

MINUTES

Valdosta-Lowndes Zoning Board of Appeals
Valdosta City Hall Annex Multi-Purpose
Room 300 North Lee Street,
Valdosta, Georgia
Tuesday September 5, 2023, 2:30 p.m.

MEMBERS PRESENT

Nathan Brantley
Nancy Hobby
Dr. Samuel Clemmon
Victoria Copeland
John “Mac” McCall

MEMBERS ABSENT

Allan Strickland
Marion Ramsey
John Hogan

STAFF PRESENT

Lauren Hurley
Trinni Amiot
Margaret Torres

VISITORS PRESENT

Frank “Bo” Bird IV & Frank Bird III

CALL TO ORDER

The meeting was called to order by John “Mac” McCall at 2:38 pm. It was determined that a quorum of members was present. John “Mac” McCall thanked everyone for coming and reviewed the meeting procedures with those in attendance today.

John “Mac” McCall

We will begin the meeting by calling the first and only case of day VAR-2023-16, C4C Store Holdings III LLC

Lowndes County Case:

VAR-2023-16-7-Eleven (2065 Old Clyattville Rd.) Request a Variance to ULDC Section 4.07.07 (E)(9) as it pertains to replacement trees in a Highway Commercial Zoning District (Tax Map 0127B Parcel 001)

Trinni Amiot-

The actual representatives for this project were unable to be here today due to storm damage, but will be joining us via phone conference. The property owners are present to answer any questions that they cannot.

C4 CStore Holdings III, LLC (on behalf of) Exit 13 Devcon is requesting a Variance to Section 4.07.07(E)(9) of the ULDC Tree and Vegetation Protection regulations as it pertains to replacement trees. The subject property currently consists of 4.46 acres, and is located on Old Clyattville Rd, in a C-H (Commercial Highway) zoning district, and in the Old Clyattville Rd Corridor Overlay and Airport Overlay.

Section 4.07.07 (E, 9) contained in the ULDC provides “*Replacement trees shall be planted in a manner that will provide adequate space for nourishment, lights, and maturation. The combined DBH of replacement trees shall equal or exceed the combined DBH of trees authorized for removal.*” (DBH = Diameter at Breast Height)

Development of this site will require the removal of ten oak trees which have a sum DBH of 398 caliper trees. For new landscape installation, typical size canopy trees purchased from nurseries are 2.5” in caliper. In this instance, 133 three-inch replacement trees will be required to meet the Code for replacement trees. The applicant is proposing to plant ±55 three-inch DBH trees throughout the site, which will equal approximately 12 trees per acre.

Overall, staff is supportive of the variance request, because replacing a forest with a forest, and a building, and a parking lot, is impossible. The newly planted canopy trees will be appropriately spaced in order to promote healthy growth and curb appeal to the lot. Based on Criteria C and F, staff recommends approval.

Nancy Hobby

This has come up before. It is impossible like it says. How did this ever come about? It is not feasible the way it is now.

Trinni Amiot

This was written in the current ULDC in 2006. This is a code section that has not been updated. There are plans to update it before the end of the year and establish a tree bank where people can pay into that so this issue does not come up again. As it reads now is a 1-1 replacement, but we have made an administrative decision to not count pine trees in that, because it doesn’t specify, it

just says 1-1 tree replacement. We count the larger oaks and canopy trees.

Nancy Hobby

Why do you not count pine trees?

Trinni Amiot

It was something the County Manager and County Engineer got together and made the decision because the code was originally adopted in May of 2006 and by June 2006, people were questioning it, so the decision was made to not count the pines. But we do plan on updating that so this issue, but as you can imagine, the applications are coming in faster than we can get the code updated.

Nancy Hobby

Does this application include certain types of trees? Not size-wise.

Trinni

(Directs to those attending by phone)

Kevin Pulis-(Civil Engineering Consultant)-Via phone

Our initial plan, our initial thought is that will instead of specifying exact trees, we will commit to selecting trees from the Lowndes County table of suitable trees for the site.

John “Mac” McCall

Confirmed caller as the Civil Engineer and then directs to staff for any questions.

