



Commissioner Flowers
Commissioner Layel
Commissioner Debrow
Commissioner Rubar
Commissioner Hourin
Commissioner Torguson
Commissioner Hector

MINUTES

PLANNING AND ZONING COMMISSION

Tuesday, December 14, 2021

6:00 PM CST

Council Chambers, City Hall
and via teleconference, if necessary

Call to Order

Chairman 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 Layel read the Statement of Purpose.

Pledge of Allegiance

Commissioner Torguson led The Pledge of Allegiance.

Roll Call

Commissioners Layel, Torguson, Debrow, Flowers, Hector, Hourin via teleconference, Rubar. Also present Development Coordinator, Pat Rich, Building Official, Ronald Jones, City Attorney, Derek Cusick, Building Inspector, Beau King, Minute Clerk, Tammy Braud.

Confirmation or Adjustments to Agenda

Commissioner Debrow made a motion, second by Commissioner Layel to approve the agenda as presented.

Motion Passed Unanimously

Approval of Minutes

1. Approval of October 26, 2021 minutes.

Commissioner Debrow made a motion ,second by Commissioner Flowers to approve the minutes of October 26, 2021.

Motion Passed Unanimously

New Business

2. Presentation by Robert Barber with Orion Planning to update the Commission on Short Term Rental ordinance progress. This is for information and discussion only. No vote will be taken
Bob Barber spoke on Short Term Rentals, and presented Memo #3, Proposed Zoning Code Amendments for Short Term rentals, upon feedback from Commission and survey.

3. Janet Harmon-Curvey and John A. Curvey have filed an application requesting a variance from the Zoning Ordinance (Article 4.19) to allow the construction of a covered patio (36.26' x 11.4') within 17.9' of the rear property line. Additionally, to construct a masonry fireplace (3'x6') within 14.9' of the rear property line. The property address is 7518 Augusta Way. The tax parcel number is 067M-2-35-007.000. The property is in an R-1 zoning district. The rear yard setback is 20'. The variance requested for the covered patio is 2.1' and the fireplace is 5.1'. The Case File Number is 202100459.

Development Coordinator, Pat Rich presented the case and answered questions from the commissioners.

Mr. and Mrs. Curvey spoke to the Commissioners, and answered their questions.

Chairman Rubar asked for any public comments. There were none.

Mr. Rich read the Staff report recommending approval.

Commissioner Torguson made a motion, second by Commissioner Flowers to approve the variance as petitioned to the City Council.

Roll Call

Ayes: Torguson, Flowers, Hourin, Hector, Layel, Debrow Nays: Rubar

Motion Passed

4. 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.

Development Coordinator, Pat Rich spoke to the Commissioners, and answered their questions.

Chairman Rubar asked if anyone was present to represent B&G Enterprises.

Carl Blum representing B & G Food Enterprises LLC, spoke to the commissioners, and answered their questions.

Chairman Rubar asked for public comments.

David Boan, Milton Dempsey, Dale Barfield, David Flowers, Ronald Witzel, and Ms. Dawn spoke with concerns about safety, parking, and traffic.

Development Coordinator Pat Rich read the staff report recommending approval of the site review.

Commissioner Hourin made a motion, second by Commissioner Torguson to approve the site plan with conditions listed below

- Access between the building and I-10 and the ingress and egress without the trucks backing up and exits through Rouses' parking lot.
- No additional traffic flow: the flow and the exits through that area have to be modified to handle the traffic; and
- If these are not done, Taco Bell must allow the 18 wheelers access to the existing businesses no matter what time.

Roll call

Ayes: Hourin, Torguson, Flowers, Layel, Debrow, Hector, and Rubar. Nays: None

Motion Passed Unanimously

5. The City of Diamondhead represented by Ronald Jones, Building Official, has filed an application requesting a text amendment to reduce the number of publication days and increase the number of mail notices in the Zoning Ordinance (Ord. 2012-006) and Subdivision Regulations (Ordinance 2020-001). Case File Number is 202100493. The proposed text amendments would make the following changes to Appendix A – Zoning, Article 2.9 – Public Notice Procedure, Section 2.9.1.A – change “300 feet” to “400 feet”; Section 2.9.1.B – change “three hundred (300) feet” to “four hundred (400) feet”; Section 2.9.6.B – change “three hundred (300) feet” to “four hundred (400) feet”; Section 2.9.7.A.ii – change “Two (2) publication days” to “One publication day” and Subdivision Regulations Article III – Procedures, Article 301.6 – change “three hundred feet (300’)” to “four hundred feet (400’)”; Article 303.2.3 – change “three hundred feet (300’)” to “four hundred feet (400’)”; Article 320.4.e and Article 320.5.b – “change 300 to 400”.

Development Coordinator, Pat Rich, read the request made by Building Official, Ronald Jones and the staff report requesting approval of the text amendment in the ordinance.

Commissioner Torguson made a motion, second by Commissioner Flowers to accept the recommendation as petitioned to the City Council.

Roll Call

Ayes: Torguson, Layel, Flowers, Hourin, Hector, Debrow, Rubar Nays: None

Motion Passed Unanimously

6. The City of Diamondhead represented by Ronald Jones, Building Official, has filed an application requesting a text amendment to require the use of 100-year storm events in the Zoning Ordinance (Ord. 2012-019) and Stormwater Runoff, Illicit Discharges, and Illegal Connections Ordinance (Ord. 2013-030). Case File Number is 202100494. The proposed text amendments would make the following changes to Zoning Ordinance Article 14 – Land Alterations and Disturbances, Article 14.1.3.D – Land Clearing and Drainage, – change “5-year storm” to “100-year storm”, insert a period after "urbanized areas", remove "wherein the rainfall is one (1) hour at a rainfall of three

(3) inches per hour." and add "The approximate value for "I" precipitation intensity in inches per hour, shall be obtained from the NOAA Website at <http://hdsc.nws.noaa.gov/hdsc/pfds/>. This website provides precipitation intensity information." before "Runoff shall be drained...". In Stormwater Runoff, Illicit Discharges, and Illegal Connections Ordinance Chapter 24- Stormwater Management, Section 24-10 (a) – Stormwater Detention Standards and Requirements – add "100-year" after "50-year" to “two-year, five-year, ten-year, 25-year and 50-year, 24-hour storm events.”

Development Coordinator, Pat Rich , read a request made by Building Official, Ronald Jones and the staff report recommending approval of the text amendment to the Zoning Ordinance.

Commissioner Flowers made a motion, second by Commissioner Layel to approve the request as petition.

Roll Call

Ayes: Torguson, Hourin, Hector, Flowers, Debrow, Layel, Rubar

Nays: None

Motion Passed Unanimously

Unfinished Business

None

Open Public Comments to Non-Agenda Items

None

Commissioners' Comments

Chairman Rubar commented on the role of the commissioners.

Communication / Announcements

7. The next City Council meeting is December 21, 2021 at 6:00 pm.

The next Planning Commission meeting is January 25, 2022 at 6:00 pm.

Adjourn or Recess

Commissioner Flowers made a motion, second by Commissioner Debrow to adjourn the meeting at 8:35 p.m.

Motion Passed Unanimously

John Rubar, Chairman
Planning & Zoning