



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

AGENDA

PLANNING AND ZONING COMMISSION

Wednesday, March 23, 2022

6:00 PM CST

Council Chambers, City Hall
and via teleconference, if necessary

Call to Order

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.

Pledge of Allegiance

Roll Call

Confirmation or Adjustments to Agenda

Approval of Minutes

2. Approval of February 22, 2022 minutes.

New Business

3. Robert Barber with Orion Planning is presenting their recommendation for short term rental ordinance.
4. The City of Diamondhead represented by Ronald Jones, Building Official, has filed an application requesting a text amendment to correct an inconsistency in the Zoning Ordinance (Ord. 2012-019). Case File Number is 202200081. The proposed text amendment will make the following change to Zoning Ordinance Article 5 - General Regulations, Article 5.6.4 - Ownership, - add "not" after "shall" in the last sentence to read, "A nonconforming use of land or structure shall not lose its nonconforming status upon the sale to a new owner".
5. Prest Prop, LLC, represented by Robert Thirstrup, Managing Member, has filed an application requesting Planning Commission Review as required by the Zoning Ordinance (Article 4.21.1 B) to allow the operation of a drive-in restaurant (PJ's Coffee) within the planned Prestige Fitness Club and Spa. The property address is 4422 Kalani Drive. The tax parcel number is 132A-2-03-024.000. The property is in a C-1 General Commercial zoning district. Drive-in restaurants are considered permitted uses with the review and approval of the Planning Commission (Article 2.4). The Case File Number is 202200117.

Unfinished Business

Open Public Comments to Non-Agenda Items

Commissioners' Comments

Communication / Announcements

6. The next City Council meeting is April 5, 2022.

The next Planning Commission meeting is Wednesday, April 27, 2022.

Adjourn or Recess



MINUTES
PLANNING AND ZONING COMMISSION
Tuesday, February 22, 2022
6:00 PM CST
Council Chambers, City Hall
and via teleconference, if necessary

Call to Order

Commissioner Torguson called the meeting to order at 6:06 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 Flowers led the Pledge of Allegiance.

Roll Call

Commissioner Debrow, Layel, Flowers, Torguson. Absent: Hector. Also present were City Attorney, Derek Cusick, Building Official, Ronald Jones, Development Coordinator, Pat Rich, Building Inspector, Beau King, and Minute Clerk, Tammy Braud.

A motion was made by Commissioner Torguson , second by Commissioner Layel to nominate Commissioner Flowers as Chairman of Planning and Zoning.

Roll Call:

Ayes: Debrow, Layel, Torguson, Flowers. Nays: None Absent: Hector.

Motion Passed Unanimously

A motion was made by Chairman Flowers , second by Commissioner Torguson, to nominate Commissioner Debrow as Vice Chairman of Planning and Zoning.

Roll Call

Ayes: Commissioner Layel, Torguson, Debrow Chairman Flowers Nays: None Absent: Hector

Motion Passed Unanimously

Confirmation or Adjustments to Agenda

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

Roll Call

Ayes: Commissioner Debrow, Torguson, Layel, Flowers. Nays: None Absent: Hector

Motion Passed Unanimously

Approval of Minutes

1. Approval of January 25, 2022 minutes.

Commissioner Debrow made a motion, second by Commissioner Layel to accept the minutes of January

25, 2022 .

Roll Call:

Ayes: Debrow, Torguson, Layel. Flowers. Nays: None Absent: Hector

Motion Passed Unanimously

New Business

2. Robert Barber with Orion Planning is presenting the results of the recent survey of residents regarding short term rental regulation in Diamondhead.

Development Coordinator, Pat Rich gave a background on the year long progress.

Robert Barber join us by Zoom and shared the summary of the survey.

Chairman Flowers asked for any Public Comments.

Tim Kelly, David Boan, and Angela Moran asked questions to Mr. Barber.

3. Motion to hold a public hearing to consider a Text Amendment to correct a conflict in Article 5.6 Non-Conforming Buildings, Structures, Lots and Uses of Land.

