

**TOWN OF MILLS RIVER
Planning Board**

**AGENDA
April 7, 2026
6:30 PM**

Call to Order

Pledge of Allegiance

Approval of Agenda

Approval of Minutes

- A. January 6, 2026 meeting

Staff Updates

Public Comment

Board Comments & Updates

Old Business

- A. None

New Business

- A. SUB-26-02 – Minor Commercial Subdivision for Publix Shopping Center Outparcels
- B. R-26-01 – Mills River Fire & Rescue Rezoning Request, 100 Fanning Fields Rd.

Additional Items

- A. Consider Changing May 5th Meeting to Start at 5:30 PM and Consider Setting a Special Meeting for May 7th at 6:30 PM for Review & Recommendation of the Final Draft UDO & Zoning Map
- B. Unified Development Ordinance Project Discussion

Adjournment

Town of Mills River
Minutes of the Planning Board
Tuesday, January 6, 2026

The Town of Mills River Planning Board held its regular meeting on Tuesday, January 6, 2026 at 6:30 p.m. Board members present were Brad Burton, Mike Cole, Jim Foster, Billy Kimzey, Lisa Marino, Bryan Ross, and Jennie Sealey. Staff present were Planning Director Michael Malecek, Planning Technician Kevin Webb, and Tax Collector Kristen Rintoul.

Chair Lisa Marino called the meeting to order and led those present in the Pledge of Allegiance.

Annual Organizational Meeting

- A. Nomination and Election of Chair:** Mr. Ross and Mr. Cole nominated Lisa Marino to continue as Chair. Mr. Ross made a motion to approve Lisa Marino as Chair of the Planning Board; Mr. Cole seconded the motion. The motion passed by unanimous verbal assent.
- B. Nomination and election of Vice Chair:** **Mr. Ross nominated Jim Foster to continue as Vice Chair.** Mr. Ross made a motion to approve Jim Foster as Vice Chair of the Planning Board; Ms. Sealey seconded the motion. The motion passed by unanimous verbal assent.
- C. Adopt 2026 meeting schedule.** Mr. Foster made a motion to approve the 2026 meeting schedule of the Planning Board; Ms. Marino seconded the motion. The motion passed by unanimous verbal assent.

Approval of the Agenda

- A. Adjustments/Additions:**
Mr. Ross made a motion to approve the agenda; Ms. Sealey seconded the motion. The motion passed by unanimous verbal assent.

Approval of the Minutes

- A.** Mr. Ross made a motion to approve the draft minutes from the December 2, 2025, meeting. Ms. Sealey seconded the motion, and the motion passed by unanimous verbal assent.

Staff Update

Mr. Malecek gave an update for the Unified Development Ordinance (UDO) Steering Committee including dates of meetings and the consultant's in-person visit January 21-22. On January 21 there will be a Teams-enabled in-person meeting for the Steering Committee from 1-4pm with the consultants, Public Forum 5 at Town Hall from 6:15-8:30pm. On January 22 the Steering Committee in-person meeting will be from 3-5pm and the consultants will present at the Town Council meeting.

Public Comment

- Jimmy Cowen, Presbyterian Church Rd, spoke regarding the UDO project

Board Comments & Update

Mr. Foster needs to leave at 7:20pm. Mr. Cole appreciated Mr. Cowen's letters regarding the UDO. Mr. Cole explained that the UDO has been presented as a place to start from, to be discussed, amended, and finally decided on.

Old Business

A. None

New Business

A. Minor Commercial Subdivision (SUB-25-25), 18 & 24 Sterling Place

Mr. Malecek introduced the topic and Mr. Webb presented the Staff Report. Mr. Ross asked if the Town had heard from any neighbors, Mr. Webb had only received questions about the proposal. Lisa asked if there are any issues with DOT right of way, Mr. Webb stated it meets DOT standards.

Mr. Ross made a motion to approve the Minor Commercial Subdivision (SUB-25-25), 18 & Sterling Place; Mr. Foster seconded the motion. The motion passed by unanimous verbal assent.

Additional Items

A. Unified Development Ordinance Project

Mr. Malecek stated this is a standard item for the Agenda at the request of the Planning Board.

Ms. Marino requested that the Agenda for each remote UDO Steering Committee meeting be attached to the invite. Mr. Ross asked to be reminded what's not allowed in MR-MU and Mr. Malecek described the way the ordinance was written and read through it. Mr. Ross, Ms. Sealey, Mr. Cole, and Mr. Burton discussed different steps on how the UDO is being crafted by certified planners that are here to help us.

Mr. Kimzey made a motion to adjourn the meeting at 7:23pm. Mr. Ross seconded the motion and the motion passed by unanimous verbal assent.

Respectfully submitted,

Kristen Rintoul
Tax Collector

STAFF REPORT

Planning Board, Tuesday, April 7, 2026

Title: **SUB-26-02, Publix Shopping Center Outparcels,
Minor Commercial Subdivision**

Speaker: Kevin Webb, MPA, Planning Technician

Approved by: Michael Malecek, Planning Director

Background

On February 25, 2026, the Town received a Minor Commercial Subdivision application through the online permit portal for the subject property identified by PINs 9632609310 (70 Vance Hill Dr.) and 9632607561 (5 Penland Rd.). The proposed subdivision would create a total of five lots from the existing two parcels associated with the previously approved shopping center development consisting of a 50,325 SF grocery store, a 10,800 SF retail shop building, parking, and related site improvements.

The development was approved under Minor Special Use Permit SUP-23-02 on October 20, 2023. The property is currently under active construction for the approved Publix Shopping Center, for which a zoning permit was issued on March 8, 2024. On the most current site plan, dated September 9, 2025, all five proposed lots are shown. Per the development approval, Vance Hill Drive is being relocated into the existing property boundary as a 50' public right of way.

Future Lots 2, 3, and 4 are intended to serve as outparcels for future commercial development. Lot 1 will contain the grocery store, retail building, associated parking, and related site improvements. Lot 5 is designated to accommodate the site's stormwater management facilities serving the entire development.

The proposed minor commercial subdivision will result in five lots with the following acreages: lot 5 is proposed to be 1.64 acres; lot 4 is proposed to be 1.25 acres; lot 3 is proposed to be 0.99 acres; lot 2 is proposed to be 0.71 acres; and lot 1 is proposed to be 10.26 acres.

Discussion

Subdivisions are classified as four different categories: minor (10 or fewer lots), major (11 or more lots), family, or nonstandard. Per Town subdivision code §153.045(A), all commercial subdivisions shall be reviewed by the Planning Board under the procedure for major subdivisions, regardless of the number of subdivided lots proposed. The Publix North Carolina LP preliminary plat is a minor commercial subdivision (3 new lots) and is being reviewed under the major subdivision process due to the property being actively developed as a commercial shopping center.

The process for reviewing major subdivisions includes review at the staff level for ordinance compliance and final approval from the Planning Board. The Board's role in this

process is to provide additional oversight to ensure all subdivision standards are met, including reviewing the development plan and subdivision plat for general conformity with the Town's subdivision requirements.

There is no associated zoning permit application or zoning approval associated with the proposed outparcels in this minor commercial subdivision application, due to no new development being proposed on the outparcels at this time.

Policy Analysis

The subject property is currently zoned General Business (MR-GB), which allows the existing commercial development by-right. The subject property is also located in the Future Land Use Map Community Center district. This category is to promote a mix of uses to include commercial, residential, and agricultural. Staff reviewed the proposed subdivision plat against Town requirements and found the plat is in compliance with all applicable standards.

Recommendation

Staff recommends approval of the Publix North Carolina LP minor commercial subdivision preliminary plat, as presented.

The Planning Board's options are as follows:

1. Approve the preliminary subdivision plat as submitted.
2. Approve the preliminary subdivision plat with conditions related to ordinance compliance.
3. Table the item for additional consideration (up to a maximum of 30 days).

Attachments

- A. Property Map
- B. Preliminary Subdivision Plat, dated 3/10/26
- C. Overall Site Plan, dated 9/9/25

70 Vance Hill Dr. & 5 Penland Rd.

REID: 10013664
PIN: 9632609310
Listed To: PUBLIX NORTH CAROLINA LP

Property Description: TO BE RECOMBINED TR:1
 PL:2025-16191

Assessed Acreage: 13.12
Mailing Address: PO BOX 32018

Mailing City, State: LAKELAND
 FL
 33802

Tax District: Tax District

Physical Address: 70 VANCE HILL DR

Deed: 004167 / 00001

Date Recorded: 1716264000000

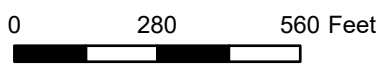
County Zoning: Cities

Total Value: \$ 3094800

Neighborhood: NC280/MILLS RIVER RD

Municipality: MILLS RIVER

Flood Zone: No



1 inch equals 376 feet

3/31/2026 1:44 PM

THIS IS NOT A SURVEY.

All information or data provided, whether subscribed, purchased or otherwise distributed, whether in hard copy or digital media, is provided by Henderson County without any warranty whatsoever, and its use shall be at the user's own risk. Henderson County makes no warranties or guarantees, including the warranties of merchantability or of fitness for a particular purpose. Map data is not appropriate for, and is not to be used as, a geodetic, legal, or engineering base system. The data is not intended as a substitute for surveyed locations such as can be determined by a registered Public Land Surveyor, and does not meet the minimum accuracy standards of a Land Information System/Geographic Information System Survey in North Carolina (21 NCAC 56.1608). The user should consult public primary information sources, such as recorded deeds and plats, to verify the accuracy of the data provided.



REVIEW OFFICER CERTIFICATION

STATE OF NORTH CAROLINA, COUNTY OF HENDERSON

I, REVIEW OFFICER OF HENDERSON COUNTY, CERTIFY THAT THE MAP OR PLAN TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

REVIEW OFFICER DATE

CERTIFICATE OF SUBDIVISION ADMINISTRATOR

I, SUBDIVISION ADMINISTRATOR FOR THE TOWN OF MILLS RIVER, CERTIFY THAT THIS PLAN HAS BEEN APPROVED AS A MINOR COMMERCIAL SUBDIVISION IN ACCORDANCE WITH THE TOWN OF MILLS RIVER SUBDIVISION ORDINANCE.

ADMINISTRATOR DATE

I, KEITH BURNS, PROFESSIONAL LAND SURVEYOR NO. L-5265, CERTIFY TO THE FOLLOWING AS INDICATED WITH AN "X":

