

**RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION  
CITY OF DIAMONDHEAD, MS  
TO DENY AN APPLICATION FOR VARIANCE REQUEST OF 188.5 SQ. FT.  
SUBMITTED BY 3D SIGNS AND APPROVE A LESSER VARIANCE OF 129 SQ. FT.  
CASE NO. 2013-09**

**WHEREAS**, the Diamondhead Planning and Zoning Commission held a public hearing on July 31, 2013; and

**WHEREAS**, an application was filed by **3D Signs** for a variance request for a 188.5 sq. ft. wall sign for a retail store doing business as **GOODY'S # 772**. The property is located 4402 East Aloha Drive, Suite 18 and lies in a C-1 District. This property bears the following parcel number 131E-1-13-007.000; and

**WHEREAS**, Mr. Daniel Hughes represented 3DSigns for a variance for GOODY'S. Mr. Hughes stated the reason for the 188.5 sq. ft. wall sign would be in the best interest, as a national chain, to be able to have the best display for their storefront. In addition, Mr. Hughes stated that putting up the required 100 sq. ft. sign would look small on the enormous storefront; and

**WHEREAS**, the Commission did accept public testimony at the hearing; and

**WHEREAS**, there was one citizen who spoke in opposition of the application, and

**WHEREAS**, proper publication and notice were served on the affected landowners and other persons throughout the City of Diamondhead, and

**WHEREAS**, the Commission members moved to **deny** the Variance Request as submitted for a 188.5 sq. ft. wall sign for GOODY #772.

**NOW THEREFORE BE IT RESOLVED** by the Diamondhead Planning and Zoning Commission, upon motion by Commissioner Parker and seconded by Commissioner Smith, the Diamondhead Planning and Zoning Commission voted to recommend **denial** of Case No. 2013-09 for a variance of 188.5 sq. ft. to the City Council.

A vote was called for with the following results:

Voting Yea: Nita Hensley  
Jane Lee  
Norman Parker  
Roger Smith

Recused: Denise Catone

Voting Nay: None

**WHEREAS**, the Commission members moved to **accept** a lesser sign of 129 sq. ft. which is the same square footage that was previously approved for the Dollar Tree Sign.

**NOW THEREFORE BE IT RESOLVED** by the Diamondhead Planning and Zoning Commission, upon motion by Commissioner Parker and seconded by Commissioner Smith, the Diamondhead Planning and Zoning Commission voted to recommend **approval** of Case No. 2013-09 for a variance of 129 sq. ft. to the City Council.

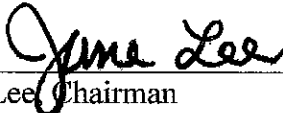
A vote was called for with the following results:

Voting Yea: Nita Hensley  
Jane Lee  
Norman Parker  
Roger Smith

Recused: Denise Catone

Voting Nay: None

Dated the 31<sup>st</sup> day of July, 2013

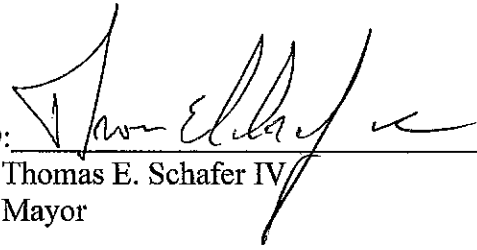
  
\_\_\_\_\_  
Jane Lee, Chairman  
Diamondhead Planning and Zoning Commission

After the foregoing Planning and Zoning Commission Recommendation was reduced to writing, Councilmember Lopez moved, seconded by Councilmember LaFontaine, to deny the recommendation from the Planning and Zoning Commission, Case Number 2013-09 and approve the 3D/Goodies original sign variance request of 88 sq. ft., allowing the Goodies sign to be 188 sq. ft. in size, based on the following findings of fact:

