Two, zoning. Call it stupidity, naivete,
 9 or just plain bad luck, is out-of-town buyers, unaware
 10 of Meadowmont's high-density, low-cost residential
 11 plan contiguous to our home. We purchased an
 12 expensive home and have spent major money on interior
 13 and exterior improvements to that home. We stand to
 14 lose on our investment.
 15 My experience with zoning policy in Atlanta
 16 actually hindered my correct understanding of the
 17 possible negative effects of contiguous construction
 18 in Meadowmont. In Georgia, R-1 means the lots are two
 19 acres in size. Thus, residences zoned R-1 were
 20 residences constructed on two-acre lots. That's easy
 21 to understand and clear.
 22 Therefore, it never occurred to me that R-1
 23 zoning in North Carolina actually means nothing if,
 24 indeed, six to seven residences can be built on a one-
 25 acre lot zoned R-1, as posed for Meadowmont. Studying

1 Public Hearing - Meadowmont - 3/11/98 129
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 3 the plans for Meadowmont, it seems that the residences
 4 that will back up to our property will be on postage-
 5 stamp-sized squares of earth, not lots, squished
 6 together like tract housing, just as tightly as the
 7 developer can build them. This neither maintains nor
 8 enhances our home.
 9 We now look out on beautiful woods, thick
 10 with greenery and dotted with wildlife, deer, rabbits,
 11 birds, squirrels, even a fox or two. After
 12 Meadowmont, we will look out on garages, swing sets,
 13 trash cans, and backs of teeny-tiny, inexpensive
 14 houses. This perception, ladies and gentlemen, is
 15 evidence.
 16 Request: preserve or enhance the property
 17 value of my home and my mother's. I hereby request--
 18 no, I beg--the developers to construct no more homes
 19 than a pure R-1 residential zoning designation would
 20 prevent. In other words, no more than two single
 21 family homes on half-acre lots, just as R-1 means in
 22 the zoning ordinance in North Carolina.
 23 This concept of averaging lot sizes across
 24 the development so that R-1 is really not R-1 is
 25 misleading. The lot behind our house is either R-1 or

1 Public Hearing - Meadowmont - 3/11/98 130
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 3 it is not. If it is R-1, then make it R-1, not R-3 or
 4 R-5.
 5 Number three, water storage, and, number
 6 four, drainage. I have been informed by the
 7 engineering department that the water storage ponds at
 8 Meadowmont will be maintained by the homeowners'
 9 association. This is strange.
 10 The water collection system is public. The
 11 storm drains are public. The water and sewer systems
 12 in Chapel Hill are public. Why, then, will Meadowmont
 13 homeowners be responsible for maintaining the water
 14 storage areas?
 15 If a child drowns in a retention pond, who
 16 is liable? Water retention ponds are notorious
 17 vectors for mosquitoes, other insects, snakes, and
 18 rodents. An open pond impacts property values
 19 negatively, as it is a health and safety hazard that,
 20 in my opinion, the developer has not addressed.
 21 The evidence is common sense. Standing
 22 water, excessive drainoff, or more summers of El Nino
 23 can spell trouble to Burningtree owners. Put the pond
 24 somewhere else on the Meadowmont property, preferably
 25 where water drainage experts can manage it, not the

1 Public Hearing - Meadowmont - 3/11/98 131
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 3 homeowners' association.
 4 Request: I am asking the developer and the
 5 Chapel Hill Departments of Engineering and Planning to
 6 relocate the water retention pond at Meadowmont away
 7 from Burningtree Drive. Additionally, in the
 8 interests of public health and safety, place the pond
 9 in such a way as to permit the town to maintain it.
 10 Four, drainage. Drainage is already a
 11 problem, undoubtedly made worse by Meadowmont. We
 12 already have a rivulet running between our home and
 13 1131 Burningtree when it rains heavily. With plans to
 14 cut down massive numbers of trees behind the
 15 contiguous five houses on Burningtree to accommodate
 16 the teeny little R-3 lots in Meadowmont, the drainage
 17 problem will only get worse. Yet the developer's
 18 drainage plan was approved several years ago.
 19 In doing the drainage study, did anyone
 20 ever actually visit Burningtree in the rain? Poor
 21 drainage will impact property values negatively,
 22 especially during the construction phase at
 23 Meadowmont, and I invite any of you in the next
 24 rainstorm to come over and see the drainage problem on
 25 Burningtree.

1 Public Hearing - Meadowmont - 3/11/98 132
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 3 Request: we request that the developer
 4 leave the tree belt intact, a 50-foot tree belt and
 5 buffer, minimum, behind 1135 Burningtree and build an
 6 earthen buffer to thwart construction drainoff and
 7 future excess drainage.
 8 Lastly, does this development make sense as
 9 conceived? Roger Perry does not live at The Oaks.
 10 Smedes York does not live at The Oaks. No one at
 11 East-West lives at The Oaks. No one on the city
 12 council lives at The Oaks. As far as I can tell, no
 13 one in the Chapel Hill planning or engineering
 14 departments lives at The Oaks.
 15 It is easier to make decisions that do not
 16 affect your families, your home, or your neighborhood.
 17 Since your lives are not personally negatively
 18 impacted by Meadowmont, we must rely on your
 19 collective conscience and your deep sense of caring
 20 and fairness.
 21 Worst yet, there are only five of us who
 22 are contiguous, five residences against wealthy
 23 developers armed with lawyers, organized Oaks
 24 residents armed with lawyers, and the political system
 25 of Chapel Hill.

1 Public Hearing - Meadowmont - 3/11/98 133
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 3 We are probably naive to think we five
 4 contiguous residences can make a difference. But if
 5 we do not tell you what we are thinking, clearly we
 6 cannot expect you to know our concerns.
 7 Request: please use common sense when
 8 making decisions on Meadowmont. Please put yourselves
 9 in our shoes. Meadowmont may be a fait accompli, but
 10 any project that endangers the freedom and safety of
 11 our senior citizens and children, that pollutes our
 12 total community with traffic noise and congestion,
 13 that creates hazardous ponds of standing water that
 14 are vectors for vermin, and proposes no public agency
 15 responsibility, that threatens the economic stability
 16 and future viability of one of Chapel Hill's most
 17 beautiful and most dynamic residential areas, that
 18 pits neighbor against neighbor and street against
 19 street is not only a lousy idea as conceived, it is an
 20 arrogant proposal made by a few developers at the
 21 expense of many, many Oaks I and II homeowners.
 22 It doesn't take a rocket scientist to
 23 figure out that massive traffic backups and noise, an
 24 unsafe neighborhood for joggers and walkers, standing
 25 water, potential drainage problems, raping the tree

1 Public Hearing - Meadowmont - 3/11/98 134
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 3 belts, and ruining the vistas out our back windows
 4 affect the property values negatively for those of us
 5 who are contiguous.
 6 What I am proposing is that common sense be
 7 your guide when you vote again on Meadowmont. Kermit
 8 the Frog once sang, "It ain't easy being green."
 9 Well, ladies and gentlemen, it ain't easy being
 10 contiguous either. Thank you for listening so
 11 attentively.
 12 MAYOR WALDORF: Thank you. Does
 13 anybody have any questions of this witness? Okay.
 14 Thank you very much. Cynthia?
 15 MICHAEL BROUGH: Madam Mayor?
 16 MAYOR WALDORF: Yes.
 17 MR. BROUGH: I don't have a
 18 question, but I was told I didn't need to or shouldn't
 19 sign up on the list that you have because I'm not to
 20 be sworn, since I'm an attorney representing the
 21 petitioners. I would like to speak at some point.
 22 MAYOR WALDORF: All right. I'll put
 23 you on the list. I was just going to make my little
 24 mid- to late-evening speech about how we have a lot of
 25 people still signed up.

1 Public Hearing - Meadowmont - 3/11/98 135
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 3 The scope of the hearing tonight is
 4 property values. We do not have a time limit, but if
 5 every speaker is going to take 15 minutes, we're just
 6 not going to make it tonight. So I really hope people
 7 can be concise. And, Mr. Brough, I'll put your name
 8 on the list.
 9 MS. ANDRESEN: Madam Mayor, how many
 10 do we have on the list?
 11 MAYOR WALDORF: Well, we have about—I
 12 just counted. We have about 20 folks yet who haven't
 13 spoken, but what I don't know is whether all of these
 14 folks need to speak or whether some of them are folks
 15 who just signed up in case they were called on and
 16 needed to be sworn, so—
 17 MS. ANDRESEN: I was asking just
 18 because there are alternatives, like holding another
 19 hearing tomorrow night.
 20 MAYOR WALDORF: Well, if we have to do
 21 that, we have to do that. But I would like to press
 22 on and see what we can do. Joyce?
 23 MS. BROWN: We have a log meeting
 24 tomorrow night.
 25 MAYOR WALDORF: Ah. What time is

1 Public Hearing - Meadowmont - 3/11/98 136
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 3 that? Let's move on. Yeah. Yes?
 4 MR. BROUGH: Madam Mayor?
 5 MAYOR WALDORF: Yes?
 6 MR. BROUGH: If I could just plead
 7 with you just slightly, I was here early, could have
 8 signed up early, and do represent a large number of
 9 folks. And I don't know that I'll be able to come
 10 back tomorrow evening.
 11 MAYOR WALDORF: Okay. I'll call on
 12 you next, after the Wises.
 13 MR. BROUGH: Thank you.
 14 TESTIMONY OF CYNTHIA WISE
 15 MS. WISE: Good evening, Madam
 16 Mayor, council members, Mr. Horton, and town staff. I
 17 am Cynthia Wise of 1139 Burningtreet Drive. Whatever
 18 dictionary you use, we five lot owners on Burningtreet
 19 are contiguous to Meadowmont property. There are no
 20 golf courses, ravines, hills, thick brush, or roads to
 21 separate our approximately one-acre lots from those
 22 approximately one-seventh of an acre planned to be
 23 abutting us in Meadowmont.
 24 As you can see on this slide, we have five
 25 homes that are abutting Meadowmont. The first one

