

MINUTES

Valdosta-Lowndes Zoning Board of Appeals
Valdosta City Hall Annex Multi-Purpose
Room 300 North Lee Street,
Valdosta, Georgia

Tuesday December 5, 2023, 2:30 p.m.

MEMBERS PRESENT

Nathan Brantley
Nancy Hobby
Dr. Samuel Clemmon
Victoria Copeland
John “Mac” McCall
Allan Strickland
Marion Ramsey
John Hogan

MEMBERS ABSENT

STAFF PRESENT

Lauren Hurley
Trinni Amiot

VISITORS PRESENT

Frank Sherman w/ Culver’s
Robert H. Connell
Charles Sawyer
Patty Sawyer
Donald Williams
Marcus Stewart
Chuck Smith
Chad May
Dustin Gilbert

CALL TO ORDER

John “Mac” McCall

Calling of meeting to order at 2:32p.m and explanation of meeting process to all those in attendance.

We will start off with VAR-2023-17 Robert Connell

Lowndes County Cases:

VAR-2023-17 Robert Connell- (Mud Swamp Road) Request a Variance to Section 6.01.02 (D)(1) of the ULDC as it pertains to streets and rights-of way (access) and Section 4.04.03 (D) as it pertains to design standards for lots (road frontage) in the Residential Agricultural Zoning District (Tax Map 0090 Parcel 015).

Trinni Amiot-

This one is pretty easy. It is a variance to the 60ft road frontage on a county road. This is an old old survey. This proposal is to take the 20 acre parcel and divide it into 2 ten acre lots. County ordinance states that you must have road frontage on a County maintained road. Mudd Swamp Rd is not a County maintained road, thus the variance.

Proposed division of parcel shown to board

County recommends approval.

John “Mac” McCall

Any questions from staff?

Would the applicants or representative for applicants wish to address the board?

Robert Connell

Stated that the property was inherited land from his father and is to be split between he and his brother.

Allan Strickland

Asked if they plan to build on the property

Robert Connell

Stated that there are no plans to build on the property. It holds some water and spills over into the road. Also stated that there could be some improvement to beautify the property

John “Mac” McCall

Asked if anyone would like to speak in support or opposition of the case. Also asked Trinni Amiot with the County if they had been contacted.

Trinni Amiot

She stated that she has received a phone call, but just out of curiosity about what was going on. Not in opposition.

John “Mac” McCall

Asked if someone would like to make a motion.

Dr Clemmon

Motion to grant variance as presented

Allan Strickland

Seconded motion

John “Mac” McCall

It has been seconded. It is unanimous

Motion Granted 7-0 Vote

John “Mac” McCall

Second case VAR-2023-18 Culver’s

VAR-2023-18 Culver’s-(4135 North Valdosta Road) Request a Variance to Table 5.04.07 (E)(3) of the ULDC as it pertains to the number and types of permanent On-site signs in the Highway Commercial Zoning District (Tax Map 0073 Parcel 212a).

Trinni Amiot

Culver’s on North Valdosta Rd is requesting variance. Currently the County does not allow for a sign to be on each wall and that is their traditional package for signage. Some will be lit

Allan Strickland

Asked if some or all of the signs will be lit.

Trinni Amiot

Stated she has not ever seen a Culver's so she was not sure, but she knew that some of the signs would be lit from behind. She also stated that generally, the County is not against this request and also states that they need to update their sign ordinance and they are still working on that. She stated that the County has no problem recommending approval. She also clarified that the variance request is for the building only and that they have not requested any other signs for drive thru or freestanding signs yet.

John "Mac" McCall

Asked if it was expressed that it would be better for them to ask all at once.

Trinni Amiot

Stated that the client did not ask and also stated that the build is moving quickly

John "Mac" McCall

Asked if there were any questions for staff.

Asked if applicant or applicant's representation would like to address the board.

Frank Sherman

States that he and his son are builders and will be the owner/operators of the building in Valdosta. Give some history of growth of Culver's in last several years to around 950 restaurants nationwide. Stated that they are excited to bring that to the North Valdosta community. He also states that signage is important on each face of the building to gain visibility for the business coming up and down North Valdosta Rd.

