



TO: Mayor, City Council and City Manager

FROM: J. Pat Rich, Development Coordinator *J. Pat Rich*

DATE: May 31, 2022

SUBJECT: Recommendation from Planning Commission Sign Variance Request Taco Bell

Taco Bell represented by Gulf South Signs, LLC, has filed an application requesting a variance from the Zoning Ordinance (Article 4.19) to allow the construction of a monument sign within 0' of the property line and 2 (two) wall mounted signs not on building frontage. At its regular meeting on May 24, 2021, the Planning Commission voted 5-0 to recommend approving the staff recommendation to do the following:

1. Deny the request for the monument sign. The city has never approved a 0' setback for a monument sign and the sign would not be in keeping with the plans for the Aloha District per Orion Planning.
2. Deny the request for the west facing tower sign. Wall mounted signs are only allowed on the street facing side.
3. Approve the request to allow wall mounted signs on the south facing side. Per Orion Planning, the sign ordinance for the Aloha District will allow wall mounted signs on the street side and the rear of the building where most of the parking is located. The plan is for buildings to have an entrance on each side.



Commissioner Flowers
Commissioner Layel
Commissioner Debrow
Commissioner Torguson
Commissioner Hector

AGENDA PLANNING AND ZONING COMMISSION

Tuesday, May 24, 2022

6:00 PM CST

Council Chambers, City Hall
and via teleconference, if necessary

Call to Order

Statement of Purpose

1. May our decisions today be made with wisdom, careful deliberation and in the best interest of the City of Diamondhead. May we display patience and kindness in our dealings with each other and all who are in attendance and may any decisions made today promote the health, safety and welfare of the citizens of Diamondhead and the enhancement of the City as a whole.

Pledge of Allegiance

Roll Call

Confirmation or Adjustments to Agenda

Approval of Minutes

2. Approval of March 22, 2022 minutes.
3. Approval of March 23, 2022 minutes.

New Business

4. Taco Bell represented by Gulf South Signs, LLC, has filed an application requesting a variance from the Zoning Ordinance (Article 4.19) to allow the construction of a monument sign within 0' of the property line; 2 (two) wall mounted signs not on building frontage. The property address is 4500 East Aloha Drive. The tax parcel number is 131E-1-13-006.002. The property is in a C-1 zoning district. The setback for monument signs is 10'. The variance requested is 10'. Wall mounted signs are only allowed on building frontage. The variance requested is to allow 2 (two) wall mounted signs on non-frontage walls. The Case File Number is 202200200.
Approved Staff Recommendation 5-0
5. Bryon Griffith has filed an application requesting a variance from the Zoning Ordinance (Article 4.19) to allow the construction of a 2nd accessory building (utility shed). The property address is 79326 Diamondhead Drive East. The tax parcel number is 067J-3-36-071.000. The property is in a R-2 zoning district. There shall only be one accessory structure on a property. The variance requested is to allow a second accessory structure. The Case File Number is 202200206.
Denied \$=0 withdrawn

Unfinished Business

Open Public Comments to Non-Agenda Items

Commissioners' Comments

Communication / Announcements

6. The next City Council Meeting is Tuesday, June 7, 2022.



City of Diamondhead

5000 Diamondhead Circle, Diamondhead, MS 39525

Phone: (228) 222-4626

FAX: (228) 222-4390

www.diamondhead.ms.gov

STAFF REPORT TO PLANNING COMMISSION

DATE: May 20, 2022

CASE FILE NUMBER: 202200200

APPLICANT: Taco Bell by Gulf South Signs, LLC

TAX PARCEL NUMBER: 131E-1-13-006.002

PHYSICAL STREET ADDRESS: 4405 East Aloha Drive

ZONING DISTRICT: C-1 General Commercial

TYPE OF APPLICATION: Variance

NATURE OF REQUEST: Taco Bell represented by Gulf South Signs, LLC, has filed an application requesting a variance from the Zoning Ordinance (Article 4.19) to allow the construction of a monument sign within 0' of the property line; and 2 (two) wall mounted signs not on building frontage. The setback for monument signs is 10'. The variance requested is 10'. Wall mounted signs are only allowed on building frontage. The variance requested is to allow 2 (two) wall mounted signs on non-frontage walls.

