



Planning Commission
1018 Porter Avenue
Ocean Springs, MS 39564

Tuesday, November 14, 2023 @ 6:00 PM

1. Call Meeting to Order

2. Approval of Minutes

- a. October 10, 2023

3. Old Business

4. New Business

- a. **PUBLIC HEARING:** 1204 Londonderry Lane / PID# 61098239.000 - Michelle Renee King - Request for a residential short-term rental permit.
- b. **PUBLIC HEARING:** 139 Watersedge Drive / PID# 61490018.000 - Aaron Goetsch - Request for a residential short-term rental permit.
- c. **PUBLIC HEARING:** PID# 61473000.000, Northwest Corner of Front Beach Dr. and Martin Ave., The Sands at Front Beach. Request to rezone from R-1A Special Apartment District to the R-6 Residential District
- d. **PUBLIC HEARING:** PID# 61473000.000, Northwest Corner of Front Beach Dr. and Martin Ave., The Sands at Front Beach. Request Outline Plan and Final Plan approval of a Planned Unit Development (PUD) consisting of 31 detached dwelling units and common open space.

5. General Public Comment

6. Commissioner's Forum

7. Adjourn

The Minutes of the City of Ocean Springs
Planning Commission
Tuesday, October 10, 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, October 10, 2023. Members present were Matthew Hinton, Kevin O'Connell, Marshall Johnson, Joey Conwill, and Joseph McCormick. Also present were City Planner Wade Morgan, Planning & Grants Administrator Carolyn Martin, Planning & Grants Coordinator Camille Anderson, and City Attorney Will Norman. Michael Davis was absent.

2. Approval of Minutes

- a. September 12, 2023

A motion was made by M. Johnson seconded by K. O'Connell to accept the minutes as submitted. The motion was unanimously carried.

3. Old Business

- a. **DEFERRED: Date to be determined.** 100 Winchester Drive / PID# 61087028.000 – Marisol Buckley – Request for a residential short-term permit.

4. New Business

- a. 2207 & 2209 Government Street / PID# 61230003.000 & 61230004.000 – Joe Cloyd-Cloyd Investment, LLC – Request Approval of the Lot Split/Reconfiguration.

Wade presented the application. A motion was made by J. Conwill seconded by M. Hinton to recommend approval of Lot Split at 2207 2209 Government Street. The motion was unanimously carried.

- b. **PUBLIC HEARING:** 613 Clark Avenue / PID# 601057023.000 – Robbie Chandler – Request for a residential short-term rental permit.

A motion was made by K. O'Connell seconded by M. Johnson to go into public hearing. The motion was carried unanimously. C. Martin presented the application. A motion was made by K. O'Connell seconded by M. Hinton to come out of public hearing. The motion was carried unanimously. A motion was made by M. Hinton seconded by J. Conwill to recommend approval of a Residential Short-Term Rental permit subject to annual renewal for 613 Clark Avenue. The motion was unanimously carried.

- c. **PUBLIC HEARING:** 706 Russell Avenue / PID# 60137082.000 – Eleanor Rice Henken (Victor Henken) – Request for a residential short-term permit.

A motion was made by K. O'Connell seconded by J. Conwill to go into public

hearing. The motion was carried unanimously. C. Martin presented the application. A motion was made by K. O'Connell seconded by M. Johnson to come out of public hearing. The motion was carried unanimously. A motion was made by K. O'Connell seconded by M. Hinton to recommend approval of a Residential Short-Term Rental permit subject to annual renewal for 706 Russell Avenue. The motion was unanimously carried.

- d. **PUBLIC HEARING:** 219 Washington Avenue / PID# 61360001.000 – Joanna & Greg Worch – Request for a residential Bed & Breakfast permit.

A motion was made by M. Hinton seconded by J. Conwill to go into public hearing. The motion was carried unanimously. C. Martin presented the application. A motion was made by J. Conwill seconded by M. Johnson to come out of public hearing. The motion was carried unanimously. A motion was made by J. Conwill seconded by J. McCormick to recommend approval of a Residential Bed & Breakfast permit subject to annual renewal for 219 Washington Avenue. The motion was unanimously carried.

- e. **DEFERRED - Date to be determined. PUBLIC HEARING:** PID# 61473000.000, Northwest Corner of Front Beach Dr. and Martin Ave., The Sands at Front Beach. Request to rezone from R-1A Special Apartment District to the R-6 Residential District
- f. **DEFERRED - Date to be determined. PUBLIC HEARING:** PID# 61473000.000, Northwest Corner of Front Beach Dr. and Martin Ave., The Sands at Front Beach. Request Outline Plan approval of a Planned Unit Development (PUD) consisting of 31 detached dwelling units and common open space.

5. General Public Comment

Dee Frances Whitman - 1518 Porter Avenue, spoke about problems with her water bill and mentioned that Martin Avenue is a very narrow road and the Planning Commission members should drive through there before any decisions are made on the proposed development. A. Phelan said Planning Commission has no authority over water bills and suggested she bring it up at a Board of Alderman meeting. C. Martin suggested she get in touch with the City Clerk's office.

6. Commissioner's Forum

M. Johnson, W. Norman, and C. Martin briefly discussed the Urban Renewal Plan.

7. Adjourn

A motion was made by M. Johnson seconded by M. 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 --**

PUBLIC HEARING DATE: Tuesday, November 14, 2023

APPLICANT: Michelle Renee King

LOCATION: 1204 Londonderry Lane / PID: 61098239.000

REQUESTED ACTION: Residential Short Term Rental Permit

DATE OF APPLICATION: June 9, 2023

ADJACENT ZONING/LAND USE:

Subject Property:	R-2, Single-Family Residential District
North, East, South, West:	R-2, Single-Family Residential District

DESCRIPTION OF REQUEST:

- Per Ordinance 2015-11, 2018-02, 2021-05, 2021-25, and 2023-07, the application is for a short-term rental permit to allow usage for less than 30 days.
- Site Location: the property is located in the CITY Zone Area, on the east side of Londonderry Lane just north of Nottingham Road.



FINDINGS:

- **Local Property Manager:** The local property manager has been modified from the original application and Alfred Hernandez will now provide this service. With an address on Guice Place, the requirement for residency within 2-miles of the city limit is satisfied.
- **Application:** Submittal is complete and was received prior to the deadline. A copy of the rental agreement is attached for consideration.
- **Homeowner's Association:** On the application form, the applicant verified that this is not a covenant-restricted neighborhood and no covenants have been provided. The applicant has not made the Planning Department aware of any Homeowner's Association.
- **Liability Insurance:** The signed application states that the liability insurance for the property does not exclude short term rentals from coverage, as well as conformance with building code, zoning requirements. There are no deed restrictions and taxes are current.
- **Fee:** The application fee was provided with the application. The mail-out fee was paid prior to distribution.
- **Notice via Standard Mail:** The notice of public hearing was sent to 69 property owners within 500 feet of the subject property. The distribution included the name of the applicant, notice of the hearing date, time and location, and a summary of Frequently Asked Questions regarding short-term rentals.
- **Publication:** Notice of the public hearing was advertised at least 15 days prior to the date of the hearing per ordinance. Additionally, the required yard sign was placed in the yard.
- **Inspection:** The property was inspected for all required elements on 8/23/23 and was approved. Inspection form is attached for review.
- **Maximum Occupancy:** The requested maximum occupancy of 6 was approved by the Fire Marshall during the above referenced inspection.
- **Maximum Number of Vehicles:** The request for a maximum number of 4 vehicles was approved by the Building Official during the above referenced inspection.
- **Guest Rules:** The rules were posted and visible during the property inspection.
- **Code Violation Complaints:** No code violations or police reports were documented for this address in the past 12 months.

FEEDBACK:

None.

SUMMARY:

The application for this property is complete and compliant with the adopted code, and the physical inspection passed. The recommendation is for approval of a Residential Short-Term Rental permit, subject to annual renewal.

ATTACHMENTS as listed above:



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

RESIDENTIALLY ZONED SHORT TERM RENTAL ANNUAL PERMIT APPLICATION

Application Date: 6/7/2023

Submittal Requirements:

FEES: \$501 ~ **Application Fee Effective 4/4/23** – \$500 must be paid at the time application is submitted [includes occupancy inspection fee]. ~ **Administrative Fee: \$1.00** (per Ordinance 2022-17 following the requirements of Section 25-60-5 MS code Annotated)

- ☒ Completed Application
- ☒ Copy of Proposed Rental Agreement
- ☒ Proposed Parking Plan
- ☒ Copy of rules, including trash management and reference of the city's noise ordinance (available upon request), to be posted inside unit
- ☒ Affirmation of Code Compliance – Ord.2015-11 (Section 401.3(10)) – Attached.
- ☒ ~Standard mailout fee will be calculated during the review process and must be paid prior to scheduling of the public hearing~
- ☒ Properties will be reviewed and inspected prior to scheduling the public hearing date and sending the required notices.
- ☒ PERMITS MUST BE RENEWED ANNUALLY (\$500 renewal fee) AND ARE NOT TRANSFERRABLE.

REQUIRED INFORMATION:

- Address of Rental Property: 1204 Londonderry Lane, Ocean Springs MS 39564
- Parcel Identification Number: 61098239.000 Number of bedrooms: 3
- Proposed maximum # guests: 6 Number of existing off-street parking spaces: 4
- Is this property located in a covenant-restricted subdivision? ☐ Yes ☒ No ~ **If yes, a copy of the covenants must be included.**

Name of Property Owner Michelle Renee King
Address of Property Owner 1516 E Overlook Road, Monterey TN 38574
Phone No. 703-944-5498
Name of Local Property Manager Shaun Funk
[Must RESIDE within two (2) miles of the OS City Limits] Address 3230 Cumberland Road #74,
Ocean Springs MS 39564
Phone No. 228-337-2697 Signature: Michelle King
DocuSigned by: A3552C19E3BF40C...

Copy of Ordinance 2015-11 Received: Me (initials) Copy of Ordinance 2019-19 Received: Me
Copy of Ordinance 2018-02 Received: Me (initials) Copy of Ordinance 2021-25 Received: Me
Copy of Ordinance 2023-07 Received: Me (initials)

Revised 05/23/2023

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Physical Inspection of Property:

- All applicable fire and health codes as would apply to a commercially zoned structure must be compliant.
- As part of the review process, an inspection will be scheduled to determine that all physical requirements are met per the ordinance
- Inspection will also include but are not limited to: adequate parking, proposed occupancy, number of vehicles allowed, location of garbage storage, posting of rules, etc. (per *most current* Inspection Checklist dated: 2/08/18)

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Affirmation of Codes/Regulations

I, (print name) Michelle Renee King, 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 parcel(s).
3. Per Section 2.C.5 of Ordinance No. 2015-11, I will obtain a Mississippi State Sales Tax License through the MS Dept. of Revenue to pay all city, county, and state taxes required by law.
4. The property included in this application is in compliance with all applicable building codes, zoning requirements, and deed restrictions and/or covenants.
5. The Homeowner's liability insurance does not exclude short term rentals from coverage.
6. Any existing mortgage or deed does NOT prohibit use of property as a short term rental.
7. Proper documentation of covenants that may restrict use of the property as a short rental and/or a letter of support from the HOA has been provided.

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

Owner(s) Name: Michelle Renee King

Parcel ID(s): 61098239.000

Date Property Acquired: 5/14/22

Owner's Signature: Michelle King Date 6/7/23

.....

Office Use Only

Date of Inspection: 8/23/23

Result of Occupancy Inspection: PASSED

Maximum Occupancy Determination: 6

(attached)

Maximum Parking Spaces: 4

Permit Renewal Date: _____

PC Public Hearing Date: 11/14/23

BOA Approval Date: _____

Revised 05/23/2023

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ADDRESS: 1204 Londonderry Lane iWorQ Permit#: 2751



PLANNING DEPARTMENT
P.O. Box 1800 / Ocean Springs, MS. 39566
Phone 228-875-4415 Fax 228-872-5427

RESIDENTIALLY-ZONED SHORT TERM RENTAL – OCCUPANCY INSPECTION FORM

Before requesting an occupancy inspection from the Building Official and the Fire Marshall, please make sure the following items have been completed. Someone must be present at the time of inspection.

