



Planning Commission
1018 Porter Avenue
Ocean Springs, MS 39564

Tuesday, July 11, 2023 @ 6:00 PM

1. Call Meeting to Order

2. Approval of Minutes

- a. June 13, 2023

3. Old Business

4. New Business

- a. 1303 Porter/ PID# 60137148.000- Dempsey Levi – Request permission to build on an historically-platted, legal, non-conforming lot.
- b. 417 Woody Circle / PID# 61375094.000 – Craig Nelson & 415 Woody Circle / PID# 61375093.000 – Robert Otto Davis – Request vacation of city owned right away that is no longer in use between the parcels.
- c. PUBLIC HEARING: 710 General Pershing / PID# 60130170.000 – Aaron & Christina Thompson – Request to rezone R-2 (Single-Family Residential) to CM-1 (Neighborhood Commercial/Mixed Use District)
- d. PUBLIC HEARING: 2109 Bienville Blvd / PID# 60120010.001, 60120010.000, 60120015.000 – Donovan Scruggs for Frederick Moreton II, Kelly Livingston & Judith Howell – Request to rezone R-1 (Low Density Single-Family District) to CMX-1 (Neighborhood Commercial/Mixed Use District).

5. General Public Comment

6. Commissioner's Forum

7. Adjourn

The Minutes of the City of Ocean Springs
Planning Commission
Tuesday, June 13, 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, June 13, 2023. Members present were Matthew Hinton, Kevin O'Connell, Marshall Johnson, Joey Conwill, and Joseph McCormick. Also present were Carolyn Martin, Planning & Grants Administrator; Wade Morgan, City Planner; Will Norman, City Attorney; and Dawn Underwood, Planning & Grants Coordinator.

2. Approval of Minutes

a. May 9, 2023

A motion was made by Mathew Hinton and seconded by Joey Conwill to recommend *approval of the minutes as presented*. The motion was unanimously carried.

3. Old Business

a. Deferred from the May 9, 2023, Agenda: Public Hearing: Hanshaw Road Subdivision / PID# 61026070.000 / East side of Hanshaw road, South of the CSX Railroad – Elliott Homes- Requesting Preliminary Plat approval of an 80-lot subdivision.

Wade Morgan presented the preliminary plat application and explanation of the bridge, sewer main and the intentions of Elliott Homes to install new lines.

Kevin O'Connell questioned sidewalk widths & setbacks to Wade Morgan

Andy Phelan asked Wade Morgan if Hanshaw was part of the traffic study and Wade replied, no.

Andy Phelan asked Wade Morgan about the construction plans, Public Works, and Building Permit. Wade responded with the details and with the city engineers' findings.

Donovan Scruggs spoke and requested that after two years the preliminary plat be moved forward to the BOA.

Bobby Heinrich spoke about drainage & ponds.

John Rivera spoke and said he was concerned about the traffic and submitted an old traffic study for approval by the board, he also requested a new traffic study and Janell Blum agreed.

Andy Phelan accepted the old traffic study in the minutes as well as two emails sent in for disapproval of preliminary plat.

Kevin O'Connell requested to move out of Public Hearing and Marshall Johnson second the motion.

Andy Phelan asked if there were any further questions before they closed, and Kevin O'Connell asked if the developer would consider giving the extra land for the 10" offset for the sidewalk and the developer agreed. This motion was recommended for approval by Joey Conwill and seconded by Andy Phelan. The motion was unanimously approved.

Kevin O'Connell recommended approval for the BOA and Joey Conwill seconded. The motion was unanimously approved.

4. New Business:

a. **PUBLIC HEARING:** 3419 Bienville Blvd. / PID#60127491.050 – Danny Carter- Request to rezone R-M (Multi-Family Dwelling) to CH (Commercial)

Wade Morgan presents rezoning request.

Andy Phelan asked if there were any questions.

Ricky Southerland, realtor for Danny Carter, spoke and said they would have the property all cleaned up within two weeks.

Andy Phelan motioned to closed Public Hearing

A motion was made by Mathew Hinton seconded by Joey Conwill to recommend approval of *the rezoning*. The motion was unanimously approved.

5. General Public Comment: None

6. Commissioner's Forum

7. Adjourn

A motion was made by Kevin O'Connell and seconded by Mathew Hinton 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 HEARING DATE: July 11, 2023

APPLICANT(S): Dempsey Levi

CURRENT OWNER? Yes No✓

If No, - List Current Owner: Sandra W. Levi

LOCATION: 1303 Porter St., PID# 60130170.000

REQUESTED ACTION: Approval to Build on a Historically Platted Non-conforming Parcel

DATE OF APPLICATION: May 15, 2023

ADJACENT ZONING AND LAND USE:

Subject Property: R-2 Single Family Residential District – vacant parcel;

North and East: R-2 District – single-family dwellings

South: across Porter St., R-2 District – single-family dwellings.

West: across Russell Ave., R-2 district – single-family detached dwelling.

Property Size: 6,820 sq. ft. (56 ft. x 121.79 ft.)



DESCRIPTION OF REQUEST: to build a 2,584 sq. ft. dwelling on the parcel.

FINDINGS:

- The parcel is non-conforming to its R-2 zoning both in total area and width. The R-2 district requires a minimum area of 11,250 sq. ft. and a minimum width of 80 feet. This parcel is 6,820 sq. ft. in area and 56 feet wide.
- The site plan proposes a new dwelling of approximately 2,500 sq. ft. that complies with all building setback requirements. Parking is proposed off the Russell Ave. frontage.

CITY DEPARTMENT REVIEW COMMENTS:

▪ **PUBLIC WORKS DEPT.**

WATER DEPT. – no issues as long as the old tap works for this house. If not, a new tap can be made.

SEWER DEPT. – No problem with home. *Checking to see if existing sewer tap is good or will have to be replaced.*

DRAINAGE/STREETS - NA

OTHER FEEDBACK:

- None received.

SUMMARY: The site plan proposes a dwelling that complies with the minimum building setback distances and has sufficient off-street parking. Necessary utilities are available to the property.

POTENTIAL MOTION:

To recommend approval of construction on a historically platted, non-conforming lot at 1303 Porter St.



City of Ocean Springs Planning Department
1018 Porter Avenue / PO Box 1800 Ocean Springs, MS 39564
(228) 875-4415

LEGAL NON-CONFORMING APPLICATION

Application Fees:

Legal Non-Conforming: \$50.00 + \$1.00

(\$1.00 fee is per Ordinance 2022-17 effective 11/2022 following the requirements of Section 25-60-5 MS Code Annotated)

Application Date: 3/15/23 (Applications are due by the 7th of each month.)

Applicant Information

Address of Lot(s): 1303 PORTER ST.

Parcel ID(s): 60137148.000

- | | | | |
|---------------------|------------------------------------|-------|--------------------------|
| 1. Applicant: | <u>DEMPSEY LEVI</u> | Phone | <u>228-327-5384</u> |
| Address | <u>401 EAST BEACH DR. OS MS</u> | Email | |
| 2. Local Agent: | | Phone | |
| Address | | Email | |
| 3. Owner of Record: | <u>Sandra W. Levi</u> | Phone | <u>228-327-2910</u> |
| Address | | Email | |
| 4. Engineer: | <u>John Rhodes sr</u> | Phone | <u>228-438-4444</u> |
| Address | <u>3223 BACHMAN RD DIBERTIN MS</u> | Email | <u>JRSrmeb@gmail.com</u> |
| 5. Land Surveyor: | <u>ERIC MENKENNETT MS</u> | Phone | |
| Address | <u>PO BOX 4642 BILOXI 39535</u> | Email | |
| 6. Attorney: | | Phone | |
| Address | | Email | |

Property Information

- Tax Map Designation: Section 30-7-8 Township: _____ Range: _____
- Zoning of Lot(s): _____
- Current lot area (sq. ft.) 7041 s/p

Reconfiguration Request

- Describe the request (existing lot size, lot width, reason for request, etc.).

56'-0" X 124.79'
TO BUILT NEW HOME ON NON-CONFORMING LOT
SIZE OF 7000 SF LOT

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. Are there any easements filed for the property? NO

4. Is there access to public water and sewer lines? YES

LEGAL NON-CONFORMING COMPLIANCE CHECKLIST

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

Submittal Requirements The following must be included for a complete application package:

- ☒ Application
- ☐ Application Fee
- ☐ Vicinity map submitted, identifying lot(s) relationship to nearby parcels, roadways or other landmarks.
- ☐ Survey submitted, including all required information (see survey requirements)
- ☐ 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 (attached)
- ☐ Adequate legal and physical access to all proposed lots is provided (no "land locked" parcels)
- ☐ Proposed development does not impair existing access, easements or public improvements.

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

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) DEMPSEY LEVI, 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: DEMPSEY LEVI Sandra W. Levi

