

MINUTES

Valdosta-Lowndes Zoning Board of Appeals

Valdosta City Hall Annex Multi-Purpose Room

300 North Lee Street, Valdosta, Georgia

November 5, 2019 2:30 p.m.

MEMBERS PRESENT

Nathan Brantley
Victoria Copeland
Nancy Hobby
John Hogan, III

John Holt
John "Mac" McCall
Allan Strickland

MEMBERS ABSENT

Gretchen Quarterman

STAFF PRESENT

Trinni Amiot
Tracy Tolley
Debra Tulloch

VISITORS PRESENT

Ron Allen
Dennis Coughlin
Mark Gaskins
Sara E. Guntrum
Troy Nixon
Ralph Rigby

Julie Street
Wesley Street

Agenda Item # 1: CALL TO ORDER

The meeting was called to order by Chairman McCall at 2:30 PM. It was determined that a quorum of members was present. Chairman McCall thanked everyone for coming and reviewed the meeting procedures with those in attendance today.

LOWNDES COUNTY CASE

Agenda Item # 2: VAR-2019-13 — Circle K #5145 (4205 North Valdosta Road)

Chairman McCall announced the case. Mrs. Tulloch stated that the applicant is requesting a variance to Section 4.02.01(C)(5)(a) of the ULDC (Lowndes County Unified Land Development Code) as it pertains to the maximum square footage of sign area allowed for freestanding signs located within the Old U.S. 41 North Corridor Road (COR) Overlay District. The subject property consists of 1.27 acres and is located at 4205 North Valdosta Road, Valdosta, Georgia, in a C-H (Highway Commercial) zoning district. Circle K is an international chain of convenience stores, founded in 1951, in El Paso, Texas. It is owned and operated by the Canadian-based Alimentation Couche-Tard, which is one of the largest company-owned convenience store operators in the world with more than 16,000 stores across seven countries including the United States. In September 2015, Alimentation Couche-Tard Inc., embarked on a journey to unite its convenience stores across the globe under the Circle K umbrella. Circle K purchased the CST Brands in 2016, the owner of Flash Foods gas station and convenience store chains. State Permits, Inc., is a sign company located within Dodgeville, Wisconsin. They will oversee the Flash Foods signage rebranding at the store located at 4205 North Valdosta Road, Valdosta, Georgia. In their initial research of the county's sign prerequisites, it was discovered that the subject property is located within the Old U.S. 41 North Corridor Road Overlay District. The (COR) Corridor Road Overlay District as it pertains to signs, limits all freestanding signs to an overall height of thirty-five feet (35') and maximum sign area of one hundred and fifty square feet (150 s.f.). After conversation with county staff regarding the proposed sign area of the newly designed freestanding signs, the applicants determined it necessary to apply for a variance to satisfy this unforeseen hardship. As such, an application was submitted to request a variance to the maximum sign area allowed for freestanding signs within a Corridor Overlay (COR). Specifically, the subject property has frontage on two street right-of-ways, North Valdosta Road and Old U.S. 41 North. The freestanding sign located on North Valdosta Road (South Lot Line) presently has a maximum sign area of 161.68 square feet. The proposed sign will be slightly smaller, 161.65 square feet (PYLON #1). Thus, the applicants are requesting a variance of 11.68 square feet to erect the new sign on this street frontage. Likewise, the applicants face the same situation with the freestanding sign currently located on the Old U.S. 41 North street side (East Lot Line). The current signage is 173.79 square feet and the proposed is 153.57 square feet (Pylon 2). Thus, the applicants are requesting a variance of 3.57 square feet to erect the new sign on this street frontage. The TRC (Technical Review Committee) reviewed the variance request and provide no objectionable comments.