All Occupancy Inspections are done at 10am

The following items must be complete prior to inspection:

- | | |
|---|---|
| ☒ Type 2A 10BC Fire Extinguishers
(Maximum travel distance 75 ft.) | ☒ Adequate garbage receptacles |
| ☒ Emergency Lighting with battery backup | ☒ Smoke detectors in all bedrooms
and hallways. |
| ☒ Address on Building | ☒ Carbon monoxide detectors if there
is gas service. |
| ☒ Breaker Box needs to be labeled | ☒ Identified # of Bedrooms: <u>3</u> |
| ☒ Outlet and switch plate covers need to be
installed. (GFCI Circuits within 6 ft. of
water source) | ☒ Proposed # of Guests: <u>6</u> |
| ☒ No exposed wiring | Approved # of Guests per OSFD: <u>6</u> |
| ☒ Adequate emergency egress | |
| ☒ Operable windows in sleeping areas | ☒ Proposed # of vehicles: <u>4</u> |
| ☒ Guest rules (noise, garbage, etc.) must be
visibly posted. | Approved # of vehicles per OSFD: <u>4</u> |

Property Owner: Michelle Renee King Phone #: 703-944-5498
Contact Name: Shaun Funk Phone #: 228-337-2697

.....
Date of Inspection: 8-23-23

COMMENTS: _____

☒ **PASSED**

Building Official: [Signature] Fire Marshall: [Signature]
Property Owner: [Signature]

PUBLIC HEARING NOTICE

Residential Short-Term Rental



THIS INFORMATION IS BEING SENT TO YOU AS PART OF THE PERMITTING PROCESS FOR A NEARBY PROPERTY.

Per adopted Code for the City of Ocean Springs, notice has been advertised in the MS Press Newspaper and copies are sent via Standard mail at the cost of the applicant.

PUBLIC NOTICE is hereby given that the City of Ocean Springs **PLANNING COMMISSION** will hold a public hearing on the date listed below to consider an application for a Short-Term Rental Permit per Ordinance governing the provision of Short Term Rentals of dwellings in residential zones after application, hearing, and approval.

Application for the address listed below will be considered in the regular meeting place of the Board of Aldermen at the City Hall located at 1018 Porter Avenue Ocean Springs, MS 39564.

Short-Term Rental Applied for: 1204 Londonderry Lane

Public Hearing Date/Time: November 14, 2023 at 6:00 p.m.

Applicant Michelle Renee King

Local Contact Shaun Funk

The Residential Short-Term Rental Ordinance (2015-11) was approved on July 7, 2015. The ordinance was researched, modified, and re-approved on February 20, 2018, December 17, 2019, December 7, 2021, and May 16, 2023. This document addresses what the ordinance requires of an applicant, the process, and contact information for questions or concerns. For more details, please call the Planning Department at 228-875-4415.

Short-Term Rentals: Considered as less than 30 days. Conditions for permitting include an approval process, occupancy/vehicle requirements, guest registry, noise/garbage management, posting of rules, local management, and a process for complaints, basis for denial or revocation, and violations.

Frequently Asked Questions regarding Residential Short-Term Rental permits:

- 1) ***Why am I receiving this information?*** All property owners within 500 feet of the property requesting a permit are required to receive notification via standard mail. Additionally, the hearing was advertised in the local newspaper and a yard sign placed on the property. This notice was mailed to your address of record with the Jackson County Tax Assessor's office.
- 2) ***What is allowed under a Short-Term Rental Permit?*** Approval of the permit will allow the property owner to rent the residence for periods of less than 30 days at a time, governed by restrictions listed in the ordinance. The permit does not allow any other non-permitted activity.
- 3) ***Who will be responsible for management of the property?*** The property owner is ultimately responsible for all activity on the property. The Local Property Manager **MUST** reside or have their business physically located within 2 miles of the city limits and be available 24/7 to address issues related to the property. The Planning Department will have a contact number in case of emergencies.
- 4) ***Do the property owners pay sales tax for this activity?*** Yes – the property owner will be issued a city privilege license that will allow them to register with the state for payment of sales tax, including the additional "bed tax" required for all hotel activity.
- 5) ***What review has been done by the City?*** The application, a \$500 application fee, and payment for mailing was received. All information was reviewed to ensure all administrative requirements have been met. The home

has been inspected to ensure that all life safety elements are in place and a maximum occupancy/vehicle allowance has been set.

- 6) ***What physical modifications were required for the home?*** Required life safety improvements include, but are not limited to, hard-wired smoke detectors (carbon monoxide if served by gas), emergency lighting for exits during power outages, properly functioning exits, current fire extinguishers, labeled fuse box, etc.
- 7) ***How will the maximum occupancy and number of vehicles be established?*** During the physical inspection, the Building Official and Fire Inspector assess the availability of space including sleeping areas and space for off-street parking. These maximums will be established prior to the public hearing and can be enforced during operation of the rental.
- 8) ***Where can I report code violations, disturbances, etc.?*** Just as you would with any residential occupant, if there are problems with noise, excessive vehicles, trash, or other intrusive behavior, the proper city officials should be notified. For life-threatening emergencies, dial 9-1-1 as you would with any type of residential occupancy. Documented complaints will be considered during the renewal process. The ordinance provides guidelines for the basis of revocation or denial or permit issuance and/or renewal.

Complaint Contact Information:

- a. Police: 228-875-2211 – noise, trespassing, other criminal activity
 - b. Code Enforcement: 228-875-6712 – improper vehicle parking, improper trash storage
 - c. Any other complaints can be forwarded to the Planning Department at 228-875-4415 or mailed to Attn: Planning Department, City of Ocean Springs, 1018 Porter Avenue, Ocean Springs, MS 39564
- 9) ***What is the process if the rules are not followed?*** If the City receives documentation that the property owners and/or tenants have violated the provisions set forth in the ordinance, or have met any other criteria that allows for revocation, written notice will be given to the property owner of the violation(s). If corrective action is not taken in the allotted time period, the permit can be revoked and citations issued.
 - 10) ***How long is the permit valid?*** The Residential Short-Term Rental permit is an annual renewal. Once the initial permit is approved, the property will be inspected annually and complaint records reviewed prior to renewal. The ordinance provides guidelines for the basis of revocation or denial or permit issuance and/or renewal.
 - 11) ***Is the permit transferable to new owners?*** No. The permit is issued to the owner for that specific address. Permits are not transferrable to other owners or properties without the full approval process, including an advertised public hearing.
 - 12) ***Is the approval process the same for properties in commercially zoned districts?*** The application itself is similar, but commercial properties do not require notice or public hearing.
 - 13) ***What if the property has covenants that do not allow for short-term rentals?*** The ordinance requires that any application for a property with filed covenants indicate that there are covenants in place. If there is an active Homeowner's Association (HOA), they must provide a letter from that HOA supporting the activity. If you are aware of such a restriction in your neighborhood, please notify the Planning Department at 228-875-4415. The permit will not be approved unless supported by an ACTIVE HOA where applicable or if the covenants do not allow short-term rental.
 - 14) ***Will the property owner be required to maintain renter information?*** Yes, the property owner must maintain a guest registry and provide to the city for review upon request.
 - 15) ***Will the renters be informed of the rules and regulations that are included in the permit?*** Yes, part of the application and inspection includes provision of the rental agreement for review and posting of the house rules in a visible location within the home.

Questions and/or written comments can be sent to the Planning Department up to the day of the hearing and will be provided to the Planning Commission for consideration. Comments can be sent to:

1018 Porter Avenue, Ocean Springs, MS 39564.

Email Address: planningadmin@oceansprings-ms.gov

SHORT-TERM RENTAL AGREEMENT

- I. **THE PARTIES.** This Short-Term Rental Agreement ("Agreement") made on _____, 20____ between the following:

TENANT: _____, with a mailing address of _____ ("Tenant"), and

LANDLORD: Renee King _____, with a mailing address of 1516 E Overlook Road, Monterey TN 38574 _____ ("Landlord").

- II. **THE PREMISES.** The Landlord agrees to lease the described property below to the Tenant, and the Tenant agrees to rent from the Landlord:

- a.) Mailing Address: 1204 Londonderry Lane, Ocean Springs MS 39564 _____.
b.) Residence Type: ☐ Apartment ☒ House ☐ Condo ☐ Other: _____
c.) Bedroom(s): 3 _____
d.) Bathroom(s): 2 _____
e.) Other: Living room, Den, Kitchen, Dining Room, Garage _____.

Hereinafter known as the "Premises."

- III. **LEASE TERM.** The Tenant shall have access to the Premises under the terms of this Agreement for the following time period: (check one)

☐ - **Fixed Term.** The Tenant shall be allowed to occupy the Premises starting _____, 20____ at ____:____ ☐ AM ☐ PM and ending _____, 20____ at ____:____ ☐ AM ☐ PM ("Lease Term").

☐ - **Month-to-Month Lease.** The Tenant shall be allowed to occupy the Premises on a month-to-month arrangement starting on _____, 20____, and ending upon notice of ____ days from either Party to the other Party ("Lease Term").

- IV. **QUIET HOURS.** The Landlord requires: (check one)

☐ - **No Quiet Hours.** There are no quiet hours. However, the Tenant must reside on the Premises with respect to the quiet enjoyment of the surrounding residents.

☒ - **Quiet Hours.** Quiet hours begin at 10 ____:00 ☐ AM ☒ PM each night and continue until sunrise. Quiet hours consist of no music and keeping all audio at a minimum level out of respect for the surrounding residents.



- V. **OCCUPANTS.** The total number of individuals staying on the Premises during the Lease Term shall be a total of 6 guests.

If more than the authorized number of guests listed above are found on the Premises, this Agreement will be subject to termination by the Landlord.

- VI. **RENT.** The Tenant shall pay the Landlord:

☐ - **Fixed Amount.** The Tenant shall be required to pay the Landlord \$_____ for the Lease Term ("Rent"). The Rent is due at the execution of this Agreement.

☐ - **Monthly Amount.** The Tenant shall be required to pay the Landlord \$_____ in equal monthly installments for the Lease Term ("Rent") and due on the _____ of each month under the following instructions:

First (1st) month's rent is due at the execution of this Agreement.

- VII. **UTILITIES.** The Landlord shall be responsible for all utilities and services to the Premises EXCEPT for the following: _____

- VIII. **SECURITY DEPOSIT.** The Tenant shall be obligated to pay the following amounts upon the execution of this Agreement: (check one)

☐ - **No Security Deposit:** There is no deposit required for the security of this Agreement ("Security Deposit").

☐ - **Security Deposit:** \$_____ ("Security Deposit"). The Security Deposit is for the faithful performance of the Tenant under the terms and conditions of this Agreement. The Tenant must pay the Security Deposit at the execution of this Agreement. The Security Deposit shall be returned to the Tenant within the State's requirements after the end of the Lease Term less any itemized deductions. This Security Deposit shall not be credited towards any Rent unless the Landlord gives their written consent.

- IX. **PETS.** The Landlord: (check one)

☐ - **Does Not Allow Pets:** There are no pets allowed on the Premises. If the Tenant is found to have pets on the Premises, this Agreement and any Security Deposit shall be forfeited.

☒ - **Allows Pets:** The Tenant shall have the right to have _____ pet(s) on the Premises with a maximum limit of _____ pounds per pet. For the right to have pet(s) on the Premises, the Landlord shall charge a fee of \$_____ that is ☐ non-refundable ☐ refundable unless there are damages related to the pet. The Tenant is responsible for all damage that



any pet causes, regardless of the ownership of said pet, and agrees to restore the Premises to its original condition at their expense.

X. **PARKING.** The Landlord: (check one)

☒ - Shall provide 4 parking space(s) to the Tenant for a fee of \$0 to be paid ☐ at the execution of this Agreement ☐ on a monthly basis in addition to the rent. The parking space(s) are described as: [DESCRIBE PARKING SPACES]

☐ - Shall NOT provide parking.

