



MINUTES
PLANNING AND ZONING COMMISSION
Diamondhead, Mississippi
Diamondhead Community Center
December 19, 2012
2:00 p.m.

1. Meeting was called to order at 2:14 p.m. by Chairman Thomas Sislow.
2. **Roll Call** – The following Commissioners were present: Denise Catone, Jane Lee, Norm Parker, and Thomas Sislow. Commissioners Chuck Garrison and Roger Smith were absent, and Commissioner Russell Love had submitted his official resignation since the November 28 meeting of the Commission. Also present were City Manager, Richard Rose; City Attorney, Bragg Williams; Planning & Zoning Attorney, Amanda Traxler; Planning & Zoning Administrator, Deonne Olier; and Chris Watson.
3. **Chairman Sislow** stated the items for discussion, which were:
 - 1) City Council member, Dianne Ackerman, had asked that the Commission reconsider the time of its meetings, since the current 2:00 meeting time could prevent some future commissioners from being able to attend.
After some discussion, it was decided to leave the meeting time as it is. **Commissioner Sislow** stated that he would send City Council Member Ackerman an email confirming this with her.
 - 2) The issue of parking space requirements for retail establishments needed to be re-addressed.
Administrator Olier commented that her research indicated that a change from 5.5 to 3.5 spaces per 1,000 sq. ft. would be appropriate, and that this would be what most smaller stores would specify that they need. After some discussion about this and the correct procedure for this change, it was determined that Chris Watson would write the proposal for the City Council to amend this Ordinance and present it to P&Z Attorney, Amanda Traxler.
 - 3) Chairman Sislow had asked Chris Watson to review the proper procedures for the Planning and Zoning Commission to follow when an application is presented. This was in view of the somewhat difficult case of Family Dollar which was presented at the November meeting. **Chairman Sislow** went over some of the issues with that case such as the lateness of materials reaching the Commissioners and leaving little time for review, some information not being included, and the lengthy discussion of the additional fire hydrant.
Administrator Olier explained that the application from Family Dollar had originated with Hancock County and the P&Z Commission was presented with all of those documents, which was highly unusual. She further stated that she had asked P&Z Attorney, Amanda Traxler, to put a streamlined process in order to simplify the process.
Ms. Traxler then explained that she had spoken with the Mayor and city officials, and is currently working on a form outlining the application requirements for applicants, which will list the different authorities to be addressed. She stated that by the time the Commission receives an application, everything would be included that would need to be considered by the Commissioners for that case.

Mr. Watson stated that the issue of missing material should be resolved because the plan presented would have to fit into the categories that the Commission set forth in the Zoning Ordinances. He added that the applicant is required to present only what the Zoning Ordinance dictates, and if it does not comply with everything, the P&Z Coordinator can either hold it until the applicant makes the necessary changes or send it on to the P&Z Commission, which should have the DRC information about the plan. Then, the P&Z Commission can either (1) deny the application for insufficient information; (2) table it for a specified period of time to allow for completion; or (3) approve it with conditions.

Mr. Rose interjected that if a case is tabled, it would require a separate public notice for the date on which it is to be presented again.

Mr. Watson reminded the Commissioners of the two types of public meetings:

- 1) Public meetings – Every meeting of the Commission is public and the public can attend, but cannot speak unless granted permission by the Commission.
- 2) Public hearings - Public notice must be given for public hearings on items called for consideration and testimony is taken from any individual wishing to be heard.

He also stated that public hearings are necessary for variance applications and that a variance will not be granted until after a public hearing of the P&Z Commission, after which the case would go to the City Council.

He then recommended that Commissioners always listen to the opinions of experts in their particular field, citing the example of the fire hydrant issue. He stated that the Commissioners are to judge the cases that come before them, but cannot legislate every detail of the development to be built. Issues coming before the P&Z Commission should be more matters of appearance. The correct process is for the staff professionals (i.e., Ms. Olier) to determine if the plan complies with the Ordinances. The builder is then obligated to build what is approved. He further stressed to always view a case in the interest of public safety and welfare.

At this time, there was discussion about whether conditions were included in the motion to approve Family Dollar, to which **Mr. Watson** responded that a city can only speak through its minutes, which should reflect clear and precise motions.

He then stated that the Commission can make recommendations and suggest ideas to the City Council which may be outside the Ordinances or Comprehensive Plan, and that the City Council may make assignments to the Commission, such as investigating an issue. There was continued discussion of the protocols of the Commission, with most agreeing that it is an evolving process and solutions would come in time. All agreed that the Commission would like clear recommendations on cases from the staff of experts.

It was then decided that a workshop would be held prior to the next case, with a date to be set later. Ms. Traxler will be reviewing reports from Ms. Olier prior to their presentation to the Commission.

Mr Watson mentioned the following things that Commissioners can rely on in making decisions:

- 1) Personal knowledge from actually viewing the site;
- 2) Information from staff professionals; and
- 3) Information from the applicant.

He stated that he was leaving a book with the Commissioners entitled *The Job of the Planning Commissioner*, which has good information.


Mayor Ingraham informed the Commissioners that he had requested a print-out of the hydrants in the area of the proposed Family Dollar development and stated that more hydrants are needed. He added that he had met with Chief Dubuisson and that a fire lane would be designated. New fire hydrants are already being added in residential areas, and a survey of the commercial area is needed.

Mr. Rose asked that the Commissioners who were absent be given information from the meeting.


4. **Minutes** – As there were no corrections or additions to the minutes of the November 28, 2012, meeting, they were approved as presented with motion by Commissioner Catone and second by Commissioner Parker. Motion passed unanimously.
5. **Meeting was adjourned** at 4:40 with motion from Commissioner Lee and second by Commissioner Catone. Next regular meeting will be Wednesday, January 30, at 2:00 p.m.

Respectfully submitted,

Nita Hensley
Recording Secretary



Thomas A. Sislow, Chairman



Jane Lee, Secretary
Norman Parker
Vice-Chairman