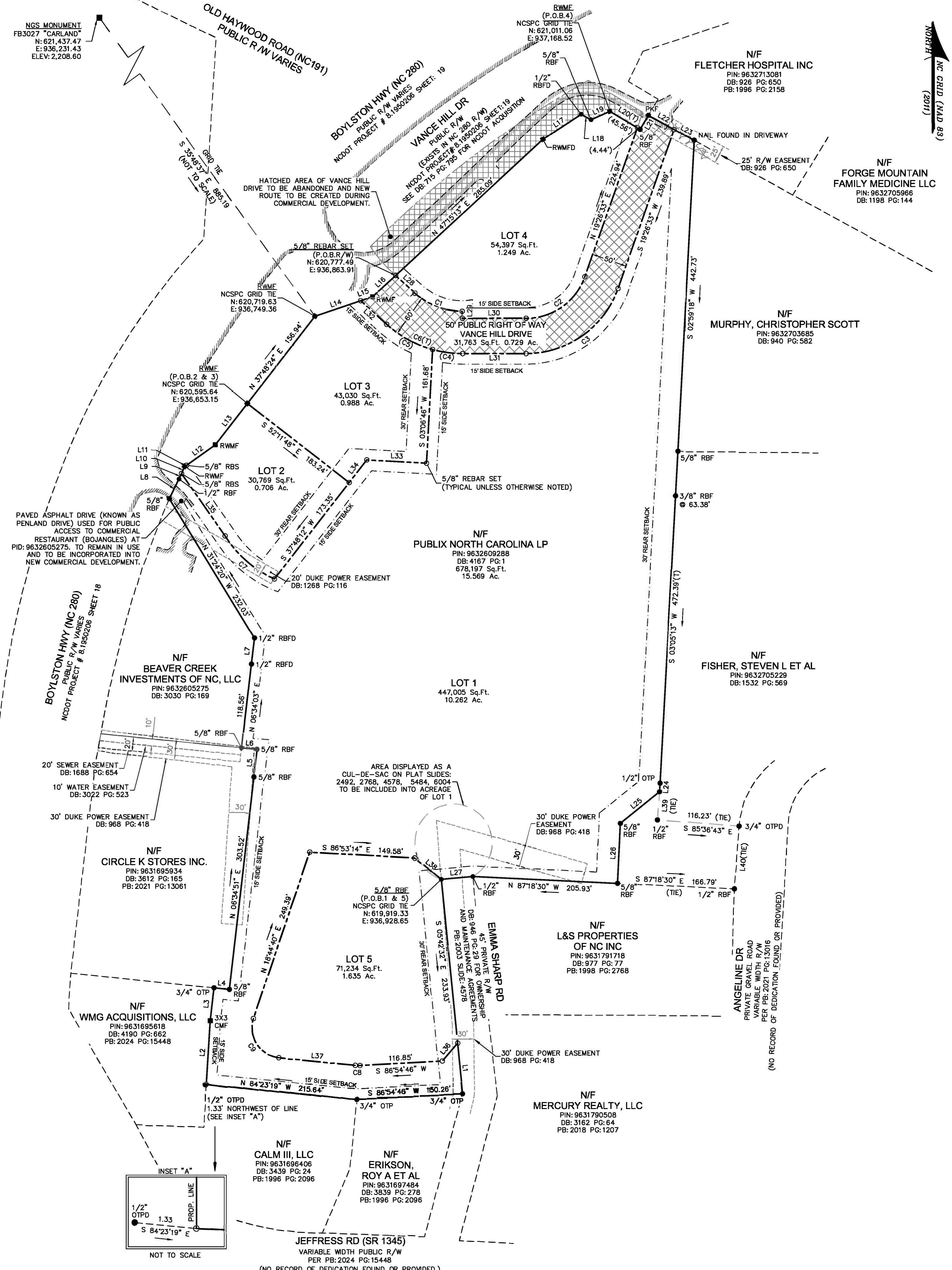
- A. THAT THIS SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.
B. THAT THIS SURVEY IS LOCATED WITHIN A PORTION OF A COUNTY OR MUNICIPALITY THAT IS UNREGULATED AS TO AN ORDINANCE THAT REGULATES PARCELS OF LAND.
C. ONE OF THE FOLLOWING:
1. THAT THIS SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND OR ONE OR MORE EXISTING EASEMENTS AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.
2. THAT THIS SURVEY IS OF AN EXISTING FEATURE, SUCH AS A BUILDING OR OTHER STRUCTURE, OR NATURAL FEATURE SUCH AS A WATERCOURSE.
3. THAT THIS SURVEY IS A CONTROL SURVEY.
4. THAT THIS SURVEY IS OF A PROPOSED EASEMENT FOR A PUBLIC UTILITY AS DEFINED IN G.S. 62-3.
D. THAT THIS SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT ORDERED SURVEY, OR OTHER EXEMPTION OR EXCEPTION TO THE DEFINITION OF SUBDIVISION.
E. THAT THE INFORMATION AVAILABLE TO THIS SURVEYOR IS SUCH THAT I AM UNABLE TO MAKE A DETERMINATION TO THE BEST OF MY PROFESSIONAL ABILITY AS TO THE PROVISIONS CONTAINED IN (A) THROUGH (D) ABOVE.

FOR REVIEW

KEITH BURNS P.L.S. No. L-5265

ACREAGE SUMMARY TABLE with columns: ITEM, SQUARE FEET, ACREAGE. Rows include LOT 1 through LOT 5, FUTURE RIGHT OF WAY, and TOTAL.

ZONING REPORT PARCEL 9632609288 & 9632607561 (TRACT 1) THE TOWN OF MILLS RIVER (ZONING VERIFICATION LETTER) ADDRESS: 70 VANCE HILL DRIVE MILLS RIVER NORTH CAROLINA, 28759

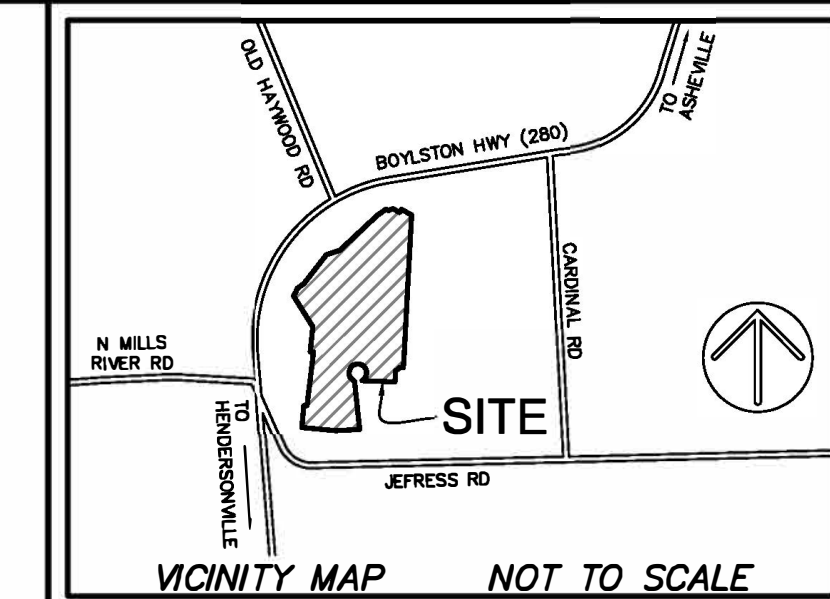


NOTES

- 1. THIS PARCEL(S) APPEARS TO LIE IN FLOOD ZONE X, COMMUNITY 370225, MAP NUMBERS 370093200J AND 370093100A, EFFECTIVE DATE 10/2/2008.
2. BUILDING SETBACKS SHOWN ARE PER CIVIL DESIGN FILES BY GENESIS ENGINEERING COLLABORATIVE AND A ZONING REPORT FOR PARCEL 9632609288 TITLED "THE TOWN OF MILLS RIVER ZONING VERIFICATION LETTER" DATED SEPTEMBER 19, 2023.
3. HORIZONTAL DATUM IS NORTH CAROLINA (NAD 83).
4. A TITLE RESEARCH REPORT BY CHICAGO TITLE INSURANCE COMPANY, COMMITMENT NUMBER 23-11189GB, DATED 05/01/2024...

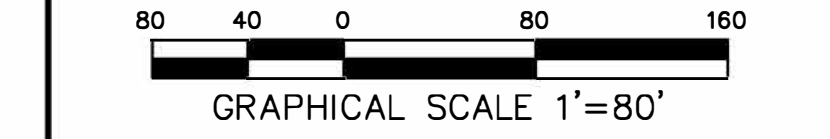
CURVE TABLE with columns: LABEL, RADIUS, ARC, CHORD, CHORD BEARING, DELTA. Rows C1 through C9.

LINK TABLE with columns: LABEL, BEARING, DISTANCE. Rows L1 through L40.



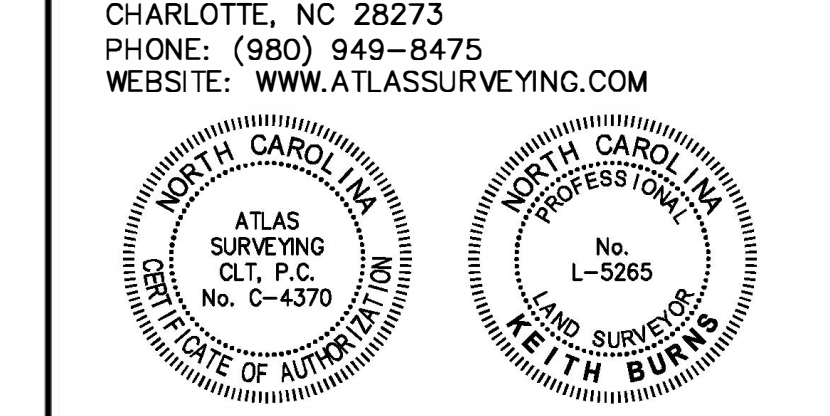
- LEGEND:
CALC POINT - CORNER NOT SET
CMF - CONC. MONUMENT FOUND
NGS - NAIL FOUND
NFS - NATIONAL GEODETIC SURVEY MONUMENT
OTP - OPEN TOP PIPE
OTPD - OPEN TOP PIPE DISTURBED
RBF - IRON REBAR FOUND
RBFD - IRON REBAR FOUND DISTURBED
RBS - 5/8" REBAR SET
RWF - RIGHT-OF-WAY CONC. MONUMENT FOUND
RWFMD - RIGHT-OF-WAY CONC. MONUMENT DISTURBED
PROPERTY LINE
ADJACENT PROPERTY LINE
NEW PROPERTY LINE
BUILDING SET BACK LINE
EDGE OF PAVEMENT
PROPOSED RIGHT OF WAY CHANGE

- REFERENCES:
1. PB:2006 PG:6004
2. PB:2006 PG:6198
3. PB:2021 PG:13061
4. PB:2021 PG:13131
5. PB:1996 PG:2096
6. PB:2018 PG:11207
7. PB:2003 PG:4578
8. PB:1998 PG:2657
9. DB:505 PG:287
10. DB:512 PG:75
11. DB:4167 PG:1



PREPARED FOR: PUBLIX NORTH CAROLINA LP
A MINOR SUBDIVISION PLAT OF 70 VANCE HILL DRIVE & 5 PENLAND ROAD MILLS RIVER NORTH CAROLINA, 28759
TOTAL AREA 15.569 AC.

ATLAS SURVEYING, INC.
13331 YORK CENTER ROAD, SUITE E, CHARLOTTE, NC 28273
PHONE: (980) 949-8475
WEBSITE: WWW.ATLASSURVEYING.COM



I, KEITH BURNS, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL GPS SURVEY MADE UNDER MY SUPERVISION AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THIS SURVEY:
CLASS OF SURVEY: AA
POSITIONAL ACCURACY: +/-0.04
GPS PROCEDURE: REAL-TIME KINEMATIC
DATE OF SURVEY: 02/27/2024
DATUM/EPOCH: NAD83/2011
PUBLISHED/FIXED CONTROL USE: NGS MON. FB3027
GEOID MODEL: 18
COMBINED GRID FACTOR: 0.99977522
UNITS: US SURVEY FEET

I, KEITH BURNS, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (SEE LISTED REFERENCES); THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED AS DRAWN FROM INFORMATION IN LISTED REFERENCES; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY IS GREATER THAN 1:10,000; AND THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

FOR REVIEW
KEITH BURNS P.L.S. No. 03-10-2026 L-5265

FOR REVIEW
KEITH BURNS P.L.S. No. 03-10-2026 L-5265

LOT 1 LEGAL DESCRIPTION

BEGINNING AT A 5/8" REBAR FOUND (P.O.B.1), WITH A NORTH CAROLINA STATE PLANE GRID VALUE OF NORTHING:619,919.33, EASTING:936,928.65; THENCE N 50°42'32" W FOR A DISTANCE OF 48.01' TO A 5/8" REBAR SET; THENCE N 86°53'14" W FOR A DISTANCE OF 149.39' TO A 5/8" REBAR SET; THENCE S 18°44'40" W FOR A DISTANCE OF 249.39' TO A 5/8" REBAR SET; THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 75.91', WITH A RADIUS OF 43.36', WITH A CHORD BEARING OF S 32°49'19" E, WITH A CHORD LENGTH OF 66.58' TO A 5/8" REBAR SET; THENCE S 84°23'19" E FOR A DISTANCE OF 109.20' TO A 5/8" REBAR SET; THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 6.76', WITH A RADIUS OF 44.50', WITH A CHORD BEARING OF S 88°44'16" E, WITH A CHORD LENGTH OF 6.75' TO A 5/8" REBAR SET; THENCE N 86°54'46" E FOR A DISTANCE OF 116.85' TO A 5/8" REBAR SET; THENCE N 40°36'20" E FOR A DISTANCE OF 33.40' TO A 5/8" REBAR SET; THENCE S 05°42'32" E FOR A DISTANCE OF 72.22' TO A 3/4" OPEN TOP PIPE FOUND; THENCE S 86°54'46" W FOR A DISTANCE OF 150.26' TO A 3/4" OPEN TOP PIPE FOUND; THENCE N 84°23'19" W FOR A DISTANCE OF 215.64' TO A 5/8" REBAR SET; THENCE N 03°40'56" E FOR A DISTANCE OF 90.91' TO A 3X3 CONCRETE MONUMENT FOUND; THENCE N 06°23'51" E FOR A DISTANCE OF 47.09' TO A 3/4" OPEN TOP PIPE FOUND; THENCE S 84°16'17" E FOR A DISTANCE OF 22.00' TO A 5/8" REBAR FOUND; THENCE N 06°34'51" E FOR A DISTANCE OF 303.52' TO A 5/8" REBAR FOUND; THENCE N 06°45'37" E FOR A DISTANCE OF 39.84' TO A 5/8" REBAR FOUND; THENCE N 84°28'06" W FOR A DISTANCE OF 22.01' TO A 5/8" REBAR FOUND; THENCE N 06°34'03" E FOR A DISTANCE OF 118.56' TO A 1/2" REBAR FOUND DISTURBED; THENCE N 06°46'36" E FOR A DISTANCE OF 38.48' TO A 1/2" REBAR FOUND DISTURBED; THENCE N 31°24'20" W FOR A DISTANCE OF 232.03' TO A 5/8" REBAR FOUND; THENCE N 26°19'29" E FOR A DISTANCE OF 31.19' TO A 1/2" REBAR FOUND; THENCE N 23°55'26" E FOR A DISTANCE OF 8.65' TO A 5/8" REBAR SET; THENCE S 35°00'22" E FOR A DISTANCE OF 108.23' TO A 5/8" REBAR SET; THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 94.34', WITH A RADIUS OF 158.99', WITH A CHORD BEARING OF S 48°53'41" E, WITH A CHORD LENGTH OF 92.96' TO A 5/8" REBAR SET; THENCE N 37°48'12" E FOR A DISTANCE OF 173.35' TO A 5/8" REBAR SET; THENCE N 37°48'12" E FOR A DISTANCE OF 40.64' TO A 5/8" REBAR SET; THENCE S 86°53'14" E FOR A DISTANCE OF 85.05' TO A 5/8" REBAR SET; THENCE N 03°06'46" E FOR A DISTANCE OF 161.68' TO A 5/8" REBAR SET; THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 43.05', WITH A RADIUS OF 160.17', WITH A CHORD BEARING OF S 82°24'52" E, WITH A CHORD LENGTH OF 42.92' TO A 5/8" REBAR SET; THENCE N 90°00'00" E FOR A DISTANCE OF 90.24' TO A 5/8" REBAR SET; THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 170.56', WITH A RADIUS OF 138.50', WITH A CHORD BEARING OF N 54°43'17" E, WITH A CHORD LENGTH OF 159.98' TO A 5/8" REBAR SET; THENCE N 19°26'33" E FOR A DISTANCE OF 224.94' TO A 5/8" REBAR SET; THENCE S 61°10'33" E FOR A DISTANCE OF 32.39' TO A NAIL FOUND; THENCE S 02°59'18" W FOR A DISTANCE OF 442.73' TO A 5/8" REBAR FOUND; THENCE S 03°05'13" W FOR A DISTANCE OF 472.39' TO A 1/2" OPEN TOP PIPE FOUND; THENCE S 03°24'36" W FOR A DISTANCE OF 12.09' TO A 5/8" REBAR FOUND; THENCE S 51°00'52" W FOR A DISTANCE OF 71.61' TO A 5/8" REBAR FOUND; THENCE S 02°45'12" W FOR A DISTANCE OF 85.00' TO A 5/8" REBAR FOUND; THENCE N 87°18'30" W FOR A DISTANCE OF 205.93' TO A 1/2 REBAR FOUND; THENCE S 84°49'04" W FOR A DISTANCE OF 45.00' TO A 5/8" REBAR FOUND; WHICH IS THE POINT OF BEGINNING, HAVING AN AREA OF 447,005 SQUARE FEET, 10.262 ACRES.

