

The Minutes of the City of Ocean Springs
Planning Commission
Tuesday, June 9, 2026

1. Call Meeting to Order

The meeting of the City of Ocean Springs Planning Commission was called to order by Chairman Andy Phelan at 6:00 p.m. on Tuesday, June 9, 2026. The members present were Clay McArdle, Michael Smith, Kevin O'Connell, Marshall Johnson, and Jennifer Dalgo. Absent was Nicolaus Geiser. Also, present were Amanda Crose - Planning Director, Rae Williams - Planning Technician, and David Harris - City Attorney.

Chairman Phelan gave the Invocation and Commissioner O'Connell led the Pledge of Allegiance.

Pre-Meeting Announcement:

Prior to consideration of agenda items, Chairman Phelan noted that Item 3(a), 703 Rayburn Avenue, should be heard as a Public Hearing.

A motion was made by Kevin O'Connell, seconded by Marshall Johnson, to amend the agenda and designate Item 3(a) as a Public Hearing. The motion carried unanimously.

Approval of Minutes:

a) May 12, 2026

A motion was made by Kevin O'Connell, seconded by Clay McArdle, to approve May 12, 2026, planning commission meeting minutes as presented. The motion carried unanimously.

2. Old Business:

a) Madison Place Drive & Gibson Road – PIDN: 60124060.000 – Madison Place Phase 2B – Meritage Homes of Mississippi, Inc. – Requesting Final Plat Approval for 21 Lots of the 51-Lot Single-Family Residential Subdivision

Planning Director Amanda Crose presented the request. She explained that the Unified Development Code (UDC) permits Final Plats to be submitted in phases and that approval of the Final Plat represents the final step prior to plat recordation and issuance of building permits. She stated the property is zoned R-D and the smallest proposed lot contains approximately 8,060 square feet. Ms. Crose further explained the subdivision was originally approved utilizing the Conservation Subdivision provisions of the UDC and that approximately 24.25 acres are reserved as conservation areas pursuant to the recorded restrictive covenants. She stated that one public comment letter was received prior to publication of the meeting packet and six additional opposition letters and one

response letter from the applicant's wetland consultant were received after publication and distributed to the Commission members.

A motion was made by Jennifer Dalgo, seconded by Michael Smith, to enter the opposition letters and applicant response letter into the record (Exhibits 1-7). The motion carried unanimously.

Bobby Heinrich, representing the owner, addressed the Commission. Mr. Heinrich stated all required approvals, permits, and documentation associated with the subdivision had been obtained and submitted and the project satisfied the requirements necessary for Final Plat approval.

Jordan Bursch, Meritage Homes, addressed the Commission. Mr. Bursch stated that concerns regarding the conservation easement had previously been discussed with residents and explained that Meritage Homes would remain responsible for maintenance of common areas until turnover to the homeowners' association. He further stated that discussions previously occurred regarding future management of the conservation area and that any modifications would require coordination with the U.S. Army Corps of Engineers.

Chairman Phelan requested clarification from the City Attorney regarding the Planning Commission's authority over homeowners' association matters and restrictive covenants.

David Harris, City Attorney, addressed the Commission. Mr. Harris explained that restrictive covenants and homeowners' association matters are private agreements between property owners and are not enforced by the Planning Commission. He further stated that wetlands permitting and enforcement fall under the jurisdiction of the U.S. Army Corps of Engineers and that the Commission's authority is limited to administration of the Unified Development Code and applicable City regulations.

- Steve Parker, Ward 6, spoke in opposition to the request. Mr. Parker expressed concerns regarding clearing within conservation areas and potential noncompliance with restrictive covenants and Army Corps of Engineers permit requirements. He requested that the Commission defer action or condition the final plat approval pending further review by the Army Corps of Engineers.
- Laura Parker, Ward 6, spoke in opposition to the request. Mrs. Parker stated that preservation of the wooded area behind her property was a significant factor in purchasing her home and expressed concerns regarding the extent of tree removal within the conservation area. She further expressed concerns regarding the loss of buffering, drainage impacts, and a lack of follow-up communication regarding prior discussions with the developer.

