



Planning Commission
1018 Porter Avenue
Ocean Springs, MS 39564

Tuesday, May 9, 2023 @ 6:00 PM

1. Call Meeting to Order

2. Approval of Minutes

- a. April 11, 2023
- b. April 17, 2023 - Special Call

3. Old Business

4. New Business

- a. 321 Cleveland Avenue / PID# 60225400.000 – Charles Jeffrey Thompson – Requesting approval for a Lot Split.
- b. 1515 Government Street / PID# 60119358.000 – OHOS Development, LLC – Requesting approval for a Final Plat.
- c. **DEFERRED:** ***PUBLIC HEARING: Hanshaw Road Subdivision / PID# 60126070.000 / East side of Hanshaw Road, South of the CSX Railroad – Elliott Homes – Requesting Preliminary Plat approval of an 80 lot subdivision.***
- d. **PUBLIC HEARING:** Savannah Estates Phase I – SW Corner of Riley Road and Old CCC Camp Road / PID# 60123050.000 – Elliott Homes – Requesting a Plat Amendment to the subdivision.

5. General Public Comment

6. Commissioner's Forum

7. Adjourn

**The Minutes of the City of Ocean Springs
Planning Commission
Tuesday, April 11, 2023**

1. Call Meeting to Order

A meeting of the City of Ocean Springs Planning Commission was called to order by Chairman Andy Phelan at 6:00 p.m. on Tuesday, April 11, 2023. Members present were Matthew Hinton, Kevin O'Connell, Marshall Johnson, Michael Davis, Joey Conwill, and Joseph McCormick. Also present were Carolyn Martin, Planning & Grants Administrator; Wade Morgan, City Planner; Will Norman, City Attorney; and Amanda Moser, Planning/Grants Coordinator.

2. Approval of Minutes

- a. March 14, 2023

A motion was made by M. Hinton seconded by K. O'Connell to recommend approval of the minutes as submitted. The motion was unanimously carried.

3. Old Business

4. New Business

- a. 322 Magnolia Avenue / PID# 61011107.000 - Vincent Burke - Requesting approval to construct a single-family home on a historically-platted, legal, non-conforming lot.

W. Morgan introduced the proposal. The parcel previously had a single-family dwelling that was demolished in 2020. Utilities are available. The lot width does not meet the minimum required by the Unified Development Code.

A. Phelan asked for confirmation that no variances were being requested. W. Morgan confirmed that to be correct.

A motion was made by K. O'Connell seconded by J. Conwill to recommend approval for the request to construct a dwelling on 322 Magnolia Avenue, a historically-platted, legal, non-conforming parcel. The motion was unanimously carried.

- b. Robinson Street / PID# 60119460.000 - Ben Cowart / COBO, LLC - Requesting approval to construct a single-family home on a historically-platted, legal, non-conforming lot.

W. Morgan introduced the proposal. The property is zoned R-D, Two-Family Residential and the lot is extremely small. It is currently vacant. No variances were

requested and utilities are available.

Carol Jones, Groveland Road, asked if the lot is historically-platted, would a historic home be placed on the property. A. Phelan explained the verbiage of the application request.

A motion was made by J. Conwill seconded by M. Hinton to recommend approval of the request to construct a dwelling on Robinson Street on PID#60119460.000, a historically-platted, legal, non-conforming parcel. The motion was unanimously carried.

- c. **PUBLIC HEARING:** Groveland Road / PID# 60123040.000 - Donovan Scruggs - Requesting a rezoning from the R-2, Low-Medium Density, Single-Family Residential District to the R-3, Medium Density, Single-Family Residential District.

A motion was made by K. O'Connell seconded by M. Davis to go into public hearing. The motion was carried unanimously.

W. Morgan introduced the proposal. The parcel is the last undeveloped corner of Groveland Road and Deana Road. The rezoning will allow an approximate 33% decrease in lot size requirement. The current zoning district requirements are not consistent with what is already developed in the immediate area. It is also not consistent with the existing Comprehensive Plan.

A. Phelan noted two (2) letters in opposition received after the agenda packet was published.

A motion was made by M. Hinton seconded by K. O'Connell to accept the input into the minutes. The motion was unanimously carried.

Donovan Scruggs, applicant, addressed the commission. He agreed with Mr. Morgan's comments about the character of the surrounding area changing. He discussed surrounding zoning districts including C-H [Regional Commercial]. He added that while there is R-2 zoning in the area, the development is not consistent with the requirements of that district. He discussed surrounding developments' property values.

Lennie Zebley, 607 Ronda Lane, addressed the commission in opposition to the request. She enjoys the greenspace. She is also concerned about the Sand Hills cranes being affected/endangered.

Carol Jones, 4077 Groveland Road, addressed the commission in opposition to the request. She discussed wetlands in the area. She is concerned about the area's infrastructure not being able to accommodate any further development. She feels developers always get what they want and the residents' concerns are never addressed.

C. Martin explained the Deana Road expansion project and what will be improved.

D. Scruggs addressed the comments made.

A motion was made by M. Hinton seconded by K. O'Connell to come out of public hearing. The motion was carried unanimously.

K. O'Connell expressed concern about the lack of public need to make the lot sizes smaller. A. Phelan disagreed and discussed the current trend with millennials and elderly wanting smaller lots. K. O'Connell added the education system's is becoming overloaded and the infrastructure is burdened. He agreed the area has progressed over time. However, he doesn't see the public need being met by smaller lots.

A motion was made by M. Davis seconded by M. Hinton to recommend approval of the rezoning of the R-2, Low-Medium Residential District to R-3, Medium Density Residential District of PID 60123040.000 the northwest corner of Groveland Avenue [Road] and Deana [Road] due to the change in character of the neighborhood and justified in the rezone and public need. The motion carried with J. McCormick, M. Johnson, M. Davis, J. Conwill, and M. Hinton voting aye and K. O'Connell voting nay.

- d. **PUBLIC HEARING:** An ordinance amending the Comprehensive Zoning Ordinance of the City of Ocean Springs, Mississippi, being ordinance No. 13-1976, as amended, by revising Appendix D, Article V, Section 510 regarding Residential Short-term Rentals; and for related purposes.

A motion was made by M. Davis seconded by K. O'Connell to go into public hearing. The motion was carried unanimously.

C. Martin introduced the proposal. She proposed a draft ordinance discussing establishing a Short-term Rental Density Zone with a different cap than the rest of the city; clarifying the language of Local Property Manager to allow business entities as well as individuals; clarifying language related to covenants; and eliminating the cap requirement for residential short-term rentals within the Downtown Overlay District. The proposed caps would include 45 permits within the Short-term Rental Density Zone and a cap of 55 for the rest of the city limits. C. Martin also discussed fee increases effective immediately. Commercial short-term rentals will change from a \$50.00 application fee and \$25.00 renewal fee to \$100.00 for both and Residential short-term rentals will change from a \$200.00 application fee and \$50.00 renewal fee to \$500.00 for both.

Sarah Godsey, 808 Desoto Street, addressed the commission in opposition to the request. She discussed a lot of numbers being thrown around. She is very concerned with the lack of a cap in the Downtown Overlay District. She wants to see Ocean Springs promote people owning and renting and living here versus investors owning and renting to people not from here.

Lennie Zebley, 607 Ronda Lane, addressed the commission. She discussed the southern border of the United State being open. She discussed hotels and immigrants.

Sean Buckley, 100 Winchester Drive, addressed the commission in support of the request. His wife has a pending application for a residential short-term rental. He discussed being a resident of

Texas and their vacation here to Ocen Springs caused them to buy a property and move here.

Donovan Scruggs, 317 Pine Drive, addressed the commission. He was under the impression that the public hearing requirement was being removed from the residential short-term rental permit process as well as the cap in the Downtown Overlay District. C. Martin explained only the cap was ever discussed. She confirmed all other rules would apply.

