

**CITY OF CONWAY
COMMUNITY APPEARANCE BOARD MEETING
WEDNESDAY, MARCH 10, 2021
PUBLIC SAFETY FACILITY**

Present: Troy Roehm, Heather Whitley, Matthew Richardson, Duc Watts, Jacqueline Kurlowski, Gerry Wallace

Absent: Jamie McLain

Staff: Jessica Hucks, Planner; Alicia Shelley, Planning Assistant; Brooke Holden, Public Information Officer; Robert Cooper, Building Official; Katie Dennis, Property Maintenance Inspector

Other: Patricia & Avery Jones, Katie Powell

I. CALL TO ORDER

Chairperson Whitley called the meeting to order at approximately 4:00 p.m.

II. APPROVAL OF MINUTES

Watts made a motion to accept the minutes as written and it was seconded by Wallace to approve the February 24, 2021 minutes. The vote in favor was unanimous. The motion carried.

III. CERTIFICATES OF APPROPRIATENESS

- A. **422 Main Street:** The applicant, Conway Cooling & Heating, requests approval of an outdoor pantry located at 422 Main Street (PIN: 339-16-04-0016).

Hucks stated the following: The applicant is seeking approval of the items located directly outside the building at 422 Main Street, in connection with the Conway Free Fridge program. Conway Free Fridge is part of a broader "Community Fridge" effort, that offers fresh food, from fresh produce to home-cooked meals, along with sanitary products and other health-related supplies to communities in need.

In mid-February, Code Enforcement staff was made aware of the outdoor refrigerator being kept outside the business. Per *Section 6-3-8 – Storing of refuse/recyclables and trash*, of the City's Code of Ordinances, "(7) Appliances. It shall be unlawful and a violation of this chapter for any person to leave outside of any building or dwelling, in a place accessible to children, any appliance, refrigerator, or other container of any kind which has an airtight door or cover with a snaplock or latch without first removing the lock or latch, door or cover from the appliance, refrigerator or container".

In addition, Planning staff was informed that there were other items placed outside the building that were

in violation of the City's *Unified Development Ordinance (UDO)*, or that would require administrative review and a Certificate of Appropriateness (COA) to be issued in order for the items to remain. These items include shelving that contains several non-perishable food-related items, and possible signage. Upon review, staff concluded that the items warranted full review by the Community Appearance Board, as *Section A, Chapter 2.2. – Certificate of Appropriateness Approval Matrix*, of the City's Community Appearance Guidelines gives staff the ability to forward any action to CAB if it feels it is necessary.

Typically, when downtown businesses have items left outside their place of business, they are items that are also sold inside their establishment, or are items directly related to the establishment (*i.e.* outside tables, chairs or benches at a restaurant). Because there has been no precedent set in this particular instance, staff feels it is necessary to have the Community Appearance Board review the items to determine if they are in compliance with the City's Community Appearance Guidelines.

The applicants have removed the larger fridge and have replaced it with smaller fridges that would make it difficult, if not impossible, for a child to lock themselves in. Additionally, the City's Building Official has issued a determination, stating that **"all refrigerators, regardless of size, must have an outside lock installed on them to ensure that no child could become entrapped. The lock can be a code with the code displayed on the door of the fridge (as long as it complies with zoning requirements). The lock on the doors must remain closed and locked at all times, other than when someone is actively removing or replacing food into the refrigerator"**.

With regard to signage, *Section 11.2.2 – Prohibited Signs*, of the City's UDO states the following:

- (6) Any sign which is portable or not securely attached to a building or to the ground is prohibited;
- (16) No sign, sign structure OR attention seizing device shall be shaped in the form of a statue of a human or animal figure NOR in the form of a three-dimensional model (*i.e.* dinner bucket, paint cans, Christmas trees).

Per *Section 2.2.2 Sign-related Definitions*, of the City's UDO, a "Window Sign" is "any sign which is painted on, applied to, or projected upon or within the exterior or interior of a building glass area, including doors, or located within 15 feet of the interior of a building glass area, including doors, whose identification, message, symbol, insignia, visual representation, logotype, or any form which communicates information, can be read from off premises contiguous property or public right-of-way".

