

BOARD OF ALDERMEN
AGENDA ITEM ABSTRACT

ITEM NO. D(4)

MEETING DATE: Tuesday, May 18, 2004

**TITLE: DISCUSSION: Issues Related to Business Operations at
Hanger's Cleaners**

DEPARTMENT: PLANNING	PUBLIC HEARING: YES __ NO _X_
ATTACHMENTS: A) Resolution B) Materials submitted related to Hanger's Cleaners on 05/04/04 C) Excerpt of 5/4/04 minutes D) Draft ordinance E) Town Code/Land Use Ordinance provisions related to noise F) Location Map – Hanger's Cleaners	FOR INFORMATION CONTACT: Patricia McGuire – 918-7327 Mike Brough – 929-3905 Marty Roupe - 918-7333

PURPOSE

Residents of the Village Square Townhomes on Fidelity Street made two requests to the Board of Aldermen related to Hanger's Cleaners. The Board specified follow-up actions, materials pertaining to which have been compiled.

INFORMATION

Hanger's Cleaners is located at 105 Fidelity Street on property zoned B-3, Neighborhood Business. A permit for a dry cleaner and Laundromat (use classification 16.000) was issued on October 21, 1981 and such a business has been in operation on the property since that time. Village Square Townhomes, a 36-unit townhome development is also located in the B-3 district and abuts the Hanger's Cleaners property on the east and south sides. In the spring of 2003, the Town's Development Review Administrator approved the installation of a new dry cleaning machine and an appeal was filed by residents of the Village Square townhomes. The Board of Adjustment reversed the approval in the fall of 2003. The Board of Adjustment's decision was reversed by superior court action in the spring of 2004.

Two residents of the Village Square Townhomes spoke to the Board of May 4th and submitted written statements related to their requests (*Attachment B*). An excerpt of the minutes of the meeting is attached (*Attachment C*). The Board of Aldermen provided the following directions to staff regarding follow-up actions. Italic text summarizes action taken by the staff.

- 1) Draft an ordinance that accomplishes the request by the Village Square neighbors.

(Attachment D).

- 2) Examine the noise ordinance to determine whether its provisions would have an effect on Hanger's Cleaners hours of operation. *Current noise provisions (Attachment E) are not applicable to the operation of the existing business, nor would they apply to a new dry cleaners/laundromat if it were permitted today.*
- 3) Provide copies of the information from the Board of Adjustment's review of the Hanger's Cleaners case. *These materials have been distributed to the Board of Aldermen.*

A map showing the location of Hanger's Cleaners and the Village Square Townhomes is attached (Attachment F). It should be noted that the draft ordinance that has been prepared responds in part to the request made by the residents of the Village Square Townhomes, but that the ordinance deviates from the request in two ways. First, the ordinance proposes that audible noise associated with dry cleaning machinery be allowed between the hours of 7 a.m. and 7 p.m., rather than 7:00 a.m. and 5 p.m. as was requested. The additional opening time has been proposed to provide some additional time for the business to operate providing services and employment in the community. Second, the ordinance does not limit the business to weekday operations. Staff has discussed proposing limitations on weekend hours of operation and notes that the weekend hours within the Town Code limiting particular noise generation by power tools, et cetera, are 7:00 a.m. to sunset on Saturday and 12:00 noon to sunset on Sunday.

FISCAL IMPACT

Land Use Ordinance amendments require a public hearing and associated public notices.

RECOMMENDATION

The Administration recommends that the Board of Aldermen evaluate the materials provided and direct staff regarding any desired follow-up. Should the Board of Aldermen wish to advance the draft ordinance pertaining to noise of dry cleaning machinery in the B-3 zoning district, a resolution that sets a public hearing and refers the ordinance to Orange County staff and the Planning Board has been prepared (Attachment A).