A motion was made by M. Hinton seconded by K. O'Connell to come out of public hearing. The motion was carried unanimously.

M. Hinton questioned the number of permits in the different areas now and what is being proposed. He feels the cap of 45 in the Short-term Rental Density Zone should be increased to 50 and the cap of 55 in the rest of the city should be increased to 65. J. Conwill agreed with M. Hinton's new proposal numbers. M. Davis agrees as well. He feels 45 and 50 are too low.

A motion was made by M. Hinton seconded by ____ to recommend approval of the modifications as presented except for the cap for the density zone and the over all city; the density cap of 50 and the city zone at 65 and reflected in the rest of the drafted ordinance. The motion was carried unanimously.

5. General Public Comment:

6. Commissioner's Forum

7. Adjourn

A motion was made by K. O'Connell seconded by M. Davis to adjourn the meeting. The motion was unanimously carried.

**The Minutes of the City of Ocean Springs
Planning Commission
Monday, April 17, 2023**

1. Call Meeting to Order

A meeting of the City of Ocean Springs Planning Commission was called to order by Chairman Andy Phelan at 6:00 p.m. on Tuesday, April 17, 2023. Members present were Matthew Hinton, Kevin O'Connell, Marshall Johnson, Michael Davis, Joey Conwill, and Joseph McCormick. Also present were Carolyn Martin, Planning & Grants Administrator; Wade Morgan, City Planner; Will Norman, City Attorney; and Amanda Moser, Planning/Grants Coordinator.

A motion was made by M. Hinton seconded by M. Davis to go into closed session to determine whether or not to go into Executive Session. The motion was unanimously carried.

A motion was made by M. Hinton seconded by K. O'Connell to go into Executive Session to discuss litigation and prospective litigation related to The Sands development.

A motion was made by M. Davis seconded by M. Johnson to go back into open session. The motion was carried unanimously. No action was taken in Executive Session.

A motion was made by K. O'Connell seconded by M. Johnson to accept two (2) letters of input into the minutes. The motion was carried unanimously.

2. Approval of Minutes

3. Old Business

4. New Business

- a. PUBLIC HEARING: An amendment to the Unified Development Code for the City of Ocean Springs, Mississippi; Amending the following sections and chapters: Chapter 2 (PROCESS), Sections 2.24 (CONCEPT PLAN), 2.25 (PRELIMINARY DEVELOPMENT PLAN), 2.26 (FINAL DEVELOPMENT PLAN) and 2.27 (SITE PLANS) to establish processes, requirements and criteria for Planned Unit Developments.

A motion was made by M. Davis seconded by K. O'Connell to go into public hearing. The motion was carried unanimously.

W. Morgan introduced the proposal. He explained in detail what a Planned Unit Development (PUD) is. He discussed PUDs in detail, including open space, uses, lot sizes, and setbacks, etc. He discussed sections within the Unified Development Code (UDC) including the Conservation Subdivision and Density Bonus regulations. He added how the administrative process would work as well.

A. Phelan asked if the process would be similar to the current subdivision process. W. Morgan confirmed.

Robert Schwartz, 2355 Pass Rd., Biloxi, MS addressed the commission in representation of The Sands, LLC. He is in favor of the proposed PUD regulations and feels the general process would not be changed. However, it gives updated concepts to the city. Other municipalities have similar regulations that have proven to be successful.

Michael Butler, 715 Plantation Isle Blvd, Biloxi, MS 39532, stated he agrees with Mr. Schwartz's comments.

William Lee Guice III, 1000 Washington Avenue, addressed the commission in opposition to the proposal. He spoke of the proposals and their relation to his clients. He feels this PUD proposal and the next agenda item regarding a new R-6 district should be looked at together.

Mike Illanne, 303 Front Beach Drive, addressed the commission in opposition to the request. He feels the R1-A district is currently available and new districts are not necessary. He feels that PUDs have their place, but waterfront properties are not a place for them.

Scott Edwards, 409 Wulff Drive, addressed the commission to agree with Mr. Guice's and Mr. Illanne's comments.

A motion was made by K. O'Connell seconded by M. Johnson to come out of public hearing. The motion was carried unanimously.

A motion was made by J. Conwill seconded by K. O'Connell to recommend approval of the amendment to Chapter 2, Section 2.24 through 2.27 of the Unified Development Code to include provisions for Planned Unit Developments, for the reasons described in detail in the staff report. The motion was carried unanimously.

- b. PUBLIC HEARING: An amendment to the Unified Development Code for the city of Ocean Springs, Mississippi; amending the following chapter: Chapter 3 (ZONING DISTRICTS, BUILDING TYPES AND USES) to establish an R-6, Waterfront Residential Zoning District, and to amend other miscellaneous sections as necessary to incorporate the R-6 zoning district.

A motion was made by M. Hinton seconded by K. O'Connell to go into public hearing. The motion was carried unanimously.

W. Morgan introduced the proposal. The purpose is to create smaller lots for infill development and is intended for water-front properties along the bay or bayou. The lots are proposed to be 2,000 sq. ft. in size with a minimum lot width of 20 ft. The setbacks are proposed to be 5 ft. in the front, rear, and both side yards.

A. Phelan discussed the lot sizes and their relation to open space, roads, etc.

R. Schwartz, 2355 Pass Rd., Biloxi, MS, 39531, addressed the commission in favor of the proposal. He feels the new zoning classification would be good for the city.

Mike Butler agreed with Mr. Schwartz's comments.

William Lee Guice, III addressed the commission in opposition to the request. He feels his comments on the previous item apply to this proposal as well. He feels increased density will cause Ocean Springs to lose its charm. He discussed progress and the R-6 proposal not fitting the city's needs.

Mike Illanne, 303 Front Beach Drive, addressed the commission in opposition to the request. He discussed the culture of Ocean Springs and why he chose to build a home here. He added that he supports Mr. Guice's comments.

Scott Edwards, 409 Wulff Drive, addressed the commission in opposition to the request. He inquired what the definition of waterfront is. Mr. Morgan explained it is not defined in the ordinance because the proposed R-6 district does not require a development be on the waterfront. Mr. Edwards feels the proposal doesn't follow what Ocean Springs is and what it will become.

Julia Illanne, 303 Front Beach Drive, stated she agrees with all the input regarding opposition.

Alex Gresham, 526 Cleveland Avenue, addressed the commission in opposition to the request, specifically on the proposed density.

Joanna Schavrien, 414 Martin Avenue, addressed the commission in opposition to the request. She is not against development in the city, but is against the proposal being discussed. She doesn't want Ocean Springs to turn into a vacation destination.

Julia Illanne, 303 Front Beach Drive, addressed the commission. She questioned the need for the new density proposal. A. Phelan discussed the nationwide trend of millennials, etc. wanting smaller lots in "pocket communities." J. Illanne is against the "itty bitty" lots. W. Morgan further explained the need is to address regulations to address infill areas.

A motion was made by K. O'Connell seconded by M. Johnson come out of public hearing. The motion was carried unanimously.

K. O'Connell discussed his support of the PUD proposal, but not for the R-6 proposal.

J. McCormick asked if someone owning property on Highway 90 could rezone it to R-6. W. Morgan stated if they could show a public need, change in character of the neighborhood, etc., and added that it would need to be recommended by the Planning Commission and approved by the Board of Aldermen like any other rezoning request.

A motion was made by J. Conwill seconded by M. Davis to recommend approval of the following amendment and ordinance related to the creation of an R-6 Water-front Residential District in the Unified Development Code for the reasons described in detail in the staff report with the recommendation of one change to edit Table 3.1 changing 6-7 to 6 dwelling units per acre. A. Phelan added to include dropping the 7 in the chart. The motion carried with M. Hinton, J. Conwill, and M. Davis voting aye, J. McCormick and M. Johnson voting nay, and K. O'Connell abstaining from the vote.

5. General Public Comment

6. Commissioner's Forum

7. Adjourn

A motion was made by M. Hinton seconded by K. O'Connell to adjourn the meeting. The motion was unanimously carried.

