

BOARD OF ALDERMEN

ITEM NO.: D(1)

AGENDA ITEM ABSTRACT

MEETING DATE: APRIL 6, 2004

TITLE: MINOR MODIFICATION TO CONDITIONAL USE PERMIT FOR AN AWNING OVER OUTSIDE SEATING AREA AT ELMO'S DINER.

DEPARTMENT: PLANNING DEPARTMENT	PUBLIC HEARING: YES ___ No <u>X</u>
ATTACHMENTS: A. PROJECT PLAN/PICTURE B. RESOLUTION C. RECOMMENDATION OF APPEARANCE COMM.	FOR INFORMATION CONTACT: JAMES THOMAS, 918-7335

PURPOSE

Cindy McMahan, representing Elmo's Diner, Inc., has submitted an application for a minor modification to an existing Conditional Use Permit (CUP) to allow an awning to be placed over the outside seating area of Elmo's Diner at 200 North Greensboro Street. Pursuant to Section 15-64(b) of the Town of Carrboro Land Use Ordinance, a minor modification to a CUP is permissible with the approval of the Board of Aldermen. The Administration requests that the Board review, deliberate and make a decision regarding the minor modification to the existing CUP.

INFORMATION

The CUP for the Carr Mill Mall was originally issued on February 11, 1976. Various modifications to the CUP have been granted since that time. The application currently before you amounts to a minor modification to the existing CUP. If approved, the minor modification would allow an awning to be placed over the outside seating area of Elmo's Diner at 200 North Greensboro Street.

Additional Information Related to Awning at Elmo's Diner

Background

Cindy McMahan, representing Elmo's Diner, Inc. approached the town about placing an awning over the outside seating area in February. The applicant stated the main reason for the outside awning being placed over the outside seating area is protection from the elements. The awning would allow better utilization of the outside seating area in the summer from the direct sunlight and also, in the fall season with mobile heating units. The awning would be permanent and not a roll out type.

Appearance Commission Review

The Appearance Commission reviewed the proposed awning at their February 19th, 2004 meeting (**see attachment C**) and had the following suggestions/recommendations:

- 1.) the new awning should match the existing awning color of Carr Mill Mall
- 2.) there should be consistency with the pattern shape of the existing awnings at Carr Mill Mall.

Sign Permit

The attached pictorial (**see attachment A**) is showing the awning with the lettering of “Elmo’s Diner.” This additional signage would be required to go thru the Appearance Commission for approval in the future. At this time, the “Elmo’s Diner” signage on the awnings should not be approved.

Public Hearing

It is within the purview of the Board of Aldermen to call a public hearing before rendering a decision on the requested changes. Specifically, with regard to Minor Modification requests, Section 15-64(b) of the LUO states the following: “Unless it is requested by the permit issuing authority, no public hearing shall be required for such minor modification.”

RECOMMENDATION

The Administration recommends that the Board of Aldermen adopt the attached resolution approving the Minor Modification to the Carr Mill Mall Conditional Use Permit, which would allow an awning to be placed over the outside seating at Elmo’s Diner. The resolution includes one recommended condition that the signage of “Elmo’s Diner” on the awning not be approved until this is reviewed by the Appearance Commission.