LOT 2 LEGAL DESCRIPTION

BEGINNING AT A RIGHT OF WAY MONUMENT FOUND (P.O.B.2) WITH A NORTH CAROLINA STATE PLANE COORDINATE VALUE OF NORTHING:620,595.64, EASTING:936,653.15; THENCE S 52°11'48" E FOR A DISTANCE OF 183.24' TO A 5/8" REBAR SET; THENCE S 37°48'12" W FOR A DISTANCE OF 173.35' TO A 5/8" REBAR SET; THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 94.34', WITH A RADIUS OF 158.99', WITH A CHORD BEARING OF N 48°53'41" W, WITH A CHORD LENGTH OF 92.96' TO A 5/8" REBAR SET; THENCE N 35°00'22" W FOR A DISTANCE OF 108.23' TO A 5/8" REBAR SET; THENCE N 23°55'26" E FOR A DISTANCE OF 11.19' TO A RIGHT OF WAY MONUMENT FOUND; THENCE N 61°50'33" E FOR A DISTANCE OF 3.17' TO A 5/8" REBAR SET; THENCE N 54°27'11" E FOR A DISTANCE OF 50.08' TO A RIGHT OF WAY MONUMENT FOUND; THENCE N 37°48'24" E FOR A DISTANCE OF 74.26' TO A RIGHT OF WAY MONUMENT FOUND; WHICH IS THE POINT OF BEGINNING, HAVING AN AREA OF 30,769 SQUARE FEET, 0.706 ACRES.

LOT 3 LEGAL DESCRIPTION

BEGINNING AT A RIGHT OF WAY MONUMENT FOUND (P.O.B.3) WITH A NORTH CAROLINA STATE PLANE COORDINATE VALUE OF NORTHING:620,595.64, EASTING:936,653.15; THENCE N 37°48'24" E FOR A DISTANCE OF 156.94' TO A RIGHT OF WAY MONUMENT FOUND; THENCE N 71°16'30" E FOR A DISTANCE OF 88.53' TO A 5/8" REBAR SET; THENCE S 47°45'18" E FOR A DISTANCE OF 49.75' TO A 5/8" REBAR SET; THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 75.37', WITH A RADIUS OF 160.17', WITH A CHORD BEARING OF S 61°14'07" E, WITH A CHORD LENGTH OF 74.68' TO A 5/8" REBAR SET; THENCE S 03°06'46" W FOR A DISTANCE OF 161.68' TO A 5/8" REBAR SET; THENCE N 86°53'14" W FOR A DISTANCE OF 85.05' TO A 5/8" REBAR SET; THENCE S 37°48'12" W FOR A DISTANCE OF 40.64' TO A 5/8" REBAR SET; THENCE N 52°11'48" W FOR A DISTANCE OF 183.24' TO A RIGHT OF WAY MONUMENT FOUND; WHICH IS THE POINT OF BEGINNING, HAVING AN AREA OF 43,030 SQUARE FEET, 0.988 ACRES.

LOT 4 LEGAL DESCRIPTION

BEGINNING AT A RIGHT OF WAY MONUMENT FOUND (P.O.B.4) WITH A NORTH CAROLINA STATE PLANE COORDINATE VALUE OF NORTHING:621,011.06, EASTING:937,168.52; THENCE S 59°13'11" E FOR A DISTANCE OF 45.56' TO A 5/8" REBAR SET; THENCE S 19°26'33" W FOR A DISTANCE OF 224.94' TO A 5/8" REBAR SET; THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 108.98', WITH A RADIUS OF 88.50', WITH A CHORD BEARING OF S 54°43'17" W, WITH A CHORD LENGTH OF 102.23' TO A 5/8" REBAR SET; THENCE N 90°00'00" W FOR A DISTANCE OF 90.56' TO A 5/8" REBAR SET; THENCE N 00°00'00" W FOR A DISTANCE OF 10.00' TO A 5/8" REBAR SET; THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 73.66', WITH A RADIUS OF 100.17', WITH A CHORD BEARING OF N 68°56'04" W, WITH A CHORD LENGTH OF 72.01' TO A 5/8" REBAR SET; THENCE N 47°52'06" W FOR A DISTANCE OF 37.30' TO A 5/8" REBAR SET; THENCE N 47°15'13" E FOR A DISTANCE OF 285.09' TO A RIGHT OF WAY MONUMENT FOUND DISTURBED; THENCE N 56°34'35" E FOR A DISTANCE OF 65.15' TO A 1/2" REBAR FOUND DISTURBED; THENCE S 61°12'15" E FOR A DISTANCE OF 16.03' TO A 5/8" REBAR FOUND; THENCE N 65°04'22" E FOR A DISTANCE OF 29.34' TO A RIGHT OF WAY MONUMENT FOUND; THENCE N 65°04'22" E FOR A DISTANCE OF 29.34' TO A RIGHT OF WAY MONUMENT FOUND; WHICH IS THE POINT OF BEGINNING, HAVING AN AREA OF 54,397 SQUARE FEET, 1.249 ACRES.

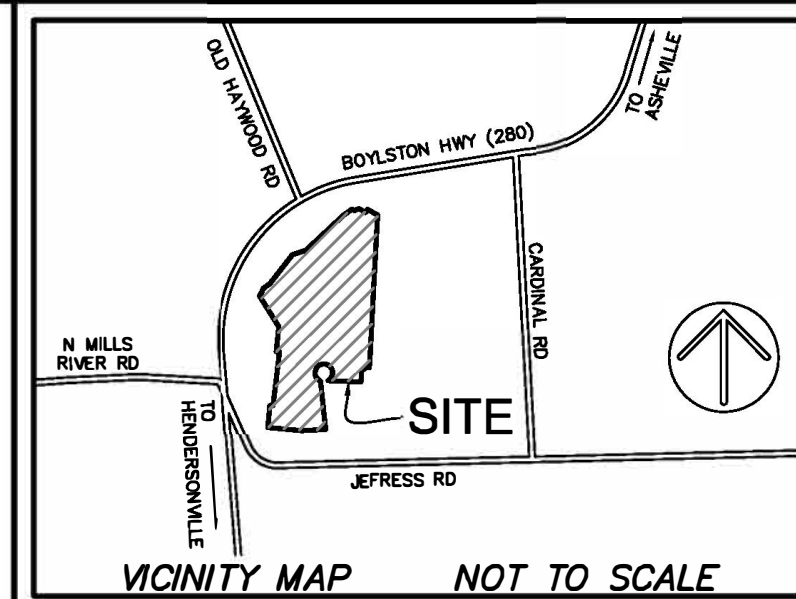
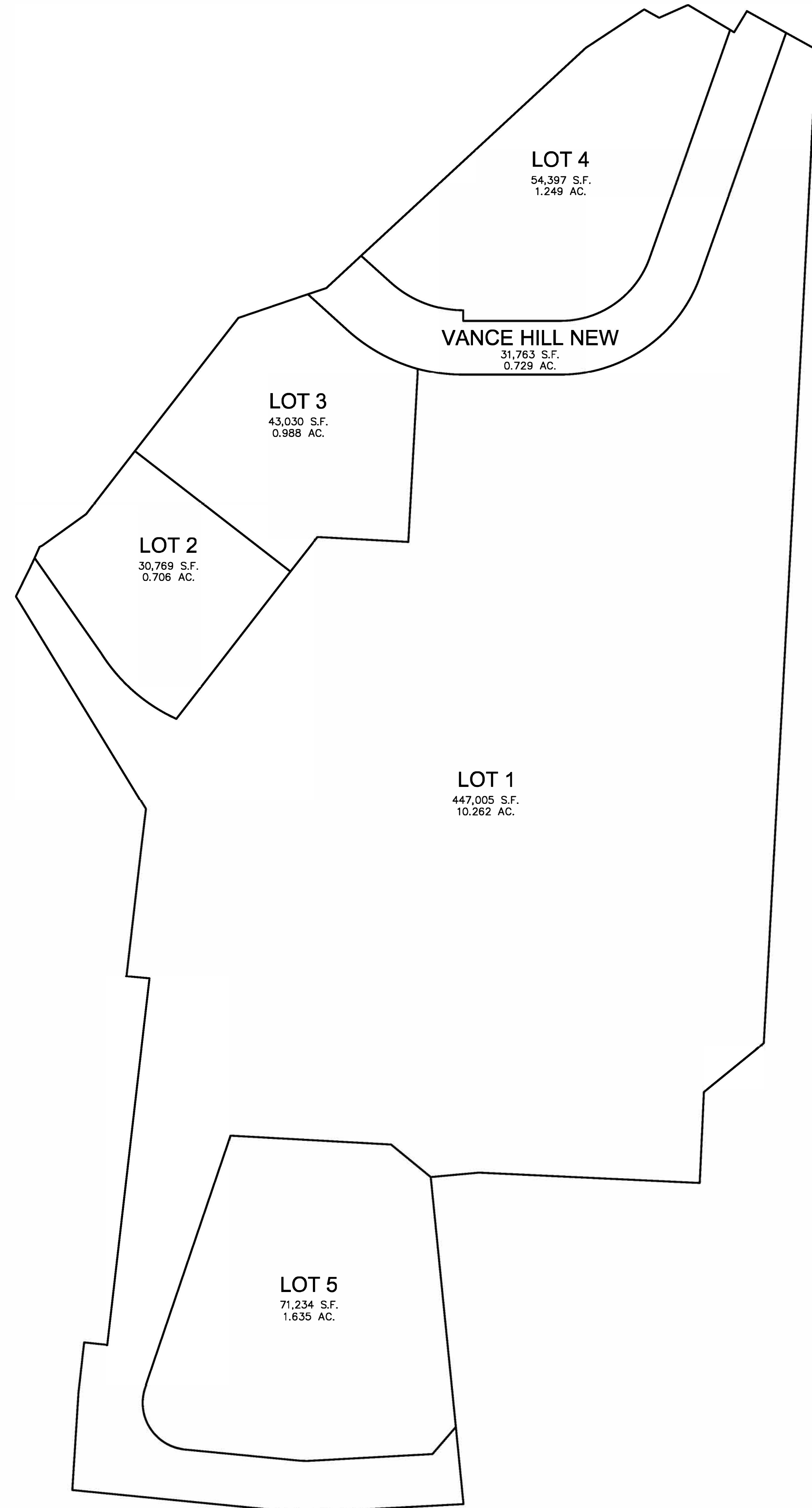
LOT 5 LEGAL DESCRIPTION

BEGINNING AT A 5/8" REBAR FOUND (P.O.B.5), WITH A NORTH CAROLINA STATE PLANE GRID VALUE OF NORTHING:619,919.33, EASTING:936,928.65; THENCE S 05°42'32" E FOR A DISTANCE OF 233.93' TO A 5/8" REBAR SET; THENCE S 40°36'20" W FOR A DISTANCE OF 33.40' TO A 5/8" REBAR SET; THENCE S 86°54'46" W FOR A DISTANCE OF 116.85' TO A 5/8" REBAR SET; THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 6.76', WITH A RADIUS OF 44.50', WITH A CHORD BEARING OF N 88°44'16" W, WITH A CHORD LENGTH OF 6.75' TO A 5/8" REBAR SET; THENCE N 84°23'19" W FOR A DISTANCE OF 109.20' TO A 5/8" REBAR SET; THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 75.91', WITH A RADIUS OF 43.36', WITH A CHORD BEARING OF N 32°49'19" W, WITH A CHORD LENGTH OF 66.58' TO A 5/8" REBAR SET; THENCE N 18°44'40" E FOR A DISTANCE OF 249.39' TO A 5/8" REBAR SET; THENCE S 86°53'14" E FOR A DISTANCE OF 149.39' TO A 5/8" REBAR SET; THENCE S 50°42'32" E FOR A DISTANCE OF 48.01' TO A 5/8" REBAR FOUND; WHICH IS THE POINT OF BEGINNING, HAVING AN AREA OF 71,234 SQUARE FEET, 1.635 ACRES.