Parcel ID(s): 60137148.000

Date Property Acquired Date: _____

Book and Page of Each Conveyance: _____

Owner's Signature Sandra W. Levi Date 4/17/2023

STATE OF MISSISSIPPI

COUNTY OF JACKSON

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

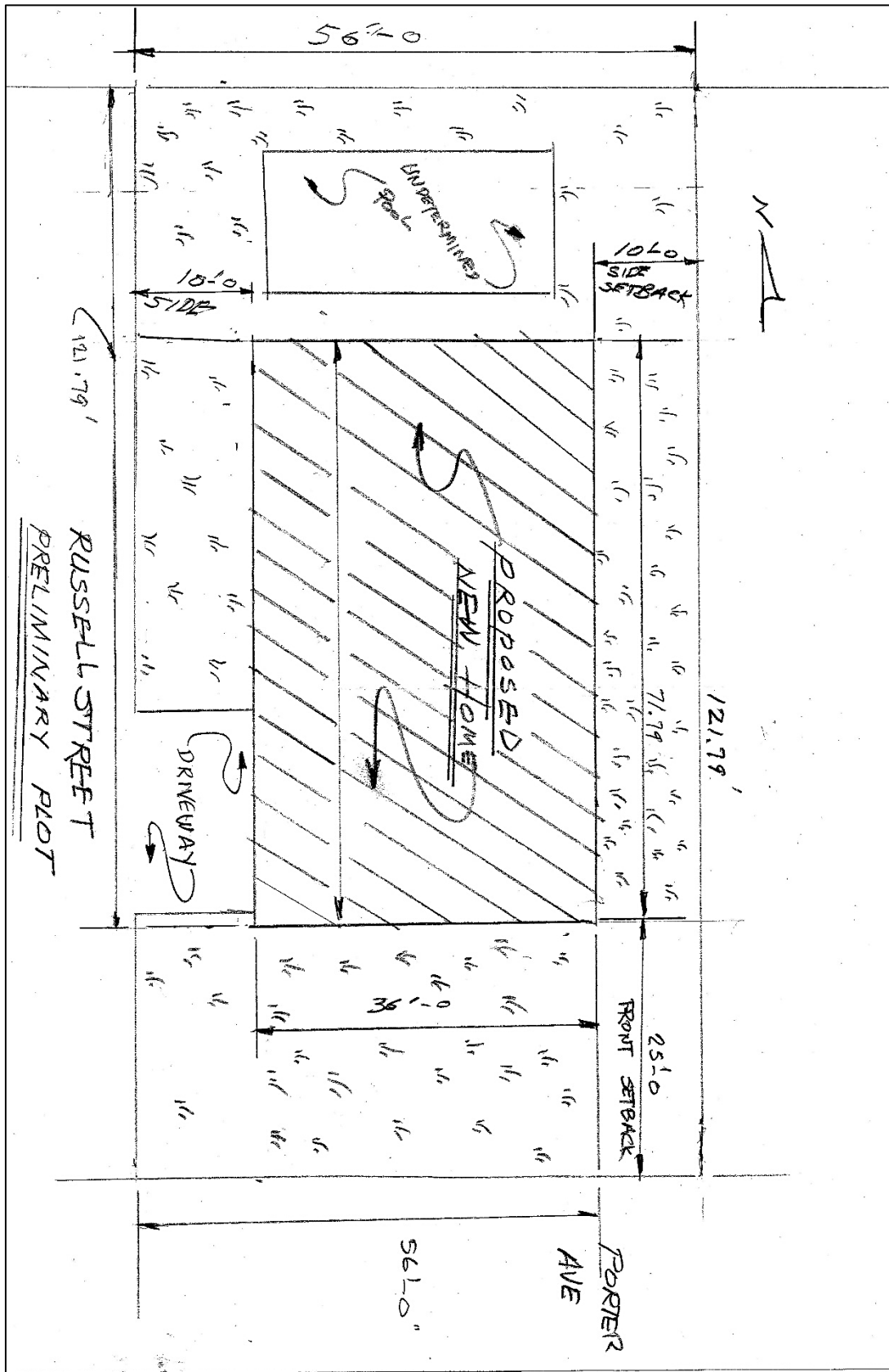
Mailing Address 1018 Porter Ave.
OS, MS 39564

Subscribed and sworn before me this 17th day of April 2023.

My commission expires June 8, 2024

 [Signature]
Notary Signature

SITE PLAN:



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: Tuesday / July 10, 2018

APPLICANT: Aaron Craig Nelson and Robert Otto Davis

REQUESTED ACTION: Vacation of Right-of-Way

DATE OF REQUEST: May 31, 2023

LOCATION: Pecan Grove Heights Subdivision / Between Lots 92 and 93

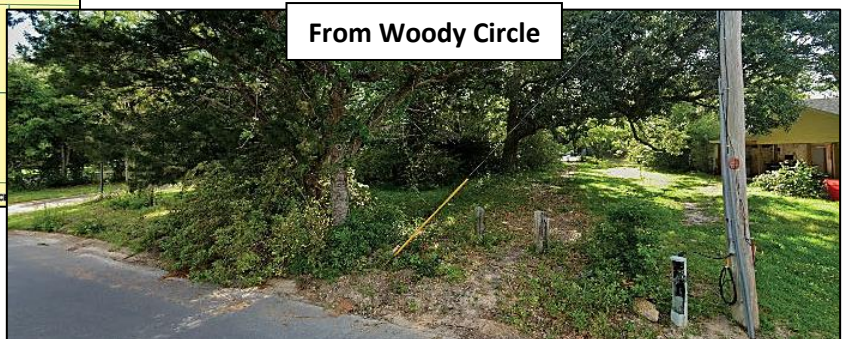
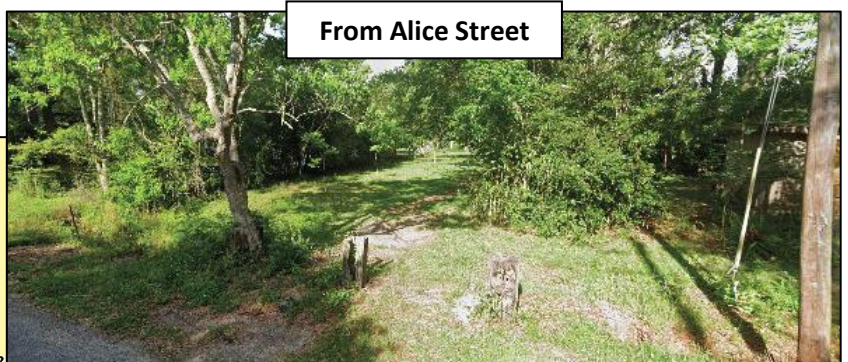
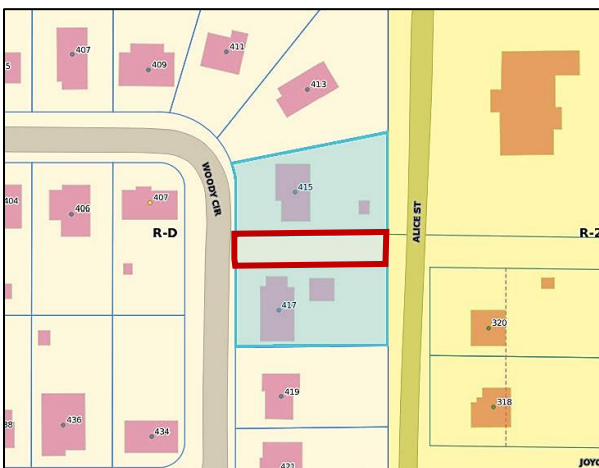
ADJACENT ZONING/LAND USE:

Subject Property:	R-D, Two-Family Residential
North, West, & South:	R-D, Two-Family Residential
East:	R-2, Single-Family Residential

DESCRIPTION OF REQUEST:

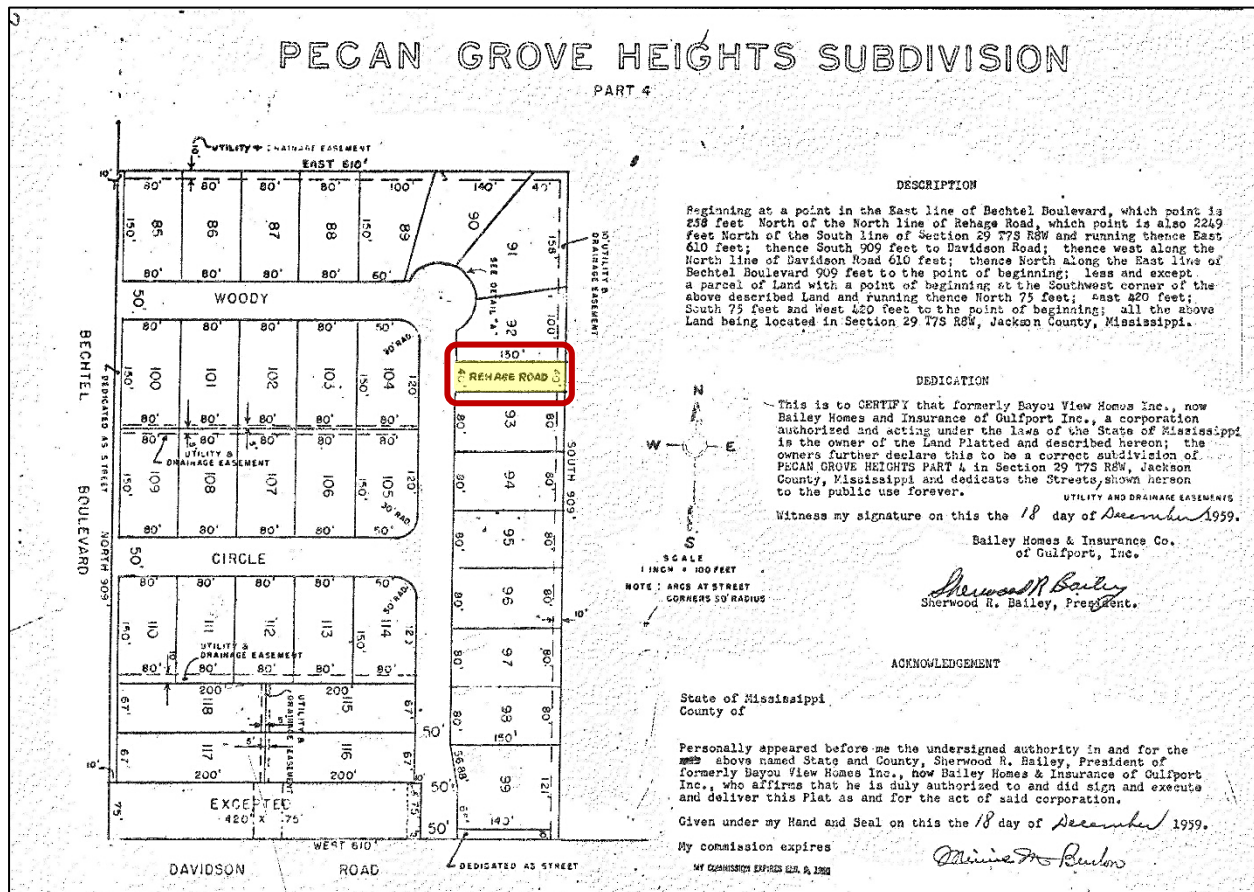
- A request was received from Aaron Craig Nelson and Robert Otto Davis, owners of the property on 417 Woody Circle and 415 Woody Circle respectively to vacate certain sections of undeveloped ROW in Pecan Grove Heights Subdivision.
- This request is being presented to the Planning Commission in order to make determination of “adversely affected thereby or directly interested therein”.
- The plat indicates that this section of undeveloped ROW was an extension of Rehage Road, an area which extends across Alice Street and that has never been developed as a roadway as platted.