Clarified that signs will be channel lit with LED lights behind illuminating the sign

John "Mac" McCall

Asked applicant if they are intending to do a drive-thru

Frank Sherman

States that they are and that they will need to go back to the signage team for that.

John “Mac” McCall

Also stated that he assumes they will do a pylon sign out by the road.

Frank Sherman

Confirms that it their intention to also do a pylon sign on site.

John “Mac” McCall

States that basic signs are allowed, the question is whether or not they exceed.

Trinni Amiot

Confirmed that is correct and that she was a little apprehensive because of previous projects who had sign conflicts of the same nature, but that it was just the menu board there that was in question.

Frank Sherman

Stated that he will verify square footages with his sign design team and make sure that nothing else is required.

****Unknown person**

Stated that they are unfamiliar with Culver’s and asked if there were any others in South Georgia

Frank Sherman

States that the closest one to this area would be Macon or Savannah. Gave short history of the company and areas where they have locations. Also gives a short list of popular items sold Culver’s

John “Mac” McCall

Asked if there was anyone else in support of the case. Any also if anyone is in opposition of the case.

Charles Sawyer

Introduces himself as a resident who lives behind the pending Culver’s and behind the carwash and daycare. Has question about whether signage will be on the backside of the restaurant facing Old Hwy 41N or just N Valdosta Rd.

Frank Sherman

Refers back to visual and states that signs would be on both sides and rear of building

Charles Sawyer

Asked if there are any plans to minimize the light from the building to the residential area

Frank Sherman

States that he isn't familiar with the amount of light that will be projected because the signs will be backlit. Not sure if can answer that.

John "Mac" McCall

Answered that there will obviously be site lighting requirements because of the commercial nature of the property. Because of it being commercial it will be required by the code to be lit to a certain level and states that there is not a way around that and is there for public safety reasons. If the lighting were to exceed that, then it would give someone an opportunity to call and make complaint after the fact. Clarifies again that there are required lighting standards for commercial properties.

Charles Sawyer

Also states that the majority of traffic to the Culver's will be coming in on Old Hwy 41N and asks if any consideration has been given to the amount of traffic that will be on Old Hwy 41N that is already experiencing congestion from the recent developments.

John "Mac" McCall

Asks if there is a site plan available. Directs question to Frank Sherman as to where the primary access point will be off Jimmy Rodgers.

Frank Sherman

Confirms that the main access to the Culver's will be off of Jimmy Rodgers Rd but there will be a secondary off of Old Hwy 41N

Allan Strickland

States that it will probably be an Engineering question rather than a zoning question

John "Mac" McCall

Asks if there is anyone else present in opposition or has questions regarding the case

Donald Williams

States that he is a resident who lives in the subdivision behind and has since 1982. He also states that his intention is not to take anyone's right away to sell land and open a business, but felt that the commercial development is encroaching on the residential subdivision behind it. Has complaints about the noise coming from the carwash and the lights from the carwash and gas station. States that his backyard faces Old Hwy 41 and has issue with the amount of lighting coming into his backyard from the Friendly's gas station because they are so bright. Said that believes that he spoke with Mr. Strickland a few weeks ago about putting up some sort of barrier up. He references Thomas Collision who was required to put up a line of trees as a buffer between his business and the adjacent residential properties. Stated that he was told when he called the County that because of Old Hwy 41N being between them that a buffer would not be required. Stated that he is not against Culver's they are just concerned about the increase in the area lighting. Also has some concerns about the traffic. Has had to spend over \$1100 to plant trees behind his fence that he is hoping will act as a buffer to the noise and lighting. Mr Williams also states that it is hard to project the impact of the lighting if any, but would like more information on the lighting plan.

John "Mac" McCall

Asks the question about landscaping assuming that the landscape plan has already been put through, reviewed and approved. Clarifying that if plans are reviewed and approved first.

Trinni Amiot

Stated that Mr. Dillard is the one who handles the landscape plan review and that she assumes it is part of that process. They generally try to ask if there is an issue and confirms that Mr Williams is right that the buffer is not required because the road is there

John "Mac" McCall

States that the landscaping plan is not a part of the variance as far as what is being considered. Just wanted to make the point that it would have been approved and reviewed during the plan review process before construction has started and are technically meeting the County requirements to start construction. So, the other would be over and above what the requirement would be. Confirms also that the sign package presented is a standard Culver's sign package. Asked of the possibility of not lighting the rear building sign in order to appease the citizens living behind in the subdivision.

