

## BOARD OF ALDERMEN

ITEM NO. E(2)

### AGENDA ITEM ABSTRACT

**MEETING DATE: April 16, 2002**

**TITLE: Request-to-set a Public Hearing: Land Use Ordinance Text Amendment  
Regarding Auto Sales in the B-1(g)**

<b>DEPARTMENT: Planning</b>	<b>PUBLIC HEARING: NO</b>
<b>ATTACHMENTS:</b> <b>A. Resolution</b> <b>B. Land Use Ordinance Amendment Request</b> <b>C. Map showing locations of auto-related uses in downtown</b>	<b>FOR INFORMATION CONTACT:</b> <b>Patricia McGuire, Planning Administrator -- 918-7327</b>

#### PURPOSE

John Sayle has submitted a request on behalf of the Merritt Mill Center Associates to amend the Land Use Ordinance to allow auto sales in the B-1(g) zoning district. An overview of the request is presented. Should the Board of Aldermen wish to proceed with such a change, it will be necessary to receive public comment, a Planning Board recommendation, and Orange County comments regarding consistency with the Joint Planning Area Land Use Plan. The Administration recommends that the Board of Aldermen take no action other than returning the application fee.

#### INFORMATION

On June 5, 2001, John Sayle, Proprietor of Franklin Auto, commented to the Board of Aldermen during the Speakers from the Floor segment of that evening's regular meeting. Mr. Sayle stated that he would like to open an auto sales business on property adjacent to Al's Garage, in a zoning district where the auto sales is not a permitted use. The Board of Aldermen referred the request to staff. In a subsequent discussion with Mr. Sayle, staff reviewed the Land Use Ordinance (LUO) amendment process. Subsequently, Mr. Tommy Gardner, one of the property owners submitted a request for Mr. Sayle (*Attachment B*) to amend the LUO to allow:

“Automobile sales operation as an annex of nearby existing established Auto sales business and/or satellite parking and storage facility.”

#### Applicable Policies

Adopted polices which are pertinent to this issue include both policy statements within the Town's Land Use Ordinance and separate policy documents which have been accepted or adopted or accepted by the Board of Aldermen.

#### Land Use Ordinance

Auto-related uses are specifically referenced in the definitions of two zoning districts in Article IX of the Land Use Ordinance. Both of these definitions were adopted during the rezoning of Carrboro's downtown areas in 1986. Although the definition of the B-1(G) district was amended in 1992, the change did not affect the language pertaining to auto-related uses. The definitions read as follows:

**B-1(C) Town Center Business.** This district is designed to encourage and accommodate a unified, compact, contiguous shopping and entertainment area focused around restaurants, specialty shops, arts and crafts. This area is intended for development around a theme or themes consistent with the Carr Mill, The Station, and historic or old Carrboro. The area is intended to accommodate the pedestrian user. Auto-oriented uses, such as drive-in windows, are discouraged.

**B-1(G) General Business.** This district is designed to accommodate a broad range of business uses. This district, because of its close proximity to established residential, single-family neighborhoods, is limited in the types of night uses permitted. Uses may be restricted in the hours of operation where the permit-issuing authority finds that such restrictions are necessary to prevent unreasonable disruptions to the peace and quiet of a nearby residential area. Because this district is a peripheral business district, drive-in facilities are allowed except where they might impede safe and efficient vehicle movement. In addition, no metal buildings shall be allowed in this district.

#### Carrboro Vision2020

Several references in the Downtown Vitality section of Carrboro Vision2020, adopted in December 2000 either directly or indirectly address the question of the appropriateness and desirability of auto-related uses in the downtown. The statements are as follows, with underlining added to emphasize those points that seem most relevant to the requested LUO amendment:

#### 3.2 Downtown Vitality

Downtown Carrboro should be nurtured as the social, cultural and economic center of our community. The downtown should include public social spaces as well as a mix of business types.

**3.22** Carrboro should encourage the development and placement of architecturally significant commercial and civic buildings.

**3.23** Other downtown commercial activity could include restaurants, entertainment venues, technology companies, lodging, and offices.

**3.25** Walkability should be encouraged downtown and pedestrian safety and comfort should be a goal. The town should improve lighting and shading, and create auto barriers.

**3.27** Carrboro should consider pedestrian-only spaces downtown.

#### Downtown Design Guidelines

The summary statement for the Transportation Network section of the guidelines states "at the present time, transportation systems, trains, buses, automobiles, bikes, and pedestrians, work independently and are frequently in conflict with one another." Clearly defined points of intersection are called for, as are improved pedestrian facilities, such as bicycle and pedestrian connections to surrounding neighborhoods. The prohibition of auto-related uses is not mentioned in the document.