XI. **FEES.** The Landlord requires the Tenant pays the following fees at the execution of this Agreement: (check all that apply)

☐ - Cleaning Fee: \$ _____

☐ - Taxes: \$ _____

☐ - Other. _____ \$ _____

☐ - Other. _____ \$ _____

XII. **PARTY CLEANUP.** If the Premises qualifies for a "deep clean" due to the amount of "wear and tear" from a party or large gathering, a fee of \$ _____ ("Party Cleanup Fee") shall be charged at the end of the Lease Term. The Party Cleanup Fee may be deducted from the Security Deposit.

XIII. **SMOKING POLICY.** Smoking on the Premises is: (check one)

☒ - Prohibited.

☐ - Permitted ONLY in the following areas: _____

XIV. **PERSON OF CONTACT.** The Landlord: (check one)

☐ - Does have a manager on the Premises that can be contacted for any maintenance or repair at:

Agent/Manager's Name: _____

Telephone: (____) ____-_____

E-Mail: _____

☐ - Does not have an agent/manager on the Premises, although the Landlord can be contacted for any emergency, maintenance, or repair at:

Landlord's Name: _____

Telephone: (____) ____-_____

E-Mail: _____



XV. SUBLETTING. The Tenant: (check one)

- ☐ - Has the right to sublet the Premises. Each subtenant is: (check one)
 - ☐ required to be approved by the Landlord prior to occupancy.
 - ☐ not required to be approved by the Landlord.
- ☒ - Does not have the right to sublet the Premises.

XVI. MOVE-IN INSPECTION. Before, at the time of the Tenant accepting possession, or shortly thereafter, the Landlord and Tenant shall: (check one)

- ☒ - Inspect the Premises and write any present damages or needed repairs on a move-in checklist.
- ☐ - Shall not inspect the Premises or complete a move-in checklist

XVII. INSPECTION. The Landlord has the right to inspect the Premises with prior notice as in accordance with State law. Should the Tenant violate any of the terms of this Agreement, the rental period shall be terminated immediately in accordance with State law. The Tenant waives all rights to process if they fail to vacate the premises upon termination of the rental period. The Tenant shall vacate the Premises at the expiration time and date of this agreement.

XVIII. MAINTENANCE AND REPAIRS. The Tenant shall maintain the Premises in a good, clean, and ready-to-rent condition and use the Premises only in a careful and lawful manner. The Tenant shall leave the Premises in a ready to rent condition at the expiration of this Agreement, defined by the Landlord as being immediately habitable by the next tenant. The Tenant shall pay for maintenance and repairs should the Premises be left in a lesser condition. The Tenant agrees that the Landlord shall deduct costs of said services from any Security Deposit prior to a refund if Tenant causes damage to the Premises or its furnishings.

XIX. TRASH. The Tenants shall dispose of all waste material generated during the Lease Term under the strict instruction and direction of the Landlord.

XX. QUIET ENJOYMENT. The Tenant, along with neighbors, shall enjoy each other's company in a quiet and respectful manner to each other's enjoyment. The Tenant is expected to behave in a civilized manner and shall be good neighbors with any residents of the immediate area. Creating a disturbance of the area by large gatherings or parties shall be grounds for immediate termination of this Agreement.

XXI. LANDLORD'S LIABILITY. The Tenant and any of their guests hereby indemnify and hold harmless the Landlord against any and all claims of personal injury or property damage or loss arising from the use of the Premises regardless of the nature of the accident, injury or loss. The Tenant expressly recognizes that any insurance for property damage or loss which



the Landlord may maintain on the property does not cover the personal property of Tenant and that Tenant should purchase their own insurance for their guests if such coverage is desired.

XXII. **ATTORNEY'S FEES.** The Tenant agrees to pay all reasonable costs, attorney's fees, and expenses that shall be made or incurred by the Landlord enforcing this agreement.

XXIII. **USE OF PREMISES.** The Tenant shall use the Premises for residential use only. The Tenant is not authorized to sell products or services on the Premises or conduct any commercial activity.

XXIV. **ILLEGAL ACTIVITY.** The Tenant shall use the Premises for legal purposes only. Any other such use that includes but is not limited to illicit drug use, verbal or physical abuse of any person or illegal sexual behavior shall cause immediate termination of this Agreement with no refund of pre-paid Rent.

XXV. **POSSESSIONS.** Any personal items or possessions that are left on the Premises are not the responsibility of the Landlord. The Landlord shall make every reasonable effort to return the item to the Tenant. If claims are not made within the State's required time period or two (2) weeks, whichever is shorter, the Landlord shall be able to keep such items to sell or for personal use.

XXVI. **GOVERNING LAW.** This Agreement shall be governed and subject to the laws located in the jurisdiction of Premise's location.

Landlord Signature: _____ Date: _____

Print Name: _____

Tenant Signature: _____ Date: _____

Print Name: _____

Tenant Signature: _____ Date: _____

Print Name: _____



House Rules

1. Guests and visitors should comply with the parking regulations and requirements and must show consideration to other vehicles in the neighborhood.
2. Please remove shoes inside the home.
3. No smoking inside the home or garage. Please dispose of cigarettes butts properly and do not leave butts in the yard.
4. No parties or events.
5. No unregistered guests or visitors allowed. The maximum property capacity is 6 people.
6. Quiet time after 11 p.m. Please refer to the OC noise ordinance NO. 2012-04
7. No eating or drinking in bedrooms. Please enjoy your meal in the dining room.
8. Dispose of the garbage in the trash bin. Trash pick up occurs on Thursday mornings. Please take trash and recycle bins to the end of the driveway Wednesday evening.
9. This home has not been child proofed. Please keep a close watch on small children.
10. No unauthorized pets allowed.
11. Make sure to turn off the lights, air conditioning, and any electronics when you leave the house. Don't forget to close the windows and lock the door.
12. Report any damages and/or breakages in a reasonably timely manner. Damages exceeding the security deposit amount must be paid by guests and will be reported to Airbnb.
13. Please wash the dishes, and throw out the garbage before checkout.

ENJOY YOUR STAY!



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: Tuesday, November 14, 2023

APPLICANT: Aaron Goetsch

LOCATION: 139 Watersedge / PID: 661490018.000

REQUESTED ACTION: Residential Short Term Rental Permit

DATE OF APPLICATION: May 31, 2023

ADJACENT ZONING/LAND USE:

Subject Property:	R-1, Single-Family Residential District
North:	R-D, Two-Family Residential District
East, South, West:	R-1, Single-Family Residential District

DESCRIPTION OF REQUEST:

- Per Ordinance 2015-11, 2018-02, 2021-05, 2021-25, and 2023-07, the application is for a short-term rental permit to allow usage for less than 30 days.
- Site Location: the property is located in the CITY Zone Area, on the north end of Watersedge on the west side of the cul-de-sac.



FINDINGS:

- **Local Property Manager:** The local property manager will be Chris Dearman who resides on Legion Lane, satisfying the requirement for residency within 2-miles of the city limit.
- **Application:** Submittal is complete and was received prior to the deadline. A copy of the rental agreement is attached for consideration.
- **Homeowner's Association:** On the application form, the applicant verified that this is not a covenant-restricted neighborhood and no covenants have been provided. The applicant has not made the Planning Department aware of any Homeowner's Association.
- **Liability Insurance:** The signed application states that the liability insurance for the property does not exclude short term rentals from coverage, as well as conformance with building code, zoning requirements. There are no deed restrictions and taxes are current.
- **Fee:** The application fee was provided with the application. The mail-out fee was paid prior to distribution.
- **Notice via Standard Mail:** The notice of public hearing was sent to 83 property owners within 500 feet of the subject property. The distribution included the name of the applicant, notice of the hearing date, time and location, and a summary of Frequently Asked Questions regarding short-term rentals.
- **Publication:** Notice of the public hearing was advertised at least 15 days prior to the date of the hearing per ordinance. Additionally, the required yard sign was placed in the yard.
- **Inspection:** The property was inspected for all required elements on 10/17/23 and was approved. Inspection form is attached for review.
- **Maximum Occupancy:** The requested maximum occupancy of 8 was approved by the Fire Marshall during the above referenced inspection.
- **Maximum Number of Vehicles:** The request for a maximum number of 4 vehicles was approved by the Building Official during the above referenced inspection.
- **Guest Rules:** The rules were posted and visible during the property inspection.
- **Code Violation Complaints:** No code violations or police reports were documented for this address in the past 12 months.

FEEDBACK:

None.

SUMMARY:

The application for this property is complete and compliant with the adopted code, and the physical inspection passed. The recommendation is for approval of a Residential Short-Term Rental permit, subject to annual renewal.

ATTACHMENTS as listed above:



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

RESIDENTIALLY ZONED SHORT TERM RENTAL ANNUAL PERMIT APPLICATION

Application Date: 5/31/23

Submittal Requirements:

FEES: \$501 ~ Application Fee Effective 4/4/23 – \$500 must be paid at the time application is submitted [includes occupancy inspection fee]. ~ Administrative Fee: \$1.00 (per Ordinance 2022-17 following the requirements of Section 25-60-5 MS code Annotated)

- ☒ Completed Application
- ☒ Copy of Proposed Rental Agreement
- ☒ Proposed Parking Plan
- ☒ Copy of rules, including trash management and reference of the city's noise ordinance (available upon request), to be posted inside unit
- ☐ Affirmation of Code Compliance – Ord.2015-11 (Section 401.3(10)) – Attached.
- ☐ ~Standard mailout fee will be calculated during the review process and must be paid prior to scheduling of the public hearing~~
- ☐ Properties will be reviewed and inspected prior to scheduling the public hearing date and sending the required notices.
- ☐ PERMITS MUST BE RENEWED ANNUALLY (\$500 renewal fee) AND ARE NOT TRANSFERRABLE.

REQUIRED INFORMATION:

- Address of Rental Property: 139 WATERSEDGE OCEAN SPRINGS, MS 39564
- Parcel Identification Number: 61490018.000 Number of bedrooms: 3
- Proposed maximum # guests: 8 Number of existing off-street parking spaces: 4
- Is this property located in a covenant-restricted subdivision? ☐ Yes ☒ No ~ If yes, a copy of the covenants must be included.

Name of Property Owner <u>AARON GOETSCH</u>	
Address of Property Owner <u>139 WATERSEDGE OCEAN SPRINGS, MS 39564</u>	
Phone No. <u>(586) 212-4434</u>	
Name of Local Property Manager <u>CHRIS DEARMAN</u>	
[Must RESIDE within two (2) miles of the OS City Limits] Address <u>1010 LEGION LN. OCEAN SPRINGS, MS 39564</u>	
Phone No. <u>(847) 307-1491</u>	Signature: <u>[Signature]</u>
Copy of Ordinance 2015-11 Received: <u>[initials]</u>	Copy of Ordinance 2019-19 Received: <u>[initials]</u>
Copy of Ordinance 2018-02 Received: <u>[initials]</u>	Copy of Ordinance 2021-25 Received: <u>[initials]</u>
Copy of Ordinance 2023-07 Received: <u>[initials]</u>	

Revised 05/23/2023

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Physical Inspection of Property:

- All applicable fire and health codes as would apply to a commercially zoned structure must be compliant.
- As part of the review process, an inspection will be scheduled to determine that all physical requirements are met per the ordinance
- Inspection will also include but are not limited to: adequate parking, proposed occupancy, number of vehicles allowed, location of garbage storage, posting of rules, etc. (per *most current* Inspection Checklist dated: 2/08/18)

.....

Affirmation of Codes/Regulations

I, (print name) AARON J. GOETSCH, 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 parcel(s).
3. Per Section 2.C.5 of Ordinance No. 2015-11, I will obtain a Mississippi State Sales Tax License through the MS Dept. of Revenue to pay all city, county, and state taxes required by law.
4. The property included in this application is in compliance with all applicable building codes, zoning requirements, and deed restrictions and/or covenants.
5. The Homeowner's liability insurance does not exclude short term rentals from coverage.
6. Any existing mortgage or deed does NOT prohibit use of property as a short term rental.
7. Proper documentation of covenants that may restrict use of the property as a short rental and/or a letter of support from the HOA has been provided.