VICINITY



FINDINGS:

- The area indicated in red above represents the SUBJECT ROW.
- The property to the north of the subject ROW is 415 Woody Circle and the property to the south of the subject ROW is 417 Woody Circle.
- The ROW has not been developed or used as a roadway as originally platted.
- Maintenance in the area is primarily handled by the adjacent property owners as well as Public Works related to access to utilities which are located within the ROW.
- If vacated, all utilities must be located and a permanent utility easement be created to protect access to any public utilities.



OTHER FEEDBACK:

- n/a.

SUMMARY:

- In order to provide the request to the BOA, the determination must be made as to individuals, if any, who are **“adversely affected thereby or directly interested therein.”**

POTENTIAL MOTION: To find that the adversely affected thereby directly interested parties include the owners of the adjacent properties: 415 Woody Circle and 417 Woody Circle.

SULLIVAN LAW FIRM, PLLC

101 Rouselle Place, Suite B
Ocean Springs, MS 39564
228.334.5122
nicole@sullivanlawfirm.com

May 31, 2023
Via US Hand Delivery

City of Ocean Springs
Planning Department

RE: Application to Vacate City-Owned Right of Way

Dear Planning Department,

On behalf of Aaron Craig Nelson and Robert Otto Davis, this a request for vacation of city-owned right-of-way that is no longer in use by the City of Ocean Springs. Mr. Nelson owns PID# 61375094.000 and Mr. Davis owns PD# 61375093.000. The subject right-of-way exists between the two parcels located between Woody Circle and Alice Street and is approximately 150' x 30'. Both parties agree to have the right-of-way vacated and hereby request same from the City.

Further, the parties agree that the entirety of the right-of-way shall be conveyed to Mr. Nelson. If the City is unavailable to facilitate the entirety of the right-of-way being conveyed to Mr. Nelson, the parties request that the land be split equally between the two, and the parties will settle the matter via deed after the right-of-way being vacated. Both parties have signed this request agreeing to the content and requests made within.

If there should be any additional information or documentation needed in order to process this request or should you have any questions, please do not hesitate to contact me. Thank you for your assistance in this matter. It's greatly appreciated.

Sincerely,

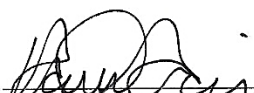
Nicole W. Sullivan



AARON CRAIG NELSON

6-6-23

DATE



ROBERT OTTO DAVIS

6-6-23

DATE

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

PLANNING COMMISSION REPORT
— PUBLIC HEARING —

PUBLIC HEARING DATE: July 11, 2023

APPLICANT(S): Monica Ladd, DBA Beauty Bar Boutique, LLC

CURRENT OWNER? Yes No✓

If No, - List Current Owner: Aaron and Christina Thompson

LOCATION: 710 General Pershing Ave., PID# 60130170.000

REQUESTED ACTION: Zoning change from R-2 (Low-Medium Density Single Family Residential District) to CMX-1 (Neighborhood Commercial Mixed Use District)

DATE OF APPLICATION: May 18, 2023

ADJACENT ZONING AND LAND USE:

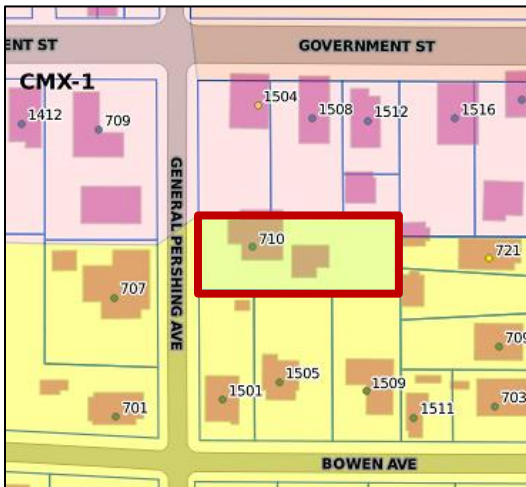
Subject Property: R-2 Single Family Residential District – one single family dwelling;

North: CMX-1 District – restaurant and office building fronting on Government St.

East: R-2, Single-Family Residential District – single-family dwellings Ward Ave.

South: R-2 District – single-family dwellings fronting Bowen Ave.

West: across General Pershing Ave., CMX-1 and R-2 districts – church fellowship hall and single-family detached dwelling.



Property Size: 16, 202 sq. ft. (0.37 acre)

DESCRIPTION OF REQUEST: to convert the single family home into a (commercial) spa/salon.

- The applicant bases the proposed zoning change on changes in the character of the area, including “existing and anticipated traffic and more transient character of the neighborhood.”
- The applicant states that “this rezoning to CMX-1 will accommodate a number of uses that are more appropriate for the area and serve the public need.”

FINDINGS:

- The criteria for a change in zoning are [1] there was a mistake in the original zoning or [2] the character of the neighborhood has changed to such an extent as to justify reclassification. The applicant must describe and provide justification to the Planning Commission and Board of Aldermen about how the character of the neighborhood has changed. In addition, the applicant should describe the need for rezoning.
- The proposed CMX-1 district is described in the UDC as the “least-intense commercial mixed-use district. Maximum 2-story building height. Applies to neighborhood corridor areas with smaller scale commercial uses and a variety of surrounding residential uses. High traffic uses are not appropriate.”
- Following is a list of uses that are permitted by right in the CMX-1 district that are not permitted in the R-2 district:
 - Housing services for the elderly;
 - Hotels, motels, or other accommodation services;
 - Bed and breakfast inn;
 - Short-term rental;
 - Hotel, motel, or tourist court;
 - General retail sales/service;
 - Tobacco Store;
 - Convenience store;
 - Finance and Insurance office;
 - Theme or festival center (leisure, tourist-oriented, restaurants);
 - Fashion/specialty center (higher end, fashion-oriented stores);
 - Clinics;
 - Nursing and Rehabilitative Services; and
 - Social Assistance, Welfare and Charitable Services.
- The application states that the property is being developed in a manner consistent with the Downtown Overal (Overlay) District. However, this property is not within the Downtown Overlay District.
- In this immediate vicinity, the commercial land uses face Government St. The proposed rezoning would “turn the corner” by allowing a commercial property to face General Pershing Ave. There is a similar situation on Russell Ave., where a CMX-1 property, 707 Russell, faces that street with a mixed use building.
- **SITE PLAN CONSIDERATIONS:**
 - If the property is rezoned, the conversion of the dwelling into a commercial spa/salon will require additional off-street parking spaces. The existing house is approximately 2300 sq. ft. in area, which will require 10 off-street parking spaces. The existing accessory building is approximately 700 sq. ft. in area, which will require 2 off-street parking spaces, for a total of 12

parking spaces. The property's driveway is currently gravel. New parking and drives will have to be paved with a hard surface.

- In addition, a 20 foot-wide landscape buffer is required on the south and east property lines that abut residential zoning district. The buffer requires a fence and landscaping and does not allow parking or driveways.

COMPREHENSIVE PLAN:

Requests for change in a zoning district should comply with the adopted Comprehensive Plan. The following elements of the adopted plan address the requested zoning:

- *Policy 3.8: Establish a transition area around the Downtown area. A mix of uses will provide a buffer between the more intensive, business-oriented areas and the nearby lower-intensity residential areas. In the transitional area, the principal uses should include residential, bed and breakfast inns, low-intensity professional offices, neighborhood service business, child-care centers, and similar uses. A mix of single-family and moderate density multifamily (townhouse units, with a maximum of four units) should be permitted.*
- *Policy 4.10 - Maintain compatible transitions between different land use and housing types through effective land use and site design regulations. This policy is intended to allow for development of a compatible mix of unit types and neighborhood-scale services.*

OTHER FEEDBACK:

- None received.

SUMMARY: The character of Government St. has changed in recent years with increasing numbers of restaurants, retail establishments and mixed use developments. However, General Pershing Ave. south of Government St. has maintained its residential character.

POTENTIAL MOTION:

To recommend _____ of the rezoning of 710 General Pershing Ave., PID 60130170.000, from the R-2 Single Family Residential District to the CMX-1 Neighborhood Commercial District, due to _____.



#2562

City of Ocean Springs Planning Department
1018 Porter Avenue / PO Box 1800 Ocean Springs, MS 39564
(228) 875-4415

RECEIVED

MAY 23 2023

CITY OF OCEAN SPRINGS
PLANNING DEPARTMENT

CHANGE IN ZONING / USE PERMIT APPLICATION

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

Application Fee Required*: **\$ 250.00 (NON REFUNDABLE)**

\$ 1.00 (Per Ordinance 2022-17 following the requirements of Section 25-60-5
MS Code Annotated)

* 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.

AND MUST BE PAID FOR BY THE APPLICANT BEFORE MAILING.

Application Date: 5/18/2023

(Applications are due by the 7th of each month for the meeting scheduled for the subsequent month.)

Indicate Request: Change In Zoning District ☒ Use Permit ☐ Conditional Use Permit ☐

Applicant Information

Address of Lot(s): 710 General Pershing Avenue

Parcel ID(s): 6-01-30-170.000

- | | | | |
|---------------------|--|--------|-------------------------------------|
| 1. Applicant: | <u>Beauty Bar Boutique</u> | Phone: | <u>(228) 546-0666</u> |
| Address: | <u>1019 Government St Suite G, Ocean Springs, MS 39564</u> | Email: | <u>monica@beautybarboutique.net</u> |
| 2. Owner of Record: | <u>Aaron & Christina Thompson</u> | Phone: | <u>(319) 750-2592</u> |
| Address: | <u>215 W Spring Street Anna IL 62906</u> | Email: | <u>aaron@vedgeland.com</u> |

COMPLETE THE FOLLOWING:

1. Current Zoning classification of property: R2
New Zoning District Requested (if applicable): CMX1

2. Explain the present use of the property and condition of any existing structures:
Currently an existing single family home, detached carport and storage building.

3. Describe the intended use of property:
To convert the single family home into the new home of a spa/salon that is currently operating in Downtown Ocean Springs.

