



MORGANTOWN BOARD OF ZONING APPEALS

December 18, 2013
6:30 PM
City Council Chambers

Board Members:

Bernie Bossio, Chair
Leanne Cardoso, Vice-Chair
George Papandreas
Jim Shaffer
Tom Shamberger

STAFF REPORT

CASE NO: V13-63 / CVS Pharmacy / 496 High Street

REQUEST and LOCATION:

Request by Richard Pepper, on behalf of *CVS/pharmacy*, for variance relief from Article 1369 as it relates to signage at 496 High Street.

TAX MAP NUMBER(s) and ZONING DESCRIPTION:

Tax Map 26, Parcels 104, 108, 109, 110, 111, and 112; B-4, General Business District

SURROUNDING ZONING:

North: B-1, Neighborhood Business District

South, East, and West: B-4, General Business District

BACKGROUND and ANALYSIS:

The petitioner seeks to erect various signs on the *CVS/pharmacy* scheduled for development in 2014 at 496 High Street. Addendum A of this report illustrates the location of the subject site.

Article 1369.08(B) provides that signs in the B-4 District must comply with the following:

- Sign faces must be opaque.
- Signs may not be internally illuminated except for neon signs.
- Signs must be made of wood; sculpted "sign foam"; ornamental metals such as bronze, brass, copper, etc.; painted aluminum panels, stone or masonry (with concrete blocks being covered with stucco).

Article 1369.08(C) provides that signs in the B-4 District are restricted to the name and logo of the business establishment and may not contain any additional copy.

Wall Signs

Article 1369.07(I)(1) provides that the maximum area for wall signs in the B-4 District is determined by multiplying the storefront width in feet by 0.4. The storefront width of *CVS Pharmacy* is planned to be approximately 132 feet along High Street, which results in a maximum wall sign area standard of 52.8 square feet.

The sign face of reverse channel, aluminum face and returns and LED halo lighting is consistent with related lighting and design standards provided in Article 1369.08(B) and the copy restrictions provided in Article 1369.08(C).

Development Services

Christopher Fletcher, AICP
Director

Planning Division

389 Spruce Street
Morgantown, WV 26505
304.284.7431



MORGANTOWN BOARD OF ZONING APPEALS

December 18, 2013
 6:30 PM
 City Council Chambers

Board Members:

- Bernie Bossio, Chair
- Leanne Cardoso, Vice-Chair
- George Papandreas
- Jim Shaffer
- Tom Shamberger

It should be noted that the petitioner will also remove two (2) existing non-conforming *BB&T* wall signs and erect two (2) new conforming wall signs *BB&T* as a part of the overall signage for the future multi-tenant building.

Suspended Signs

Article 1369.07(H) provides the following related standards:

- Maximum area of six (6) square feet.
- May not be separately illuminated.
- Only one suspended sign may be erected by any one tenant.
- Must maintain a clearance of nine (9) feet above the sidewalk.

Monument Sign

Article 1369.07(E) provides the following related standards:

- May not exceed 72 inches in height.
- May not exceed 32 square feet in area.
- Setbacks may not obstruct visibility at intersections and/or driveways.

Master Sign Plan Variance Relief

The following table identifies requisite variance relief for the petitioner’s proposed master sign plan. Please note that the identification for each of the signs below use the labeling presented in Addendum B of this report.

Sign	Proposed Sign Type	Requisite Variance Relief as Proposed
A	Wall (1) facing High St.	<ul style="list-style-type: none"> • To exceed the maximum area standard by 47.2 square feet.
B	Wall (1) facing Spruce St.	
C	Suspended (4)	<ul style="list-style-type: none"> • To exceed the maximum area standard by 2 square feet for each of the four (4) suspended signs. • To permit (3) more suspended signs than permitted. • To permit the suspended signs to be illuminated.
D	Monument (1) Spruce St. driveway	<ul style="list-style-type: none"> • To exceed the maximum area standard by 1.1 square feet. • To permit a transparent sign face made of prohibited materials. • To permit internal illumination.