CITY OF OCEAN SPRINGS
COMMUNITY DEVELOPMENT AND PLANNING
POST OFFICE BOX 1800
OCEAN SPRINGS, MS 39566-1800
228-875-4415

PLANNING COMMISSION REPORT

PUBLIC MEETING DATE: May 9, 2023

APPLICANT: Charles Jeffrey Thompson

REQUESTED ACTION: Lot Split

DATE OF APPLICATION: April 14, 2023

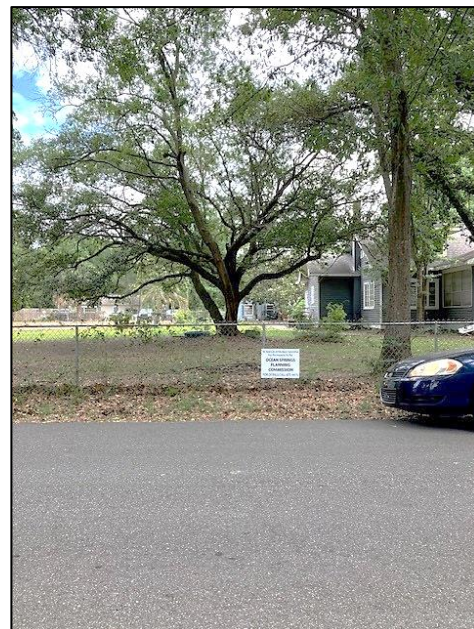
LOCATION: 321 Cleveland Ave., bounded by Howard Ave. (north), Williams St. (east), Cleveland Ave. (south) and Maginnis Ave. (west)
Parcel No.: 60225400.000

ADJACENT ZONING/LAND USE:

Subject Property: R-1, Single Family Residential District – 2 dwellings;

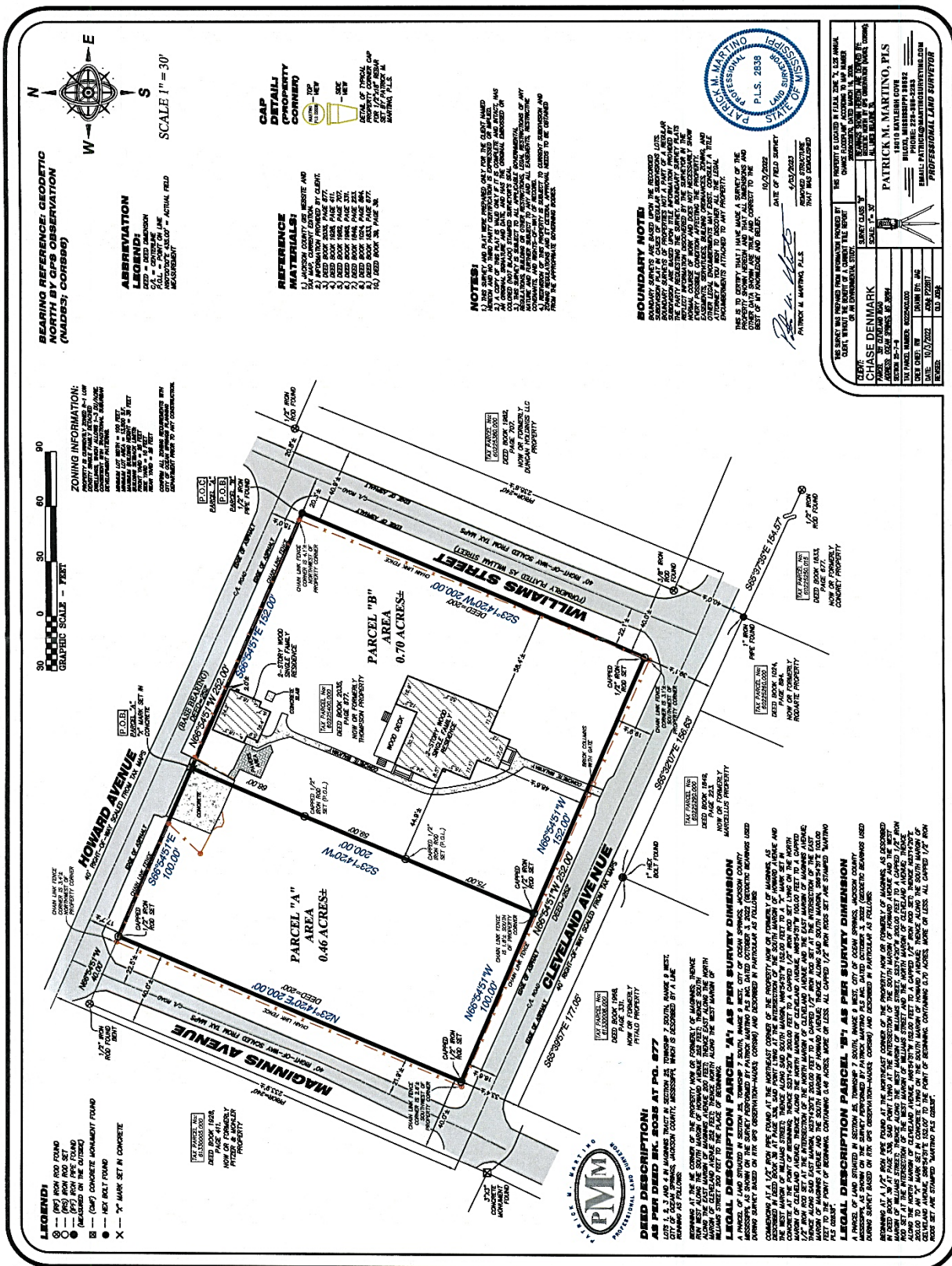
South, West, North, East: R-1, Single-Family Residential District – single-family dwellings;

VICINITY



DESCRIPTION OF THE REQUEST:

- The applicant proposes to split this 1.16-acre (50,529.6 sq. ft.) parcel into two parcels of 20,038 sq. ft. (Parcel A) and 30,492 sq. ft. (Parcel B). The 2 proposed parcels comply with the lot area and width requirements of the R-1 district.



FINDINGS:

- Both proposed parcels exceed the R-1 district's .

CITY DEPARTMENT COMMENTS:**▪ PUBLIC WORKS:**

- Water Department
 - A water tap must be requested at the Public Works office at 228-875-3955. All costs associated with water tap are the responsibility of the homeowner/owner/developer.
 - Water is available on Cleveland.
 - If any taps are needed, the owner will be responsible for payment.
- Sewer Department
 - Sewer tap must be requested at the Public Works office at 228-875-3955. All costs associated with sewer tap are the responsibility of the homeowner/owner/developer.
 - Sewer is available on Cleveland under the asphalt.
 - Any new sewer tap will have to be made on the main line.
- Streets/Drainage Departments
 - no comments.

PUBLIC INPUT:

- None received.

STAFF CONCLUSION: The proposed parcels comply with the property's R-1 zoning district requirements, and basic water and sewer utilities are available in Cleveland Ave.

POTENTIAL MOTION: To recommend approval of a lot split at 321 Cleveland Ave., as described in the application and survey.



City of Ocean Springs, Mississippi
On the Mississippi Gulf Coast

Ocean Springs Planning Commission
PO Box 1800
Ocean Springs, MS 39564
228-875-4415 (Phone)

LOT/ PARCEL RECONFIGURATION/SPLIT APPLICATION

Indicate Request:

SPLIT ☒

RECONFIGURATION ☐

Effective June 11, 2006, the following application fees apply:

Lot/Parcel Reconfiguration/Split \$200

Application Date: 4/4/23 (Applications are due by the 7th of each month.)

