



Commissioner Bice
Commissioner Milton
Commissioner Bower
Commissioner Rubar
Commissioner Hourin
Commissioner Torguson
Commissioner Hector

AGENDA

PLANNING AND ZONING COMMISSION

Tuesday, March 24, 2020

6:00 PM CST

Council Chambers, City Hall
and via teleconference, if necessary

Call to Order

Statement of Purpose

Pledge of Allegiance

Roll Call

Confirmation or Adjustments to Agenda

Approval of Minutes

- [a.](#) February 24, 2020

New Business

- [a.](#) Case File Number 202000070

Kenneth McGehee has filed an application requesting a variance from the Zoning Ordinance (Article 9.8 J) to construct a 6' in height wooden privacy fence extending beyond 7' from the façade of their house fronting on Koloa Street.

The property address is 10812 Pueo Court. The tax parcel number is 067H-1-25-025.000. The legal description is Diamondhead Subdivision Phase #1, Addition to Unit 8, Block 4, Lots 69-72. The property is located in an MH zoning district. The minimum front yard setback is 20 feet. No fence shall be constructed closer to the street than the building facade

Unfinished Business

Open Public Comments to Non-Agenda Items

Commissioners' Comments

Communication / Announcements

- a. next City Council meeting April 7, 2020
- next Planning Commission meeting April 28, 2020
- text amendment for changing parking standards for selected types of uses

Adjourn or Recess



Commissioner Bice
Commissioner Milton
Commissioner Bower
Commissioner Rubar
Commissioner Hourin
Commissioner Torguson
Commissioner Hector

MINUTES
PLANNING AND ZONING COMMISSION
Monday, February 24, 2020
6:00 PM CST
Council Chambers, City Hall

Call to Order

Statement of Purpose

Chairman Milton recited the Statement of Purpose

Pledge of Allegiance

Commissioner Torguson led the Pledge of Allegiance.

Roll Call

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

Also, present, City Attorney Derek Cusick, Building Official Ronald Jones, Minute Clerk Tammy Braud, and Building Inspector Dennis Arceneaux.

Confirmation or Adjustments to Agenda

Commissioner Bower moved, second by Commissioner Rubar to approve the agenda as presented.

Ayes: Hourin, Rubar, Torguson, Hector, Milton, and Bower. Nays: None

Approval of Minutes

Motion to approve January 28, 2020 Minutes.

Motion made by Commissioner Bower, Seconded by Commissioner Rubar to approve the corrected minutes.

Voting Yea: Commissioner Milton, Commissioner Bower, Commissioner Rubar, Commissioner Hourin, Commissioner Torguson, Commissioner Hector

MOTION CARRIED UNANIMOUSLY

New Business

Sharon I. Gerchow represented by Larry Mitrenga with Postwood Homes has filed an application requesting a variance from the Zoning Ordinance (Article 4.6.5 E iii) to construct a covered patio (12'11" x 24') within 18' of the southwest corner and 14' of the southeast corner of the rear property line on parcel 067K-1-36-138.000. The case file number is 202000031.

The property address is 8812 Manoo Street. The tax parcel number is 067K-1-36-138.000. The legal description is Diamondhead Subdivision Phase #2, Unit 2, Block 1, Lot 15. The property is located in an R-2 zoning district. The minimum rear yard setback is 20 feet.

Chairman Milton asked if anyone was present to represent Sharon Gerchow.

David Soloman a representative for Postwood Homes answered questions from the Commissioners.

Dennis Arceneaux Building Inspector, proposed a recommendation to approve the application request as petitioned in the matter of Case File Number 202000031

Chairman Milton asked if there were any public comments. None

Commissioner Hourin moved, seconded by Commissioner Bower, to recommend approval to the City Council the matter in the Case File Number **202000031** as recommended by Dennis Arceneaux.

Voting Yea: Commissioner Milton, Commissioner Bower, Commissioner Rubar, Commissioner Hourin, Commissioner Torguson, Commissioner Hector

MOTION CARRIED UNANIMOUSLY

Mini Meanie, LLC, owner Frederick Larry Tomlinson represented Mark Oster with Oster Group Consulting, LLC 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 “concrete sub-contracting and consulting firm” in a C-1 district. The Case File Number is 202000046.

