

Mount Jackson
Planning Commission Meeting

October 5, 2020

- 1 -

Regular Meeting

Chairman Larry Ambrose called the meeting to order at 7:25 PM in the council chamber at 5901 Main Street. Roll call was taken with Commissioners Anita Miller, Evelyn Burner and Jim Hines in attendance. Commissioner Dennis Andrick attended electronically through Zoom.

Mayor Donnie Pifer called the council meeting to order at 7:30 PM with Councilmembers Rod Shepherd and Roger Rudy present. Councilmembers Bonnie Good, Dennis Andrick, and Whitney Miller attended electronically through Zoom. Councilmember Judy Fultz was absent as unable to connect electronically through Zoom due to technical difficulties.

Also present Neil Showalter, Town Manager; Debbie Stover, Town Clerk; Reggie Barnacascel with Boddie-Noell Enterprises, and Billy French representing French Brothers LLC. Darla Orr, the Town's zoning consultant from The Berkley Group attended electronically through Zoom. Dave Moore from Cornerstone Technology was present to video record the meeting.

Joint Public Hearing

Special Use Permit Application (SUP 20-05) – French Brothers, LLC and Boddie-Noell Enterprises, Inc. – Hardees Restaurant Sign Package.

Mr. Showalter introduced Darla Orr, the Town's zoning consultant from The Berkley Group, to speak on this subject. He stated Ms. Orr worked 19 years with Chesterfield County, most recently as a special project manager, and was the planning director in Brunswick County five years prior.

Ms. Orr stated the subject property is a 1.04 acre parcel located in the eastern quadrant of the intersection of Main Street with Conicville Boulevard and the access road to the Mount Jackson Shopping Center. The applicants are proposing development of a Hardees fast food restaurant are seeking a special use permit relative to the sign package. Ms. Orr stated in the B-2 district, the zoning ordinance allows an overall square footage sign area to be based on the linear building width facing the street. The applicant's site plan shows 42.25 feet of building frontage along Main Street, which would equal 84.5 square feet of total sign area. The site plan shows 83.08 feet of building frontage along the shopping center entrance road, which would equal 166.16 square feet of total sign area, which is over the maximum 100 square feet allowance per street side. Mr. Orr referred to the staff memo, which includes a table outlining the ordinance allowances vs. the applicant's proposal. The proposal meets the total sign area along Main Street, however on the shopping center entrance road they are also proposing a larger free-standing identification sign, which would exceed the total sign area by 89.5 square feet.

Ms. Orr stated the applicant is proposing two wall mounted signs, one along each road. The zoning ordinance permits 25 square feet and 15 feet tall. Based on the design of the tower of the Hardees building they are proposing 20 feet tall signs along both roads. The applicant had received zoning approval in 2018, and began engineering, which was mostly complete prior to the June 2020 adoption of the new zoning ordinance, and the reason they are seeking an exception to the height of their wall mounted signs. Their plans also include a canopy drive-through, pre-order board, and order board, which all meet the ordinance requirements. A free-standing identification sign is proposed along the shopping center entrance road. The ordinance permits 25 square feet per side with a maximum of 20 feet tall. The applicant stated based on the typography at the site location from the Interstate 81 exit ramp, their visibility is hindered and they feel to be identified by customers, they need a taller sign. Therefore, they

Mount Jackson
Planning Commission Meeting

October 5, 2020

- 2 -

are proposing a 30 foot tall sign. They are also proposing a 1-sided sign, instead of a 2-sided sign, of 148 square feet plus a 16.5 square foot reader (electronic message) board, for a total of 164.5 square feet.

Ms. Orr stated staff feels this is a unique hardship not shared by others due to the visibility factors, and approval of this special use permit would not result in a precedent being set. Staff recommends approval of this special use permit request with two conditions; 1) the signs be designed and located exactly as provided in the application, and 2) it lists the specific exceptions that would be granted.

Ms. Good asked if staff compared this special use permit application to the Town's previous zoning ordinance. Ms. Orr stated staff examined the process by which an applicant is allowed to have any exceptions, but did not evaluate it based on the old standards.

Mr. Shepherd stated the Town's Main Street and historic district have a great appearance, and although Hardees is a decent organization, he has concerns and reservations regarding the free standing sign which is proposed at 10 feet taller than the zoning allowance, and square footage exceeding six times the zoning allowance. He feels this sign would detract from the overall appearance of other businesses in that area.

Reggie Barnacascal from Boddie-Noell, stated his organization met with the Council approximately 14-15 months ago and presented their proposal for Hardees, including a sign package. They did receive approval at that time, and moved forward with engineering and building design. He stated they will have local customers from Mount Jackson, but in order to be viable, they need to pull traffic off I-81 as well. The Hardees restaurant will be approximately 1600-1700 feet from the interstate exit ramp, and therefore are requesting a taller pole mounted sign for customer visibility. The requested wall mounted signs of 20 feet tall, instead of the 15 foot tall allowance, is due to the design of the building, which was already approved. Mr. Barnacascal stated the primary sign is a major item and needs to be seen from exiting I-81, therefore instead of the typical 2-sided sign, they are proposing a 1-sided sign facing I-81, and the back side will be blacked out.

Chairman Ambrose asked if this proposed sign is standard in size. Mr. Barnacascal stated they vary in size as every site is unique. The buildings are usually one standard size, but the site condition and location determines the signage. He stated Boddie-Noell, who has been in business since 1962 as a Hardees franchisee, employs a sign company to survey and evaluate size to make sure the restaurant will be viable.