1 Public Hearing - Meadowmont - 3/11/98 137
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 3 belongs to the Blues, next to the golf course. Then
 4 are the Brooks. Suanne just spoke. Then the Wises,
 5 and then Jeff Eischen, who sent you a letter. He was
 6 not able to be here tonight. And then the Claytons on
 7 the end behind the detention [sic] pond and most close
 8 to 54.
 9 It's very hard for the individual citizen
 10 to compete with a big, powerful developer with all his
 11 financial and other resources. We tried to get
 12 builders and appraisers to give us estimates of how
 13 Meadowmont would affect the value of our properties,
 14 but the realtors felt you couldn't estimate until the
 15 development was built. One appraiser felt it would
 16 take him many weeks and two to three thousand dollars,
 17 and anyway, he didn't have enough time.
 18 After seeing these professional appraisers,
 19 I'm not sure that I couldn't have done maybe as well.
 20 At least I would have compared apples with apples and
 21 oranges with oranges. I don't understand why they
 22 took examples from Charlotte, Raleigh, Greensboro, or
 23 even Franklin Street, which is entirely different from
 24 Pinehurst or The Oaks.
 25 In the first sentence of an engineering

1 Public Hearing - Meadowmont - 3/11/98 138
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 3 article attached to the letter from Jeff Eischen it
 4 reads, quote, "Environmental noise caused by traffic
 5 can reduce property values," end of quote. You have
 6 that environmental noise study. He has it attached to
 7 the letter he's given you.
 8 This was certainly true in the case of the
 9 house Jeff bought next to us. The previous owners
 10 were literally driven away by the traffic noise
 11 already on 54. They liked to eat most of their meals
 12 outside on the deck, weather permitting. They had
 13 found they couldn't stand the regular sounds of
 14 traffic, let alone the gunning motors, screeching
 15 brakes, blaring car radios, et cetera, from the
 16 current 30,000 cars on 54.
 17 They knew they could never tolerate traffic
 18 noise when it goes up to 72,000 daily, or however the
 19 number of cars are going to be. I've heard different
 20 estimates. So this house in mint condition with a new
 21 roof, new paint inside and out, and new carpeting was
 22 offered at three-oh-five thousand dollars (\$305,000)
 23 and sold for only two-eighty-five thousand (\$285,000).
 24 It was mentioned as one of the Burningtree houses.
 25 That was twenty thousand dollars (\$20,000)

1 Public Hearing - Meadowmont - 3/11/98 139
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 3 less than asked and eighty-eight thousand (\$88,000)
 4 under the last Orange County appraisal of two hundred
 5 ninety-three thousand (\$293,000). Jeff was able to
 6 negotiate the price down because of current traffic
 7 noise and the certainty of it doubling and other
 8 effects of Meadowmont as a whole.
 9 This certainly seems like an example where
 10 the proposed Meadowmont development has not enhanced
 11 the value of contiguous property. I know the term
 12 "value" usually means money, but there are also
 13 nonmonetary values such as deer and trees. Even as
 14 they eat our bushes and flowers, we feel very
 15 fortunate to have those beautiful deer come into our
 16 yards, and we will greatly miss them when they are
 17 chased out of Meadowmont.
 18 I've tried not to get too fond of the
 19 trees. Last week my husband and I took our grandson
 20 Mark out back to try to find the 30-inch-diameter oak
 21 tree listed on some map he got from the planning
 22 department. That massive oak, like many of us
 23 grandparents, is slowly showing its age. This is
 24 slated for clear-cutting, like all the rest of the
 25 trees.

1 Public Hearing - Meadowmont - 3/11/98 140
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 3 This is the 30-inch-in-diameter oak tree
 4 (indicating slide). As I said, it's not in great
 5 shape on one side of it. This one (indicating) is 48
 6 feet from our lot line. It's a magnificent, very
 7 healthy, double oak, which has a 38-1/2-inch diameter
 8 at 40 inches high before the trunk separates. Markie
 9 likes that tree, also. In addition, he likes the
 10 weathered deer skull found near the tree.
 11 I hope Mr. Perry will please let him keep
 12 it because you know how hard it is to remove a prized
 13 possession from a three-year-old. It is also very
 14 hard to remove a view of trees and sky from a 68-year-
 15 old. Thank you.
 16 MAYOR WALDORF: Thank you, Cynthia.
 17 Did Ed want to speak, too?
 18 MS. WISE: Yeah. I'm to be his
 19 video person.
 20 MAYOR WALDORF: Where is he? I can't
 21 see him?
 22 MS. ANDRESEN: He's down there on the
 23 floor.
 24 MS. WISE: He was my video
 25 person. He's practicing.

1 Public Hearing - Meadowmont - 3/11/98 141
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 3 MAYOR WALDORF: No wonder I can't see
 4 him. The question is can he get up. Is he about
 5 ready? All right. Here we go.
 6 TESTIMONY OF EDMUND WISE
 7 MR. WISE: Good evening, Madam
 8 Mayor, town council, Manager Horton, and town staff.
 9 My name is Edmund Wise, and I live at 1139 Burningtree
 10 Drive, and I'd like to talk about this map a little
 11 bit more.
 12 (Demonstrating using slide.)
 13 Here we have five houses that are R-1A that
 14 are roughly an acre. Some are a little less. We have
 15 these abutting Meadowmont. These are very small lots.
 16 On this side, Mr. Perry at the moment is giving us our
 17 R-3 lots. Here we have R-1A. Here we have what are
 18 effectively R-3 lots in size.
 19 We are separated by a barrier here which is
 20 about 20 feet wide. Twenty feet seems like some kind
 21 of reasonable number for a barrier until you really
 22 think about it. And I'll come to that in a few
 23 minutes.
 24 Another thing I'm going to talk about is
 25 drainage, in addition to what the second-to-last

1 Public Hearing - Meadowmont - 3/11/98 142
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 3 speaker spoke about. There's an enormous amount of
 4 drainage coming from Meadowmont through--in this area,
 5 coming out this way. This house back here, when it
 6 rains, this ponds up enormously. There's enormous
 7 flow from Meadowmont coming through here. There's
 8 enormous flow from Meadowmont coming through our
 9 property. And I'll show you those pictures.
 10 An additional request we have is that there
 11 be a barrier between 54 and this part of The Oaks,
 12 extending all the way through into Meadowmont, way
 13 into Meadowmont, a barrier that would be sound- and
 14 sight-proof, would block some of the sound and a good
 15 deal of the sight.
 16 This could be a brick wall such as you have
 17 in Raleigh along the beltway. It could be a wooden
 18 wall such as you have at the Botanical Garden. We
 19 haven't really researched the best kind of wall yet.
 20 But it's an absolute requirement, if you're going to a
 21 six-lane, this highway, plus the turn lanes on either
 22 side, giving you an eight-lane highway.
 23 I'll say a little bit--well, I'll continue
 24 on. Next, please. (Slide changed.) Now, when you're
 25 thinking about barriers, again, you think that maybe

1 Public Hearing - Meadowmont - 3/11/98 143
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 3 20 feet is a long distance. This is a picture taken
 4 with a camera that sees things like a human eye does.
 5 Its focal length is proper for that. It's 20 feet
 6 away from our property line.
 7 You can see the kind of ground that's in
 8 this barrier. The barrier goes this way. It's highly
 9 shaded. It's shaded by oaks on our land and in the
 10 Meadowmont area. You can see nothing really is
 11 growing in here, and you can see trees throughout
 12 here.
 13 Our next-door neighbor planted some annis
 14 to create a sight barrier about two years ago. Mr.
 15 Perry's landscape architect came along in this area
 16 looking to try to see what she could grow in this
 17 area.
 18 She looked at our neighbor's annis and said
 19 that she'd never seen any annis so dark. And this was
 20 just stunted. It really, basically, has grown
 21 extraordinarily slowly under these very low light
 22 conditions. And she was trying to think of something
 23 that would grow in here in some reasonable time.
 24 That's a big problem. Okay. So 20 feet--here's the
 25 measuring tape--20 feet really is totally and

1 Public Hearing - Meadowmont - 3/11/98 144
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 3 absolutely inadequate.
 4 Okay. Next slide, please. (Slide
 5 changed.) The no-build, no-parking line, according to
 6 the maps from Meadowmont, is 20 feet behind the
 7 barrier, so that you have a 20-foot barrier and a 20-
 8 foot no-park, no-build line. So this is the line of
 9 the houses from our lot line. This is the line to
 10 which building could take place, right to there.
 11 Now, to appreciate this a little better,
 12 let's take a look at the next slide. (Slide changed.)
 13 We are 40 feet behind some houses. Next, please.
 14 (Slide changed.) This is just another example of
 15 being--
 16 MS. WISE: This is Southern
 17 Village.
 18 MR. WISE: This is Southern
 19 Village. Mr. Perry has talked a little bit about the
 20 kind of houses that would be built behind us. There's
 21 nothing concrete. There's just kind of offered
 22 things. So we have no idea what sort of structure
 23 would be behind us. But this is probably the totally
 24 dismal kind of structure to see 40 feet behind our
 25 houses.

