



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

TO: B & G Food Enterprises, LLC, and adjacent property owners

FROM: J. Pat Rich 
Development Coordinator

DATE: November 24, 2021

SUBJECT: Variance application request before the Planning & Zoning Commission

B&G Food Enterprises, LLC, has filed an application requesting Planning Commission Review as required by the Zoning Ordinance (Article 4.21.1 B) to allow the construction of a drive-in restaurant, Taco Bell.

The property address is 4405 Aloha Drive. The tax parcel number is 131E-1-13-006.002. The property is in a C-1 General Commercial zoning district. Drive-in restaurants are considered permitted uses with the review and approval in accordance with the Planning Commission review provisions set forth in the Zoning Ordinance (Article 2.4). The Case File Number is 202100483.

Before any permit is issued for any use designated in Article 4 as requiring Planning Commission Review, the procedures of this Section shall be followed to more effectively administer, enforce, and implement the purposes, intent, and requirements of this Ordinance. It is the intent of this section to afford the Planning Commission the right of review and approval over site plans for development of those uses designated in Article 4 as requiring Planning Commission Review.

The Planning and Zoning Commission will consider this application at its next regularly scheduled meeting on **Tuesday, ~~October~~ ^{See Title} 26, 2021, 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.

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

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The Planning and Zoning Commission will consider this application at its next regularly scheduled meeting on **Tuesday, December 14, 2021, 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.

City of Diamondhead
500 Diamondhead Circle
Diamondhead, MS 39525



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

CASE NO. 202100483

DATE October 22, 2021

APPLICANT: B&G Food Enterprises, LLC

APPLICANT'S ADDRESS: PO Drawer 3608 Morgan City, LA 70381

APPLICANT'S TELEPHONE: (HOME) _____ (WORK) 985-384-3333

PROPERTY OWNER: Diamondhead Commercial Development

MAILING ADDRESS: PO Box 6326. Diamondhead, MS 39525

TELEPHONE NUMBER: (HOME) _____ (WORK) (228) 216-6919

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

STREET ADDRESS OR LEGAL DESCRIPTION OF PROPERTY: _____

4405 Aloha Drive Diamondhead, MS 39525

STATE PURPOSE OF REQUEST: The development requires commission

approval to operate drive-up service at this location.

REQUIRED ITEMS:

- A. A graphic site plan, drawn to a scale of not less than one inch to fifty feet (1" = 50') and sufficiently dimensioned as required to show the following:
- i. The date, scale, north point, title, name of owner, and name of person(s) preparing the site plan.
 - ii. The location, dimensions, and area of each lot, the locations, dimensions and height of proposed buildings, structures, streets and any existing buildings in relation to property and street lines. If the application relates to property which is scheduled to be developed in successive stages, such plans shall show the relationship of the portion scheduled for initial development to the proposed layout of the entire property.
 - iii. The location of existing and proposed site improvements including parking and loading areas, pedestrian and vehicular access, utility or service areas, fencing and screening, and lighting.
 - iv. The location, dimensions (numbers shown), and arrangements of all open spaces and yards, landscaping, fences, and buffer yards including methods and materials to be employed for screening as required in Section 5.4.4.

STATEMENT OF UNDERSTANDING

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

The application fee of \$250.00 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 change 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 Public Hearing will be held on December 14, 2021 ~~November 9, 2021~~ at 6:00 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.

Carl P. Bl...
Signature of Applicant

See Attached
Signature of Property Owner

_____ For Official Use Only _____

- ~~\$250.00~~ ^{100.00}
- Copy of Deed, Lease or Contract
- Site Plan
- Parking Spaces
- List of Property Owners NA ()

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

AFFIDAVIT OF AUTHORIZATION
TO ACT FOR DIAMONDHEAD COMMERCIAL DEVELOPMENT, LLC
A LIMITED LIABILITY COMPANY

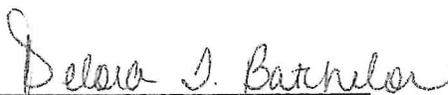
The undersigned, James Grotkowski, being the duly authorized representative of **DIAMONDHEAD COMMERCIAL DEVELOPMENT, LLC** (the "Company") who is authorized by the Company's articles of organization or operating agreement to grant the authority granted herein. The said Appearer hereby certifies that the Company is a limited liability company or domestic limited liability company, organized under the laws of the Mississippi Secretary of State to do business in the State of Mississippi pursuant to a certificate of authority issued by the Mississippi Secretary of State.