DATE OF PUBLIC HEARING BEFORE PLANNING COMMISSION: May 24, 2022

ACTION BY THE PLANNING COMMISSION:

FINDINGS: The Planning Commission may recommend granting a variance provided affirmative findings of fact are made on each of the following criteria:

- A. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures, or buildings in the same district. By way of example, special conditions or circumstances peculiar to land could include irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions.
- B. That literal interpretation of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this title.
- C. That special conditions and circumstances do not result from the actions of the applicant.
- D. That granting the variance requested will not confer on the applicant any special privilege that is denied by this title to other lands, structures, or buildings in the same zoning district.
- E. The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

- F. The Variance would observe the spirit of the Ordinance and would not change the character of the district.
- G. The Variance would observe the spirit of the Comprehensive Plan.
- H. That the Variance requested will not result in any change in use or density of the subject
- I. property.

NOTES: In recommending that any variance be granted, the Planning Commission may prescribe appropriate conditions and safeguards in conformity with the zoning ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of the zoning ordinance and punishable as determined within the zoning ordinance.

Under no circumstances shall the Planning Commission or Mayor and City Council grant a variance to allow a use not permissible under the terms of the zoning ordinance in the district involved, or any use expressly or by implication prohibited by the terms of the zoning ordinance in said district.

RECOMMENDATION TO PLANNING COMMISSION: To **deny** the variance as

petitioned for the monument sign and the tower wall mounted sign facing west, and to

approve the wall mounted sign over the entrance and a tower wall mounted sign facing south.

The staff recommends to **deny** the variance as petitioned for the monument sign and the tower wall mounted sign facing west based on the following findings of fact.

- A. That special conditions and circumstances *do not* exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures, or buildings in the same district.
- B. That literal interpretation of the provisions of this title *would not* deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this title.
- C. That special conditions and circumstances, if any, *do* result from the actions of the applicant.
- D. That granting the variance requested *will* confer on the applicant any special privilege that is denied by this title to other lands, structures, or buildings in the same zoning district.
- E. The variance, if authorized, *will not* represent the minimum variance that will afford relief and *will not* represent the least modification possible of the regulation in issue.
- F. The Variance *does not* observe the spirit of the Ordinance and *will* change the character of the district (area).
- G. The Variance *will not* observe the spirit of the Comprehensive Plan.
- H. That the Variance requested *will* result in any change in use or density of the subject property.

The staff recommends to **approve** the variance as petitioned for the wall mounted sign over the entrance and a tower wall mounted sign facing south based on the following findings of fact.

- A. That special conditions and circumstances *do* exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures, or buildings in the same district. *The Aloha District as planned will have entrances in the front and rear of the buildings. Our ordinances have not kept pace with this change but intend to allow signage on both entrances of the building.*
- B. That literal interpretation of the provisions of this title *would* deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this title. *This is the first of many buildings along East Aloha Drive that will have front and rear entrances.*
- C. That special conditions and circumstances, if any, *do not* result from the actions of the applicant. *The ordinance that would allow this are not yet in place but are planned by both the city and Orion Planning.*
- D. That granting the variance requested *will not* confer on the applicant any special privilege that is denied by this title to other lands, structures, or buildings in the same zoning district. *The Aloha District is the first of its kind.*
- E. The variance, if authorized, *will* represent the minimum variance that will afford relief and *will* represent the least modification possible of the regulation in issue.
- F. The Variance *does* observe the spirit of the Ordinance and *will not* change the character of the district (area).
- G. The Variance *will* observe the spirit of the Comprehensive Plan.
- H. That the Variance requested *will not* result in any change in use or density of the subject property.