Anticipated Planning Commission Meeting Date (Planning Dept to complete): _____

Applicant Information

Address of Lot/Parcel(s): 321 Cleveland
Parcel ID(s): 60225400.000

- | | | | |
|---------------------|----------------------------------|-------|---------------------------|
| 1. Applicant: | <u>Charles Jeffrey Thompson</u> | Phone | <u>228-238-2639</u> |
| | Address <u>321 Cleveland Ave</u> | Email | _____ |
| 2. Local Agent: | <u>Chase Denmark</u> | Phone | <u>424-8567</u> |
| | Address _____ | Email | <u>chasedenmark@gmail</u> |
| 3. Owner of Record: | _____ | Phone | _____ |
| | Address _____ | Email | _____ |
| 4. Engineer: | _____ | Phone | _____ |
| | Address _____ | Email | _____ |
| 5. Land Surveyor: | _____ | Phone | _____ |
| | Address _____ | Email | _____ |
| 6. Attorney: | _____ | Phone | _____ |
| | Address _____ | Email | _____ |

Property Information

- Tax Map Designation: Section 25 Township: 7 South Range: 9 West
- Is this lot/parcel located in a Platted Subdivision: Yes ☐ No ☒ Name of Subdivision: _____
- Zoning of Lot(s): R1
- Current lot area (sq. ft.) 50,400

Reconfiguration Request

- Describe lot split/reconfiguration request (existing and proposed size of lot(s), reason for request, etc.).
Existing lot is 252' x 200' deep, would like to split into 2 lots = 152' x 200' deep + 100' x 200' deep

Regulations of the Unified Development Code:

Lot Split: Section 2.30

Parcel Reconfiguration: 2.43

Plat Amendment: 2.23

1



City of Ocean Springs, Mississippi
On the Mississippi Gulf Coast

2. Has Zoning and Adjustments Board granted any variance exceptions or special permits for this property?
☐ Yes ☒ No If so, please explain and state the date of approval: _____

3. Has any lot included in this request been previously split or reconfigured? No

4. Are there any easements or existing structures that would interfere with this lot reconfiguration? _____

5. Are the proposed lots adjacent to public water and sewer lines? yes

LOT SPLIT/ LOT RECONFIGURATION COMPLIANCE CHECKLIST

This checklist to be completed by applicant and verified by City Planning Department.

Submitted/ Complies?		Requirement
<i>Applicant</i>	<i>City</i>	
☐		Application complete and submitted.
☐		Application fees paid in full.
☐		Vicinity map submitted, identifying lot(s) relationship to nearby parcels, roadways or other landmarks.
☒		Survey submitted, including all required information (see survey requirements, p 3).
☐		Evidence of ownership submitted (tax statement, deed, etc.).
☐		If corporate ownership, attach a list of all directors, officers, stockholders of each corporation owning more than 5% of any class of stock.
☒		Affidavit of Ownership and notarized signature submitted (see attached.)
☐		Adequate legal and physical access to all proposed lots is provided (no "land locked" parcels).
☒		All proposed lots in conformance with lot setback requirements of zoning ordinance.
☒		All proposed lots in conformance with lot width requirements of zoning ordinance.
☒		All proposed lots in conformance with lot area requirements of zoning ordinance.
☒		Neither nonconforming lots nor non-buildable lots are formed as result of proposed split/reconfiguration.
☒		Proposed split/reconfiguration does not impair existing access, easements or public improvements.
☒		There are no outstanding City of Ocean Springs property taxes or special assessments on the original parcel(s). (also stated in Affidavit)
☒		The split/reconfiguration will not result in significant increases in service requirements (utilities, traffic control, streets, etc.), nor will it interfere with maintaining existing service level (i.e. no additional curb cuts, repaving, etc.).
☒		If not located in a platted subdivision, this lot has never been previously split
☒		Lot reconfiguration will provide for development conformable with existing development and City's Comprehensive Plan.

Regulations of the Unified Development Code:

Lot Split: Section 2.30

Parcel Reconfiguration: 2.43

Plat Amendment: 2.23

2



Survey Requirements for Lot Split/Lot Reconfiguration

Information for Applicant, Items to be included in submittal:

- ☐ Date, north arrow and scale
- ☐ Parcel ID number(s)
- ☐ Existing and proposed lot lines, lot widths, lot areas, and any other lot dimensions
- ☐ Existing driveway(s), roads and road easements/rights-of-way
- ☐ Existing utilities, including any septic tanks or other private utilities
- ☐ All existing structures
- ☐ Setbacks from existing structures to existing and proposed property lines
- ☐ Location of any existing structures on the lots, with nature, location and dimensions
- ☐ Any existing and proposed utility or road easements

Next Steps

Once the application is received (with all attachments) and fee is paid, the City will review the package and schedule the request on the next month's Planning Commission agenda. The Planning Commission will make a recommendation to the Board of Alderman, which will approve or reject the request. Applicants are encouraged to attend both the Planning Commission and Board of Aldermen meetings to respond to questions. The Planning Commission meets the 2nd Tuesday of each month at 6:00 pm and the Board of Aldermen meets the 1st and 3rd Tuesday of each month at 6:00 pm. Applicants will be notified when their request will be considered. All meetings occur in the City Hall Board room at 1018 Porter Avenue.

When the approved lot split or lot reconfiguration results in a new deed, the property owner or agent shall record lot split/reconfiguration survey and deed in the Land Records Office (Chancery Clerk) of Jackson County, MS.



City of Ocean Springs, Mississippi
On the Mississippi Gulf Coast

Affidavit of Ownership

Attached hereto is an affidavit of ownership indicating the dates the respective holdings of land were acquired, together with the book and page of each conveyance into the present owner as recorded in the County Records of Deeds (Chancery Clerk) office. This affidavit shall indicate the legal ownership of the property, the contract owner of the property, and the date the contract of sale was executed.

I, (print name) CHARLES JEFFREY THOMPSON, hereby certify that:

1. I am the owner of the property that is the subject of this application and that I have read and understand the requirements as outlined in the application.
2. There are no outstanding City of Ocean Springs property taxes or special assessments on the original parcel(s).

I further acknowledge that the information provided herein is true and correct to the best of my knowledge.

Owner(s) Name: CHARLES JEFFREY THOMPSON
Parcel ID(s): 60225400.000
Date Property Acquired Date: 8/5/2021
Book and Page of Each Conveyance: BK: 2035 PG: 877
Owner's Signature Charles Jeffrey Thompson Date 3-7-23

STATE OF MISSISSIPPI

COUNTY OF JACKSON

I Brooke Hurring, hereby depose and say that all the above statements and the statements contained in the papers submitted herewith are true.

Mailing Address 3824 Mesa Rd., Ocean Springs, MS
39504

Subscribed and sworn before me this 7th day of March.

My commission expires June 7th, 2025



Regulations of the Unified Development Code:

Lot Split: Section 2.30

Parcel Reconfiguration: 2.43

Plat Amendment: 2.23

4

CITY OF OCEAN SPRINGS
COMMUNITY DEVELOPMENT AND PLANNING
POST OFFICE BOX 1800
OCEAN SPRINGS, MS 39566-1800
228-875-4415

PLANNING COMMISSION REPORT

PUBLIC MEETING DATE: May 9, 2023

APPLICANT(S): OHOS Development, LLC

CURRENT OWNER? ✓ Yes No

If No, - List Current Owner:

LOCATION: 1515 Government Street / PID#: 6119358.000

REQUESTED ACTION: Approval of the Final Plat the 1515 Government Street Subdivision, a minor subdivision of three (3) lots.

