



Commissioner Bice
Commissioner Layel
Commissioner Bower
Commissioner Rubar
Commissioner Hourin
Commissioner Torguson
Commissioner Hector

AGENDA

PLANNING AND ZONING COMMISSION

Tuesday, February 23, 2021

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 Minutes of January 26, 2021.

New Business

3. Sweet Rolls Hibachi 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 mobile food vendor in a C-1 district. The tax parcel number is 132H-1-03-004.008. The street address is 4313 Leisure Time Drive. The case file number is 202000624

Unfinished Business

Open Public Comments to Non-Agenda Items

Commissioners' Comments

Communication / Announcements

4. Next City Council meeting March 2, 2021
5. Next Planning Commission meeting March 23, 2021

Adjourn or Recess



Commissioner
Commissioner Item No.2.
Commissioner Bower
Commissioner Rubar
Commissioner Hourin
Commissioner Torguson
Commissioner Hector

MINUTES
PLANNING AND ZONING COMMISSION
Tuesday, January 26, 2021
6:00 PM CST
Council Chambers, City Hall
and via teleconference, if necessary

Call to Order

Chairman Bice 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 Rubar read the Statement of Purpose

Pledge of Allegiance

Commissioner Torguson led the Pledge of Allegiance.

Roll Call

Commissioner Rubar, Bower, Torguson, Layel, Hourin, Bice. Absent: Hector

Also present City Attorney, Derek Cusick, Building Inspector, Beau King, Code Enforcement Officer, Pat Rich, and Minute Clerk, Tammy Braud.

Confirmation or Adjustments to Agenda

Commissioner Bower, made a motion, second by Commissioner Hourin to approve the Agenda as presented.

Motion Carried Unanimously

Approval of Minutes

Commissioner Bower made a motion, second by Commissioner Layel to approve the minutes of December 8, 2020.

Motion Carried Unanimously

New Business

2. Elliott Homes, LLC has filed an application requesting a variance from the Zoning Ordinance (Article 9.8 J) to construct a 6' wood privacy fence within 10' of the southwest property along Ieke Drive and extending beyond the front façade of the house 14'.
The property address is 8454 Amoka Drive. The tax parcel number is 068J-1-41-325.000. The legal

description is Diamondhead Subdivision Phase #2, Unit 11, Block 7, Lot 4. The property is located in an R-2 zoning district. The fence is required to be set back 20' from the front property line but not any closer than the façade of the house.

Code Enforcement Officer, Pat Rich, addressed the Commissioners and answered questions.

Chairman Bice asked if anyone was here to represent Elliot Homes. No one was present.

Chairman Bice asked for any public comments.

Mr. Skip Marsh spoke and answered questions from the Commissioners.

Code Enforcement Officer, Pat Rich presented 3 statements that were opposing the variance.

He presented to the Commissioners a recommendation to approve the variance with modifications that are in the staff report.

Commissioner Hourin asked if all parties were satisfied with the modifications, and all agreed.

Commissioner Rubar made a motion, second by Commissioner Bower to approve the recommendation with modifications to the City Council.

Motion Carried Unanimously

Unfinished Business

3. Motion by City Council to return the matter regarding variance request of Margaret Nutkins for Conditional Use Permit to the Planning & Zoning Commission to provide the reason for its denial of the permit.

City Attorney, Derek Cusick, gave a recap to the Commissioner about the case. He also explained why the case was sent back from the City Council.

Ms. Nutkins read a statement to the Commissioners on why they should approve her Conditional Use permit.

Chairman Bice asked for any public comments

Lisa Vergano, Molly Jimenez, and Don Walter stated why they were opposed to the permit.

Commissioner Rubar made a motion, second by Commissioner Hourin to approve the Conditional Use Permit with conditions to the City Council.

1. Parking would be limited to 5 cars during a rental.
2. A Three Strike policy having complaints through City Court.
3. Owner must be a resident of Diamondhead.
4. Limited occupancy to 10 people.
5. Must provide renters with parking and noise ordinance.

6. Must provide information on garbage collections and dates.

7. Must re-apply for a Conditional Use permit in 1 year from now, unless the ordinance has changed by allowing rentals without a Conditional Use permit.

Roll Call

Ayes: Bice, Layel, Rubar, Hourin

Nays: Torguson, Bower

Motion Carried

Open Public Comments to Non-Agenda Items

Ms. C J Longenecker spoke to the Commissioner about an opened gate on her cul-de sac. She stated parts of the gate is missing and so is the sign.

Commissioners' Comments

None

Communication / Announcements

4. Next City Council meeting February 2, 2021

Next Planning Commission meeting February 23, 2021

Commissioner Torguson asked that everyone keep Mr. Ronald Jones and his Family in their prayers.

Adjourn or Recess

Commissioner Hourin made a motion, second by Commissioner Layel to adjourn this meeting at 7:22 p.m.