Development Coordinator, Pat Rich explained the purpose of the text amendment.

Commissioner Debrow made a motion, second by Commissioner Layel to advertise the public hearing.

Roll Call:

Ayes: Debrow, Layel, Torguson, Flowers. Nays: None Absent: Hector

Motion Passed Unanimously

4. Motion to change the April Planning Commission meeting from Tuesday the 26th to Wednesday the 27th due to the 10th Anniversary City of Diamondhead celebration on the 26th.

Commissioner Torguson made a motion, second by Commissioner Debrow to change the meeting date of April 26,2022 to April 27, 2022.

Roll Call

Ayes: Debrow, Layel, Torguson, Flowers. Nays: None Absent: Hector

Motion Passed Unanimously

Unfinished Business

None

Open Public Comments to Non-Agenda Items

None

Commissioners' Comments

None

Communication / Announcements

5. The next City Council meeting is March 2, 2022.

The next Planning Commission meeting is March 22, 2022.

Adjourn or Recess

Commissioner Torguson Made a motion, second by Commissioner Debrow to adjourn the meeting at 6:45 p.m.

Motion Passed Unanimously

H. Flowers, Chairman
Planning & Zoning

**NOTICE OF PUBLIC HEARING
PLANNING AND ZONING COMMISSION
DIAMONDHEAD, MS**

The Planning and Zoning Commission will conduct a public hearing to receive the recommendation for a Short Term Rental Ordinance by Orion Planning at its next regularly scheduled meeting on **Tuesday, March 22, 2022, at 6:00 p.m.** The public hearing will be held at Diamondhead City Hall in the Council Chambers at 5000 Diamondhead Circle in Diamondhead, MS 39525. Interested members of the public are invited to attend. This meeting will also be live streamed for your convenience.

If you have any questions or comments or would like to review the application, you may contact the Building Department at the above address and/or at 228-222-4626.

Memo #4 – Proposed Zoning Code Amendments for Short-Term Rental

Date: 3.15.22

To: Diamondhead Planning and Zoning Commission

From: Robert Barber, FAICP

RE: Zoning for Short Term Rentals

Based on study memos #1, #2 and #3, planning commission review, staff review, and a community survey, the following draft zoning code amendments related Short-Term Rentals are submitted for consideration and action in accordance with Diamondhead's zoning amendment procedure.

Amendment 1. Add Definition to Article 3 Definitions:

Short-Term Rental means the rental or lease of an attached or detached residential dwelling unit to guests for a duration not to exceed thirty consecutive days.

Amendment 2. Amend the Table 4.2 to show Short Term Rental as Permitted with Planning Commission Review in the R-3 Residential District and Conditional in all other Residential Districts but excluded in the Manufactured Home District. (proposed amendments indicated in red on the following page).

Amendment 3. Add use conditions as note #17 after Table 4.2 as follows:

17. Short-Term Rentals shall be required to meet the following minimum standards. This section does not abrogate the application of private covenants and restrictions that may be applicable to a site.
- a. The owner or designated manager shall permanently reside within the City Limits of Diamondhead.
 - b. Short-Term Rentals shall be separated by a distance of 1000 feet except in condominium or multiple-family structures.
 - c. The minimum stay in a short-term rental shall be two nights.
 - d. No accessory structure shall be permitted for use as a Short-Term Rental.
 - e. Occupancy shall be limited to a maximum of 2 persons per bedroom.
 - f. All parking shall be provided off-street. Parking in any yard, except on a paved drive is prohibited.
 - g. The outward appearance of a Short-Term Rental shall be indistinguishable from that of residence. Signage related to the activity is prohibited.
 - h. Proof of code compliance, fire safety measures, adequate water and sewer service, or other utilities or infrastructure shall be supplied.
 - i. Annual compliance inspection.
 - j. Current privilege license issued by the City.
 - k. Payment of all applicable taxes.

Amended Chart of Uses with amendments indicated in red.

