

news

Wendy's to open early this month despite difficulty

By Marc Barnes

Wendy's, a Georgia-based fast-food chain, is scheduled to open its new restaurant in Carrboro early in July with or without a drive-in window, said local attorney Doug Hargrave.

"It's going to be 'hot 'n' juicy' at West Main and Greensboro streets in Carrboro," Hargrave said.

Hargrave is representing Wenco Inc., the parent firm of Wendy's, in a long legal battle with the Carrboro town government over whether the town would allow the restaurant to build a drive-in pick-up window in the new restaurant. The town objects on grounds that it would disrupt local traffic.

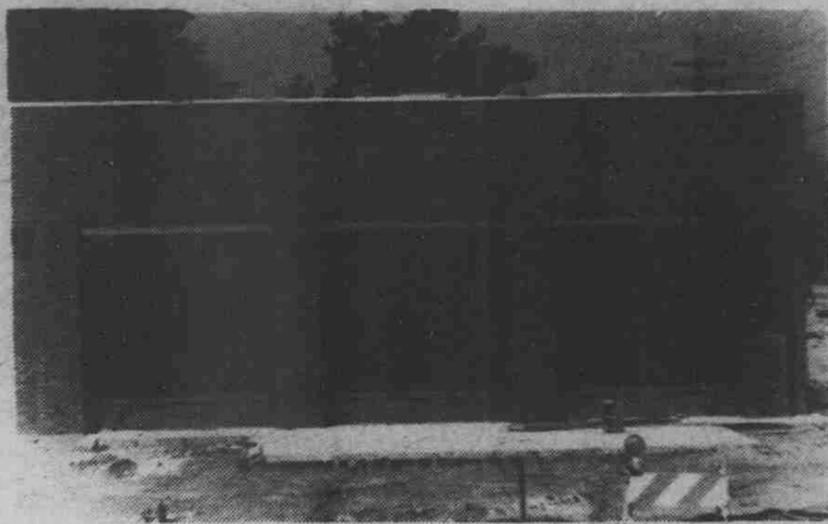
The restaurant's troubles began in March when the town granted a conditional use permit. Almost immediately, Wenco entered into contracts for construction work, fixtures, and equipment amounting to almost \$300,000, Hargrave said.

The town then obtained a temporary restraining order against Wenco, requesting that the building permit not be issued until after a planned hearing on the appeal of the original use permit. Wenco appealed and the permit was granted, attorney Michael Brough said.

As a result of that action, the town enacted two ordinances. According to Hargrave, the first one "prohibited left-hand turns onto the (Wendy's) property," and the second one said that there were to be no driveway cuts within 60 feet of the intersection of West Main and Greensboro streets, despite a previous ruling from the state department of transportation allowing such construction.

A third ordinance was passed after construction began, creating a special zone in which only restaurants with drive-in windows were banned. Banks were not affected.

"That was nothing but a floating zone," Hargrave said. "It was called a B-4 ordinance, but it wasn't on a zoning map. It seemed to be a floating around, about 20



Staff photo by Flora Garrison

New Wendy's under construction in Carrboro ... town opposes restaurant's drive-in window

feet off the ground above our lot.

"We then filed suit because all those measures were aimed at Wendy's," Hargrave said. A 10-day restraining order resulted, and Wenco applied to the Carrboro Board of Adjustment for a conditional use permit. After two public hearings, construction was allowed to continue, without a drive-in window. Wenco appealed to the board and filed suit.

Judge Coy Brewer heard two days of evidence and ruled that B-4 was unconstitutional, and the window was permitted. "The traffic ordinances were allowed to stand, because the court said a traffic problem could happen sometime in the future," Hargrave said.

The town of Carrboro will appeal the

favorable ruling on the drive-in window, and Wenco will appeal the traffic ordinances. The appeals probably will not be heard in six months to a year, Hargrave said.

The chance that the drive-in window may have to be bricked up seems remote to Hargrave. "It's a possibility, but I feel 100 percent certain that we will prevail, that the court will affirm us on that," he said.

"The restaurant will create 50 new jobs in Carrboro, it beautified a ratty-looking lot, and it improved the looks of the place 1000 percent," Hargrave said.

Brough said the town had authorized him to file an appeal with the N.C. Court of Appeals concerning the judge's ruling on the drive-in window.

SHS director being sought

The search for a successor to retiring UNC Student Health Services director James Taylor continues.

Taylor's resignation became effective Tuesday. Sports Medicine Director Joe DeWalt and Clinical Services Director Jim McCutchan are serving as interim directors, with assistance from Taylor, who is staying on as a physician.

A committee chaired by Campus Y Director Edith Elliott is searching for a successor, and applications now are being accepted, said Donald Boulton, vice chancellor for student affairs, the administrative division which oversees Student Health Services.

—Peggy Edwards

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WED. Barbeque Beef \$3.35 Ribs with salad and french fries

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THURS. Spaghetti with \$2.50 salad and bread

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