Restaurant:
Diamondhead
4401 E. Alhambra Drive
Diamondhead, Mississippi
Source No. 000010

G Food Enterprises, LLC
P.O. Drawer 3624
Cottonwood, AZ 86301

Carl P. Blum
AIA
Architect

P. O. Box 2386
900 David Drive
Bogalusa, Louisiana
70301
(504) 865-7296
Fax (504) 865-7297
E-Mail: splzine@atc.com

Consultants
Coal Engineers
Meyer, Meyer, LaCroix,
& Minton
1001 Eighth Street, N.E.
Atlanta, Georgia 30309

Allen David Engineering
Public Consultants, LLC
7001 1st Avenue
Atlanta, Georgia 30318
505.446.1177

Allen Jackson and Engineering
Automated Design
Cincinnati, Ohio
513.762.0000 ext. 200

Flexitallic Engineers
& Consulting, Inc.
800 River Road • River, New York
Telephone: (516) 764-7026
Telex: 212 764 7026

Drawn:
C. F. L. A. B. T. J. D. D.

Checked:
E. F. L.

Code:

Date:
January 24, 2012

1.0 of 83

Restaurants with Drive-Thru

- SERVICE PLAZA 2 BAYS
- 8' X 60' QUEUING SPACE BEGINNING AT DRIVE-THRU WINDOW
- TOTAL REQUIRED SPACES
- SEATS INCLUDING INTO / OUT
- CORDED PARKING SPACES
- TOTAL HANDICAPPED SPACES
- REQUIRED QUEUING SPACE (10' X 97')
- COVERED LOADING SPACE (12' X 100')
- STREET-UP STACK CAPACITY

RELOCATED EAST ALOHA DRIVE

TACO BELL
ENDEAVOR 2.0 22
W/ 10 SEAT PATH

10 Parking Spaces

25328 SQ. FT.
0.58 ACRES

DIAMONDHEAD COMMERCIAL DEVELOPMENT, LLC
PARCEL 131E-1-13-008 002
4435 ALCHIA DRIVE
DIAMONDHEAD, MS 38525
TNU 2005 PJ 0229

Site Plan

Keynotes

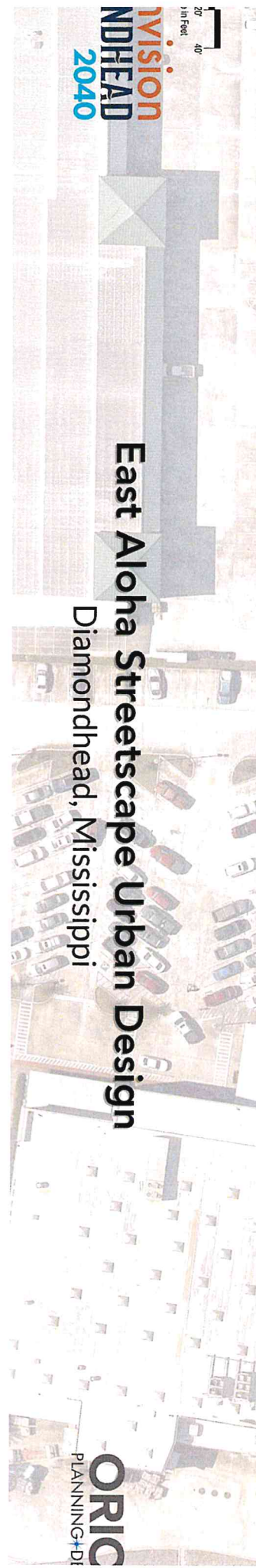
01F

SEE SHEET C1-2 FOR ALL SITE DEMOLITION INFORMATION. EXISTING SITE IS SHOWN GRAYED HERE FOR REFERENCE.

- [illegible]









5000 Diamondhead Circle
Diamondhead, MS 39525
Ph: 228-222-4626
FX: 228-222-4390

APPLICATION FOR VARIANCE REQUEST

Case Number: 00000000

Date 4-28-22 ^{T.B.}

~~Taco Bell Restaurant represented by~~
Applicant: Gulf South Signs, LLC For Taco Bell

Applicant's Address: 5836 Nature Trail Dr. Baton Rouge, LA 70817

Applicant's Email Address: Kimberly@gulfsouthsigns.com

Applicant's Contact Number: (Home) 8779177446 (Work) 9856620770 (Cell) 2252357332

*Kimberly
Gremillion*

Property Owner: Diamondhead Comm Dev, LLC

Owner's Mailing Address: 4405 Aloha Dr. Diamondhead, MS 39525

Owner's Email Address: _____

Owner's Contact Number: (Home) (228) 216-1819 (Work) _____ (Cell) _____

Tax Roll Parcel Number: _____

Physical Street Address: 4405 Aloha Dr. Diamondhead, MS 39525

Legal Description of Property: _____

Zoning District: C-1

State Purpose of Variance: (Front/Side/Rear/Lot Size/Parking/Building/Coverage)

(Signage-Size-Height) Monument Sign - Due to the restricted space for monument sign placement, we are requesting zero setback.