Development Services

Christopher Fletcher, AICP
 Director

Planning Division

389 Spruce Street
 Morgantown, WV 26505
 304.284.7431

The petitioner met with the Downtown Design Review Committee via teleconference on 03 DEC 2013 at 5:30 PM in the conference room at the Public Safety Building. Addendum B of this report provides the petitioner’s proposed master sign plan schedule along with the Committee’s concerns and recommended revisions.



MORGANTOWN BOARD OF ZONING APPEALS

December 18, 2013
6:30 PM
City Council Chambers

Board Members:

Bernie Bossio, Chair
Leanne Cardoso, Vice-Chair
George Papandreas
Jim Shaffer
Tom Shamberger

STAFF RECOMMENDATION:

The Board of Zoning Appeals must determine whether the proposed request meets the standard criteria for a variance by reaching a positive determination for *each* of the "Findings of Fact" submitted by the applicant. Addendum C of this report provides the petitioner's findings of fact. Staff will assist the Board in revising the petitioner's findings of the fact, if necessary, to reflect the extent of variance relief the Board may consider approving.

Should the Board grant variance relief, Staff recommends that the following conditions be included. Please note that the recommended conditions present alternate variance extents for the Board's review and consideration.

1. Wall Signage:
 - a. That the proposed *CVS/pharmacy* wall sign facing Spruce Street must be eliminated; OR,
 - b. That area of the *CVS/pharmacy* wall sign facing High Street may not exceed 30 square feet and the *CVS/pharmacy* wall sign facing Spruce Street may not exceed 40 square feet thereby granting variance relief of 17.2 square feet from the maximum wall sign area standard; OR,
 - c. That area of the *CVS/pharmacy* wall sign facing High Street may not exceed 30 square feet and the *CVS/pharmacy* wall sign facing Spruce Street may not exceed 50 square feet thereby granting variance relief of 27.2 square feet from the maximum wall sign area standard; OR,
 - d. That area of the *CVS/pharmacy* wall sign facing High Street may not exceed 40 square feet and the *CVS/pharmacy* wall sign facing Spruce Street may not exceed 40 square feet thereby granting variance relief of 27.2 square feet from the maximum wall sign area standard; OR,
 - e. That area of the *CVS/pharmacy* wall sign facing High Street may not exceed 40 square feet and the *CVS/pharmacy* wall sign facing Spruce Street may not exceed 50 square feet thereby granting variance relief of 37.2 square feet from the maximum wall sign area standard.
2. Wall Signage. That EIFS may not be used as a backdrop behind the wall sign(s). However, brick and/or stone or masonry veneer brick and/or stone may be used in place of the EIFS backdrop illustrated on the submitted plans. The color of said backdrop brick and/or or stone may be a color different than the brick used for the building façade.
3. Suspended Signage. That the proposed suspended signs on the northwest and northeast corners of the building must be eliminated thereby granting variance relief to erect one (1) additional sign more than permitted.
4. Suspended Signage. That the only illumination technique that may be used for the suspended sign(s) is down-lighting.

Development Services

Christopher Fletcher, AICP
Director

Planning Division

389 Spruce Street
Morgantown, WV 26505
304.284.7431



MORGANTOWN BOARD OF ZONING APPEALS

December 18, 2013
6:30 PM
City Council Chambers

Board Members:

Bernie Bossio, Chair
Leanne Cardoso, Vice-Chair
George Papandreas
Jim Shaffer
Tom Shamberger

5. Suspended Signage. That the arrow on the southwest corner of the building closest to High Street must be eliminated.
6. Monument Signage. That the sign base must be constructed of masonry materials to compliment the brick vocabulary of the principal structure and include a masonry sign topper.
7. Monument Signage. That the *CVS/pharmacy* portion of the monument sign may be erected thereby granting variance relief from the prohibition of off-premise signage.
8. Monument Signage. That illumination of the monument sign shall be restricted to a halo lighting or up-lighting technique.
9. That the wall, suspended, and monument signs for which variance relief is granted herein shall be made of wood, sculpted "sign foam", ornamental metals (such as bronze, brass, copper, etc.), painted aluminum panels, stone, or masonry (with concrete blocks being covered with stucco).
10. That the wall, suspended, and monument signs for which variance relief is granted herein shall be restricted to the name and logo of the business establishment and no other copy shall be permitted. Except, the *BB&T* portion of the monument sign may include "24 Hour Banking" or "ATM".
11. That, with the exception of address, no additional signage, commercial messaging, or copy may be affixed to the exterior or interior surface of any door or window glazing or exterior awning without first obtaining additional variance relief approval from the Board of Zoning Appeals.