4. Reason for request: *Must include 1) A description of the change/changes in the neighborhood that justify the change (when/where) OR the mistake made in the zoning map if applicable; AND 2) The public need for the new zoning district type.*

The changes within the area that have occurred over the last decade have significantly impacted this property. Based on existing and anticipated traffic and more transient character of the neighborhood we are requesting that the property be rezoned from R2 to CMX1. Because of the transitional nature of the area and the mix of surrounding uses demonstrated by bordering properties consisting of a restaurant, a church, and single family residential. This rezoning to CMX will accommodate a number of uses that are more appropriate for the area and serve the public need. Public need has been addressed by the fact that this property is being redeveloped in a manner that is consistent with the Downtown Overall District and the primary goal has been to increase investment and this is an example of that occurring a goal of the RDC

ATTACHMENTS REQUIRED:

- ☒ 1. Application Fee. Amount \$ 251.00
- ☒ 2. Map of the property and the surrounding neighborhood.
- ☒ 3. Diagram of intended use, showing dimensions and distances of property, building and their setbacks; parking spaces, entrances and exits.
- ☒ 4. Legal description; street address.
- ☐ 5. Copy of protective covenants or deed restrictions, if any.
- ☐ 6. Copies of approvals or requests of approval from other agencies such as: Health Department, Miss. Air and Water Pollution Control Commission, Corps of Engineers, Department of Marine Resources Council, etc.

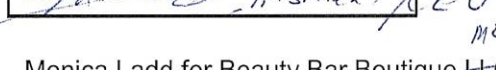
***** If applicant is authorized to represent property owner, applicant must provide documentation signed by the property owner.**

Signature of Property Owner

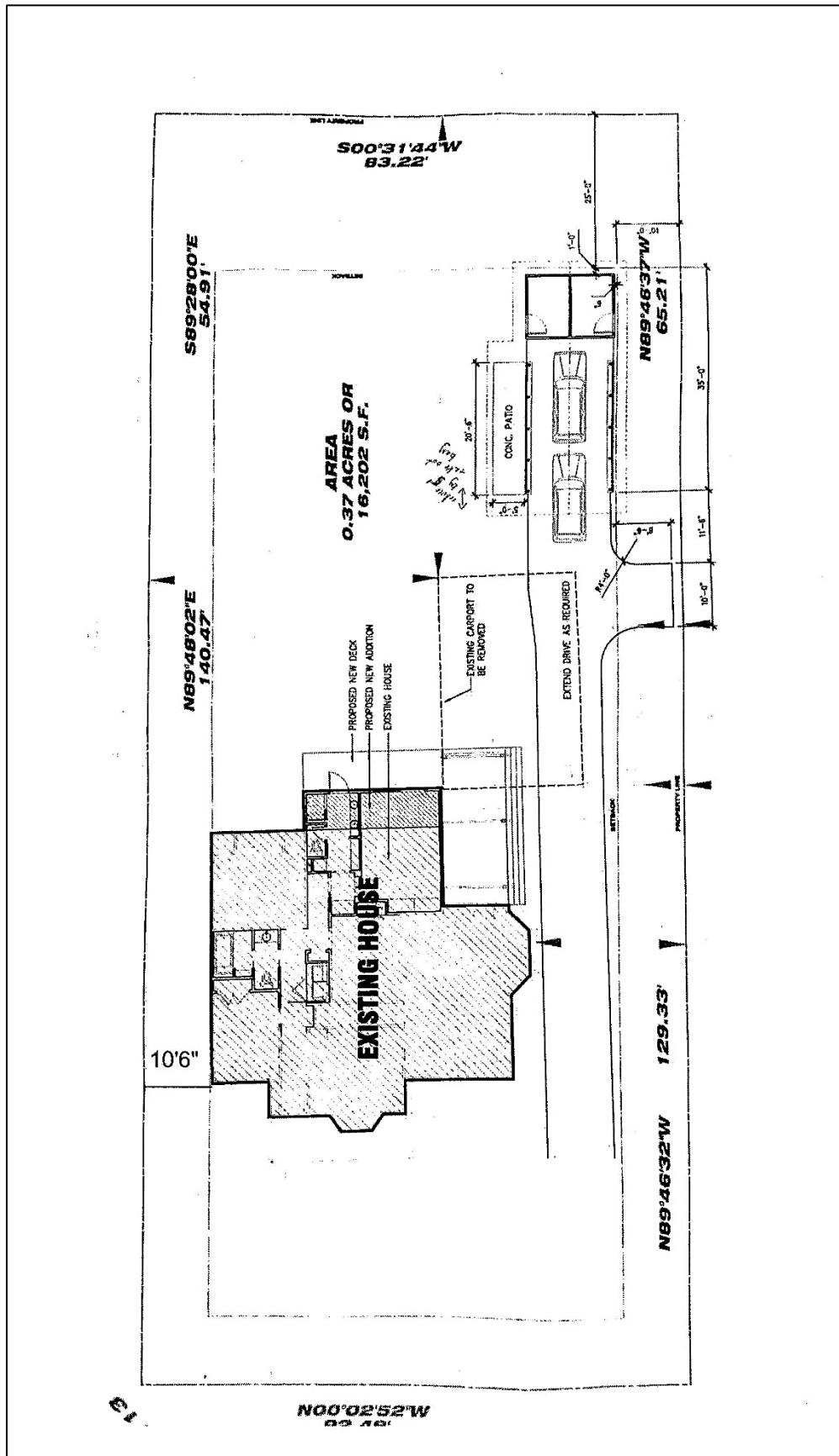
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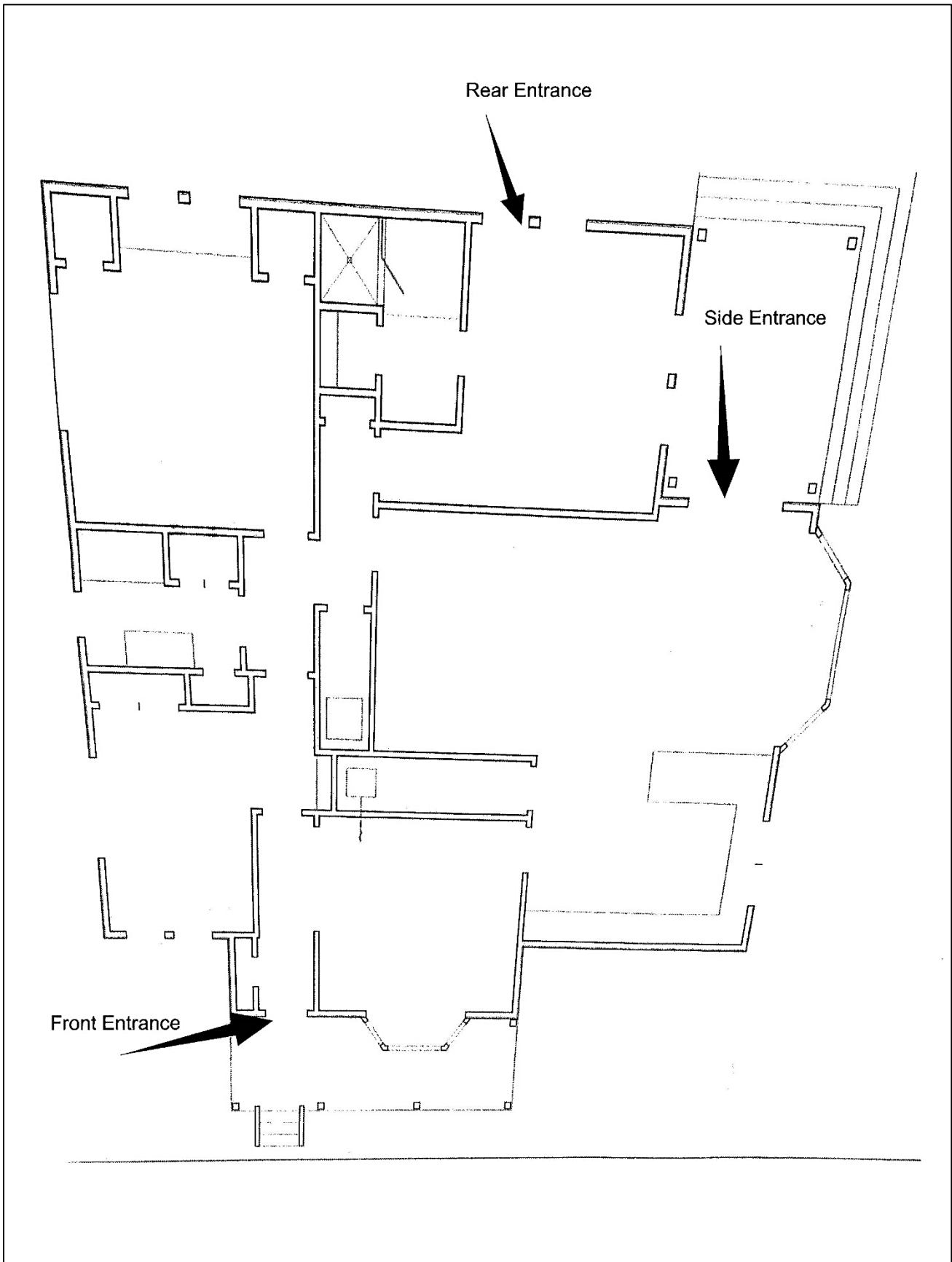
 5/22/2023 10:14:34 PM GMT
 Christina Anne Thompson
 5/22/2023 10:18:51 PM GMT
 Aaron & Christina Thompson
 Print name
 05/22/2023
 Date

Signature of Applicant

Authentisign

 Monica Ladd for Beauty Bar Boutique LLC Inc.
 Print name
 5/23/2023
 Date

SITE PLAN:





ORDINANCE NO. 2023-xx
AN AMENDMENT TO ORDINANCE NO. 13-1976

**REZONING PROPERTY HEREIN DESCRIBED FROM R-2 LOW-MEDIUM DENSITY RESIDENTIAL
DISTRICT TO THE CMX-1 NEIGHBORHOOD COMMERCIAL MIXED USE DISTRICT**

WHEREAS, the Mayor and Board of Aldermen of the City of Ocean springs, Mississippi, did on or about the 7th day of December, 2021, readopt an ordinance known as the Unified Development Code of Ocean Springs, Mississippi, and

WHEREAS, said ordinance provided therein for the adoption of an official zoning map; and

WHEREAS, said official zoning map as a part of the Unified Development Code of Ocean Springs, Mississippi, was adopted on the date aforesaid, zoning or rezoning the entire City of Ocean Springs, Mississippi; and

WHEREAS, said ordinance can be amended from time to time as necessary because of annexation, changing conditions, growth and other reasons; and

WHEREAS, application was made to the Ocean Springs Planning Commission that a certain parcel of property presently zoned R-2 Low-Medium Density Residential District be changed to CMX-1 Neighborhood Commercial District, said property being described as:

Parcel ID: 60130170.000; and

WHEREAS, the Ocean Springs Planning Department, upon said application, did publish notice as required by law; and

WHEREAS, thereafter on July 11, 2023, a public hearing was held by the Ocean Springs Planning Commission; and

WHEREAS, the Mayor and Board of Aldermen of the City of Ocean Springs, Mississippi, did, on _____, approve said rezoning noting its accord with the comprehensive plan and such changes in character of the surrounding area and the public need for the change in zoning.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Ocean Springs, Mississippi, as follows, to-wit:

SECTION 1. That the following described property be rezoned from the classification of R-2 to a classification of CMX-1:

Parcel ID: 60130170.000

SECTION 3. That the official zoning map of the Unified Development Code of Ocean Springs, Mississippi, be amended to reflect this change.