Motion Carried Unanimously

E J Bice, Chairman

Planning & Zoning



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

APPLICATION FOR CONDITIONAL USE

Case Number: 202000024

Date 12.29.2020

Applicant: Sweet Rolls Hibachi

Applicant's Address: 15520 Daniel Blvd Suite A ^{Gulfport} MS 39503

Applicant's Email Address: bfortmayer@givingtree.ms.com

Applicant's Contact Number: (Home) N/A (Work) 601-590-5552 (Cell) 985-778-7886
228-731-3909

Property Owner: Mary Knoblock

Owner's Mailing Address: 4313 Leisure Time Dr ^{Diamondhead} MS 39525

Owner's Email Address mary@givingtree.ms.com

Owner's Contact Number: (Home) _____ (Work) 601-210-5552 (Cell) 985-778-8213

Tax Roll Parcel Number: 132H-1-03-003.018 ^{Perk 10 side} 132H-1-03-004.008

Physical Street Address: 4313 Leisure Time Dr ^{Diamondhead} MS 39525

Legal Description of Property: S.L.T.R. 03/00/00 PT 1A Leisure Time Park

Zoning District: 2453 ^(87.2X 85)

State Purpose of Request: Sell hibachi lunch and dinners to diamondhead and local surrounding Residents. If it works well we are looking to start a hibachi restaurant in Diamondhead.

STATEMENT OF UNDERSTANDING

As the applicant or owner/s for the requested Conditional Use 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 request 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 to the Planning Commission for review.

The Public Hearing will be held on February 23, 2021 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.

Bullery Fortman
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 ()

Application for Conditional Use at Giving Tree Office Plaza, LLC

- A. Giving Tree is in the commercial district parcel number 132H-1-03-003.018.
- B. The building is not affected at all for this purpose.
- C. There are no impacts to any surrounding areas. Minimal water from inside of Giving Tree's kitchen sink and bathroom for personal use is used during operation.
- D. There are no modifications needed to the site. A set up a tent in the back of Giving Tree day of and everything is picked up at days end.
- E. Operation occurs only on Thursdays. Hoda Chiropractic Clinic is closed on Thursday's and we can use their parking if need be.
- F. A fire extinguisher in the event of a fire. The grill operates on propane portable tank. There are no odors associated, except the smell of great food. Flooding and water damage are not an option. The use of water on site is minimal as all prep and cleaning occurs before arrival and after departure at the commissary/restaurant in Gulfport.
- G. Natural sun light is used for lighting. There is an extension cord that is run from inside of Giving Tree to a light above the grill after dark if needed. Signs are a minimum and placed in front of the work site the day of and taken down upon departure.
- H. If extra parking is needed there is parking in front of Giving Tree on Leisure Time Dr as well as parking in surrounding lots that is always empty.
- I. The site is in a commercial distract with Subway, Red Zone and Park Ten Lanes less than .75 mile.
- J.
 - i. The use of us to sell is to bring business from local surrounding areas such as Bay St. Louis, Kiln, Pass Christian, Long Beach, etc. to Diamondhead. We picked Thursday as Park Ten Lanes hosts \$1.00 nights and has students bussed in and driven by parents that are looking for options to eat right here in Diamondhead. Diamondhead does not have this cuisine yet and residents have been asking for us to open.
 - ii. There is no structure issues. The grill is set up outside.
 - iii. Not applicable
 - iv. Not applicable
- K. Yes, this can only be beneficial to Diamondhead, Giving Tree, Sweet Rolls/Hibachi, and surrounding business.
- L. No safety or environmental risks are issues. Disposal of waste is minimal and minimal grease is brought back to our commissary/restaurant for disposal in our proper traps.

Pat Rich

From: Brittany Fortmayer <bfortmayer@givingtreems.com>
Sent: Thursday, January 21, 2021 4:24 PM
To: Pat Rich
Subject: RE: Conditional Use Permit

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

1. Is Thursday the only day you will be operating and what will be the hours of operation? **Thursdays will be the only day. Hoda is closed that day and makes easier for parking. Hours of operation 11:00AM-6:00PM or we run out.**
2. Will customers be dining on premises or takeout only? If dining there, please describe the arrangement.- **Take out only. Orders are mainly call ahead, once we announce where we will be our followers call ahead and have pick up times. There are a few people that come place their order but 75% order the day prior.**
3. Are you doing this type of operation elsewhere where we can observe? **We are looking at Waveland and a spot in Saucier but that is not set in stone and depends in between our catering and restaurant needs. Right now, we only do it at the VFW 5699 post every Wednesday in Ocean Springs with proceeds benefiting their post. You are more than welcome to stop by.**
4. Have you received permission from Dr. Hoda to use his parking lot? **We verbally talked when we first started and he stated he did not mind which is one of the reasons we decided on Thursday. We truly haven't even had to use the parking lot but maybe three spots as most orders are call ins and we give time slots.**
5. Will Giving Tree's bathroom be available for use by customers as well as employees? **Yes, that is not an issue at all. No one has ever asked us but they are more than welcome to use if need be. We use it while on premise.**
6. Will your operation be on the Leisure Time Drive or Park Ten Drive parking lot? **Park Ten back side.**