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

Owner(s) Name: AARON J. GOETSCH

Parcel ID(s): 61490018.000

Date Property Acquired: 2/9/22

Owner's Signature [Signature] Date 5/31/23

.....

Office Use Only

Date of Inspection: <u>10/17/23</u>	Result of Occupancy Inspection: <u>PASSED</u>
Maximum Occupancy Determination: <u>8</u>	<u>(attached)</u>
Maximum Parking Spaces: <u>4</u>	Permit Renewal Date: _____
PC Public Hearing Date: <u>11/14/23</u>	BOA Approval Date: _____

Revised 05/23/2023

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ADDRESS: 139 Watersedge Dr. iWorQ Permit#: 3378



PLANNING DEPARTMENT
P.O. Box 1800 / Ocean Springs, MS. 39566
Phone 228-875-4415 Fax 228-872-5427

RESIDENTIALLY-ZONED SHORT TERM RENTAL – OCCUPANCY INSPECTION FORM

Before requesting an occupancy inspection from the Building Official and the Fire Marshall, please make sure the following items have been completed. Someone must be present at the time of inspection.

All Occupancy Inspections are done at 10am

The following items must be complete prior to inspection:

- | | |
|---|---|
| ☒ Type 2A 10BC Fire Extinguishers
(Maximum travel distance 75 ft.) | ☒ Adequate garbage receptacles |
| ☒ Emergency Lighting with battery backup | ☒ Smoke detectors in all bedrooms
and hallways. |
| ☒ Address on Building | ☒ Carbon monoxide detectors if there
is gas service. |
| ☒ Breaker Box needs to be labeled | ☒ Identified # of Bedrooms: <u>3</u> |
| ☒ Outlet and switch plate covers need to be
installed. (GFCI Circuits within 6 ft. of
water source) | ☒ Proposed # of Guests: <u>8</u> |
| ☒ No exposed wiring | Approved # of Guests per OSFD: <u>8</u> |
| ☒ Adequate emergency egress | ☒ Proposed # of vehicles: <u>4</u> |
| ☒ Operable windows in sleeping areas | Approved # of vehicles per OSFD: <u>4</u> |
| ☒ Guest rules (noise, garbage, etc.) must be
visibly posted. | |

Property Owner: Aaron Goetsch Phone #: 586-212-4434
Contact Name: Aaron Goetsch Phone #: 586-212-4434

.....
Date of Inspection: 10-17-23

COMMENTS: _____

☒ **PASSED**

Building Official: [Signature] Fire Marshal: [Signature]
Property Owner: [Signature]

PUBLIC HEARING NOTICE

Residential Short-Term Rental



THIS INFORMATION IS BEING SENT TO YOU AS PART OF THE PERMITTING PROCESS FOR A NEARBY PROPERTY.

Per adopted Code for the City of Ocean Springs, notice has been advertised in the MS Press Newspaper and copies are sent via Standard mail at the cost of the applicant.

PUBLIC NOTICE is hereby given that the City of Ocean Springs **PLANNING COMMISSION** will hold a public hearing on the date listed below to consider an application for a Short-Term Rental Permit per Ordinance governing the provision of Short Term Rentals of dwellings in residential zones after application, hearing, and approval.

Application for the address listed below will be considered in the regular meeting place of the Board of Aldermen at the City Hall located at 1018 Porter Avenue Ocean Springs, MS 39564.

Short-Term Rental Applied for: 139 Watersedge Dr.

Public Hearing Date/Time: November 14, 2023 at 6:00 p.m.

Applicant Aaron Goetsch

Local Contact Aaron Goetsch

The Residential Short-Term Rental Ordinance (2015-11) was approved on July 7, 2015. The ordinance was researched, modified, and re-approved on February 20, 2018, December 17, 2019, December 7, 2021, and May 16, 2023. This document addresses what the ordinance requires of an applicant, the process, and contact information for questions or concerns. For more details, please call the Planning Department at 228-875-4415.

Short-Term Rentals: Considered as less than 30 days. Conditions for permitting include an approval process, occupancy/vehicle requirements, guest registry, noise/garbage management, posting of rules, local management, and a process for complaints, basis for denial or revocation, and violations.

Frequently Asked Questions regarding Residential Short-Term Rental permits:

- 1) ***Why am I receiving this information?*** All property owners within 500 feet of the property requesting a permit are required to receive notification via standard mail. Additionally, the hearing was advertised in the local newspaper and a yard sign placed on the property. This notice was mailed to your address of record with the Jackson County Tax Assessor's office.
- 2) ***What is allowed under a Short-Term Rental Permit?*** Approval of the permit will allow the property owner to rent the residence for periods of less than 30 days at a time, governed by restrictions listed in the ordinance. The permit does not allow any other non-permitted activity.
- 3) ***Who will be responsible for management of the property?*** The property owner is ultimately responsible for all activity on the property. The Local Property Manager **MUST** reside or have their business physically located within 2 miles of the city limits and be available 24/7 to address issues related to the property. The Planning Department will have a contact number in case of emergencies.
- 4) ***Do the property owners pay sales tax for this activity?*** Yes – the property owner will be issued a city privilege license that will allow them to register with the state for payment of sales tax, including the additional "bed tax" required for all hotel activity.
- 5) ***What review has been done by the City?*** The application, a \$500 application fee, and payment for mailing was received. All information was reviewed to ensure all administrative requirements have been met. The home

has been inspected to ensure that all life safety elements are in place and a maximum occupancy/vehicle allowance has been set.

- 6) ***What physical modifications were required for the home?*** Required life safety improvements include, but are not limited to, hard-wired smoke detectors (carbon monoxide if served by gas), emergency lighting for exits during power outages, properly functioning exits, current fire extinguishers, labeled fuse box, etc.
- 7) ***How will the maximum occupancy and number of vehicles be established?*** During the physical inspection, the Building Official and Fire Inspector assess the availability of space including sleeping areas and space for off-street parking. These maximums will be established prior to the public hearing and can be enforced during operation of the rental.
- 8) ***Where can I report code violations, disturbances, etc.?*** Just as you would with any residential occupant, if there are problems with noise, excessive vehicles, trash, or other intrusive behavior, the proper city officials should be notified. For life-threatening emergencies, dial 9-1-1 as you would with any type of residential occupancy. Documented complaints will be considered during the renewal process. The ordinance provides guidelines for the basis of revocation or denial or permit issuance and/or renewal.

Complaint Contact Information:

- a. Police: 228-875-2211 – noise, trespassing, other criminal activity
 - b. Code Enforcement: 228-875-6712 – improper vehicle parking, improper trash storage
 - c. Any other complaints can be forwarded to the Planning Department at 228-875-4415 or mailed to Attn: Planning Department, City of Ocean Springs, 1018 Porter Avenue, Ocean Springs, MS 39564
- 9) ***What is the process if the rules are not followed?*** If the City receives documentation that the property owners and/or tenants have violated the provisions set forth in the ordinance, or have met any other criteria that allows for revocation, written notice will be given to the property owner of the violation(s). If corrective action is not taken in the allotted time period, the permit can be revoked and citations issued.
 - 10) ***How long is the permit valid?*** The Residential Short-Term Rental permit is an annual renewal. Once the initial permit is approved, the property will be inspected annually and complaint records reviewed prior to renewal. The ordinance provides guidelines for the basis of revocation or denial or permit issuance and/or renewal.
 - 11) ***Is the permit transferable to new owners?*** No. The permit is issued to the owner for that specific address. Permits are not transferrable to other owners or properties without the full approval process, including an advertised public hearing.
 - 12) ***Is the approval process the same for properties in commercially zoned districts?*** The application itself is similar, but commercial properties do not require notice or public hearing.
 - 13) ***What if the property has covenants that do not allow for short-term rentals?*** The ordinance requires that any application for a property with filed covenants indicate that there are covenants in place. If there is an active Homeowner's Association (HOA), they must provide a letter from that HOA supporting the activity. If you are aware of such a restriction in your neighborhood, please notify the Planning Department at 228-875-4415. The permit will not be approved unless supported by an ACTIVE HOA where applicable or if the covenants do not allow short-term rental.
 - 14) ***Will the property owner be required to maintain renter information?*** Yes, the property owner must maintain a guest registry and provide to the city for review upon request.
 - 15) ***Will the renters be informed of the rules and regulations that are included in the permit?*** Yes, part of the application and inspection includes provision of the rental agreement for review and posting of the house rules in a visible location within the home.

Questions and/or written comments can be sent to the Planning Department up to the day of the hearing and will be provided to the Planning Commission for consideration. Comments can be sent to:

1018 Porter Avenue, Ocean Springs, MS 39564.

Email Address: planningadmin@oceansprings-ms.gov

**Beach Barn—139 Watersedge Drive Ocean Springs, MS.
39564
Rental Agreement**

Dear _____:

Thank you for inquiring about Beach Barn Vacation Rental. Below you'll find our property's policies—please review them prior to booking. We look forward to having you!

CANCELLATIONS - A sixty (60) day notice is required for cancellation. Cancellations that are made more than sixty (60) days prior to the arrival date will incur no penalty. Cancellations or changes that result in a shortened stay, that are made within 60 days of the arrival date, forfeit the full advance payment and reservation deposit. Cancellation or early departure does not warrant any refund of rent.

PETS- Well mannered small pets are welcome provided they are crate trained and do not cause damage to the home or its contents. Please do not leave your pets locked in the bathroom or bedroom. Visitors are responsible for clean-up of their pet's stool outdoors. Visitors are responsible for any damage to the property that their pets may cause.

PARKING – Parking is limited to four (4) vehicles in the graveled driveway. Parking on the road is not permitted. Any illegally parked cars are subject to towing; applicable fines/towing fees are the sole responsibility of the vehicle owner.

MAXIMUM OCCUPANCY – The maximum number of guests is limited to eight (8) persons.

INCLUSIVE FEES – Rates include a one-time linen & towel setup. Amenity fees are included in the rental rate

NO DAILY HOUSEKEEPING SERVICE – While linens and bath towels are included in the unit, daily maid service is not included in the rental rate. There are separate beach towels for guest use in the laundry room. Please do not remove any other linens or towels from the property.

DO NOT FLUSH anything other than toilet paper. No feminine products should be flushed at anytime. If it is found that feminine products have been flushed and clog the septic system, you could be charged damages of up to two hundred dollars (\$200).

The Beach Barn is privately owned and run; the owners are not responsible for any accidents, injuries or illness that occurs while on the premises or its facilities. The Homeowners are not responsible for the loss of personal belongings or valuables of the guest. By accepting this reservation, it is agreed that all guests are expressly assuming the risk of any harm arising from their use of the premises or others whom they invite to use the premise.

I will submit payment in full via PayPal. I agree that all rental monies are non-refundable per cancellation policy above. I have read my rights to purchase travel insurance.

Located at 139 Watersedge, Ocean Springs, MS 39564

Check In: _____ after 3pm

Check Out: _____ before 10am

By signing you accept, you agree to all terms and conditions of this agreement.

