

The Minutes of the City of Ocean Springs Planning Commission Tuesday, August 8, 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, August 8, 2023. Members present were Matthew Hinton, Marshall Johnson, Michael Davis, and Joseph McCormick. Kevin O'Connell and Joey Conwill were absent. Also present were Deputy City Clerk Vicky Hupe, City Planner Wade Morgan, Planning & Grants Administrator Carolyn Martin, and City Attorney Will Norman.

The Chairman called the meeting to order.

2. Approval of Minutes

a. Planning Commission Minutes July 11, 2023

A motion was made by M. Davis seconded by M. Johnson to approve the Minutes of July 11, 2023 Planning Commission Meeting. The motion was unanimously carried.

3. Old Business

a. 1303 Porter/ PID# 60137148.000- Dempsey Levi – Request permission to build on an historically-platted, legal, non-conforming lot.

The request was described by Planner, W. Morgan. Sandra Levi spoke on behalf of the request as the applicant.

Maria Martinez of Rushing & Guice spoke in opposition of the request on behalf of the adjacent property owner, stating concerns related to drainage and impact on the surrounding area. She pointed out ordinances that need to be followed in this review. It was clarified that no construction plans had been submitted to date and that this review would take place at that time.

A motion was made by M. Davis seconded by M. Hinton to recommend approval for construction on a historically platted, non-conforming lot at 1303 Porter St.

The motion carried with five members voting aye and two members absent.

4. New Business

a. **PUBLIC HEARING:** 605 Kotzum Avenue / PID# 61190014.025 – Tina Sullivan – Request for a residential short- term permit.

A motion was made by M. Hinton seconded by J. McCormick to go into public hearing. The motion was carried unanimously.

C. Martin presented the application, noting that this property had started the process prior to meeting the cap and was still being considered under prior regulations. M. Johnson asked for a recap of the requirements as a refresher. No input was received from the audience.

A motion was made by M. Davis seconded by M. Johnson to close public hearing. The motion was carried unanimously.

A motion was made by M. Davis seconded by M. Johnson to recommend approval of a Residential Short-Term Rental permit subject to annual renewal for 605 Kotzum Avenue. The motion was unanimously carried with two

members absent.

b. PUBLIC HEARING: 122 Booth Circle / PID#61133174.000 – Francisco Ferreiro-Sarduy - Request for a residential short-term rental permit

A letter of objection was received from Mr. Boone. A motion was made by M. Hinton seconded by M. Johnson to accept the letter into the minutes.

A motion was made by M. Davis seconded by M. Hinton to go into public hearing. The motion was carried unanimously.

The application was presented by C. Martin. Discussion took place related to the reported incidences listed in Mr. Boone's letter. The request to the Police Department includes reports or incidents within the last 12 months. The domestic disturbance found in the notes did not result in a report. Mr. Ferreiro clarified that the domestic was a long-term renter who is no longer on the property.

T.J. Falgo - 117 Booth Circle spoke in opposition referencing complaints filed on previous STR for excess vehicles. Amanda Goodwin - 125 Booth Circle spoke in opposition referencing complaints with previous STR for noise. Stacy Falgo - 117 Booth Circle spoke in opposition referencing late night noise with previous STR.

A motion was made by M. Hinton seconded by M. Johnson to close public hearing. The motion was carried unanimously.

A motion was made by M. Hinton seconded by J. McCormick to recommend approval of a Residential Short-Term Rental permit for 122 Booth Circle subject to annual renewal. The motion was unanimously carried with two members absent.

c. PUBLIC HEARING: 401 Maginnis Avenue / PID# 61330016.000 – Jacqueline Locke – Request for a residential short-term rental permit.

A letter of opposition was received from A Wythe. A motion was made by J. McCormick seconded by M. Davis to accept into the minutes. The motion was carried unanimously.

A motion was made by M. Davis seconded by M. Hinton to go into public hearing. The motion was carried unanimously.

The application was presented by C. Martin noting that the requested occupancy has been reduced from 8 to 6. Jacqueline Locke presented noting that 5 vehicles were approved and the memo stating 3 vehicles was in error. She and her husband travel a great deal for work and will short-term rent when they are away. Chad Johnson also introduced himself as the applicant.

Mary Ballard - 405 Maginnis spoke in opposition requesting clarification on contact information and transferability.

A motion was made by M. Hinton seconded by M. Johnson to close public hearing. The motion was carried unanimously.

A motion was made by M. Hinton seconded by M. Hinton to recommend approval of a Residential Short-Term Rental permit subject to annual renewal for 401 Maginnis Avenue. The motion was unanimously carried with two members absent.

d. PUBLIC HEARING: 100 Winchester Drive / PID# 61087028.000 – Marisol Buckley – Request for a residential short-term permit.

Two letters of opposition - Elizabeth Platt and Robert & Catherine Moroski - were presented. A motion was made by M. Hinton seconded by M. Johnson to accept into the minutes. The motion was carried unanimously.

A motion was made by M. Davis seconded by M. Hinton to go into public hearing. The motion was carried unanimously.

The application was presented by C. Martin. Marisol & Sean Buckley presented their request describing the improvements made to the property and its use as a second home.

The following neighbors spoke in opposition citing differences with the Buckleys including complaints, disturbances, and harrassment:

- Heidi - 3510 King George - mother lives behind property
- Gudrun Baker - lives behind property
- Jim Zipperer - 108 Winchester
- Tracy Robinso - Oaklawn
- Kathi Gay - Walton
- Cathy Moroski - 2720 Walton
- Robert Moroski - 2703 Walton
- Dave Gay - Walton
- Fran Freeman - 2702 Walton
- Vonda Moshenrose - 2708 English

During public input, C. Martin stated that it was reported that the property was actively being listed on Airbnb with three rentals shown. No indication was available of the duration of these rentals. Mr. Buckley stated that the three rentals were a minimum of 30 days and fully in compliance. They were unaware that approval wouldn't be determined during this meeting and had made the listing active for shorter stays. They will take this listing down following the meeting. C. Martin stated that they will have to look into documentation of the length of stay of the three renters listed on the site.

A motion was made by M. Davis seconded by M. Hinton to close public hearing. The motion was carried unanimously.

The city attorney reminded the commission that a recommendation to denial that is ultimately approved makes them not eligible for 12 months.

M. Hinton suggested that facts needed to be confirmed and that it should be tabled in the meantime. M. Davis and M. Hinton expressed concerns about neighborhood relations. M. Johnson agreed that this issue should be tabled to sort out the facts.

A motion was made by M. Hinton seconded by J. McCormick to table the request to the next Planning Commission meeting to allow Planning to research prior rentals. The motion was carried unanimously.

5. General Public Comment

Vonda Moshenrose - 2708 English Drive asked if there was a limit of STR permits allowed in a specific area. C. Martin described the cap distribution to regulate the density but there was not a tool to limit by distance from other permitted properties.

6. Commissioner's Forum

No discussion.

7. Adjourn

A motion was made by M. Davis seconded by M. Hinton to adjourn the meeting. The motion was unanimously carried.