

City of Hattiesburg, MS

*200 Forrest St.
P.O. Box 1898
Hattiesburg, MS 39401*



Meeting Agenda

Monday, April 16, 2012

4:30 PM

Council Chambers

City Council - Amendments to the Agenda

Amendment to the April 17, 2012, Agenda

*Remove Policy Agenda Items VI.-2 and VI.-20 at the request of the Administration, and,
Add Policy Agenda Item VI.-25 at the request of the Administration as follows:*

2012-0731

Acknowledge receipt of letter filed by Ken Williams, Vice President W. H. Capital, LLC c/o Waffle House, Inc., owner, to appeal the Planning Commission's recommendation for their petition represented by Mark Tramontana, Senior Account Executive, Mitchell Signs, to vary from Article 5, Section 95.10 (2D), which states that in a B-5, Regional Business District the width of an On-Premise Free Standing Signs shall not exceed sixteen (16) feet, and instead allow twenty foot, eleven and one-quarter inches (20'11 ¼"), for a variance of four foot eleven and one-quarter inches (4'11 ¼"), for a certain property located at 963 Broadway Drive (Parcel 23-924-6-1, PPIN 33415, Ward 4); (Hattiesburg Planning Commission recommended to DENY on April 4, 2011), set a public hearing before Council on May 14, 2012 at 4 PM, and authorize publication of Public Notice setting an appeal hearing.

Attachments: 963 Broadway Drive (Appeal Letter)
 Appeal PN



City of Hattiesburg, MS

200 Forrest St.
P.O. Box 1898
Hattiesburg, MS 39401

Master

File Number: 2012-0731

File ID: 2012-0731

Type: Regular Agenda Item

Status: Agenda Ready

Version: 1

Reference:

In Control: City Council

File Created: 04/16/2012

Brief Title: 963 Broadway Drive – Appeal Hearing on Variance

Final Action: 04/17/2012

Minute Book Number: mb 2012-1/123-124

Title:

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Notes:

Sponsors:

Enactment Date:

Attachments: 963 Broadway Drive (Appeal Letter), Appeal PN

Enactment Number:

Contact:

Meeting Date: 04/17/2012

Drafter: Lisa Reid

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Council - Amendments to the Agenda	04/16/2012					
1	City Council	04/17/2012	Authorize				Pass

Action Text: A MOTION was made by Council Member Naylor and seconded by Council Member Delgado to Acknowledge receipt of letter filed by Ken Williams, Vice President W. H. Capital, LLC c/o Waffle House, Inc., owner, to appeal the Planning Commission's recommendation for their petition represented by Mark Tramontana, Senior Account Executive, Mitchell Signs, to vary from Article 5, Section 95.10 (2D), which states that in a B-5, Regional Business District the width of an On-Premise Free Standing Signs shall not exceed sixteen (16) feet, and instead allow twenty foot, eleven and one-quarter inches (20'11 ¼"), for a variance of four foot eleven and one-quarter inches (4'11 ¼"), for a certain property located at 963 Broadway Drive (Parcel 23-924-6-1, PPIN 33415, Ward 4); (Hattiesburg Planning Commission recommended to DENY on April 4, 201), set a public hearing before Council on May 14, 2012 at 4 PM, and authorize publication of Public Notice setting an appeal hearing. ..Summary
963 Broadway Drive - Appeal Hearing on Variance.

There being no discussion, the Motion received the affirmative vote of the Council as follows:

Yeas: 4 - Bradley, Delgado, Carroll and Naylor

Nays: 0

Absent: 1 - Ware

Yea: 4 President Bradley
 Council Member Delgado
 Council Member Carroll
 Council Member Naylor

TEL-No Vote: 0

Text of Legislative File 2012-0731

Title

Acknowledge receipt of letter filed by Ken Williams, Vice President W. H. Capital, LLC c/o Waffle House, Inc., owner, to appeal the Planning Commission's recommendation for their petition represented by Mark Tramontana, Senior Account Executive, Mitchell Signs, to vary from Article5, Section 95.10 (2D), which states that in a B-5, Regional Business District the width of an On-Premise Free Standing Signs shall not exceed sixteen (16) feet, and instead allow twenty foot, eleven and one-quarter inches (20'11 ¼"), for a variance of four foot eleven and one-quarter inches (4'11 ¼"), for a certain property located at 963 Broadway Drive (Parcel 23-924-6-1, PPIN 33415, Ward 4); (Hattiesburg Planning Commission recommended to DENY on April 4, 201), set a public hearing before Council on May 14, 2012 at 4 PM, and authorize publication of Public Notice setting an appeal hearing.

Summary

963 Broadway Drive- Appeal Hearing on Variance

Budget Information

Expenditure Type

Purchasing Item

Publication Information

publish 4/27/12

City of Hattiesburg
City Clerk
P.O. Box 1898
Hattiesburg, MS 39403

FILED

APR 13 2012

EDDIE R. MYERS, CITY CLERK
By 
Deputy Clerk

April 13, 2012

Re: Planning Commission Variance Denial – Waffle House

To Whom It May Concern:

This letter is to appeal the denial of a sign variance application by the Planning Commission for a new Waffle House restaurant being constructed 963 Broadway Drive within the Cloverleaf Mall development.