Looking at the site plan and how many trees that you have on here, it seems awfully congested. I understand the goal is to meet or exceed letter of the law, but some of the trees are quite close together and overlapping quite a bit. You have some trees that the radius is about 35 ft. I want to make the comment that there seems to be a lot of trees packed onto the lot. I would think that this site would look a lot better if there were actually less trees on there than what is being shown. I would much rather see the applicant commit to a higher species of tree and less trees that are more spaced apart and more appropriate looking than packing them onto the site just in order to meet the letter of law. I understand that the intent is they are just trying to meet what is required, but this just seems especially along North Bassford Pkwy, it seems quite congested with trees.

Nancy Hobby

And if they start out this close and it generally takes 3 years to really take off then you are going to have an even bigger problem.

John “Mac” McCall

Right. And if any of these trees grow larger than the 35 ft, you will have one tree shading another and eventually have tree die off anyway. So, I thought I would make that statement. I understand that the intent here is to do everything you can, but I would almost rather see it a little bit less.

Does anyone else have any questions?

Nancy Hobby

What would your recommendation be on spacing?

John “Mac” McCall

Just looking at this, I think you could almost cut the number of trees in half and it would look a lot better. If you just went down this line of this property and take every other tree out, then you would have the growth space for all the other trees. Instead of trying to do a dwarf sized tree or something like that that is going to stay within the 35ft radius, you could step it up to something like an oak or something that would be more of a higher species and a longer-lived tree that would look a lot better on the site overall than something that is put in just to pack it in.

Dr. Samuel Clemons

Is that something he is willing to do?

John “Mac” McCall

Are you willing to change the design? If we are willing to allow you to do less trees, is that something you are amenable to or is this what you want to do?

Kevin McNally (by phone)

Yeah, this is Kevin McNally with Quality Southeast, we are the applicant. Oh, we appreciate that very much. You are right, we were just trying to be respectful as we could to the existing ordinance. I do think that the site would look a lot better for all parties involved if we just kind of take out every other tree, commit to a nicer tree that is going to have a nicer canopy of maturity like an oak. But, yeah, we would absolutely be amenable to that if that is something you would approve today.

John “Mac” McCall

Ok, are there any other questions here for the applicant? Ok, Thank y’all, do you have any questions for us?

Kevin McNally

What is the process from this point moving forward as to what we are going to have to. Are we looking at 8 trees an acre, 6 trees an acre? I think we went in at 12, so half would be 6 trees an acre. Is that right?

John “Mac” McCall

Yeah, it will be up to...one of us will have to make a motion and then depending on what they feel is necessary in the motion. We will wait and see what that is in a second and go from there, but that seems to be what we are leaning towards is that. I don't want to speak for the other board members, but yeah we will have to see what one of us makes as a motion as far as that goes. But, process-wise, did you have any questions about any other species or anything like that?

Kevin Pulis

I don't think that we do. I think that the solution that you recommended seemed to me to be the practical way to go, because we agree we were just trying to make sure we met the requirements, but even putting that plan together looks like we built a wall of trees now that doesn't really in reality make sense I don't think.

John “Mac” McCall

Ok. Well, if there aren't any other...oh, ok, go ahead.

Dr. Samuel Clemons

You've got 12 trees per acre, you have approximately what 48 trees, 50 trees?

John “Mac” McCall

I think it is 55 right now.

Dr. Samuel Clemons

Ok.

John “Mac” McCall

Is that correct? 55 trees total?

Kevin Pulis

Yes Sir, 55 is what we are showing.

John “Mac” McCall

Any other questions for the applicant? Ok, we'll move on. I'm sorry, go ahead.

Nancy Hobby

I don't know how you got that number, 12 trees times 4.46 acres, that's 48 and a few left over. How do you get 55?

Dr. Samuel Clemons

That's what I was going to ask, I could figure either.

John "Mac" McCall

And I counted them. I counted the trees. There are 55 shown on the site and it says here "quantity of newly planted trees: 55"

Trinni Amiot

The standard of the County is a minimum of 4 trees, so your motion, it cannot be any lower than that.

