



Commissioner Bennett
Commissioner Brewer
Commissioner Cook
Commissioner Debrow
Commissioner Flowers
Commissioner Layel
Commissioner Nicaud

MINUTES PLANNING AND ZONING COMMISSION

Tuesday, January 24, 2023
6:00 PM CST
Council Chambers, City Hall
and via teleconference, if necessary

Call to Order

Chairman Flowers called the meeting to order at 6:01 P.M.

Statement of Purpose

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 Debrow read The Statement of Purpose.

Pledge of Allegiance

Commissioner Layel led The Pledge of Allegiance.

Roll Call

Present at the meeting were: Chairman Flowers, Commissioners: Debrow, Layel, Brewer, Bennett, Nicaud by teleconference. Absent : Cook

Also present at the meeting were: City Attorney, Derek Cusick, Building Official, Ronald Jones, Development Coordinator, Pat Rich, Building Inspector, Beau King. Absent: Minute Clerk, Tammy Braud

Confirmation or Adjustments to Agenda

Motion made by Commissioner Debrow, Seconded by Commissioner Layel to adjust the agenda by removing item # 3, resident withdrew his application.

Voting Yea: Commissioner Bennett, Commissioner Brewer, Commissioner Debrow, Commissioner Flowers, Commissioner Layel, Commissioner Nicaud

Motion Passed Unanimously

Approval of Minutes

1. Approval of November 8, 2022 minutes.

Motion made by Commissioner Bennett, second by Commissioner Debrow, to accept the minutes of November 8,2022.

Voting Yea: Commissioner Bennett, Commissioner Brewer, Commissioner Debrow, Commissioner Flowers, Commissioner Layel, Commissioner Nicaud

Motion Passed Unanimously

New Business

2. Bob Barber of Orion Planning

Bob Barber of Orion Planning gave the commissioners a briefing on rewriting of the ordinances as recommended in the Comprehensive Plan Envision Diamondhead 2040.

3. Clyde Holzbauer has filed an application requesting a variance from the Zoning Ordinance (Article 4.19) to allow an addition to the existing carport 5' from the west side yard property line. The property address is 7722 Mamalu Place. The tax parcel number is 067K-2-36-045.000. The property is in a R-2 zoning district. The side yard setbacks are 10'. The variance requested is 5'. The Case File Number is 202200555.

Application was withdrawn by resident.

4. The City of Diamondhead will hold a public hearing on a proposed Text Amendment to the Sign Ordinance (10.10.4). The Case File Number is 202200581. The proposed text is to allow the option for commercial businesses impacted by MDOT's Exit 16 improvements to either replace signage per updated sign ordinance, relocated existing signage or replace signage with signage similar to existing.

Development Coordinator, Pat Rich addressed the commissioners on the Text Amendment.

Chairman Flowers asked for any public comments.

Attorney Peyton Moore representing Keith Co. objected to the Text Amendment.

He submitted three exhibits. Exhibit one: email exchange between Ms. Farmer and Mayor Depreo and other parties. Exhibit two: Planning and Zoning Agenda Packet for 1/24/2023, which includes the 10/18/22 City Council meeting approval of the motion to allow the option for commercial businesses impacted by MDOT's Exit 16 improvements to either replace signage per updated sign ordinance, relocate existing signage or replace signage with signage similar to existing; the 10/24/22 Special Called City Council meeting to rescind the approval of the motion and to refer the matter to the Planning and Zoning Commission for a public hearing and recommendation. Exhibit three: Copy of City of Diamondhead Code of Ordinances Article 10. Signs.

Richie Bullock, Business Development Director for Keith Co. also spoke.

Development Coordinator, Pat Rich read the staff report with the recommendation to deny for reasons listed:

A. Ground-mounted Pole Signs are not permitted in the C-1 Zoning District (table 10.5.1)

B. Any sign located within the city limits on the date Ordinance No. 2012-019 is adopted(October 15, 2012) which does not conform to the provisions of this Article, but which was legally erected

prior to the date this ordinance is adopted is eligible for a characterization as a "legal nonconforming " sign. (10.10.2iii)

C. A legal nonconforming designation is lost if the sign is relocated to a position making it less in compliance with the requirements of this Article. (10.10.3.iii)

D. If the legal nonconforming designation is lost, the sign shall be immediately brought into compliance with a new permit secured therefor or shall be removed. (10.10.3.d)

E. All existing businesses in this district have conformed once their " legal nonconforming status was lost.

F. The amendment is not compatible with the Comprehensive Plan nor the Gateway Plan.

G. All businesses affected by construction of the traffic circle have been notified that if they are required to move existing ground-mounted pole sign, these signs will lose their "legal nonconforming" status and must be brought into compliance. None have requested relief from this ruling.

Motion made by Commissioner Debrow, seconded by Commissioner Bennett to deny the request for reasons listed in the staff report to the City Council.

Voting Yea: Commissioner Bennett, Commissioner Brewer, Commissioner Debrow, Commissioner Flowers, Commissioner Layel, Commissioner Nicaud

Motion Pass Unanimously

Unfinished Business

None

Open Public Comments to Non-Agenda Items

None

Commissioners' Comments

None

Communication / Announcements

5. The next City Council meeting is Tuesday February 7, 2023.

The next Planning Commission meeting is February 28, 2023.

Adjourn or Recess

Motion made by Commissioner Debrow, Seconded by Commissioner Layel to adjourn the meeting at 6:43 P.M.

Voting Yea: Commissioner Bennett, Commissioner Brewer, Commissioner Debrow, Commissioner Flowers, Commissioner Layel, Commissioner Nicaud

Motion Passed Unanimously

H. Flowers, Chairman
Planning & Zoning