We only picked Diamondhead as we are residents there and people know my partner for his cooking. He has been cooking for 14 years. We have talked to locals about potentially putting a restaurant in Diamondhead and people have begged us. We are not looking to do anything fast but see how it goes and if it does become a need we would strongly consider a small hibachi to go. Also, residents that have tried our food stated they love that they can see our whole operation and there is no kitchen in the back. They love to watch him cook their meal to order.

Let me know if you have any questions and I can also bring residents that have tried us and ask us when we will be back.

Warm Regards,

Brittany

Brittany Fortmayer
 Giving Tree Senior Care Options, LLC
 bfortmayer@givingtreems.com
 4313 Leisure Time Dr.
 Diamondhead, MS 39525
 Phone: 228.467.5900
 Fax: 228.467.5777
 Cell: 601.590.5552

www.givingtreeseniorcareoptions.com

GIVING TREE OFFICE PLAZA LLC

December 28, 2020

To Whom it may concern,

Hibachi Ninja has permission to provide catering services to sell individual meals or cater events on the property of Giving Tree Office Plaza.

Sincerely,



Mary Angelique Knoblock
Member – Giving Tree Office Plaza

Cc: file



5000 Diamondhead Circle • Diamondhead, MS 39525-3260

Phone: 228.222.4626 Fax: 228-222-4390

www.diamondhead.ms.gov

TO: Sweet Rolls Hibachi and adjacent property owners

FROM: Ronald R. Jones, CBO
Building Official

A handwritten signature in blue ink that reads 'Ronald Jones / J. P. R. R.' with a stylized flourish at the end.

DATE: February 5, 2021

SUBJECT: Notice of Public Hearing before the Planning Commission

Sweet Rolls Hibachi 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 mobile food vendor in a C-1 district. The tax parcel number is 132H-1-03-004.008. The street address is 4313 Leisure Time Drive..

In accordance with the Zoning Ordinance Article 2.5.5, the Planning Commission may recommend approval of a Conditional Use Permit as the permit was applied for or in a modified form or subject to conditions, or may recommend denial of the application.

The Planning and Zoning Commission will consider this application at the regularly scheduled meeting on **Tuesday, February 23, 2021 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.

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.