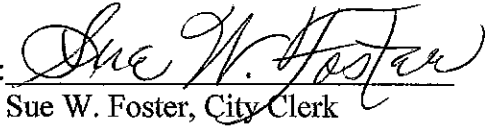
1. There are special conditions that affect the Goodies development as their linear store front is greater than other store front footages in the same development;
2. Interpretation of the sign ordinance that limits the applicant's signage size would deprive the applicant, Goodies, of the same rights enjoyed by businesses in the immediate area, those being Rouses Grocery, Ace Hardware, Valero Gas Station, Burger King, Waffle House, Dairy Queen and Shell Gas Station, whose storefront signage is similar and proportional in signage size to the applicant's request;
3. There are no special conditions or circumstances that were caused by the applicant as other large linear storefront owners in the immediate area have enjoyed storefront signage of similar or greater size than the applicant's request for many years;
4. Approving the applicant's original request would not give the applicant any special signage size privileges as Rouses Grocery, Ace Hardware, Valero Gas, Burger King, Waffle House, Dairy Queen, Shell Gas Station all have signage of similar size and proportion or greater than that proposed by the applicant with the single exception of Dollar Tree, whose original variance request was denied by the Planning and Zoning Commission and upheld by the previous city council and whereby the Planning and Zoning Commission in this instance set an "inferred" maximum square footage of signage on future developments of 129 sq. ft. The Planning and Zoning Commission based their decision on setting the Goodies signage area a 'not to exceed the approved Dollar Tree signage' and was not based on store front linear footage of 70 linear footage feet for Dollar Tree and 107 linear footage feet for Goodies. The Planning and Zoning Commission action thus gave Dollar Tree a greater advantage of signage size at a 1:1.9 ratio and Goodies a 1:1.2 ratio of linear feet to store front signage.

	Aye	Nay	Absent
Councilmember Lopez	<u>✓</u>	<u>      </u>	<u>      </u>
Councilmember LaFontaine	<u>✓</u>	<u>      </u>	<u>      </u>
Councilmember Sislow	<u>✓</u>	<u>      </u>	<u>      </u>
Councilmember Rech	<u>✓</u>	<u>      </u>	<u>      </u>
Councilmember Knobloch	<u>✓</u>	<u>      </u>	<u>      </u>
Mayor Schafer	<u>✓</u>	<u>      </u>	<u>      </u>

APPROVED:

  
Thomas E. Schafer IV  
Mayor

ATTEST:

  
Sue W. Foster, City Clerk

SEAL

THIS IS TO CERTIFY THAT THE FOREGOING RESOLUTION WAS ADOPTED BY THE CITY OF DIAMONDHEAD, MISSISSIPPI, ON THE 3rd DAY OF SEPTEMBER, 2013.

  
CITY CLERK

City of Diamondhead  
5000 Diamondhead Circle  
Diamondhead, MS 39525



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

APPLICATION FOR VARIANCE REQUEST

CASE NO. 2013-09

DATE JUNE 17, 2013

APPLICANT: DANIEL HUGHES 3D SIGNS

APPLICANT'S ADDRESS: PO BOX 456 CHALMETTE LA 70044

APPLICANT'S TELEPHONE: (HOME) 985-643-7446 (WORK) 504 279-7446

PROPERTY OWNER: RETAIL SPECIALISTS, INC.

MAILING ADDRESS: 120 18<sup>TH</sup> STREET SOUTH SUITE 201 BIRMINGHAM AL 35233

TELEPHONE NUMBER: (HOME) \_\_\_\_\_ (WORK) 205 313-3676

TAX ROLL PARCEL NUMBER: 131E-1-13.007.000

STREET ADDRESS OR LEGAL DESCRIPTION OF PROPERTY: SHOPPING CENTER

4402 EAST ALOHA DRIVE SUITE 18 DIAMONDHEAD MS 39525-3305

STATE PURPOSE OF VARIANCE: (FRONT/SIDE/REAR/LOT SIZE/PARKING/BUILDING

COVERAGE) (SIGNAGE - SIZE - HEIGHT) SIGNAGE FOR GOODY'S #772

SIGNAGE IS 188.5 SQFT LETTERING STANDARD FOR CHAIN SIGNAGE

ZONING DISTRICT C-1

## APPLICATION FOR VARIANCE

### Signage for Goody's Store

June 19, 2013

City of Diamondhead  
5000 Diamonhead Circle  
Diamondhead, MS 39525

#### Zoning Review

We are applying for a variance in the signage ordinance as to Section 2.6.5 requiring a signage square footage of no more than 100 square feet.

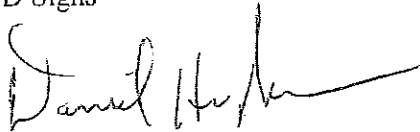
The signage proposed by the tenant, Goody's is 188.5 and is less than 80% of the building facade and in comparable with adjacent tenant signage, specifically Dollar Tree that has been approved. The signage for Goody's also is in comparable size with the previous tenant, Rouse's

In addition, the Goody's signage is comparable to other Goody's store locations.