1 Public Hearing - Meadowmont - 3/11/98 145
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 3 Next, please. (Slide changed.) Drainage.
 4 This was the first house that you saw, the most
 5 northern house, the Blues'. You can see what their
 6 back yard looks like, thanks to Meadowmont runoff.
 7 Next, please. (Slide changed.) This is
 8 the runoff between the Brookses' house and the Blues'
 9 house. You see this torrent coming down from
 10 Meadowmont, essentially from Meadowmont. There is
 11 certainly, obviously, some from neighboring areas
 12 after Meadowmont.
 13 Next, please. (Slide changed.) This is a
 14 torrent coming from Meadowmont in our yard that goes
 15 down into the rest of the neighborhood. You can see
 16 the kind of problems that there will be during
 17 construction when these torrents are bearing
 18 Meadowmont mud, just an extraordinary problem during
 19 construction.
 20 (Slide changed.) Now, if you look around
 21 Chapel Hill and you try to find areas where R-1A is
 22 abutting R-3--and this is basically R-3 houses that
 23 are behind us--you'll look in vain for anything that
 24 has any kind of--unless it has some kind of reasonably
 25 highly respectable barrier--it has a deep ravine or a

1 Public Hearing - Meadowmont - 3/11/98 146
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 3 road, a thoroughfare, or something that really is a
 4 major kind of woods, thick woods--so that we're asking
 5 for considerable thickness of barrier beyond the 20
 6 feet.
 7 (To Cynthia Wise) Is that the last one?
 8 That's the last one. Okay. To summarize, to maintain
 9 or enhance our property values, we request the
 10 following changes in the infrastructure SUP for
 11 Meadowmont. These changes are necessary--are
 12 necessitated by oversight of the planners.
 13 We suggest that, one, the lot sizes in the
 14 Meadowmont lots abutting the R-1A section of
 15 Burningtrees Drive be increased from the present de
 16 facto R-3 equivalent to R-1A. Two, a meaningful sight
 17 and sound barrier--we ask that a meaningful sight and
 18 sound barrier be reserved, developed, and its sanctity
 19 guaranteed in perpetuity by deed or other document.
 20 We request that the proposed, presently
 21 proposed, 20-foot barrier be extended to 75 feet,
 22 ideally, with visual barrier plantings being added.
 23 But it's just totally important that this be
 24 guaranteed in perpetuity, that the homeowners on the
 25 other side don't have a chance to come at that barrier

1 Public Hearing - Meadowmont - 3/11/98 147
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 3 in some way.
 4 Three, we request an extension of the no-
 5 construction, no-parking line inside the lot line be
 6 increased from the 20 feet from the lot line, as it is
 7 presently proposed, to 45 feet from the lot line, in
 8 the new, larger lots we request.
 9 Four, the large trees, we request that they
 10 be preserved by increasing the lot sizes as requested
 11 above. You basically have to clear-cut a series of
 12 small lots. Large lots, you can bear to preserve
 13 large trees.
 14 Five, a sound and sight barrier of brick or
 15 wood, whichever is better. We would like that to be
 16 erected parallel to the southern side of 1147
 17 Burningtrees Drive along Route 54 and that this barrier
 18 be extended eastward along the Meadowmont-Route 54
 19 boundary way into the Meadowmont area to compensate
 20 for increased traffic noise.
 21 Six, the drainage of storm water into
 22 Burningtrees Drive lots from Meadowmont must be
 23 ameliorated. Supporting evidence that these requests
 24 are necessary to maintain or enhance our property
 25 values has been presented by us or by others

1 Public Hearing - Meadowmont - 3/11/98 148
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 3 previously or is ordinary, common sense.
 4 I want to add one other thing. Cyn, would
 5 you put up the map again, please?
 6 (Ms. Wise complies.)
 7 I wanted to say that, from the map of
 8 Meadowmont, that as the trees are chopped down in
 9 Meadowmont--they're a reasonable sound barrier
 10 currently--we will need more barrier for that. This
 11 is one of the justifications of the barrier alongside
 12 Meadowmont. And that's the end of my comments. Are
 13 there any questions?
 14 MAYOR WALDORF: Does anybody have any
 15 questions of Mr. Wise? Thank you. I've been asked to
 16 read off the names of the people who remain to speak.
 17 I'll do that while Mr. Brough is getting settled.
 18 After Mr. Brough is Bill Davis, then David
 19 Brown, Reginald Morgan, Ray Dooley, Ken Robinson,
 20 Arnold Loewy, Glyn Collins, Jana Collins, Richard
 21 Franck, Rachel Willis, Susan Fulton, Roger Perry,
 22 Nancy Preston, Eunice Brock, Madeline Jefferson, Bruce
 23 Merrifield, James Scatliff, Joe Carsanaro, and Burwell
 24 Ware. So if everybody needs 15 or 20 minutes, we're
 25 going to be here for at least another full evening.

1 Public Hearing - Meadowmont - 3/11/98 149
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 3 FROM THE FLOOR: Mayor, is there any
 4 expected time to end tonight and reconvene, or not?
 5 MAYOR WALDORF: What are the council's
 6 wishes? How long do y'all want to go?
 7 MS. BROWN: I don't want to go
 8 past 11:00, and that's pushing it.
 9 MAYOR WALDORF: All right. If we're
 10 not going to go past 11:00, then we have to pick a
 11 date to resume the hearing. Tomorrow night, I gather,
 12 is not good because there's a log meeting; is that
 13 right?
 14 MS. BROWN: That's true.
 15 MAYOR WALDORF: Is the log meeting at
 16 7:00, Joyce?
 17 MS. BROWN: No, it's at 5:30, but
 18 we've been having very lengthy log meetings, and so I
 19 don't want to shorten that. We still have things left
 20 over from last time.
 21 MAYOR WALDORF: What time do you
 22 usually get out?
 23 MS. BROWN: Well, we've been
 24 getting out about 8:30, 9:00.
 25 MAYOR WALDORF: I have a suggestion.

1 Public Hearing - Meadowmont - 3/11/98 150
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 3 Next week we've got budget work sessions on Wednesday,
 4 the 18th, and Thursday, the 19th. Both are at 6
 5 o'clock. I suggest we pick one of those evenings,
 6 move the budget session up to 5 o'clock, go straight
 7 into a continuation of this hearing at 7:00, so that
 8 we don't have a week when we're out here three nights.
 9 Would that work?
 10 MS. ANDRESEN: Okay. I'll be in D.C.
 11 on the 19th, so I can't make that.
 12 MAYOR WALDORF: So would the 18th work
 13 for you?
 14 MS. ANDRESEN: Yeah.
 15 MAYOR WALDORF: Mr. Manager, would
 16 that work for the staff?
 17 CAL HORTON: If we can reduce the
 18 time, I can make that work, yes, ma'am.
 19 MAYOR WALDORF: Is that the one where
 20 we're meeting with all the advisory boards?
 21 CAL HORTON: No, ma'am. That's on
 22 the 24th.
 23 MAYOR WALDORF: Okay. Well, let's do
 24 that, then.
 25 MS. ANDRESEN: Are we going to start

1 Public Hearing - Meadowmont - 3/11/98 151
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 3 at 5:30?
 4 MAYOR WALDORF: 5:00.
 5 MS. ANDRESEN: Five o'clock?
 6 MAYOR WALDORF: Yeah. That way, we
 7 get two hours, and then this hearing can start at
 8 7:00. Okay. So is that agreeable with the council
 9 members? Is that going to work for everybody?
 10 COUNCIL MEMBERS: Yes.
 11 CAL HORTON: Yes.
 12 MAYOR WALDORF: All right. So
 13 depending on how long everybody needs to speak, I'd
 14 like to get through as many speakers as we can tonight
 15 before 11 o'clock. But it seems that the decision is
 16 that we'll not finish tonight, we'll recess this
 17 hearing, and resume it at 7 o'clock on Wednesday,
 18 March 18. Okay. Thank you, Mr. Brough.
 19 TESTIMONY OF MICHAEL BROUGH
 20 MR. BROUGH: Thank you, Madam
 21 Mayor. And members of the Council, just to begin, I
 22 want to do two matters of sort of a formality. One is
 23 to submit to the Council--and I guess I'll just hand
 24 both documents to the manager, and we can get copies
 25 made of them, I suppose.

1 Public Hearing - Meadowmont - 3/11/98 152
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 3 Just, again, as a matter of formality,
 4 restating our objections to the format that you have
 5 chosen, just to have that in the record. You have
 6 previously had a copy of the letter that we have
 7 submitted as to that, and I understand the ruling and
 8 why, but just in order to preserve that.
 9 And secondly, we do have a letter that I
 10 want to submit on behalf of my clients.
 11 I guess I should have started, I am Mike
 12 Brough. I am representing the petitioners, the other
 13 contiguous property owners here who reside adjacent to
 14 this project on Pinehurst Drive, and then a number of
 15 property owners throughout Pinehurst Drive, as well as
 16 The Oaks II association.
 17 On their behalf, we would want to submit
 18 this letter by Lee Butzin, who works under the format
 19 of Analytical Consultants, Inc. This is kind of an
 20 update of the appraisal that was given to you at the
 21 earlier hearings.
 22 We won't have a full presentation, but I'll
 23 just hand this to you. You may recall that there were
 24 two appraisals that were submitted to you, and there
 25 was a good deal of appraisal information supporting

1 Public Hearing - Meadowmont - 3/11/98 153
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 3 the view that this project as proposed will indeed
 4 negatively impact, or will not maintain or enhance the
 5 value of contiguous property.
 6 There was an appraisal submitted to you by
 7 Mr. Reginald Morgan, who was here earlier this
 8 evening--I don't know whether he is still here--and
 9 the essence of his conclusions there, as I've just
 10 stated to you. We won't go over all that information
 11 again.
 12 Mr. Butzin also submitted an appraisal in
 13 which he analyzed, perhaps ironically, perhaps not
 14 ironically, perhaps expectedly, some of the same
 15 streets, indeed, within the Timberlyne--making
 16 comparisons between houses that were impacted by
 17 traffic and houses that weren't impacted by traffic,
 18 reaching precisely the opposite conclusion as the
 19 experts that you've heard this evening.
 20 Again, that information is, as the mayor
 21 noted at the outset, already before you. I don't
 22 think we need to repeat it or dwell on it especially.
 23 It's there, you can review it. That updated letter
 24 submitted to you this evening adds primarily this
 25 additional fact.