SECTION 4. That any and all sections of the Unified Development Code and the official zoning map in conflict herewith are hereby repealed.

SECTION 5. That upon adoption, the City Clerk shall cause this Ordinance, being an Amendment to the Unified Development Code, in its final form, to be published in the manner prescribed by law and to be recorded in the Book of Ordinances of the City of Ocean Springs, Mississippi, and cause the official zoning map to reflect this change.

The above Ordinance, being an Amendment to the Unified Development Code, having been first reduced to writing, the vote was as follows:

Alderman Burgess	_____
Alderman Authement	_____
Alderman Wade	_____
Alderman Papania	_____
Alderman Blackman	_____
Alderman Impey	_____
Alderman Cox	_____

BY ORDER OF THE MAYOR AND BOARD OF ALDERMEN of the City of Ocean

Springs, Mississippi, on this the _____ day of _____, 2023.

Mayor

City Clerk

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

PLANNING COMMISSION REPORT
— PUBLIC HEARING —

PUBLIC HEARING DATE: July 11, 2023

APPLICANT(S): Donovan Scruggs

CURRENT OWNER? ✓ Yes No

If No, - List Current Owner: Frederick Moreton II, Kelly Livingston, Judith Howell

LOCATION: 2107, 2109, and 2259 Bienville Blvd., PID# 60120010.000, 60120010.001 and 60120015.000

REQUESTED ACTION: Zoning change from R-1 (Low Density Single Family Residential District) to CMX-1 (Neighborhood Commercial Mixed Use District)

DATE OF APPLICATION: June 7, 2023

ADJACENT ZONING AND LAND USE:

Subject Property: R-1 Single Family Residential District – three single family dwellings and accessory dwelling;

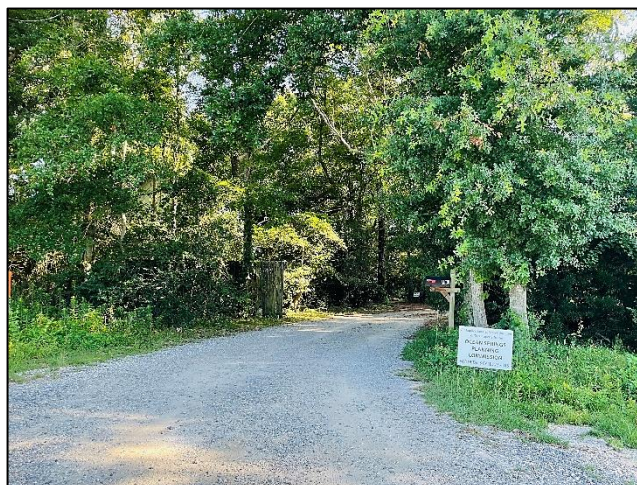
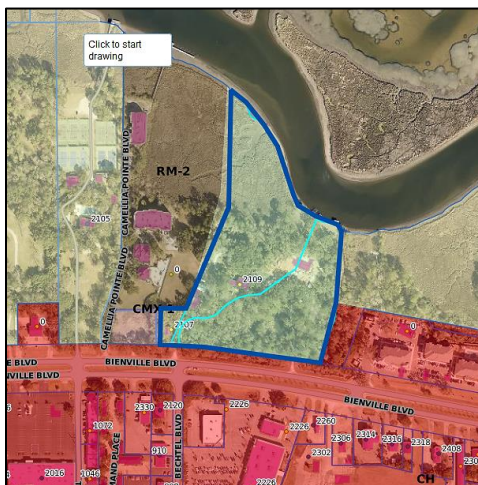
North: Old Fort Bayou, unincorporated Jackson County.

East: R-1 and C-H, Regional Commercial Districts – open space natural area (Land Trust for the Mississippi Coastal Plain)

South: across Bienville Blvd., C-H District – shopping center and free-standing retail commercial establishments.

West: CMX-1 and RM-2, Multi-family Dwelling districts – Camellia Point condominiums and a small retail center.

Property Size: 13.88 ac. total



DESCRIPTION OF REQUEST:

- The applicant states “the owner intends to develop the property with a mix of uses to include a variety of residential uses and/or commercial uses.” “The CMX-1 designation will allow more intense development that will enhance revenues of the city and provide more opportunities for the owners.” A detailed land use report from the applicant is attached.

FINDINGS:

- The criteria for a change in zoning are [1] there was a mistake in the original zoning or [2] the character of the neighborhood has changed to such an extent as to justify reclassification. The applicant must describe and provide justification to the Planning Commission and Board of Aldermen about how the character of the neighborhood has changed. In addition, the applicant should describe the need for rezoning.
- The proposed CMX-1 district is described in the UDC as the “least-intense commercial mixed-use district. Maximum 2-story building height. Applies to neighborhood corridor areas with smaller scale commercial uses and a variety of surrounding residential uses. High traffic uses are not appropriate.”
- Following is a list of uses that are permitted by right in the CMX-1 district that are not permitted in the R-1 district:
 - Housing services for the elderly;
 - Townhouses and Multi-family dwellings/Apartments
 - Hotels, motels, or other accommodation services;
 - Bed and breakfast inn;
 - Short-term rental;
 - Hotel, motel, or tourist court;
 - General retail sales/service;
 - Tobacco Store;
 - Convenience store;
 - Finance and Insurance office;
 - Theme or festival center (leisure, tourist-oriented, restaurants);
 - Fashion/specialty center (higher end, fashion-oriented stores);
 - Clinics;
 - Nursing and Rehabilitative Services; and
 - Social Assistance, Welfare and Charitable Services.
- The property totals 13.88 acres between the three parcels. Approximately 3 acres are in marshland, leaving 10.8 acres developable.
 - The Unified Development Code (UDC) addresses developments that may likely have a significant impact on public infrastructure, the natural environment or the City’s financial capacity.
 - The developable area of these parcels could allow the following amounts of development:
 - commercial floor area – over 300,000 sq. ft. of retail space.
 - dwelling units (single family or apartments) – 210.
 - Developments of Community-wide Impact are defined as development proposals exceeding 100 residential dwelling units or 100,000 sq. ft. of non-residential uses. (UDC section 2.13).

Developments of those sizes need assessments of their fiscal, traffic and environmental impact as part of their discretionary approval.

- Discretionary approval is defined as an exercise of legislative, administrative or quasi-judicial authority by an official or official body that is subject to a public hearing. A rezoning request is an example of discretionary approval.
- The applicant has provided the attached letter stating his opinion that the application for rezoning of the properties does not approach the threshold to require a community-wide impact analysis.
- The proposed CMX-1 district allows apartments by right. On April 4, 2023, the Board of Aldermen approved a moratorium on the acceptance or issuance of Building Permits for apartment developments, due to concerns of over-saturation of apartments.
- The need for 10 acres of additional commercial zoning in this area of Bienville Blvd. is questionable. There is already a vacant, 11.8 acre, C-H zoned parcel on the south side of Bienville Blvd. across from The Inlet.

COMPREHENSIVE PLAN:

Requests for change in a zoning district should comply with the adopted Comprehensive Plan. The applicant's report describes the objectives and policies that address zoning and development on Bienville Blvd.

OTHER FEEDBACK:

- None received.

SUMMARY: The character of properties along Bienville Blvd. has gradually changed over the past several years, as described in the applicant's land use report. Rezoning that could allow the significant number of dwellings and/or commercial space need analysis of their potential impacts on traffic, infrastructure and city finances.

POTENTIAL MOTION:

To recommend _____ of the rezoning of 2107, 2109 and 2259 Bienville Blvd, from the R-1 Single Family Residential District to the CMX-1 Neighborhood Commercial District, due to _____.



City of Ocean Springs Planning Department
1018 Porter Avenue / PO Box 1800 Ocean Springs, MS 39564
(228) 875-4415

CHANGE IN ZONING / USE PERMIT APPLICATION

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

Application Fee Required*: \$ 250.00 (NON REFUNDABLE)

\$ 1.00 (Per Ordinance 2022-17 following the requirements of Section 25-60-5
MS Code Annotated)

* 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.

AND MUST BE PAID FOR BY THE APPLICANT BEFORE MAILING.

Application Date: June 7, 2023

(Applications are due by the 7th of each month for the meeting scheduled for the subsequent month.)

Indicate Request: Change In Zoning District ☒ Use Permit ☐ Conditional Use Permit ☐

Applicant Information

Address of Lot(s): 2109, 2259, and 2107 Bienville Boulevard

Parcel ID(s): 60120010.001, 60120010.000, and 60120015.000

- | | | | |
|---------------------|---|--------|------------------------------------|
| 1. Applicant: | <u>Donovan Scruggs</u> | Phone: | <u>228-348-1315</u> |
| Address: | <u>317 Pine Drive, Ocean Springs, 39564</u> | Email: | <u>donovan@scruggsplanning.com</u> |
| 2. Owner of Record: | <u>Attached</u> | Phone: | <u></u> |
| Address: | <u></u> | Email: | <u></u> |

COMPLETE THE FOLLOWING:

- Current Zoning classification of property: R-1
New Zoning District Requested (if applicable): CMX-1
- Explain the present use of the property and condition of any existing structures:
The properties include a mix of single-family residential/studio uses. The property is under-developed based its location and surrounding uses.
- Describe the intended use of property:
The owner intend to develop the property with a mix of uses to include a variety of residential uses and/or commercial uses.

4. Reason for request: *Must include 1) A description of the change/changes in the neighborhood that justify the change (when/where) OR the mistake made in the zoning map if applicable; AND 2) The public need for the new zoning district type.*

The property is surrounded by more intense uses and zoning districts. Camellia Pointe was rezoned for multi-family/condo uses. A small parcel along Hwy 90 was rezoned for a commercial building (west of site). The Inlet recently developed to the east. The shopping center to the south expanded with the construction of CVS and the small retail strip building located east of CVS. There is a public need to accurately zone properties to be consistent with and compatible with surrounding properties. The CMX-1 designation will allow more intense development that will enhance revenues of the city and provide more opportunities for the owners.