Signature: _____

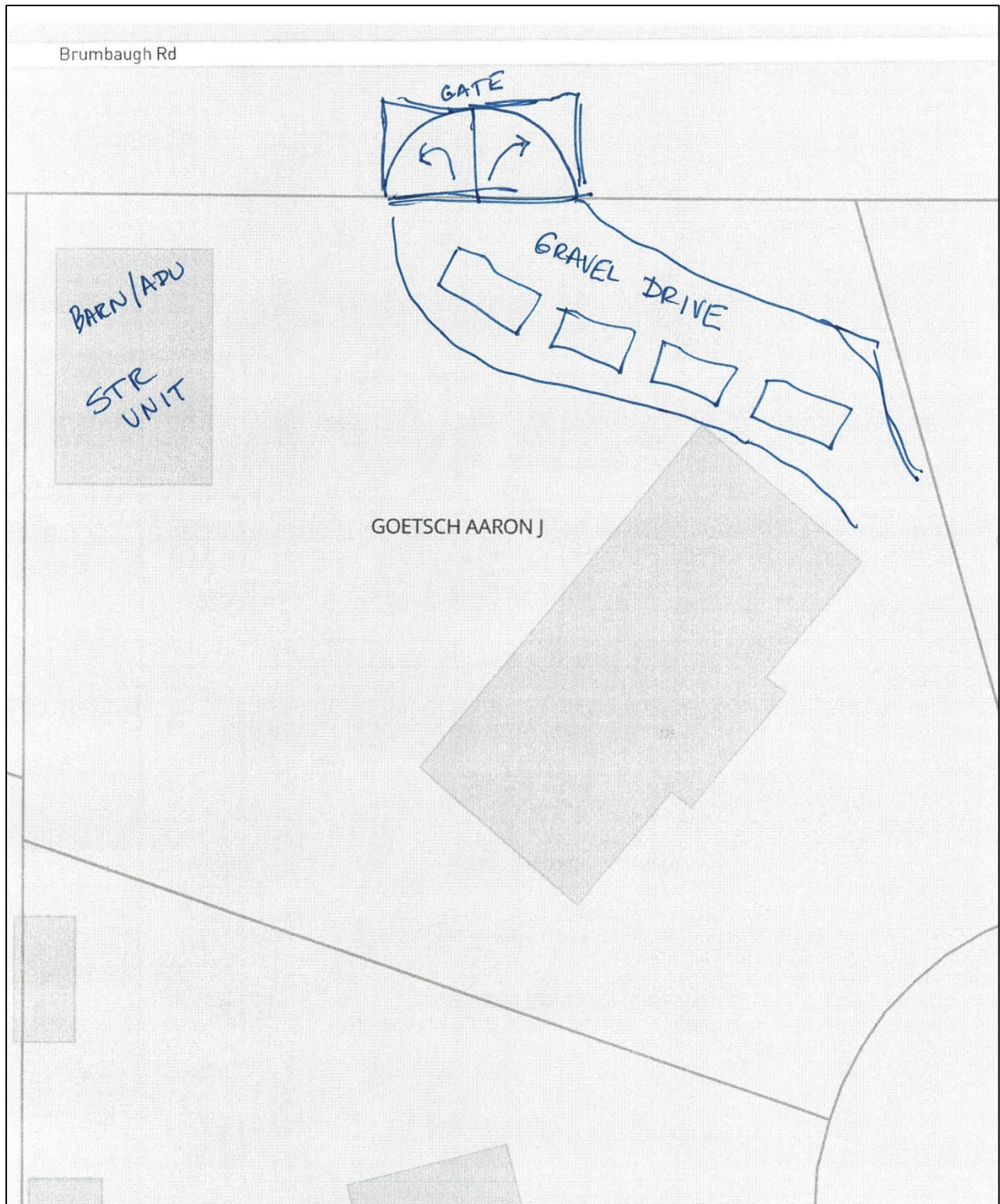
Date: _____

Thank you for reading and I look forward to your visit to Ocean Springs!

Aaron Goetsch

Beach Barn—139 Watersedge Drive—Ocean Springs, MS—
Rental Rules

1. 1. Absolutely no smoking of any type inside the home including vapes; Smoking is permitted outside—please dispose of cigarette butts properly.
2. Check-in time is 3pm, Check-out time is 10am unless otherwise arranged prior to visit
3. Absolutely no loud noise or music—This home is located in a quiet neighborhood and it is to stay that way. The city of Ocean Springs also restricts loud noise or music by codification in the city ordinance.
4. Absolutely no parties permitted—this includes large gatherings of any type, including, but not limited to—wedding parties, bachelor/bachelorette parties, family reunions, etc
5. Trash pick-up is on Tuesday. Trash bins are located outside the property and should be taken to the curb on Monday evening or early Tuesday morning for pick-up on Tuesday.
6. Report any damages immediately
7. Place trash in appropriate receptacles
8. All cars should be parked in the driveway
9. No parking in the yard/grass
10. Lock all windows and doors upon checkout
11. Turn air conditioner thermostat to 75 degrees upon check-out
12. Please keep all doors and windows closed when either heat or air conditioning is in operation
13. Owner lives on property—Contact him immediately with any questions or concerns—Aaron Goetsch—586.212.4434



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: November 14, 2023

APPLICANT(S): The Sands at Front Beach, LLC

CURRENT OWNER? ✓ Yes No

If No, - List Current Owner: NA

LOCATION: 265 Front Beach Dr., PID# 61473000.000, Northwest corner of Front Beach Dr. and Martin Ave.

REQUESTED ACTION: Zoning change from R-1A (Special Apartment Use District) to R-6 (Residential District)

DATE OF APPLICATION: August 7, 2023

ADJACENT ZONING AND LAND USE:

Subject Property: R-1A Special Apartment District – two partially-constructed single family dwellings, private streets and utilities.

North and West: R-1 Single Family Residential District, single family dwellings.

East: across Martin Ave., R-1 District – single family dwellings.

South: across Front Beach Dr., PUB, Public District – Front Beach public park and beach

Property Size: 5.56 acres total



DESCRIPTION OF REQUEST: The applicant requests rezoning the property to the R-6 district and intends to “build 31 single family homes to better fit with surrounding neighborhood.” The application also states that “this zoning change will benefit the public by decreasing the allowed density by more than half, and provide individually owned homes instead of a more dense apartment complex.” The applicant’s attorney has provided a supplemental description of changes in the neighborhood and other relevant factors. That description 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 existing R-1A district is described in the Unified Development Code (UDC) as “the most restrictive apartment district to provide for luxury townhouse or apartment development in selected areas of Ocean Springs.” The proposed R-6 district is described in the UDC for “medium density single family dwellings. Allows for smaller lot sizes and infill development for a density of 6 du/acre. Intended for water-front properties on the bay or bayou.”
- Townhouse and/or apartment units are permitted within the R1A district but are not permitted in the proposed R-6 district.
- The R-6 district allows single family detached dwellings at a maximum density of 6 dwellings per acre and a minimum lot area of 2,000 sq. ft. The property’s 5.56 acres will permit a maximum of 33 dwellings.

COMPREHENSIVE PLAN:

- Requests for change in a zoning district should comply with the adopted Comprehensive Plan. The following goals and policies address the proposed zoning change:
 - *Goal 4: To provide high quality residential neighborhoods with a variety of compatible housing types to serve the various needs of Ocean Springs residents.*
 - *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.*
 - *Policy 4.2: Ensure that all housing is of a sufficient quality and design to promote the long-term neighborhood stability.*
 - *Policy 4.3: Ensure that land uses abutting residential development are compatible with the scale, intensity and overall character of the neighborhood. Note: This policy is intended to facilitate a mix of residential unit types and better integration of residential and nonresidential uses through the use of creative design, including the architecture, landscaping, building orientation, parking layouts, building scale and setbacks.*
- The proposed zoning district is consistent with the comprehensive plan goals and policies.

OTHER FEEDBACK:

- Comments received from area property owners are attached at the end of this report.

SUMMARY: The applicant's attorney has described the changes that have taken place in the neighborhood since 2005 and the overall need for the type of housing permitted by the proposed R-6 district. In addition, the R-6 district is consistent with the policies of the City's comprehensive plan.

POTENTIAL MOTION:

To recommend _____ of the rezoning of 265 Front Beach Drive, parcel number 61473000.000, from the R-1A Special Apartment District to the R-6 Residential 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: 7/7/2023

(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): 265 Front Beach Drive, Ocean Springs

Parcel ID(s): 61473000.000

1. Applicant:	<u>The Sands at Front Beach, LLC</u>	Phone:	<u>228-324-8086</u>
Address:	<u>13090 Lorraine Rd, Biloxi MS 39532</u>	Email:	<u>Michael.butler@butlercrafted.com</u>
2. Owner of Record:	<u>The Sands at Front Beach, LLC</u>	Phone:	<u>228-324-8086</u>
Address:	<u>13090 Lorraine Rd, Biloxi MS 39532</u>	Email:	<u>Michael.butler@butlercrafted.com</u>

COMPLETE THE FOLLOWING:

1. Current Zoning classification of property: R-1A
New Zoning District Requested (if applicable): R-6
2. Explain the present use of the property and condition of any existing structures:
Property is vacant land with 2 unfinished homes and infrastructure for a 41 unit development.
3. Describe the intended use of property:
Build 31 single family homes to better fit with surrounding neighborhood.

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.*

31 single homes are better suited for this area than apartments which are allowed in the current zone.

Entire city adopted a new code, but this property was ordered by a judge to remain as the old zone due to litigation.

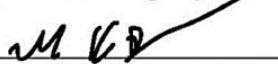
This zoning change will benefit the public by decreasing the allowed density by more than half, and provide individually owned homes instead of a more dense apartment complex.

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



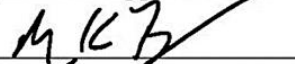
Michael Butler

Print name

7/7/2023

Date

Signature of Applicant



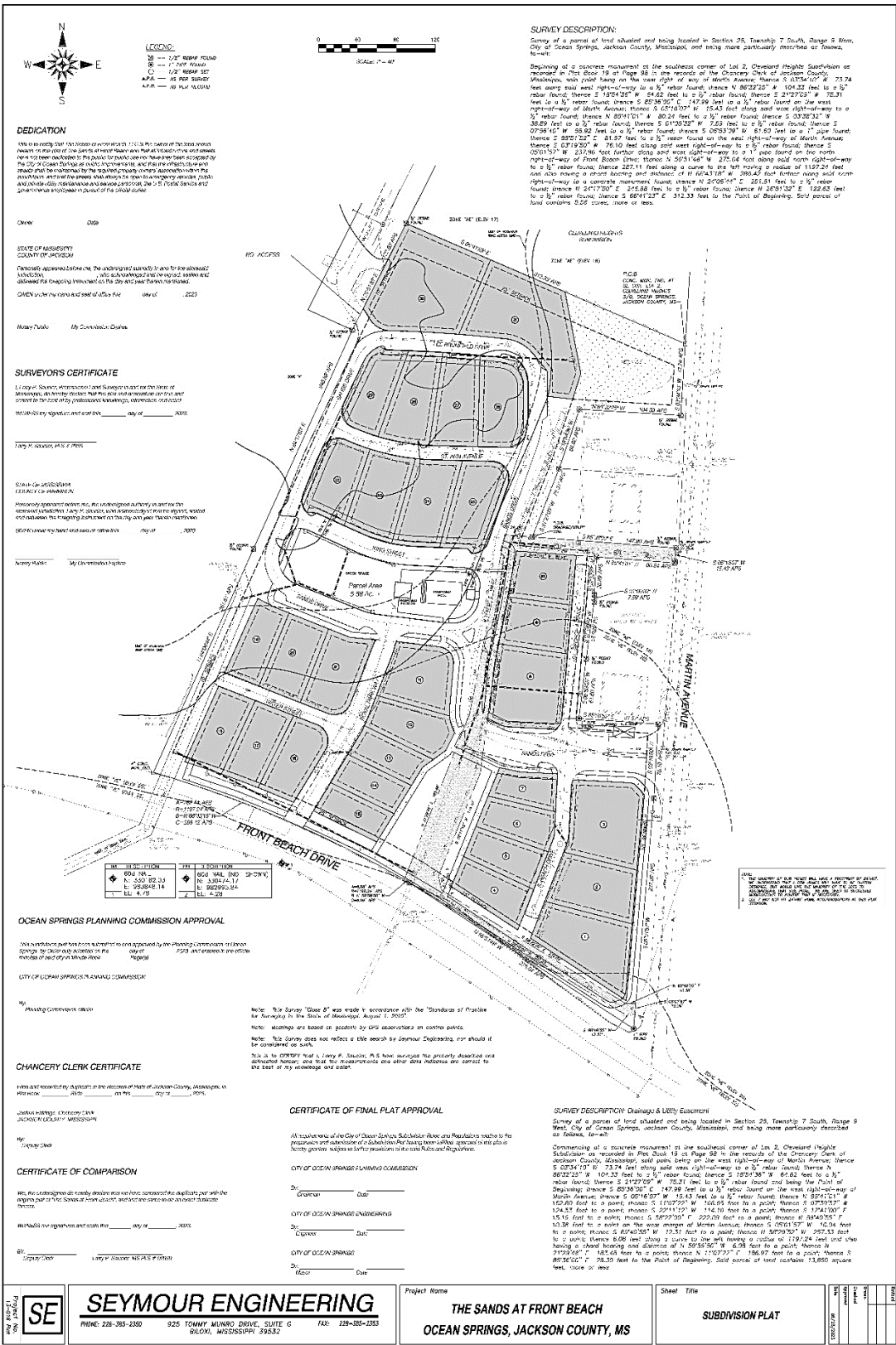
Michael Butler

Print name

7/7/2023

Date

PROPOSED DEVELOPMENT LAYOUT:



APPLICANT'S SUPPLEMENTAL REPORT

CITY OF OCEAN SPRINGS SUPPLEMENT TO APPLICATION FOR CHANGE IN ZONING/USE PERMIT APPLICATION FOR THE SANDS AT FRONT BEACH, LLC

The Sands at Front Beach, LLC, A Mississippi Limited Liability Company (“Owner”) is the owner of approximately 5.56 acres of real property located in Section 25, Township 7, Range 9, in the City of Ocean Springs, Mississippi, bounded by Front Beach Drive and Martin Avenue, which property is currently assessed under Jackson County Tax Parcel Number 61473000.000 (the “subject property”). A true and accurate copy of the vesting deed to the Owner for the subject property and the Jackson County, Mississippi Tax Parcel information sheets are attached hereto. The subject property is currently zoned R-1A (Special Apartment Use District).