1 Public Hearing - Meadowmont - 3/11/98 154
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 3 You may recall that in the earlier
 4 submission by Mr. Butzin, he had indicated that while
 5 he was very clear that there was a significant--
 6 perhaps as much as 10 percent--impact, negative impact
 7 on the properties along Pinehurst Drive south of the
 8 Burningtree intersection, that the impact on the
 9 properties north of that was somewhat less clear.
 10 And he reached that conclusion for this
 11 reason. His research showed that at the point in time
 12 in which you get to a traffic level of about 3,000
 13 cars is about when you begin to see a significant
 14 impact, according to the studies that he has and the
 15 analysis that he made, on the traffic values.
 16 And that it was not entirely clear to him,
 17 based upon the information that he was given from the
 18 Kimley-Horn study, as to whether or not the levels of
 19 traffic along Pinehurst north of the Burningtree
 20 intersection were already at that level.
 21 The information that he took a look at and
 22 comments on in that letter was the information based
 23 upon the study that the Town has done, showing that
 24 the actual current levels of traffic are really
 25 significantly below the 3,000 that was estimated by

1 Public Hearing - Meadowmont - 3/11/98 155
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 3 Kimley-Horn.
 4 So that that confirms his conclusion that
 5 since the existing level is, he feels, well below the
 6 3,000 level, and the impact of this project will drive
 7 it well above the 3,000 level, that there will in fact
 8 be a significant impact, even north of the Burningtree
 9 Drive.
 10 But it doesn't change his conclusion which
 11 he reaffirms in that letter, that unquestionably there
 12 is a substantial, as much as 10 percent or more,
 13 negative impact on the value of properties south of
 14 Burningtree Drive.
 15 Again, what does all that mean? Well,
 16 surprise, surprise. The appraisers differ with one
 17 another. I suspect we could march in here--each side
 18 on this issue could probably march 25 appraisers on
 19 each side of this issue, marshaling all kinds of facts
 20 and figures before you, quoting from studies and
 21 properties located across the country, and who knows
 22 where.
 23 The fact of the matter is, you have a very
 24 difficult job if your analysis and your conclusions
 25 have to be based strictly upon those differing

1 Public Hearing - Meadowmont - 3/11/98 156
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 3 conclusions reached by presumably competent
 4 appraisers.
 5 What to do? I submit to you that under
 6 these circumstances, you may wish to do a couple or
 7 perhaps three things. First of all, I think it's
 8 important for you to focus on the real issue. And I
 9 think Mr. Capowski hit it right on the head when he
 10 asked the questions about the value of contiguous
 11 property.
 12 You've heard a great deal of testimony
 13 about property on Franklin Street and property hither
 14 and yon, but very little testimony, other than the
 15 testimony submitted on behalf of my clients, as to the
 16 value of the contiguous property that we're speaking
 17 about here.
 18 And the contiguous property here is the
 19 property that adjoins this project at the end of
 20 Pinehurst Drive, where it now dead-ends into this
 21 proposed development. And I think, when you think
 22 about it for a moment, it is clearly that's where the
 23 impact of this project is the greatest.
 24 Because it will certainly have an impact,
 25 and a significant impact, as Mr. Butzin indicates in

1 Public Hearing - Meadowmont - 3/11/98 157
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 3 that letter, on the property north of the intersection
 4 between Pinehurst and Burningtree. There's no
 5 question about that, at least from the point of view
 6 of our expert appraisers.
 7 But I think unquestionably south of that
 8 intersection, where you now have virtually no
 9 traffic--you have a few houses, probably less than--I
 10 don't know how many trips a day, but we're talking--
 11 you could probably count them on fingers and toes--as
 12 comparison when you open that traffic up, regardless
 13 of whose testimony you believe, whether it's going to
 14 be 5,500 trips a day or, as some of the other experts
 15 that were submitted to you, considerably more.
 16 Whether it's more or less, it's irrelevant.
 17 You're going to start with a situation today of
 18 virtually no traffic, and therefore, no traffic, no
 19 property values impact coming from that lack of
 20 traffic, to a situation south of Burningtree Drive
 21 where you will have an enormous impact.
 22 So the first thing you must do is focus on
 23 what's the relevant question. The question is the
 24 value of the impact of this property on contiguous
 25 property, and that's the property that we're looking

1 Public Hearing - Meadowmont - 3/11/98 158

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3 at and focusing on here.

4 The second question that you must focus on
5 is not the question of whether the property values
6 even on Pinehurst Drive south of Burningtrees Drive
7 will rise over time. Unquestionably, they will. If
8 you came back in 20 years and said, look at the point
9 today, and look in 20 years, whether this project is
10 built or not, presumably those values will go up.

11 The question is, what is the impact of this
12 project. And even if you were to demonstrate, as was
13 done by the opposing appraisers, that the property
14 values may have risen on these streets, the question
15 is, what is the impact of this project on those
16 property values?

17 Is it going to have a positive impact, or
18 is it going to have a negative impact? And it's not
19 sufficient, even if one could show that the values of
20 property on Pinehurst Drive in whatever relevant area
21 you're looking at, would increase over time.

22 The question is, would they increase
23 considerably more if this project didn't go through?
24 And when you ask that question, common sense will tell
25 you what the answer is. And that, we suggest, is--

1 Public Hearing - Meadowmont - 3/11/98 159

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3 that's the third thing I want to ask you to do, is to
4 use your common sense, as the prior speaker has done.

5 But there's an intervening issue I want to
6 point out to you. And that is, since you have
7 appraisers coming from either side reaching, not
8 surprisingly, conflicting conclusions, what I submit
9 that you might want to do is try and find some
10 independent evidence, someone with no axe to grind,
11 who has done the kind of research that's necessary to
12 give you some input on this.

13 And I submit to you there is that evidence
14 in the record. And it's in the form of the analysis
15 that's already submitted to you--now, admittedly, that
16 analysis was collected or submitted to you, handed to
17 you, by the appraiser that we hired.

18 But it's based upon a study that was done
19 in Kansas City, not by anybody that we retained, not
20 by anybody that the developers retained, but by an
21 independent group in Kansas City that analyzed this
22 question for purposes of determining this precise
23 issue--what is the impact when you have a great deal
24 of traffic, on property values?

25 And the conclusion that they reached was it

1 Public Hearing - Meadowmont - 3/11/98 160

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3 does have a substantial impact, in the 5 to 10 percent
4 range. Now, I think it's especially important to look
5 at that conclusion made by the property tax appraisal
6 office, whose obvious bias, if there is a bias, would
7 be to raise values.

8 And they concluded that you have a negative
9 impact when you have these heavily trafficked streets,
10 and appraise the property accordingly. Now, that's
11 the only neutral, if you will, evidence that there is
12 in that record.

13 And I submit for that reason, it should
14 have some persuasive value that certainly the
15 testimony that you've otherwise heard from folks who
16 have been retained on one side or the other of this
17 issue might not have.

18 Finally, and I think most persuasively, you
19 have to use your common sense. If you were to walk
20 down, coming in a southerly direction, on Pinehurst
21 past the intersection of Burningtrees Drive, and you
22 get to the end of the street and you look on either
23 side, look on the right side, for example, and look at
24 Glyn Collins's house, the last house there, the
25 contiguous property, and you were to ask yourself--put

1 Public Hearing - Meadowmont - 3/11/98 161

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3 yourself in the position of an individual who wants to
4 buy the house, and you want to buy it today.

5 And you look at the house and you get an
6 appraisal and you make an analysis of it, and you get
7 an understanding of what the price is based upon how
8 desirable that site is.

9 Now, if you could sort of flip-switch,
10 almost like one of these slides, to a different point
11 in time, a point in time with Meadowmont, with a
12 complete opening. You're looking at the situation
13 today and you compare that to a situation where
14 there's 55--that's their figure--5,500 trips going
15 back in front of this house.

16 Ask yourself the simple question. All
17 other factors being equal, is this property more or is
18 it less desirable? And it seems to me that you can
19 vote in favor of this project only if you can reach
20 the conclusion that all other factors being equal, you
21 as a representative of the general public would say,
22 "I'd probably pay more for this property with this
23 traffic than I would otherwise."

24 Or put it another way. If you can say to
25 yourself honestly, "I think this property is at least

1 Public Hearing - Meadowmont - 3/11/98 162
 2
 3 as valuable or more valuable with 5,500 trips going in
 4 front of it than it is today," then you can vote in
 5 favor of this project.
 6 If you can't reach that conclusion, and I
 7 submit there is no logical basis upon which you can
 8 reach that conclusion, you simply have to vote it
 9 down.
 10 The other factor, when you're using your
 11 common sense, I would submit that you look around
 12 Chapel Hill, and one of the things that the appraisers
 13 point out is a fact, not opinion. Other than this,
 14 you've got a lot of opinions.
 15 You know what you can do with statistics,
 16 you know what you can do with property values,
 17 according to which lots you select. But this is what
 18 you can't do. You can't manufacture what's happened
 19 in Chapel Hill.
 20 There are three developments that were
 21 pointed out to you--Glenview, Silver Creek and
 22 Chesley, that all back up to heavily trafficked roads.
 23 Obviously, Weaver Dairy Road has even more traffic on
 24 it than is projected here, but the other development
 25 on Glenview is probably--on Piney Mountain Road, which

1 Public Hearing - Meadowmont - 3/11/98 163
 2
 3 is projected probably to have less traffic than will
 4 be on this segment of the street.
 5 And each of the developers of those new
 6 subdivisions did two things that are significant.
 7 One, they didn't front on--they didn't put the front
 8 of their lots on these heavily traveled roads, as is
 9 true in the Pinehurst situation. They turned them
 10 around. So that's one thing they did.
 11 And the second thing that they did I think
 12 is extremely revealing. They built a very expensive
 13 barrier, a wall, to wall off the impact of the
 14 traffic. Now, why did they do that? Why would they
 15 spend--and the appraisals suggest up to \$10,000 per
 16 lot to do that. Ask yourselves, why did they do that?
 17 Because, would a developer spend \$10,000 a
 18 lot if they didn't think it was going to have, if they
 19 didn't do that, at least \$10,000 impact? You know the
 20 answer to that question. They did it because traffic
 21 has an impact on property values.
 22 And in the absence of that kind of
 23 safeguard, they would be cutting out a certain segment
 24 of the market who, all things being equal, would
 25 choose to go somewhere else. And what does that do?