ATTACHMENTS REQUIRED:

- ☒ 1. Application Fee. Amount \$ 251.00
- ☒ 2. Map of the property and the surrounding neighborhood.
- ☐ 3. Diagram of intended use, showing dimensions and distances of property, building and their setbacks; parking spaces, entrances and exits.
- ☒ 4. Legal description; street address.
- ☐ 5. Copy of protective covenants or deed restrictions, if any.
- ☐ 6. Copies of approvals or requests of approval from other agencies such as: Health Department, Miss. Air and Water Pollution Control Commission, Corps of Engineers, Department of Marine Resources Council, etc.

***** If applicant is authorized to represent property owner, applicant must provide documentation signed by the property owner.**

Signature of Property Owner

Signature of Applicant

Documents attached

Donovan Scruggs

Print name

Print name

Date

Date

APPLICANT'S REZONING REPORT

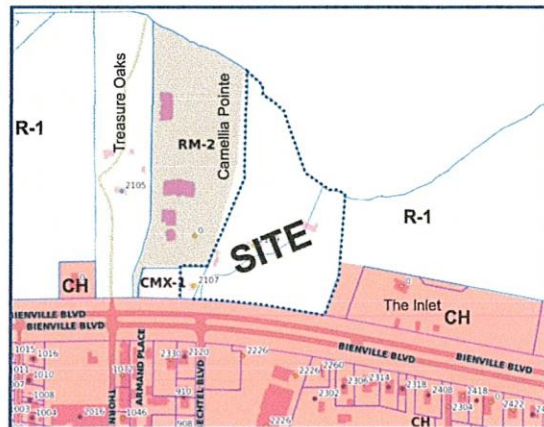
Land Use Report for a Zoning Amendment for Parcels of Land Located North of the Intersection of Bienville Boulevard And Bechtel Boulevard Parcel ID Nos.: 60120010.001, 60120010.000, and 60120015.000

Prepared by: S. Donovan Scruggs, AICP
Date: June 7, 2023

The property owners of three parcels of land located north and northeast of the intersection of Bienville Boulevard and Bechtel Boulevard are requesting a rezoning of these parcels from R-1 to CMX-1. These parcels were once part of a larger area of waterfront estate homes, but over the years, divisions, lot splits, and rezonings have occurred to permit higher density residential uses and commercial uses along the western portions. With each of the subject properties having frontage on Bienville Boulevard, the existing zoning of single family residential is no longer appropriate. While there are no immediate plans for development of the properties, the requested CMX-1 District will permit a number of uses that are appropriate in the short- and long-terms. This district permits a wide mix of uses to include single-family residential, short-term rental, professional office spaces, and similar 'neighborhood' appropriate commercial uses.

The requested rezoning is based on a change in neighborhood character and a public need. Both elements will be described in greater detail in later sections. However, the change in character of the neighborhood is most evident. To the immediate west of the site is Camellia Pointe. This is a condominium development of approximately 40 units located in multi-story structures. To the south of Camellia Pointe is a small commercial development that will include a restaurant, a fitness center, and additional businesses. This building is currently under construction and is expected to open soon. To the east of the property is the Inlet. This is a large mixed use facility that includes apartments, condominiums, restaurants, and other commercial areas. A shopping center is to the south. The subject properties are surrounded by commercial or multifamily uses with the exception of the 12 Oaks Nature Preserve to the east. While this area remains R-1 is cannot be developed as residential due to the restrictions placed on the property at its conveyance.

There is also a public need for the rezoning. As single family residential is no longer appropriate for Highway 90. A zoning designation that is consistent with the development patterns and area is needed. Property should not be zoned in a manner that prevents or discourages its development. While 'highest and best use' is not a reason for a rezoning, the likelihood of single-family lots being development along the frontage of the highway is very low and should not be encouraged. An appropriate commercial designation will encourage a more intense development that would generate revenues for the City and provide greater returns for the owners. The current zoning designation promotes single-family residential lots and structures which could be incompatible with uses permitted within the CH District. While some single-family development may occur on the site, these could have greater flexibility with higher densities or additional uses, and this could promote a better transition with some of the less intense commercial uses adjacent to the Inlet and Highway 90.



Overview.

The proposed rezoning includes three parcels of land that are owned by three relatives. The properties have been in the Moreton family for decades. While there have been some conveyances of lands to the west, the subject parcels have remained in ownership of the family. As indicated previously, at present there are no plans to develop the properties, but with the changes in the character of the area, the rezoning would provide the owners more flexibility in the future. Similarly, they would like to have some of the same considerations, in terms of land use, that has been provided to adjacent properties.

Description	R-1	R-2	RM-2	CMX-1	CMX-2
Single Family Detached units	P	P	P	P	C
Single Family Attached units	-	-	P	P	C
Duplex structures	-	-	P	P	C
Accessory units	P	P	P	C	C
Townhouses	-	-	P	P	C

Table 3.5 (above) outlines permitted residential use. Table 3.6 (right) identifies commercial uses.

To the right are abbreviated portions of the Table 3.5: Residential Use Matrix and Table 3.6: Land Use Matrix. As documented, the existing R-1 District has very limited uses. It is the City's most restrictive zoning district. While the CMX-1 District is more expansive than the R-1 District, the uses within are compatible with residential areas or neighborhoods.

The CMX-1 District is an appropriate district for the properties. First, it is consistent with the parcel south of Camellia Pointe and west of the site. This site is proposed to open as a Hotworx Fitness Center and a restaurant. The site is currently under construction. The proposed CMX-1 designation would simply be the extension of this district to include the subject parcels.

The CMX-1 District is considered a 'mixed use' district that permits both residential and commercial uses. Unlike many of the more intense commercial or mixed uses districts, the CMX-1 permits 'single-family residential' uses by-right. This use is not permitted in the Highway Commercial District and only permitted by a Conditional Use in the CMX-2 District. A single-family residential structure was recently constructed on the northern limits of the proposed site, and this use is permitted within the CMX-1 District.

Despite the construction of the single-family unit structure on the northern limits of the property, the three sites contain approximately 10.5 acres of land (not including marsh areas). While one approach could be to leave the northern portion as a residential district and zone the southern portion along Bienville Boulevard as commercial, determining where to arbitrarily draw the boundary would be difficult. With different ownerships and contours of the properties, 'split zoning' the parcels could cause problems down the road. A more appropriate step would be to provide a zoning that would allow the individual properties to develop, but protect the others with a zoning that is compatible with residential uses. The CMX-1 District does this.

Based on uses to the east and south, a CH District could be considered more appropriate. Bienville Boulevard has a daily traffic county of approximately 39,000 vehicles. This district would permit more intense commercial uses as the properties are adjacent to Highway 90 and a traffic signal. However, this district would not 'mix well' with the residential nature along the northern limits of the property and Camellia

Description	R-1	R-2	RM-2	CMX-1	CMX-2
Housing services for the elderly	-	-	P	P	P
Hotels, motels, or other accommodation services, not elsewhere classified	-	-	-	P	P
Bed and breakfast inn	C	C	C	P	P
Short-term rental	C	C	P	P	P
Hotel, motel, or tourist court	-	-	-	P	P
Retail sales or service, not elsewhere listed	-	-	C	P	P
Durable consumer goods sales and service	-	-	-	P	P
Tobacco Store	-	-	-	P	P
Convenience store	-	-	C ₁	P	P
Wine and liquor store	-	-	C ₂	P ₂	P ₂
Finance and Insurance	-	-	-	P	P
Real estate, and rental and leasing	-	-	C	P	P
Rental and leasing	-	-	P	P	P
Business, professional, scientific, technical, services not listed elsewhere	-	-	C	P	P
Services to buildings and dwellings	-	-	-	P	P
Food service, not listed elsewhere	-	-	C	P	P
Non-alcoholic Coffee, Snack, Juice Bar	-	-	P	P	P
Bar or drinking place ⁶	-	-	-	P ₆	P ₆
Mobile food services	-	-	C	P	P
Vending machine operator	-	-	-	P	P
Personal services	-	-	P	P	P
Tattoo Studio	-	-	-	-	P ₇
Pet and animal sales or service (except veterinary)	-	-	C	P ₅	P ₅

Pointe. Additional phases are expected along the east side of Camellia Pointe. This area would be adjacent to the subject site. More intense uses as permitted within the CH District could conflict with these later phases. The CMX-1 District is the more appropriate designation.

The CMX-1 District permits single-family residential, townhomes, duplexes, and other residential uses. This district also permits a number of commercial uses that are considered compatible with residential areas. This includes hotels, short-term rentals, retail, convenience stores, wine and liquor stores, and office or professional uses. More automobile dominant uses are permitted in the more intense Highway Commercial (CH) District.

It should be noted that the proposed rezoning will not impact any adjacent single-family residential uses. The only single-family residential district that is adjacent to the property is within a conservation area controlled by the Land Trust for the Mississippi Coastal Plain. In other words, this rezoning will not negatively impact other single-family residential properties.

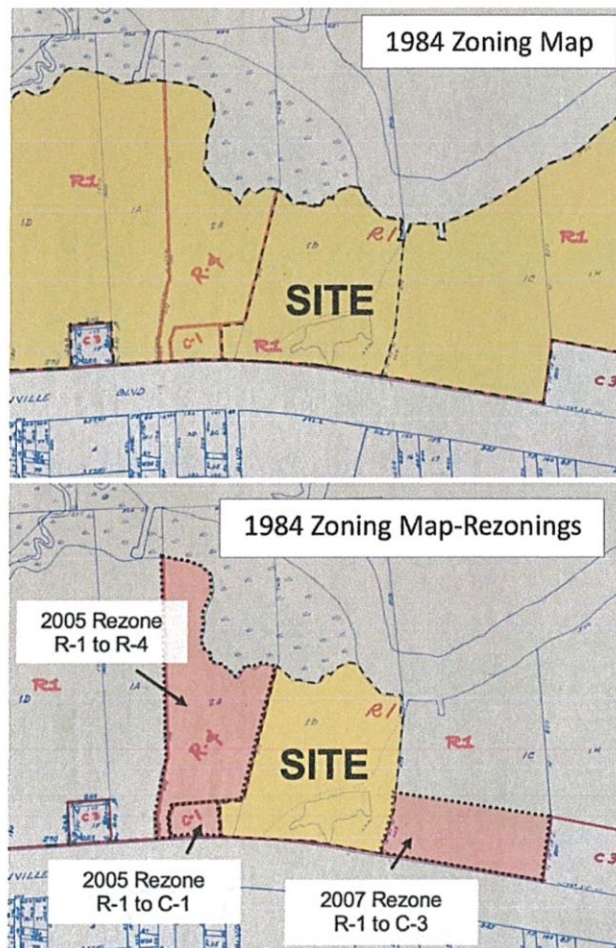
Change in Character.