The signage size requirements is needed to be in proportion to the size of the building and store along with being visible as location to street viewing.

We respectfully request an approval for the permitting of the Goody's sign as proposed.

3D Signs

A handwritten signature in black ink, appearing to read "Daniel Hughes", with a long horizontal flourish extending to the right.

Daniel Hughes

3D Signs  
PO Box 456  
Chalmette, LA 70044  
504 279-7446

# STAGE STORES INC.

7/24/2013

To whom it may concern,  
City of Diamond Head, MS, Planning & Zoning Department

RE:

Goody's #772  
4402 East Aloha Dr  
Suite #18  
Diamond Head, MS 39525

Good afternoon,

In the current economic times, it is critical for Goody's to ensure that its brand image is as strong as possible, and that our storefront signage is easily visible from the parking lot and nearby roadways. As a national retailer, it's imperative that our brand image in Diamond Head, MS is consistent with our other 250 stores.

Goody's and the landlord are investing a significant amount of money in the shopping center, and we are looking to improve the appearance of the storefront façade while complimenting the appearance of the overall commercial development. The larger sign requested through this variance process would not interfere with any of the other tenants or impede on their ability to effectively advertise. We are at least 500 ft from the road, and visibility and readability will help us achieve the proper exposure we desire.

We are aware that a neighboring tenant, Dollar Tree, was recently granted 130 sq ft for their storefront signage, and the previous tenant, Rouse's Market, had a similar sign covering nearly 80% of the fascia. The larger sign that we are requesting will shore up our hopes for a successful store and translate into jobs for associates and tax revenue for the City of Diamond Head.

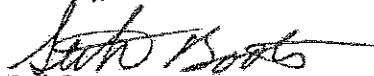
As shown in the attached storefront renderings, we would like to increase our sign letters to 188 sq ft or a 72" letter height versus the allowable 100 sq ft which limits us to a 48" letter height. The signs shown in the rendering have been completed in many other locations across the country with very positive feedback from our customers, mall managers, and the cities throughout the southeastern part of the country.

*Dollar Tree  
50"*

It is our hope that you approve our storefront sign variance request at the upcoming meeting on July 31<sup>st</sup>. Please review the information provided, and let us know of any additional information will be needed for the September meeting.

Goody's is very excited about our new location and we are anxious to start. Thank you for your time and consideration in this matter.

Sincerely,



Seth Boots  
Stage Stores, Inc.  
Director of Project Management

BEALLS GOODY'S PALAIS ROYAL PEBBLES STAGE  
10201 Main Street, Houston, Texas 77025  
Phone: (713) 663-9809 Fax: (713) 669-9814  
Email: sboots@stagesstores.com

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 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 July 31 at 2:00 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.

Daniel H. [Signature]  
Signature of Applicant

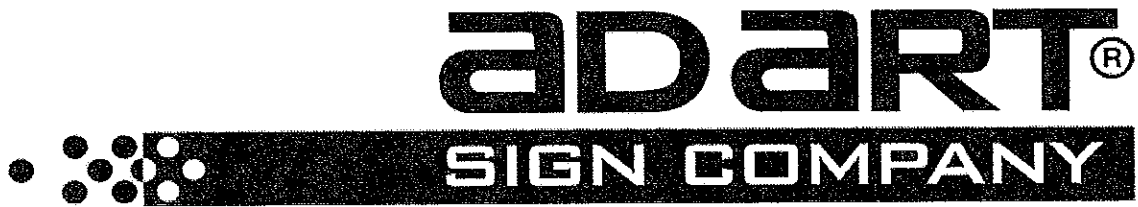
[Signature]  
Signature of Property Owner

\_\_\_\_\_ For Official Use Only \_\_\_\_\_

- \$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( )







