Agenda Item 2015-055

City of Diamondhead

5000 Diamondhead Circle, Diamondhead, MS 39525
Phone: (228) 222.4626
FAX: (228) 222-4390
www.diamondhead.ms.gov

TO: Mayor, City Council and City Manager
FROM: Ronald R. Jones, Building Official Ronald R. Jones
DATE: April 29, 2015
SUBJECT: Recommendation of Planning & Zoning Commission-CVS Pharmacy; Case File Number 2015-00096

At its regularly scheduled meeting on Tuesday, April 28, 2015, the Planning & Zoning Commission by a 4-3 vote approved the wall sign copy area variances as petitioned by CVS Realty Company represented by Chandler signs for the CVS Pharmacy located at 4422 Kalani Drive. More specific information regarding the variances are noted below.

CVS Realty Company, the property owner of CVS Pharmacy, represented by Chandler Signs has filed an application requesting a variance from the Sign Ordinance (Article 10.5.2 C iv) to allow wall signs on the south façade of the building (CVS Pharmacy) without having street frontage. Based on the information provided, the total copy area of all 3 wall signs (B1, B4 and B5) are 100.95 sf. The total length of the building (south façade) is 100'.

A variance is also requested to allow 3 wall signs (B1a-already permitted and installed, B3 and B5) having a total copy area of 71.6 sf. The total length of the building (southwest façade) facing Kalani Drive is 60'. Therefore, these 3 wall signs will exceed the maximum copy area limitation by 11.6 sf.

The property address is 4422 Kalani Drive. The tax parcel number is 131E-1-13-007.003. The property is located north of East Aloha Drive and east of and adjacent to Kalani Drive.

A copy of the application and related documents are attached. If you have any questions or comments, please advise.

Attachments

MINUTES

PLANNING AND ZONING COMMISSION
Diamondhead, Mississippi
Diamondhead City Hall Council Chambers
April 28, 2015
5:30 p.m. CST

1. Chairman Malley called the meeting to order at 5:30 p.m. CST.

2. Commissioner Hensley recited the State of Purpose.

3. Pledge of Allegiance was led by Commissioner Smith.

4. Clerk Jeannie Klein called roll- Present: Commissioners Bice, Smith, Garrison, Hensley, Bower, Malley, and Miller. Absent: None.

   Also present: Building Official Ronald Jones, City Attorney Derek Cusick, City Manager Clovis Reed and Minutes Clerk Jeannie Klein.

5. **Confirmation of the Agenda**
   Commissioner Miller moved, seconded by Commissioner Smith, to confirm and approve the agenda as presented.

   Ayes: Bice, Smith, Garrison, Bower, Hensley, Miller and Malley. Nays: None. Absent: None.
   MOTION CARRIED UNANIMOUSLY

6. **Approve Minutes. -** Commissioner Bice moved, seconded by Commissioner Hensley, to approve the Minutes of March 24, 2015 as presented.

   Ayes: Bice, Smith, Garrison, Bower, Hensley, Miller and Malley. Nays: None. Absent: None.

   MOTION CARRIED UNANIMOUSLY

7. **New Business – Case File Number 2015-0096**

   CVS Realty Company, the property owner of CVS Pharmacy, represented by Chandler Signs has filed an application requesting a variance from the Sign Ordinance (Article 10.5.2 C iv) to allow wall signs on the south façade of the building (CVS Pharmacy) without having street frontage.
   Based on the information provided, the total copy area of all 3 wall signs (B1, B4 and B5) are 100.95 sf. The total length of the building (south façade) is 100'.

   A variance is also requested to allow 3 wall signs (B1a-already permitted and installed, B3 and B5) having a total copy area of 71.6 sf. The total length of the building (southwest façade) facing Kalani Drive is 60'. Therefore, these 3 wall signs will exceed the maximum copy area limitation by 11.6 sf. The property address is 4422 Kalani Drive. The tax parcel number is 131E-1-13-007.003. The property is located north of East Aloha Drive and east of and adjacent to Kalani Drive.