VANCE HILL DEDICATED RIGHT OF WAY

BEGINNING AT A 5/8" REBAR SET (P.O.B.R/W) WITH A NORTH CAROLINA STATE PLANE COORDINATE VALUE OF NORTHING:620,777.49, EASTING:936,863.91; THENCE S 47°52'06" E FOR A DISTANCE OF 37.30' TO A 5/8" REBAR SET; THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 73.66', WITH A RADIUS OF 100.17', WITH A CHORD BEARING OF S 68°56'04" E, WITH A CHORD LENGTH OF 72.01' TO A 5/8" REBAR SET; THENCE S 00°00'00" E FOR A DISTANCE OF 10.00' TO A 5/8" REBAR SET; THENCE N 90°00'00" E FOR A DISTANCE OF 90.56' TO A 5/8" REBAR SET; THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 108.98', WITH A RADIUS OF 88.50', WITH A CHORD BEARING OF N 54°43'17" E, WITH A CHORD LENGTH OF 102.23' TO A 5/8" REBAR SET; THENCE N 19°26'33" E FOR A DISTANCE OF 224.94' TO A 5/8" REBAR SET; THENCE S 59°13'11" E FOR A DISTANCE OF 4.44' TO A 5/8" REBAR FOUND; THENCE N 30°48'49" E FOR A DISTANCE OF 23.06' TO A PK NAIL FOUND; THENCE S 61°10'33" E FOR A DISTANCE OF 41.67' TO A 5/8" REBAR SET; THENCE S 19°26'33" W FOR A DISTANCE OF 239.89' TO A 5/8" REBAR SET; THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 170.56', WITH A RADIUS OF 138.50', WITH A CHORD BEARING OF S 54°43'17" W, WITH A CHORD LENGTH OF 159.98' TO A 5/8" REBAR SET; THENCE N 90°00'00" W FOR A DISTANCE OF 90.24' TO A 5/8" REBAR SET; THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 43.05', WITH A RADIUS OF 160.17', WITH A CHORD BEARING OF N 82°24'52" W, WITH A CHORD LENGTH OF 42.92' TO A 5/8" REBAR SET; THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 75.37', WITH A RADIUS OF 160.17', WITH A CHORD BEARING OF N 61°14'07" W, WITH A CHORD LENGTH OF 74.68' TO A 5/8" REBAR SET; THENCE N 47°45'18" W FOR A DISTANCE OF 49.75' TO A 5/8" REBAR SET; THENCE N 71°16'30" E FOR A DISTANCE OF 18.11' TO A RIGHT OF WAY MONUMENT FOUND; THENCE N 47°15'13" E FOR A DISTANCE OF 44.26' TO A 5/8" REBAR SET; WHICH IS THE POINT OF BEGINNING, HAVING AN AREA OF 31,763 SQUARE FEET, 0.729 ACRES.

DEPICTION OF LOTS (NOT TO SCALE)



- LEGEND
- CALC POINT - CORNER NOT SET
- CMF - CONC. MONUMENT FOUND
- NF - NAIL FOUND
- NG - NATIONAL GEODETIC SURVEY MONUMENT
- O/P - OPEN TOP PIPE
- O/PD - OPEN TOP PIPE DISTURBED
- RBF - IRON REBAR FOUND
- R/BD - IRON REBAR FOUND DISTURBED
- RBS - 5/8" REBAR SET
- R/WMF - RIGHT-OF-WAY CONC. MONUMENT FOUND
- R/WMFD - RIGHT-OF-WAY CONC. MONUMENT DISTURBED
- PROPERTY LINE
- ADJACENT PROPERTY LINE
- NEW PROPERTY LINE
- BUILDING SET BACK LINE
- EDGE OF PAVEMENT
- PROPOSED RIGHT OF WAY CHANGE

- REFERENCES
1. PB:2006 PG:6004
2. PB:2006 PG:6198
3. PB:2021 PG:13061
4. PB:2021 PG:13131
5. PB:1996 PG:2096
6. PB:2018 PG:11207
7. PB:2003 PG:4578
8. PB:1998 PG:2657
9. DB:505 PG:287
10. DB:512 PG:75
11. DB:4167 PG:1



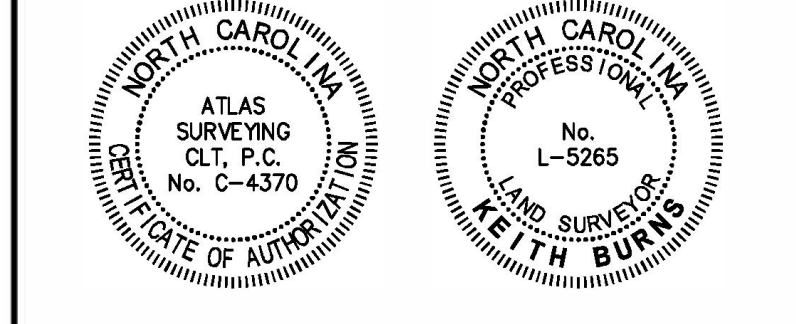
PREPARED FOR:
PUBLIX NORTH CAROLINA LP
A MINOR SUBDIVISION PLAT OF
70 VANCE HILL DRIVE & 5 PENLAND ROAD
MILLS RIVER NORTH CAROLINA, 28759
TAX PARCEL No. 9632609288 & 9632607561
TOTAL AREA 15.569 Ac.
THE TOWN OF MILLS RIVER
ENDERSON COUNTY, NORTH CAROLINA

FIELD WORK: LOG
FIELD CHECK: RMB
DRAWN BY: JWB
FIELD DATE: 11-08-2024
PLAT DATE: 03-10-2026
SCALE: 1"=80'
PROJECT No.: GSP-23077
FILE: GSP-23077 03.DWG

SHEET 2 OF 2: LEGAL DESCRIPTIONS

ATLAS SURVEYING, INC.
13331 YORK CENTER ROAD, SUITE E,
CHARLOTTE, NC 28273
PHONE: (980) 949-8475
WEBSITE: WWW.ATLASSURVEYING.COM

KEITH BURNS, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (SEE LISTED REFERENCES); THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED AS DRAWN FROM INFORMATION IN LISTED REFERENCES; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY IS GREATER THAN 1:10,000; AND THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.



THIS 10TH DAY OF MARCH, 2026

FOR REVIEW
KEITH BURNS P.L.S. No. 03-10-2026
L-5265



GENESIS ENGINEERING COLLABORATIVE

3360 Martin Farm Road Suite 200 Suwanee, Georgia 30024 470.375.2001 www.genesiseng.net



02/02/2025

PROJECT: MARKETPLACE AT MILLS RIVER BOYLSTON HIGHWAY & PENLAND ROAD TOWN OF MILLS RIVER, NORTH CAROLINA CLIENT: HARRIS DEVELOPMENT PARTNERS 128 E HARGETT STREET, SUITE 203 RALEIGH, NORTH CAROLINA 27601

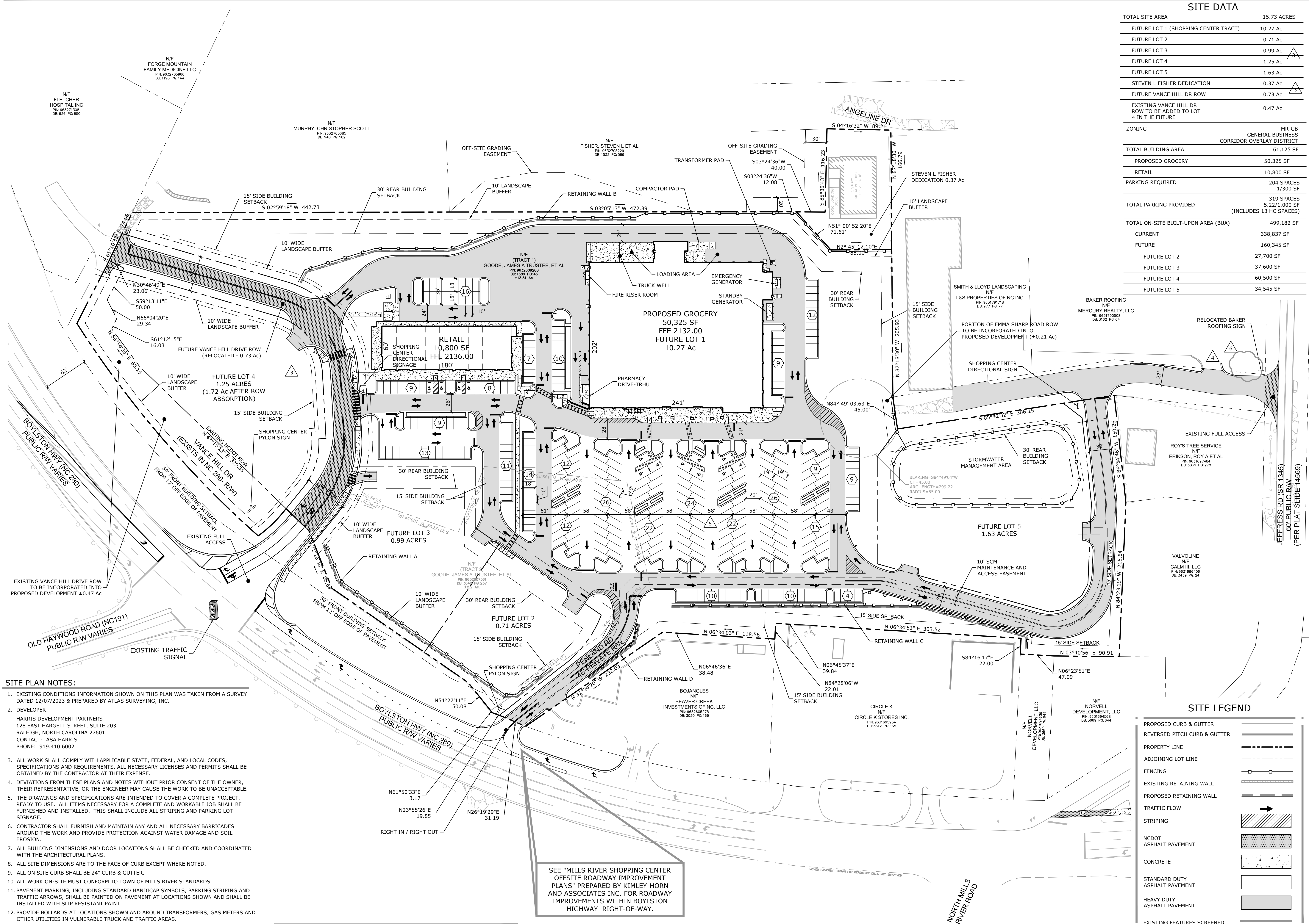
Table with 2 columns: REVISIONS, TOWN COMMENTS, NCDEQ SUBMITTAL, TENANT REVIEW, OWNER & MSD COMMENTS, JURISDICTION COMMENTS, NCDEQ SUBMITTAL, ISSUED FOR BID, REVIEW COMMENTS, ROADWAY UPDATES, VHD ROW REVISION, STATE WATER COMMENTS, COORDINATION UPDATES, JURISDICTION COMMENTS. Includes dates from 02/19/2024 to 09/09/2025.

