

**Town of Mills River
Minutes of the Planning Board
Tuesday, October 1, 2019**

The Town of Mills River Planning Board met on Tuesday, October 1, 2019, at 7:00 PM in the Mills River Town Hall. Board members present were: Brian Kimball, Randy Austin, Dennis Wilson, Ryan Perry, Carolyn Moore, Sherri Hill, Jim Foster, and Matt Holloway. Cheryl Janoski, was absent (excused). Staff present were Town Planner Brian Burgess and Town Clerk/Finance Officer Sue Powell. There are no open seats on the Board and a quorum was present.

Chairman Brian Kimball called the meeting to order and led the Pledge of Allegiance.

Adjustments/Additions to Agenda: None.

Dennis Wilson made a motion to approve the minutes from September 3, 2019; the motion was seconded by Randy Austin and the motion passed by unanimous verbal assent.

Public Comment: No public comment.

Old Business:

A. Comprehensive Plan Update – Town Planner Brian Burgess

The Making Mills River Steering Committee meets Wednesday, October 2, 2019 and will discuss natural and agricultural resources. Agricultural Advisory Committee Chairman Bert Lemkes is giving a presentation to inform the members about agricultural issues and resources. Mr. Burgess has been working with the Agricultural Advisory Committee as well and getting the members' input. Next month the Steering Committee will discuss community facilities and services. Mills River Fire and Rescue Chief Rick Livingston will be invited.

New Business:

A. Special Use Permit SUP-19-02 Request for Changeable Copy Sign

Town Planner Brian Burgess explained Burning Blush Brewery has applied for a manual changeable copy sign for its location on Boylston Highway. He referred to his Staff Report dated September 24, 2019 and titled *S-19-02 – Burning Blush Brewery Signage Special Use Permit Application*. The text of the Staff Report is below:

A. Actions Requested by Planning Board

Motion to recommend that Council (approve) (approve with conditions) (deny) the issuance of the special use permit.

B. Required Votes to Pass Requested Action

A majority vote is required to pass the requested action.

C. Background and Project Information
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On behalf of Burning Blush Brewery, Designer Craig Inabinett is applying for a special use permit under the Special Provisions section of the Mills River Zoning Code to install a Manual Changeable Copy Sign at 4891 Boylston Highway. The subject parcel consists of a total of ~2.2 acres, which formerly was vacant land. The property is further identified as PIN number 9631633683. The entire acreage is located in the Mills River Light Industrial Zoning District (MR-LI). The MR-LI district provides a place for the location of industrial and other uses that would be incompatible with general business areas.

The applicant plans to utilize the subject property for the operation of a brewery and would like to place a manual changeable copy sign along the entrance of the business. The plans are found to be in compliance with the Mills River Code of Ordinances, specifically the sections related to changeable copy signs (154.258 and 154.260).

The requirements detailed in Sections 154.258 and 154.260 appear to have been satisfactorily met, or provisions made to comply as applicable.

D. Policy Issues

TECHNICAL REVIEW:

NCDOT Right of Way

The applicant has discussed this project with NCDOT and staff has requested comments. NCDOT stated that everything is acceptable and the will not be in the Right of Way.

Mills River Fire Department Review

The applicant has met with Mills River Fire and Rescue for comments regarding the development plan. In addition, staff provided plans and requested comments. Fire Department Chief Rick Livingston provided response that he is comfortable with the plan, and will continue to work with the applicant as needed.

E. Staff Recommendation

The Staff recommends that the Planning Board approve the application for a special use permit.

F. Attachments

1. Location Aerial Map
2. Application with supplements
3. Code Reference for Sections 154.258 and 154.260
4. Comprehensive Site Plan

[Copies of the Attachments to the Staff Report are attached to these minutes (pg. 4) and incorporated herein by reference.]

Planning Board members asked questions regarding the size, location, and nature of the changeable copy sign and were assured by Craig Inabinett and Mr. Burgess that the proposed sign will fit under and be attached to the existing sign on the property, and that it will be manual not electronic. If Burning Blush chooses to upgrade the sign to electronic in the future, it will have to come back for an additional special use permit. Ms. Hill asked if recommending approval for this sign would set a precedent or if each special use permit was considered separately on its own conditions, and Mr. Burgess explained that each special use permit was indeed separate and considered on its own merits.

Jim Foster then made a motion to send the Special Use Permit, SUP 19-02, Request for a Changeable Copy to Town Council with a favorable recommendation for approval. The motion was seconded by Randy Austin and passed by unanimous verbal assent.

Additional Items - Ms. Powell announced that a new supplement is available for the Code of Ordinances, and asked Planning Board members to leave their books with her for updating. Those that have not brought their books, will please bring them to the next meeting or drop them at Town Hall.