## Site Survey

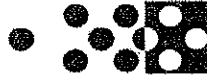


Store: Goody's #772

Address: 4402 East Aloha Dr, Suite 18  
Diamond Head, MS 39525

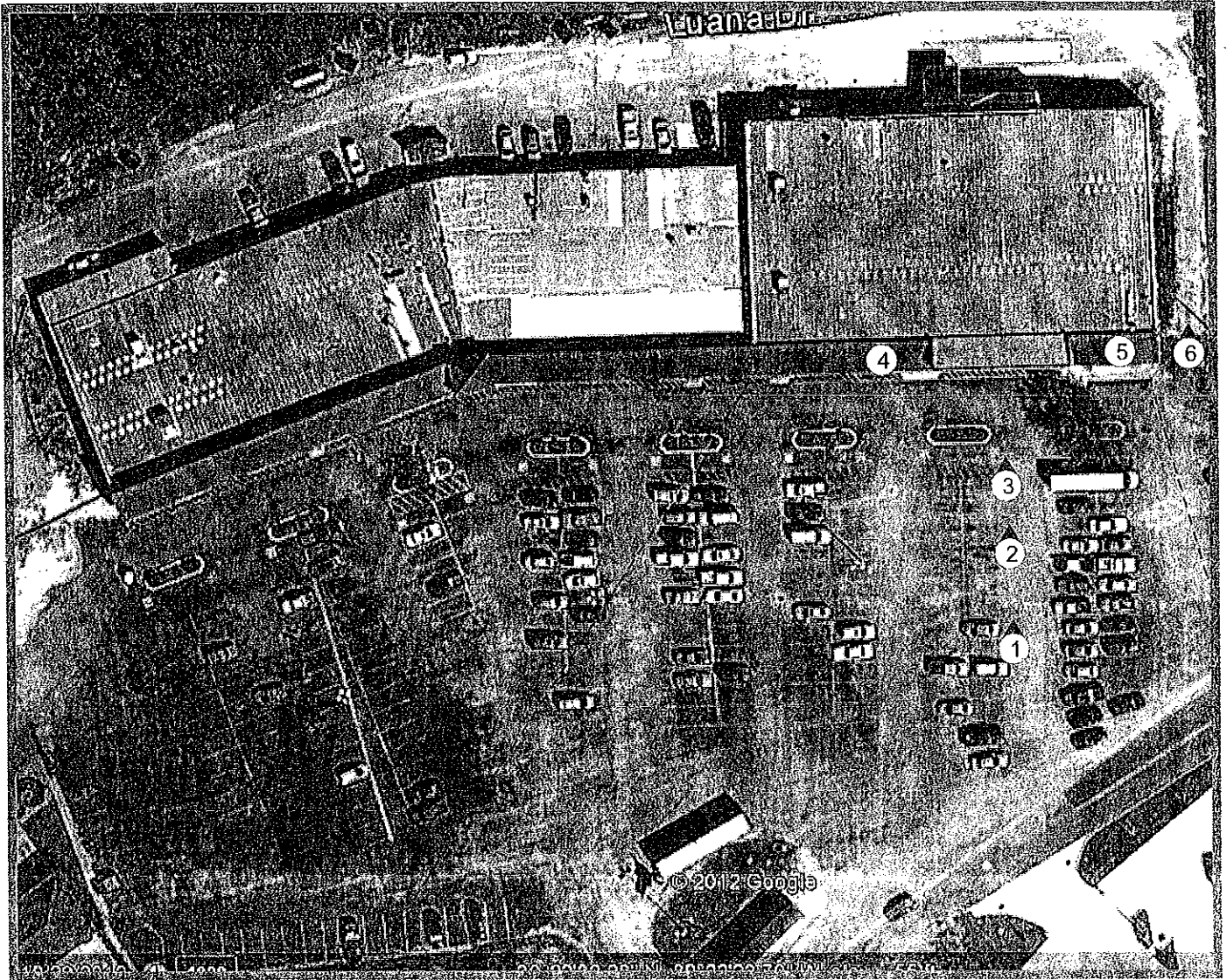
Date: 01/19/2013

# ADART<sup>®</sup>



## SIGN COMPANY

### SITE PLAN / CONE OF VISION

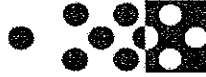


Store: Goody's #772

Address: 4402 East Aloha Dr, Suite 18  
Diamond Head, MS 39525