The Appearer does hereby authorize and empower **CARL P. BLUM** to represent and act for and in the name of the said **DIAMONDHEAD COMMERCIAL DEVELOPMENT, LLC** in all matters concerning any relative to the application and representation of the said Company before the City of Diamondhead, Planning and Zoning Department.

The Said **CARL P. BLUM** is authorized to sign all documents in connection with the foregoing for and in the name of **DIAMONDHEAD COMMERCIAL DEVELOPMENT, LLC**, and to take all such actions in its name as may, in the sole and exclusive judgement of **CARL P. BLUM**, be necessary to accomplish expressed above.


James Grotkowski,
Authorized Representative

Sworn to and subscribed before me this 11th day of this
November, 2021



NOTARY PUBLIC



After Recording Return To:

MEMORANDUM OF LEASE

This Memorandum of Lease ("Memorandum") is entered into by and between DIAMONDHEAD COMMERCIAL DEVELOPMENT ("Landlord") and HAMER REAL ESTATE HOLDINGS, LLC ("Tenant").

1. Grant of Lease: Term.

(a) Landlord leases to Tenant, and Tenant leases from Landlord that certain tract of land more particularly described on Exhibit A attached to this Lease and incorporated herein for all purposes ("Land") for a term of 20 years, subject to the provisions of that certain Ground Lease ("Lease") between the parties dated September 8, 2021. The provisions of the Lease are incorporated herein by this reference.

(b) The Lease grants to Tenant five (5) five (5) year options to renew the term of the Lease on the terms set out therein.

(c) The Lease provides that so long as Tenant is not in default beyond any cure period which may be provided for in this Lease, Landlord shall not allow the use of any of any real property leased or owned by Landlord or its affiliates (other than the Premises) or located within one (1) mile of the Premises (a) for the sale of prepared Mexican food, or (b) any use which interferes with access to the Premises or visibility from streets adjacent to the Premises of Tenant Improvements, including Tenant's building and signs.

(d) The Lease grants to Tenant certain other rights as set out therein.

2. Purpose. This Memorandum is prepared for the purpose of recordation only and in no way modifies the provisions of the Lease. If any provisions in this Memorandum are inconsistent with provisions contained in the Lease, the provisions in the Lease prevail.

3. Miscellaneous. The parties have executed this Memorandum of Lease on the dates and at the places indicated in their acknowledgements but as of the date set out above.

4. Franchisor Rights. Landlord and Tenant have granted Taco Bell Franchisor, LLC, a Delaware limited liability company, and its affiliates certain conditional rights, including possession, in and to the Premises.

LANDLORD

TENANT

DIAMONDHEAD COMMERCIAL
DEVELOPMENT

HAMER REAL ESTATE HOLDINGS, LLC

By: [Signature]
Name: James Grotkowski
Title: managing member

By: [Signature]
Name: Gregory J. Hamer, Jr.
Title: Authorized Representative

STATE OF LOUISIANA §
 §
PARISH OF ST. MARY §

This instrument was acknowledged before me on February 25, 2021, by Gregory J. Hamer, Jr., Authorized Representative of HAMER REAL ESTATE HOLDINGS, LLC, a Louisiana limited liability company, on behalf of said limited liability company as its free act and deed.

[Signature]

Notary Public in and for the
STATE OF LOUISIANA

[Seal]

BRIAN M. TRANCHINA
NOTARY PUBLIC (BR#1623)
STATE OF LOUISIANA
My commission is for life

STATE OF Mississippi §
 §
COUNTY OF Hancock §

This instrument was acknowledged before me on September 8, 2021 by Mary Mitchell, James Grotkowski of DIAMONDHEAD COMMERCIAL DEVELOPMENT, a Mississippi limited liability company on behalf of said limited liability company as its free act and deed.