1 Public Hearing - Meadowmont - 3/11/98 164
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 3 It affects property values.
 4 Now, that's real. That's Chapel Hill,
 5 that's not opinion. That's what happens. And I
 6 submit to you that when you're looking for how you
 7 come to grips with these various opinions, you can
 8 seize on your common sense and you can seize on what's
 9 real and what's happened.
 10 These folks didn't vote, so to speak, give
 11 you an opinion based upon research. They voted, so to
 12 speak, with their pocketbooks. And that's real.
 13 What's the solution? The solution has been
 14 suggested to you. The solution is not even
 15 necessarily to expect or look for a subdivision.
 16 Meadowmont could still happen, members of the Council.
 17 Meadowmont could still happen.
 18 The solution is if--I don't mean to be
 19 facetious, but I would call it Meadowmont-Lite. This
 20 project is enormous. This project is huge. And I
 21 don't need to recount the statistics. You've heard
 22 them. Half this project would still be enormous.
 23 But half this project, you will note, one
 24 thing that half this project would do, again, going
 25 back to the testimony of our expert, that somewhere

1 Public Hearing - Meadowmont - 3/11/98 165
 2
 3 around 3,000 is the amount of traffic that trips that
 4 significant impact on property values.
 5 Obviously, you're going to have, no matter
 6 what goes there, you're going to have some traffic.
 7 But you're not going to have the traffic necessarily
 8 that you're going to have with this development--
 9 5,500. If you cut that development in half, and now
 10 you've only got maybe 2,500 trips per day going by
 11 that, now you're below what our expert says is a real
 12 significant impact.
 13 So you could have Meadowmont-Lite, so to
 14 speak, half of Meadowmont, still an enormous project,
 15 still the largest project this town has ever seen--
 16 you've already heard the developer already cut it
 17 back. So the concept of cutting it back is not new.
 18 That could be done.
 19 I simply ask on behalf of my clients that
 20 what you need to do, based upon the testimony in this
 21 record, is to turn this project down, because you
 22 cannot make the finding that this will maintain or
 23 enhance the value of Glyn Collins's lot, the value of
 24 contiguous property.
 25 And if you do that, the developer could

1 Public Hearing - Meadowmont - 3/11/98 166
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 3 then come back before you with a project that would
 4 meet the scale of Chapel Hill, that could satisfy the
 5 objectives that were originally intended by the
 6 appropriate mix and size and scale of a mixed-use
 7 development that was intended, and would not
 8 necessarily have the impact on property values that
 9 this project does.
 10 So you can get there, where some folks
 11 want, which is a mixed-use project, but one that meets
 12 the scale and one that you can vote for. I submit you
 13 can't vote for this one.
 14 MAYOR WALDORF: Does anyone have any
 15 questions to ask this witness?
 16 MS. WIGGINS: Yes.
 17 MAYOR WALDORF: Edith?
 18 MS. WIGGINS: Yes. Mr. Brough--over
 19 here.
 20 MR. BROUGH: Yes. Oh, there you
 21 are. I thought it was coming from the audience. I'm
 22 sorry.
 23 MS. WIGGINS: I live within sight of
 24 the wall on Piney Mountain Road. Did you ask the
 25 developer why he put that wall there? Do you know it

1 Public Hearing - Meadowmont - 3/11/98 167
 2
 3 was to separate that subdivision from the traffic?
 4 MR. BROUGH: No.
 5 MS. WIGGINS: Okay. But you said
 6 that's why he did it.
 7 MR. BROUGH: Yes.
 8 MS. WIGGINS: Those of us who live
 9 there inside of that wall believe the wall was not put
 10 there because of traffic, that it was put there to
 11 isolate that subdivison from the rest of us.
 12 MR. BROUGH: I don't know--I guess
 13 I'm basing my commentary upon the evidence that was
 14 before you. It was the appraisers who submitted that
 15 as the evidence--two appraisers and their appraisals,
 16 submitted those three subdivisions and the walls that
 17 separate them as evidence of supporting their opinion
 18 that traffic does have an impact.
 19 I was really commenting on their evidence.
 20 I didn't submit any of my own. That was the basis for
 21 my commentary, what they had said. I did not--and I
 22 don't know what they did in terms of who they
 23 consulted or how they reached that conclusion. That
 24 conclusion was in their reports, though.
 25 I understand what you're saying, and I

1 Public Hearing - Meadowmont - 3/11/98 168
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 3 don't have any comment on that. I really don't know--
 4 MAYOR WALDORF: Any other questions?
 5 MR. BROUGH: --except to say I hope
 6 that wasn't the case they did it. But I don't know.
 7 MS. WIGGINS: Thank you.
 8 MAYOR WALDORF: Any other questions?
 9 (No response.)
 10 MAYOR WALDORF: Okay. Thank you, Mr.
 11 Brough.
 12 TESTIMONY OF BILL DAVIS
 13 MR. DAVIS: Madam Mayor, members
 14 of council, I'm Bill Davis. I now live at Gray Bluff
 15 Trail, and it's nice to see you again, but I wish it
 16 were under different circumstances. I want to take
 17 just a couple of minutes of your time tonight.
 18 MAYOR WALDORF: Speak up, Bill. Bill,
 19 I think somebody's having trouble hearing you. Speak
 20 up a little bit. Thanks.
 21 MR. DAVIS: Okay. Sorry. Maybe I
 22 can turn my mike up.
 23 MAYOR WALDORF: Yeah.
 24 MR. DAVIS: I want to take just a
 25 couple of minutes of your time tonight to try to give

1 Public Hearing - Meadowmont - 3/11/98 169
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 3 us a real feel for what the traffic on 54 in front of
 4 Meadowmont is going to look like. And I brought a
 5 visual aid.
 6 This is the December 26th issue of the
 7 Washington Post showing Rockville Pike on a spot
 8 between Bethesda and Rockville on Christmas Eve this
 9 past year. The current traffic count on this section
 10 of Rockville Pike is 76,000 vehicles per day. And
 11 what I want to show you tonight, using the Kimley-Horn
 12 analysis, is that the traffic on 54 in front of
 13 Meadowmont is going to be comparable to these levels.
 14 First, I'd just like to comment on this
 15 report. This is the May, 1996, report of the traffic
 16 analysis. I am a basic biomedical scientist. I
 17 generate, analyze, and publish data, and with those
 18 tools, I get grants to do it all over again. If I
 19 published something like this, I wouldn't be working
 20 today.
 21 The data in this report are so hidden that
 22 you can't--it's very difficult to find them. In the
 23 table I'm going to show you, that will become evident.
 24 It will also become evident that I made a big error,
 25 which is going to reduce my number, but I think that

1 Public Hearing - Meadowmont - 3/11/98 170
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 3 the reduction is not going to be all that great.
 4 So I have a copy of the table here for
 5 council and for overhead. Or did I give you my
 6 overhead there, Ralph?
 7 MR. KARPINOS: I believe you did,
 8 yeah.
 9 (Table projected on overhead.)
 10 MR. DAVIS: So as we can see from
 11 the table, the current traffic counts that were done
 12 in 1996, March 12 to 14, I believe--and I went and
 13 looked, and that wasn't during spring break, because I
 14 thought it might be--are 34,900 per day.
 15 Town staff suggested a growth for that
 16 level of 2 percent per year for ten years, so if you
 17 add another 7,600, roughly, you get a subtotal for the
 18 year 2006 at buildout of Meadowmont of over 42,000
 19 cars. The estimate for Meadowmont that I took out of
 20 the report is 31,000. And if we add those two numbers
 21 together, we come up with almost 74,000 vehicles per
 22 day.
 23 Mr. Horn tonight says that this 31,000 is
 24 the wrong number--it should be 24,000--so we can
 25 subtract maybe 10 percent. So if you could just

1 Public Hearing - Meadowmont - 3/11/98 171
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 3 mentally remove every tenth car from that slide, in
 4 the year 2006 on Christmas Eve, that is what you're
 5 going to see. And I find it very difficult to believe
 6 that that level of traffic is not going to impact
 7 contiguous property, however narrowly or broadly you
 8 wish to define it.
 9 There's no way that that amount of traffic
 10 can have a positive impact on, not only that part of
 11 town, but the whole town. In fact, our whole quality
 12 of life in Chapel Hill is going to go down because of
 13 this development. It's too big, it's too intense, and
 14 I hope that you will turn down this special use permit
 15 and all of the others until Meadowmont is brought back
 16 at a much smaller scale. Thank you.
 17 MAYOR WALDORF: Okay. Thank you,
 18 Bill. Are there any questions of Mr. Davis?
 19 MR. FOY: I have one.
 20 MAYOR WALDORF: Kevin, yeah.
 21 MR. FOY: It's actually a
 22 question for you.
 23 MAYOR WALDORF: For me?
 24 MR. FOY: Procedurally, how is
 25 evidence like that entered into our record?

1 Public Hearing - Meadowmont - 3/11/98 172
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 3 MAYOR WALDORF: Well, we'll get--we
 4 have this (indicating).
 5 MR. FOY: You mean that
 6 photograph? Is that part of our--
 7 MAYOR WALDORF: Well, actually, when
 8 people bring photographs and slides, we actually ask
 9 them to submit them for the record. So, there you
 10 have it.
 11 MR. FOY: Thank you.
 12 MAYOR WALDORF: Sorry I forgot.
 13 MR. DAVIS: I'll turn over the
 14 copy of the Washington Post article and the table.
 15 MAYOR WALDORF: Yeah, that would be
 16 great. Thank you. That would be better than the
 17 slide, actually, Bill. We're going to give you your
 18 slide back. What, Julie?
 19 MS. ANDRESEN: I just didn't get a
 20 copy.
 21 MAYOR WALDORF: Of Bill's chart?
 22 MS. BATEMAN: Yeah. There weren't
 23 enough copies.
 24 (Copy handed to Julie Andresen.)
 25 MS. ANDRESEN: Thank you.