Date: 01/19/2013

# ADART®

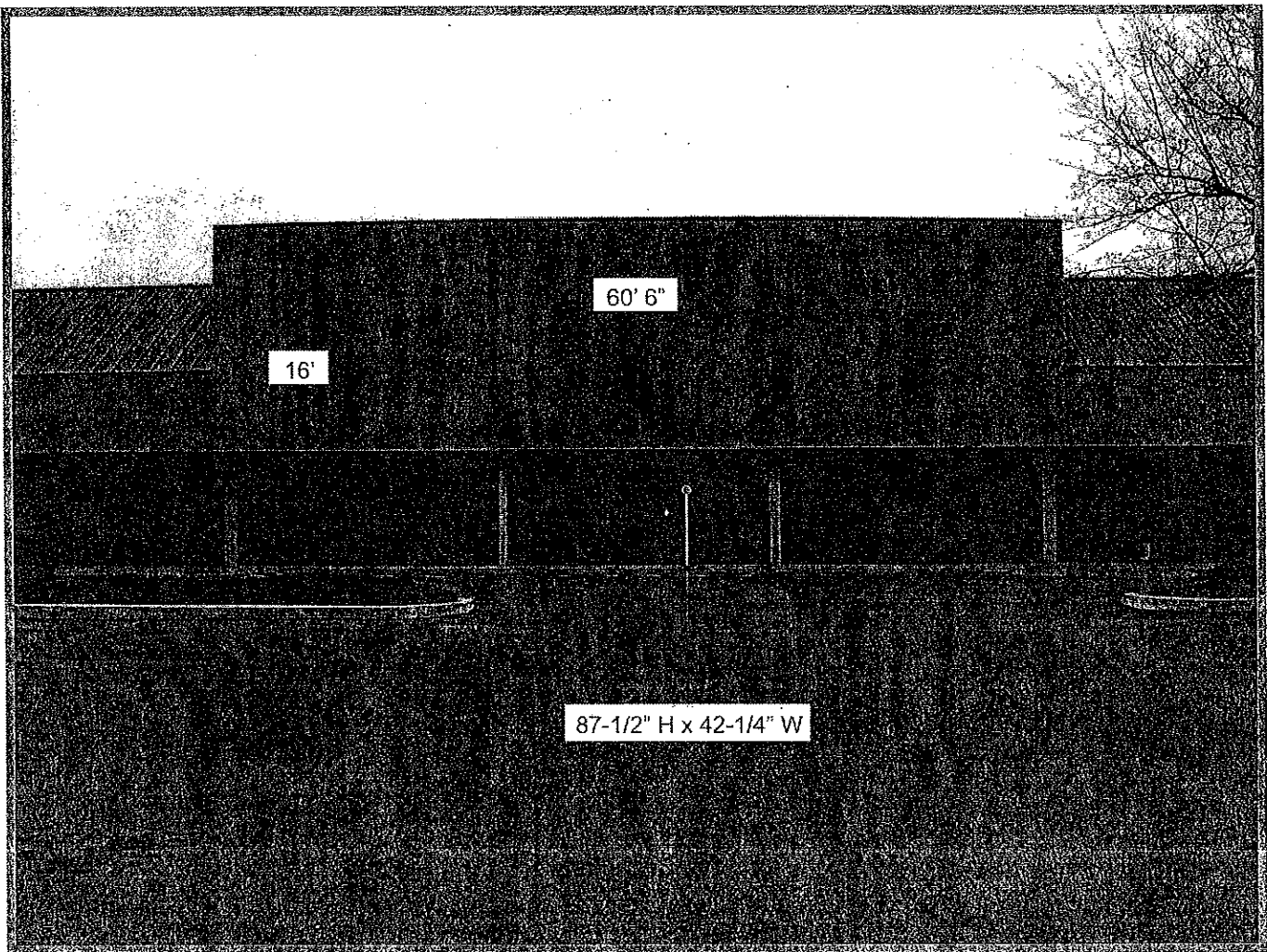


## SIGN COMPANY

### FRONT ELEVATION

Building Material:	
Fascia Material:	
Fascia Shade:	

Access Behind Wall:	
Roll-Up Gate?:	
Is Electrical Present:	

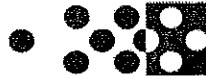


Store: Goody's #772

Address: 4402 East Aloha Dr, Suite 18  
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Date: 01/19/2013