John "Mac" McCall

Yeah, unless we allow them to, right?

Trinni Amiot

No.

John "Mac" McCall

By variance, we can allow them to go lower than that right?

Trinni Amiot

Well, so, I think that would actually be another variance because this variance is for the 1-1 tree replacement. That 4 trees per acre is part of a landscaping requirement. So, I think that is a separate code section.

Nathan Brantley

Well, you were proposing 6 right? So, we wouldn't be below that anyway.

Dr. Samuel Clemons

Which is about half.

Nancy Hobby

Are you opposed to 6?

Trinni Amiot

No Ma'am, I mean, I am good with 12. I like the trees. South Georgia jungle. You wouldn't be able to even see the building though.

John "Mac" McCall

Ok, so at 4 trees per acre per this site plan and it's 4.463 acres, so to not have to have them put in a variance for something any different, we would need to require at least 7.852 trees or 18 trees. They have 55 trees on the site, to allow them to cut the number of trees in half, they would still be over the minimum required 18 trees, correct?

Trinni Amiot

Yes.

John "Mac" McCall

Alright. Any other questions for the applicant? Ok, we will move on to hearing from anybody else who is here in support for the case.

Frank Bird III

I'll speak up (steps to podium). I am Frank Bird III, part owner of the property. I had that property cleared years ago and I left the little cluster of trees that are out there now. I don't know how many of you guys have ridden out there, but there's one little cluster of trees from that road going all the way to I-75. So there are probably 18-20 acres right there that have the 8-10 for the total area and what they are proposing, what you guys are proposing even at the 4 trees per acre is putting in way more trees in there than what we've got. Going forward with this, I see this as a nightmare as the rest of that property starts to develop. So, I would ask that y'all kind of look at that and especially look to the fact that we just had a major hurricane hit and we've all got major problems cleaning up trees that are debris. I love oak trees, that's why they are there. I didn't tell the guys to cut them down. I saved them. Had I known that it was going to create a problem like that that the people we are going to sell the property to are potentially have to plant that many trees, they would have been long gone because when I cleaned it up, I could have done that. So, anyway, that's all I wanted to say. I appreciated it. It looks like y'all are going in the direction of common sense and I appreciate y'all keeping it in that direction.

John "Mac" McCall

Yes Sir.

Frank Bird III

Do you have any questions for me? Thank y'all.

John "Mac" McCall

Thank you.

Nancy Hobby

I do have a question. Can you point out where that cluster of trees are? Because I have already admitted, I have not been out there.

John "Mac" McCall

It is right there (pointing to site plan). It is right in there. All those red trees are all on the top of that site plan so if you show the site, so there's the building, those are all the red trees that are there that are existing, there is a big oak there and some other bigger oaks here and some smaller other trees around.

Nancy Hobby

So those are going to have to come out.

John "Mac" McCall

No matter what?

Nancy Hobby

Yeah, no matter what.

Frank Bird III

Yeah, they'll have to come out.

Nancy Hobby

They'll have to come out. But there will still be these to buffer.

Trinni Amiot

Mr. Frank, (directing attention to Power Point)

Frank Bird III

There you go. And you see behind that that there are no trees behind it, so whenever any of this gets developed, if there's going to be the minimum of 4 trees per acre, there's definitely going to be more trees than there are now. I would like to say one other thing, I did talk to the airport manager when I found out that this was coming about and in a conversation that I had with him, because he asked me what the deal was and I said well, they are wanting to plant more trees. And I said are you opposed to that? And his comment to me was well, we are right next to the airport and trees attract birds and birds and airplanes don't get along. And I will attest to that because I fly. So, he does not want a bunch of trees there. Having said that, I do love oak trees. I understand and think it is a good thing that we have more trees per acre. So, Thank y'all.

John "Mac" McCall

Thank you. Anyone else here in support of the case? I don't think there is anyone here in opposition of the case.

Trinni Amiot

Not a soul

John "Mac" McCall

Was your office contacted by anyone?

Trinni Amiot

Not by anyone.