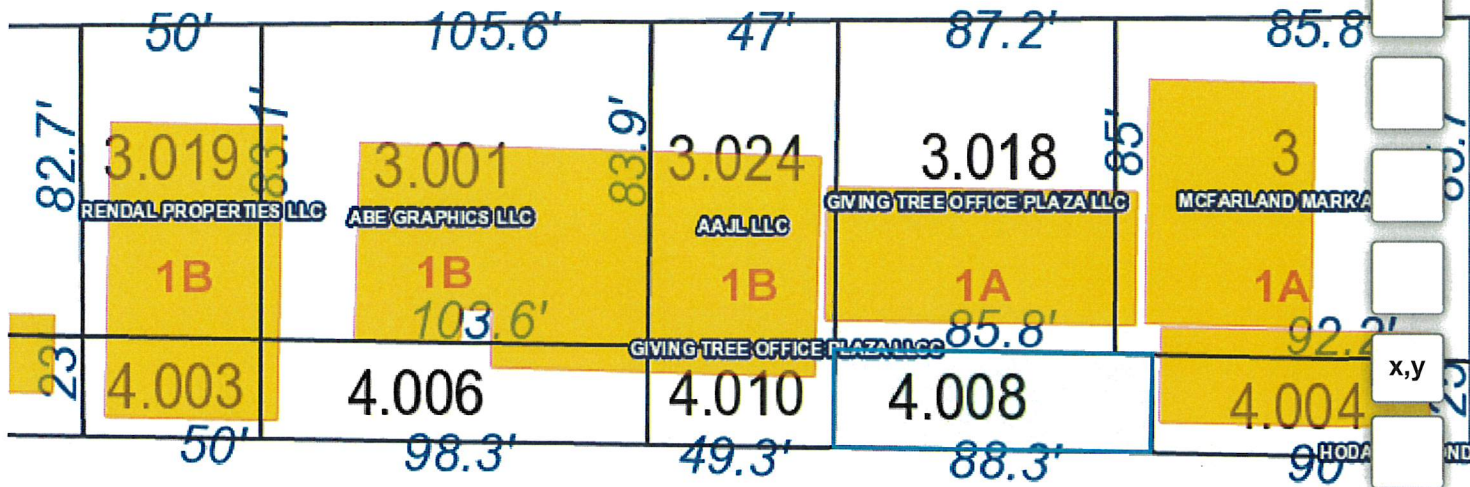


ELMOTT BAY HEALTHCARE REALTY LLC

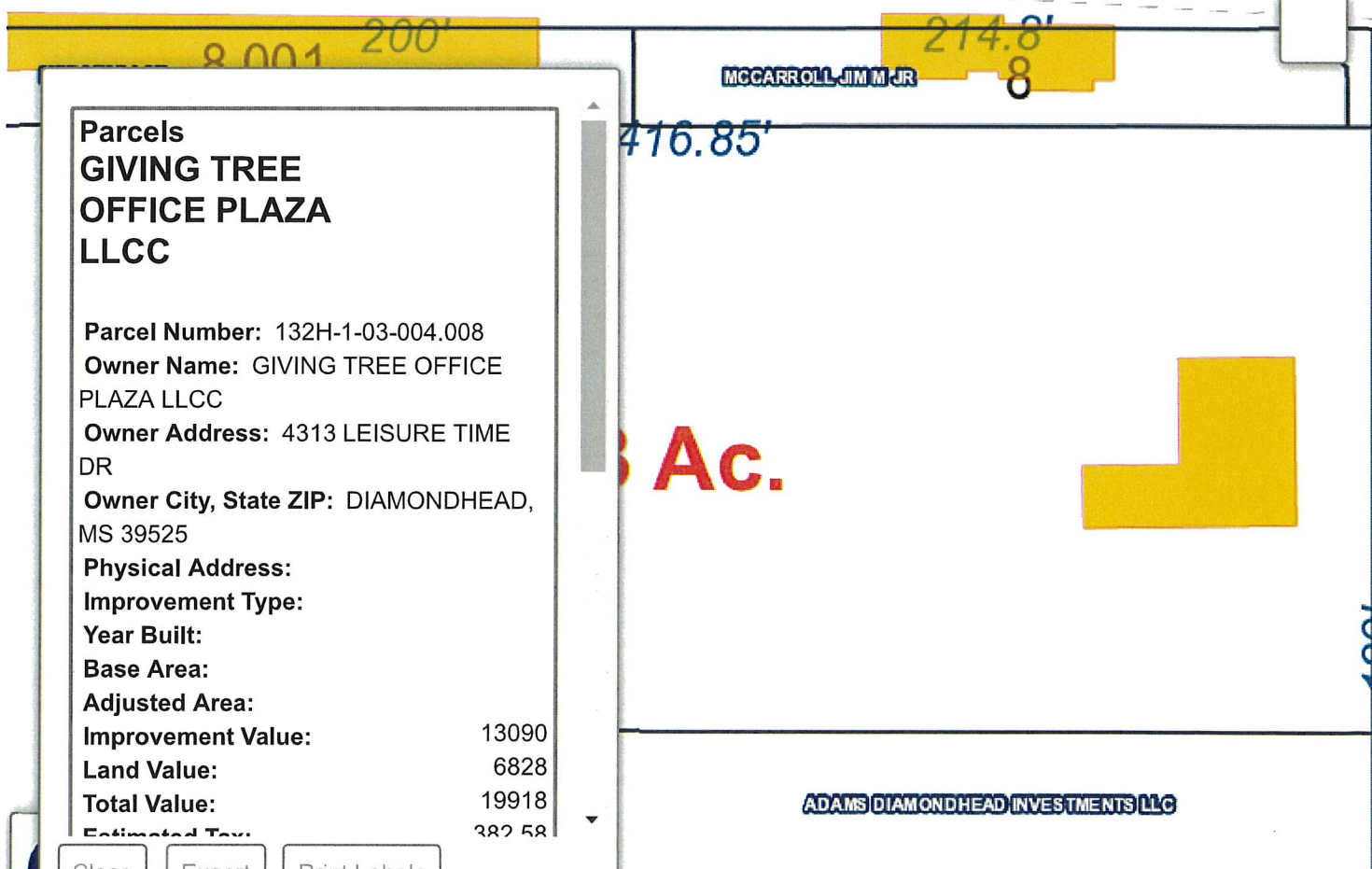
416'

LEISURE TIME DR

50'



PARK TEN DR



Parcels
GIVING TREE OFFICE PLAZA LLCC

Parcel Number: 132H-1-03-004.008
 Owner Name: GIVING TREE OFFICE PLAZA LLCC
 Owner Address: 4313 LEISURE TIME DR
 Owner City, State ZIP: DIAMONDHEAD, MS 39525
 Physical Address:
 Improvement Type:
 Year Built:
 Base Area:
 Adjusted Area:
 Improvement Value: 13090
 Land Value: 6828
 Total Value: 19918
 Estimated Tax: 382.58

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