PROJECT NUMBER: 21-118 DATE: 12/21/2023

OVERALL SITE PLAN

C-1.1

SITE DATA table with 2 columns: Item, Value. Includes: TOTAL SITE AREA (15.73 ACRES), FUTURE LOT 1 (10.27 Ac), FUTURE LOT 2 (0.71 Ac), FUTURE LOT 3 (0.99 Ac), FUTURE LOT 4 (1.25 Ac), FUTURE LOT 5 (1.63 Ac), STEVEN L FISHER DEDICATION (0.37 Ac), FUTURE VANCE HILL DR ROW (0.73 Ac), EXISTING VANCE HILL DR ROW (0.47 Ac), ZONING (MR-GB GENERAL BUSINESS CORRIDOR OVERLAY DISTRICT), TOTAL BUILDING AREA (61,125 SF), PROPOSED GROCERY (50,325 SF), RETAIL (10,800 SF), PARKING REQUIRED (204 SPACES), TOTAL PARKING PROVIDED (319 SPACES), TOTAL ON-SITE BUILT-UPON AREA (499,182 SF), CURRENT (338,837 SF), FUTURE (160,345 SF).



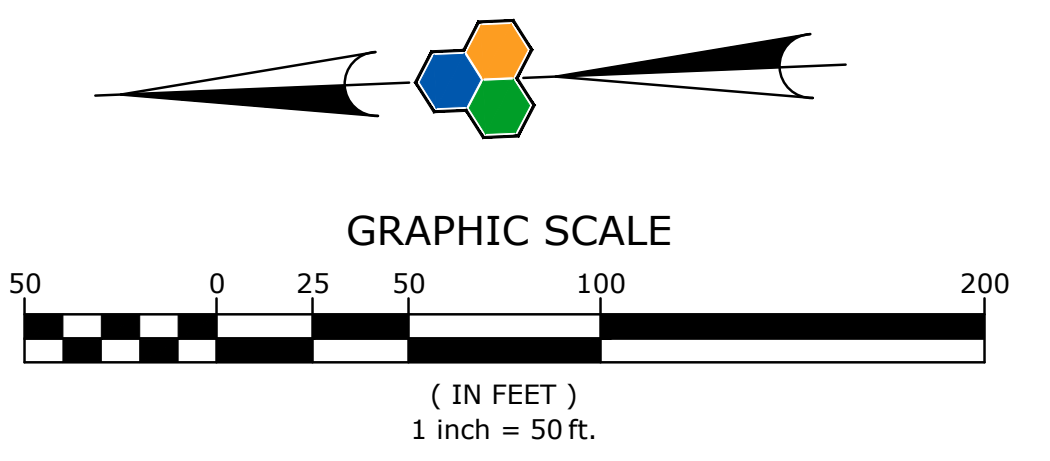
- SITE PLAN NOTES: 1. EXISTING CONDITIONS INFORMATION SHOWN ON THIS PLAN WAS TAKEN FROM A SURVEY DATED 12/07/2023 & PREPARED BY ATLAS SURVEYING, INC. 2. DEVELOPER: HARRIS DEVELOPMENT PARTNERS 128 EAST HARGETT STREET, SUITE 203 RALEIGH, NORTH CAROLINA 27601 CONTACT: ASA HARRIS PHONE: 919.410.6002 3. ALL WORK SHALL COMPLY WITH APPLICABLE STATE, FEDERAL, AND LOCAL CODES, SPECIFICATIONS AND REQUIREMENTS. ALL NECESSARY LICENSES AND PERMITS SHALL BE OBTAINED BY THE CONTRACTOR AT THEIR EXPENSE. 4. DEVIATIONS FROM THESE PLANS AND NOTES WITHOUT PRIOR CONSENT OF THE OWNER, THEIR REPRESENTATIVE, OR THE ENGINEER MAY CAUSE THE WORK TO BE UNACCEPTABLE. 5. THE DRAWINGS AND SPECIFICATIONS ARE INTENDED TO COVER A COMPLETE PROJECT, READY TO USE. ALL ITEMS NECESSARY FOR A COMPLETE AND WORKABLE JOB SHALL BE FURNISHED AND INSTALLED. THIS SHALL INCLUDE ALL STRIPING AND PARKING LOT SIGNAGE. 6. CONTRACTOR SHALL FURNISH AND MAINTAIN ANY AND ALL NECESSARY BARRICADES AROUND THE WORK AND PROVIDE PROTECTION AGAINST WATER DAMAGE AND SOIL EROSION. 7. ALL BUILDING DIMENSIONS AND DOOR LOCATIONS SHALL BE CHECKED AND COORDINATED WITH THE ARCHITECTURAL PLANS. 8. ALL SITE DIMENSIONS ARE TO THE FACE OF CURB EXCEPT WHERE NOTED. 9. ALL ON SITE CURB SHALL BE 24" CURB & GUTTER. 10. ALL WORK ON-SITE MUST CONFORM TO TOWN OF MILLS RIVER STANDARDS. 11. PAVEMENT MARKING, INCLUDING STANDARD HANDICAP SYMBOLS, PARKING STRIPING AND TRAFFIC ARROWS, SHALL BE PAINTED ON PAVEMENT AT LOCATIONS SHOWN AND SHALL BE INSTALLED WITH SLIP RESISTANT PAINT. 12. PROVIDE BOLLARDS AT LOCATIONS SHOWN AND AROUND TRANSFORMERS, GAS METERS AND OTHER UTILITIES IN VULNERABLE TRUCK AND TRAFFIC AREAS. 13. ALL CURB AND GUTTER SHALL HAVE A 4' RADIUS UNLESS OTHERWISE NOTED ON THE PLANS. 14. SITE CONTRACTOR TO VERIFY EXISTING TOPOGRAPHIC AND UTILITY DATA PRIOR TO ANY CONSTRUCTION. 15. PER TENANT REQUIREMENTS; PARKING STALL LINES, SYMBOLS, CURB TOPS, STENCILS, IS COMPRISED OF TWO (2) COATS - FIRST COAT SHALL BE SHERWIN WILLIAMS PRO PARK WATERBORNE PAINT WITH CRUSHED GLASS ADDED FOR SLIP RESISTANCE. THE SECOND COAT TO BE APPLIED 30 DAYS AFTER THE FIRST COAT SHALL BE SOLVENT BASED, AEXCEL GORILLA PAINT WITH CRUSHED GLASS. GLASS USED SHALL BE 6 TO 8 POUNDS PER GALLON OF PAINT. 16. ALL ARROWS, STOP BARS AND CROSSWALKS SHALL BE THERMOPLASTIC WITH TYPE 1 HIGHWAY SPHERES INSTALLED DURING APPLICATION. ALL THERMOPLASTIC SURFACES SHALL BE INSTALLED WITH SLIP RESISTANT MATERIALS. 17. ALL BOLLARDS IN REAR SERVICE AREAS ARE TO BE PAINTED WITH SHERWIN WILLIAMS INDUSTRIAL ENAMEL, SAFETY YELLOW.

PENLAND ROAD IS AN ACTIVE ACCESS ROAD FOR THE EXISTING ADJACENT BOJANGLES DEVELOPMENT. THE CONTRACTOR SHALL TAKE EXTREME CARE TO NOT DISRUPT THE OPERATION OF EXISTING ADJACENT PROPERTY OWNERS. IT IS THE CONTRACTOR'S RESPONSIBILITY TO ENSURE THAT ADJACENT DEVELOPMENTS ALWAYS HAVE SUFFICIENT ACCESS TO THEIR EXISTING ROADWAY CONNECTIONS. IN THE EVENT VEHICULAR ACCESS WILL BE IMPEDED, THESE ACTIVITIES SHALL BE COORDINATED WITH THE DEVELOPER AND ADJACENT PROPERTY OWNERS AND MAY HAVE TO OCCUR WHEN BUSINESSES ARE CLOSED.

SEE "MILLS RIVER SHOPPING CENTER OFFSITE ROADWAY IMPROVEMENT PLANS" PREPARED BY KIMLEY-HORN AND ASSOCIATES INC. FOR ROADWAY IMPROVEMENTS WITHIN BOYLSTON HIGHWAY RIGHT-OF-WAY.

- STANDBY GENERATOR SITING NOTE: BASED ON INFORMATION AVAILABLE FROM CITY OF HENDERSONVILLE WATER & SEWER AND THE PROJECT'S PHASE 1 SITE ASSESSMENT DATED 04/22/2023 & PREPARED BY BLUE RIDGE ENGINEERING, IT HAS BEEN VERIFIED THAT THE STANDBY GENERATOR IS: 1. NOT WITHIN 500 FEET OF ANY EXISTING COMMUNITY WATER SUPPLY WELL. 2. NOT WITHIN 500 FEET OF ANY NON-TRANSIENT, NON-COMMUNITY WATER SUPPLY WELL, AND 3. NOT WITHIN 100 FEET OF ANY OTHER EXISTING POTABLE WATER SUPPLY WELL.

SITE LEGEND table with 2 columns: Symbol, Description. Includes: PROPOSED CURB & GUTTER, REVERSED PITCH CURB & GUTTER, PROPERTY LINE, ADJOINING LOT LINE, FENCING, EXISTING RETAINING WALL, PROPOSED RETAINING WALL, TRAFFIC FLOW, STRIPING, NCDOT ASPHALT PAVEMENT, CONCRETE, STANDARD DUTY ASPHALT PAVEMENT, HEAVY DUTY ASPHALT PAVEMENT, EXISTING FEATURES SCREENED.



STAFF REPORT

Planning Board, Tuesday, April 7, 2026

Title: **Request for Rezoning, R-26-01**

Speaker: Kevin Webb, Planning Technician

Approved by: Michael Malecek, Planning Director

Background

On March 2, 2026, the Town received a conventional rezoning application with full payment from Josh Israel, acting as agent for Mills River Fire & Rescue Department, the current owner of 100 Fanning Fields Road (PIN 9642228958). The application requests to rezone the subject property from Low-Density Residential (MR-30) to Neighborhood Commercial (MR-NC).

The subject property consists of approximately 1.6 acres and has no existing structures. On February 4, 2026, a recombination plat was recorded in the Henderson County Register of Deeds to combine 0.77 acres of adjacent property (PIN 9642333125) owned by Lois Pryor with the existing parcel (approximately 0.84 acres), where the old Pryor Fire Substation burned down last year. On February 13, 2026, a General Warranty Gift Deed was recorded in the Henderson County Register of Deeds, transferring ownership of the 0.77 acre recombination area to Mills River Fire & Rescue Department.

At the time the rezoning application was submitted on March 2, 2026, there were two separate tax parcels for each property with two separate Parcel Numbers. The applicant did notify Henderson County Tax Office Division of Land Records to combine both tax parcels into one. Staff confirmed on March 12, 2026 that the tax parcels were recombined and assigned a new Parcel Number with PIN 9642228958.

The applicant wishes to rezone to MR-NC so they can rebuild the Pryor Substation and build a larger station than the previous substation that burned down. They wish to apply for a zoning permit before the UDO is potentially adopted, hence the need for rezoning now. In the current residential zoning district, public facilities and buildings are not permitted. In the proposed neighborhood commercial zoning district, public facilities and buildings are permitted by right.

The previous fire substation building and land use were legal nonconforming and were able to exist as a legal nonconforming use. However, 154.105(E) states that any nonconforming use which has been damaged by fire, wind, or other causes may be repaired and used as before, provided that:

- (1) Repairs are initiated in 12 months and completed within 2 years of the damage
- (2) The total amount of spaced devoted to a nonconforming use may not be increased.
- (3) The dimensions of a reconstructed building may not be larger than the original building if the non-conformance was related to dimensional restrictions.

Reconstruction of the fire substation was not initiated within 12 months from the fire (the station burned down on January 17, 2025) so the land use and building lost its nonconforming status. Per the applicant, rezoning the property from MR-30 to MR-NC will not only allow the fire substation to be rebuilt but also in a larger footprint, up to 10,000 SF. The recombination of additional 0.77 acres from the adjacent property was added to original 0.84 acres to accommodate the larger building footprint and comply with Neighbor Commercial building setbacks.

Discussion

The MR-30 zoning district is intended to be a quiet neighborhood consisting primarily of single-family residences. Uses allowed by-right in the MR-30 zoning district include single-family homes, churches, incidental home occupations, family care homes, and other similar low intensity uses. Other uses allowed with the issuance of a minor special use permit include parks, libraries, bed and breakfast inns, civic and cultural buildings, child care centers, etc. Additional more intensive uses allowed with a major special use permit include residential duplexes, planned unit developments, multi-family development, public utility stations, structured environment homes, and medical institutional care development.

The MR-NC zoning district is meant to provide for compatible residential and commercial uses, which protect and enhance the rural characteristic of Mills River. Some of the uses that are permitted by-right include retail business or service within an enclosed building, public buildings, offices, single-family dwellings, and others. Additional uses allowed with a minor special use permit include restaurants, hospitals, clinics, libraries, and other civic and cultural buildings. Some uses allowed with a major special use permit include multifamily development, planned residential development, single-family residential cluster development, manufactured home parks, and medical institutional care development.