Frank Sherman

Responds that that would probably be a possibility and that all signs would be turned off at the end of business hours which is typically 10pm. Also stated that they would not be opposed to doing something with the rear sign.

John "Mac" McCall

Asked if there is anyone else in opposition to the case or has questions

Marcus Stewart

Homeowner on Kimberly Trl right behind Jimmy Rodgers Dr. He makes the point of pointing out that is the same side that all neighbors are concerned about that is facing their fence. States that the lights are high and lit and shine into their bedroom windows. Also states that he also has nothing against Culver's, but also has a concern about the rear sign.

John "Mac" McCall

Clarified that the sign in question is the back building sign

Nancy Hobby

Asked if they were talking about a current sign that is going into their bedrooms on another business.

Marcus Stewart

States that it is the gas station lights that are making it so bright

Nancy Hobby

Addresses Trinni Amiot that in the past they have looked at, such as with Academy Sports on Norman Dr., where they can tone down the degree of brightness down. Asking if they are limited on anything like that.

Don Williams

Speaks up and says that he has spoken with the owner of Azalea Academy about another issue where he has to send them an email about where they had put 2 lights up. But with Friendly Express is the issue with the height and brightness of the lighting. He is asking if they can either be lowered or have some kind of shield put around the light to tone down the brightness. States that he has reached out via email to Management of Azalea Academy asking them to tone down their lights and has gotten no response. Has also reached out the Friendly Express asking the same and got no response.

Trinni Amiot

States that she is not sure how much of that is code requirement. She states that she is not familiar with codes for lighting, but state that she will reach out to inspection and code enforcement on it. She is not sure as far as safety the wattage for the requirement

John "Mac" McCall

States that there is usually a foot candle requirement that has be met addressing a minimum, but not a maximum. Not sure if they are exceeding or if there is a maximum code that is being exceeded that he is not aware of. States that usually safety requirements is for a minimum that has to be met.

Nancy Hobby

Directs toward Trinni Amiot as what is recommended that the residents do at this point and time.

Trinni Amiot

States that she is not sure what they need to do. They have residential and commercial divided by a road and she states she is not sure if it is growing pains or if something can be done.

Lauren Hurley

States that this is something that happened within the City limits with Ashley Furniture that has a subdivision behind it. It was something that was not caught during plans, but became something that was an issue. Stated also that sometimes these types of things go unnoticed and it is not realized that it is an issue or the magnitude of it. She tells them about the Engineering Department going out at night to be able to see what the problem actually is and was able to install shields on the lights to direct the light down and avoid further issue.

Nancy Hobby

Asks if this remedied the issue. Also brings up a case on the other side of the road with Turner Furniture and states that they did not do anything about it. The lighting was very high up and affected the neighbors not being able to enjoy their yards at night.

Trinni Amiot

Asked if Engineering contacted the furniture store.

Lauren Hurley

Clarifies that it was actually citizens who contacted Engineering about the issue who went out at night and was able to see how significant it was and made them remedy the situation.

Allan Strickland

Wants to remind everyone that the lights everyone is talking about is generally not the signage. It is the pole lights and under canopy lighting which is not in this case concerning that.

Don Williams

Agrees but also brings up the fact that this is the only opportunity they have had to bring up the issue.

John “Mac” McCall

States that this may just add to the issue

Allan Strickland

States that the lighting is from the signage which will be backlit and not shining straight out. It will shine against the building and bounce out so the letters can be seen.

Don Williams

States that this is why they are bringing it up because they do not know a lot about this.

Allan Strickland

States that he has been serving on the board for a long time and that this issue has come up before. Is aware that there are shades that can be put on lighting to redirect the light. He states that his own house is across from Crossroads Baptist Church. They had the same issue with the lights being bright and they were able to go to them and ask them to install shades on the lighting. Now the light goes down and does not affect them.

Don Williams

States that he has tried reaching out the them and there is no response.