DATE OF APPLICATION: March 24, 2023

ADJACENT ZONING AND LAND USE:

Subject Property: **CMX-2 Community Commercial/ Mixed Use District (Downtown Overlay District, Government Street Sub-area) – undeveloped parcel, partially paved;**

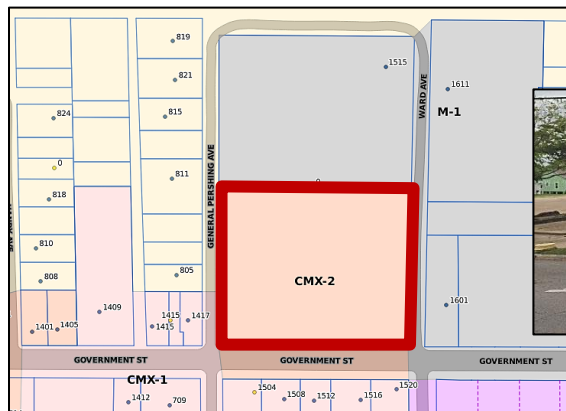
North: M-1, Manufacturing, Warehousing, & Services District – building materials warehouse (OS Lumber);

East: across Ward Avenue, M-1, Manufacturing, Warehousing, & Services District – restaurant, building materials store (OS Lumber);

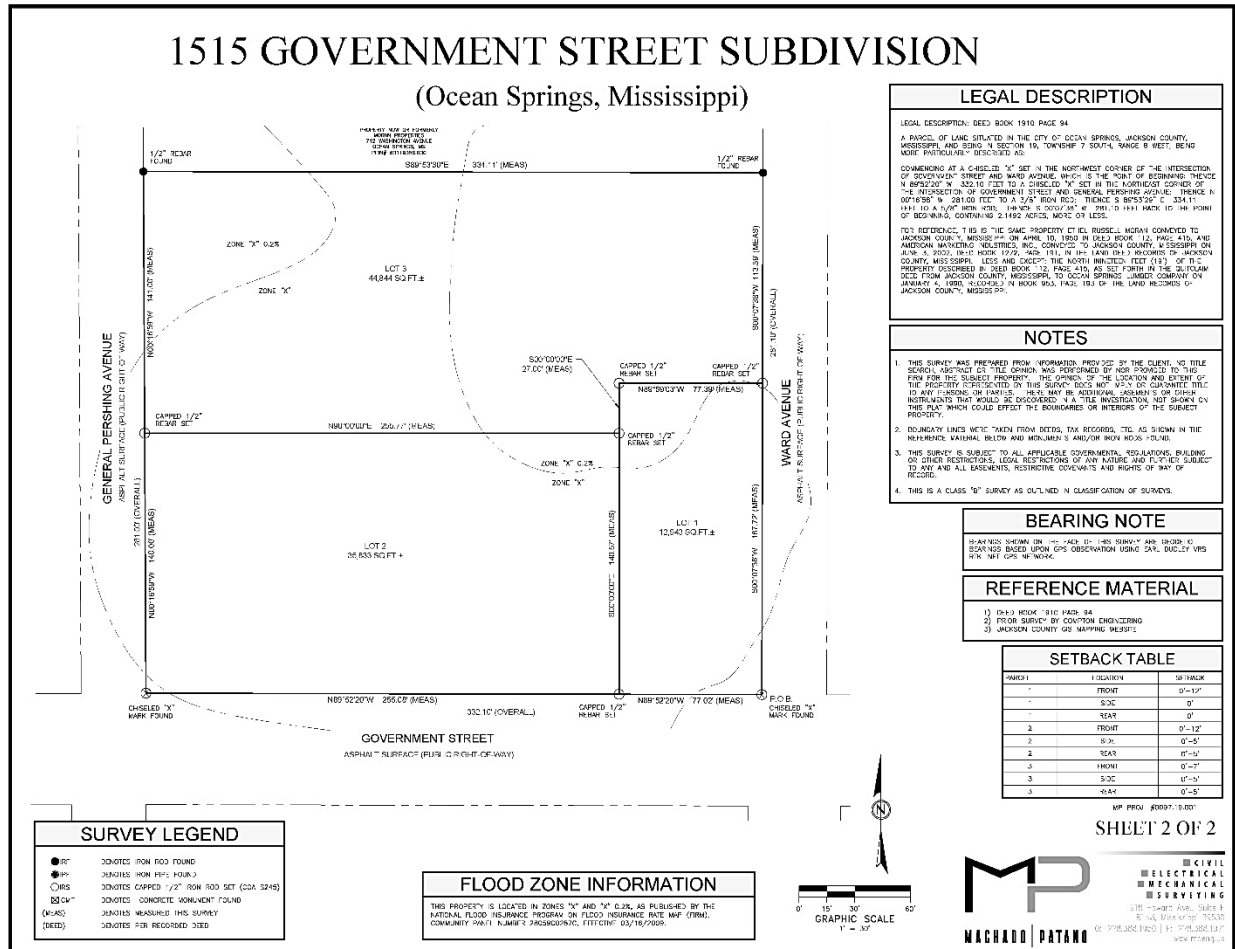
South: Across Government Street, CMX-1, Neighborhood Commercial / Mixed Use District – small retail establishments and offices;

West: Across General Pershing Avenue, CMX-1, Neighborhood Commercial / Mixed Use District – restaurant and tire store; and R-D Two-Family Residential District – single-family dwellings.

CURRENT CONDITIONS:



- The applicant proposes to create three (3) lots for the proposed mixed-use development.
 - Lot 1 – 12,943 sq. ft. (0.30 ac.) – three (3) story hotel;
 - Lot 2 – 35,833 sq. ft. (0.82 ac.) – food hall (ground floor), eight (8) multi-family condominium units (2nd floor) and common area;
 - Lot 3 – 44,844 sq. ft. (1.03 ac.) – parking garage and surface parking.
- The subdivision will allow each of the lots and associated buildings to be independently owned and independently permitted.



FINDINGS:

- The property is the site of the former Swingster building, which was demolished in 2016. It was rezoned from the M-1, Manufacturing, Warehousing, & Services District to the CMX-2, Community Commercial / Mixed Use District in 2016.
- The proposed mixed-use development is being reviewed through the City's administrative Design Review process for compliance with the appropriate Unified Development Code (UDC) requirements and through the Building Permit review process.
- A Land Work Permit has been approved to allow site work including demolition of the parking area, any existing utilities and erection of construction fencing.

CITY DEPARTMENT REVIEW COMMENTS:

- **PUBLIC WORKS – Water Dept.**
 - Water tap must be requested at the Public Works office at 228-875-3955. All costs associated with water tap are the responsibility of the homeowner/owner/developer.
 - Need 48-hr. notice before any work on water main.
 - Need a 72-hr. notice if road will be closed.
- **PUBLIC WORKS – Sewer Dept.**
 - Sewer tap must be requested at the Public Works office at 228-875-3955. All costs associated with sewer tap are the responsibility of the homeowner/owner/developer.
 - Any food service will require a grease trap.
 - Any existing sewer tap will be required to be capped or replaced.
 - Sheet C 650 manhole details Manhole Ring cover need to be Vulcan V-1600-3.
 - Existing manholes must be core drilled with rubber boot seal inside and out.
 - Engineering must approve the grease trap size 4000 gallons.
 - The two (2) existing taps are marked out on Ward Avenue that will need to be capped off.
- **PUBLIC WORKS – Drainage/Street Dept.**
 - None.