Building Official Ronald Jones introduced the matter before the Commission. Chairman Malley called for representative of Chandler Signs to come forward. Jack Gremillion of Chandler Signs appeared before the Commission to address any questions or concerns. He explained the additional signage was being requested to increase visibility on the south side of business.

Chairman Malley then called for others with interest in the variance as requested. Ms. Denise Catone, with residence on Diamondhead Drive East, addressed the Commission in opposition of the variance. She elaborated on the adequacy of the existing signage and expressed concerns with the lack of maintenance thereof. She urged the Commission to deny the request of CVS Pharmacy and to uphold the intent and preserve the intent of the ordinance as written.

Commissioner Miller moved, seconded by Chairman Malley, to approve in the matter of CVS Realty Company Case File Number 2015-0096 a variance of the Sign Ordinance (Article 10.5.2 C iv) to allow wall signs on the south façade of the building (CVS Pharmacy) without having street frontage and further to allow 3 wall signs (B1a-already permitted and installed, B3 and B5) having a total copy area of 71.6 sf. exceeding the maximum copy area limitation by 11.6 sf. The property address is 4422 Kalani Drive. The tax parcel number is 131E-1-13-007.003. The property is located north of East Aloha Drive and east of and adjacent to Kalani Drive

Ayes: Malley, Miller, Bice and Bower. Nays: Smith, Garrison and Hensley. Absent: None.

MOTION CARRIED

8. **Unfinished Business – None**

9. **Open Public Comments to Non-Agenda Items** – None

10. **Commissioner's Comments** – None

11. **Communications / Announcements** – None

12. **Adjourn** - Commissioner Miller moved, seconded by Commissioner Smith, to adjourn at approximately 6:00 p.m. CST. The motion carried unanimously.

_____

David Malley, Chairman
Planning & Zoning
City of Diamondhead, MS

City of Diamondhead
5000 **Diamondhead Circle**
Diamondhead, MS 39525

Office 228-222-4626
Fax 228-222-4390
www.Diamondhead.ms.gov

APPLICATION FOR VARIANCE

RECEIVED
MAR 20 2015
BY: RJ @ 10:30 A.M.

CASE NO. 20150096

DATE MARCH 19, 2015

APPLICANT: CHANDLER SIGNS

APPLICANT'S ADDRESS: 3201 MANOR WAY DALLAS, TX 75235

APPLICANT'S TELEPHONE: (HOME) _____ (WORK) (972) 739-6515

PROPERTY OWNER: CVS REALTY CO

MAILING ADDRESS: 4808 DAVIS BLVD NORTH RICHLAND HILLS, TX 76180

TELEPHONE NUMBER: (HOME) _____ (WORK) (817) 605-8901 x 8031

TAX ROLL PARCEL NUMBER: _____

STREET ADDRESS OR LEGAL DESCRIPTION OF PROPERTY: _____

4422 KALANI DRIVE (FORMER DIAMONDHEAD PHARMACY & GIFTS)

STATE PURPOSE OF VARIANCE: (FRONT/SIDE/REAR/LOT SIZE/PARKING/BUILDING COVERAGE) (SIGNAGE – SIZE – HEIGHT) ALLOW WALL MOUNTED SIGNS TO EXCEED 150 SQ.FT. AGGREGATE TOTAL AREA; ALLOW PARKING LOT ELEVATION TO COUNT TOWARD WALL MOUNTED SIGN ALLOWANCE.

ZONING DISTRICT C-1 GENERAL COMMERCIAL

STATEMENT OF UNDERSTANDING

As the applicant or owner/s for the requested Variance in the City of Diamondhead, I (we) understand the following:

The application fee of ~~$500.00~~ 100.00 must be paid prior to the acceptance of the application. Further, that if the application is withdrawn for any reason that the application fee is forfeited to the City of Diamondhead.

As the applicant or owner/s, I (we), or the designated representative, must be present at the public hearing.

That all information provided with this application is true and correct to the best of my knowledge.

That this application represents only property owned by me (us) and that any other adjoining property owners must apply for a Variance on his own behalf.

That all required attachments have been provided to the City of Diamondhead.

That additional information may be required by the Planning Commission prior to final disposition.