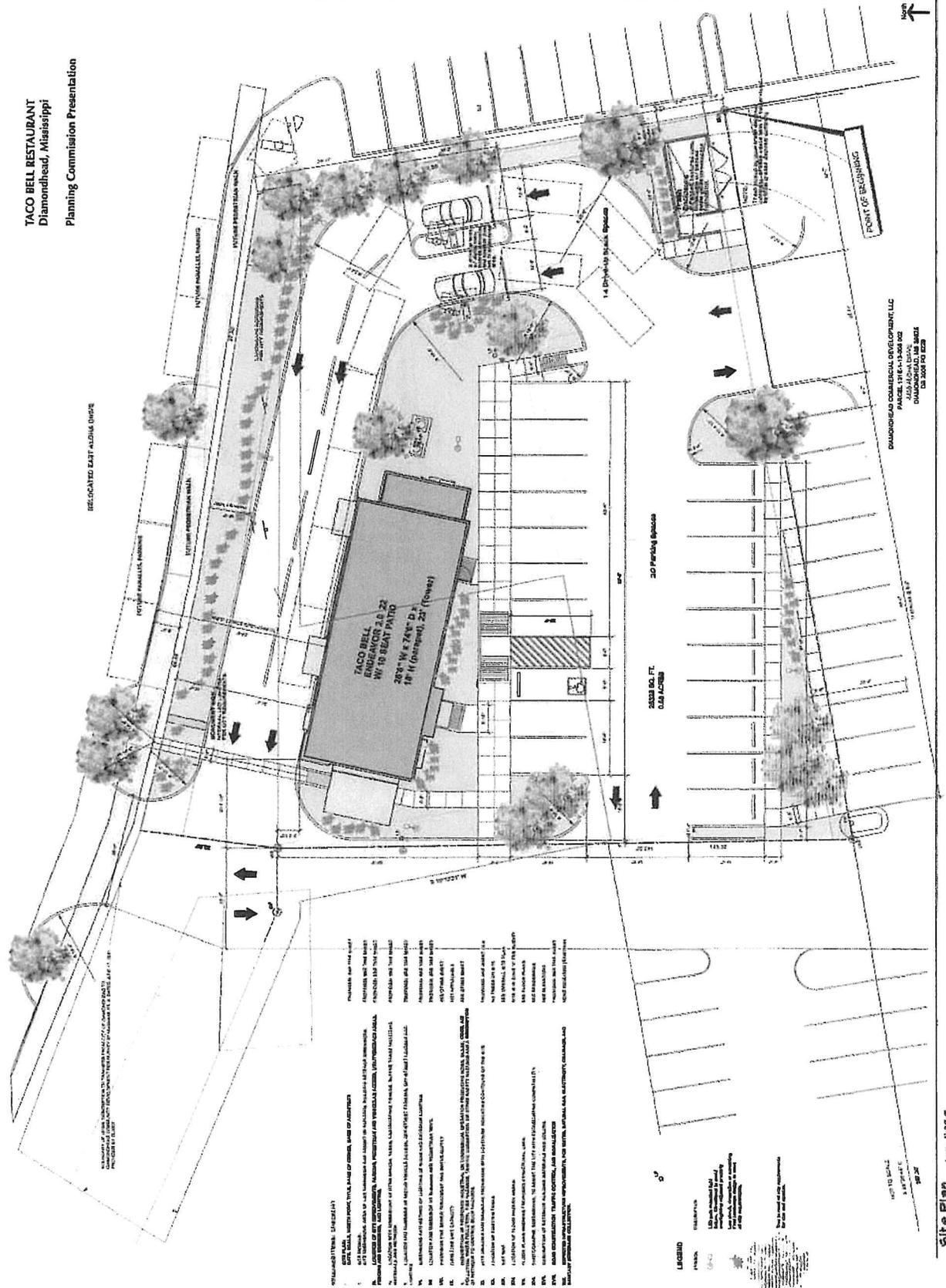
[Signature]

Notary Public in and for the
STATE OF Mississippi

[Seal]



TACO BELL RESTAURANT
Diamondhead, Mississippi
 Planning Commission Presentation



RELOCATED EAST WALDING DRIVE

POINT OF BEGINNING

2433.00 FT. (0.05 ACRES)

20 Parking Spaces

14 Drive-thru lanes

18' x 74' x 24' x 21' 18' (PARTIAL) 25' (TOTAL)

TACO BELL RESTAURANT 2.0 2.2

38' x 74' x 24' x 21' 18' (PARTIAL) 25' (TOTAL)

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DIAMONDHEAD COMMERCIAL DEVELOPMENT LLC
 PROJECT NO. 1522-07
 1522-07-01
 1522-07-02

LEGEND

- 1. DRIVE PAVEMENT
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TACO RESTAURANT
Diamondhead, Mississippi

WRITTEN STATEMENT:

Transportation:

The site is easily accessible from I-10 to the south of the site and from the adjacent residential areas of the city. Access from East Aloha Drive will be provided by a relocated driveway used in common with the existing shopping center behind the Taco Bell site. Ride sharing and delivery services should reduce the number of trips to the site by local customers. No public transportation is available at this time.

Water Supply

Water service is available from the City of Diamondhead.

Waste Disposal

The Owner will contract with local waste disposal companies for removal of trash and service for grease waste and the 1,000 gallon grease trap.

