



Commissioner Bice  
Commissioner Layel  
Commissioner Bower  
Commissioner Rubar  
Commissioner Hourin  
Commissioner Torguson  
Commissioner Hector

## **MINUTES PLANNING AND ZONING COMMISSION**

**Tuesday, February 23, 2021**

**6:00 PM CST**

**Council Chambers, City Hall  
and via teleconference, if necessary**

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### **Call to Order**

Commissioner Rubar called the meeting to order at 6:00 p.m.

### **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.

Commissioner Bower read the Statement of Purpose.

### **Pledge of Allegiance**

Commissioner Torguson led the Pledge of Allegiance.

### **Roll Call**

Commissioner Rubar, Layel, Torguson, Hourin, Hector, and Bower. Absent: Bice

Also present City Attorney, Derek Cusick, Building Inspector, Beau King, Code Enforcement Officer Pat Rich, and Minute Clerk, Tammy Braud.

### **Confirmation or Adjustments to Agenda**

Commissioner Bower, made a motion, second by Commissioner Hourin to approve the Agenda as presented.

### **Motion Carried Unanimously**

### **Approval of Minutes**

1. Approval of Minutes of January 26, 2021.

Commissioner Bower made a motion, second by Commissioner Hourin to approve the minutes of January 26, 2021

### **Motion Carried Unanimously**

### **New Business**

2. Sweet Rolls Hibachi 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 mobile food vendor in a C-1 district. The tax parcel number is 132H-1-03-004.008. The street address is 4313 Leisure Time Drive. The case file number is 202000624

Code Enforcement Officer, Pat Rich, addressed and answered questions from the Commissioners.

Commissioner Rubar asked if anyone was present to represent Sweet Rolls.

Owner , Brittany Fortmayer spoke and answered questions from the commissioners.

Commissioner Rubar asked for any public comments. None.

Code Officer, Pat Rich, presented to the Commissioners the recommendation to approve with conditions listed below to the City Council

1. Operate on Thursdays only 11:00am to 6:00 pm.
2. Signage must be conform with ordinances.
3. Permit expires 1 year from issue date.
4. Permit is non-transferable.
5. Must comply with Mississippi Department of Health Regulations.
6. Provide specific written authorizations from adjacent property owners to use their parking area for parking. These authorizations shall be submitted prior to the issue of permit.
7. Applicant shall obtain a business privilege and sales tax permit specifically for the location.

Commissioner Bower made a motion, second by Commissioner Hourin to approve the conditional use permit with conditions listed but amended the conditions to only Thursday with no time limitations, and must provide outside lighting

**Motion Carried Unanimously**

#### **Unfinished Business**

None

#### **Open Public Comments to Non-Agenda Items**

#### **Commissioners' Comments**

#### **Communication / Announcements**

3. Next City Council meeting March 2, 2021

Next Planning Commission meeting March 23, 2021

Code Officer, Pat Rich ,mentioned to the Commissioners next month's meeting will have a text amendments for net fill .

#### **Adjourn or Recess**

Commissioner Bower ,second by Commissioner Layel to adjourn at 6:21 pm.

**Motion Carried Unanimously**



# City of Diamondhead

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## STAFF REPORT TO PLANNING COMMISSION

DATE: February 19, 2021

CASE FILE NUMBER: 202000624

APPLICANT: Sweet Rolls Hibachi, Brittany Fortmayer; resident of

Diamondhead

PROPERTY OWNER: Giving Tree Office Plaza, LLC. Mary Knoblock

TAX PARCEL NUMBER: 132H-1-03-004.008

PHYSICAL STREET ADDRESS: 4313 Leisure Time Drive

LEGAL DESCRIPTION: Diamondhead Pt 1A, Leisure Time Park

ZONING DISTRICT: C-1

TYPE OF APPLICATION: Conditional Use Permit for Mobile Food Vendor

NATURE OF REQUEST: Applicant wishes to sell lunch and dinners to Diamondhead and local surrounding residents.

DATE OF PUBLIC HEARING BEFORE PLANNING COMMISSION: February 23, 2021

ACTION BY THE PLANNING COMMISSION: 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.

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.

**CONDITIONS of APPROVAL:** The Planning Commission may establish conditions of approval. Conditions may include but shall not be limited to: requirements for special setbacks, open spaces, buffer, fences, walls, and screening; requirements for installation and maintenance of landscaping and erosion control measures; requirements for street improvements and dedications, regulation of vehicular ingress and egress, and traffic circulation; regulation of signs; regulation of hours or other characteristics of operation; requirements for maintenance of landscaping and other improvements; establishment of development schedules or time limits for performance or completion; architectural conditions; and such other conditions as the Commission may deem necessary to ensure compatibility with surrounding uses.

FINDINGS: Mobile Food Vendors are permitted to operate in the C-1 Zoning district and the Planning Commission may put conditions of use on the permit. In fact, there are many restaurants and dining facilities nearby, some of which are takeout only. Sweet Rolls Hibachi will operate on Thursday's from 11:00 to 6:00 offering pick up only. The meals will be cooked under a tent on site in the rear parking lot of Giving Tree on Park Ten Drive. Most orders are called in and given a time for pickup. There may be those that see the operation, stop and place an order. There are 12 parking spots marked with overflow parking available at Dr. Hoda's office (closed on Thursday) and behind the vacant building on the west side. Increased traffic will be minimal and since Dr. Hoda is closed, should not propose a threat to vehicular safety. This operation already exists on Wednesday's in Ocean Springs and as a mobile catering service.

RECOMMENDATION TO PLANNING COMMISSION: To **approve** the Conditional Use Permit

with the following conditions;

Operate on Thursdays only, 11:00 am to 6:00 pm. ✓

Signage must conform with ordinances. ✓

Permit expires 1 year from issue date. ✓

Permit is non-transferable. ✓

Must comply with Mississippi Department of Health Regulations. ✓

Provide specific written authorization from adjacent property owners to use their parking area for parking. These authorizations shall be submitted prior to the issue of permit.

Applicant shall obtain business privilege and sales tax use permit specifically for the location.