The tax parcel number is 132H-1-03-006.005. The physical street address is 4401 Park Ten Drive. The property is located south of Park Ten Drive, east of the Diamondhead Water and Sewer District main office and west of the Park Ten Lanes. The property is in a C-1 zoning district.

Ronald Jones, Building Official explained what a Conditional Use Permit was.

He also presented the case and answered questions from the commissioners.

At this time Chairman Milton asked if anyone was present to represent the Oster Group.

Mark Oster representing Oster Group Consulting answered questions from the commissioners.

Ronald Jones, Building Official, proposed a recommendation to approve the application request with conditions as listed in his staff report.

Chairman Milton asked if anyone there any public comments. None

Motion made by Commissioner Rubar, Seconded by Commissioner Bower to approve to the City Council with conditions listed in staff report.

Voting Yea: Commissioner Milton, Commissioner Bower, Commissioner Rubar, Commissioner Hourin, Commissioner Torguson, Commissioner Hector

MOTION CARRIED UNANIMOUSLY

The City of Diamondhead represented by Ronald Jones, Building Official, has filed an application requesting a text amendment in accordance with the Zoning Ordinance Article 2.8 (Amendment (Rezoning Procedure). The Case File Number is 202000044.

The proposed text amendment would change the required off-street parking spaces in Table 8.1 for Restaurants with Drive-Thru or Drive-In.

Chairman Milton asked Mr. Jones to address the commissioners.

Ronald Jones presented his case and answered questions from the commissioners.

Chairman Milton asked if there were any public comments. None

Motion made by Commissioner Bower, Seconded by Commissioner Hourin

Voting Yea: Commissioner Milton, Commissioner Bower, Commissioner Rubar, Commissioner Hourin, Commissioner Torguson, Commissioner Hector

MOTION CARRIED UNANIMOUSLY

Elliott Homes represented by Kenneth Jones has submitted “the Master Sketch Plat for Diamondhead Lakes” for review, consideration and approval.

The master Sketch Plat is a 210 lot development having lot sizes ranging from the smallest lot of 9,563.0 to the largest lot of 42,111.2 sf. The tax parcel numbers are 067L-0-35-012.000 in part. The land is located on Section 35 Township 7S, Range 14W. The total number of acres is approximately 77. The current zoning of lots in the southern section is R-1 Low Density Single Family. The current zoning of lots in the northern section is zoned R-2 Medium Density Single Family. The property is generally located north of and adjacent Golf Club Drive; north of and adjacent to No. 8 Fairway, Cardinal golf course; west of and adjacent to No. 10 and 11 Fairways, Cardinal golf course; west of Diamondhead Drive West; south of adjacent to Twin Lakes; east of and adjacent to No. 13 and 14 Fairways, Cardinal golf course; and north of and adjacent to No. 9 Fairway, Cardinal golf course.

Elliott Homes – Master Sketch Plat for Diamondhead Lakes

The Master Sketch Plat is a 210 lot development having lot sizes ranging from the smallest lot of 9,563.0 to the

Kenneth Jones presented a power point presentation on the general overview of the subdivision and answered questions from the commissioners.

Chairman Milton asked for Public Comments. Diane Ackerman spoke in favor of the project.

Ronald Jones, Building Official presented the staff report and answered questions from the commissioners. His recommendation is to approve the variances as petitioned as well as the overall Sketch Plat with conditions including the issues and comments stated by the DRC.

Motion made by Commissioner Hourin, Seconded by Commissioner Bower to deny the variance lots 11 and 12, Northern Section.

Voting Yea: Commissioner Hector, Torguson, Hourin and Bower. Nays: Rubar, Milton

MOTION CARRIED

Commissioner Bower made a motion, second by Commissioner Rubar to reconsider the motion to deny the variances for Lots 11 & 12, Northern Section

Motion made by Commissioner Bower, Seconded by Commissioner Rubar to reconsider the motion to deny the variance for lots 11&12.