John “Mac” McCall

Suggests that they contact County Engineering since that would be Lowndes County property so it would fall until Lowndes County Engineering. Asked if they have contacted County Engineering. If not, contact them about the gas station lights specifically to see if anything can be done about putting shades on the lights since this is an after-the-fact issue and because they are not getting any response from the gas station.

Trinni Amiot

Gives Mike Fletcher’s information

John Hogan

Clarifying with staff that it is more than just the sign on the back of the building, but there will be lighting also that may cause an issue other than the sign that may be in question.

Frank Sherman

Agrees that there is lighting on the building but will be lights that are shining down toward the ground and parking lot will be lit will the minimum lighting requirement. Cannot tell what exactly that will look like.

John Hogan

Clarifying with staff that they are only addressing signage for this particular meeting.

***All staff agrees

John Hogan

Agrees that this would be an Engineering question.

John “Mac” McCall

Asks if they will be having an entrance off Old Hwy 41

Frank Sherman

Clarifies that there will be 2 entrances, one on Jimmy Rodgers and also from Old Hwy 41

John “Mac” McCall

Asked if there are plans for trees to be planted that might act as screening for the neighbors from the parking lot.

Frank Sherman

States that there were some discussions of high shrubs on the back portion against Old Hwy 41 that would block car lights. Not sure if there are going to be trees that would be high enough to block the building.

John “Mac” McCall

Asks if it would be easier or better or both for Culver’s to forgo lighting the sign on that side or to plant some trees that might block some of the light from the neighbors.

Frank Sherman

States that would have been in a complete Engineering packet that would have a landscape plan that goes with it but isn’t sure what is possible to be planted on that back road for height because of the power line and phone line is on that side of the road. So there will be some limitation as to how high you can go up on the backside of the property.

John “Mac” McCall

Asked if there will be pedestal signs showing the entrance to the property

Frank Sherman

States that he thinks there will be just entrance/exit signs

John “Mac” McCall

Asks if the main advertising sign will be out on N. Valdosta Rd.

Frank Sherman

Confirms that it will be. There will be a pedestal sign that will be at the corner of N. Valdosta Rd and Jimmy Rodgers.

Nancy Hobby

Asks if as the builder and franchise owner if he is in a position to have input on the lighting that is not on the building

Frank Sherman

States that he is sure there is something that they can do.

Nancy Hobby

States that she likes the idea of the brows around the lights which seems to have solved the same issue in the past at other locations that have had the same lighting issues.

Frank Sherman

States that he is not opposed to looking at that and is fine with working with the neighbors to solve that issue, but also states that they will need to have some minimum lighting in the parking lot for safety and security. Says he if they can work on that, then he is fine with it.

John “Mac” McCall

Asks if there are any other questions or if there is anyone else in opposition of the case. Also Asks if zoning was contacted by anyone else. Trinni states there was not. Also asks if anyone from the board had anymore questions.

Asked if someone would care to make a motion

John Hogan

Makes a motion to grant variance requested as presented but site criteria D “relief if granted will not cause substantial detriment to the public good or impair the purposes and intent of the ULDC”

John “Mac” McCall

Motion to accept siting criteria D. Asks if anyone seconds

Nathan Brantley

Seconds motion

John “Mac” McCall

Vote 6 in favor, 0 against, 1-asbtain. Motion passes

John “Mac” McCall

Moving on to 3rd Case of the day, VAR-2023-18 Bob White Coffee and Cream

VAR-2023-18 Bob White Coffee and Cream-(3895 Old US Highway 41 North) Request for a Variance to Table 5.04.07 (E)(4) as it pertains to design standards for permanent On-site signs & Table 5.04.07 (E)(3) as it pertains to the number and types of permanent On-site signs in the General Commercial Zoning District (Tax Map 0072 Parcel 198a).

Trinni Amiot

Going on parcel between Stewart Cir and Old Us Hwy 41N. Request is for the number of wall signs on the building in C-G not C-H and second variance is to the standard for the location of on-site signs. *Shows pictures of sign. Will not be in the right of way but will be located near the property line which is 5ft. States that the lot is odd shaped so there is nowhere else to put the pylon sign. States that overall, the County is supportive. These will also be backlit signs. Did some clarification to make sure it will not be a line-of-sight issue and confirmed it will not be.

Nathan Brantley

Asks to see the overhead of the sight plan again.