The Owner desires to have the subject property rezoned from R-1A (Special Apartment Use District) to R-6 (Residential). The subject property was utilized prior to Hurricane Katrina for apartments by the previous owner, Brumfield Properties, Inc., (“BPI”) and the subject property has been vacant since Hurricane Katrina¹. As the City is well aware housing trends have changed significantly since Hurricane Katrina in 2005 and more recently since the pandemic.

The request for rezoning would allow the construction of 31 custom single family residential homes² on the subject property in conjunction with a Planned Unit Development (“PUD”) application which has been simultaneously submitted by the Owner for consideration by the Planning Commission.

The Owner asserts that the character of the neighborhood of the subject property has changed to such an extent as to justify rezoning and that public need exists for rezoning the subject to R-6 at the site.

The current uses allowed under the R1-A zoning classification do not include appropriate density for single family residential homes based on current housing trends, the material changes in the character of the neighborhood and market conditions in the City of Ocean Springs and specifically in the neighborhood of the subject property. The same is in part due to the lengthy period of time between the passage of the R1-A zoning classification and today, which was one

¹ With the exception of two (2) partially constructed residences on the subject property and related infrastructure which were commenced when the property was platted by the Owner as The Sands at Front Beach Townhome Development, as per map or plat thereof on file and of record in the office of the Chancery Clerk of Jackson County, Mississippi, in Plat Book 24 at Page 90 (“Plat”). Said Plat allowed for the development of the property as 41 townhomes. The Plat was thereafter set aside by Order of the Circuit Court of Jackson County, Mississippi based on objections raised by certain neighbors.

² Including the two (2) partially constructed residences on the subject property.

of the reasons the City previously sought to do away with the R1-A zoning classification.

The current uses allowed under the R-1A (Special Apartment Use District) are not conducive for the proper and efficient development of the subject property in harmony with the surrounding properties based on material changes in the character of the neighborhood which have occurred since the subject property was zoned R-1A, and based on the current additional need for high quality single family residential residences in the City of Ocean Springs, and in particular in the neighborhood of the subject property, which justify rezoning of the subject property.

As the City is aware the R-6 Residential classification was recently adopted by the City of Ocean Springs and fits a much needed and previously lacking zoning classification group. R-6 allows for medium density single family dwellings, with smaller lot sizes and infill development with a density of 6 dwelling units per acre. Additionally the R-6 Residential classification is intended for water-front properties on the bay or bayou. The subject property and the proposed development of the same into 31 custom single family residential homes is fully aligned with the R-6 zoning definitions and intent.

Certain neighbors to the subject property previously objected to the development of the subject property into 41 townhomes and have also objected to the development of the property for apartments, both of which are allowed under R1-A. The proposed development of the subject property into 31 single family residences reduces the previously approved density of the townhome development by approximately 24% and complies with the R-6 classification for “medium density” development not to exceed 6 dwelling units per acre. As such both the proposed rezoning and use of the subject property for 31 single family residences following rezoning will be consistent and compatible with the neighborhood and surrounding properties.

As the City and general public are well aware Ocean Springs is the most desirable city to live in on the Mississippi Gulf Coast, and has been for many years. The outstanding school system and other amenities offered in Ocean Springs are unmatched on the balance of the Gulf Coast. Additionally, the relative cost of living in Ocean Springs when compared to similar towns in other states is a driving force behind the current rise in families relocating to Ocean Springs.

The multiple listing service (“MLS”) data reflects a very small number of single family residential properties available for the sale in the neighborhood of the subject property, and there are few vacant lots available for sale in the neighborhood of the subject property which would be conducive for single family development. During preconstruction marketing efforts by the Owner for the prior 41 townhome development, the Owner had numerous requests from individuals to purchase homes to be constructed in the development and pre-sold a number of units in the development prior to receiving opposition from the neighbors which resulted in extensive litigation.

Additionally, the City elected to do away with the R1-A zoning classification through

adoption of the previously proposed UDC, but following litigation of the matter, the R1-A classification was ordered to remain in existence until the City properly modifies or terminates the same. As such the R1-A classification is antiquated and does not currently serve the needs and desires of the City and the vast majority of its residents.

The Owner will provide data, information and reports regarding the need for additional single family residences in the neighborhood of the subject property at the time of hearing on this application.

The Owner will also provide data, information and reports on the material change in the character of the neighborhood which justifies the rezoning of the subject property.

The Owners' request should be granted as there is a public need for the property to be rezoned to provide additional quality single family residential homes at the subject property and the neighborhood of the same, based on material changes in the character of the neighborhood.

As is known to all the City of Ocean Springs's population is growing at a fast rate, which requires continued construction of quality housing options. Furthermore, the post-pandemic trends suggest that communities like Ocean Springs could be the beneficiary of a migration away from more expensive, metropolitan areas.³ "On the whole it is clear that people are moving from more expensive places to less expensive places, which was true before the shock of COVID, but accelerated post-pandemic and became a clearer broad trend." *Id.* "Different sets of factors appear to explain growth in areas that saw faster population growth. One theory is that vacation towns have seen significant growth in demand, as remote work allows year-round living in places with desirable amenities but fewer skilled job opportunities." *Id.* The outstanding value of Ocean Springs and the resulting increase in population in Ocean Springs have led to an increased need for R-6 properties, including the use of the subject property in R-6.

The Owner reserves the right to supplement and/or amend their application.

³<https://eig.org/how-remote-work-is-shifting-population-growth-across-the-u-s/>

COMMENTS RECEIVED FROM AREA PROPERTY OWNERS:

From: Ellen Hall <ellen.hall97@gmail.com>
Sent: Thursday, September 07, 2023 8:05 AM
To: Wade Morgan <wmorgan@oceansprings-ms.gov>
Subject: Illegal rezoning

Please make my email part of the record.
The rezoning of property at 265 Front Beach dr(corner of Martin Ave and Front Beach) is not legal.
The approval of the PUD development on property is illegal.
I request that your office comply with the law.

Sincerely,

Ellen Hall

From: sylvia bosco <sophbosco@yahoo.com>
Sent: Thursday, September 07, 2023 9:21 AM
To: Wade Morgan <wmorgan@oceansprings-ms.gov>
Subject: Rezoning of property at 265 Front Beach Dr.

Dear Wade,

I want to notify you and the City that I am opposed to the rezoning of property at 265 Front Beach Dr., located at the corner of Martin Ave and Front Beach. The City's rezoning of the property to a PUD development is illegal and encroaches on historically residential areas.

Please add this to the Public Record in association with the PUD Rezoning.

Wade Morgan

From: Stacey Pace <staceypace@hotmail.com>
Sent: Friday, September 08, 2023 2:25 PM
To: Wade Morgan
Subject: Objection to refining Sands property

We object to rezoning The Sands property to R-6 and developing that or any other undeveloped property on Front Beach with the Planned Unit Development (PUD) ordinance. The actions proposed by the Developer constitute illegal spot zoning and represent a threat to the character of our neighborhood. The City's use of the PUD represents a threat to the character of all adjacent existing residential neighborhoods where it would be applied and would effectively destroy protections provided to adjacent residential property owners. We request that our objection be made part of the public record.

Stacey and Bill Pace

Sent from my iPhone

From: [Sybil Callaway](#)
To: [Carolyn Martin](#); [elias bouwaked](#)
Subject: The Sands at Front Beach Public Hearing
Date: Friday, September 29, 2023 10:39:54 AM

Wade Morgan
City of Ocean Springs
City Planner

Good Morning Mr. Morgan,

My husband and I own the property at 410 Wulff Drive in Ocean Springs. Today we received by mail the Public Notice of a hearing on The Sands at Front Beach request for rezoning and approval of a planned unit development (PUD).

I appreciate you sending us the notice. I searched the Ocean Springs Government website and did not find any additional information on this subject.

Unfortunately we will not be able to attend the hearing, so I am sending our comments to you by email. Our comments, numbered below, are based on observations and intimate knowledge of the area:

1) We were shocked that the proposal is for 31 detached dwelling units. That number of units is, in our opinion, far more than should be allowed on the relatively small plot of land. What is the real purpose of having so many units? Is development greed? A potentially very sad time for the area.

2) The land is low, and we were told it was formerly a harbor. In our opinion the very best use of that land would be a nature preserve, with a historical museum and a beach activity area.

3) Wulff Drive is a quiet narrow street that originally had no exit. Will the City Planners allow the developers to keep access to The Sands from Wulff Drive? We certainly hope not. If they are allowed to keep access to the Sands from Wulff Drive, that would create heavy traffic on this quiet & lovely small street. Another potentially very sad time for the area.

Things are often ruined by poor decisions and poor choices fueled only by the desire for money. Please consider our comments, as homeowners and people who genuinely care for the area.

Regards,

J. Sybil Callaway, and

Elias Bou-Waked

Owners of 410 Wulff Drive.

From: Angela Nation <anation@silverhammersystems.com>
Sent: Monday, September 11, 2023 12:16 PM
To: Wade Morgan <wmorgan@oceansprings-ms.gov>
Cc: Dan Nation <dan@erstreben.com>
Subject: Planning Commission
Importance: High

We object to rezoning The Sands property to R-6 and developing that or any other undeveloped property on Front Beach with the Planned Unit Development (PUD) ordinance. The actions proposed by the Developer constitute illegal spot zoning and represent a threat to the character of our neighborhood. The City's use of the PUD represents a threat to the character of all adjacent existing residential neighborhoods where it would be applied and would effectively destroy protections provided to adjacent residential property owners. We request that our objection be made part of the public record.

Angela Nation
Chief Executive Officer
Silver Hammer
Cell: 770.722.4551
www.silverhammersystems.com



From: Ginger Anderson <ging.anderson@gmail.com>
Sent: Monday, September 11, 2023 9:09 AM
To: Wade Morgan <wmorgan@oceansprings-ms.gov>
Subject: front beach development considerations

Mr. Wade,

As the planning commission meets this week, I would like to express my objection to the rezoning of The Sands property to R-6 and to the development of that or any other property on front beach with the PUD ordinance. The actions proposed by the developer constitute illegal spot zoning and represent a threat to the character of our beach and the surrounding neighborhoods. I respectfully request that my objection be made part of the public record of the planning commission meeting.

Thank you,
Ginger Stennis

1

From: scott edwards <edwardsscott50@gmail.com>
Sent: Monday, September 11, 2023 10:54 AM
To: Wade Morgan <wmorgan@oceansprings-ms.gov>
Subject: Sands Rezoning

City of OS Planning Commission,

I object to rezoning The Sands property to R-6 and developing that or any other undeveloped property on Front Beach with the Planned Unit Development (PUD) ordinance. The actions proposed by the Developer constitute illegal spot zoning and represent a threat to the character of our neighborhood. The City's use of the PUD represents a threat to the character of all adjacent existing residential neighborhoods where it would be applied and would effectively destroy protections provided to adjacent residential property owners. I request that my objection be made part of the public record.