Enclosures: Application and accompanying exhibits

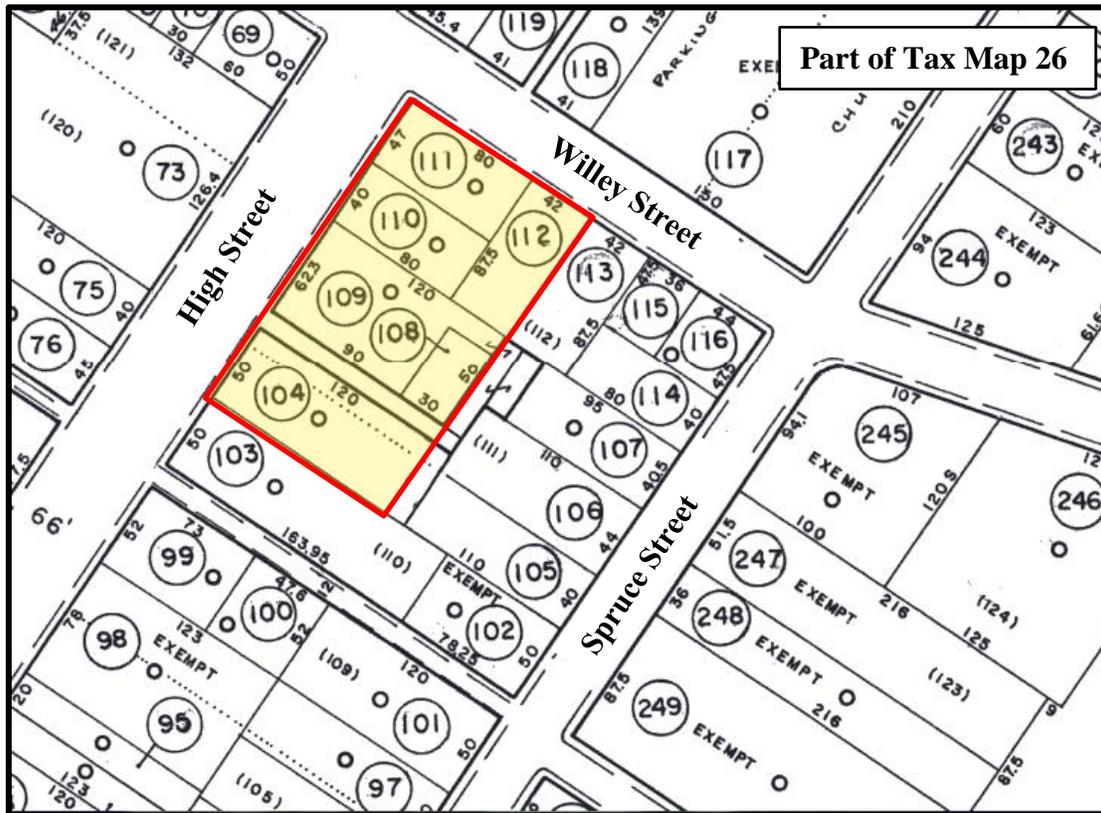
Development Services

Christopher Fletcher, AICP
Director

Planning Division

389 Spruce Street
Morgantown, WV 26505
304.284.7431

STAFF REPORT ADDENDUM A
V13-63 / CVS Pharmacy / 496 High Street



STAFF REPORT ADDENDUM B

V13-63 / CVS Pharmacy / 496 High Street

CVS/pharmacy Master Sign Plan Schedule and Downtown Design Review Committee comments.