1 Public Hearing - Meadowmont - 3/11/98 173
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 3 MAYOR WALDORF: Thanks. Now I think
 4 we're set. All right. Mr. Morgan, and then after
 5 him, I'm going to call on Mr. Loewy, who has indicated
 6 he can't be here next week.
 7 TESTIMONY OF REGINALD MORGAN
 8 MR. MORGAN: Good evening. My name
 9 is Reginald Morgan. I'm a state-certified real estate
 10 appraiser in the State of North Carolina. I'm a
 11 Chapel Hill resident. I live on Kingston Drive. And
 12 I have been asked by the Little Creek Neighborhood
 13 Association to comment on the effect the proposed
 14 Meadowmont community will have on Little Creek.
 15 The financial resources of these citizens
 16 is limited, and they could not afford a detailed
 17 analysis. I've gathered some facts and observations,
 18 and it is my opinion that the proposed Meadowmont
 19 community would have a negative effect on the
 20 residents of Little Creek and would not promote the
 21 public health, safety, and general welfare of these
 22 residents.
 23 Little Creek, also known as Oakwood and
 24 Glen Lenox, was established in the 1940s and is one of
 25 the older subdivisions in Chapel Hill. Houses range

1 Public Hearing - Meadowmont - 3/11/98 174
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 3 in size from modest 1,000-square-foot bungalows for
 4 one hundred and twenty thousand dollars (\$120,000) to
 5 larger, 2,500-square-foot, two-story dwellings for two
 6 hundred and fifty thousand dollars (\$250,000).
 7 Most of the homes along Rogerson Drive are
 8 smaller and can be considered starter homes or entry-
 9 level homes in Chapel Hill.
 10 (Demonstrating using slide.)
 11 There's a picture of Rogerson Drive there
 12 Both Rogerson and Oakwood Drives have access to
 13 Highway 54, and Cleland Drive has access to 15-501.
 14 So the gentleman from Greensboro can see where we're
 15 at, we're talking right here. This is Meadowmont
 16 here, and these people are one street away from
 17 Burningtree.
 18 And this is a way people drive when they
 19 take a short cut in town to omit this intersection
 20 right here at Glen Lenox. The main concern would be
 21 increased traffic, as the proposed Meadowmont
 22 development would generate 33,000 more car trips per
 23 day along Highway 54. This is the largest project in
 24 Chapel Hill history, with 1,298 single family units
 25 and 800,000 square feet of commercial space.

1 Public Hearing - Meadowmont - 3/11/98 175
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 3 (Demonstrating using picture.)
 4 To give you some perspective, I have a
 5 picture of Chapel Hill North, a commercial development
 6 at the intersection of Airport Road and Interstate 40.
 7 This is 200,000 square feet of commercial. Is that
 8 right, Roger, more or less?
 9 ROGER WALDON: Two hundred and fifty
 10 thousand.
 11 MR. MORGAN: Two hundred and fifty
 12 thousand. So this is going up already, and this is
 13 what we're looking at. This is a lot of--you've all
 14 been by there. You know what it looks like. So we're
 15 talking 390,000 square feet. Is that more or less the
 16 number of retail-commercial plus office? So that's a
 17 big project. The Meadowmont project would be four
 18 times larger.
 19 (Demonstrating using picture.)
 20 I also have a picture of Alta Springs,
 21 which is located on Barbee Chapel Road, which empties
 22 onto 54. This is an apartment complex which has 300
 23 units. Three hundred units turns into 556 bedrooms,
 24 and that's a lot of traffic. I wonder if in the
 25 traffic impact study if they took into account this

1 Public Hearing - Meadowmont - 3/11/98 176
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 3 project going up. It's now half-occupancy. They've
 4 got 168 units occupied.
 5 With all the cars at all times of the day,
 6 many drivers will be looking to avoid the bottleneck
 7 which already exists at peak times at the cloverleaf
 8 at 54 and 15-501 and cut through Rogerson, Oakwood,
 9 and Cleland. These cars would infiltrate the
 10 neighborhood streets, diminish the quality of life
 11 with noise and traffic nuisance, and threaten the
 12 safety of the children and family pets.
 13 In conclusion, the proposed Meadowmont
 14 development would have a negative impact on the
 15 residents of Little Creek Neighborhood Association.
 16 Thank you.
 17 MAYOR WALDORF: Are there any
 18 questions of this witness? Pat, you had one?
 19 MS. EVANS: I just wanted to ask
 20 Roger, when you told him 350,000 square feet, what
 21 does that encompass? I mean, I know that Chapel Hill
 22 North is all on one side of the road there.
 23 MR. WALDON: The Chapel Hill North
 24 master plan overall for the 40 acres is 630,000 square
 25 feet. The special use permit that has been approved

1 Public Hearing - Meadowmont - 3/11/98 177
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 3 for part of the site authorizes 257,000 square feet.
 4 MS. EVANS: And then when Mr.
 5 Morgan used the number 350,000 square feet for
 6 Meadowmont, what does that encompass?
 7 MR. MORGAN: That was a number I
 8 heard--I didn't get the figures this evening as you
 9 did. We went through the list rather quickly. But I
 10 think that was commercial-retail space.
 11 MS. EVANS: Do you know where--
 12 well, anyway.
 13 MAYOR WALDORF: I think that's just
 14 Mr. Morgan's testimony.
 15 MS. EVANS: Okay.
 16 MAYOR WALDORF: Council can take it
 17 under consideration. Thank you. Mr. Loewy, and then
 18 Ray Dooley.
 19 TESTIMONY OF ARNOLD LOEWY
 20 MR. LOEWY: Thank you so much
 21 for--oh, I am Arnold Loewy. I am a member of the
 22 board of directors of Oaks II, and although I happen
 23 to be a lawyer, I'm not here in that capacity tonight,
 24 and I did swear in as a witness.
 25 I do want to thank you for giving me the

1 Public Hearing - Meadowmont - 3/11/98 178
 2
 3 opportunity to testify. I have a few quick points to
 4 make, and I promise you I will be brief.
 5 First of all, I want to emphasize, because
 6 I think this is important--I think this matters--
 7 although we've been at this a long time, this is a
 8 first-time hearing on the issue of property values.
 9 We have never had it. We're required to have it. And
 10 when I hear people talk about things like Meadowmont
 11 is a fait accompli, that simply isn't right.
 12 I completely agree with Mr. Sitton that if
 13 your minds are closed on the issue, they shouldn't be.
 14 The reason we're here and the reason we're having this
 15 hearing is because we haven't had it before, and we're
 16 having it for the first time. And why are we?
 17 Well, the obvious answer, the short answer,
 18 is because there's an ordinance that says we have to.
 19 And the judge told us about that, but I don't think
 20 that's enough of an answer. There's a reason for that
 21 ordinance.
 22 The reason for that ordinance has to do
 23 with what Chapel Hill is about, that this isn't any
 24 other city. There may be some cities--I suspect there
 25 are some cities that would say, "Hey, you know, we're

1 Public Hearing - Meadowmont - 3/11/98 179
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 3 getting a school, we're getting some restaurants,
 4 we're getting a hotel, we're getting lots of houses,
 5 we're getting a shopping center. Well, so what if a
 6 few houses lose their value."
 7 Well, that's not Chapel Hill. That's not
 8 the sense of community which got you folks or your
 9 predecessors to draft this ordinance in the first
 10 place. And that's why. That's why it's necessary to
 11 make this binding and why it was necessary for you to
 12 hear the kind of evidence that you've heard tonight.
 13 One more point, because I have heard it
 14 mentioned, although, well, it's sort of been mentioned
 15 tonight. There's a lot of talk about what a well-
 16 heeled community The Oaks is, and so, "Well, hey, if
 17 their houses go down in value a little bit, well, who
 18 cares?"
 19 Well, I've got two answers to that. In the
 20 first place, the ordinance which you passed for the
 21 reasons I just mentioned says you have to care, says
 22 that it matters. But I think there's a more important
 23 reason. It isn't just our property values. You just
 24 heard testimony about what's going to happen to Little
 25 Creek. They have the same problem we do.

1 Public Hearing - Meadowmont - 3/11/98 180
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 3 The question is why is it that the property
 4 values are going down. And it's going down because
 5 there's more traffic. We've got evidence which
 6 suggests that it will be at about 10 percent. So
 7 maybe the Little Creek houses will go from a hundred
 8 thousand (\$100,000) and ninety thousand (\$90,000) as
 9 opposed to five hundred to four-fifty (\$500,000 to
 10 \$450,000).
 11 But it doesn't matter how much, and it
 12 doesn't matter who. It's that nobody should have to
 13 live in a neighborhood that gets a lot noisier and a
 14 lot less safe and has their property values go down
 15 because of this.
 16 The last time I was here, I recall a member
 17 of this council lamenting that this project has put
 18 neighborhood against neighborhood, referring to the
 19 Pinehurst connector. Well, tonight that's not the
 20 case. Tonight you've heard from people in Oaks I
 21 about the impact on their property values. You've
 22 heard from the people in Little Creek about the impact
 23 on their property values, and you've heard from us
 24 about the impact on our property values.
 25 This is neighborhoods united. And in

1 Public Hearing - Meadowmont - 3/11/98 181
 2
 3 Chapel Hill, when there is evidence of a united
 4 neighborhood that is going to be heard, projects
 5 certainly of this unprecedented size just aren't done.
 6 I would suggest to you that I think it would be a
 7 horrible legacy of this council to be the first one to
 8 ignore this kind of drastic impact on neighborhoods
 9 and depart from classic Chapel Hill tradition and
 10 allow this kind of project to go through.
 11 Now, our neighborhoods are not necessarily
 12 opposed to Meadowmont per se. They're opposed to
 13 mammoth Meadowmont or mega-Meadowmont. But surely a
 14 smaller Meadowmont is possible, and whether the
 15 developer says so or not, it's not the developer's
 16 call. It's the call of this town council as to what's
 17 permitted and what is not permitted.
 18 And in terms of what to do not to
 19 Meadowmont, but to mammoth Meadowmont or mega-
 20 Meadowmont, I think the answer is--and I'll just close
 21 with this modern-day vernacular--"Just say no."
 22 MAYOR WALDORF: Does anyone have any
 23 questions for Mr. Loewy? Okay. Thank you very much.
 24 Ray Dooley and then Ken Robinson.
 25 TESTIMONY OF RAY DOOLEY

