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TO: Mayor, City Council and City Manager

FROM: Ronald R. Jones, Building Official *Ronald*

DATE: February 27, 2020

SUBJECT: Mini Meanie Conditional Use Petition; Recommendation from Planning Commission to Approve with Conditions; Case File Number 20200046

Mini Meanie, LLC, owner Frederick Larry Tomlinson represented Mark Oster with Oster Group Consulting, LLC has filed an application requesting a Conditional Use Permit in accordance with the Zoning Ordinance Table 4.2, Article 4.21.1 (C) and Article 2.5 to allow a “concrete sub-contracting and consulting firm” in a C-1 district.

At its meeting on Monday, February 24, 2020, the Planning Commission unanimously recommended to allow a “concrete sub-contracting and consulting firm” (Oster Group Consulting, LLC) in a C-1 district with conditions. The conditions are: To allow a contractor’s yard for a temporary time not to exceed 11-30-2021 for the storage of materials, equipment, vehicles and utility trailers; and to construct a wooden privacy fence 6’ in height completely surrounding this area to obstruct view from all sides. Since the proposed use is a true change of occupancy by the International Building Code. An occupancy inspection shall be conducted and compliance required i.e. minimum parking spaces.

A copy of the application and related documents is attached for you review and consideration.

attachments



City of Diamondhead

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STAFF REPORT TO PLANNING COMMISSION

DATE: February 24, 2020

CASE FILE NUMBER: 202000046

APPLICANT: Mark Oster with Oster Group Consulting, LLC

PROPERTY OWNER: Mini Meanie, LLC represented by Frederick Larry Tomlinson

TAX PARCEL NUMBER: 132H-1-03-006.005

PHYSICAL STREET ADDRESS: 4401 Park Ten Drive

LEGAL DESCRIPTION: Part Gov Lot 6, 3-8-14

ZONING DISTRICT: C-1 General Commercial

ADJACENT EXISTING LAND USES: North= Carriere-Stumm, LLC, East= Park Ten Lanes
West=DWSD main office; South= vacant land

TYPE OF APPLICATION: Conditional Use

NATURE OF REQUEST: Mini Meanie, LLC, owner Frederick Larry Tomlinson represented Mark Oster with Oster Group Consulting, LLC has filed an application requesting a Conditional Use Permit in accordance with the Zoning Ordinance Table 4.2, Article 4.21.1 (C) and Article 2.5 to allow a “concrete sub-contracting and consulting firm” in a C-1 district.

DATE OF PUBLIC HEARING BEFORE PLANNING COMMISSION: February 24, 2020

ACTION BY THE PLANNING COMMISSION: In accordance with the Comprehensive Zoning Ordinance 2.5.5 The Commission may recommend approval of a Conditional Use Permit as the permit was applied for or in a modified form or subject to conditions or may recommend denial of the application.

ARTICLE 2.5.6 REVIEW AND EVALUATION CRITERIA

The Zoning Administrator and the Commission shall review and evaluate and make the following findings before recommending approval of a Conditional Use Permit application using the following criteria:

- A. Conformance with applicable regulations and standards established by the Zoning Regulations.
- B. Compatibility with existing or permitted uses on abutting sites, in terms of building height, bulk and scale, setbacks and open spaces, landscaping and site development, and access and circulation features.
- C. Potentially unfavorable effects or impacts on other existing or permitted uses on abutting sites, to the extent such impacts exceed those which reasonably may result from use of the site by a permitted use.

- D. Modifications to the site or proposed use which would result in increased compatibility, or would mitigate potentially unfavorable impacts, or would be necessary to conform to applicable regulation and standards and to protect the public health, safety, morals, and general welfare.
- E. Safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonably anticipated in the area; existing zoning and land uses in the area.
- F. Protection of persons and property from flood or water damage, odors, fire, noise, glare, and similar hazards or impacts.
- G. Location, lighting, and type of signs; and relation of signs to traffic control and adverse effect on adjacent properties.
- H. Adequacy and convenience of off-street parking and loading facilities.
- I. That the proposed use is in accordance with the objectives of this Zoning Ordinance and the purposes of the district in which the site is located.
- J. That the proposed use and site development, together with any modifications applicable thereto, will be compatible with existing or permitted uses and structures in the vicinity, in accordance with the following standards:
 - i. The proposed use will be located within the district so as to be harmonious with and complimentary to adjacent and existing land uses.
 - ii. The structure resulting from the granting of a conditional use will be architecturally compatible with other existing or proposed structures in the neighborhood in which it is to be located. For the purpose of this criterion, the term neighborhood shall mean an area extending 750 feet in all directions from the lot line of the proposed structure.
 - iii. For the purposes of determining architectural compatibility, consideration shall be given to: building mass and style; roof types, pitch and material; façade treatment and materials; window and door styles; eaves and porches; trim; gables and dormers; gutters; chimneys; walls, fences, hedges and other landscape elements; colors; driveway material; signage; dimensional setbacks and building orientation on the lot; and other such features as may be appropriately considered by the Planning Commission.
 - iv. For the purpose of assessing the architectural compatibility, existing structures which may not be an architectural asset to the neighborhood shall not be considered in determining the appropriateness of a conditional use application.
- K. That any conditions applicable to approval are the minimum necessary to minimize potentially unfavorable impacts on nearby uses and to ensure compatibility of the proposed use with existing or permitted uses in the same district and the surrounding area.
- L. That the proposed use, together with the conditions applicable thereto, will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

PRELIMINARY RECOMMENDATION TO PLANNING COMMISSION:

Until October 2019, the structure and premises were used by a church. Now the Oster Consulting group, LLC has signed a 2 year lease ending 11-30-2021 with Mini Meanie, LLC with payment of \$18,000 for 1 year. The property is zoned C-1 (General Commercial). By Table 4.2 in the Zoning Ordinance a "sub-contracting business" is allowed as a conditional use in a C-1 (see Table 4.2 in part). By Table 4.2 in the Zoning Ordinance, "contractors yard (Storage and Warehouse) is prohibited in the C-1 zoning district. A "construction business office (No storage or equipment or materials)" is allowed by right in an C-1 zoning district.

A sub-contractor's business office only is an acceptable use and should not have any detrimental effects upon the surrounding land uses. Other surrounding uses are legal non-conforming uses established before the incorporation of the City.

This project shall meet the following conditions and/or regulations for the overall development of this project.

- A. Conformance with applicable regulations and standards established by the Zoning Regulations
- The City of Diamondhead is preparing a plan to develop property to the east and south of your present location. The intent is to create a high density commercial area with mixed uses with overlay districts. An office is acceptable. Outside storage of equipment and materials is not and will not be compatible with proposed future land uses.

Therefore, you will be allowed to have a contractor's yard for a temporary time not to exceed 11-30-2021 for the storage of materials, equipment, vehicles and utility trailers. You shall also construct a wooden privacy fence 6' in height completely surrounding this area to obstruct view from all sides.

Since the proposed use is a true change of occupancy by the International Building Code. An occupancy inspection shall be conducted and compliance required i.e. minimum parking spaces.

Notwithstanding comments from concerned citizens and Planning Commissioners, one could make a determination based on the application submitted that this proposed sub-contractors business office could be allowed at this location as a condition use in an C-1 zoning district complying with the above conditions.