Chairman McCall asked the Board if they had any questions. Mrs. Hobby asked if the existing signs met code when they were permitted. Mrs. Tulloch stated they did. Mrs. Hobby asked if the Overlay requirements came out since the signs were permitted. Mrs. Tulloch stated that was true, that the Overlay regulations were adopted in 2006. Mr. Brantley asked if the signs that were proposed were smaller than what was existing. Mrs. Tulloch stated the Board may see very small discrepancies but the pictures

were the same. Mrs. Hobby stated that the second sign was substantially smaller. Mrs. Tulloch stated that the second sign was about twenty square feet smaller.

There being no further questions for staff, Chairman McCall asked if anyone would like to speak on behalf of the application. Dennis Coughlin, 520 W. Summit Hill Drive, Knoxville, TN, spoke on behalf of the application. Mr. Coughlin showed pictures of the proposed signs, and stated they were similar to Circle K signs within the area. Vice-Chairman Strickland stated that the previous signs must have met regulations. Mrs. Hobby stated that these other locations were in the City limits. Ms. Tolley stated that she had worked with five Circle K's within the City Limits, and all five were recently permitted. Ms. Tolley stated that City regulations allowed nonconforming signage to be the same square footage or reduced without variances, and the signs within Valdosta either met today's regulations, or were the same square footage or reducing the total square footage, and therefore, were able to be permitted.

Chairman McCall asked if anyone would like to speak in support of the application. No one spoke. Chairman McCall asked if anyone would like to speak in opposition of the request. No one spoke. Chairman McCall asked if anyone had any questions. There being none, Chairman McCall asked if anyone would like to make a motion. Vice-Chairman Strickland made a motion to approve as presented, citing criteria "d." Mrs. Copeland seconded the motion. The motion was called and carried with a vote of 6 to 0.

CITY OF VALDOSTA CASES

Agenda Item # 3: APP-2019-07 — Chick-Fil-A (3147 Inner Perimeter Rd)

Chairman McCall announced the case. Ms. Tolley stated that the Chick-Fil-A at 3147 Inner Perimeter Road was requesting a variance from LDR Section 222-2 as it relates to the number of parking spaces for a fast food restaurant. The property, consisting of 1.32 acres, zoned C-H, in the Inner Perimeter Road Corridor overlay District, contains a 4,584 fast food restaurant with a drive-thru. The property contains 66 parking spaces, and the applicant would like to reduce the number of parking spaces to 56 parking spaces to accommodate a second drive-thru lane to assist the flow of the drive-thru. Staff has concerns that the reduction in parking will detrimentally affect the site due to the already-bustling site, and the fact that the employees are parking on an undeveloped parking lot immediately adjacent to the property. Staff found no hardship, and recommended denial.

Vice-Chairman Strickland asked if there was a concern about relocating the handicapped parking. Ms. Tolley stated that the request was distributed for review among the other departments of the City—Utilities, Engineering, and Fire, for example, and that the Fire Department currently evaluated for compliance with ADA regulations, and there were no negative comments regarding the proposed plan. Mr. Holt stated that the LDR required 65 parking spaces. Ms. Tolley stated that the LDR required 14 spaces per 1,000 sq. ft. of gross floor area were required, for a total of 65 for this location. Mr. Holt asked if staff had taken into account the overflow parking when making the recommendation. Ms. Tolley stated that the City had no official record of a shared parking agreement for that parcel, if there was one. Chairman McCall stated that if they had the shared parking agreement, this request would not be in front of ZBOA because they would meet code. Mrs. Hobby stated that these parking spaces that were proposed to be removed were rarely utilized because they were the ones blocked in by drive-thru traffic. Mrs. Hobby expressed concern because she had seen traffic stacking into Inner Perimeter Road, and she stated a second drive-thru may assist in traffic flow.