# ADART®

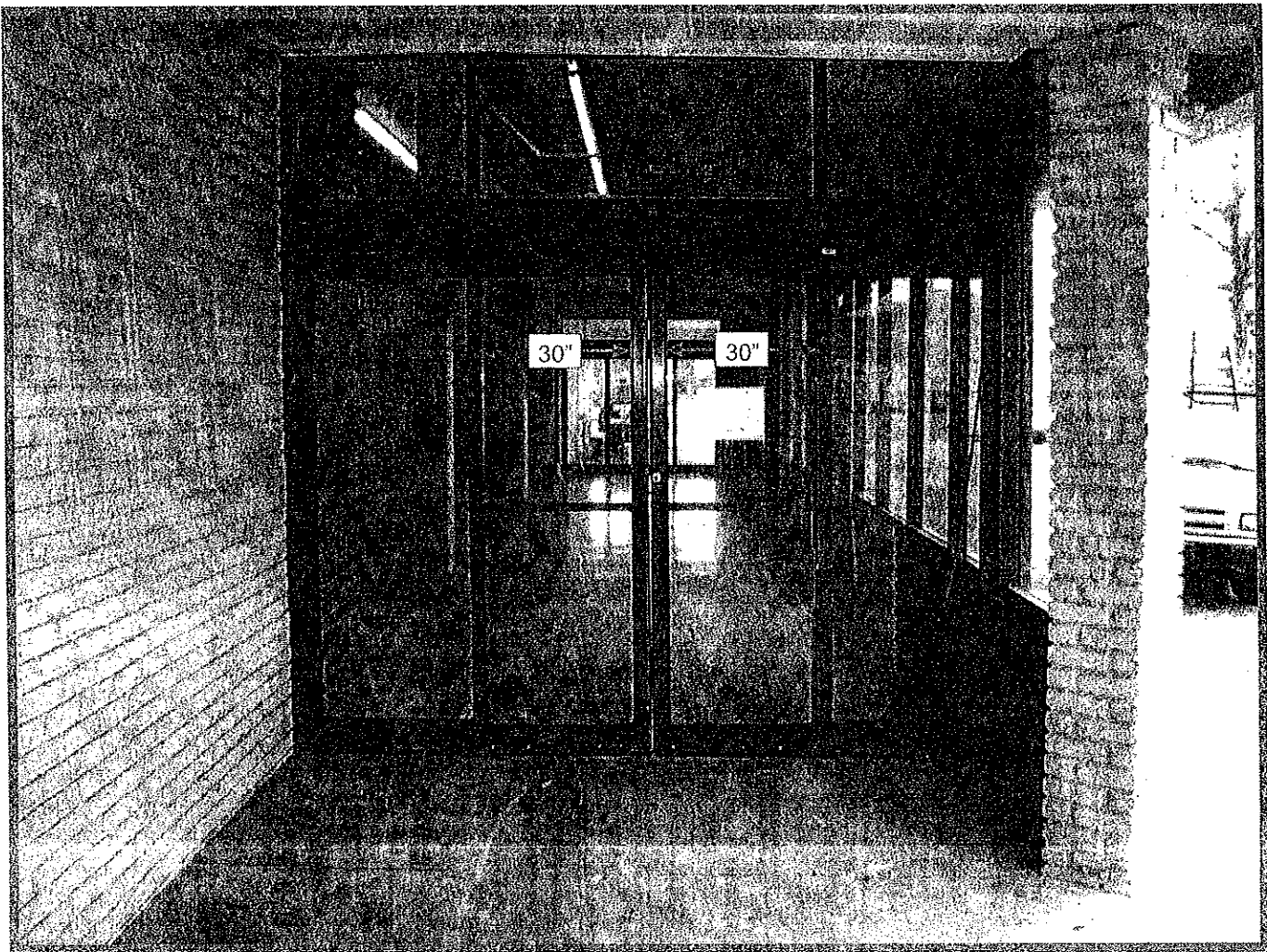


## SIGN COMPANY

### FRONT ELEVATION - LEFT ENTRANCE

Building Material:	
Fascia Material:	
Fascia Shade:	

Access Behind Wall:	
Roll-Up Gate?:	
Is Electrical Present:	