Wall signs - we request additional wall signs not facing a street frontage to maximize visibility. Taco Bell's national standard is to have two signs on the tower and one over front entrance

Parcel #
131E-1-13-006.002

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 \$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 designed 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 5/24/02 at 6 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.

Kimberly Grumillion
Signature of Applicant

Signature of Property Owner

For Official Use Only

- ☒ \$100.00
- ☐ Copy of Deed, Lease or Contract
- ☐ Site Plan
- ☐ Parking Spaces
- ☐ List of Property Owner

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

REQUIRED ITEM A

Property Owner Diamondhead Comm Dev, LLC

Street Address 4405 Aloha Dr. Diamondhead, MS 39525

Statement Describing Variance Request

Due to the restricted space, we are requesting zero setback for the monument sign. We request additional wall signs to maximize visibility.

The reasons why it complies with the criteria for variances:

1. DO THE SPECIAL CONDITIONS AND/OR CIRCUMSTANCES EXIST WHICH AFFECT ONLY THE LAND OR STRUCTURE IN QUESTION AND NO OTHER SURROUNDING OR SIMILAR PROPERTIES?

Response: It only affects the land or structure in question.
affects all C-1

2. WOULD LITERAL INTERPRETATION OF THE ZONING ORDINANCE DEPRIVE THE OWNER/APPLICANT OF RIGHTS COMMONLY ENJOYED BY OTHER PROPERTIES IN THE SAME ZONING DISTRICT?

Response: We believe in order to have fair competition with similar businesses we would need the extra signs & placement of the monument sign to be approved - would provide competitive advantage

3. ARE THE SPECIAL CONDITIONS OR CIRCUMSTANCES NOT CAUSED BY THE OWNER/APPLICANT?

Response: They are not caused by the owner. - who then

4. WOULD THE REQUESTED VARIANCE NOT GIVE THE OWNER/APPLICANT ANY SPECIAL PRIVILEGES OR RIGHTS NOT SHARED BY OWNERS OF SIMILAR PROPERTIES?

Response: The approval of this variance would give the owner fair competition. - just the opposite

**NOTICE OF PUBLIC HEARING
PLANNING AND ZONING COMMISSION
DIAMONDHEAD, MS**

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In accordance with the Comprehensive Zoning Ordinance Article 2.6.4, the Planning Commission may recommend to the Mayor and City Council a variance be granted as the variance was applied for or in a modified form or subject to conditions or the application may be denied. A variance may be revocable, may be granted for a limited time period, or may be granted subject to conditions as the Planning Commission or Mayor and City Council may prescribe.

The Planning and Zoning Commission will consider this application at its next regularly scheduled meeting on **Tuesday, May 24, 2022, at 6:00 p.m.** The public hearing will be held at Diamondhead City Hall in the Council Chambers at 5000 Diamondhead Circle in Diamondhead, MS 39525. Interested members of the public are invited to attend. This meeting will also be live streamed for your convenience.

If you have any questions or comments or would like to review the application, you may contact the Building Department at the above address and/or at 228-222-4626.



5000 Diamondhead Circle ·
Diamondhead, MS 39525-3260
Phone: 228.222.4626 Fax: 228-222-4390
www.diamondhead.ms.gov

TO: Taco Bell and adjacent property owners

FROM: J. Pat Rich 
Development Coordinator

DATE: May 6, 2022

SUBJECT: Variance application request before the Planning & Zoning Commission

Taco Bell represented by Gulf South Signs, LLC, has filed an application requesting a variance from the Zoning Ordinance (Article 4.19) to allow the construction of a monument sign within 0' of the property line; 2 (two) wall mounted signs not on building frontage.

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