

Agenda Item: Decision on Application 2017-669 Brakeman's Coffee Sign Text Amendment

DATE: February 6, 2018
FROM: Jay Camp

Background/Issue:

On January 23rd, Planning Board voted unanimously to recommend denial of the text as it was presented at the Public Hearing in January. The Board sought language to replace "lower incidental roofline" and wished to see more specific restrictions regarding the height and width of allowed signs.

Staff has assisted the applicant with text revisions and now proposes the following text that has been updated since the Planning Board meeting. Attached to this memo is the full version of the text amendment language with revisions and edits.

Canopy top signs composed of individual elements such as letters or digits placed on top of and at the front edge of a canopy over a ground level walk-in entryway. The canopy must be an existing architectural feature of the building, and may provide protection from adverse weather to an existing porch or patio immediately adjacent to the main ground level building entrance. The lower horizontal surface of the canopy shall not exceed fourteen feet (14') above the bottom of the ground level door opening. A canopy top sign shall not exceed twelve feet (12') in width, or seventy-five per cent (75%) of the width of the canopy, whichever is less. For any canopy top sign up to six feet (6') in width, the individual elements of the sign shall not exceed twelve inches (12") in height. For any canopy top sign over six feet (6') and up to nine feet (9') in width, the individual elements of the sign shall not exceed sixteen inches (16") in height. For a canopy top sign greater than nine feet (9') in width, the individual elements of the sign shall not exceed twenty inches (20') in height. A canopy top sign shall be measured from the canopy's top horizontal surface at the front edge of the canopy. These canopy top signs shall not be considered roof signs, which are otherwise prohibited.

For the purpose of allowing placement of canopy top signs only, an existing rigid and permanent horizontal extension to a building that can provide protection from adverse weather may also serve as a canopy. To comply, the architectural extension must be connected to and extend horizontally a minimum of four feet (4') and maximum of twelve feet (12') perpendicular to the front façade of the building, centered over the ground level pedestrian entrance, with the lower horizontal surface of the extension being no greater than fourteen feet (14') above the bottom of the door opening, and having a permanent weather-resistant surface on top that is generally flat or with a pitch not to exceed two in twelve (2:12).

Proposal/Solution:

The revised language addresses concerns that were raised both at the Public Hearing and at Planning Board and will allow this unique style of signage to be incorporated within the downtown area. Buildings that have architectural features that may qualify for this signage include Café 157, Seaboard Taproom and several buildings in the North End district.

Financial Impact:

None

Related Town Goal(s) and/or Strategies:

Quality of Life

Economic Development/Land Use Planning

Recommended Motion/Action:

Approve Application 2017-669

***Please note: We have been asked to provide possible language for motions both in favor of, and in opposition to, this Zoning Application. These 2 optional pages are enclosed here, with suggested language regarding this case's Consistency with adopted land use plans and policies, and whether it is Reasonable. Feel free to add or revise these statements to make them fit your Board's conclusions.*

Deleted text in red, new text in blue, revisions following Planning Board in green

155.608.14.C ADDITIONAL SIGNS PERMITTED IN THE DOWNTOWN OVERLAY DISTRICT.

The following signs are encouraged and favored in the Downtown Overlay District:

5. Awning ~~or canopy~~ or canopy sign when the sign is same or similar material and same plane as the awning ~~or canopy~~ or canopy, and not built up;
6. Canopy top signs composed of individual elements such as letters or digits placed on top of and at the front edge of a canopy over ~~an~~ a ground level walk-in entryway. ~~or at the front edge of a lower incidental roofline with a pitch no greater than 2:12.~~ The canopy must be an existing architectural feature of the building, and may provide protection from adverse weather to an existing porch or patio immediately adjacent to the main ground level building entrance. The lower horizontal surface of the canopy shall not exceed fourteen feet (14') above the bottom of the ground level door opening. ~~Such signs may~~ A canopy top sign shall not exceed twelve feet (12') in width, or seventy-five per cent (75%) of the width of the canopy, ~~or roof structure and may only be~~ whichever is less. For any canopy top sign up to six feet (6') in width, the individual elements of the sign shall not exceed twelve inches (12") in height. For any canopy top sign over six feet (6') and up to nine feet (9') in width, the individual elements of the sign shall not exceed sixteen inches (16") in height. For a canopy top sign greater than nine feet (9') in width, the individual elements of the sign shall not exceed twenty inches (20') in height. A canopy top sign shall be ~~as measured from the base~~ canopy's top horizontal surface at the front edge of the entry canopy ~~or roof area~~. These canopy top signs ~~are~~ shall not be considered roof signs, which are otherwise prohibited.