The City Council will not accept new case evidence once the recommendation has been made by the Planning Commission. If new evidence needs to be presented, the applicant will need to request that the matter be referred back to the Planning Commission for review.

The Public Hearing will be held on APRIL 28, 2015 at 5:30 p.m. in the Council Chambers of the Diamondhead City Hall.

If a continuance of the hearing is necessary at my (our) request, the request must be made to the Zoning Official a minimum of seven (7) days prior to the hearing. If such request is not made in writing, I understand that a new application must be filed and an application fee paid to the City.

If the application is denied by the City Council, a new application for the subject property may not be submitted for one (1) year from the date of denial.

Douglas 3/19/15

Signature of Applicant

Signature of Property Owner

For Official Use Only

100.00

( ) ~~$500.00~~
( ) Copy of Deed, Lease or Contract
( ) Site Plan
( ) Parking Spaces
( ) List of Property Owners

( ) Application Signed
( ) Written Project Description
( ) Drainage Plan NA( )
( ) Notarized Statement NA ( )

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RECEIVED
MAR 20 2015
BY: RJ 10:30AM

March 19, 2015

Mr. Ronald Jones – CBO
City of Diamondhead
5000 Diamondhead Circle
Diamondhead, MS 39525

APPLICATION FOR SIGN VARIANCE
CVS Pharmacy – 4422 Kalani Drive

Please accept this application for a variance to Section 10.5.2 C. iv. of the Zoning Ordinance to allow the aggregate total of all wall mounted signs to exceed 150 sq. ft., and to further allow the parking lot elevation to count as building frontage for sign area calculation.

We feel these conditions are consistent with sign packages adopted over time in the City of Diamondhead Commercial Zoning District for pre-existing tenants, national retail store chains, and will also provide needed exposure to the shopping center parking field that CVS pharmacy currently lacks.

Thanks in advance for your time and consideration in this matter.

Sincerely,

Douglas K. Hallam
National Account Manager

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April 20, 2015

Mr. Ronald Jones – CBO
City of Diamondback
5000 Diamondhead Circle
Diamondhead, MS 39525

APPLICATION FOR SIGN VARIANCE (ADDENDUM)
CVS Pharmacy – 4422 Kalani Drive

Please accept this addendum to our March 19, 2015 letter in order to satisfy the conditions for granting variances provided in Section 2.6.5 as follows:

1. This building technically faces (2) streets, but lacks property frontage along Aloha Drive, which would entitle CVS to larger wall signs on the longer building elevation;

2. Literal enforcement of the ordinance is depriving CVS of exposure to the main shopping center parking field as enjoyed by other tenants;

3. The bank tenant property, which was developed independently, created circumstances leading to the primary hardship in this case;

4. Both the previous pharmacy ownership and other properties with more than (1) street facing building elevation were/are entitled to signage similar to those contained in this request.

Further, we believe the wall sign area in excess of the building frontage: sign area (1:1) ratio to be within historical allowances.

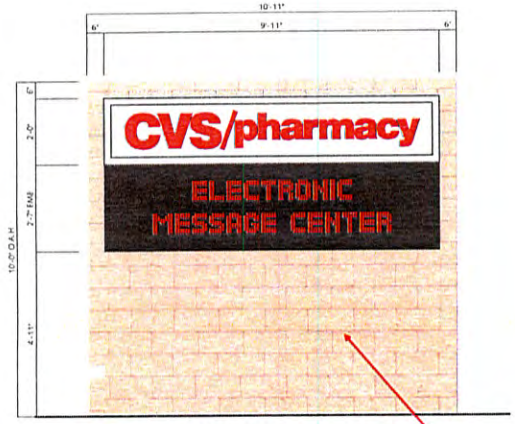
Thanks once again for your time and consideration in this matter.