TABLE 4.2: CHART OF DETERMINATE USES

Alphabetical Listing of Uses by Zoning Districts	R-1 = Low Density Single-Family R-2 = Medium Density Single-Family R-3 = High Density Single-Family R-4 = High Density Multi-Family MH = Manufactured Home C-1 = General Commercial	C-2 = Interstate Commercial / Gaming / Resort T = Technology I = Industrial PR = Preservation PFR = Public Facilities & Rec.
--	--	---

R = Use by Right

P = Use by Planning Commission Review

C = Use by Conditional Use

Uses	Zoning Classification														
	R-1	R-2	R-3	R-4	MH	C-1	C-2	T	I	PR	PFR	TCMU	TCLM	TCTH	TCWF
AGRICULTURAL USE (General)	-	-	-	-	-	-	-	-	-	R	-	-	-	-	-
RESIDENTIAL USES															
Single Family unit	R	R	R	R	R	-	-	-	-	-	-	-	-	-	-
Two Family units (duplex)	-	-	P	P	-	-	-	-	-	-	-	C	C	C	C
Multi-family units (apartment)	-	-	-	P	-	-	-	-	-	-	-	-	-	C	C
Condominium Units	-	-	P	-	-	-	-	-	-	-	-	C	-	C	P
Townhouse unit	-	-	P	P	-	-	-	-	-	-	-	P	-	R	R
Zero Lot Line unit (patio homes)	-	-	P	P	-	-	-	-	-	-	-	-	-	-	C
Manufactured homes (Single Wide)	-	-	-	-	R	-	-	-	-	-	-	-	-	-	-
(Double Wide)	-	-	-	-	R	-	-	-	-	-	-	-	-	-	-
Manufactured Home Park or Subdivision	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-
Modular Home	-	-	-	-	R	-	-	-	-	-	-	-	-	-	-
Accessory Structure	R	R	R	R	R	C	C	-	-	-	-	-	-	-	-
Short Term Rental	P	P	P	P	-	-	-	-	-	-	-	P	P	P	P

**NOTICE OF PUBLIC HEARING
PLANNING AND ZONING COMMISSION
DIAMONDHEAD, MS**

The City of Diamondhead represented by Ronald Jones, Building Official, has filed an application requesting a text amendment to correct an inconsistency in the Zoning Ordinance (Ord. 2012-019). Case File Number is 202200081.

The proposed text amendment will make the following change to Zoning Ordinance Article 5 – General Regulations, Article 5.6.4 – Ownership, – add “not” after “shall” in the last sentence to read “A nonconforming use of land or structure shall not lose its nonconforming status upon the sale to a new owner”.

The City Council shall have jurisdiction with respect to all Text Amendments. The Planning Commission shall review and submit a recommendation to the City Council on Text Amendments.

The Planning and Zoning Commission will consider this application at its next regularly scheduled meeting on **Tuesday, March 22, 2022, at 6:00 p.m.** The public hearing will be held at Diamondhead City Hall in the Council Chambers at 5000 Diamondhead Circle in Diamondhead, MS 39525. Interested members of the public are invited to attend. This meeting will also be live streamed for your convenience.

If you have any questions or comments or would like to review the application, you may contact the Building Department at the above address and/or at 228-222-4626.

- c. Storage and waste disposal; and
- d. Appearance.

5.6.2 *Nonconforming Lots of Record.*

- A. A building may be constructed on a nonconforming lot, provided the yard requirements of this Ordinance are observed.
- B. Contiguous nonconforming lots under common ownership shall be considered one lot.

5.6.3 *Restoration.*

Should a nonconforming structure be destroyed or damaged by any means to an extent that would be in excess of fifty (50) percent of the true value as determined by the Hancock County Tax Assessor it shall not be reconstructed or use made of except in conformity with the provisions of these ordinances.

5.6.4 *Ownership.*

Whenever a nonconforming structure or lot is sold to a new owner, such sale shall have no effect on the nonconforming status of the structure or lot. A nonconforming use of land or structure shall ^{not} lose its nonconforming status upon the sale to a new owner.