Policy Analysis

The rezoning application lists the proposed zoning district as Neighborhood Commercial (MR-NC). It is important to consider all possible uses in the MR-NC district, as once a property is rezoned any use allowed in the new district may be permitted. Failure to consider all possible uses, or only considering limited uses as part of a proposed development project may be viewed as contract zoning, which is impermissible.

2130 Butler Bridge Rd., immediately adjacent to the eastern and southern property lines of the subject property is zoned Residential (MR-30). 137 Fanning Fields Rd and 41 Fanning Fields Rd., adjacent to the western property line, across Fanning Fields Rd. are zoned Neighborhood Commercial (MR-NC). 200 Fanning Fields Rd., immediately adjacent to the northern property line of the subject property is zoned Light Industrial (MR-LI) and is currently occupied by a Pepsi warehousing and distribution center.

The day care center at 2115 Butler Bridge Rd., which is 300 ft. to the south of the subject property and on the south side of Butler Bridge Rd. is zoned MR-NC. The property located

at 1936 Butler Bridge Rd. which is approximately 1,250 ft. southeast of the subject property, was rezoned from MR-30 to MR-NC via R-23-01, approved by Council on August 10, 2023. Additionally, the property with PIN 9642225038 that was subdivided from the Anointed Word Church property, which is approximately 600 ft. southwest of the subject property on the south side of Butler Bridge Rd., was also rezoned from MR-30 to MR-NC via R-22-02, which was approved by Council on December 8, 2022.

This rezoning request is consistent with the Making Mills River 2040 Comprehensive Plan Future Land Use Vision Map, which designates this property and adjacent parcels to the south, east, and west as the Community Center land use category. This land use category identifies desirable future land uses as civic and community uses, parks and public space, trails and recreation, schools, retail, restaurants, offices, duplexes, townhomes, and apartments. The Community Center FLUM category also identifies services, institutional, and agriculture uses as acceptable within the district. Therefore, staff find the rezoning request to Neighborhood Commercial is consistent with the comprehensive plan and future land use map since many of the permitted uses in the Neighborhood Commercial district align with the desirable mix of uses for the Community Center future land use category.

This rezoning request will most likely not trigger a spot zoning challenge, which is defined as rezoning one parcel differently from adjacent properties and the surrounding area. Spot zoning is legal if supported by a reasonable basis. The subject property is adjacent to other parcels zoned MR-NC, therefore, no spot zoning is created through the proposed zoning map amendment. To protect against a spot zoning challenge, the Planning Board may consider the following factors in reasonableness, which can be reflected in the public record: the size and physical attributes of the site; the compatibility with the existing comprehensive land use plan; the benefits and detriments to the landowner, the neighbors, and the community; the relationship between the proposed uses and the current uses of adjacent properties; why the rezoning is in the public interest; and any changed conditions warranting the rezoning.

Recommendation

Staff recommends approval of this rezoning request due to consistency with the *Making Mills River 2040 Comprehensive Plan* and the Future Land Use Vision Map. Staff specifically finds the request is consistent with Objective 4.2, Policy 4.2.2; Objective 4.4, Policy 4.4.2 and Policy 4.4.3; and Objective 6.3, Policy 6.3.1 of the 2040 Comprehensive Plan.

The Planning Board's role in this request is advisory and its options are as follows:

1. Recommend approval of the request;
2. Table for additional consideration (up to 30 days);
3. Recommend denial of the request.

In addition to a recommendation as outlined above, the Planning Board must submit a Statement of Consistency with adopted plans for Town Council's consideration. A draft of this statement is included for the Board's review.

Attachments

- A. Application
- B. Property Map
- C. MR-30 Uses
- D. MR-NC Uses
- E. Current Zoning Map
- F. Proposed Zoning Map
- G. 2040 Future Land Use Vision Map
- H. Future Land Use Category Chart
- I. Future Land Use Descriptions
- J. Statement of Consistency

**TOWN OF MILLS RIVER
STATE OF NORTH CAROLINA
APPLICATION TO AMEND THE OFFICIAL ZONING MAP**

March 2 2026
Month Day Year

Applicant: Josh Israel
Mills River Fire Department Phone: 828-891-7959

Address: 5400 Boylston Hwy Mills River NC 28759

Email: jisrael@mrfd.org

Property Owner's Name (if different from above): _____

Property Address (if different from above): 100 Fanning Fields Rd. Mills River

Parcel ID Number(s): 9642237025

Current Zoning District: MR-30 Proposed Zoning District: MR-NC

SUBJECT PROPERTY INFORMATION

Attach a description of the property for which rezoning is being proposed. Such description may be in the form of a property survey, a legal description or a legible copy of a Henderson County cadastral or composite tax map which shows the proposed zoning district boundary changes.

ADJACENT PROPERTY INFORMATION

Attach a list of property owner names, mailing addresses and parcel ID numbers for parcels abutting the property proposed for rezoning. Abutting prior required to be notified includes property directly across the street from rights-of-way adjacent to the property.

PROPERTY OWNER CERTIFICATION

The applicant must file applications for zoning map amendments. If owners of multiple parcels are requesting rezoning, one owner should sign the application and attach statements or other documents showing support for the application with signatures from the other owners. Include property owner names and mailing addresses as well as parcel identification numbers (PINs).

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.

Jo No
Signature of Applicant

3/2/26
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: Patty Brown Date: 3/3/26
Application Fee: \$ 500 Date Paid: 3/3/26 Method: Check

Comments:

100 Fanning Fields Road Aerial Property Map

ATTACHMENT B



This district is intended to be a quiet neighborhood consisting of single-family residences.

(A) MR-30 Residential District. Within the MR-30 Residential District, the following uses are permitted:

- (1) Single-family dwellings.
- (2) Churches, provided that:
 - (a) The structures are placed not less than 50 feet from any property line.
 - (b) They are located with access to a street , as shall be determined by the Zoning Administrator .
 - (c) There is a planted buffer strip along the side and rear property lines, except where the lines run parallel and contiguous with streets , streambeds, lakes and railroad tracks.
- (3) Church cemeteries on property contiguous to or adjacent to the principal church assembly building , provided that all plots shall be set back at least 20 feet from any property line.
- (4) Church bulletin boards not exceeding 12 square feet in area.
- (5) Signs not more than 4 feet square in area advertising the sale or rental of property on which they are located.
- (6) Customary accessory buildings , including private garages, noncommercial greenhouses and workshops.
- (7) Family care homes .
- (8) Family Child Care Homes .
- (9) Child Care unregulated by the State of North Carolina.
- (10) Incidental Home Occupations .
- (11) Solar panels shall be allowed as a secondary use as defined in this chapter. They shall not be allowed in front yards except by Minor Special Use Permit as approved by the Board of Adjustment. Application for a special use permit shall include justification for why the panels must be placed in the front yard and show that there is no practical alternative. Solar panels shall be subject to the setback requirements for structures in each district. Stand-alone solar panels shall be limited to 10 feet in height. Solar panels attached to buildings shall be extend more than 5 feet above the building . Stand-alone solar panels that are secondary uses to residential uses shall not be required to buffer. Stand-alone solar panels that are secondary uses to commercial uses shall be required to plant a buffer strip along side and rear property lines as defined in the zoning definitions. Residential panels shall not produce more than 150% of the power required for the site.
- (12) Wind turbines shall be allowed in all districts under a Major Special Use Permit under § 154.138. Wind turbines shall be required to have a setback from all property lines of 2 times the fall radius of the wind turbine.

(B) *Uses allowed under a Major Special Use Permit* . The following uses shall be permitted, subject to a finding by the Mills River Town Council that both the conditions in the definition of **SPECIAL USE** in § 154.007(B) and those conditions listed below will be met:

- (1) Planned unit developments , subject to the conditions listed under §154.080 of this chapter.
- (2) Residential duplexes, subject to meeting the lot size and dimensional requirements for lot area and dwelling unit area:
 - (a) A duplex , as defined in §154.007, is a structure consisting of two families living*independently* (emphasis added) of each other.
 - (b) A dwelling unit , as defined in §154.007, is a single unit providing complete, *independent* (emphasis added), living facilities for one or more persons , including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Example: A duplex is planned for construction in a district requiring a 30,000 square foot minimum lot size and 30,000 square feet for each dwelling unit . Since a duplex consists of two dwelling unit s the minimum lot area applies to each unit. Therefore, a duplex consisting of two dwelling unit s requires a total of 60,000 square feet of lot size.
- (3) Medical, institutional care development , subject to conditions listed under §154.084 of this chapter.
- (4) Group 1 communications towers and tower activities as defined in and subject to the requirements in §§ 154.090 through 154.101 of Mills River Zoning Ordinance.
- (5) Group 2 communications towers and tower activities as defined in and subject to the requirements in §§ 154.090 through 154.101 of Mills River Zoning Ordinance.
- (6) Group 6 communications towers and tower activities as defined in and subject to the requirements in §§ 154.090 through 154.101 of Mills River Zoning Ordinance.
- (7) Transformer and public stations, provided that:
 - (a) Transformer stations:

1. The structures are placed not less than 75 feet from any property line.
2. The structures are enclosed by a woven-wire fence at least 8 feet high.
3. No vehicle or equipment is stored on the premises.
4. There is an evergreen planted buffer strip along the side and rear property lines of residential zoned property .

(b) Public utility stations:

1. The structures are located on sufficient land to meet all setback requirements of this chapter.
2. The stations are completely enclosed, either by a building or a wire fence at least 8 feet high.
3. There is an evergreen planted buffer strip along the side and rear property lines of residential zoned property .

(8) Structured Home Environments, subject to the conditions listed under §154.085.

(C) *Uses allowed under a Minor Special Use Permit* . The following uses shall be permitted, subject to a finding by the Board of Adjustment that both the conditions in the definition of SPECIAL USE in § 154.007(B) and those conditions listed below will be met:

(1) Parks, camps , tennis and racquet clubs and golf courses . (Miniature golf courses and practice driving tees and illuminated golf courses operated for commercial purposes are not allowed.)

(2) Libraries.

(3) Bed-and-breakfast inns .

(4) Civic and cultural buildings , including auditoriums, theaters for the performing arts, museums, art galleries, symphony and concert halls and historical societies, provided that:

(a) The structures are placed not less than 50 feet from any property line.

(b) They are located with access to a street , as shall be determined by the Zoning Administrator .

(c) There is a planted buffer strip along the side and rear property lines, except where the lines run parallel and contiguous with streets , streambeds, lakes and railroad tracks.

(d) The facility is operated not for profit and satisfactory proof of the tax-exempt status of the organization is exhibited to the Zoning Administrator .

(e) One parking space is provided for each 2 seats in auditoriums, theaters and symphony and concert halls.

(f) One parking space for each 100 feet of gross floor space directed to patron use shall be provided for museums, art galleries and historical societies.

(5) Child Care Centers , public schools having multiple curricula and private schools having curricula approximately the same as ordinarily given in public schools provided that:

(a) The structures are placed not less than 50 feet from any property line.

(b) Play areas shall be placed not less than 20 feet from any property line.

(c) There is a planted buffer strip along the side and rear property lines, except where the lines run parallel and contiguous with streets , streambeds, lakes and railroad tracks.

(d) The property has at least 45 feet of frontage on a publicly owned and maintained road.

(6) Adult Day Care Centers and Adult Day Health Centers provided that:

(a) The structures are placed not less than 50 feet from any property line.

(b) There is a planted buffer strip along the side and rear property lines, except where the lines run parallel and contiguous with streets , streambeds, lakes and railroad tracks.

(c) The property has at least 45 feet of frontage on a publicly owned and maintained road.

(7) Adult Day Care Homes and Adult Day Health Homes provided that:

(a) There is a limit of 10 clients per day.

(D) *Dimensional requirements*. Within the MR-30 Residential District, as shown on the Zoning Map of the Town of Mills River, the following dimensional requirements shall be met:

(1) Minimum lot area: 30,000 square feet¹.

(2) Minimum lot area per dwelling: 30,000 square feet¹.

(3) Maximum building size: N/A.

- (4) Maximum building height : 50 feet.
- (5) Minimum front yard setback from major street : 75 feet².
- (6) Minimum front yard setback from all other streets : 60 feet
- (7) Minimum rear yard setback: 30 feet.
- (8) Minimum side yard setback for every principal building : 30 feet.

NOTE:

¹This minimum lot size shall not apply to existing residential lots nor lots which have been platted and recorded as residential lots with the Henderson County Register of Deeds as of 31 July 2004. In cases where the Watershed Protection Ordinance requires a larger lot size, the Henderson County Water Supply Watershed Ordinance shall prevail.