John “Mac” McCall

States that the sign is right on the property line

Trinni Amiot

Confirms that it is indeed on the property line within inches

Chuck Smith

States that it is within 6 inches of the property line

John “Mac” McCall & Nathan Brantley

Confirm location of the sign on image map

Nathan Brantley

Asks if the ditch will be on the other side

Chuck Smith

Confirms that the ditch will be on the other side and Hwy 41 will be approximately 35 ft from property line. States that there are 2 existing aprons from the recent widening of Hwy 41 and

stated that they were just going to expand them. The main thing is that they wanted the sign symmetrical to the sign so they are going to center the sign between the entrance and exit drives onto Hwy 41

Trinni Amiot

States that overall, the County recommends approval and that they are working on the sign ordinance and that people are wanting to get the variance cleared before they get moving. Also states that the County has no issues with this specific case.

John “Mac” McCall

Asks if there are any other questions for staff

Nathan Brantley

Asked Trinni Amiot what the C-G zoning is

Trinni Amiot

Responds that this is in General Commercial

Nathan Brantley

States that you don't see that a lot

Trinni Amiot

No, The County uses it as C-H. States that if she is not wrong, that it is an intensity thing with C-G and C-H. It seems like there are a lot heavier uses in C-H than you do in the C-G. So, they do not see a lot of C-G in the County and states that she had to go back and look at this twice.

John Hogan

Asks what staff recommendation

Trinni Amiot

Approval

John Hogan

On Both?

Trinni Amiot

Confirms that it is for both. States that they will be backlit or lowly lit

Chuck Smith

States that they will be backlit and states that the whole concept is a family-owned business with the franchise lights and canopy lights on the building will shine up against the building deflecting lighting and then the professional monument sign. States that they are looking at a wood carved type sign with stone face that will match the building.

Dr Clemon

States that even what they see doesn't give a good representation of what it will look like

Chad May

States that this will be there 2nd location. They have one in Albany already that in January will be 14 years. So they have staying power, but they live over here and would like to bring that to this area.

Trinni Amiot

States that there are a lot of businesses around there so it will fit in really well. Their main concern, which is a good one, was traffic of people coming in early to get coffee on the way to work.

John "Mac" McCall

Asks if there are any other questions for staff

Asks if the applicant or applicant's representation like to address the board

Chuck Smith

Introduction to the room. States that he is here representing his client Bob White Coffee & Cream. Hands out papers to staff and states that some people don't know the process, but that since he is in the business and is familiar with the process he is able to say that the City and County works very well with everybody. Shows the original plan to staff showing that the original developer wanted to put 2 buildings on site, but working with the TRC, they were not happy about it. States that traffic was a problem, stacking. Also, states that this is the owner's livelihood and the main focus is the sell coffee so they turned the building parallel with Hwy 41 which allows for stacking traffic and allows for people to get off of Hwy 41 to get in the building and double lane around the property. When the building was turned, it allowed for 5.5ft from the edge of the pavement and 12 ft double drives. They even worked with them on the roof to be a pitched metal roof unlike the ones recently built with flat roofs. There is some residential in the area so this fits the area and the residential hometown look. With this plan, that allowed for some greenspace in front of the building and behind the building because they also have cream which is the concept to sell coffee and the children have ice cream and have outside picnic table seating. The drawing shows signage of the front, on the rear, on the left and on the right. The very important signage because the signage facing Hwy 41, they are going to be able to see it, the back streets since we are in the V of properties at Stewart Cir there, you are going to be able to see the signage there because you won't see the pylon signage out front and then the front and back signs are valuable. Discusses

how chain restaurants have a prototype so that each store has the same look so that customers associate with it. Says that he had a call from Ashley Moore Traditions regarding the red zoning signs to see what was going on and when it was explained, he was in favor of it. Was not contacted by anyone else. Stated that some of the signs will be uplit and some will have the candlelit on the walls shining down. Said he understands there will be changes in 2024 made to the sign ordinance. States that as you go around town in the County, there is more than one sign per building so this has been a long time coming. The owners bought the property a year ago, but through all the changes and recommendations from the County, they are satisfied with what they've got and think the community is going to like it. For the pylon sign, they worked with a sign company and an art graphic. It is not huge, 2ft stone base, a little intermediate, 10ft high and 5ft wide. So we are at 50 sq ft and according to the sign ordinance, we are allowed up to 750 sq ft. They don't have to be symmetrical, but they want to be because to the north and to the south there is a bunch of vegetation and it is going to block the signage.