1

From: karen <stennisk1@gmail.com>
Sent: Monday, September 11, 2023 3:58 PM
To: Wade Morgan <wmorgan@oceansprings-ms.gov>
Subject: Rezoning of the Sands property to R-6

Mr. Wade,

I would like to state my objection to the rezoning of The Sands property to R-6 and developing that or any undeveloped property on front beach with the Planned Unit Development (PUD) ordinance. The actions proposed by the developer constitute illegal spot zoning and represent a threat to the character of our neighborhood. The city's use of the PUD represents a threat to character of all adjacent existing residential neighborhoods where it would be applied and would effectively destroy protections provided to adjacent residential property owners. I request that my objection be made part of the public record.

Sincerely,
Karen C. Stennis
399 Maginnis Ave.
Ocean Springs, MS 39564

From: Drjosh1 <drjosh1@aol.com>
Sent: Saturday, September 09, 2023 9:36 AM
To: Wade Morgan <wmorgan@oceansprings-ms.gov>
Subject: Rezoning the Sands property

City of Ocean Springs Zoning and Planning Departments,

We object to rezoning The Sands property to R-6 and developing that or any other undeveloped property on Front Beach with the Planned Unit Development (PUD) ordinance. The actions proposed by the Developer constitute illegal spot zoning and represent a threat to the character of our neighborhood. The City's use of the PUD represents a threat to the character of all adjacent existing residential neighborhoods where it would be applied and would effectively destroy protections provided to adjacent residential property owners. We request that our objection be made part of the public record.

1

502 Martin Avenue
Ocean Springs

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

**REZONING PROPERTY HEREIN DESCRIBED FROM R-1A SPECIAL
APARTMENT DISTRICT TO THE R-6 RESIDENTIAL 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-1A Special Apartment District be changed to R-6 Residential District, said property being described as:

Parcel ID: 61473000.000; and

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

WHEREAS, thereafter on November 14, 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-1A to a classification of R-6:

Parcel ID: 61473000.000.

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: November 14, 2023

APPLICANT(S): The Sands at Front Beach, LLC

CURRENT OWNER? ✓ Yes No

If No, - List Current Owner: NA

LOCATION: 265 Front Beach Dr., PID# 61473000.000, Northwest corner of Front Beach Dr. and Martin Ave.

REQUESTED ACTION: Approval of a Planned Unit Development Outline and Final Plan within the R-6 Residential District

DATE OF APPLICATION: August 7, 2023

ADJACENT ZONING AND LAND USE:

Subject Property: R-1A Special Apartment District – two partially-constructed single family dwellings, private streets and utilities.

North and West: R-1 Single Family Residential District, single family dwellings.

East: across Martin Ave., R-1 District – single family dwellings.

South: across Front Beach Dr., PUB, Public District – Front Beach public park and beach

Property Size: 5.56 acres total



DESCRIPTION OF REQUEST: the applicant requests approval of the Outline and Final Plan for a residential Planned Unit Development (PUD) of 31 single family detached dwellings. There are 2 existing, partially built dwellings that will be incorporated into the 31 dwellings. The existing private streets will be used, with the addition of an extension of Royal Parkway to Front Beach Dr. The existing water and sanitary sewer system will also be used.

FINDINGS:

- The purpose of a PUD outline plan is to facilitate the use of flexible techniques of land development and site design, by providing relief from conventional zoning requirements. The outline plan establishes the exceptions from the standard zoning district regulations governing area, bulk (minimum lot size, minimum lot width, building setback distances, and maximum building height), parking and similar subdivision regulations.
- The PUD final plan provides greater details of the development's infrastructure, storm-water drainage facilities and open space. It must conform to the approved outline plan. The final plan is subject to review and recommendation by the planning commission and subsequent approval by the board of mayor and aldermen.
- The Sands at Front Beach PUD relies on the requirements of the R-6 zoning district. An application for rezoning to that district is also on the 11/14/23 planning commission agenda.
- The proposed R-6 district allows single family detached dwellings at a maximum density of 6 dwellings per acre and a minimum lot area of 2,000 sq. ft. The property's 5.414 acres will permit a maximum of 32 dwellings. The table of lot areas notes that the smallest lot is 2,210 sq. ft., which exceeds the minimum lot requirements.
- The development's internal private streets vary in pavement width from 15 feet to 29.6 feet.
- Two internal green spaces of 8,800 square feet and 11,000 square feet are proposed.
- The development's existing water and sanitary sewer infrastructure was designed and constructed for a 42 dwelling unit development. That infrastructure can be adapted to the proposed 31 dwelling unit development with some modifications to water and sewer taps.

CITY DEPARTMENT REVIEW COMMENTS: (NOTE – the following items must be addressed prior to final plan approval by the Board of Aldermen)

- **GENERAL:**
 1. If any of the private utility infrastructure (the water, sanitary and stormwater drainage system) is converted into public utilities, the designation of easements of varying widths will be necessary to allow access to them. Some of those easements may impact the buildable areas of the lots through which they pass.
- **PUBLIC WORKS**
 - **SEWER DEPT.:**
 1. Clean sewer and re-video.
 2. Re- Vacuum test, sewer manholes.
 3. Re-air test sewer lines after any modifications that are made to the main line. With new lot size there will be some Sewer taps that have to be re-located and re-tapped at the main line. Any old Sewer taps that are no longer needed will have to be capped at the main.
 4. Check all Sewer Manholes to ensure that the rain tub is installed.
 5. There will be a new \$75 inspection fee required.

- **WATER DEPT.:**
 1. The fire hydrant near Front Beach Dr. is broken and must be replaced.
 2. The water lines will need a new pressure test.
- **STREETS AND DRAINAGE:**
 1. Some of the storm drains are 18 ft. deep. The associated easement must be sufficiently wide to accommodate access for repair.
- **FIRE DEPT.:**
 1. Were the plans originally approved for private fire service mains? I'll need to review the plans that were submitted for the fire service mains.
 2. Flush Hydrants and Hydrant locations. I need to review utility plans. Fire service mains are recommended to be on a loop. Usually, flush hydrants are on dead end mains.
 3. Recommend installing a hydrant at The Front Beach and Martin Entrance. Any hose connected to the hydrants outside of this subdivision will require extensive lengths and run across the road blocking traffic. Need to review updated utility plan.
- **CITY ENGINEER:**
 1. Provide updated utility plans showing how the existing water and services will be abandoned and new ones added at updated lot lines.
 2. Provide updated drainage calculations.
 3. Provide utility easements. If utilities are public but roads are private, then an easement will be required over all public improvements.
 4. Water and sewer will need to be retested in accordance with the City's specifications.
- **OTHER FEEDBACK:**
 - Comments received from area property owners are attached at the end of this report.

SUMMARY: The plan for The Sands at Front Beach PUD complies with the requirements for outline plan approval. The plan for The Sands at Front Beach PUD complies with the requirements for final plan approval, provided that the comments listed above are adequately addressed.

POTENTIAL MOTION:

To recommend _____ of the outline and final plans for The Sands at Front Beach PUD, at 265 Front Beach Drive, parcel number 61473000.000, subject to the City Department comments listed in the report above.



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

APPLICATION: PLANNED UNIT DEVELOPMENT

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

Phase of Development: ☒ Outline Plan ☒ Final Plan

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

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

Name of Development: The Sands at Front Beach, LLC
Address of Original Parcel(s): 225 Front Beach Drive
Parcel ID(s): 60225100.000

1. Applicant:	<u>The Sands at Front Beach, LLC</u>	Phone	<u>228-324-8086</u>
Address	<u>225 Front Beach Drive</u>	Email	<u>Michael.butler@butlercrafted.com</u>
2. Local Agent:	<u>Michael Butler</u>	Phone	<u>228-324-8086</u>
Address	<u>715 Plantation Isle Blvd Biloxi MS 39532</u>	Email	<u>Michael.butler@butlercrafted.com</u>
3. Owner of Record:	<u>The Sands at Front Beach, LLC</u>	Phone	<u>228-324-8086</u>
Address	<u>13090 Lorraine Rd Biloxi, MS 39532</u>	Email	<u>Michael.butler@butlercrafted.com</u>
4. Engineer:	<u>Seymour Engineering LLC</u>	Phone	<u>228-385-2350</u>
Address	<u>925 Tommy Munro Drive, Suite G Biloxi, MS 39532</u>	Email	<u>Mark@seymoureng.com</u>
5. Land Surveyor:	<u>Larry P. Saucier, PLS</u>	Phone	<u>228-860.1437</u>
Address	<u>925 Tommy Munro Drive Suite</u>	Email	<u>lsaucier@seymoureng.com</u>
6. Attorney:	<u>Robert Schwartz</u>	Phone	<u>228-388-7441</u>
Address	<u>2137 E Pass Rd Suite B Gulfport MS 39507</u>	Email	<u>Robert@sojlaw.net</u>

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

Property Information

1. Tax Map Designation: Section 25 Township: 7 Range: 9
2. Proposed Subdivision Location: On the North side of Front Beach Drive (street)
15 (distance in feet) West (relative direction) of Martin AVE (street)
3. List all contiguous holdings in the same ownership:
Section _____ Lot(s) 31

4. Zoning of Parcel(s): R-6 Applied for 5. Total Acreage: 5.414
6. Smallest Lot Size: 30X74 7. Proposed # of Lots: 31
9. Is the property located within a special district? (historic district, waterview preservation, or other designated overlay district, etc.) Currently R-1A with zoning request change to R-6 Waterfront district
11. Does the property include any wetlands? If so, include professional wetland delineation. Not To be Impacted
12. Has any lot included in this request been previously split or reconfigured, to your knowledge? NO
13. Are there any easements or other legal restrictions on the property? If so, please explain. Drainage Easement
14. Are there any existing structures on the property? If so, will they be kept or demolished? Yes. We will Keep.

Proposed PUD Information

15. Is the development infrastructure proposed to be: ☒ PUBLIC or ☐ PRIVATE?
16. Are any commercial or multi-use activities proposed? ☐ Yes ☒ No
If so, please describe: _____
17. List all exceptions or waivers being requested for the proposed development.
None that I am aware of
18. Have there been any variances, exceptions, appeals or conditional uses granted for any properties in this request?
☒ Yes ☐ No If yes, please explain and state the date(s) of approval: Multiple appeals by neighbors
19. Is any open space or common area included in this development? (Include any bus stops.) ☐ Yes ☐ No
If yes, please describe: Yes. Green spaces
20. Is the development ingress/egress onto a "major" road, as classified by the City? ☐ Yes ☒ No
21. **Complete where applicable:**
For Final Plan: Date NA was approved by Board of Aldermen: NA
▪ Were any changes made subsequent to Outline plan approval? ☐ Yes ☐ No
If yes, please describe: NA
▪ Does this final plan request include the entire area approved in the Outline Plan? ☐ Yes ☐ No
NA

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

Affidavit of Ownership

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

I, (print name) Michael Butler, 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: The Sands at Front Beach LLC Parcel ID(s): 60225100.000

Date Property Acquired Date: 2/9/2018 Book and Page of Each Conveyance:
Book 1875 Pages 726-728

Owner's Signature _____ Date: _____

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

STATE OF _____

COUNTY OF _____

**Notarized copy turned in to Planning
Commission**

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

Mailing Address _____

Subscribed and sworn before me this _____ day of _____, 20____.

My Commission expires: _____

Notary Signature: _____

Page 51 of 58

Page 51 of 58

**COMMENTS RECEIVED FROM AREA PROPERTY OWNERS: COMMENTS RECEIVED FROM AREA
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City Planner

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I appreciate you sending us the notice. I searched the Ocean Springs Government website and did not find any additional information on this subject.

Unfortunately we will not be able to attend the hearing, so I am sending our comments to you by email. Our comments, numbered below, are based on observations and intimate knowledge of the area:

1) We were shocked that the proposal is for 31 detached dwelling units. That number of units is, in our opinion, far more than should be allowed on the relatively small plot of land. What is the real purpose of having so many units? Is development greed? A potentially very sad time for the area.