PROPOSED CVS/pharmacy
WITH BANK OFFICES 2nd LEVEL
 (EX. FOOTPRINT ±7,400 S.F.)
 LOWER LEVEL FF=907.46(CVS)
 UPPER LEVEL FF=920.69
CVS 13,396 SF AFTER EXPANSION

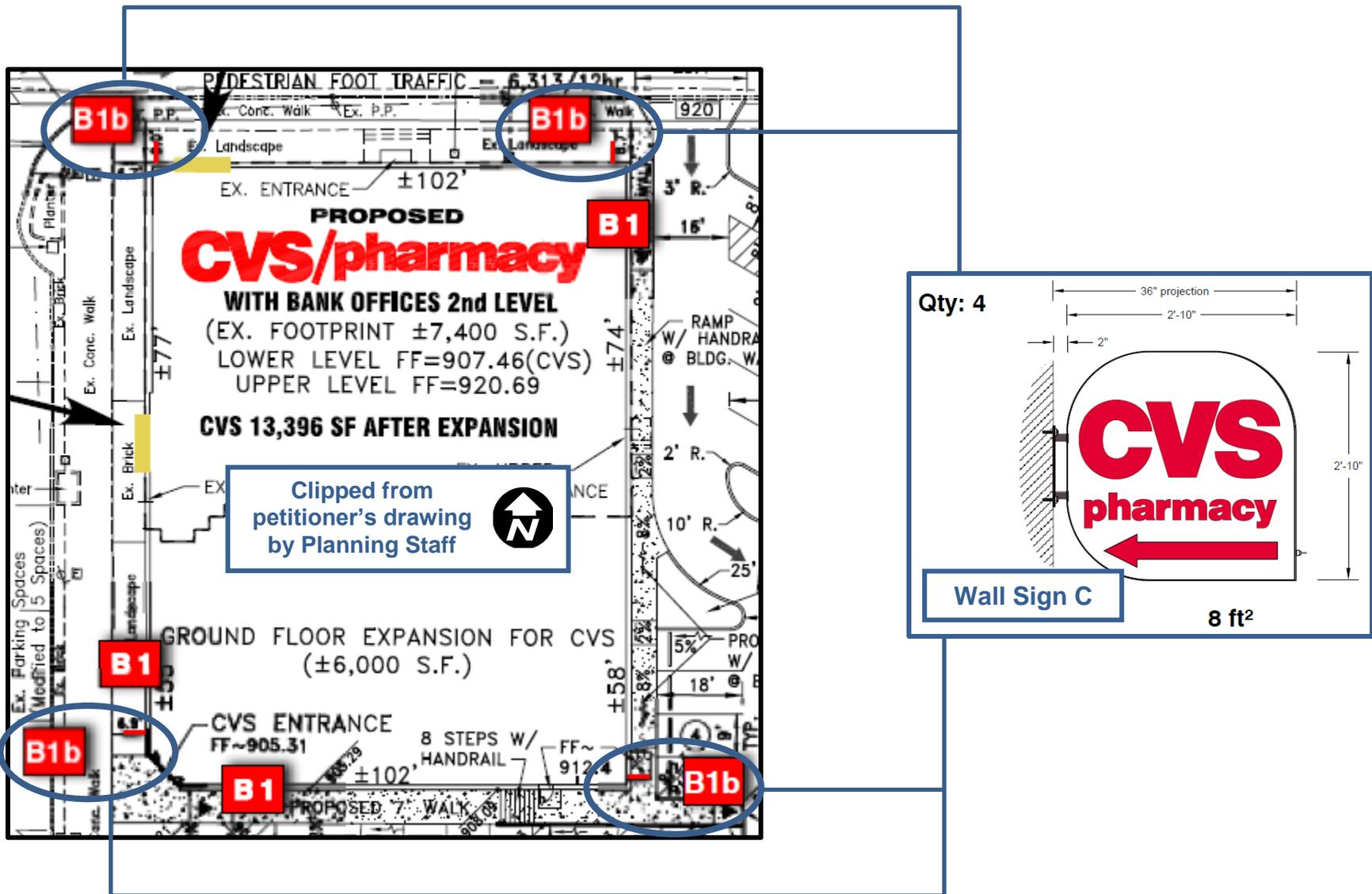
Wall Sign B

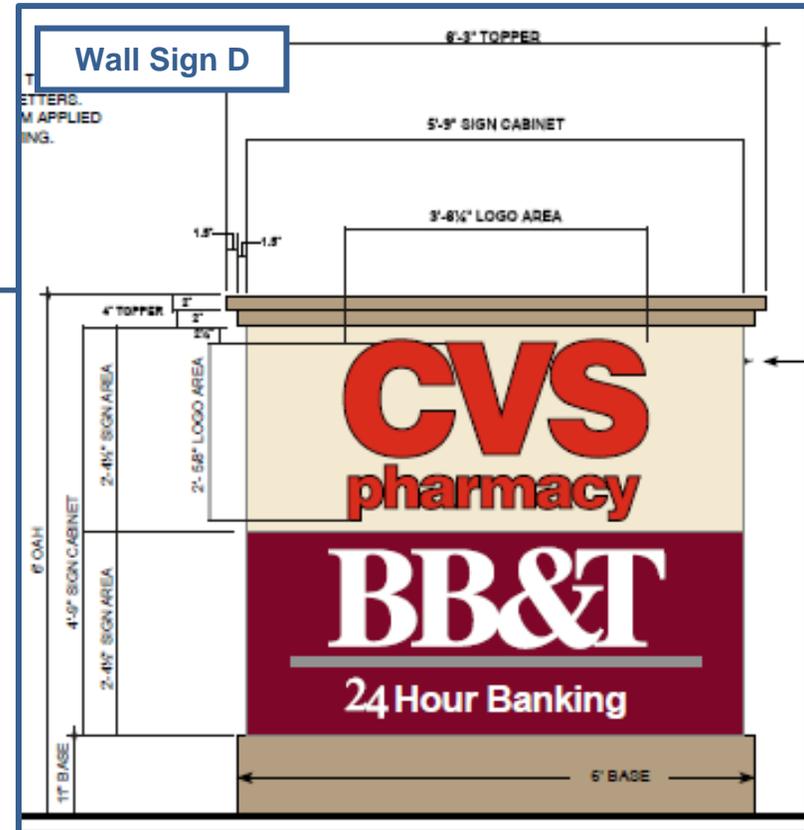
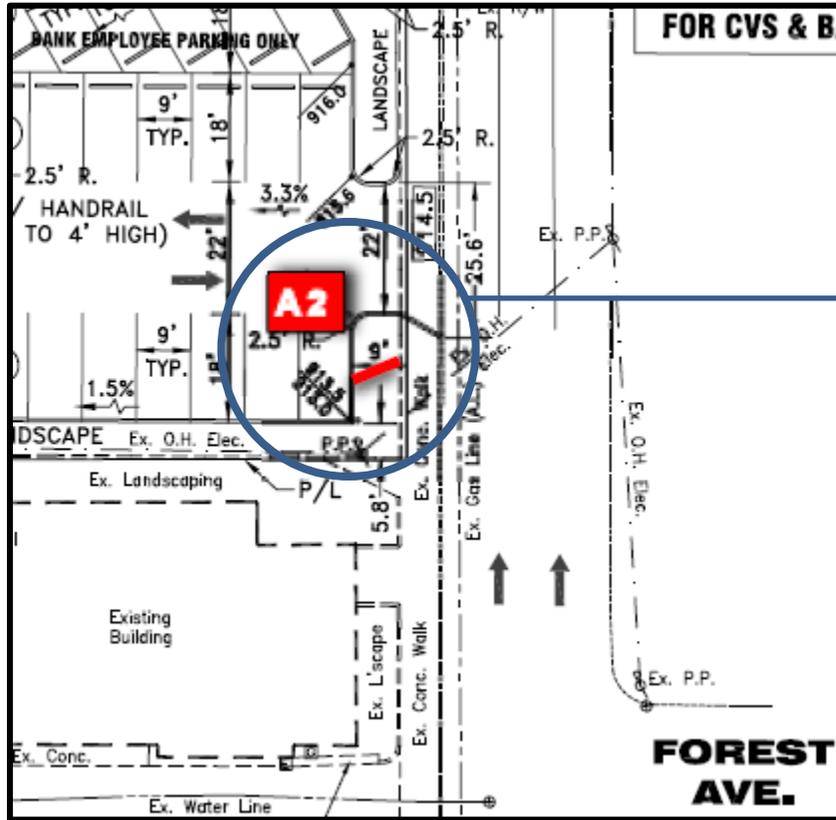
Wall Sign A