5.6.5 *District Changes.*

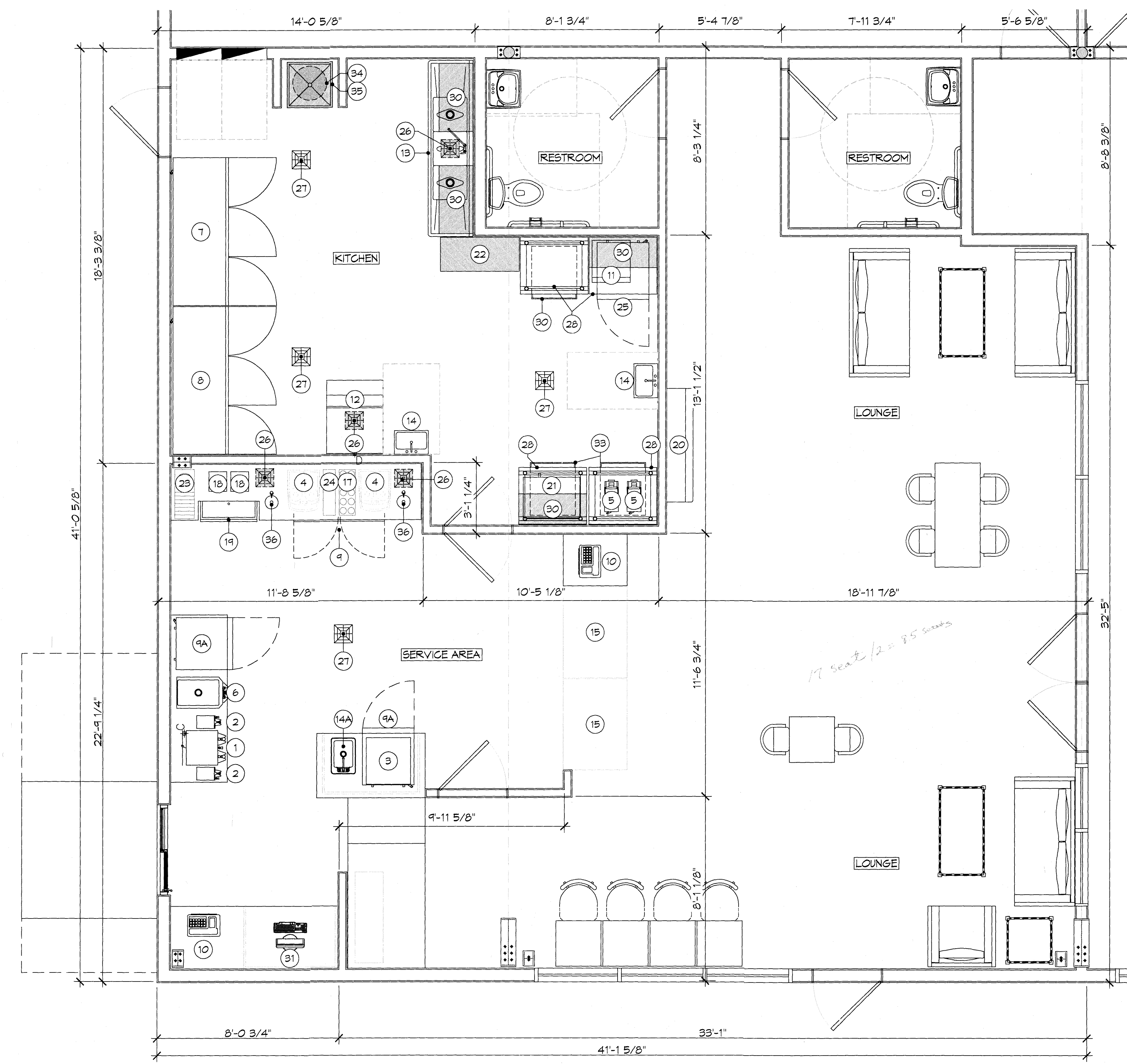
Whenever the boundaries of a district are changed so as to transfer an area from one district to another district, the foregoing provisions shall also apply to any nonconforming uses or structure existing in the district to which the area was transferred.