- Tracy Trosper, Ward 6, spoke in opposition to the request. Mr. Trosper stated that he was previously informed the area behind his property would remain undeveloped and expressed concerns regarding future development, conservation area impacts, and clearing activities within the area.
- Daniel Nguyen, Ward 6, spoke in opposition to the request. Mr. Nguyen expressed concerns regarding the long-term maintenance, management, and ownership of the conservation area, including potential fire and liability issues, and requested that those concerns be addressed prior to Final Plat approval.

Jordan Bursch responded to public comments and stated maintenance and ownership responsibilities for the conservation area are addressed within the governing documents and would ultimately transfer to the homeowner's association. He further stated that Meritage Homes was coordinating with the U.S. Army Corps of Engineers regarding the area in question and would comply with any required mitigation or restoration measures.

Mr. Parker submitted additional exhibits and correspondence, including email communications with the U.S. Army Corps of Engineers regarding the ongoing review of the conservation easement area.

A motion was made by Kevin O'Connell, seconded by Jennifer Dalgo, to enter Mr. Parker's submitted materials (Exhibit 8) into the record. The motion carried unanimously.

Commissioners discussed whether the request should be deferred pending additional information from the U.S. Army Corps of Engineers. Commissioner Smith expressed concerns regarding acting before a formal determination had been issued. Ms. Crose stated to date the Planning Department has not received any correspondence from the Corps regarding a violation or required mitigation. Commissioners discussed whether contingent approval would be more appropriate than deferral.

A motion was made by Clay McArdle, seconded by Michael Smith, to defer consideration of the Final Plat until the July Planning Commission meeting pending additional information from the U.S. Army Corps of Engineers. The motion failed 2-4. Commissioners Phelan, O'Connell, Dalgo, and Johnson voted nay.

A second motion was made by Kevin O'Connell, seconded by Jennifer Dalgo, to recommend approval of Madison Place Phase 2B Final Plat consisting of 21 single-family residential lots based upon compliance with the Unified Development Code, consistency with prior approvals, and contingent upon the Planning Department receiving either an approved mitigation plan or written confirmation from the U.S. Army Corps of Engineers that no mitigation is required before going to the Board of Aldermen. The motion carried unanimously.

3. New Business:

a) Public Hearing: 703 Rayburn Ave – PIDN: 60119091.000 – Cynthia Butz – Requesting a Conditional Use Permit to Operate a Bed & Breakfast

A motion was made by Kevin O'Connell, seconded by Marshall Johnson, to open the public hearing. The motion carried unanimously.

Planning Director Amanda Crose presented the request and stated the property is located in Ward 2 and is zoned R-2. She stated that one of the property owners currently resides at the property and that guest accommodation for the proposed Bed & Breakfast would be limited to one guest room and bathroom located within the loft area of the home.

Ms. Crose stated the Planning Department received information indicating that unauthorized short-term rental activity had been occurring at the property without obtaining a short-term rental permit, resulting in the issuance of a Stop Work Order on April 24, 2026. She explained the applicant subsequently submitted an application for a Bed & Breakfast and the property had passed inspection for a maximum occupancy of two persons and one vehicle. Ms. Crose further stated that online reviews indicated the property continued to host guests after issuance of the Stop Work Order and reviewed the applicable Bed & Breakfast regulations and denial provisions of the UDC. She noted the applicant obtained the required neighboring property owner signatures and that no opposition comments were received.

Commissioner McArdle requested clarification regarding the distinction between a Bed & Breakfast and a Short-Term Rental.

Ms. Crose explained that a Bed & Breakfast requires owner occupancy, guest accommodation within the residence, and provision of meals for guests, whereas a Short-Term Rental operates as a separate lodging use without the owner residing on-site. She further explained that Bed & Breakfast permits require Conditional Use Permit approval under certain zoning classifications and require annual inspections and renewal.

Cynthia Butz, applicant, addressed the Commission. Ms. Butz stated the property had historically operated as a Bed & Breakfast under family ownership and explained that her brother continues to reside at the property full-time. She stated she believed the operation was allowed based on prior discussions with City staff years ago and that she continued operating the Bed & Breakfast following her mother's passing. Ms. Butz explained that she resides adjacent to the property, remains available to guests, and provides breakfast accommodation as part of the operation.

Regarding the Stop Work Order, Ms. Butz stated that she ceased accepting new reservations after receiving notice from the City but continued to honor reservations that had been booked prior to issuance of the Stop Work Order instead of canceling them.