John "Mac" McCall

Ok, unless there's any other statements or questions. Would someone care to make a motion?

Dr. Samuel Clemons

I have a motion that the variance be granted with the ability to plant less trees if needed if possible.

John "Mac" McCall

Ok, do you want to limit them to a certain number like for trees per acre or something like that? Or just less trees?

Dr. Samuel Clemons

Personally, I would just say less trees. Let them make that decision. I mean, we talked with him and he knows and I think he has agreed upon planting less trees.

John “Mac” McCall

Ok, and just so we are clear, no matter what, they cannot go lower than the 4 trees per acre. We are not addressing that variance here at all. Minimum, there are going to have to do the 4 trees per acre.

Nancy Hobby

I second.

John “Mac” McCall

Ok. Alright so we have a motion. Mrs. Hobby second it. We’ll take a vote. All those in favor? It is unanimous. Motion passes at 4 trees per acres. Oh, I am sorry. Less trees and by the landscape minimum of 4. Thank you very much.

Nathan Brantley

So, the only way to avoid this in the future, would be to change the Lowndes County ULDC? Which would require the County Commissioners to vote on a change. But, they are doing a lot of changes right now and throughout the end of the year and it sounds like from what Trinni says that this may be one of the issues they are changing.

Trinni Amiot

I think the standard is still there that if you disturb more than an acre you have to have that land disturbance and if it is over an acre and you do get that land disturbance, this would apply, but we are working really hard to change that. Chickens beat us out this round.

Frank Bird III

Well, we had cleared all that land out. It was a couple hundred acres and we had to pay for that land disturbance permit and do all the barrier stuff and have the engineers go in and look at it. We feel like we paid our dues doing all that. We did leave, my partners actually wanted me to cut all those trees down and I says well, I like those oak trees. Now I see the problem we’re presented with.

Trinni Amiot

Hopefully, you know, if you can give us 3 months, hopefully you won’t have to make any changes to what you are doing, and we’ll make the changes.

Frank Bird III

I gotcha.

Trinni Amiot

So then, we won't see this again.

Frank Bird III

Well, I certainly appreciate it.

Nancy Hobby

So Trinni, what you are saying, is if we had gone less than 4 trees per acre, they would have had to come back through for a different application?

Trinni Amiot

I think that. JD, Jason, and I discovered that. That is a misconception with this 1-1 replacement. That is in whatever code section this is. If you go on down to Chapter 4, another code section is that minimum of 4 trees per acre. That's in landscaping and buffering. This is in Engineering standards of sorts.

John "Mac" McCall

And they could have asked for both variances, they just did happen to put it in this one because..

Trinni Amiot

Well, most people, me included, and I've been here a long time, most people did not really get that those were 2 separate code sections until we sat down and read it. Because we put a lot of energy in this because y'all are like the third I think to come in a do this and we see it, you know. It's going to keep moving out and we are going to keep having this if we don't make a change in the code. And so, as we were reading over his narrative and JD actually caught it and was like wait a minute, this 4-tree thing is actually applicable to this code section, it's this code section. We will take care of that and have it different in the future.

John "Mac" McCall

Ok. Alrighty, thank y'all. Thank you very much. Ok, we'll move on to other business. I don't have an agenda in front of me. Is there other business we need to address?

Lauren Hurley-Introduction of Margaret Torres, new Zoning Technician to the Board

John "Mac" McCall

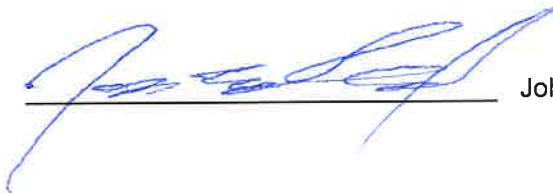
Welcome aboard. Uh, obviously we have people out. I assume, mostly, the people out are mostly due to weather issues.

Lauren Hurley

Mr. Strickland-work. Mr Ramsey-work and Mr Hogan-work related absences.

John "Mac" McCall

Ok, alright, so all those are excused. Anything else we need to address? If not, we are adjourned.
Thank you.



John "Mac" McCall, Chairman