



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

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### 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 Officer, 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.
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.

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 Unanimously**

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 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 all spoke with concerns they had 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

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**

None

**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**