The subject properties was once under single-ownership. It has been divided among family members over the last few decades. The Howell portion (western areas) was split and sold in the early 2000s. The property was sold for the development of Camellia Pointe. This condominium development occurred in approximately 2005. During this same period of time, the southern property (currently under construction as small strip development) was sold. Both of these properties were rezoned to accommodate growth. Camellia Pointe was rezoned to R-4 (currently RM-2), and the commercial site was rezoned to C-1 (currently CMX-1).

To establish change in neighborhood character and the overall transition of the area from single-family residential to a more intense area, it is helpful to review older zoning maps. To the right are images from the 1984 Zoning Map with demonstrations of rezonings or changes. In 1984 the 'Moreton Property' was exclusively single-family residential and the original 'two parcels' can be seen with the blue lines of the map. The People's Bank site (small C-3 District in lower left) and another commercial district (C-3 District lower right) were the only commercial areas north of Bienville Boulevard within the immediate area.

The properties have been divided since that time, and with these divisions, the properties were rezoned and ultimately development. The Camellia Pointe property was rezoned in 2004 to R-4 and the area along Bienville Boulevard was rezoned to C-1. To the east, an additional area was rezoned to CH to permit the construction of the Inlet. The subject parcels are surrounded by these rezonings, and each rezoning has led to the development of more intense activities than permitted within the R-1 District.

In the last 20 years, the neighborhood has changed significantly. Armand Oaks which is a small business park located between Bechtel Boulevard and Thorn Avenue was being develop in the early 2000s. It was still under construction in 2004. Prior to its development, the site was wooded and vacant. By 2007, more development had occurred with the area. The Coldwell Banker building replaced an old McDonald's site. Camellia Pointe had been constructed. Physical Therapy Center of Ocean Springs (PT Solutions) had occurred just to the west of the area on Holcomb Boulevard. The small retail strip that includes Coffee





Fussion, Wasabi, and Brass Hanger had been constructed in the revitalized shopping center south of the site. In 2010, the CVS Drug Store had been constructed at the southeast corner of Bechtel Boulevard and Highway 90. The Inlet site had been cleared but not under construction. While things slowed in between 2010 and 2017, by 2022 the Inlet had been constructed. Hotworx is currently under construction (location indicated in 2022 image).

Intensified development has occurred in every direction (except for north with Fort Bayou). Aside from the property deed to the Land Trust, these are the only three parcels that remain unchanged. Zoning changes have led to more intensified development in all directions, and justify a change for the subject properties.

Surrounding Zoning and Uses.

The 1997 image provides an excellent representation of the change in neighborhood character over the past 25 years. As visible, infill development within the immediate area occurred over this period of time. Armand Oaks and many of the small outparcels related to the old driving range (Carr Properties) were developed. This includes Community Bank, Popeye's, Enterprise Car Rental, and other uses. Commerce Plaza did not exist in 1997. As mentioned in the previous section, sites like the Inlet, CVS, and Hotworx all developed since 2000.

Public Need.

Zoning should not impede or prevent development. Districts should be compatible with surrounding properties. The current zoning of the subject parcel no longer works for the site or the area. It would be inappropriate for the City to require traditional R-1 lots on the site. With surrounding areas being zoned Highway Commercial and multi-family, a district that is more compatible with these uses should be encouraged. The CMX-1 provides an excellent transitional zone that will fit within the area. Furthermore, it is adjacent to an existing CMX-1 District that allows this district to expand.



Consistency with the Comprehensive Plan.

The Comprehensive Plan identifies a number of Goals and Policies to guide its implementation. The project is consistent with the Comprehensive Plan, and this consistency is important when considering a rezoning. A review of Policies and Goals are listed below (with comments addressing consistency in italics).

The City's Future Land Use Map indicates that the property should have a commercial designation (Highway Commercial) along the Highway but a public designation along the bayou. With some of the marsh and floodplain area, some of this area designated as public on the FLUM will likely occur. However, absent purchase or donation, it would be inappropriate to 'take' the development rights of the owners. As indicated, the southern portion of the properties are designated on the FLUM as commercial. The proposed rezoning is a request for a less intense designation as shown on the map with the CMX-1 District. Obviously, the FLUM sees that the properties are not intended to be developed as single-family residential and a change in zoning is assumed.



The request is also consistent with the following policies of the Comprehensive Plan:

Policy 1.1: Provide for a diverse, yet complementary mix of residential and non-residential uses to meet the needs of the City's businesses and residences. *The rezoning will provide a more intense zoning designation that will encourage more compatible land use in terms of use and scale. This will foster a more complementary mix of residential and commercial uses for the City. The rezoning will permit a development that is consistent with surrounding and nearby developments.*

1.3 Encourage and support the gradual evolution of existing, auto-dominated strip commercial areas to compact, multi-modal oriented, mixed-use places with enhanced walking and cycling connections between destinations. *The rezoning will provide an opportunity for additional neighborhood commercial development along the north side of Highway 90. This area will soon include a sidewalk and bike lanes along Highway 90 with the proposed MDOT approval. This could provide safer access to the site from residential areas to the west. This would also provide convenient, walkable access from Camellia Pointe and the Inlet. The proposed zoning will encourage a mix of uses on the site with the single-family residential use permitted within the district.*

Policy 1.5: Encourage compatible infill development that is designed and constructed to be consistent with the character of the existing neighborhood. *The subject property has always been 'estate residential' with 2 or 3 houses located on approximately 11 acres of land. Adjacent properties have developed in a multi-family, mixed use or commercial manner and definitely not consistent with the current site. The proposed rezoning will permit the site to be developed in a manner that is consistent with the existing neighborhood.*

1.7 Promote appropriate interconnectivity between adjacent land uses, including connections between non-residential development and adjacent neighborhoods. Lot patterns should be designed to provide safe and direct connections between residential and non-residential uses for pedestrians as well as automobiles. *The rezoning will promote a complimentary mix of uses with the adjacent properties. It will be more compatible with the Land Trust's property than a Highway Commercial designation. At the same time, the zoning will be more consistent with the RMX-2, CH, and CMX-1 Districts that abut the properties. With Treasure Oaks, Camellia Pointe, and the Inlet within walking distance, this site could provide some needed commercial amenities to these neighbors.*

Policy 2.2: Promote development of regional general retail businesses along Bienville Boulevard. *The rezoning will allow retail along the site. Without the rezoning, retail could not be promoted and introduced to the site.*

Policy 2.3: Promote higher intensity, mixed-use development along the Bienville Boulevard corridor that is consistent with multi-modal and pedestrian-oriented design policies. *The rezoning will do more to promoted mixed-use than the*

traditional CH zoning. The owners of the center parcel (Moreton) recently constructed a new home. It is likely that the future developments will be consistent with the existing structure. It is expected that more compact residential or a mix of low intensity commercial with upper floor residential could occur. The proximity of the site to Bechtel Boulevard provides very easy access to Government Street and Downtown Ocean Springs.

Policy 2.4 Ensure that new development and redevelopment along the Bienville Boulevard corridor includes pedestrian oriented design features that provide linkages between residential and commercial uses. As mentioned in previous responses, this site provides excellent connections to residential (Inlet and Camellia Pointe) and commercial (downtown) areas.

Policy 4.1: Provide greater flexibility in the types of units allowed within the City, including provisions for residences on the upper floors of non-residential structures and a variety of moderate density unit types, such as patio homes, town homes and zero lot line homes. The owners hope to use the CMX-1 designation to provide greater flexibility in design. This zoning will provide an opportunity for more compact residential designs, mixed uses, and commercial development.

Policy 4.6: Integrate residential and non-residential uses in community activity centers. In lower intensity single-family residential areas, provide for compatible integration of neighborhood-scale retail and service uses. It is likely that some form of single-family residential use will remain on this site, and it will likely be controlled or occupied by one of the current owners. This will likely encourage a development program that is complimentary with single-family residential uses and not incompatible.

Policy 4.10: Maintain compatible transitions between different land use and housing types through effective land use and site design regulations. This policy is intended to allow for development of a compatible mix of unit types and neighborhood scale services. The rezoning will encourage a better mix of uses and more compatible adjacent uses. The current estate style lots are not necessarily compatible with CH Districts and RMX-2 developments. A more intense use of the property would make the subject site more consistent with the surrounding uses.

Policy 5.11: Maximize sales tax revenues as a major funding source for City services. At present, there is zero opportunity for sale tax collections on the site. The rezoning to a commercial district will permit some retail and similar uses that can generate sales tax that is a major revenue source for the City. Even a more intense residential use of the property or short-term rental use would potentially permit more spending at established commercial sites in the City.



The adjacent properties have been rezoned and developed over the past 20 years. These rezonings have changed from R-1 to RMX-2, CMX-1, and CH. The subject property has remained R-1. The rezoning will allow the properties to have zoning designations that are more compatible with adjacent uses.

Property Owners:

Frederick Moreton II
Parcel 60120010.001
2109 Bienville Boulevard
228-669-7527

Kelly Livingston
Parcel 60120010.000
2259 Bienville Boulevard
601-942-3489

Judith Howell
Parcel 60120015.000
2107 Bienville Boulevard
228-424-7454

June 1, 2023

Mr. Wade Morgan, City Planner
City of Ocean Springs
1018 Porter Avenue
Ocean Springs, MS 39564

RE: Authorization to Represent for Land Use Matters
Parcel No. 60120010.001 / 2109 Bienville Boulevard

Dear Mr. Morgan:

Please accept this letter as authorization for Donovan Scruggs Town Planning and Consulting to represent my interests in property referenced above. Please accept applications, documents and other representations by Donovan Scruggs, submitted and provided on my behalf, that relate to this property.

Sincerely,

A handwritten signature in blue ink, appearing to read "F. P. Moreton II", with a stylized flourish at the end.