Staff cannot permit signage of a stick figure holding a fork and a hungry sign, as it is in direct conflict with the aforementioned ordinance sections of the UDO. CAB also cannot consider the signage, as it does not comply with the requirements of the UDO. The applicant does have the option to appeal staff's interpretation or decision to the City's Board of Zoning Appeals (BZA), should they choose. If they do take the issue to BZA, and BZA overturns staff's decision, then the item would come back to CAB for further consideration. However, staff has no issue with signage recommended by the Building Official on the outdoor refrigerators (lock code).

If a business wished to set up and sale items outside of an establishment, like Conway Heating and Cooling, their business license would be denied. Additionally, DHEC would possibly be involved in the process if

CAB
March 10, 2021

food were involved. However, this is a not-for-profit organization, and no license is required. Therefore, Zoning would not (typically) review such a request.

In summary, Hucks said that CAB is reviewing the appearance of the items placed outside the establishment, as presented in the pictures provided in the packet, minus the sign (stick figure holding fork and hungry sign), and making any necessary recommendations to the applicant to be in compliance with the City's Community Appearance Guidelines (if applicable).

Whitley asked for clarification on the stick figure sign as they are not selling anything. Hucks said that the ordinance prohibits sign structures that are shaped in the form of a statue of a human or animal figure.

Richardson asked if any other zoning districts would allow this use. Hucks said that the UDO does not address outside pantries and since this is a not for profit staff would not see this request as this does not require a business license.

Kurlowski was concerned about the overall appearance. Hucks showed the board examples of other cities that have this same program. Whitley said she preferred the look of the bottom picture with the green refrigerator.

Dennis stated that no matter the size of the refrigerator, it must have an outside lock installed to ensure that no child could become entrapped. The lock can be a code with the code displayed on the door of the fridge. The lock on the doors must remain locked at all times other than when someone is removing or replacing food in the refrigerator.

Jones said that is what they had and Adam said no, they had to take it off. Dennis said that is when it was referred to the Building Official.

Jones said that program is on the cover of Time Magazine.

Kurlowski asked about the food being left out and inquired about an awning. Jones said it is mostly cans but that they have now purchased a plastic container to put it all in. She said that they have been restocking every 2 days.

Wallace asked if they thought about a fenced enclosure. Jones said there is not enough room to put a fence at this location.

Roehm agreed with Kurlowski to tidy the area and keep it contained.

Richardson asked if it was in compliance with state laws. Dennis said not until a lock is installed on the refrigerators. Hucks said DHEC does not regulate this type of service. Jones said that Change X protects them from anyone saying they were sick from bad food, etc.

Whitley stated that she would recommend that the applicants go the BZA to appeal the sign.

Kurlowski made a motion to approve the request with the condition that the refrigerators and containers be enhanced with artwork, like the green refrigerator, and to come back before the board in 90 days to show that a neater appearance has been achieved. Wallace seconded the motion. The motion was approved

CAB
March 10, 2021

unanimously.

- B. 1005 Second Ave:** The applicant, City of Conway, requests approval of replacement of garage doors on the building located at 1005 Second Avenue (PIN: 367-01-01-0002).

Hucks said that the City is currently working on several *interior* renovations to the building located at 1005 Second Avenue. One exterior change that needs CAB review at this time is a change to the garage door on the Laurel Street side of the building. The proposed replacement is a non-insulated recessed short panel steel door and the proposed color is brown. A rendering was shown to the board.

Cooper stated that the carriage style door would be brown to match what is there and have a more wood like appearance.

Roehm made a motion to approve the request as presented. Watts seconded the motion and the motion carried unanimously.

IV. PUBLIC INPUT

None

V. BOARD INPUT

None

VI. STAFF INPUT

None

VII. ADJOURN

There being no further business to come before the Board, a motion was made by Roehm and seconded to adjourn the meeting at 4:31 p.m. The vote in favor was unanimous and the motion carried.

Approved and signed this 24th day of March, 2021.


Heather Whitley, Chairperson