Matt Holloway also commented that Burning Blush Brewery has done a nice job on the architectural features on its building.

As there was no further business to discuss, Brian Kimball made a motion to adjourn the meeting. Ryan Perry seconded the motion and the motion passed by unanimous verbal assent.

Respectfully submitted,

Susan L. Powell, MMC, NCCMC
Town Clerk/Finance Officer

**TOWN OF MILLS RIVER
STATE OF NORTH CAROLINA
APPLICATION FOR A SPECIAL USE PERMIT**

Aug 2 2019
Month Day Year

Applicant: Rainbow Sign - Craig Inabinet Phone: 704-288-8448
Address: 112 ELEM7 TERRACE, SUMMERVILLE, SC 29405
Property Owner's Name (if different from above): Tom Langanis
Property Address (if different from above): 4897 Boylston Hwy Mill Rier
Parcel ID Number: 9631633683 Zoning District: M8 UT

TO THE TOWN COUNCIL:

I, Craig Inabinet (owner/agent), hereby petition the Board of Adjustments to issue a SPECIAL USE PERMIT for use of the property described in the attached form, or if not adequately explained there, as more fully described herein:

BURNING BLUSH WOULD LIKE TO ADD A READER BOARD TO PYLON TO COMMUNICATE TO COMMUNITY THEIR BUSINESS AND OFFERING. THE PROPOSED READER BOARD IS WELL BELOW SQUARE FOOTAGE ALLOW FOR SIGNAGE.

Authority to grant the requested permit is contained in the Zoning Ordinance, Sections 154.25B

The Zoning Ordinance imposes the following GENERAL REQUIREMENTS on the use requested by the applicant. Under each requirement, the applicant should explain, where applicable, how the proposed use satisfied these requirements:

General Requirement #1: The use will not adversely affect the health and safety of persons residing or working in the neighborhood: IT WILL HELP PERSONS RESIDING IN NEIGHBORHOOD BY BUSINESS BEING ABLE TO COMMUNICATE THEIR OFFERING.

General Requirement #2: The use will not be detrimental to the public welfare or injurious to property or public improvements in the neighborhood: TOTAL SQUARE FOOTAGE OF SIGNAGE PROPOSED IS WELL BELOW ALLOWABLE FOOTAGE. Pylon meets all other requirements.

(continue remarks on reverse side or separate page)

Application Number: _____

MS-PL-0026

Application for a Special Use Permit
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The Zoning Ordinance also imposes the following SPECIFIC REQUIREMENTS on the use requested by the applicant. The applicant should be prepared to demonstrate that satisfactory provisions have been made for the following, where applicable:

- Satisfactory ingress and egress to property and proposed structures thereon, with particular reference to pedestrian safety and convenience, automotive, traffic flow and control;
- Provision of off-street parking and loading areas where required, with particular attention to the items above and the economic, noise, glare, and odor effects of the conditional use on adjoining properties in the area;
- Utilities with reference to locations, availability, and compatibility;
- Buffering with reference to type, location, and dimensions;
- Playgrounds, open spaces, yards, landscaping, access ways, pedestrian ways with reference to location, size, and suitability;
- Building and structures with reference to location, size, and use.

In addition, the applicant shall provide the names and addresses of all adjoining property owners.

I certify that all of the information presented by the undersigned in this application is accurate to the best of my knowledge, information, and belief.

Signature of Applicant

Date

IN THE EVENT THAT ANY DISCREPANCIES EXIST BETWEEN THE CRITERIA OUTLINED ON THIS FORM AND THE ZONING ORDINANCE OF THE TOWN OF MILLS RIVER, THE ORDINANCE SHALL PREVAIL.

Town Use Only

Application Received By: _____ Date: _____

Application Fee: \$ _____ Date Paid: _____ Method: _____

Date of Action (if applicable): _____

Comments: _____



§ 154.258 SIGNS PERMITTED IN THE MR-GB, MR-NC, MR-LI, AND MR-MU ZONING DISTRICTS.

(A) **Freestanding signs.**

- (1) The maximum height of a freestanding sign shall be 20 feet.
- (2) The maximum area of a freestanding sign shall be 80 square feet.
- (3) The maximum area of a freestanding sign requiring a common signage shall be 125 square feet.
- (4) The maximum number of freestanding signs shall be 1 per street frontage.
- (5) All freestanding signs shall be located behind the street right-of-way or 10 feet from the curb or edge of a street where right-of-way does not exist or cannot be determined.
- (6) No sign shall be placed so as to interfere with automobiles entering or exiting the roadway.
- (7) Freestanding signs that adjoin a residential use shall adhere to a 15-foot side yard setback.

