

BOARD OF ALDERMEN

ITEM NO. D(3)

AGENDA ITEM ABSTRACT

MEETING DATE: June 25, 2002

TITLE: CONTINUATION OF 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. Minutes from Board of Aldermen meetings, April 16 and June 18, 2002 C. Advisory Board recommendations	FOR INFORMATION CONTACT: Patricia McGuire, Planning Administrator -- 918-7327

PURPOSE

Public comments on a draft ordinance that would amend the text of the Land Use Ordinance to allow auto sales in the B-1(g) zoning district were received on June 18, 2002. The Board of Aldermen continued the public hearing to provide additional time to consider the amendment. The Administration recommends that the Board of Aldermen adopt the draft ordinance

INFORMATION

In February 2002, Mr. Tommy Gardner, partner in Merrit Mill Corner Associates (MMCA), owner of property in the B-1(g) zoning district, submitted a request for John Sale to amend the Land Use Ordinance to allow:

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

Mr. Sale’s request noted that the Land Use Ordinance would allow auto repair or automobile parking (in the B-1 (g) zoning district) and that permitting auto sales would be consistent with those uses.

The Board of Aldermen reviewed the request on April 16, 2002. The Administration’s recommendation to take no action other than returning the application fee was based on the overview of the history of land uses in the downtown, as well as applicable regulations and policies. The agenda abstract included the following notes regarding these matters:

- 1) The policy analysis focused 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.

Mr. Gardner and Mr. Sale indicated to the Board their interest in making this use permissible in a particular location. The Board of Aldermen set a public hearing for June 04 (later rescheduled to June 18) and directed staff to prepare performance standards on such issues as separation requirements, maximum project size, storage area limits.

A draft ordinance was prepared and submitted to Orange County and advisory boards for review. The provisions of the draft ordinance (*Attachment A*) are noted below, with italic text to relate to the Board's requested performance standard.

1. Adds 'vehicles sales' as a permissible use in the B-1(g) zoning district, subject to the issuance of a conditional use permit. *Limits use to particular zoning district that is adjacent to district where use is allowed in the Town of Chapel Hill.*
2. Establishes a 2,000-foot separation requirement between vehicle sales operations in the B-1(g) district. *Separation requirement is proposed to limit the total number of such uses that might be permitted in the B-1(g) zoning district, but that still provides several opportunities for such use to be considered.*
3. Limits such operations to lots that are 26,000 square feet or less in size. *Establishes maximum size for auto sales uses.*
4. Establishes locational requirements for repair and preparation areas. *Requires that vehicle repair and preparation must be conducted inside a structure and that vehicles waiting or in the process of being repaired or prepped must be stored behind the principal and accessory buildings on a lot.*
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. *Clarifies that vehicle sales uses are subject to the supplementary use standards, developed from community interest or mandated by state and federal regulations associated with auto-related activities.*
7. Establishes a maximum of one square foot of sign area per vehicle, to be displayed on the interior of side windows only. *Limit sign area in order to de-emphasize sales activity and consistent with other sign regulations. This sign area would be allowed in addition to that permitted to the use itself. Federally required vehicle information would not be counted in this maximum.*
8. Establishes a parking requirement for repair bays that may be associated with this use. *Establishes auto sales-specific parking and vehicle storage presumptive standards.*

Limitation of the use to the B-1(g), with appropriate performance standards, is consistent with existing conditions but also raises some concerns. Concerns are most evident in the portion of the B-1(g) that abut residentially zoned property and where the M-1 is nearby (auto sales are also a permitted use in the M-1). Some additional measures that could be considered to address these concerns are as follows.

- 1) Allow auto sales only in those portions of the B-1(g) district that are not adjacent to residentially zoned property (primary zoning classification only).
- 2) Allow auto sales in all portions of the B-1(g), but reduce by half the maximum project area in those portions of the B-1(g) that are adjacent to residentially zoned property.
- 3) Include the M-1 zoning district in the performance standard associated with the 2,000-foot separation requirement.

The Planning Board, the Transportation Advisory Board, and the Appearance Commission have reviewed the draft ordinance. Recommendations are attached (*Attachment C*).

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