5.6.6 *Repairs and Maintenance.*

Ordinary repairs and replacement of nonbearing walls, fixtures, wiring, or plumbing may be performed, provided that the nonconforming structure shall not be increased in size.

5.6.7 *Uses Requiring Planning Commission Review and Conditional Use Procedures.*

Any lawful use existing on the effective date of this ordinance or amendment thereto, and which would be required to have Planning Commission review pursuant to Section 2.4 of this ordinance or would be a conditional use under the terms of this ordinance or amendment thereto, is, without further action, conforming under these provisions. However, any alteration to the site, building, nature of the operations, or any other aspect of the use shall require a Planning Commission Review or conditional use, whichever the case may be.

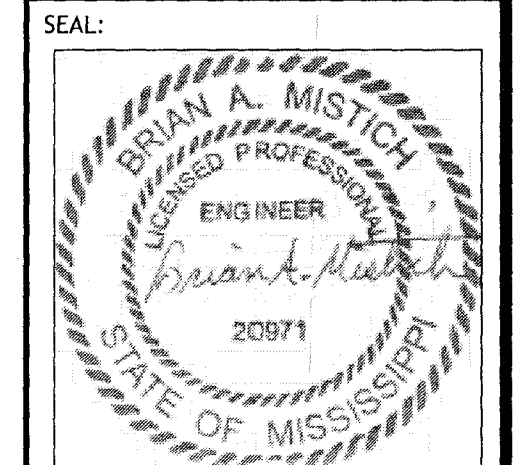


EQUIPMENT LIST		
ITEM No.	ITEM DESCRIPTION	NOTES
1	TWIN COFFEE BREWER	
2	SATELLITE WARMER STAND	
3	MERRY CHEF MICROWAVE OVEN	
4	ESPRESSO/CAPPUCCINO MACHINE	
5	COFFEE GRINDER	
6	GRANITA FROZEN DRINK MACHINE	
7	REACH-IN REFRIGERATOR	
8	REACH-IN FREEZER	
9	UNDERCOUNTER REFRIGERATOR	
9A	UNDERCOUNTER REACH-IN REFRIGERATOR	
10	P.O.S. SYSTEM	BY OWNER
11	VENTLESS FRYER (BEIGNET MACHINE)	
12	ICE MACHINE W/ BIN & FILTER	
13	THREE COMPARTMENT SINK 93" L.	
14	HAND SINK W/ FAUCET	
14A	DROP-IN SINK	
15	SELF-SERVE MERCHANDISER 48"L.	
16	SINGLE ROW SYRUP RACK	
17	SYRUP RACK-LARGE	BY OWNER
18	BLENDER	
19	ICE BIN	
20	RETAIL MERCHANDISE CASE 60"L. x 8"H.	SEE 7/A501
21	CONVECTION OVEN - HALF SIZE	
22	WIRE SHELVING	
23	BLENDER CONTAINER RINSER	
24	ROW OF CUPS	
25	UNDERCOUNTER FREEZER	
26	HUB DRAIN	SEE PLUMBING
27	FLOOR DRAIN	SEE PLUMBING
28	MOBILE WORKTABLE, 36"	
29	MOBILE WORK TABLE, 24"	
30	WALL SHELF, 36"	
31	MANAGERS COMPUTER	
32	WATER FILTRATION SYSTEM	
33	ENCLOSED TRASPORT CABINET	
34	35GAL WATER HEATER ABOVE MOP SINK	SEE PLUMBING
35	MOP SINK W/ FAUCET	SEE PLUMBING
36	DIPPER WELL W/ FAUCET	

PJ'S FLOOR PLAN
SCALE: 3/8" = 1'-0"