²Where the major street is more than 2 lanes, including parking lanes, setback requirements shall be measured and begin at a point on the pavement 12 feet from the edge of the paved street abutting the subject property .

(E) *Buffer/Screening Requirements.*

(1) Whenever any MR30 - Residential District non-residential rear and/or side property line abuts upon a residential use with no intervening street or highway or natural buffer, any buildings or parking area used for non-residential purposes shall be screened with a buffer strip along the property line(s) as defined in § 154.007(B).

(2) In all other cases, uses in the MR-30 Residential District shall comply with applicable landscaping and screening requirements in the Town of Mills River Landscape Ordinance.

(Ord. passed 3-1-2004; Am. Ord. 00013, passed 7-29-2004; Am. Ord. passed 10-13-2005; Am. Ord. 00038, passed 11-21-2006; Am. Ord. 00055, passed 4-23-2009; Am. Ord. 00066, passed 4-28-2011; Am. Ord. 00080, passed 5-23-2013; Am. Ord. 2021-06, passed 4-22-2021; Am. Ord. 2024-02, passed 2-22-2024)

§ 154.058 MR-NEIGHBORHOOD COMMERCIAL.

The purpose of this district is to provide for compatible residential and commercial uses, which protect and enhance the rural characteristic of Mills River.

(A) *Uses.* Within the MR Neighborhood Commercial district, the following uses are permitted:

- (1) Retail business or service conducted within an enclosed building .
- (2) Retail business making products sold primarily at retail on the premises.
- (3) Other public utilities, public facilities and public buildings .
- (4) Offices: business, professional, medical and public.
- (5) Single-family dwellings.
- (6) Family care homes .
- (7) Adult Day Health Homes , Adult Day Health Centers , Adult Day Care Homes and Adult Day Care Centers .
- (8) Child Care Centers .
- (9) Family Child Care Homes and Incidental Home Occupations per § 154.105(G).
- (10) Customary accessory buildings .
- (11) Group 1 communications towers and tower activities as defined in and subject to the requirements in §§ 154.090 through 154.101 of Mills River Zoning Ordinance.
- (12) Group 2 communications towers and tower activities as defined in and subject to the requirements in §§ 154.090 through 154.101 of Mills River Zoning Ordinance.
- (13) Solar panels shall be allowed as a secondary use as defined in this chapter. They shall not be allowed in front yards except by a Minor Special Use Permit as approved by the Board of Adjustment. Application for a special use shall include justification for why the panels must be placed in the front yard and show that there is no practical alternative. Solar panels shall be subject to the setback requirements for structures in each district. Stand-alone solar panels shall be limited to 10 feet in height. Solar panels attached to buildings shall be extend more than 5 feet above the building . Stand-alone solar panels that are secondary uses to residential uses shall not be required to buffer. Stand-alone solar panels that are secondary uses to commercial uses shall be required to plant a buffer strip along side and rear property lines as defined in the zoning definitions. Residential panels shall not produce more than 150% of the power required for the site.
- (14) Wind turbines shall be allowed in all districts under a Major Special Use Permit under § 154.138. Wind turbines shall be required to have a setback from all property lines of 2 times the fall radius of the wind turbine.

(B) *Uses allowed under a Minor Special Use Permit .* The following uses shall be permitted, subject to a finding by the Board of Adjustment that both the conditions in the definition of **SPECIAL USES** in § 154.007(B) and those conditions listed below will be met:

- (1) Hospitals, clinics , veterinary clinics , libraries, schools and churches, excluding cemeteries.
- (2) Restaurants, bed-and-breakfast establishments.
- (3) Home occupations.
- (4) Civic and cultural buildings , including auditoriums, theaters for the performing arts, museums, art galleries, symphony and concert halls and historical societies. The uses must meet the same site requirements stated in § 154.047(A) (9).
- (5) Structured Home Environments, subject to the conditions listed under §154.085.

(C) *Dimensional requirements–Residential.* Within the MR–Neighborhood Commercial District, as shown on the Zoning Map of the Town of Mills River, the following dimensional requirements shall be met:

- (1) Minimum lot area: 30,000 square feet.¹
- (2) Minimum lot area per dwelling: 30,000 square feet¹.
- (3) Maximum building size: N/A.
- (4) Maximum building height : 50 feet.
- (5) Minimum front yard setback from major street: 75 feet².
- (6) Minimum front yard setback from all other streets : 60 feet.
- (7) Minimum rear yard setback: 30 feet.
- (8) Minimum side yard setback for every principal building : 30 feet.

(D) *Dimensional requirements—non-residential.* Within the MR–Neighborhood Commercial District, as shown on the Zoning Map of the Town of Mills River, the following dimensional requirements shall be met:

- (1) Minimum lot area: 30,000 square feet.¹
- (2) Maximum building size: 10,000 square feet.
- (3) Maximum building height : 30 feet.
- (4) Minimum front yard setback from major street: 75 feet².
- (5) Minimum front yard setback from all other streets : 60 feet.
- (6) Minimum rear yard setback: 30 feet.
- (7) Minimum side yard setback for every principal building : 30 feet.

NOTE:

¹ This minimum lot size shall not apply to existing residential lots nor lots which have been platted and recorded with the Henderson County Register of Deeds as of 31 July 2004. In cases where the Watershed Protection Ordinance requires a larger lot size, the Henderson County Water Supply Watershed Ordinance shall prevail.

² Where the major street is more than 2 lanes, including parking lanes, setback requirements shall be measured and begin at a point on the pavement 12 feet from the edge of the paved street abutting the subject property .

(E) *Maximum permissible lot coverage.* The total ground area covered by the building in this district shall not exceed 50% of the total lot area.

(F) *Buffer/Screening Requirements.*

(1) Whenever any non-residential MR-Neighborhood Commercial District rear and/or side property line abuts upon a residential use with no intervening street or highway or natural buffer, any buildings or parking area used for non-residential purposes shall be screened with a buffer strip along the property line(s) as defined in § 154.007(B).

(2) In all other cases, uses in the MR-Neighborhood Commercial District shall comply with applicable landscaping and screening requirements in the Town of Mills River Landscape Ordinance.

(Ord. passed 3-1-2004; Am. Ord. 00013, passed 7-29-2004; Am. Ord. passed 10-13-2005; Am. Ord. 00038, passed 11-21-2006; Am. Ord. 00055, passed 4-23-2009; Am. Ord. 00066, passed 4-28-2011; Am. Ord. 00080, passed 5-23-2013; Am. Ord. 2021-06, passed 4-22-2021)

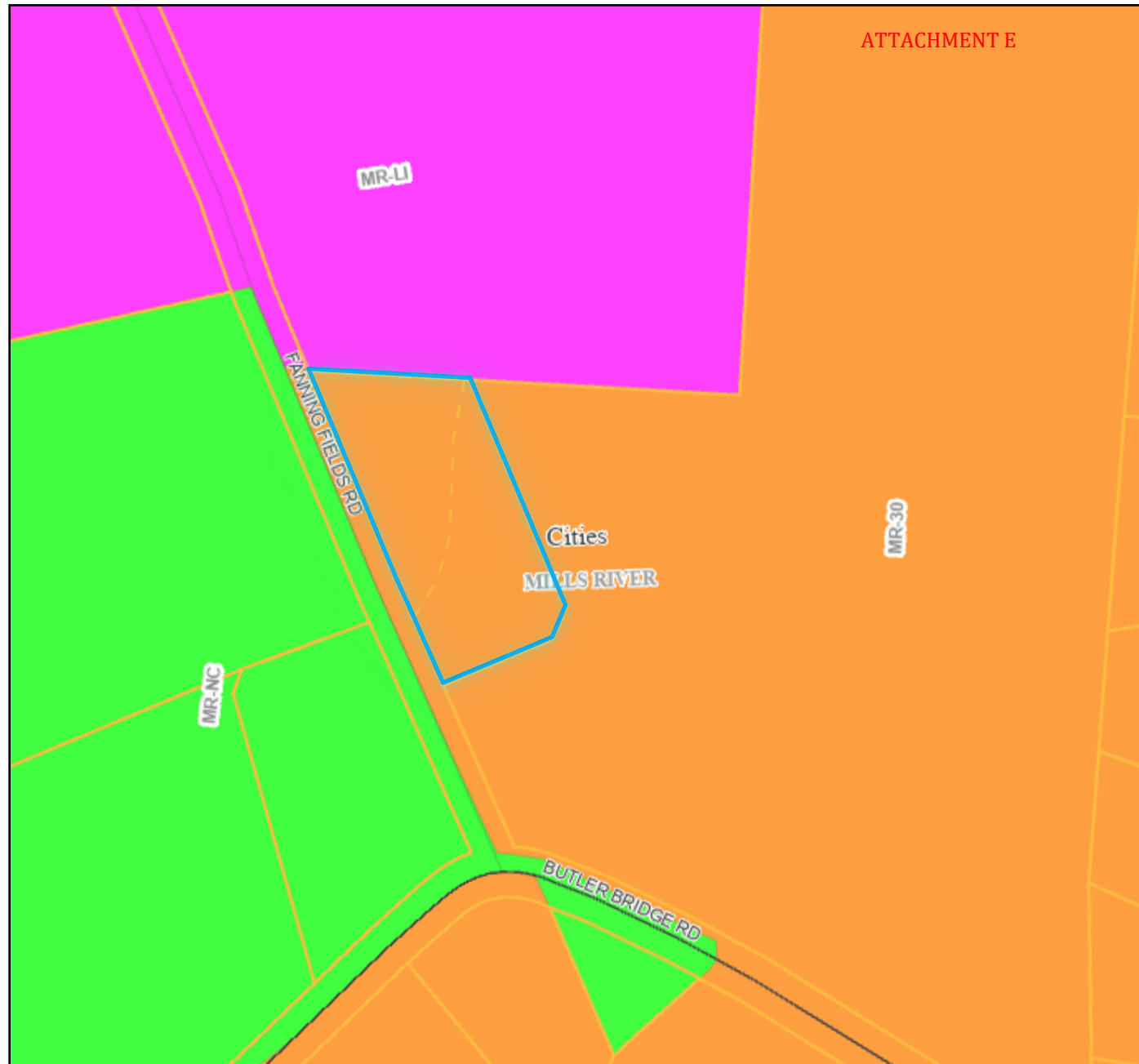
Current Zoning District: MR-30

ATTACHMENT E

REID: 10014963
PIN: 9642228958
Listed To: MILLS RIVER FIRE & RESCUE DEPARTMENT INC

Property Description:

Assessed Acreage: ACREAGE
Mailing Address: 121 SCHOOL HOUSE RD
Mailing City, State: MILLS RIVER NC 28759
Tax District: Tax District
Physical Address: 100 FANNING FIELDS RD
Deed: 004397 / 00474
Date Recorded: 1770984284000
County Zoning: Cities
Total Value: \$ Total Property Value
Neighborhood: COMMERCIAL RURAL
Municipality: MILLS RIVER
Flood Zone: No