Fire and Police Protection

Fire protection is provided by the Diamondhead Fire District. Police protection is provided by the City of Diamondhead Police Department. The building and site will be designed to meet the latest NFPA 101 Life Safety Code and International Building Code requirements as well as all ADA provisions. The building will include an extensive alarm and camera security system which will provide notification if emergency services are required.

Traffic Concerns

We do not expect the additional traffic generated by the restaurant to have a significant effect on the adjacent street since the highest traffic counts are at lunch time and after 6:00 PM which are complementary to adjacent retail traffic patterns and counts that peak at different times. Estimated evening peak traffic to the site is an additional 34 trips. No additional access points are being added to the street since we will be relocating the existing entrance drive to the shopping center slightly to the east. In addition, this location will be one of the first in the country to feature a double drive-up lane thereby increasing the speed of service and therefore reducing the needed stack space. Typically, we provide a seven car stack space. Here we have 14 stack spaces before any conflict with access driveways or parking on the site. Twenty parking spaces are provided including one van accessible handicapped space.

Appropriate Development for Site

The property is zoned properly for its intended use with the exception of drive-up service. We are requesting approval from the City Planning Commission and City Council as required by City ordinance to include drive-up service in the design of the project. Since 60 to 80% of gross sales for a typical Taco Bell location are derived from drive-up service, the project will not proceed without this approval.

The City is already in the process of constructing the relocated East Aloha Drive project which will slow down traffic and result in the long term in additional street fronted shopping and increased pedestrian traffic. Our building is oriented as requested by the City to become a part of that fabric as it develops over the next few years. We adjusted the relationship to the street front and the location of parking as we developed the final site plan while consulting with city officials. We've also included a covered patio area overlooking the street to further enhance the idea of a walkable urban concept.

TACO RESTAURANT

Diamondhead, Mississippi

Comments:

Description of Exterior Building Materials

The building is constructed of wood frame with pre-fab wood trusses on a concrete slab. Exterior materials include painted cement board siding (Hardie Board) and pre-finished copper colored metal wall panels at the corner tower and above the side entrance canopy.

Accents include a pre-finished lean to patio cover at the front of the building with a painted metal railing, a dark bronze entrance canopy, and dark bronze eyebrow covers over the dark bronze aluminum storefront door and window system. Graphic panels are used in three locations on the building sides for accent colors. The building is painted in light colors with dark gray and purple accents. Accent lighting provides an enhanced sense of activity and fun.

See attached color renderings and elevations.

Description of Planned Operations:

B & G Food Enterprises, LLC will operate a standard prototype, 22 seat Taco Bell restaurant with a 10 seat outdoor patio. The menu will consist of tacos, burritos, quesadillas, and all typical Taco Bell fare. Service options will include dine in, take out, drive-up, app orders, and delivery to a limited area.

The pandemic has changed restaurant operations and will result in a long term movement to additional drive-up, app orders, and delivery service. Most chain restaurant groups are reducing seat counts and increasing throughput for drive-up service. Keeping service times to a minimum is necessary to achieve good customer service to an increasingly impatient customer base.

The restaurant serves breakfast, lunch, dinner, and late night customers. Normal operating hours are approximately 7:00 AM to 2 AM.

Great care has been taken to be good neighbors to surrounding businesses. The drive-up order area is located away from any other tenants in the shopping center to reduce noise pollution from that area. Lighting will use restricted LED pole lights to keep our lighting on the property. Ample stacking space is a feature of the site design so that stacked vehicles will not block adjacent driveways and will have no impact on traffic on E Aloha Drive. Landscape screening is provided along the street frontage along with a number of trees and highly planted areas near the building and at the drive-up order area. We also use black concrete in the drive-up lanes to mask any oil stains from idling vehicles.

Roads and Infrastructure:

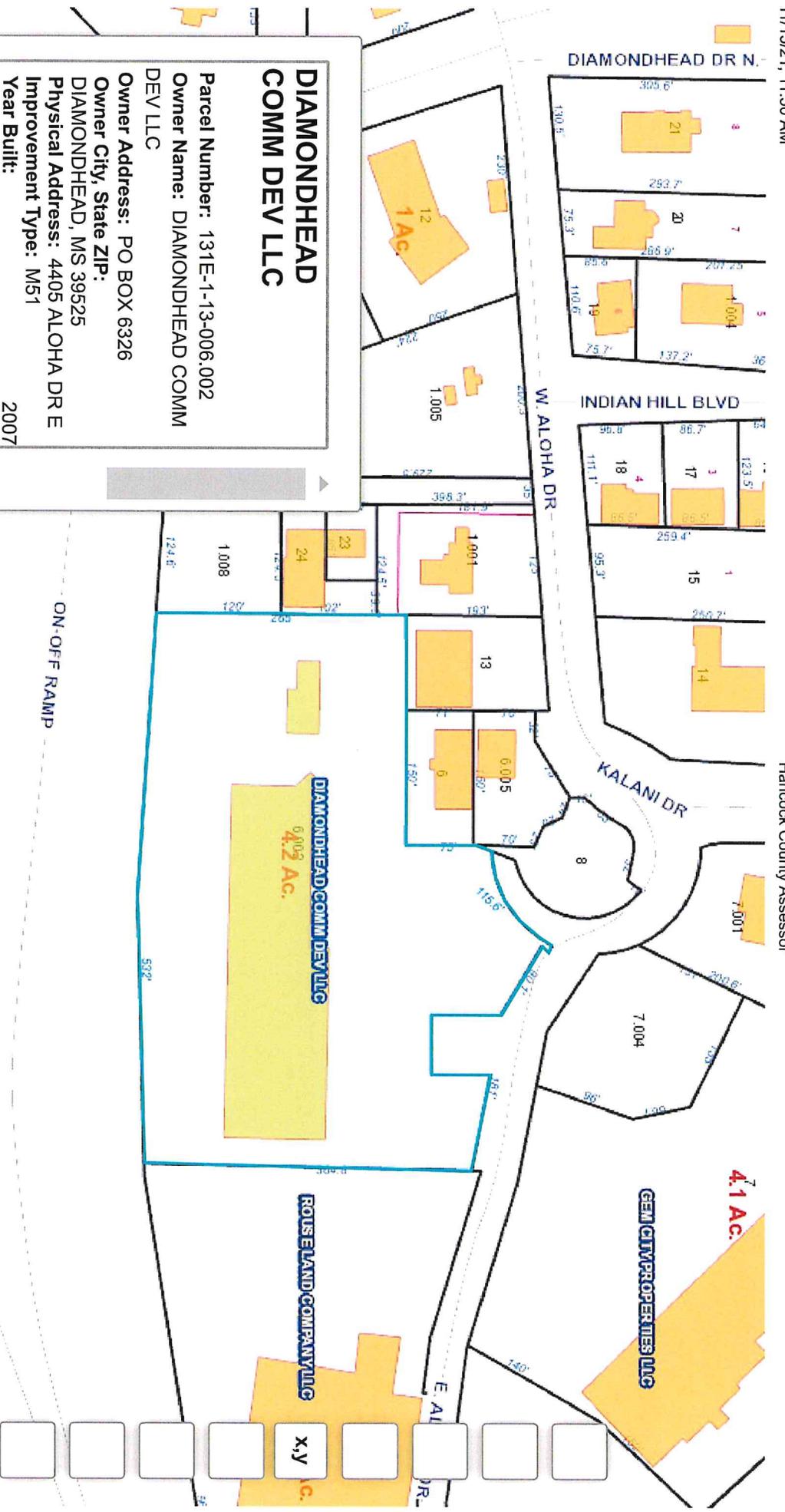
The site has available utilities suitable for restaurant development. Water and sewer service is available at the site as well as subsurface drainage. Contact has been made with all utility providers. We do note that natural gas service is not available. Most restaurants use gas for cooking equipment, hot water heating, and heating. We are investigating installing a propane gas system rather than going to an all-electric installation due to the high cost of power versus gas.

Roof Design:

The roofing system is a two-ply modified bitumen product with white reflective granules over a thick sloped, tapered insulation system with a minimum slope of 1/4" per foot. Roof drains with overflow drains and a scupper or tied in to the subsurface stormwater system. Parapet walls are capped with cap flashing and the parapet walls are covered with pre-painted metal siding panels. Rooftop HVAC systems are utilized.

Submitted By:

Carl P. Blum AIA
Architect



**DIAMONDHEAD
COMM DEV LLC**

Parcel Number: 131E-1-13-006.002
 Owner Name: DIAMONDHEAD COMM DEV LLC
 Owner Address: PO BOX 6326
 Owner City, State ZIP: DIAMONDHEAD, MS 39525
 Physical Address: 4405 ALOHA DR E
 Improvement Type: M51
 Year Built: 2007
 Base Area: 544
 Adjusted Area: 891
 Actual Total Value: 2691281
 Taxable Total Value: 2691281
 Estimated Tax: 50356.54
 Homestead Exemption: No
 Deed Book: 2021
 Deed Page: 11316
 Legal Description 1: PT J B LADNER CLAIM 13-8S-14W
 Legal Description 2:

- Close
- Export
- Print Labels

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