OTHER FEEDBACK:

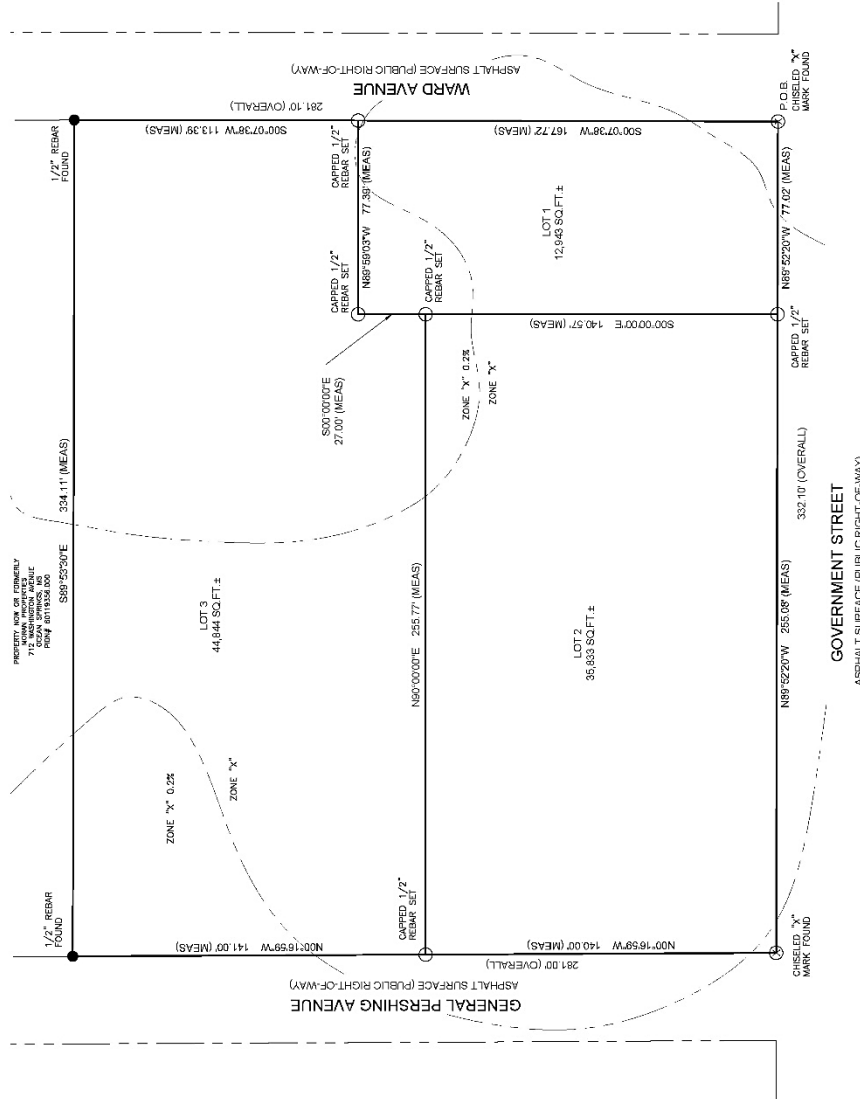
- No written public input has been received on this application.

STAFF CONCLUSION:

- The proposed subdivision final plat complies with the CMX-2, Community Commercial / Mixed Use District and Downtown Overlay District requirements and the final plat requirements.

MOTION: To recommend approval of the final plat of 1515 Government Street Subdivision, as shown on the plat filed with the application.

(Ocean Springs, Mississippi)



LEGAL DESCRIPTION: DEED BOOK 1910 PAGE 94

A PART OF THE LAND WITHIN THE CITY OF OCEAN SPRINGS, JACKSON COUNTY, MISSISSIPPI, BEING SECTION 36, TOWNSHIP 2 SOUTH, RANGE 5 WEST, BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT A CORNERED "X" SET IN THE NORTHEAST CORNER OF THE INTERSECTION OF GOVERNMENT STREET AND WAGO AVENUE, WHICH IS THE POINT OF BEGINNING, THENCE N. 88° 02' 50" E. 103.20 FEET TO A CORNERED "X" SET IN THE NORTHEAST CORNER OF A TRACT OF LAND BEING SECTION 36, TOWNSHIP 2 SOUTH, RANGE 5 WEST, BEING N. 01° 16' 58" W. 281.00 FEET TO A 3/4" X 9" IRON ROD; THENCE S. 89° 52' 58" E. 434.11 FEET TO A 5/8" IRON ROD; THENCE S. 00° 07' 38" W. 281.10 FEET BACK TO THE POINT OF BEGINNING, CONTAINING 2.1492 ACRES, MORE OR LESS.

FOR REFERENCE, THIS IS THE SAME PROPERTY WHICH RUSSELL MORGAN CONVEYED TO THE JACKSON COUNTY LUMBER COMPANY, INC. CONVEYED TO JACKSON COUNTY, MISSISSIPPI AND AMERICAN MARKETING INDUSTRIES, INC. CONVEYED TO JACKSON COUNTY, MISSISSIPPI ON JUNE 3, 2002. DEED BOOK 1272, PAGE 191. IN THE SAID DEED RECORDS OF JACKSON COUNTY, MISSISSIPPI, THE PROPERTY DESCRIBED IN DEED BOOK 1172, PAGE 415, SET FORTH IN THE OUTLAW PROPERTY DESCRIBED IN DEED BOOK 1272, PAGE 415, SET FORTH IN THE OUTLAW DEED FROM JACKSON COUNTY, MISSISSIPPI, TO OCEAN SPRINGS LUMBER COMPANY OF JACKSON COUNTY, MISSISSIPPI, DEED BOOK 1280, PAGE 193. OF THE 193 OF THE SAID JACKSON COUNTY, MISSISSIPPI.

1. THIS SURVEY WAS PREPARED FROM INFORMATION PROVIDED BY THE CLIENT, NO TITLE SEARCH, ABSTRACT OR TITLE OPINION WAS PERFORMED BY THE SURVEYOR. THE PROPERTY REPRESENTED BY THIS SURVEY DOES NOT IMPLY OR GUARANTEE TITLE TO ANY PERSONS OR PARTIES. THERE MAY BE ADDITIONAL EASEMENTS OR OTHER INTERESTS IN THE PROPERTY NOT SHOWN ON THIS MAP WHICH COULD AFFECT THE BOUNDARIES OR INTERIORS OF THE SUBJECT PROPERTY.
2. BOUNDARY LINES WERE TAKEN FROM DEEDS, TAX RECORDS, ETC. AS SHOWN IN THE REFERENCE MATERIAL BELOW AND MONUMENTS AND/OR IRON RODS FOUND.
3. THIS SURVEY IS SUBJECT TO ALL APPLICABLE GOVERNMENTAL REGULATIONS, BUILDING DEPARTMENT ORDINANCES, EASEMENTS, EASEMENTS OF WAY, EASEMENTS OF RIGHT TO ANY AND ALL EASEMENTS, RESTRICTIVE COVENANTS AND RIGHTS OF WAY OF RECORD.
4. THIS IS A CLASS "B" SURVEY AS OUTLINED IN CLASSIFICATIONS OF SURVEYS.

BEARINGS SHOWN ON THE FACE OF THIS SURVEY ARE GEODETIC BEARINGS BASED UPON GPS OBSERVATION USING EARL DUDLEY VRS RTK INET GPS NETWORK.

1) DEED BOOK 1910 PAGE 94
2) PRIOR SURVEY BY COMPTON ENGINEERING
3) JACKSON COUNTY GIS MAPPING WEBSITE

PARCEL	LOCATION	SETBACK
1	FRONT	0'-12"
1	SIDE	0'
1	REAR	0'
2	FRONT	0'-12"
2	SIDE	0'-3'
2	REAR	0'-5'
3	FRONT	0'-7'
3	SIDE	0'-5'
3	REAR	0'-8'

MP PROJ. #0097.19.001

SHEET 2 OF 2



THIS PROPERTY IS LOCATED IN ZONES "X" AND "A" 0.2%, AS PUBLISHED BY THE NATIONAL FLOOD INSURANCE PROGRAM ON FLOOD INSURANCE RATE MAP (FIRM), COMMUNITY PANEL NUMBER 28059C0287C, EFFECTIVE 03/16/2009.