John "Mac" McCall

Asks if there are any questions for the applicant

Nancy Hobby

Clarifying which concept plan they are looking at for this signage variance between the 2 that they were given.

*Directed to Trinni

Question about the sign that is too far out. Will it do any blocking of neighbors coming out of driveways because it is encroaching a little bit and so close.

Trinni Amiot

It will have to meet safety standards for line of sight and if it doesn't, then it will have to be moved.

Nancy Hobby

Wants to know who will be checking that. Notes that on the previous case there was lighting that has slipped through and nobody has been watching. Or this has slipped through and is just now being addressed after the fact. Questions who will be checking that.

Trinni Amiot

States that the inspections department for sure because they will have to go out and inspect it and then someone will CO it and then they also have staff that live off Hwy 41 and will have to look at it every day. But we can certainly add note and give them.

Nancy Hobby

States that there is a County Commissioner right next door

Chuck Smith

Confirms that is correct. Also states that this has been run through the gambit in that old plan and that is why that is off the table. That could have been built, but would not have been good for the surrounding property owners. This property is 35ft back from the edge of Hwy 41 so there is no visible problem

Nathan Brantley

I thought the same thing. I thought this was right on the edge of the pavement so this is between the road

Nancy Hobby

States that she is not worried about the building

Chuck Smith & Nathan Brantley

Both spoke at the same time that they were talking about the pylon sign

Chuck Smith

States that he has a dimension of 35ft to the edge of Hwy 41

John “Mac” McCall

Shows Nancy on the sheet the dimensions of 35ft from the edge of Hwy 41 to the sign and shows where the residential neighbors will be able to pull out of their driveway where it extends over the ditch. Gave the example of Traditions where they will be able to pull out and stop before they are turning into the lane. Stated they will be well beyond the pylon sign.

Chuck Smith

States that whether coming in or going out there will be stacking of at least 2 cars deep and there will be no visible barrier

Nancy Hobby

Asks how many cars are the stacking lanes going to be able to accommodate.

Chuck Smith

States that with the stacking lanes being able to come all the way around that it will probably be 10 and 10 so he will say 18-20. Also states that the others that you see may be half that.

John “Mac” McCall

Asks if it will be drive thru service only

Chuck Smith

States that there is a walk-up window out front with a little porch that is 12ft wide with an overhang and a walk-up window. Because the parking requirements, they needed three, but they have 12. States that they want to encourage people to come up and come out drink coffee, eat ice cream and sit on the picnic tables. So it is not strictly drive-thru. States that it is a little different concept.

John “Mac” McCall

Asks if they will be serving out of both sides of the building

Chuck Smith

Confirms that they will be selling out of both sides.

John “Mac” McCall

Asks if it will be like other coffee places where you pull up and order and take your food. Confirming that they won't have order boards or anything like that.

Chuck Smith

Shows on the proposed plan where things will be as far as how far back it is from the property line in respects to the County Commissioners office and South towards Traditions

John “Mac” McCall

Asks if there are any other questions for the applicant

Chuck Smith

Thanks the board and states that he hopes they can find common ground for the betterment of the community

John “Mac” McCall

Asks if there is anyone in support that wishes to address the board

Chad May

Owner spoke in support of his business and future expansion of the business

Dustin Gilbert

Partner in the business spoke in support of the case

John “Mac” McCall

Chad May

Owner spoke in support of his business and future expansion of the business

Dustin Gilbert

Partner in the business spoke in support of the case

John “Mac” McCall

Asked if any opposition and was the County office contacted by anyone

Trinni Amiot

States that there was not

John “Mac” McCall

If no questions or comments, asks if someone would like to make a motion

Allan Strickland

Makes motion to grant request as presented

John “Mac” McCall

Seconds motion and calls vote. Vote unanimous at 7-0

Other Business

Staff approved minutes with a motion from Nathan Brantley and a second from Dr Clemon.
Vote 7-0

*all members in attendance

*Meeting adjourned



John “Mac” McCall, Chairman