

BOARD OF ALDERMEN

ITEM NO. D(5)

AGENDA ITEM ABSTRACT

MEETING DATE: June 17, 2008

TITLE: Report on Outside Display in the WM-3 District

DEPARTMENT: PLANNING	PUBLIC HEARING: YES ___ NO <u>X</u>
ATTACHMENTS: A. Resolutions B. Excerpt of minutes, November 27, 2007 C. Location map – WM-3	FOR INFORMATION CONTACT: Patricia McGuire – 918-7327 Mike Brough – 929-3905

PURPOSE

On November 27, 2007, the Board of Aldermen adopted an amendment to the Land Use Ordinance that expanded the uses available in the WM-3 zoning district and requested that staff evaluate an additional request to allow outdoor display in this zone.

INFORMATION

Background

John Hill submitted a request to amend the text of the Land Use ordinance to allow some additional uses in the WM-3 district and to allow flexibility in permitting such uses when they are proposed to occur in existing buildings. A public hearing on this request was held on November 27, 2007; agenda materials (see Item 2) are available at

http://www.townofcarrboro.org/BoA/Agendas/2007/11_27_2007.htm.

On Tuesday, November 20th, representatives of the applicant and prospective tenants of property in the WM-3 district have requested that the new retail uses includes ones that would allow outdoor display. As staff had not had an opportunity to review the request, the Board of Aldermen requested that staff do so in follow-up to adoption of the amendment.

LUO provisions related to outdoor display

Basic retail uses are categorized into three broad use classifications in Carrboro's LUO;

- 1) No storage or display of goods or merchandise outside fully enclosed building.
- 2) Display of goods outside fully enclosed buildings'
- 3) Storage of goods outside fully enclosed buildings

Section 15-15 of the LUO provides the following definition for outside display:

OUTSIDE DISPLAY OF GOODS FOR SALE OR RENT. Display outside of a fully enclosed building of the particular goods or pieces of merchandise or equipment that are themselves for sale. Outside display is

to be distinguished from outside storage of goods that are not prepared and displayed for immediate sale or rent.

Sub-categories of these three use classifications include ABC Stores, low- and high-volume traffic generating retail, wholesale sales and drive-in windows, such that uses with outdoor display display and/or storage are allowed as follows:

DESCRIPTION		B-1 (C)	B-1 (G)	B-3	B-3-T	M-1	M-2	CT	B-5	O/A
Sales and Rental of Goods, Merchandise and Equipment										
2.200	Display of Goods Outside Fully Enclosed Building									
2.210	High-Volume Traffic Generation	ZS	ZS			ZC	ZC	ZC	C	ZC
2.220	Low-Volume Traffic Generation	ZS	ZS			ZC	ZC	ZC	C	ZC
2.230	Wholesale Sales		C			ZC	ZC	ZC	C	ZC
2.240	Drive-In Windows			C	C	C				
2.300	Storage of goods outside fully enclosed building									
2.310	High-volume traffic generation					ZC				
2.320	Low-volume traffic					ZC				
2.330	Wholesale Sales					ZC				
2.340	Drive-in Windows									

Per Section 15-160 of the LUO, specific standards for outdoor display are provided for the B-1(c) and B-1(g) districts; outdoor display is allowed only if the display is in furtherance of the principal business operating on a lot, is located on the same lot and and by the person operating the business, and as long as it's area does not exceed 25 percent of the gross floor area of the building housing the principle business on the lot.

Business	Address	Zoning district	Surface/Cover
Surplus Sid's	XX E. Main Street	B-1(g)	Concrete/partial
Weaver Street Market	200 N. Greensboro Street	B-1(c)	Mulch/Concrete/partial
Harris Teeter	" "	" "	Concrete/full
Southern States	XX N. Greensboro Street	CT	Concrete, gravel/partial
Johnny's Sporting Goods	XX W. Main Street	R-10	Mulch ?/partial?

Section 15-272 Signs Excluded from Regulation, includes the following provision:

Displays of merchandise offered for sale or rent on the premises where displayed. Only merchandise of the type that is actually for sale or rent, and not pictorial or other representations of such merchandise, falls within this exemption.

Any merchandise displayed must comply with the miscellaneous requirements of Section 15-182, summarized here:

- 1) No off-premises signs, except in M-2;
- 2) No substantial interference with motorists' view when navigating through intersections or entering and exiting public streets or private roads.
- 3) No moving, waving, or revolving signs, or apparent movement designed to attract attention, except for signs that change to indicate time, weather conditions, or date.

- 4) No signs that by location, shape, color, size, type of message, obstruct views or be confused with official (traffic management or otherwise) signs.
- 5) No insecure, weak, or dangerous fastenings of freestanding signs, such that there is virtually no danger of a sign or its structure being moved by the wind otherwise and result in personal injury or property damage.

Discussion

Benefits of allowing outdoor display in the WM-3: Additional notice of commercial enterprise, consistency with B-5 zoning district on opposite side of Highway 54, diversity of commercial enterprise in town.

Limitations of allowing outdoor display in WM-3: Proliferation of goods for display or rent, distraction to drivers/traffic safety, impervious surface, administrative/enforcement requirements to ensure compliance.

Types of additional standards needed to support allowance of outdoor display in WM-3: Inclusion of impervious surface areas for display of durable goods to overall site impervious allocation; limitation on total outdoor display in proportion to gross floor area of business; lighting; screening; removal requirements.

FISCAL AND STAFF IMPACT

None have been noted.

STAFF RECOMMENDATION

The staff recommends that the Board of Aldermen comment on its interest in taking further action on this topic. A resolution that provides an opportunity to specify any desired next steps is provided for the Board's use (*Attachments A-1 and B*).