☒ RF DENOTES IRON ROD FOUND
☒ PF DENOTES IRON PIPE FOUND
☐ IRS DENOTES CAPPED 1/2" IRON ROD SET (COA 5245)
☒ CMF DENOTES CONCRETE MONUMENT FOUND
 (MEAS) DENOTES MEASURED THIS SURVEY
 (DEED) DENOTES PER RECORDED DEED



OCEAN SPRINGS PLANNING COMMISSION
PO Box 1800 / Ocean Springs, MS 39564
228-875-4415 (Phone) / 228-872-5427 (fax)

APPLICATION: SUBDIVISION DEVELOPMENT

—Specific Requirements Outlined in Chapter 2 of the Unified Development Code—

SUBDIVISION TYPE: ☒ Minor (4 lots or less) ☐ Major (more than 4 lots)

Phase of Development: ☐ Sketch Plat ☐ Preliminary Plat ☒ Final Plat

Effective June 11, 2006, the following application fees apply:

	<u>Minor S/D</u>	<u>Major S/D</u>
Sketch Plat	\$ 250	\$ 300
Preliminary Plat	\$ 250 + \$ 50/lot	\$ 250 + \$ 50/lot
Final Plat	\$ 250 + \$ 50/lot	\$ 250 + \$ 50/lot

Application Fee Required*: _____ * Does not include mail fee, to be determined by City.

Standard mail fee required for notification of property owners within 500' of applicant property. Exact fee to be determined by City, based on current postage rates.

Application Date: 3/24/2023 (Applications are due by the 7th of each month.)

Applicant Information

Name of Subdivision: 1515 Government Street

Address of Original Parcel(s): 1515 Government Street, Ocean Springs, MS 39564

Parcel ID(s): 60119358.000

- | | | | |
|---------------------|--|-------|----------------------------------|
| 1. Applicant: | <u>OHOS Development, LLC</u> | Phone | <u>228-206-2990</u> |
| Address | <u>929 Washington Avenue, OS, MS</u> | Email | <u>erich@nine29.com</u> |
| 2. Local Agent: | | Phone | |
| Address | | Email | |
| 3. Owner of Record: | <u>OHOS Development, LLC</u> | Phone | <u>228-206-2990</u> |
| Address | <u>929 Washington Avenue, OS, MS</u> | Email | <u>erich@nine29.com</u> |
| 4. Engineer: | <u>MP Design Group</u> | Phone | <u>228-388-1950</u> |
| Address | <u>918 Howard Avenue, Biloxi, MS 39530</u> | Email | <u>jschmidt@mpdesigngroup.us</u> |
| 5. Land Surveyor: | <u>MP Design Group</u> | Phone | <u>228-388-1950</u> |
| Address | <u>918 Howard Avenue, Biloxi, MS 39530</u> | Email | <u>jschmidt@mpdesigngroup.us</u> |
| 6. Attorney: | <u>Erich Nichols</u> | Phone | <u>228-206-2990</u> |
| Address | <u>929 Washington Avenue, OS, MS</u> | Email | <u>erich@nine29.com</u> |

☒ **Attach Appropriate Checklist for Requested Phase of Review**

Property Information

1. Tax Map Designation: Section 19 Township: 7S Range: 8W
2. Proposed Subdivision Location: On the North side of Government Street (street)
700 (distance in feet) South (relative direction) of Bienville Boulevard (street)
3. List all contiguous holdings in the same ownership:
Section N/A Lot(s) N/A
4. Zoning of Parcel(s): CMX-2 5. Total Acreage: 2.15
6. Smallest Lot Size: 0.30 7. Proposed # of Lots: 3
9. Is the property located within a special district? (historic district, waterview preservation, or other designated overlay district, etc.) Downtown overlay
11. Does the property include any wetlands? If so, include professional wetland delineation. N/A
12. Has any lot included in this request been previously split or reconfigured, to your knowledge? No
13. Are there any easements or other legal restrictions on the property? If so, please explain. No
14. Are there any existing structures on the property? If so, will they be kept or demolished? No

Proposed Subdivision Information

15. Is the subdivision infrastructure proposed to be: ☐ PUBLIC or ☒ PRIVATE?
16. Are any commercial or multi-use activities proposed? ☒ Yes ☐ No
If so, please describe: Hotel, Food Hall, Parking Garage, Condominiums, and Retail Space
17. Are any variances being requested for the proposed subdivision? If so, please explain.

18. Have there been any variances, exceptions, appeals or special uses granted for any properties in this request?
☒ Yes ☐ No If yes, please explain and state the date(s) of approval: Dumpster buffer, setback, and parking garage drive aisle variances granted 10/18/2022
19. Is any open space or common area included in this subdivision? (Include any bus stops.) ☐ Yes ☒ No
If yes, please describe: _____
20. Is the subdivision ingress/egress onto a "major" road, as classified by the City? ☐ Yes ☒ No
21. **Complete where applicable:**
For Preliminary Plat: Date SKETCH PLAT was approved by Board of Aldermen: _____
For Final Plat: Date PRELIMINARY PLAT was approved by Board of Aldermen: 10/18/2022
 - Were any changes made subsequent to preliminary plat approval? ☐ Yes ☒ No
If yes, please describe: _____
 - Does this final plat request include the entire area approved in the preliminary plat? ☒ Yes ☐ No

Notes and Next Steps for each phase are provided on the REQUIRED checklists.

Affidavit of Ownership

Attached hereto is an affidavit of ownership indicating the dates the respective holdings of land were acquired, together with the book and page of each conveyance into the present owner as recorded in the County Records of Deeds (Chancery Clerk) office. This affidavit shall indicate the legal ownership of the property, the contract owner of the property, and the date the contract of sale was executed.

I, (print name) OHOS Development, LLC, hereby certify that:

1. I am the owner of the property that is the subject of this application and that I have read and understand the requirements as outlined in the application.
2. There are no outstanding City of Ocean Springs property taxes or special assessments on the original parcel(s).

I further acknowledge that the information provided herein is true and correct to the best of my knowledge.

Owner(s) Name: OHOS Development, LLC Parcel ID(s): 60119358.000

Date Property Acquired Date: _____ Book and Page of Each Conveyance: _____

Owner's Signature [Signature] Date: 3/24/23

NOTE: If corporate ownership, attach a list of all directors, officers, stockholders of each corporation owning more than 5% of any class of stock.

STATE OF Mississippi

COUNTY OF Harrison

I John Oropesa, hereby depose and say that all the above statements and the statements contained in the papers submitted herewith are true.

Mailing Address P. O. Box 785, Biloxi, MS 39530

Subscribed and sworn before me this 24th day of MARCH, 2023

My Commission expires: AUGUST 7, 2026



[Signature]

CITY OF OCEAN SPRINGS
COMMUNITY DEVELOPMENT AND PLANNING
POST OFFICE BOX 1800
OCEAN SPRINGS, MS 39566-1800
228-875-4415

**PUBLIC HEARING
PLANNING COMMISSION REPORT**

PUBLIC MEETING DATE: May 9, 2023

APPLICANT: Elliott Land Developments, LLC

REQUESTED ACTION: Amendment to the Savannah Estates Subdivision Phase I - Final Plat

DATE OF APPLICATION: March 27, 2023

LOCATION: Southwest corner of Riley Road and Old CCC Camp Road
Parcel No.: 60123050.000

ADJACENT ZONING/LAND USE:

Subject Property: **R-3, Single-Family Residential District – subdivision under construction;**

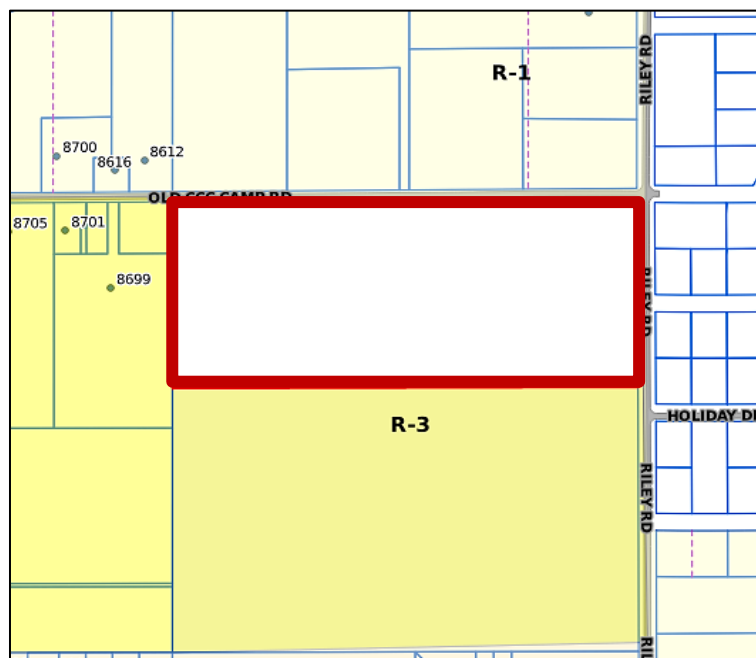
South: R-3 District – phase 2 of Savannah Estates subdivision;

North: Across Old CCC Camp Road: R-1, Single-Family Residential District – undeveloped land and estate residential dwellings;

East: Across Riley Road: unincorporated Jackson County – undeveloped residential lots;

West: R-2, Single-Family Residential District – undeveloped land and estate residential dwellings.