The application requested a 4'-11.25" width variance to the allowable 16' width of an on-premise free-standing sign. In other words, a 16' wide free-standing sign is allowed by the city ordinance; the applicant would like to install a 20'-11.25" wide sign.

The applicant/business, Waffle House, has (as many businesses) a corporate image that has been developed throughout the years and that is know by customers throughout its market areas. It serves as its advertisement; its image.

The sign is easily recognized much as the Golden Arches are at McDonalds. Everyone knows what it is when they see the sign.

The sign that has been proposed for this new location is **SMALLER than that allowed by the city ordinance.** The city allows a 161 square foot sign and, the application is asking for a 147 square foot sign. It is simply the design/layout of the corporate logo that extends the shape of the sign past the 16' parameter to 20'-11.25".

To erect a smaller sign that meets both the 16' width allowed and the Waffle House corporate logo results in a sign which is not visible from the "cloverleaf" (intersection) at Hwy. 49 and Broadway Drive. The next smaller size corporate logo sign is 14'-9" wide and only 75 square feet – almost half the size!

Changing the design is really not an option since it would alter the corporate, established logo/identity and be very costly to develop.

In addition, there are a number of signs up and down Broadway that exceed the 16' width. They do not seem to alter the area's landscape or encroach upon the line of sight.

The proposed Waffle House sign meets all the city's requirements but the one of 16' in width. The sign meets the required setback from both the front and side property lines as well the height allowed for the location.

Finally, it is actually **SMALLER THAN WHAT IS ALLOWED** by the city.

Given all of these factors, why would the width be the "sticking point" on permitting sign that meets the city's ordinance?

We appreciate your consideration of our request.

Sincerely,

A handwritten signature in black ink that reads "Ken Williams" followed by a small mark that looks like "M2".

Ken Williams
Vice President
W.H. Capital, LLC c/o Waffle House, Inc.

PUBLIC HEARING

NOTICE is hereby given that a petition was filed by W. H. Capital, LLC c/o Waffle House, Inc., owner and represented by Mark Tramontana, Senior Account Executive, Mitchell Signs, with the Mayor and Council of the City of Hattiesburg, Mississippi, to vary from the Comprehensive Zoning Ordinance No. 2330, as amended, of the City of Hattiesburg, Mississippi, Article 5, Section 95.10 (2D), which states that in a B-5, Regional Business District the width of an On-Premise Free Standing Signs shall not exceed sixteen (16) feet, and instead allow twenty foot, eleven and one-quarter inches (20'11 ¼"), for a variance of four foot eleven and one-quarter inches (4'11 ¼"), for a certain property located at 963 Broadway Drive (Parcel 23-924-6-1, PPIN 33415, Ward 4), said property being more particularly described as follows, to-wit:

A part of Block 6 of the West End Addition to the City of Hattiesburg, County of Forrest, State of Mississippi, also being described as part of the Northeast Quarter of the Southeast Quarter of Section 17, Township 4 North, Range 13 West, County of Forrest, State of Mississippi and being more particularly described as follows: Commencing at a found ¾-inch iron pipe at the southeast corner of Block 1 of the West End Addition to the City of Hattiesburg, County of Forrest, State of Mississippi; thence run South 00 degrees 23 minutes 22 seconds East for 1,271.49 feet; thence run South 44 degrees 05 minutes 20 seconds West for 56.96 feet; thence run South 89 degrees 41 minutes 32 seconds West for 208.27 feet to the POINT OF BEGINNING; thence continue South 89 degrees 38 minutes 00 seconds West for 153.37 feet; thence run South 00 degrees 19 minutes 03 seconds East for 170.42 feet to a point in the north right-of-way line of Highway 49 Service Drive; thence run northeasterly along said north right-of-way line along a curve to the left for 161.77 feet, said curve having a radius of 980.00 feet, a delta angle of 09 degrees 27 minutes 28 seconds and a chord bearing of North 71 degrees 18 minutes 25 seconds East and a chord distance of 161.60 feet; thence run North 00 degrees 18 minutes 47 seconds West for 119.61 feet to the Point of Beginning. Said parcel comprises 0.52 acres more or less.

After hearing, the Hattiesburg Planning Commission recommend that the petition be DENIED, and proponents represented by Ken Williams, Vice President, W. H. Capital, LLC c/o Waffle House, Inc., owners, being aggrieved with the recommendation, filed a request for hearing before the Mayor and City Council of the City of Hattiesburg, as provided by law.

NOW, THEREFORE, NOTICE IS GIVEN that a public hearing in relation to the petition as hereinabove set forth will be held at 4 P.M., Monday, May 14, 2012 in the City Hall Building, 2nd Floor, City Council Room, 200 Forrest Street, Hattiesburg, Mississippi, at which time and at which said hearing all parties of interest and citizens shall have an opportunity to be heard.

WITNESS my signature and the official seal of said City on this, the 17st day of April, A.D., 2012.

CITY OF HATTIESBURG, MISSISSIPPI

BY: Eddie Myers /s/
CITY CLERK

(SEAL)

Publish (1) Friday, April 27, 2012
City of Hattiesburg
Return PROOF to City Clerk's Office
P.O. Box 1898
Hattiesburg, MS 39403-1898