Voting Yea: Commissioner Milton, Commissioner Bower, Commissioner Rubar, Commissioner Hourin, Commissioner Torguson, Commissioner Hector

MOTION CARRIED UNANIMIOUSLY

Motion made by Commissioner Rubar, Seconded by Commissioner Rubar to recommend to the City Council to accept the Master Sketch Phat for Diamondhead Lakes with conditions including the issue and comments stated by the D.R.C.(see staff report)

Voting Yea: Commissioner Milton, Commissioner Bower, Commissioner Rubar, Commissioner Hourin, Commissioner Torguson, Commissioner Hector

MOTION CARRIED UNANIMIOUSLY

Motion made by Commissioner Milton, Seconded by Commissioner Torguson to take a 5minute break.

Motion made by Commissioner Rubar, Seconded by Commissioner Bower to reconvene.

Voting Yea: Commissioner Milton, Commissioner Bower, Commissioner Rubar, Commissioner Hourin, Commissioner Torguson, Commissioner Hector

MOTION CARRIED UNANIMIOUSLY

Discussion regarding the minimum required parking spaces for selected occupancies. medical/dental office and clinic; assisted living facility, offices; retail stores-indoor; restaurant w/o drive thru; health fitness club; hotels.

Ronald Jones, Building Official, presented various parking requirements for selected uses from selected municipalities in Ms.

A recommendation was presented to change the various parking requirements.

Chairman Milton asked if there were any public comments. None

Motion made by Commissioner Rubar, Seconded by Commissioner Bower to accept the recommendation presented by Ronald Jones, Building Official. These recommendations will be in the form of text amendments to Table 8.1 of the Zoning Ordinance to be presented at a public hearing on March 24, 2020.

Voting Yea: Commissioner Milton, Commissioner Bower, Commissioner Rubar, Commissioner Hourin, Commissioner Torguson, Commissioner Hector

MOTION CARRIED UNANIMIOUSLY

Unfinished Business

None

Open Public Comments to Non-Agenda Items

None

Commissioners' Comments

None

Communication / Announcements

Next month Commission meeting: Tuesday, March 24, 2020

Next City Council meeting: Tuesday, March 3, 2020

Ronald Jones, Building Official, informed the commissioners of a variance case for our next meeting on March 24, 2020

Adjourn or Recess

Motion made by Commissioner Torguson, Seconded by Commissioner Hourin. to adjourn at approximately 9:20 pm CST.

Voting Yea: Commissioner Milton, Commissioner Bower, Commissioner Rubar, Commissioner Hourin, Commissioner Torguson, Commissioner Hector

MOTION CARRIED UNANIMOUSLY

Dempsey Milton, Chairman
Planning & Zoning



5000 Diamondhead Circle
Diamondhead, MS 39525
Ph: 228-222-4626
FX: 228-222-4390

APPLICATION FOR VARIANCE REQUEST

Case Number: 2020000070

Date 2-14-20

Applicant: Kenneth McGehee Jr

Applicant's Address: 10812 Puro Ct

Applicant's Email Address: Kmcgeheejr@gmail.com

Applicant's Contact Number: (Home) _____ (Work) _____ (Cell) 228 493 0373

Property Owner: Kenneth McGehee Jr

Owner's Mailing Address: 10812 Puro Ct

Owner's Email Address Kmcgeheejr@gmail.com

Owner's Contact Number: (Home) _____ (Work) _____ (Cell) 228 493 0373

Tax Roll Parcel Number: 067H-1-25-025.000

Physical Street Address: 10812 Puro Court

Legal Description of Property: DH PH1 Add to Unit 8, Block 4, Lots 69-72

Zoning District: MH Manufactured Homes/Single Family


State Purpose of Variance: (Front/Side/Rear/Lot Size/Parking/Building/Coverage)
(Signage-Size-Height) I would like a variance to move the new fence line 7feet past the side of my home towards Koloa. After speaking with city officials, it seems the house could have been moved the seven feet. I do not believe it will look out of place or obtrusive.

REQUIRED ITEMS:

- A. A statement describing the variance request and all the reasons why it complies with the criteria for variances provided in Section 2.6.5, specifically.