There being no further questions for staff, Chairman McCall asked if anyone would like to speak in support of the application. Sara Guntrum, Interplan/Chick-Fil-A, 600 Courtland Street, Orlando, spoke on behalf of the application. Ms. Guntrum stated there was an off-site parking agreement that had been in effect since 2013 with the parcel immediately adjacent. Mrs. Hobby asked how long the lease was in effect, for the shared parking agreement. Ms. Guntrum stated it was perpetual. Ms. Guntrum stated that the majority of their business was through the drive-thru, and it did occasionally block people in the parking spaces, which was another reason they wanted to reconfigure their drive-thru, in order to assist in efficiency and safety. Mr. Hogan asked if there was a double lane all the way around. Ms. Guntrum stated that it started as two lanes that merged into one at the order window. Ms. Tolley stated that Zacadoo's on N. Ashley Street had a similar setup—two lanes that merged into one. Mr. Hogan asked if the number of order windows would change. Ms. Guntrum stated that would not change, and that employees would also bring orders out to the drive thru, to assist in efficiency. Mr. Brantley asked if there would be any barrier between the drive-thru lanes and the sidewalk. Ms. Guntrum stated there would be. Vice-Chairman Strickland asked if there was any expiration date on the shared parking agreement with Mr. Ralph Rigby. Mr. Rigby stated it was perpetual. Vice-Chairman Strickland asked what the timeline was, if Mr. Rigby ever decided to sell the land, or develop it. Mr. Rigby stated he would need to give the restaurant a year's notice. Kenneth White, 6050 Providence Point, Hahira, a manager of Chick-Fil-A, stated that without Mr. Rigby's property, the double drive thru idea would not be feasible. Mrs. Hobby stated that if this was approved, this would not be a total solution. Mr. White stated that was true. He said his busy times were breakfast and dinner-time hours, and he had his employees park on this overflow lot. Mr. White stated that if this lot was not feasible, he could seek shared parking across the street. Ms. Tolley stated that shared parking must be immediately adjacent or it would require a variance. Vice-Chairman Strickland stated he would like to know the shared parking agreement is binding, because he would hate to see a variance request on down the line if Mr. Rigby's lot fell through. Ms. Guntrum stated she understood. Mr. White stated they could accommodate 35 more cars an hour on the parcel with the double drive thru.

There being no more questions for the applicant, Chairman McCall asked if anyone else would like to speak on behalf of the application. Mr. Ralph Rigby, 2419 Country Club Rd., spoke in support. Mr. Rigby stated that if he gave his word that he would do something, he would do it. Vice-Chairman Strickland stated he wanted the Board to understand what might happen if the shared parking agreement with Mr. Rigby fell through. Mr. Rigby stated he understood.

Chairman McCall asked if there was anyone else to speak in support of the application. No one spoke. Chairman McCall asked if there was anyone to speak in opposition of the request. Mr. Ron Allen, 3529 Country Club Rd, stated he was concerned about there being access to the overflow parking that Mr. Rigby owns in the future. Ms. Guntrum stated that access to the overflow parking would be from the Chic-Fil-A parking lot, once the parking spaces and drive-thru were reconfigured. Chairman McCall asked if there was anyone else to speak in opposition. No one spoke. Chairman McCall asked if anyone had contacted the Zoning office. Ms. Tolley stated no one had.

There being no further discussion or questions, Chairman McCall opened the floor for a motion. Mr. Holt made a motion to approve as presented. Mr. Hogan seconded the motion. The motion was called and carried unanimously with a vote of 6 to 0.

Agenda Item # 4: APP-2019-08 — Mark Gaskins (3050 James Circle)

Chairman McCall announced the case. Ms. Tolley stated that Mr. Mark Gaskins, 3050 James Circle, is asking for a variance for LDR 230-9(E)(6)(a) as it related to variable message boards. The applicant is building a floor covering store on a parcel zoned C-H. The parcel consists of 0.79 acres. The parcel was granted a variance in July of 2019 for relief from the metal building façade requirements. The LDR allows variable message boards as a part of a freestanding sign, rather than as wall signs. The applicant is proposing two variable message boards as wall signs, one on the side facing I-75, and one facing N. St. Augustine Road. The signs are tentatively proposed as 50 square feet, which is well within permitting parameters. Additionally, the sign is on a taller building, which will afford it more wall signage. Staff reviewed the case, found no hardship, and therefore recommends denial of the request.

