

BOARD OF ALDERMEN

ITEM NO. D(2)

AGENDA ITEM ABSTRACT

MEETING DATE: June 18, 2002

TITLE: PUBLIC HEARING -- Land Use Ordinance Text Amendment Regarding Auto Sales in the B-1(g)

DEPARTMENT: Planning	PUBLIC HEARING: YES
ATTACHMENTS: A. Draft Ordinance B. Land Use Ordinance Amendment Request C. Map showing locations of auto-related uses in downtown D. Minutes from Board of Aldermen meeting, April 16, 2002 E. Advisory Board recommendations	FOR INFORMATION CONTACT: Patricia McGuire, Planning Administrator -- 918-7327

PURPOSE

John Sale 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. A draft ordinance has been prepared. The Board of Aldermen must receive public comment on this ordinance before making a decision on the requested change. The Administration recommends that the Board of Aldermen adopt the draft ordinance he Planning Board, the Transportation Advisory Board and the Appearance Commission for recommendations.

INFORMATION

On June 5, 2001, John Sale, Proprietor of Franklin Auto, commented to the Board of Aldermen during the Speakers from the Floor segment of that evening's regular meeting. Mr. Sale 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. Sale, staff reviewed the Land Use Ordinance (LUO) amendment process. Subsequently, Mr. Tommy Gardner, one of the property owners submitted a request for Mr. Sale (*Attachment A*) 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 B*).

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	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 Padgette Lane	B-1(g)	9.400	Conforming
20. Butler's Junkyard	107 Padgette 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.

On April 14, 2002, the Board of Aldermen reviewed Mr. Sale's request. The Board of Aldermen set a public hearing and directed staff to prepare a draft ordinance that incorporated performance standards, and referred the

draft ordinance to Orange County, the Planning Board, the Appearance Commission and Transportation Advisory Board (*Attachment C*).

The draft ordinance (*Attachment A*) does the following:

1. Adds 'vehicles sales' as a permissible use in the B-1(g) zoning district, subject to the issuance of a conditional use permit.
2. Establishes a 2,000 foot separation requirement between vehicle sales operations in the B-1(g) district.
3. Limits such operations to lots that are 26,000 square feet or less in size.
4. Establishes locational requirements for repair and preparation areas.
5. Reinforces Type 'C' screening requirement along street right-of-way.
6. Makes vehicle sales operations subject all the noise, odor, fume and other non-residential performance standards applicable to the auto repair (9.400) uses.
7. Establishes a maximum of one square foot of sign area per vehicle, to be displayed on the interior of side windows only.
8. Establishes a parking requirement for repair bays that may be associated with this use.

These provisions limit the total number of this use in the B-1(g) district, control the intensity of development through lot size limitations, screening and parking requirements, and manage the impacts that may be expected from vehicle sales operations.

RECOMMENDATION

The Administration recommends that the Board of Aldermen adopt "An Ordinance Amending the Carrboro Land Use Ordinance to Allow Auto Sales in the B-1(g) Zoning District