Wall Sign Eliminated

Clipped from petitioner's drawing by Planning Staff

Qty: 2
 20'
 30'
CVS/pharmacy
 Reverse Channel Halo Lit
 50 ft²





Sign	Proposed Sign Type	Proposed Area	Committee's Concerns	Committee's Recommended Revisions
A	Wall (1)	50 sq. ft.	Sign is too large and overstated further by the use of the even larger EIFS backdrop.	Reduce the sign's area; use brick rather than EIFS, which could be a different (slightly lighter) color brick from that used for the façade.
B	Wall (1)	50 sq. ft.	Sign is too large and overstated further by the use of the even larger EIFS backdrop.	Eliminate sign or reduce the sign's area; use brick rather than EIFS, which could be a different (slightly) color brick from that used for the façade.
C	Suspended (4)	8 sq. ft. (each)	Too many suspended signs; signs are too large; halo lighting technique is not consistent with other suspended signs in the downtown district; halo lighting technique results in a sign that is too deep (thick at edge).	Eliminate the suspended signs on the northwest and northeast corners of the building; reduce the area of the two remaining suspended signs on the southwest and southeast corners to the maximum six-foot standard for each sign; eliminate halo lighting technique and use down-lighting technique instead; eliminate arrow on suspended sign proposed for the southwest corner of the building.
D	Monument (1)	33.1 sq. ft.	Proposed sign materials and internal illumination are not desired in the downtown.	Sign base should be constructed of masonry materials to compliment the brick vocabulary of the principal structure and include a masonry sign topper. Sign face should meet B-4 District materials standard. Illumination should be limited to halo lighting or up-lighting technique.

STAFF REPORT ADDENDUM C

V13-63 / CVS Pharmacy / 496 High Street

Petitioner's Findings of Fact.

Finding of Fact No. 1 – There are exceptional or extraordinary circumstances or conditions applicable to this property or to the intended use, that generally do not apply to other properties or uses in the same vicinity, because:

The new CVS/pharmacy location is at the corner of Willey Street & N. High Street which creates multiple pedestrian and vehicular directional approaches. Having multiple directional approaches at the intersection appears to create unique commercial messaging challenges, particularly within the downtown central business district. Visibility of this location is adversely affected by buildings and trees along Willey Street that are positioned directly on property lines and which restrict visibility of signage from approaching customer vehicles. Due to surrounding structures in close proximity to the streets and the new CVS, the requested Variance will allow for improved visibility and eliminate the possibility of a public safety issue with approaching customers' vehicles make unsafe and last-minute turns into the CVS parking lot.

Finding of Fact No. 2 – The variance is necessary for the preservation and enjoyment of a substantial property right that is possessed by other properties in the same vicinity and zoning district, but which denied to this property, because:

Since visibility is adversely affected in this location, the requested Variance will allow customers to better identify the new CVS store which will preserve the substantial property right. Granting of the Variance will allow for sufficient and necessary advertising for CVS to communicate legible signage due to the reduced viewing range while keeping the specifications and intent of the Zoning District with Halo-Lit letters and only reflecting lighting.

Finding of Fact No. 3 – The granting of this variance will not be harmful to the public welfare and will not harm property or improvements in the vicinity and zoning district in which the subject property is located, because:

Requested Sign Package is based on Reverse Channel, Halo-Lit, Letters on the building which will not allow direct illumination, but only halo reflective light off of building facia and background materials. The requested signage will enhance visibility and thereby promote safer traffic conditions, increase property values due to the new and vibrant business atmosphere, and the halo-lit letters with soft reflective lighting will promote the peaceful enjoyment of people in adjacent properties.