(B) **Projecting signs.**

- (1) The minimum width of a building front for a projecting sign shall be 20 feet.
- (2) The maximum height of a projecting sign shall be 8 feet.
- (3) The maximum area of a projecting sign shall be 16 square feet.
- (4) The maximum projection from a wall shall be 4 feet.
- (5) The maximum number of projecting signs shall be 1 per tenant frontage.
- (6) No projecting sign shall extend above the highest point of a roofline or parapet.
- (7) No projecting sign shall be permitted on the same facade along which there is a wall sign.

(C) **Marquee or awning signs.**

- (1) The maximum height shall be 16 inches.
- (2) The maximum width shall be 40 inches.
- (3) Signs hung below a marquee or awning shall conform in size and appearance to existing signs under the same marquee or awning.
- (4) Sign clearance shall be 8 feet from sidewalk or other walkway.

(D) **Wall signs.**

- (1) Wall signage shall not exceed 10% of the total surface area of the wall to which the sign(s) is located up to a maximum of 150 square feet. The 150 square foot maximum can be waived as part of a Common Signage Plan if no sign(s) on a building wall or building unit exceeds the 10% surface area wall requirement.
 - (2) No wall sign shall project more than 18 inches from the building wall.
 - (3) No wall sign intended for the facade of a building shall cover any window or part of a window.
 - (4) Signs that are displayed on or through windows are exempt.
 - (5) No wall sign shall extend above the highest point of a roofline or parapet.
- (E) **Monument signs.**
- (1) Only buildings set back more than 30 feet from the right-of-way and having 100 feet or more of street frontage may use a monument sign.
 - (2) All monument signs shall be located behind the street right of way or 10 feet to any adjacent lot line. A 15-foot side yard setback shall be required of the side lot line abuts a residential use.
 - (3) Changeable copy is not permitted for a monument sign.
 - (4) The maximum number of monument signs shall be 1 per street frontage.
 - (5) Computation of sign height and area shall be 50% of allowable height and area of a freestanding sign.

(ORD. 2017-07, PASSED 11-10-2017)

§ 154.259 SIGNS FOR NON-RESIDENTIAL USES PERMITTED IN THE MR-30 ZONING DISTRICT.

Signs for permitted uses in the MR-30 zoning district shall not exceed 50% of the requirements found in § 154.258.

(ORD. 2017-07, PASSED 11-10-2017)

§ 154.260 CHANGEABLE COPY SIGNS.

Changeable copy signs are permitted by right in the MR-GB zoning district. In all other zoning districts a special use permit approval from Town Council is required as defined in §§ 154.138 and 154.180.

- (A) **Manual changeable copy signs.**
- (1) In no case shall a manual changeable copy sign comprise more than 40% of the freestanding sign copy area, up to a maximum of 32 square feet.
 - (2) The copy area [background] must be one uniform color.
 - (3) The letters and numbers may be colored red or black.

(B) **Electronic changeable copy signs.**

- (1) Shall be located on freestanding signs only.
- (2) In no case shall an electronic changeable copy sign comprise more than 40% of the freestanding sign copy area, up to a maximum of 32 square feet.
- (3) Messages shall remain in a fixed position for at least 8 seconds.
- (4) Messages shall not contain flashing, scrolling, blinking or similar type movements. In addition messages shall not contain any animation.
- (5) Message transition must be instantaneous.
- (6) Electronic changeable copy signs shall have a black background screen. All lighted characters, letters, and numbers shall only be green or red in color.

(ORD. 2017-07, PASSED 11-10-2017)

§ 154.261 **SIGNS EXEMPT FROM OBTAINING A SIGN PERMIT.**

(A) **Signs required by law, statute, or ordinance.**

(B) **Public (governmental) signs.**

- (1) Signs erected by or pursuant to the authorization of governmental agencies including but not limited to DOT (Department of Transportation), Americans with Disabilities Act signage and warning or hazard signage. Governmental signs unique to the Town of Millis River are required to abide by the sign ordinance which would include for example school signage or water treatment facility signage.

(C) **Flags (non-advertising/non-informational).**

(D) **Political signs.** Political signs (less than 4 square feet) may be placed up to 60 days prior to an election and must be removed within 72 hours of the close of voting. This includes polling place identification signage. Candidates should obtain property owners permission before placing signs on their property.

(E) **Address numbers.**

(F) **Window signs.** Signs placed or attached to the interior side of a window or door glass of a building.

(G) **Building memorial sign.**

(H) **No trespassing or warning signs (soliciting, hunting, fishing, parking, etc.).**

(I) **Signs associated with a seasonal or religious holiday.**

(J) **Agricultural signs.** Signs that are designed to advertise seasonal agricultural products and are limited to 32 square feet of copy area.