Sincerely,

Douglas K. Hallam
National Account Manager

Enclosure: (8) drawings

FREESTANDING SIGNS

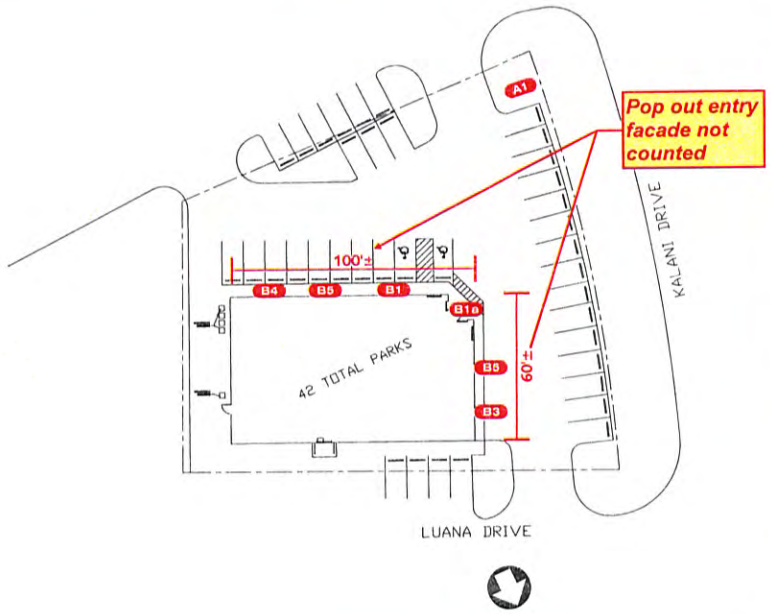


A1 D/F MONUMENT SIGN W/ EMB

END VIEW

Monument sign w/ 32X144-R EMB to be permitted separately

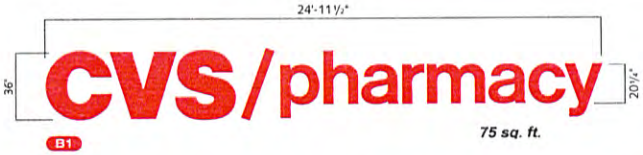
SITE MAP



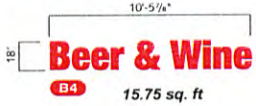
Pop out entry facade not counted

TEMPORARY SIGNS

BUILDING & WALL SIGNS



Sign 'B1a' already permitted and installed



CVS pharmacy

Work Order #	0381798Ar4
Sheet	1 of 5
Client	CVS/pharmacy #10755
Address	4422 Kalani Dr. DIAMONDHEAD, MS
Account Rep.	WLF / DH
Designer	BR
Date	4-25-14

Approval / Date

Client	
Sales	
Estimating	
Art	
Engineering	
Landlord	

Revision / Date

R1-BR/5-28-14: Del "Beer & Wine" & replace w/ "DTP" stacked letters.
R2-BR/6-17-14: Add summary pg.
R3-BR/1-28-15: Update art
R4-BR/3-11-15: Update art

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National Headquarters
San Antonio
West Coast
Northeast US
Florida
Georgia
South Texas

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PROPOSED ELEVATION

PROPOSED ELEVATION N.T.S.

CVS pharmacy

Work Order #
0381798Ar4

Sheet 2 **of** 5

Client
CVS/pharmacy #10755

Address
4422 Kalani Dr.
DIAMONDHEAD, MS

Account Rep. WLF / DH

Designer BR

Date 4-25-14

Approval / Date

Client	
Sales	
Estimating	
Art	
Engineering	
Landlord	

Revision / Date

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Northeast US	600 Baxter Avenue, Suite 240 Louisville, KY 40204 502-479-3675 Fax 502-412-0513
Florida	2584 Sand Hill Point Circle Deerpark, FL 32837 863-420-1100 Fax 863-424-1160
Georgia	32 Waterford Park Court Dawsonville, GA 30534 678-725-8662 Fax 210-344-8424
South Texas	PO Box 133, 2326 Coral Drive Portland, TX 78374 361-563-0500 Fax 361-643-0533