0 140 280 Feet



1 inch equals 188 feet

3/13/2026 11:50 AM

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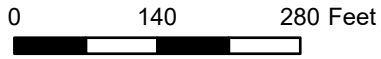
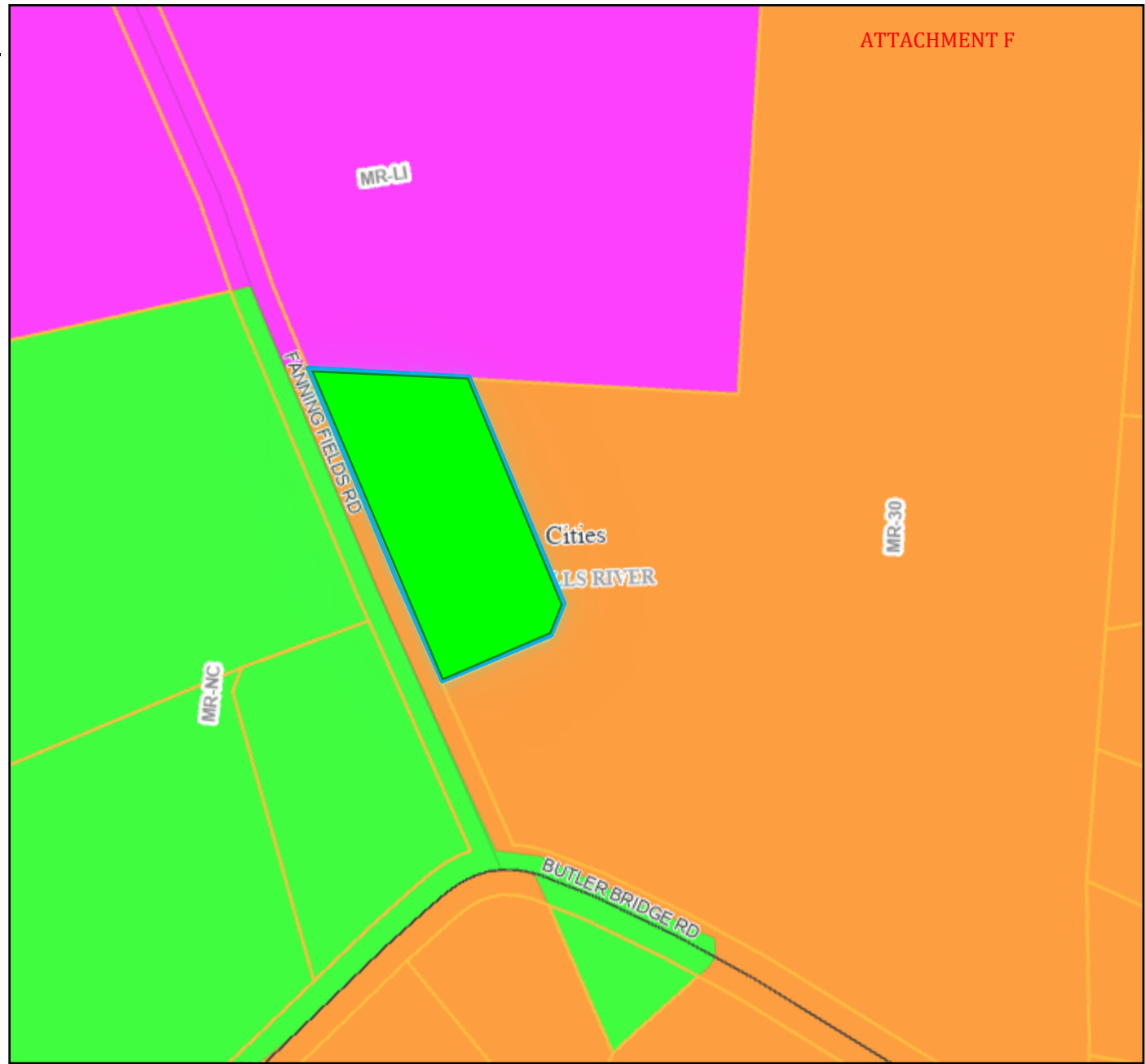


Proposed Zoning District: MR-NC

REID: 10014963
PIN: 9642228958
Listed To: MILLS RIVER FIRE & RESCUE DEPARTMENT INC

Property Description:

Assessed Acreage: ACREAGE
Mailing Address: 121 SCHOOL HOUSE RD
Mailing City, State: MILLS RIVER NC 28759
Tax District: Tax District
Physical Address: 100 FANNING FIELDS RD
Deed: 004397 / 00474
Date Recorded: 1770984284000
County Zoning: Cities
Total Value: \$ Total Property Value
Neighborhood: COMMERCIAL RURAL
Municipality: MILLS RIVER
Flood Zone: No



1 inch equals 188 feet

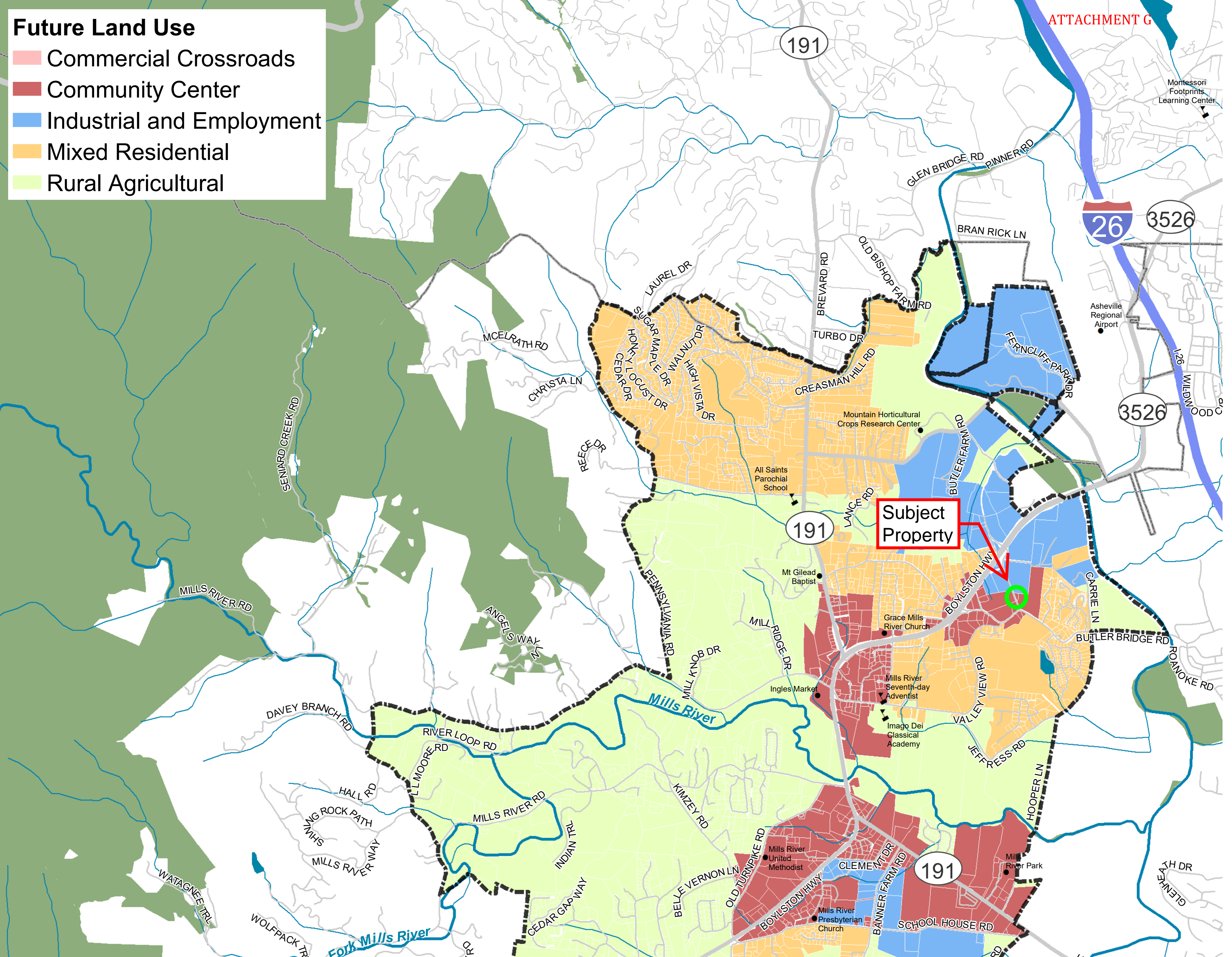
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Future Land Use

- Commercial Crossroads
- Community Center
- Industrial and Employment
- Mixed Residential
- Rural Agricultural



Subject Property

191

26

3526

3526

191

191

LAND USES BY CATEGORY

Each category in the Land Use Vision has specific land uses that should be promoted, allowed or discouraged. The following priorities apply to each category.

	Desirable	Acceptable	Not Desirable
Community Crossroads	Retail; Services	Civic and Community; Parks and Public Space; Trails and Recreation; Schools; Restaurants; Agriculture	Residential
Community Center	Civic and Community; Parks and Public Space; Trails and Recreation; Schools; Retail; Restaurants; Office; Duplexes; Townhomes; Apartments	Services; Institutional; Agriculture	Industrial; Estate Lots
Industrial and Employment	Light Industry; Office	Heavy Industry; Utilities; Services; Trails and Recreation	Residential; Civic and Community; Parks and Public Space; Schools; Retail; Restaurants; Agriculture
Mixed Residential	Parks and Public Space; Trails and Recreation; Schools; Single Family Residential; Duplexes	Civic and Community; Institutional; Retail; Restaurants; Office; Townhomes; Estate Lots; Agriculture	Industrial; Services; Apartments
Rural Residential	Parks and Public Space; Trails and Recreation; Agriculture; Estate Lots	Civic and Community; Schools; Single Family Residential	Industrial; Commercial; Multifamily

LAND USE VISION MAP

The Land Use Vision map establishes a framework for shaping future development patterns in the Town of Mills River. The map is a policy tool that is used in formulating land development regulations, making current planning decisions, and prioritizing public investments. As the Town works to approve, incentivize or discourage particular types of development in different areas, the map will be used as a guide for decision making.

The land use vision map is not a regulatory map. The zoning categories in the Code of Ordinances dictate the allowable uses and specific development regulations that apply to each development proposal. As the Code of Ordinances is maintained and updated, the underlying zoning district and other zoning ordinance regulations should align as closely as possible to the categories in the land use vision map.

LAND USE VISION MAP CATEGORIES

The Land Use Vision map includes the following land use categories.

Commercial Crossroads

These areas are intended to promote retail and services in the rural area of Mills River that is south on Boylston Highway.

Community Center

This category is to promote a mix of uses to include commercial, residential, and agricultural. Residential types can include single family and multifamily development.

Industrial and Employment

These areas are intended to be reserved for non-residential, employment-oriented uses. Uses will include larger operations such as light industry, warehousing and logistics.

Mixed Residential

Single family development, low density multifamily development and neighborhood-oriented uses and businesses are encouraged in these areas.

Rural Agricultural

This category emphasizes maintaining the rural character of the community. Development will include a mix of agricultural uses, rural homesteads, low density single family development, and low intensity employment uses.

**PLANNING BOARD STATEMENT OF CONSISTENCY
R-26-01**

Pursuant to NCGS §160D-604(d), when reviewing a proposed zoning text or map amendment, the planning board shall advise and comment on whether the proposed action is consistent with any comprehensive plan. The planning board shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate.

The Town of Mills River Planning Board finds that the proposed zoning map amendment is **consistent** with the following elements of the Town's Making Mills River 2040 Comprehensive Plan and **recommends approval** of rezoning request R-26-01.

Making Mills River 2040 Comprehensive Plan, Element 4 – Community Facilities and Services; Element 6 – Infrastructure and Economic Development.

OBJECTIVE 4.2: Town Government Adequate Facilities and Quality Services

POLICY 4.2.2: Provide Town services at levels and quality of service to meet the administrative, programmatic, project-related and policy-focused needs of the community.

OBJECTIVE 4.4: High Quality Law Enforcement and Fire Protection Services

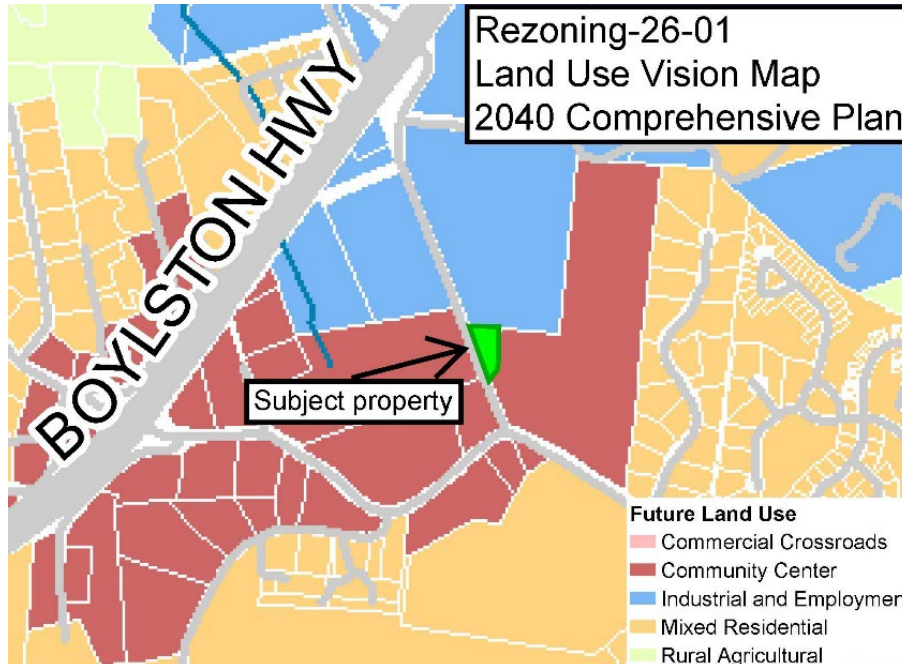
POLICY 4.4.2: Continue to work with Mills River Volunteer Fire Department on the provision of services to maintain adequate level of service.

POLICY 4.4.3: Coordinate with stakeholders on the location and future expansion of police and fire stations and services to meet the needs of continuing and planned growth.

OBJECTIVE 6.3: Promotion of Site Redevelopment and Building Reuse

POLICY 6.3.1: Maintain policies and regulations that promote the redevelopment of property and building reuse.

Mills River 2040 Comprehensive Plan, Land Use Vision Map, Community Center District



Community Center

This category is to promote a mix of uses to include commercial, residential, and agricultural. Residential types can include single family and multifamily development.

On April 7, 2026, the Planning Board, by a _____ vote, approved this consistency statement and recommended approval of rezoning R-26-01 to the Mills River Town Council.

Lisa Marino, Chair
Town of Mills River Planning Board