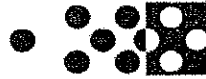


Store: Goody's #772

Address: 4402 East Aloha Dr, Suite 18  
Diamond Head, MS 39525

Date: 01/19/2013

# ADART®

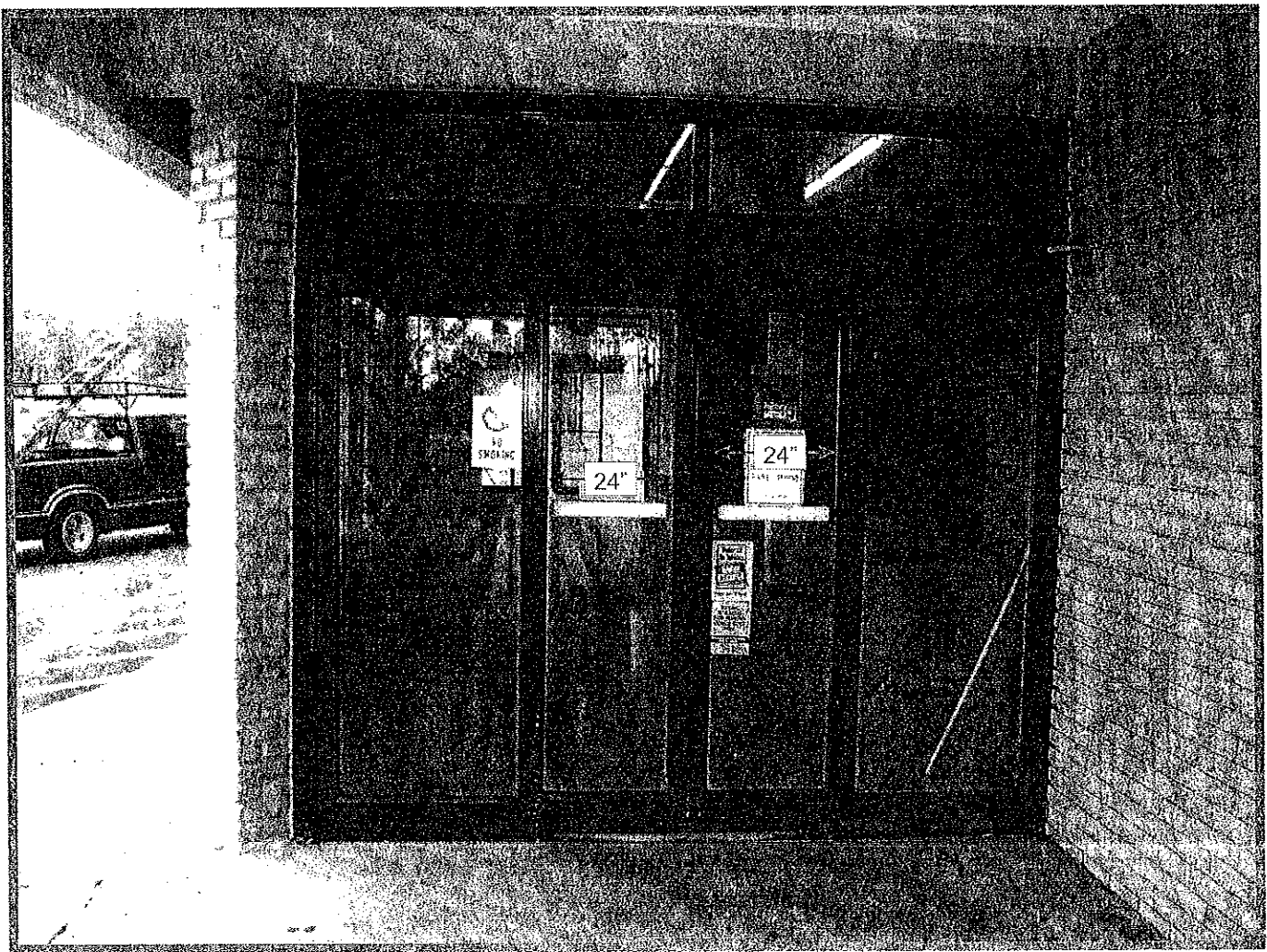


## SIGN COMPANY

### FRONT ELEVATION - RIGHT ENTRANCE

Building Material:	
Fascia Material:	
Fascia Shade:	

Access Behind Wall:	
Roll-Up Gate?:	
Is Electrical Present:	



Store: Goody's #772

Address: 4402 East Aloha Dr, Suite 18  
Diamond Head, MS 39525

Date: 01/19/2013

Diamondhead, Mississippi  
(Diamondhead Plaza)

## SHOPPING CENTER LEASE AGREEMENT

This Shopping Center Lease Agreement is entered into as of the 15<sup>th</sup> day of March, 2013 (the "*Effective Date*"), by and between Landlord and Tenant hereinafter named.