Finding of Fact No. 4 – The granting of this variance will not alter the land-use characteristics of the vicinity and zoning district, or diminish the market value of adjacent properties, or increase traffic congestion on public streets, because:

Granting of the Variance will allow for sufficient and necessary advertising for CVS to communicate legible signage while keeping the specifications and intent of the Zoning District with Halo-Lit letters and only reflective lighting. The market values of adjacent properties will certainly be improved due to the CVS/pharmacy bringing new customers to this area, and improving the employment outlook of the City of Morgantown. Clearly identifying the new CVS store with sufficient signage will enhance the smooth flow of traffic, giving customers plenty of time to make safe driving decisions.



City of Morgantown, West Virginia

APPLICATION FOR ZONING VARIANCE

OFFICE USE	
CASE NO.	V13-63
RECEIVED:	10/11/2013
COMPLETE:	

(PLEASE TYPE OR PRINT IN BLACK INK)

Fee: \$75

I. APPLICANT		Name: CVS/pharmacy / Service Neon Signs, Inc.	
Mailing Address:	Attn: Richard W. Pepper		Phone: 703-354-3000
	Street 6611 Iron Place		Mobile: 703-801-8244
	City	State	Zip
	Springfield	VA	22151
	Email: rwpepper@snsigns.org		
II. PROPERTY		Street Address: 496 High Street	
Owner:	BB&T Corporation		Zoning: B-4
Mailing Address:			Tax Map No: Map 26
	Street 2400 Reynolda Road		Parcel No: 104, 108-112
	City	State	Zip
	Winston-Salem	NC	27102
	Phone: 704-405-1462		
III. NARRATIVE		Please describe the nature and extent of your variance request(s).	
<p>We respectfully request a Variance from certain portions of the Master Sign Plan.</p> <p>As per attached drawings, Variance request is for (3)² sets of 30" (50 sf each) reverse channel letters reading "CVS/pharmacy" with aluminum faces & returns, lexan backs, internally lit with white LED's, and with halo lighting only. Additionally, (2)⁴ 34" x 34" (8 sf each) double-faced projecting signs, routed aluminum faces with push-thru copy with opaque faces, internally lit with white LED's and halo lighting around edge of letters only.</p> <p>Variance request will replace (2) existing signs: (1) 4' x 11'-6" (40.25 sf) & (1) 2' x 7' (14 sf) reading "BB&T" changing the type of sign from face-lit letters to reverse channel letters, internally lit with white LED's and halo lighting only.</p>			
V. ATTEST			
<p>I hereby certify that I am the owner of record of the named property, or that this application is authorized by the owner of record and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. The granting of a variance does not presume to give authority to violate or cancel the provisions of any other federal, state, or local law regulating construction or the performance of construction. I certify that the information submitted herein and attached hereto is true and accurate and understand that if found otherwise may result in the denial of this request or subsequent revocation of any and all related approvals. The undersigned has the power to authorize and does hereby authorize City of Morgantown representatives on official business to enter the subject property as necessary to process the application and enforce related approvals and conditions. I hereby authorize the Planning Department to erect a notification sign on the subject property approximately 15 days prior to the BZA hearing. I further agree to maintain said signage and hereby accept responsibility in case of destruction or removal.</p>			
G. Richard Lane II			
Type/Print Name of Applicant/Agent		Signature of Applicant/Agent Owners Agent + Date	
		10-10-13	

You or a representative **MUST** be present at the scheduled hearing to present the request and answer questions. Failure to appear at the hearing will result in your request being tabled.



APPLICATION FOR ZONING VARIANCE

OFFICE USE	
CASE NO.	V13-63
RECEIVED:	10/11/2013
COMPLETE:	

VI. SUPPLEMENTAL INFORMATION

Depending on the type of variance request and the scale and scope of the development proposal, supplemental information may be needed to assist the Board of Zoning Appeals in rendering a variance decision. Staff will check the appropriate boxes below that must be addressed.

Land Use Characteristics (complete only those that apply)

- Residential
- Single-Family Dwelling
- Townhouse Dwelling
- Two-Family Dwelling
- Multi-Family Dwelling

Non-Residential or Mixed (please explain)

Installation of Sign Package on new CVS/pharmacy Retail Store.