For the purpose of allowing placement of canopy top signs only, an existing rigid and permanent horizontal extension to a building that can provide protection from adverse weather may also serve as a canopy. To comply, the architectural extension must be connected to and extend horizontally a minimum of four feet (4') and maximum of twelve feet (12') perpendicular to the front façade of the building, centered over the ground level pedestrian entrance, with the lower horizontal surface of the extension being no greater than fourteen feet (14') above the bottom of the door opening, and having a permanent weather-resistant surface on top that is generally flat or with a pitch not to exceed two in twelve (2:12).

(Current 6,7,8 to be renumber 7,8,9)

155.103 Definitions

Canopy: shall mean a permanent, rigid projection intended to provide weather protection, with both top and under surfaces being generally horizontal. A canopy may be a free-standing cover above an outdoor service facility, such as a fuel dispensing area, and be supported wholly from the ground, or may be attached to a building, centered over an entrance, and supported in part or whole by the building. A canopy shall provide a minimum of ten feet (10') clear height above ground surface, plazas, or public use areas when separate from a building, and provide a clear vertical distance between eight feet (8') and twelve feet (12') when attached to a building.

Sign, Canopy: shall mean a sign attached to or made part of a canopy when the sign message elements are the same or similar material and plane as the canopy and do not extend above or below the vertical face of the canopy.

Sign, Canopy Top: shall mean a sign placed on the front top edge of a canopy.

DRAFT---FOR APPROVAL

STATEMENT OF CONSISTENCY WITH LOCAL ADOPTED GROWTH POLICIES

Final Decisions on Zoning-Related Issues

ZONING APPLICATION # 2017-669

ZONING MOTION # _____

ADMINISTRATIVE AMENDMENT _____

Matthews Board of Commissioners adopts the checked statement below:

A) The requested zoning action, as most currently amended, is **approved**, and has been found to be **CONSISTENT** with the Matthews Land Use Plan (or other document(s)), and to be **REASONABLE**, as follows:

CONSISTENT: with Matthews Land Use Plan in that it provides a unique and attractive style of signage not found elsewhere within the Town.

REASONABLE: The rezoning will allow businesses in the downtown overlay district the option of installing canopy style signage to storefronts.

OR

B) The requested zoning action, as most currently amended, is **not approved**, and has been found to be **INCONSISTENT** with the Matthews Land Use Plan (or other document(s)), and **NOT REASONABLE**, as follows:

INCONSISTENT:

NOT REASONABLE:

OR

C) The requested zoning action, as most currently amended, is **not approved**, although it has been found to be **CONSISTENT** with the Matthews Land Use Plan (or other document(s)), it is **NOT REASONABLE**, as follows:

CONSISTENT:

NOT REASONABLE:

OR

D) _____ The requested zoning action, as most currently amended, is **approved**. This action also **concurrently amends** the Matthews Land Use Plan as specifically outlined below. *(Provide explanation of the change in conditions making the Matthews Land Use Plan inconsistent to meet the development needs of the community, and include reference to specific text in Plan document):*

AMENDMENT TO LAND USE PLAN:

REASONABLE:

(In each case, the Statement must explain why the Board deems the action reasonable and in the public interest (more than one sentence). Reasons given for a zoning request being “consistent” or “not consistent” are not subject to judicial review.)

Date **February 12, 2018**

DRAFT---In opposition

**STATEMENT OF CONSISTENCY WITH LOCAL ADOPTED GROWTH
POLICIES**

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INCONSISTENT:

NOT REASONABLE:

OR

- C) The requested zoning action, as most currently amended, is **not approved**, although it has been found to be **CONSISTENT** with the Matthews Land Use Plan (or other document(s)), it is **NOT REASONABLE**, as follows:

CONSISTENT: with Matthews Land Use Plan in that it provides a unique and attractive style of signage not found elsewhere within the Town.

NOT REASONABLE: The text amendment request is not reasonable and would allow a signage style that is not allowed within the Downtown area today..

OR

D) _____ The requested zoning action, as most currently amended, is **approved**. This action also **concurrently amends** the Matthews Land Use Plan as specifically outlined below. *(Provide explanation of the change in conditions making the Matthews Land Use Plan inconsistent to meet the development needs of the community, and include reference to specific text in Plan document):*

AMENDMENT TO LAND USE PLAN:

REASONABLE:

(In each case, the Statement must explain why the Board deems the action reasonable and in the public interest (more than one sentence). Reasons given for a zoning request being “consistent” or “not consistent” are not subject to judicial review.)

Date **February 12, 2018**