THE CONDITIONS FOR GRANTING A VARIANCE: (SEE ATTACHED SHEET #4)

- 1. DO THE SPECIAL CONDITIONS AND/OR CIRCUMSTANCES EXIST WHICH AFFECT ONLY THE LAND OR STRUCTURE IN QUESTION AND NO OTHER SURROUNDING OR SIMILAR PROPERTIES?
- 2. WOULD LITERAL INTERPRETATION OF THE ZONING ORDINANCE DEPRIVE THE OWNER/APPLICANT OF RIGHTS COMMONLY ENJOYED BY OTHER PROPERTIES IN THE SAME ZONING DISTRICT?
- 3. ARE THE SPECIAL CONDITIONS OR CIRCUMSTANCES NOT CAUSED BY THE OWNER/APPLICANT?
- 4. WOULD THE REQUESTED VARIANCE NOT GIVE THE OWNER/APPLICANT ANY SPECIAL PRIVILEGES OR RIGHTS NOT SHARED BY OWNERS OF SIMILAR PROPERTIES?

-  B. The property address and the name and mailing address of the owner of each lot within 300 feet of the subject property and a map with parcels keyed to the ownership and address data.

- C. Site plans, preliminary building elevation, preliminary improvement plans, or other maps or drawings, sufficiently dimensioned as required to illustrate the following, to the extent related to their variance application:
 - i. Existing and proposed location and arrangement of uses on the site, and on abutting sites within 100 feet.
 - ii. Existing and proposed site improvements, buildings, and other structures on the site, and any off-site improvements related to or necessitated by the proposed use. Building elevations shall be sufficient to indicate the general height, bulk, scale, and architectural character.
 - iii. Existing and proposed topography, grading, landscaping, and screening, irrigation facilities, and erosion control measures.
 - iv. Existing and proposed parking, loading, and traffic and pedestrian circulation features, both on the site and any off-site facilities or improvement related to or necessitated by the proposed use.
 - v. The Zoning Administrator may request additional information necessary to enable a complete analysis and evaluation of the variance request, and determination as to whether the circumstances prescribed for the granting of a variance exist.
 - vi. A fee established by the City Council shall accompany the application. A single application may include request for variances from more than one regulation applicable to the same site, or for similar variances on two or more adjacent parcels with similar characteristics.

- D. Payment of fee for Variance request: \$100.00 as per Ordinance 2012-020

STATEMENT OF UNDERSTANDING

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

The application fee of \$100.00 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 designed 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 Variance 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 City Council will not accept new case evidence once the recommendation has been made by the Planning Commission. If new evidence needs to be presented, the applicant will need to request that the matter be referred back to the Planning Commission for review.

The Public Hearing will be held on March 24, 2020 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.

If the application is denied by the City Council, a new application for the subject property may not be submitted for one (1) year from the date of denial.

[Signature]
Signature of Applicant

[Signature]
Signature of Property Owner

_____ For Official Use Only _____

- \$100.00
- Copy of Deed, Lease or Contract
- Site Plan
- Parking Spaces
- List of Property Owner
- Application Signed
- Written Project Description
- Drainage Plan NA ()
- Notarized Statement NA ()

REQUIRED ITEM A

Property Owner Kenneth McGeece Jr

Street Address 10812 Pucco Ct

Statement Describing Variance Request

move new fence 7ft towards Kolon

The reasons why it complies with the criteria for variances:

1. DO THE SPECIAL CONDITIONS AND/OR CIRCUMSTANCES EXIST WHICH AFFECT ONLY THE LAND OR STRUCTURE IN QUESTION AND NO OTHER SURROUNDING OR SIMILAR PROPERTIES?

Response: The variance wouldn't affect the structure or surrounding structures.

2. WOULD LITERAL INTERPRETATION OF THE ZONING ORDINANCE DEPRIVE THE OWNER/APPLICANT OF RIGHTS COMMONLY ENJOYED BY OTHER PROPERTIES IN THE SAME ZONING DISTRICT?

Response: The variance would allow the fence to be built where the home could have been built

3. ARE THE SPECIAL CONDITIONS OR CIRCUMSTANCES NOT CAUSED BY THE OWNER/APPLICANT?

Response: They were not.

4. WOULD THE REQUESTED VARIANCE NOT GIVE THE OWNER/APPLICANT ANY SPECIAL PRIVILEGES OR RIGHTS NOT SHARED BY OWNERS OF SIMILAR PROPERTIES?

Response: As stated, the home could have been seven feet closer to Kolon. With this in mind I do not believe the fence will look out of place.