Mr. Rudy asked if the Hardees name and/or logo would be added to food service signs on I-81. Mr. Barnacascal stated yes, it would be listed on the blue, trailblazer signs, but have found regardless of that, travelers still choose the first restaurant they see, and it was determined the extra 10 feet would provide the visibility they need.

Mr. Hines asked if there is an app for a Hardees locator. Mr. Barnacascal stated Hardees corporate is in the process of putting together a mobile order app, but the most common way people find the restaurant is through Google Maps and Waze. Mr. Hines stated the sign is to attract people already at the top of the exit ramp, not from I-81, so is extra height needed or an unobstructed line of sight. Mr. Barnacascal passed around pictures of the restaurant, from different vantage points.

Mount Jackson
Planning Commission Meeting

October 5, 2020

- 3 -

Mr. Shepherd stated Shenandoah Valley is known for tourism, and after looking at the pictures, the tall sign is right in the middle of the mountain view entering Mount Jackson. He understands the need for a visible sign, but feels it does not need to be so tall as to over power the other signs in the area. Mr. Shepherd stated he approves of the sign in general, but it needs to be shorter and smaller in size, and feels the wayfaring signs and smart phone apps will do well to draw business. Mr. Shepherd asked how much restaurant revenue is locals vs. travelers. Mr. Barnacascal stated it varies, but his opinion is either equal or 60% interstate and 40% local.

Ms. Good asked the reasoning behind the other sign exceptions in the special use permit application. Mr. Barnacascal stated in regards to the wall mounted signs, they do comply at 25 square feet, but the reason for the 20 feet tall request is based on building design and towers, that was approved 15 months ago, so physically they were unable to lower those without doing major plan changes to the building.

Mr. Hines asked where the menu board would be in relation to Route 11. Mr. Barnacascal stated between the front of the building and Main Street. This restaurant will be a rear-feed store, to keep people from having to make two loops around the building, and a better traffic pattern. Mr. Hines asked what time the restaurant closes and the lights go off. Mr. Barnacascal stated typically between 10-11 PM, and the parking lot lights stay on one hour past closing time, for workers to close and get to their cars safely. The menu board sign lights and building sign lights are turned off at closing time, however.

Mr. Barnacascal stated said bigger signs and more expensive and while they do not want to spend more than necessary, they are making an investment of approximately 2.5 million dollars, and need to be viable.

There were no public comments.

Chairman Ambrose closed the joint public hearing.

Mayor Donnie Pifer called for adjournment of the Town Council; motion was made by Councilmember Shepherd, seconded by Councilmember Rudy; adjourned at 8:06 PM.

Agenda Additions/Deletions/Changes: None

Introduction of Guests: None

Hear from Visitors: None

Approval of the Previous Meeting Minutes – Commissioner Burner MOVED, seconded by Commissioner Miller to APPROVE the Minutes of July 6, 2020 Regular Meeting and Joint Public Hearing and September 3, 2020 Special Meeting.

VOTE:

AYE

NAY

ABSTAIN

ABSENT

Commissioner Andrick

Commissioner Miller

Commissioner Burner

Commissioner Hines

Commissioner Ambrose

5 AYES, motion carried

Mount Jackson
Planning Commission Meeting
October 5, 2020
- 4 -

Old Business:

Consider the following for recommendation to the Town Council:

1. Special Use Permit Application (SUP 20-05) – French Brothers, LLC and Boddie-Noell Enterprises, Inc. – Hardees Restaurant Sign Package.

Chairman Ambrose stated he lives across the street from the Hardees site, and has no concerns regarding the size of the signs. He understands they are in business to make money and reason for the need of larger signs for visibility. He stated there are many citizens who want the Hardees restaurant there.

Commissioner Andrick MOVED, seconded by Commissioner Burner to APPROVE the recommendation of SUP 20-05 to the Town Council, with the following conditions:

1. With the approval of this request, the following exceptions to sign regulations shall be granted. All other signs shall comply with the Zoning Ordinance.

A. Total Sign Area. An 89.5 square feet exception to the permitted 100 square feet of total sign area permitted along the entrance road to the shopping center.

B. Wall Mounted Signs. A 5 feet exception to the 15 feet height limitation to permit two (2) wall mounted signs.

C. Freestanding Identification Sign.

i. A 139.5 square feet exception to the 25 square feet sign area for the one (1) freestanding identification sign (including an electronic message board) along the entrance road to the shopping center.

ii. A 10 feet exception to the 20 feet height limitation for the one (1) freestanding identification sign (including an electronic message board) along the entrance road to the shopping center.

2. Signs shall be located and designed as shown on the plan entitled Hardees, as prepared by Allen Industries, and last revised August 7, 2020.

VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Commissioner Andrick			
Commissioner Miller			
Commissioner Burner			
	Commissioner Hines		
Commissioner Ambrose			
4 AYES, 1 NAY, motion carried			

New Business: None

Board of Zoning Appeals Report: None

Town Council Items – Mr. Andrick: None

Mount Jackson
Planning Commission Meeting
October 5, 2020
- 5 -

Zoning Administrator Report – July-September 2020 - Mr. Showalter:

Mr. Showalter referred to the Zoning Administrator report in the commissioner packets. He stated out Bowman Andros has applied for a variance to install two bulk storage silos, as part of their new factory construction and a future planned expansion. The applicant has stated that the silos are 72' in height and therefore seeking a variance to the 45' development standard limit in Section 66-33 of the Town Zoning Code. Staff anticipates a November Board of Zoning Appeals meeting following the appropriate announcement of a public hearing and contacting the adjacent property owners.

Board Members' Items: None

Commissioner Miller made a motion, seconded by Commissioner Andrick to adjourn the meeting at 8:12 PM.

Submitted by:

Debbie Stover
Town Clerk