DAMMON ENGINEERING, INC.
LOUISIANA & MISSISSIPPI
www.dammonengineering.com
info@dammonengineering.com
554 Old Spanish Trail
Slidell, LA 70468
Chief Engineer: Brian Mistich, PE
PH: 985.649.5832

REVISIONS	DATE	DESCRIPTION



NEW ATHLETIC CLUB
PJ'S COFFEE
4422 KALANI DRIVE
HANGCOCK COUNTY, MISSISSIPPI
JOB No: 02-24/2023
DATE: 02-24/2023
DRAWN BY: CND
CHECKED BY: BAW

SHEET TITLE:
FLOOR PLAN

DRAWING NUMBER:

A101

202200117

Item No.5.

City of Diamondhead
5000 Diamondhead Circle
Diamondhead, MS 39525



Office 228-222-4626
Fax 228-222-4390
www.Diamondhead.ms.gov

APPLICATION FOR PLANNING COMMISSION REVIEW

\$100

CASE NO. 2022 00117

DATE 3/8/22

APPLICANT: Prest Prop LLC - Robert Thirstrup Managing Member

APPLICANT'S ADDRESS: 1311 Gause Blvd. SUITE LA 70458

APPLICANT'S TELEPHONE: (HOME) _____ (WORK) 985-788-1400

PROPERTY OWNER: Prest Prop LLC

MAILING ADDRESS: 1311 Gause Blvd. SUITE LA 70458

TELEPHONE NUMBER: (HOME) _____ (WORK) 985-788-1400

TAX ROLL PARCEL NUMBER: ~~132A-2-03-024.000~~ 132A-2-03-024.000

STREET ADDRESS OR LEGAL DESCRIPTION OF PROPERTY: Commercial site #1
4422 Kalani Dr.

STATE PURPOSE OF REQUEST: Plan Review for P.J. Coffee

REQUIRED ITEMS:

- A. A graphic site plan, drawn to a scale of not less than one inch to fifty feet (1" = 50') and sufficiently dimensioned as required to show the following:
 - i. The date, scale, north point, title, name of owner, and name of person(s) preparing the site plan.
 - ii. The location, dimensions, and area of each lot, the locations, dimensions and height of proposed buildings, structures, streets and any existing buildings in relation to property and street lines. If the application relates to property which is scheduled to be developed in successive stages, such plans shall show the relationship of the portion scheduled for initial development to the proposed layout of the entire property.
 - iii. The location of existing and proposed site improvements including parking and loading areas, pedestrian and vehicular access, utility or service areas, fencing and screening, and lighting.
 - iv. The location, dimensions (numbers shown), and arrangements of all open spaces and yards, landscaping, fences, and buffer yards including methods and materials to be employed for screening as required in Section 5.4.4.

STATEMENT OF UNDERSTANDING

As the applicant or owner/s for the requested Planning Commission Review in the City of Diamondhead, I (we) understand the following:

The application fee of \$250.00 must be paid prior to the acceptance of the application. Further, that if the application is withdrawn for any reason that the application fee is forfeited to the City of Diamondhead.

As the applicant or owner/s, I (we), or the designated representative, must be present at the public hearing.

That all information provided with this application is true and correct to the best of my knowledge.

That this application represents only property owned by me (us) and that any other adjoining property owners must apply for a change on his own behalf.

That all required attachments have been provided to the City of Diamondhead.

That additional information may be required by the Planning Commission prior to final disposition.

The Public Hearing will be held on March 22 at 6 p.m. in the Council Chambers of the Diamondhead City Hall.

If a continuance of the hearing is necessary at my (our) request, the request must be made to the Zoning Official a minimum of seven (7) days prior to the hearing. If such request is not made in writing, I understand that a new application must be filed and an application fee paid to the City.



Signature of Applicant



Signature of Property Owner

For Official Use Only _____

- \$250.00
- Copy of Deed, Lease or Contract
- Site Plan
- Parking Spaces
- List of Property Owners NA ()

- Application Signed
- Written Project Description
- Drainage Plan NA ()
- Notarized Statement NA ()