1 Public Hearing - Meadowmont - 3/11/98 182
 2
 3 MR. DOOLEY: Thank you very much.
 4 My name is Ray Dooley. I'm also a member of the
 5 Little Creek Association.
 6 I'd like to speak first to the idea of the
 7 contiguous nature of the property. I can stand here
 8 contiguous to the podium and tell Mr. Perry that I
 9 wish he'd reconsider. I can stand here contiguous to
 10 the podium, and I can tell Mr. Heffner that I still
 11 disagree with him about Franklin Street. I can stand
 12 here contiguous to the podium, and I can tell Mr.
 13 Sitton that he's welcome, welcome from Greensboro.
 14 Why? Because they're close enough.
 15 They're within the sound of my voice. I live on
 16 Rogerson Drive, which is 200 yards east of Burningtree
 17 Drive, about which you've heard a great deal tonight.
 18 You haven't heard much about Rogerson or Oakwood next
 19 to it. Rogerson Drive is 17 feet wide. Just think
 20 about that for a second, 17 feet wide. No sidewalks.
 21 Oakwood is a little wider. No sidewalks.
 22 A hundred and fifty yards down Oakwood
 23 there is a park that is used all day long, crowded,
 24 hard to drive by, so many kids. We've heard that
 25 12,000--I'll be conservative--that's 50 percent of the

1 Public Hearing - Meadowmont - 3/11/98 183
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 3 24,000--we were told 60 percent--are heading our way,
 4 new cars. They're close enough. We're close enough,
 5 just as these gentlemen are close enough to the sound
 6 of my voice to have the quality of their day affected
 7 by what I say to them.
 8 Well, we're going to be affected by what
 9 cars they send our way. Let's say there's a backup at
 10 Fordham Road on the on-ramp. And we've heard already,
 11 or at least I heard it at our association meeting,
 12 that there's no way of improving that. Perhaps that's
 13 wrong. That's what I've heard.
 14 There is going to be a backup in the
 15 morning. What are people going to do who want to go
 16 north on Fordham? They're going to turn down
 17 Rogerson. They're going to turn down Oakwood. How
 18 many? Ten percent, okay. Twelve hundred new cars a
 19 day. Seventeen feet wide.
 20 Will it affect our property values? I
 21 don't know. I suppose it would. I'll tell you this.
 22 If ten years from now I go to sell my house on
 23 Rogerson Drive and Mr. Sprouse is representing the
 24 buyer, as he told you he would, he would come in and
 25 say, "Hey, look at all this traffic in front of your

1 Public Hearing - Meadowmont - 3/11/98 184
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 3 house. Your house isn't worth a hundred and fifty
 4 thousand dollars (\$150,000). Your house is worth a
 5 hundred and forty thousand dollars (\$140,000). Look
 6 at all that traffic." He said he'd do it if he was
 7 the buyer's agent. He said he'd do it. You heard
 8 him.
 9 Now, if I understand this correctly, the
 10 idea here is that the issue is that this project would
 11 not devalue contiguous homes. I submit to you that
 12 we're close enough. I submit to you that the people
 13 in The Oaks are seriously close enough.
 14 This project, whatever the figures are,
 15 gives the buyer's agent, gives the buyer a tool to
 16 come to the seller and say, "Your house is worth less
 17 than you think it is." I don't care what the figure
 18 is, whether it's half a million (\$500,000) over in The
 19 Oaks or a hundred and fifty (\$150,000) over on our
 20 streets. Worth less because of the building that goes
 21 on. It doesn't matter about the figure.
 22 If the intent--if the need here is to show
 23 that it would not devalue, it is not true, because a
 24 weapon, a tool will be given to say, "These houses are
 25 worth less." So will some negotiation have to happen?

1 Public Hearing - Meadowmont - 3/11/98 185
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 3 Will some compromise have to happen in the buying
 4 price? I think it might.
 5 Finally, I would like to talk about
 6 proportion. I appreciate the time to speak tonight,
 7 but because we have no--we've removed the restrictions
 8 on the time to speak, we've lost some proportion
 9 tonight and we have to reschedule. Okay.
 10 The proportion is necessary, and people
 11 have a hidden cost with proportion in the sense of
 12 extra babysitting costs tonight maybe, or a new
 13 babysitter next week to come back. Some of these
 14 gentlemen have a long drive home. They may decide to
 15 stay at a motel tonight. So that will cost them, too.
 16 There are hidden costs that you don't see when things
 17 go out of proportion.
 18 If Meadowmont is out of proportion, there
 19 will be hidden costs, just as there are tonight, and
 20 they will be financial, because, really, the bottom
 21 line, as I understand what we're talking about,
 22 despite all the anecdotal evidence--and you'll hear, I
 23 know, a lot of it, and it's pretty good anecdotal
 24 evidence--but there are hidden costs as well, and they
 25 will become financial.

1 Public Hearing - Meadowmont - 3/11/98 186
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 3 If one of those children is hit near that
 4 park, somebody cutting through, you know, that's going
 5 to cost money in terms of lawsuits and grief as well.
 6 So thank you very much for your time.
 7 **MAYOR WALDORF:** Thank you. Does
 8 anyone have any questions to ask Mr. Dooley? Okay.
 9 Thank you very much. You want to hear about one or
 10 two more speakers and then wrap it up? How about if
 11 we hear from Ken Robinson and then the Collinses? Are
 12 y'all still here?
 13 **THE COLLINSES:** Yes.
 14 **MAYOR WALDORF:** Okay. How about if we
 15 go through those two and then defer the other speakers
 16 until the continuation of the hearing? Thank you,
 17 Ken.
 18 **TESTIMONY OF KEN ROBINSON**
 19 **MR. ROBINSON:** Yes. I'll be brief.
 20 My name is Ken Robinson, and I live in Colony Woods on
 21 Ephesus Church Road.
 22 I've been wondering, if we had this same
 23 forum ten, 12 years ago in detail about The Oaks II
 24 being built which side I would have spoken on. And I
 25 probably would have spoken on the side that The Oaks

1 Public Hearing - Meadowmont - 3/11/98 187
 2
 3 residents are building now, that "All this volume,
 4 destroying my woods across the street, that bringing
 5 extra traffic, that putting in an intersection right
 6 adjacent to my house would have a negative impact."
 7 But it hasn't.
 8 You've asked for comparisons about Chapel
 9 Hill, not about Greensboro, not about Raleigh, not
 10 about Charlotte. When we moved here over 20 years
 11 ago, there wasn't a lot of traffic on Ephesus Church
 12 Road. I expressed a concern about buying on what I
 13 thought was a busy road at the time.
 14 Eastgate Shopping Center didn't have a
 15 whole lot down there. We had a hotel. We had the
 16 Holiday Inn. But since that time, since we've moved
 17 here, we've had impact. Eastgate is now a thriving
 18 shopping center. It's expanded. It's got a lot more
 19 cars. It's got a lot more people. A Southern Season
 20 was added down there for retail space.
 21 That's about a mile from my house. That's
 22 about the distance through the Meadowmont development
 23 to get to the commercial area over there. That's
 24 similar. We live about that far from the Omni Europa
 25 Hotel, another similar development to what's being

1 Public Hearing - Meadowmont - 3/11/98 188
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 3 proposed.
 4 So traffic on Ephesus Church Road has
 5 increased, not just from The Oaks, although a fair
 6 amount comes out of there, but I've compared what's
 7 happened to the price of my house and the price of the
 8 houses along Ephesus Church Road.
 9 And like these fellows said, the prices are
 10 going up, up and up and up. I'm amazed at the price
 11 of houses, little houses right up the street that when
 12 we moved here were maybe thirty-five or forty-thousand
 13 dollars (\$35,000 or \$40,000). Now they want a hundred
 14 and forty thousand (\$140,000) for the house. Prices
 15 are going up.
 16 This is exactly what's going to happen when
 17 Meadowmont is built. Prices are going to go up. And
 18 it also has been stated, as Chapel Hill is, we have
 19 limited property, limited space, and supply and demand
 20 is going to take effect.
 21 If there's a concern about property values
 22 in The Oaks II, why are people building houses still
 23 right where the connector is planned? Because they
 24 intend to lose money? I don't think so.
 25 The other thing that I've heard is comments

1 Public Hearing - Meadowmont - 3/11/98 189
 2
 3 about project size, "This is the largest project we've
 4 ever undertaken." And the implication is that this is
 5 bad. We have somebody that has come in and taken a
 6 large, undeveloped portion of land, has created a
 7 plan, a master plan, a long-term plan, which is more
 8 than we have done for our town in the past.
 9 We know what's going to go in there long
 10 term. We know where retail is going to be. We know
 11 where hotels are going to be. We know where
 12 apartments are going to be. We know where houses are
 13 going to be. We know what's going to be there. We
 14 know what roads are going to connect. We know what
 15 roads are going to loop. We know what we're going to
 16 have.
 17 If we had had this kind of plan 20 and 30
 18 years ago, we probably wouldn't even be here today
 19 having this discussion because we all would have known
 20 what was going to be here.
 21 So I submit to you that from the evidence
 22 that I have in the back yard of where this is
 23 happening, prices and values are not going to go down,
 24 and I strongly believe that we should, that you should
 25 support this project and approve the special use

1 Public Hearing - Meadowmont - 3/11/98 190
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 3 permit. Thank you.
 4 MAYOR WALDORF: Does anyone have any
 5 questions of Mr. Robinson? Okay. Thank you, Ken.
 6 Glyn Collins and Jana Collins.
 7 TESTIMONY OF GLYN COLLINS
 8 MR. COLLINS: Good evening. My name
 9 is Glyn Collins. My wife Jana and I, with our three-
 10 year-old son, Wilson, live at 1020 Pinehurst Drive.
 11 Our property is at the end, the south end, of
 12 Pinehurst and adjacent and contiguous to Meadowmont.
 13 My presentation is short and simple. I have a one-
 14 page pass-out, an appraisal sheet, I'd like to give to
 15 you.
 16 MAYOR WALDORF: Mr. Collins, they'll
 17 be glad to pass it on down. Okay, great.
 18 (Documents handed out.)
 19 MR. COLLINS: The one page is an
 20 appraiser's opinion, and before I read that, which I'd
 21 like to do--it will only take a second--I'd like to
 22 tell you how I selected this person. I tried to take
 23 a practical approach.
 24 My wife and I, we have a mortgage on our
 25 house, so I called the mortgage company, and I told