Structure Characteristics (complete only those that apply)

Total number of buildings: 1 Gross floor area of each building: 13,396 sq. ft. - 1st floor

Estimated number of employees: 35 No. of dwelling units: N/A No. of bedrooms: N/A

Additional structure-related details:

Existing second & third floor office space is occupied by BB&T Bank.

Additional Information (as required by Staff):

Site Plan A scaled site plan may be required to assist the Board in rendering a variance decision. The following features must be represented, as required by Staff.

- Location, shape, exterior dimensions, and number of stories of each building on the site.
- Standard yard setbacks for the applicable zoning district
- Location, grade, and dimensions of paved surfaces, and all abutting streets
- Existing and proposed contours, at an interval of at least two (2) feet
- Complete traffic circulation plan showing dimensions, entrance/exit drives, planters, and similar improvements
- Location of landscaped areas (to be detailed on landscape plan), fences, walls, and other screen required

For simple variance requests (as determined by Staff), please use the graph area on the following page to illustrate applicable features listed above.



City of Morgantown, West Virginia

**APPLICATION FOR
ZONING VARIANCE**

OFFICE USE	
CASE NO.	V13-63
RECEIVED:	10/11/2013
COMPLETE:	

Suggested Scale: 1 square = 5'

**PLEASE SEE
ATTACHED DRAWINGS**



APPLICATION FOR ZONING VARIANCE

OFFICE USE	
CASE NO.	WB-63
RECEIVED:	10/11/2013
COMPLETE:	

VII. FINDINGS OF FACT

The Board of Zoning Appeals may grant a variance request only if each of the following "Findings of Fact" criteria is determined to be in the positive. Applicants must give their own responses to the following criteria statements.

1. There are exceptional or extraordinary circumstances or conditions applicable to this property or to the intended use, that generally do not apply to other properties or uses in the same vicinity, because:

The new CVS/pharmacy location is at the corner of Willey Street & N. High Street which creates multiple pedestrian and vehicular directional approaches. Having multiple directional approaches at the intersection appears to create unique commercial messaging challenges, particularly within the downtown central business district. Visibility of this location is adversely affected by buildings and trees along Willey Street that are positioned directly on property lines and which restrict visibility of signage from approaching customer vehicles. Due to surrounding structures in close proximity to the streets and the new CVS, the requested Variance will allow for improved visibility and eliminate the possibility of a public safety issue with approaching customers' vehicles make unsafe and last-minute turns into the CVS parking lot.

2. The variance is necessary for the preservation and enjoyment of a substantial property right that is possessed by other properties in the same vicinity and zoning district, but which denied to this property, because:

Since visibility is adversely affected in this location, the requested Variance will allow customers to better identify the new CVS store which will preserve the substantial property right. Granting of the Variance will allow for sufficient and necessary advertising for CVS to communicate legible signage due to the reduced viewing range while keeping the specifications and intent of the Zoning District with Halo-Lit letters and only reflecting lighting.

3. The granting of this variance will not be harmful to the public welfare and will not harm property or improvements in the vicinity and zoning district in which the subject property is located, because:

Requested Sign Package is based on Reverse Channel, Halo-Lit, Letters on the building which will not allow direct illumination, but only halo reflective light off of building facia and background materials. The requested signage will enhance visibility and thereby promote safer traffic conditions, increase property values due to the new and vibrant business atmosphere, and the halo-lit letters with soft reflective lighting will promote the peaceful enjoyment of people in adjacent properties.

4. The granting of this variance will not alter the land-use characteristics of the vicinity and zoning district, or diminish the market value of adjacent properties, or increase traffic congestion on public streets, because:

Granting of the Variance will allow for sufficient and necessary advertising for CVS to communicate legible signage while keeping the specifications and intent of the Zoning District with Halo-Lit letters and only reflective lighting. The market values of adjacent properties will certainly be improved due to the CVS/pharmacy bringing new customers to this area, and improving the employment outlook for the City of Morgantown. Clearly identifying the new CVS store with sufficient signage will enhance the smooth flow of traffic, giving customers plenty of time to make safe driving decisions.