2) The land is low, and we were told it was formerly a harbor. In our opinion the very best use of that land would be a nature preserve, with a historical museum and a beach activity area.

3) Wulff Drive is a quiet narrow street that originally had no exit. Will the City Planners allow the developers to keep access to The Sands from Wulff Drive? We certainly hope not. If they are allowed to keep access to the Sands from Wulff Drive, that would create heavy traffic on this quiet & lovely small street. Another potentially very sad time for the area.

Things are often ruined by poor decisions and poor choices fueled only by the desire for money. Please consider our comments, as homeowners and people who genuinely care for the area.

Regards,

J. Sybil Callaway, and

Elias Bou-Waked

Owners of 410 Wulff Drive.

From: Angela Nation <anation@silverhammersystems.com>
Sent: Monday, September 11, 2023 12:16 PM
To: Wade Morgan <wmorgan@oceansprings-ms.gov>
Cc: Dan Nation <dan@erstreben.com>
Subject: Planning Commission
Importance: High

We object to rezoning The Sands property to R-6 and developing that or any other undeveloped property on Front Beach with the Planned Unit Development (PUD) ordinance. The actions proposed by the Developer constitute illegal spot zoning and represent a threat to the character of our neighborhood. The City's use of the PUD represents a threat to the character of all adjacent existing residential neighborhoods where it would be applied and would effectively destroy protections provided to adjacent residential property owners. We request that our objection be made part of the public record.

Angela Nation
Chief Executive Officer
Silver Hammer
Cell: 770.722.4551
www.silverhammersystems.com



From: Ginger Anderson <ging.anderson@gmail.com>
Sent: Monday, September 11, 2023 9:09 AM
To: Wade Morgan <wmorgan@oceansprings-ms.gov>
Subject: front beach development considerations

Mr. Wade,

As the planning commission meets this week, I would like to express my objection to the rezoning of The Sands property to R-6 and to the development of that or any other property on front beach with the PUD ordinance. The actions proposed by the developer constitute illegal spot zoning and represent a threat to the character of our beach and the surrounding neighborhoods. I respectfully request that my objection be made part of the public record of the planning commission meeting.

Thank you,
Ginger Stennis

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From: scott edwards <edwardsscott50@gmail.com>
Sent: Monday, September 11, 2023 10:54 AM
To: Wade Morgan <wmorgan@oceansprings-ms.gov>
Subject: Sands Rezoning

City of OS Planning Commission,

I object to rezoning The Sands property to R-6 and developing that or any other undeveloped property on Front Beach with the Planned Unit Development (PUD) ordinance. The actions proposed by the Developer constitute illegal spot zoning and represent a threat to the character of our neighborhood. The City's use of the PUD represents a threat to the character of all adjacent existing residential neighborhoods where it would be applied and would effectively destroy protections provided to adjacent residential property owners. I request that my objection be made part of the public record.

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From: karen <stennisk1@gmail.com>
Sent: Monday, September 11, 2023 3:58 PM
To: Wade Morgan <wmorgan@oceansprings-ms.gov>
Subject: Rezoning of the Sands property to R-6

Mr. Wade,

I would like to state my objection to the rezoning of The Sands property to R-6 and developing that or any undeveloped property on front beach with the Planned Unit Development (PUD) ordinance. The actions proposed by the developer constitute illegal spot zoning and represent a threat to the character of our neighborhood. The city's use of the PUD represents a threat to character of all adjacent existing residential neighborhoods where it would be applied and would effectively destroy protections provided to adjacent residential property owners. I request that my objection be made part of the public record.

Sincerely,
Karen C. Stennis
399 Maginnis Ave.
Ocean Springs, MS 39564

From: Drjosh1 <drjosh1@aol.com>
Sent: Saturday, September 09, 2023 9:36 AM
To: Wade Morgan <wmorgan@oceansprings-ms.gov>
Subject: Rezoning the Sands property

City of Ocean Springs Zoning and Planning Departments,

We object to rezoning The Sands property to R-6 and developing that or any other undeveloped property on Front Beach with the Planned Unit Development (PUD) ordinance. The actions proposed by the Developer constitute illegal spot zoning and represent a threat to the character of our neighborhood. The City's use of the PUD represents a threat to the character of all adjacent existing residential neighborhoods where it would be applied and would effectively destroy protections provided to adjacent residential property owners. We request that our objection be made part of the public record.

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502 Martin Avenue
Ocean Springs

Wade Morgan

From: Carolyn Martin
Sent: Tuesday, October 10, 2023 6:40 PM
To: Bethanne Dressel
Cc: Wade Morgan; OS Planning
Subject: RE: Sands Hearing Comments

Bethanne,
This item was deferred from tonight's agenda and will be re-noticed once it is rescheduled. I will keep your comments in the folder to include on the next available meeting.

Thanks,
Carolyn

Carolyn A. Martin
Planning & Grants Administrator



City of Ocean Springs

1018 Porter Avenue / Ocean Springs, MS 39564
Ph: 228-230-1969

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From: Bethanne Dressel <bethanne@coloradocurrency.com>
Sent: Tuesday, October 10, 2023 4:59 PM
To: Carolyn Martin <cmartin@oceansprings-ms.gov>
Subject: Sands Hearing Comments

October 10, 2023

My name is Bethanne Dressel- 406 Martin Avenue. We have owned our home since March 2021. Prior to moving to Ocean Springs, I have had the pleasure of serving my fellow citizens and community as a Commissioner on the Narragansett (RI) Historic Commission, the Steamboat Springs (CO) Historic Commission and the Routt County (CO) Oil & Gas Commission. All of these required working extensively with Planning Commissions & Departments, local officials, state & federal government officials, oil companies, builders and developers. I also was a VP with a dot com, as well as actively participating in our family businesses in the building sector.

Never in any of these capacities have I ever seen anything even close to what I have observed happening here in Ocean Springs, much less as related to the Sands. The lack of transparency and detailed information from the city and developer is disappointing. This attitude has led us to where as a community we are today. As new residents in trying to seek information we are told to email a public information request or that information can't be given due to litigation and every other excuse in between. Packets for meetings are sometimes not available until a day before a meeting. There has been NO informational meeting by the developer the entire time we have lived here. Social media posts by the developer about the "neighbors" become a dog whistle for open season harassment by proponents of the project.

That the situation with the Sands has been allowed to spiral out of control is disgraceful and has caused anyone who lives in the area surrounding the property to unfairly have a target on their back. Within one month or so of moving across from the Sands there was a knock on our door and a tv camera shoved in my face by a reporter. From there out my husband and I have been accosted and in some cases viciously verbally attacked by proponents of the Sands of the Sands while working in our yard or sitting minding our own business on the porch.

Multiple times we have had to call the police when the homeless have been sleeping in or outside the unoccupied units. Probable illegal activity with cars meeting up and quickly exchanging items at all hours is commonplace. The roof shingles of the Martin Ave unit have been blowing off into our yard and the ridge line is coming apart. One of the porch columns appears to be leaning slightly. The grass has been cut twice in 30 months. Trash is allowed to litter the property including the developers own sign. And with no finished grading rain water from the property runs like a river from the entrance causing Martin Ave to become a lake. People use the lot as a public restroom during events. The condition of the entire property is disgraceful, a public nuisance and by definition blighted.

When the grass reached about 4 to 5 feet in some areas and the snakes and swamp rats took over I contacted our Ward 2 Alderman on April 6, 2023. I asked that the city use code enforcement to compel the developer to mow the grass and trim the planter in the entry. About every other week I contacted him again and he explained that a notice had been sent. The grass was finally cut about 4 months later. I also requested that the developer repair the roof, check the safety of the buildings with hurricane season approaching. To date shingles continue to litter our yard after a storm. The drainage has not been addressed. I am grateful at least that one of four requests has been addressed.

I for one don't trust that the developer has proven that they have been acting responsibly or have been a good neighbor themselves to date. Please remember that the majority of surrounding property owner are not plaintiffs in the legal proceedings and have been depending on the city to protect them to be sure the property was maintained. Now we are being asked to trust the developer to be a responsible builder and neighbor in building 31 units?

Here are some of my concerns:

On the application The Sands says they reserve the right to amend their application. If this property is rezoned to R-6 what changes to the plan could be made? Density? Height?

If the project fails or has low interest I would presume that the R-6 zoning would remain with a new buyer. What other uses or changes could be made for land use?

With mortgage rates being close to 8%, what is the current local demand for 31 high density detached townhomes in these uncertain times? These units based on a waterfront square footage rate of \$400 to 500 could be between \$1.1M to \$1.675M. The same developer is sitting on 2 units a few blocks from here, unsold and listed for much less. Is there a need?

What is the timeframe needed to achieve build out? What is the actual cost to the city for supporting the development of this project and what is the projected ROI to the taxpayer in what period of time? In a PUD should there be a land use/impact fee for each unit to defray the cost to taxpayers for sewer/water/schools/roads/drainage/police/fire?

In reading the Planning Dept notes in the application-

Public vs Private Utilities- Need for designated easements may affect the buildable lot areas? What does this mean to the final plat?

Easements for storm drain work? It appears the alleys are about 15 foot wide correct? There is nothing showing fire truck turnarounds on each alley much less allowing for maintenance of utilities.

What is the public need for rezoning? What are the material changes in the characteristics of the neighborhood? What are the facts and figures that support a PUD of 31 million dollar plus units?

Fire Dept-

Were private fire mains approved or not? This is a potential big deal folks. Expensive to maintain for the HOA and time consuming for yearly inspection by the fire department.

The suggestion of installing a city hydrant at the entrances at Front Beach and at Martin and the comment that the hose runs would be very long and could block traffic should be chilling. Not to mention the longer the hose run, the less pressure. Here is concern-.

This development, as well as any R-6 development allows for up to 6 homes per acre. Medium density classification hardly! This is dense folks. In December of 2021 over 1000 homes were lost in Boulder County CO in a flat terrain urban firestorm. Recently, developments in Lahaina, HI burnt to the ground with a tremendous loss of life and property. The areas were densely built- less dense in some cases than these proposed homes in this R-6 zoning. High winds similar to what we get on the MS Gulf Coast caused spontaneous combustion of one house to the next to the next. Now imagine a development where there are 6 homes per acre. Red Flag warning day. Low humidity. One home catches on fire, then the next and next in the Immediate Zone and Intermediate Zones that all R-6 would fall in. Radiant heat, direct flames fanned by winds and the large ember zone are all high risks in density. The ember zone extends up to a mile, embers being blown by winds to neighboring homes catching mulch on fire, then homes. Fire catches pine trees on fire causing crowning. Over 90% of homes are lost in urban firestorms from the ember zone. It is a real possibility that block after block of homes and businesses are gone in hours. Homeowners trapped on narrow streets, firefighters overwhelmed and a tragedy unfolds. I urge every commissioner and alderman and our mayor to take the time to read the final FEMA report of the Marshall Fire in Boulder County. Ask the fire department if they feel they are prepared for this scenario or if they are properly trained and staffed for this type of density. What will be the building requirements for materials and methods used be to prevent this type of apocalypse? With changing climate, there are 1,601,862 properties in Mississippi that have some risk of being affected by wildfire over the next 30 years. This represents 82% of all properties in Mississippi. And here we thought we only had to worry about safe Velocity zone construction?

The bottom line is that this 5 acres probably has better public uses than 31 housing units that the majority of its citizens can't afford to buy. Why not look for a true public use of this land to be enjoyed by residents and visitors alike? It is my opinion that Ocean Springs is at a crossroads now. There is an identity crisis as to what this community should evolve into. It appears that the wishes of the citizens after Katrina and the gulf spill has been lost in the name of progress. Most residents don't want Rosemary Beach and to live in a party hardy Air BNB tourist destination fueled by developers. They want a safe multi-generational community with a true sense of neighbors and neighborhoods, trees, open spaces, spaces and places for the community to come together.

Once the genie is let out of the bottle, it is almost impossible to put her back. Please enter my comments into the public record. Thank you.