1 Public Hearing - Meadowmont - 3/11/98 191
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 3 them the circumstances. And I asked, "What is your
 4 opinion?" And they said, well, to make it brief, "Why
 5 don't you contact the people who do appraisals for
 6 us?"
 7 And after some shifting around, I was
 8 advised to contact Mr. Hinnant by a senior vice
 9 president of BB&T. I contacted Mr. Hinnant, and the
 10 letter that you have in front of you is the
 11 information that he gave my wife and I about the value
 12 of our property and what he expects to happen.
 13 Now, Mr. Hinnant, as you can see on the
 14 letter, is--and I don't know what all this means--is a
 15 GRI, GRS, GAA. He's a state-certified general real
 16 estate appraiser, and his number is A1767.
 17 The letter, and I quote: "My analysis of
 18 the documents you have presented to me is my opinion,
 19 based on these documents, that the overall monetary
 20 value of your home will be negatively affected by the
 21 development of the proposed Meadowmont development.
 22 In viewing the street design in the present area,
 23 access to your property is made from Pinehurst Street
 24 [sic].
 25 "The proposed development of Meadowmont

1 Public Hearing - Meadowmont - 3/11/98 192
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 3 indicates that the traffic within this development
 4 will be able to flow through Pinehurst Street to
 5 Ephesus Church Road. Based on the traffic count from
 6 the Department of Transportation, the estimated
 7 current traffic count is 1,989 cars per day. The
 8 increased development of the proposed 342 single
 9 family units, along with the 795 apartments, 161 town
 10 homes, and, plus, the commercial activity, it is my
 11 opinion that this traffic flow on Pinehurst Street
 12 will be greatly affected.
 13 "Therefore, this will affect the quality of
 14 life that is presently being enjoyed by the residents
 15 of Pinehurst Street. With the proposed plan that I
 16 have analyzed, it is my opinion that your property
 17 value will be affected due to the loss of the quality
 18 of living and will impact your property in a negative
 19 monetary manner. If I can be of any further
 20 assistance, please do not hesitate to call me."
 21 And because time is short, that's all I
 22 have to say. Thank you very much.
 23 MAYOR WALDORF: Thank you. Does
 24 anybody have any questions of Mr. Collins? Pat and
 25 Kevin. Go ahead, Pat.

1 Public Hearing - Meadowmont - 3/11/98 193
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 3 MS. EVANS: Yes. Did your
 4 appraiser come to Chapel Hill?
 5 MR. COLLINS: No, ma'am, he did not.
 6 MS. EVANS: What information was
 7 provided to him?
 8 MR. COLLINS: I took to him the
 9 collection of the record from the council meetings
 10 that I had been collecting during this and gave it to
 11 him, which included in the information the plat sites
 12 and the record from the town council, from the
 13 meetings.
 14 MS. EVANS: He knew that there
 15 would be a school very close to where you were and--
 16 MR. COLLINS: Yes, ma'am. As a
 17 matter of fact, his wife viewed this plan, and she's
 18 a--they also own a real estate company, which she
 19 operates. And she commented that there would be a
 20 1,000-student school when I had my last discussion
 21 with them. So, yes, ma'am, he was aware of that.
 22 MS. EVANS: And that a park would
 23 be nearby and all the amenities?
 24 MR. COLLINS: As I said, I presented
 25 the entire plat.

1 Public Hearing - Meadowmont - 3/11/98 194
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 3 MS. EVANS: The plat, okay.
 4 MR. COLLINS: His address and
 5 telephone number and everything is there. He has the
 6 information in his file. You're welcome to--
 7 MS. EVANS: I just wanted to ask
 8 those questions. Thank you.
 9 MR. COLLINS: Yes, ma'am.
 10 MAYOR WALDORF: Kevin, no questions?
 11 Okay. Thank you very much. Ms. Collins.
 12 TESTIMONY OF JANA COLLINS
 13 MS. COLLINS: My name is Jana
 14 Collins, and I'm at Pinehurst Drive at the contiguous
 15 property to Meadowmont. And my husband just presented
 16 our evidence, and a number of people have presented
 17 our views this evening. And in the interest of time,
 18 I choose not to add anything further since it's so
 19 late and it's been presented. So I'm going to pass on
 20 my opportunity.
 21 MAYOR WALDORF: Okay. Thank you very
 22 much. Would the council like to make a motion to
 23 recess this hearing until 7:00 p.m. on March 18?
 24 MR. FOY: Rosemary, could I ask
 25 a question?

1 Public Hearing - Meadowmont - 3/11/98 195
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 3 MAYOR WALDORF: Sure.
 4 MR. FOY: When we have the next
 5 hearing, are we limiting testimony to the people who
 6 are signed up, or will we have new people? Will
 7 people be permitted to sign up at the next hearing?
 8 MAYOR WALDORF: I believe people would
 9 be permitted to sign up, wouldn't they, Mr. Attorney?
 10 RALPH KARPINOS: I think just as you've
 11 allowed people to come up this evening after the
 12 hearing has started to sign up, it would be
 13 appropriate to allow that procedure to continue as
 14 this hearing has continued.
 15 MAYOR WALDORF: Okay.
 16 MS. ANDRESEN: I had a question,
 17 also, Madam Mayor. If folks want to send in letters
 18 to the council or to the mayor, they may do so. And
 19 is that automatically part of the public record, or do
 20 we just do so--or do we make a motion to do so?
 21 MAYOR WALDORF: No, it's automatically
 22 part of the record.
 23 MS. ANDRESEN: Okay.
 24 MAYOR WALDORF: So anyone who would
 25 like to send in a letter rather than actually come,

1 Public Hearing - Meadowmont - 3/11/98 196
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 3 that would be fine. The letter would be part of the
 4 record.
 5 CAL HORTON: We would bring them
 6 and introduce them at the hearing to make sure that
 7 they're part of the record.
 8 MAYOR WALDORF: Right.
 9 RALPH KARPINOS: It could have an
 10 effect on its validity as evidence, however. I think
 11 anybody would need to know that as well.
 12 MAYOR WALDORF: Could you explain
 13 that, Ralph?
 14 RALPH KARPINOS: Well, the party would
 15 not be here to present it under oath and would not be
 16 able to be cross-examined, so that the submittal of a
 17 letter could affect the weight of that evidence and
 18 the council's ability to consider that as a basis for
 19 any decision it makes.
 20 MAYOR WALDORF: Okay. Thank you.
 21 Edith, did you have a question?
 22 MS. WIGGINS: Yes. This is a
 23 process question, also. If we have questions in terms
 24 of additional information that we would like to have,
 25 do you want us to hold that until we have heard all of

1 Public Hearing - Meadowmont - 3/11/98 197
 2
 3 the presentations, or could we get the developer or
 4 staff started on answering questions?
 5 MAYOR WALDORF: I think it would be
 6 appropriate to ask the question now so that if there's
 7 information that you know you want--is there any
 8 objection to that--so that people can start getting
 9 the answer.
 10 MS. WIGGINS: Really? Okay.
 11 MAYOR WALDORF: So if you have a
 12 question--
 13 MS. WIGGINS: I had several. That's
 14 why I was--yeah.
 15 MAYOR WALDORF: All right. Well, go
 16 ahead.
 17 MS. WIGGINS: And I don't know if
 18 it's the staff or the developer that should do this,
 19 so I'm just going to say some information that I would
 20 appreciate, would be receiving some comparisons
 21 between the proposed Meadowmont project and the
 22 Woodcroft mixed use development, which really isn't
 23 that far away, and if there is any information on what
 24 happened to property values around Woodcroft.
 25 And also, the property south of the

1	Public Hearing - Meadowmont - 3/11/98	198	1	Public Hearing - Meadowmont - 3/11/98	200
2			2		
3	Burningtree-Pinehurst intersection, I'd like to know		3	MAYOR WALDORF: All right. All in	
4	if any of that property has sold within the last		4	favor, please say "aye."	
5	couple of years and what happened to it in terms of		5	(Ayes respond.)	
6	its value and to the extent that we can determine to		6	MAYOR WALDORF: Opposed, "no."	
7	what extent, if people bought into that area, did they		7	(No response.)	
8	know about the proposed Meadowmont project.		8	MAYOR WALDORF: Thank you all very	
9	CAL HORTON: I believe these two		9	much.	
10	questions could best be addressed by the applicant and		10	(Whereupon, the hearing was recessed	
11	would recommend that they do so.		11	at 11:00 p.m., to reconvene on	
12	MS. WIGGINS: Okay.		12	March 18, 1998, at 7:00 p.m.)	
13	MAYOR WALDORF: Other questions,		13		
14	Edith?		14		
15	MS. WIGGINS: No, those are all.		15		
16	MAYOR WALDORF: Those are all. All		16		
17	right.		17		
18	MR. WISE: Madam Mayor, if		18		
19	someone was out of town today and submitted a letter,		19		
20	could they speak next time?		20		
21	MAYOR WALDORF: Yes, sir. Yeah. Pat?		21		
22	MR. WISE: Thank you.		22		
23	MS. EVANS: Yes. I have a		23		
24	question for the traffic expertise people. When the		24		
25	number of 24,500 cars was mentioned, did that include		25		

1	Public Hearing - Meadowmont - 3/11/98	199			
2					
3	anybody hopping on a bus, since we're going to have--				
4	MR. HORN: No.				
5	MS. EVANS: It doesn't include				
6	anybody using a bus. Does it include anyone walking				
7	anywhere?				
8	MR. HORN: No, it does not. No.				
9	MS. EVANS: No. Does it include				
10	anyone biking?				
11	MR. HORN: No, it does not.				
12	MS. EVANS: It doesn't include				
13	anyone biking. Do you have estimates as to what those				
14	numbers might be? Well, maybe you could come back				
15	with that another time.				
16	MAYOR WALDORF: Mr. Horn, if you do,				
17	bring them next time.				
18	MR. HORN: No problem.				
19	MAYOR WALDORF: Let's don't try to do				
20	it tonight. Any other questions? Is there a motion				
21	to recess this hearing until March 18 at 7:00 p.m.?				
22	MS. ANDRESEN: I so move.				
23	MAYOR WALDORF: Thank you. Is there a				
24	second?				
25	MS. EVANS: I second it.				