She stated no new reservations were accepted after receiving the notice.

Commissioners questioned Ms. Butz regarding owner occupancy, operation of the Bed & Breakfast, and the continuation of guest stays after issuance of the Stop Work Order. Ms. Butz reiterated that her brother resides full-time at the property and that she believed honoring previously booked reservations was appropriate while she worked toward compliance with City requirements.

No members of the public spoke in favor of or in opposition to the request.

A motion was made by Marshall Johnson, seconded by Clay McArdle, to close the public hearing. The motion carried unanimously.

Following closure of the public hearing, Commissioners discussed the continued rental activity following issuance of the Stop Work Order and whether honoring previously booked reservations constituted operation without the required approvals. Commissioner Smith stated that while the property appeared to meet the operational requirements of a Bed & Breakfast, the continued rental activity raised concerns regarding compliance. Commissioners also discussed the denial provisions of the Unified Development Code and enforcement procedures associated with Stop Work Orders. Ms. Crose explained that enforcement actions are handled through the Building Department and Municipal Court process when necessary.

A motion was made by Michael Smith, seconded by Clay McArdle, to recommend denial of the Conditional Use Permit for operation of a Bed & Breakfast at 703 Rayburn Avenue for a period of six months based upon Bed & Breakfast permit denial conditions No. 1 and No. 4 of the Unified Development Code, specifically:

1. The applicant failed to conform to conditions and requirements established by the ordinance; and
2. Operation of a Bed & Breakfast or Short-Term Rental occurred prior to obtaining the necessary approvals.

The motion carried by a vote of 4-1, with Commissioner Kevin O'Connell voting nay.

b) DEFERRED – 711 Mosley Ave – PIDN: 60137646.000 – Conditional Use Permit Requested by Cynthia Butz to Operate a Bed & Breakfast

Chairman Phelan announced that the item had been deferred and would not be heard.

c) 3711 Government St – PIDN: 60127090.000 – Russell & Kim Dossett – Requesting Approval of a Lot Split

Planning Director Amanda Crose presented the request and stated the property is located at 3711 Government Street in Ward 5 and is zoned R-1. Ms. Crose explained the applicant was requesting approval to divide the existing parcel into two separate

lots. She stated the property currently contains a single-family residence and consists of approximately nine acres.

Ms. Crose reviewed the minimum dimensional requirements of the R-1 zoning district and stated that the minimum lot size is 13,500 square feet, minimum lot width is 100 feet, the required front setback is 25 feet, side setbacks are 10 feet, and the rear setback is 25 feet. She explained that the proposed lot split would create a new parcel containing approximately 27,878 square feet with a width of approximately 150 feet with a depth of approximately 185 feet.

Ms. Crose stated both the newly created parcel and the remaining parent tract exceed all minimum lot size and dimensional requirements of the UDC. Ms. Crose stated that public notice had been provided in accordance with City requirements and that no public comments had been received regarding the request.

Commissioner Phelan asked about the purpose of the strip of land shown extending toward Government Street. Ms. Crose explained that the area appeared to provide access to the proposed parcel but was not intended to represent a separate parcel.

Commissioner McArdle asked whether the property had previously been divided. Ms. Crose stated that the property had not previously been split.

The applicant was present; however, no questions were asked by the commission, and the applicant didn't have any additional information to add to the case. No members of the public spoke in favor of nor against the request.

A motion was made by Jennifer Dalgo, seconded by Kevin O'Connell, to recommend approval of the Lot Split located at 3711 Government Street as presented. The motion carried unanimously.

4. General Public Comment

- None

5. Commissioners Forum

Chairman Phelan noted that several Planning Commission appointments would be coming up for renewal and asked Commissioners to be aware of the upcoming reappointment process.

Commissioners briefly discussed enforcement procedures, permit violations, and related fee schedule provisions for continuing to operate while a Stop Work Order was issued. The City Attorney, Mr. Harris, stated the City's adopted fee schedule includes penalties for permit violations and advised that operating without the required permit carries a fine of \$430.

No additional comments were offered by Commissioners.

6. Adjourn

A motion to adjourn was made by Marshall Johnson, seconded by Kevin O'Connell. The motion carried unanimously.

The meeting adjourned at 7:15 p.m.