Frederick P. Moreton II

June 1, 2023

Mr. Wade Morgan, City Planner
City of Ocean Springs
1018 Porter Avenue
Ocean Springs, MS 39564

RE: Authorization to Represent for Land Use Matters
Parcel No. 60120015.000 / 2107 Bienville Boulevard

Dear Mr. Morgan:

Please accept this letter as authorization for Donovan Scruggs Town Planning and Consulting to represent my interests in property referenced above. Please accept applications, documents and other representations by Donovan Scruggs, submitted and provided on my behalf, that relate to this property.

Sincerely,

A handwritten signature in blue ink, reading "Judith Howell Moreton". The signature is fluid and cursive, with the first name "Judith" being the most prominent.

Judith Howell Moreton

June 1, 2023

Mr. Wade Morgan, City Planner
City of Ocean Springs
1018 Porter Avenue
Ocean Springs, MS 39564

RE: Authorization to Represent for Land Use Matters
Parcel No. 60120010.000 / 2259 Bienville Boulevard

Dear Mr. Morgan:

Please accept this letter as authorization for Donovan Scruggs Town Planning and Consulting to represent my interests in property referenced above. Please accept applications, documents and other representations by Donovan Scruggs, submitted and provided on my behalf, that relate to this property.

Sincerely,



Kelly Livingston
Livingston Living Trust

APPLICANT'S LETTER ON IMPACT ASSESSMENT:

June 25, 2023

Mr. Wade Morgan
City of Ocean Springs Planning Department
1018 Porter Avenue
Ocean Springs, MS 39564



RE: Moreton Rezone – Community Wide Impact

Dear Mr. Morgan:

Please accept this as a response to your email of June 23, 2023, regarding the potential need for a "Community Wide Impact" associated with the proposed rezoning. After a review of the regulations, I don't believe the application approaches the threshold to require the community wide impact analysis. The requirement for these impact studies appear to be more related to 'development plans' or 'concept plans' and not simple rezonings. At present, the applicants have no plans for the development of the parcels. According to *Section 2.13 Studies, Reports, and Assessment* 'community wide impact' studies (or Studies, Reports, and Assessments 'SRAs') may be required as follows:

2.13.1. **Developments** that may likely have a significant impact on public infrastructure, the natural environment or the City's financial capacity, **due to the number of dwelling units, building size or height, or proximity to sensitive lands, may necessitate the preparation of impact study(ies).** The applicant shall provide studies, reports and assessments ("SRAs"), when required by the Planning Director, together with the application for **discretionary development approval**, and certified as complete by the Planning Director, before any public hearing is held by the Planning Commission or the Board of Aldermen.

At present, the applicant is requesting a rezoning and does not include *any* plans for development. The section above references "development" and "discretionary development approval". The rezoning application does not provide any form of development approval. While the UDC does not define "development" it defines "development approval" as *written authorization, such as approval of a subdivision application or issuance of a building permit, or other forms of official action required in order to initiate development.* This project does not initiate development. Development should be considered as the physical improvements or the authorization to initiate physical improvements to the site. The requested rezone would ultimately be the first steps to plan for or consider future plans, but an impact study at this point would be premature. Future points of determining if a development requires a community wide impact study can be at the division of land and issuance of building permits. This assertion is supported in *Section 2.13.5 Information to be Supplied in SRAs*:

An applicant making an **application for development approval** requiring SRAs shall submit, with the **application for concept plan approval**, the following **information necessary to prepare the SRAs**. *The need for the impact study is based on a concept plan that does not exist because there is not concept or plan, at this point. When a concept plan is provided that shows the more than 100 dwelling units or 100,000 square feet of development, an SRA or impact study may be required. At this point the "information necessary to prepare the SRAs" does not exist.*

- B. The approximate location, arrangement, size, FAR of any buildings and structures and parking facilities proposed for construction within the development project. *As no building or structure or parking facility is planned at this point, this item cannot be provided.*
- C. A detailed description of the development uses and activities proposed for the project site and of all property in common ownership and the character of the development to be achieved through the project. *A detail description of the development cannot be provided because there are no plans for future development.*
- E. The proposed traffic circulation and connectivity plan, including the number of daily and peak hour trips to and from the site and the proposed traffic routes to the nearest intersection with a major arterial, state highway or interstate highway. *Circulation or traffic volume projections cannot be provided at this point because there are no plans.*
- H. A statement or visual presentation of how the project will relate to and be compatible with adjacent and neighboring areas, within 1/4-mile of the project site perimeter. *This is not possible because there are no plans for a project to detail compatibility.*

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The items above detail the conceptual planning of site with proposed buildings, parking areas, circulation, traffic generation, and other characteristics associated with a development. There is no plan for any development at this point, and the required information cannot be provided.

The email indicates that the proposed site includes "over 13 acres" of land and that the parcels could be developed with more than 100 dwelling units or more than 100,000 square feet. While the three parcels include a total area of approximately 14 acres, it is important to note that this includes 3 acres of marsh area, approximately 30,000 square feet designated as common access easements, and approximately 20,000 square feet of a pond. These areas reduce the developable area to under 10 acres. Additionally, the site includes several large Live Oaks, buffer requirements along marsh and waterways, and flood zones and sloped areas that will further limit developable areas.

The site includes a single-family residential structure along the northern portion of the Moreton parcel (parcel 1). This house was just completed last year and will further limit any significant densification of the site. It basically blocks the northeast portion of the property for further development. It is not likely that more than 10 single-family units could be constructed on the Moreton parcel.

Parcel 2 has similar concerns. While this parcel has no existing structures, the location of the approximate .5 acre pond impedes development. The maximum number of single-family units that could be developed on this site is less than 15 units. Any proposal to subdivide the properties would be considered "discretionary development approval" and authorize the city to request the impact analysis.

The proposed CMX-1 District permits minimum lot widths of 25 feet and no minimum lot sizes. While this may be the case, no single-family residential developments have been proposed or constructed with these lot sizes. The CMX-1 District allows lot sizes smaller than what is required within the R-1A District and some neighborhood commercial development. Any residential development (especially single-family residential) would likely include a buffer area along Bienville Boulevard that would further reduce the buildable area of the parcels.

The parcels are located northeast of the intersection of Bienville Boulevard and Bechtel Boulevard. This provides a very beneficial point of access for parcels and with an access easement, all three parcels have access at this intersection. Currently, the traffic signal provides access management for the parcels to enter the roadway. With the Mississippi Department of Transportation plans to widen Bienville Boulevard to six (6) lanes, there should be no concern about traffic generation or management associated with the site.

The applicants have requested a rezoning based on the change in neighborhood character of the area. Years ago, the surrounding property was zoned single-family residential and was either undeveloped or single-family residential. The on-going commercial strip development and Camellia Pointe to the west indicated significant change in neighborhood character. The Inlet development to the east represents another significant change within the immediate vicinity. These developments all occurred with changes in zoning designation from R-1A to CMX-1 or CH. To the south, the shopping has expanded with outparcel developments. The applicants all have varied goals for their property. The CMX-1 District permits the owners to maintain single-family residential on multi-acre tracts, divide the property consistent with R-1A standards, or develop parcels with denser residential uses. These subdivisions would require approval by the City of Ocean Springs. The proposed district permits neighborhood or low-intensity commercial uses, as permitted. The rezoning may lead to development plans for the property, but at present these plans do not exist.

Based on this assessment, I request that the application remain on the Planning Commission's agenda for July 11, 2023.

If you have any questions, please feel free to contact me at 228.348.1315.

Sincerely,

Donovan Scruggs, AICP

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ORDINANCE NO. 2023-xx
AN AMENDMENT TO ORDINANCE NO. 13-1976

**REZONING PROPERTY HEREIN DESCRIBED FROM R-1 LOW DENSITY RESIDENTIAL DISTRICT
TO THE CMX-1 NEIGHBORHOOD COMMERCIAL MIXED USE DISTRICT**

WHEREAS, the Mayor and Board of Aldermen of the City of Ocean springs, Mississippi, did on or about the 7th day of December, 2021, readopt an ordinance known as the Unified Development Code of Ocean Springs, Mississippi, and

WHEREAS, said ordinance provided therein for the adoption of an official zoning map; and

WHEREAS, said official zoning map as a part of the Unified Development Code of Ocean Springs, Mississippi, was adopted on the date aforesaid, zoning or rezoning the entire City of Ocean Springs, Mississippi; and

WHEREAS, said ordinance can be amended from time to time as necessary because of annexation, changing conditions, growth and other reasons; and

WHEREAS, application was made to the Ocean Springs Planning Commission that a certain parcel of property presently zoned R-1 Low Density Residential District be changed to CMX-1 Neighborhood Commercial District, said property being described as:

Parcel ID: 60120010.000, 60120010.001 and 60120015.000; and

WHEREAS, the Ocean Springs Planning Department, upon said application, did publish notice as required by law; and

WHEREAS, thereafter on July 11, 2023, a public hearing was held by the Ocean Springs Planning Commission; and

WHEREAS, the Mayor and Board of Aldermen of the City of Ocean Springs, Mississippi, did, on _____, approve said rezoning noting its accord with the comprehensive plan and such changes in character of the surrounding area and the public need for the change in zoning.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Ocean Springs, Mississippi, as follows, to-wit:

SECTION 1. That the following described property be rezoned from the classification of R-1 to a classification of CMX-1:

Parcel ID: 60120010.000, 60120010.001 and 60120015.000.

SECTION 3. That the official zoning map of the Unified Development Code of Ocean Springs, Mississippi, be amended to reflect this change.

SECTION 4. That any and all sections of the Unified Development Code and the official zoning map in conflict herewith are hereby repealed.

SECTION 5. That upon adoption, the City Clerk shall cause this Ordinance, being an Amendment to the Unified Development Code, in its final form, to be published in the manner prescribed by law and to be recorded in the Book of Ordinances of the City of Ocean Springs, Mississippi, and cause the official zoning map to reflect this change.

The above Ordinance, being an Amendment to the Unified Development Code, having been first reduced to writing, the vote was as follows:

Alderman Burgess	_____
Alderman Authement	_____
Alderman Wade	_____
Alderman Papania	_____
Alderman Blackman	_____
Alderman Impey	_____
Alderman Cox	_____

BY ORDER OF THE MAYOR AND BOARD OF ALDERMEN of the City of Ocean

Springs, Mississippi, on this the _____ day of _____, 2023.

Mayor

City Clerk