## Downtown Carrboro: New Vision

During the charrette, *A New Vision for Downtown Carrboro*, there was some discussion of the desirability, appropriateness, and long-term market impacts of auto-related uses in the downtown. Various perspectives were presented. A consensus view was not developed and the final report itself is fairly silent on this topic.

### Existing Auto-related Uses

The information presented here includes only those businesses in downtown Carrboro that provide services related to autos, including the sale of goods and repair of vehicles. Nineteen such businesses and the zoning districts in which they are located are listed in the table below. A map illustrating the locations of these businesses is attached (*Attachment C*).

Business	Address	Zoning District	Use Classification	Status
1. Al's Garage	100 S. Merritt Mill Road	B-1(g)	9.400	Conforming
2. Automotion	103 Brewer Lane	B-1(g)	" "	" "
3. Southern Parts	105 Brewer Lane	B-1(g)	2.110	" "
4. Carolina Carwash	414 E. Main Street	B-1(g)	9.500	Nonconforming
5. Meineke Muffler	407 E. Main Street	B-1(g)	9.400	Conforming
6. The Body Shop	102 Cobb Street	B-1(c)	" "	Nonconforming
7. Gates of Beauty	405 E. Main Street	B-1(g)	" "	Conforming
8. Hatley's Auto Body	100 Lloyd Street	B-1(c)	" "	Nonconforming
9. Honda Specialist	208 E. Main Street	B-1 (c )	" "	Nonconforming
10 F & F Automotive	107 W. Weaver Street	B-2	" "	Nonconforming
11 University Auto Supply	305 E. Main Street	B-1(g)	2.110	Conforming
12 Walker Auto Stores	201 W. Main Street	" "	2.110	" "
13 Auto Logic	200 W. Main Street	" "	9.400	" "
14 Mann & Son Body Shop, Inc.	200 ½ W. Main Street	" "	" "	" "
15 Chapel Hill Tire	201 W. Main Street	" "	" "	Conforming
16 Short Stop/Exxon	300 W. Main Street	" "	9.300/2.210	NC/Conforming
17 Sphinx Oil/Citgo	207 W. Main Street	B-2	" "	NC/NC
18 Carrboro Mini Mart	502 W. Main Street	" "	" "	NC/NC
19 Butler's Garage	105 Padgett Lane	B-1(g)	9.400	Conforming
20 Butler's Junkyard	107 Padgett Lane	" "	11.000	Nonconforming

**Table 1. Local auto-related businesses.**

## LUO Amendment Request

In determining whether further action is appropriate, the Board may wish to consider the following:

- 1) The policy analysis included here focuses broadly on “auto-related” uses and not specifically on auto sales.
- 2) Auto-related uses are seen by some as desirable within the downtown because they ensure a mixed portfolio of service opportunities that is very convenient to many residents and/or employees who work in or travel to/through Carrboro’s downtown.
- 3) Auto sales are assigned to a different use classification from the other auto-related service activities and can easily be considered a variant of low-volume retail.
- 4) Of the ten businesses located in the B-1(g) district and listed above, all were nonconforming from the early 1980s to 1989.
- 5) In 1989, the Board of Aldermen adopted the Year 2000 Task Force document, which included a policy to phase out all repair, service and related facilities from Carrboro’s downtown.
- 6) In reviewing a text amendment request in 1989, the Board of Aldermen made repair and body shops permitted uses in the B-1(g) districts (with a conditional use permit) and added performance standards to new and existing businesses.
- 7) One business, Meineke Muffler, has been granted a CUP since the 1989 changes.
- 8) Carrboro Vision2020, the recent update of the Year 2000 Task Force policies, has slightly less prohibitive language relating to auto-related uses, but still proposes that auto barriers be created. In addition, the Vision2020 list of desirable downtown businesses does not include auto-related ones.
- 9) Auto sales are usually perceived to be a fairly land-intensive and intrusive use. Such a use may be appropriate in the downtown if performance standards are developed.

The Board of Aldermen has several options for further action, including:

- 1) Taking no action and leaving the existing use classifications and permitted locations as they are. If the Board chooses this option, it is recommended that Mr. Gardner’s application fee be returned in full.
- 2) Directing staff to prepare a draft ordinance, as has been requested, setting a public hearing and referring the draft ordinance to the Planning Board and Orange County to make recommendations or comments.
- 3) Directing staff to prepare a draft ordinance in response to this request but that includes use limitations and/or performance standards. It will also be necessary to set a public hearing and refer the ordinance as in #2 above.

The attached resolution (*Attachment A*) may be adopted or modified, should the Board wish to proceed with items 2 or 3 above.

## RECOMMENDATION

The Administration recommends that the Board that the Board of Aldermen take no action on this matter other than returning the application fee.