VICINITY:



DESCRIPTION OF THE REQUEST:

- The proposed plat amendment changes the width and area of 5 lots: 6, 7, 8, 9 and 24. The affected lots are highlighted on the attached Approved Final Plat and Amended Plat.

FINDINGS:

- The preliminary plat was recommended for approval by the PC on May 11, 2021, and was approved by the BOA on November 16, 2021. The Final Plat of Phase 1 was approved by the PC on February 14, 2023, and by the BOA on February 22, 2023.
- The amended plat changes the widths of Lots 6 – 9 slightly, from 50 – 55 feet to 53.6 – 53.8 feet.

PUBLIC INPUT:

- None received.

STAFF CONCLUSION: The amended plat and revised lots are consistent with the subdivision's sketch plat and comply with the requirements of the property's R-3 zoning.

POTENTIAL MOTION: To recommend approval of the amendment to the Savannah Estates subdivision Phase 1 final plat.



OCEAN SPRINGS PLANNING COMMISSION
PO Box 1800 / Ocean Springs, MS 39564
228-875-4415 (Phone) / 228-872-5427 (fax)

APPLICATION: SUBDIVISION DEVELOPMENT

—Specific Requirements Outlined in Chapter 2 of the Unified Development Code—

SUBDIVISION TYPE: ☐ Minor (4 lots or less) ☒ Major (more than 4 lots)

Phase of Development: ☐ Sketch Plat ☐ Preliminary Plat ☒ Final Plat-AMENDMENT

Effective June 11, 2006, the following application fees apply:

	Minor S/D	Major S/D
Sketch Plat	\$ 250	\$ 300
Preliminary Plat	\$ 250 + \$ 50/lot	\$ 250 + \$ 50/lot
Final Plat	\$ 250 + \$ 50/lot	\$ 250 + \$ 50/lot

Application Fee Required*: \$451.00

* Does not include mail fee, to be determined by City.

Standard mail fee required for notification of property owners within 500' of applicant property. Exact fee to be determined by City, based on current postage rates.

Application Date: March 27, 2023 (Applications are due by the 7th of each month.)

Applicant Information

Name of Subdivision: Savannah Estates Phase 1
Address of Original Parcel(s): Riley Road, Ocean Springs, Mississippi
Parcel ID(s): 60123050.000

1. Applicant:	Elliott Land Development, LLC	Phone	1.844.BUY.ELLIOTT
Address	1402 Pass Road, Gulfport, MS 39501	Email	jfleming@myelliottthome.com
2. Local Agent:		Phone	
Address		Email	
3. Owner of Record:	Elliott Land Development, LLC	Phone	1.844.BUY.ELLIOTT
Address	1402 Pass Road, Gulfport, MS 39501	Email	jfleming@myelliottthome.com
4. Engineer:	Pickering Firm, Inc.	Phone	228.432.5925
Address	126 Rue Magnolia, Biloxi, MS 39532	Email	cwagner@pickeringfirm.com
5. Land Surveyor:	Cutrer Land Surveying	Phone	601.746.5183
Address	943 S Main Street, Plarville, MS 39470	Email	chad@cutrerlandsurveying.com
6. Attorney:	Schwartz Orgler & Jordan, PLLC	Phone	228.832.8550
Address	12206 US 49, Gulfport, MS 39503	Email	gulfport@sojlaw.net

☐ **Attach Appropriate Checklist for Requested Phase of Review**

Property Information

1. Tax Map Designation: Section 23 Township: 7 Range: 8
2. Proposed Subdivision Location: On the west side of Riley Rd (street)
+/- 50 ft (distance in feet) south (relative direction) of Old CCC Camp Rd (street)
3. List all contiguous holdings in the same ownership:
Section see attached Lot(s) see attached
4. Zoning of Parcel(s): R-3
5. Total Acreage: 0.69 AC (affected by this amendment)
6. Smallest Lot Size: 7,518.63 SF
7. Proposed # of Lots: 4 (affected by this amendment)
9. Is the property located within a special district? (historic district, waterview preservation, or other designated overlay district, etc.) N/A
11. Does the property include any wetlands? If so, include professional wetland delineation. yes, see attached
12. Has any lot included in this request been previously split or reconfigured, to your knowledge? N/A
13. Are there any easements or other legal restrictions on the property? If so, please explain. yes, 200' ROW for Transmission Power Line
14. Are there any existing structures on the property? If so, will they be kept or demolished? N/A

Proposed Subdivision Information

15. Is the subdivision infrastructure proposed to be: ☒ PUBLIC or ☐ PRIVATE?
16. Are any commercial or multi-use activities proposed? ☐ Yes ☒ No
If so, please describe: N/A
17. Are any variances being requested for the proposed subdivision? If so, please explain.
N/A
18. Have there been any variances, exceptions, appeals or special uses granted for any properties in this request?
☐ Yes ☒ No If yes, please explain and state the date(s) of approval: N/A
19. Is any open space or common area included in this subdivision? (Include any bus stops.) ☒ Yes ☐ No
If yes, please describe: see attached
20. Is the subdivision ingress/egress onto a "major" road, as classified by the City? ☐ Yes ☒ No
21. **Complete where applicable:**
For Preliminary Plat: Date SKETCH PLAT was approved by Board of Aldermen: 10-20-2020
For Final Plat: Date PRELIMINARY PLAT was approved by Board of Aldermen: 11-15-2021
 - Were any changes made subsequent to preliminary plat approval? ☒ Yes ☐ No
If yes, please describe: street signage added
 - Does this final plat request include the entire area approved in the preliminary plat? ☐ Yes ☒ No

Notes and Next Steps for each phase are provided on the REQUIRED checklists.

Affidavit of Ownership

Attached hereto is an affidavit of ownership indicating the dates the respective holdings of land were acquired, together with the book and page of each conveyance into the present owner as recorded in the County Records of Deeds (Chancery Clerk) office. This affidavit shall indicate the legal ownership of the property, the contract owner of the property, and the date the contract of sale was executed.

I, (print name) Josh Fleming, hereby certify that:

1. I am the owner of the property that is the subject of this application and that I have read and understand the requirements as outlined in the application.
2. There are no outstanding City of Ocean Springs property taxes or special assessments on the original parcel(s).

I further acknowledge that the information provided herein is true and correct to the best of my knowledge.

Owner(s) Name: Josh Fleming Parcel ID(s): 60123050.000

Date Property Acquired Date: March 31, 2021 Book and Page of Each Conveyance:
see attached

Owner's Signature [Signature] Date: March 7th, 2023

NOTE: If corporate ownership, attach a list of all directors, officers, stockholders of each corporation owning more than 5% of any class of stock.

STATE OF _____

COUNTY OF _____

I _____, hereby depose and say that all the above statements and the statements contained in the papers submitted herewith are true.

Mailing Address _____

Subscribed and sworn before me this 7 day of March, 2023

My Commission expires: _____

Dominique Reverse