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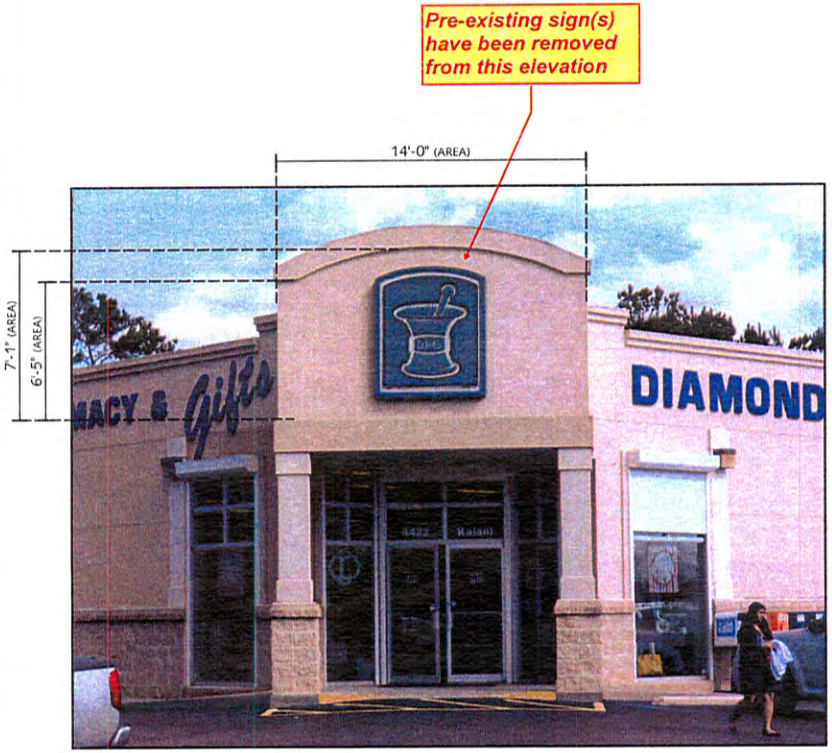
PROPOSED ELEVATION



EXISTING ELEVATION *11 sq. ft.* N.T.S.

PROPOSED ELEVATION *52.4 sq. ft.* N.T.S.

CVS pharmacy

Work Order #
0381798Ar4
Sheet 3 **of** 5

Client
CVS/pharmacy #10755

Address
4422 Kalani Dr.
DIAMONDHEAD, MS

Account Rep. WLF / DH
Designer BR
Date 4-25-14

Approval / Date
Client
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National Headquarters	3201 Mount Way Dallas, TX 75235 214-902-2000 Fax 214-902-2044
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West Coast	1335 Pick Center Drive, Unit C Vista, CA 92081 760-967-7003 Fax 760-967-7033
Northeast US	985 Bunker Avenue, Suite 200 Louisville, KY 40204 502-479-3075 Fax 502-412-9013
Florida	2584 Sand Hill Point Circle Davenport, FL 33837 863-420-1100 Fax 863-424-1160
Georgia	37 Waterfront Port Court Downsville, GA 30534 678-725-0852 Fax 210-349-6724
South Texas	P.O. Box 125, 206 Duval Drive Portland, TX 78374 361-563-6500 Fax 361-643-6583

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PROPOSED ELEVATION

Pre-existing signs have been removed from this elevation

EXISTING ELEVATION *67 sq. ft.* N.T.S.

PROPOSED ELEVATION *19.1 sq. ft.* N.T.S.

CVS pharmacy

Work Order #
0381798Ar4

Sheet 4 **of** 5

Client
CVS/pharmacy #10755

Address
4422 Kalani Dr.
DIAMONDHEAD, MS

Account Rep. WLF / DH

Designer BR

Date 4-25-14

Approval / Date

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PROPOSED ELEVATION

Pre-existing signs have been removed from this elevation

EXISTING ELEVATION *110.6 sq. ft.* N.T.S.

PROPOSED ELEVATION *101 sq. ft.* N.T.S.

CVS pharmacy

Work Order #
0381798Ar4

Sheet 5 **of** 5

Client
CVS/pharmacy #10755

Address
4422 Kalani Dr.
DIAMONDHEAD, MS

Account Rep. WLF / DH

Designer BR

Date 4-25-14

Approval / Date

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Sales	
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