Chairman McCall asked if the signs met the DOT signage guidelines. Ms. Tolley stated she was unsure, as DOT signage was applied for separately. Mrs. Hobby asked what the reasoning was for allowing variable message boards only a part of freestanding signage. Ms. Tolley stated it boiled down to a compromise and aesthetics as freestanding signs are more limited in square footage than wall signs are. Chairman McCall asked how many total square feet of freestanding sign this site could have. Ms. Tolley stated that their primary sign could be no larger than 24 feet in height and 75 feet in square feet, with their secondary sign being no later than 37.5 square feet, and square footage is figured by each sign panel.

There being no further questions for staff, Chairman McCall asked if anyone would like to speak on behalf of the application. Mr. Mark Gaskins, 5699 Val-Del Road, spoke on behalf of the application. Mr. Gaskins distributed pictures of signs in Tifton similar to what he is proposing. Mr. Gaskins is requesting a variance to the way the signs are mounted—purely a difference between a wall sign and a freestanding sign. Mr. Gaskins stated he meets the size regulations. Mr. Gaskins stated he had concerns regarding the power lines and freestanding signs, and meeting DOT regulations. Mr. Gaskins stated they hoped to attract customers off of the interstate, and these variable message signs are the future. He stated that he hoped, if the Board granted the variance, that some flexibility would be granted in the size.

There being no questions for the applicant, Chairman McCall asked if anyone else would like to speak in favor of the application. No one spoke. Chairman McCall asked if anyone would like to speak in opposition. No one spoke. Chairman McCall asked if anyone had contacted staff's office. Ms. Tolley stated that there were two calls, with the callers asking what the public hearing signs meant.

There being no further discussion, Chairman McCall called for a motion. Vice-Chairman Strickland made a motion to approve the request, with no more than a 15% deviation from what is shown on the schematics (to a maximum of 57.5 sq. ft.). Mrs. Hobby seconded the motion. The motion was called and carried unanimously with a vote of 6 to 0.

OTHER BUSINESS

Agenda Item # 5: Approval of Minutes: October 1, 2019

Chairman McCall asked if any changes needed to be made to the draft minutes. There being none, Chairman McCall called for a motion regarding the October 1, 2019 meeting minutes. Vice Chairman Strickland made a motion to approve the minutes as presented. Mr. Brantley seconded the motion. The motion was called and carried with a vote of 6 to 0.

Agenda Item # 6: Nomination of Chairman and Vice Chairman

Chairman McCall stated it was time to elect a Chairman and Vice Chairman slate. Chairman McCall asked for a show of hands in favor of Chairman McCall as Chairman and Vice-Chairman Strickland as Vice-Chairman for the year 2020. The slate was adopted with a vote of 5 to 0 to 1, with Vice-Chairman Strickland abstaining.

Agenda Item # 7: Adoption of 2020 Meeting Schedule

Chairman McCall stated that they had a draft 2020 meeting schedule in front of them for consideration. Ms. Tolley stated that she had not moved any of the meeting dates for conflict with holidays, but the Board was welcome to move dates if there was a problem. Mr. Brantley stated everything looked fine to him. Mr. Holt stated that April 7 may be when spring break was scheduled, but he was not sure.

There being no further discussion, Chairman McCall called for a motion. Vice Chairman Strickland made a motion to accept the 2020 schedule as presented. Mr. Hogan seconded the motion. The motion was called and carried with a vote of 6 to 0.

Agenda Item # 8: Attendance Review

Chairman McCall stated that Mrs. Quarterman was not at this meeting, and her absence was excused because it was due to family matters. Mr. Hogan stated that he had missed the October 2019 meeting because of his grandmother's illness, and his grandfather also died. Chairman McCall stated they would consider the absence as excused.

Agenda Item # 9: Adjournment

There being no further business, the meeting was adjourned at 3:36 PM.

/s/ Allan J. Strickland, IV
Allan Strickland, IV, Vice-Chairman

December 3, 2019
Date