### ARTICLE 1 - DEFINITIONS AND BASIC LEASE PROVISIONS

- 1.1 Landlord:** Triple Diamonds, LLC,  
a Mississippi limited liability company
- 1.2 Landlord's Address:** c/o Retail Specialists, Inc.  
120 18<sup>th</sup> Street South, Suite 201  
Birmingham, Alabama 35233  
Facsimile: (504) 527-5119  
Telephone: (205) 313-3676
- Landlord's Payment Address: c/o Retail Specialists, Inc.  
120 18<sup>th</sup> Street South, Suite 201  
Birmingham, Alabama 35233
- 1.3 Tenant:** Specialty Retailers, Inc.,  
a Texas corporation
- 1.4 Tenant's Addresses:**
- Demised Premises: 4402 East Aloha Drive, Suite 18  
Diamondhead, Mississippi 39525-3305
- Principal Office: P.O. Box 35167  
Houston, Texas 77235-5167  
10201 South Main Street 77025  
Attn: Senior Vice President of Real Estate and  
Senior Vice President—Legal and Risk  
Management  
Facsimile: (713) 663-9815
- All notices given to Tenant shall be sent individually to both of the officers above under separate cover.
- 1.5 Tenant's Trade Name:** "Goody's" or such other trade names that are used for any of Tenant's other stores.
- 1.6 Additional Charges:** All amounts payable under this Lease by Tenant, other than Minimum Guaranteed Rental and Percentage Rental.
- 1.7 Commencement Date:** The earlier to occur of (i) forty-six (46) days after the Delivery Date (as defined below), but in no event earlier

SIGNATURE PAGE OF SHOPPING CENTER LEASE AGREEMENT  
BETWEEN TRIPLE DIAMONDS, LLC, AS LANDLORD,  
AND SPECIALTY RETAILERS, INC., AS TENANT,  
RELATING TO THE DEMISED PREMISES IN  
DIAMONDHEAD PLAZA,  
DIAMONDHEAD, MISSISSIPPI

EXECUTED as of the date hereinabove stated.

**TRIPLE DIAMONDS, LLC,**  
a Mississippi limited liability company

BY: Lewis M Stewart  
NAME: Lewis M Stewart Jr  
TITLE: Member

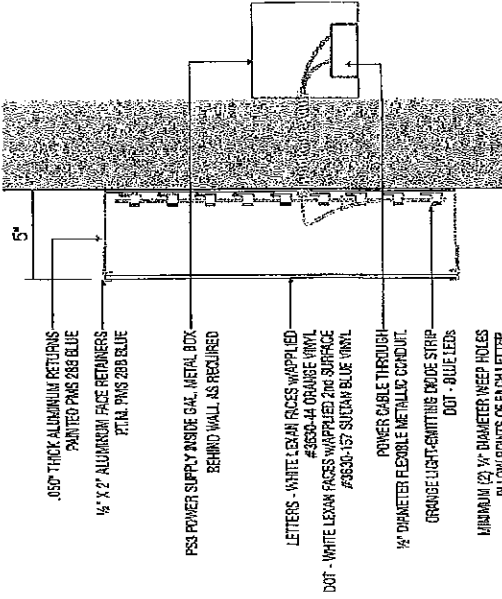
**SPECIALTY RETAILERS, INC.,**  
a Texas corporation

BY: [Signature]  
NAME: Keith Williams  
TITLE: Sr. Vice President – Real Estate



# GOODY'S

SIGN LAYOUT  
MAX SIZE ALLOWED BY LOCAL CODE



## LETTER SECTION

N.T.S.

Dimensions are approximate & may change due to manufacturing factors or exact field conditions. Colors shown are suggestions and will allow; always follow written specifications. ALL RIGHTS RESERVED. This design has been created by ADAPT in connection with a project being planned for you by ADAPT. Any reproduction without the prior written consent of ADAPT may be held liable in any manner without prior consent.

SALES APPROVAL	DATE	DESIGNER
CUSTOMER APPROVAL	DATE	DESIGNER
TAN/LOGO APPROVAL	DATE	DESIGNER

Project	Date	Designer

GOODY'S  
VARIOUS

DATE: 11/27/10  
DESIGNER: TJK  
FLORIDA: GOODY'S LEASE LAYOUT

**ADAPT**  
SIGN COMPANY  
2605 SAGEBRUSH DRIVE  
SUITE 204  
PLANTWICK HUNING, TEXAS 75588  
1-800-875-6533  
FAX: 972-262-5100