



Planning Commission
Planning Commission Meeting
Tuesday, April 9, 2024 @ 6:00 PM

- 1. Call Meeting to Order**
- 2. Approval of Minutes**
 - a. March 12, 2024
- 3. New Business - Applicants and Public will be allotted 5 minutes each to discuss each item**
 - a. **PUBLIC HEARING:** 114 Ethel Circle/PID 61275004.000, 61460003.100 - Russell Rayburn - Request to Rezone from RM-2 (Multi-Family Residential District) to CMX-1 (Neighborhood Commercial Mixed-Use District)
- 4. General Public Comment**
- 5. Commissioner's Forum**
- 6. Adjourn**

The Minutes of the City of Ocean Springs
Planning Commission
March 12, 2024

1. Call Meeting to Order

A meeting of the City of Ocean Springs Planning Commission (PC) was called to order by Chairman Andy Phelan at 6:00 p.m. on Tuesday, March 12, 2024. PC Members present were Matthew Hinton, Joey Conwill, Michael Davis, Kevin O'Connell 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. PC Member Marshall Johnson arrived at 6:02.

A motion was made by Matthew Hinton, seconded by Kevin O'Connell, to table Agenda Item 4. d. 3: Chapter 3, Table 3.6. The motion passed 6-0.

2. Approval of Minutes

a. February 13, 2024

A motion was made by Matthew Hinton, seconded by Joey Conwill to accept the minutes as submitted. The motion passed unanimously.

A motion was made by Joseph McCormick, seconded by Michael Davis, to go into closed session to determine the need for executive session. The motion passed unanimously. A motion was made by Matthew Hinton, seconded by Kevin O'Connell, to go into executive session to discuss litigation regarding 104 Keri Cove. The motion passed unanimously. A motion was made by Matthew Hinton, seconded by Kevin O'Connell, to go into executive session to discuss litigation regarding 100 Winchester Drive. The motion passed unanimously. A motion was made by Kevin O'Connell, seconded by Michael Davis, to come out of executive session. The motion passed unanimously. No action was taken in executive session.

3. Old Business

a. None

None

4. New Business

a. **PUBLIC HEARING:** 106 Arbor Vista / PID# 61020005.000 – Aaron & Jamie Gallagher - Request for a residential short-term rental permit.

A motion was made by Matthew Hinton, seconded by Michael Davis, to go into public hearing. The motion passed unanimously. Carolyn Martin presented the application. Chairman Phelan asked if the PC members had any questions. They did not.

Chairman Phelan asked if the applicant was present and wanted to speak. The applicant, Aaron Gallagher, spoke. City Attorney Will Norman stated the City was given Covenants and spoke with the applicant about them. Chairman Phelan asked if anyone else wanted to speak. Rudy Fink at 102 Arbor Vista spoke against the application and also provided Covenants to the City. A motion was made by Matthew Hinton, seconded by Kevin O'Connell to accept the Covenants into the minutes. The motion passed unanimously. Chairman Phelan asked if anyone else present wanted to speak. No one did. The PC members and Will Norman discussed statutes on Covenants and Short-Term Rentals. A motion was made by Matthew Hinton, seconded by Joseph McCormick to come out of public hearing. The motion passed unanimously. A motion was made by Matthew Hinton, seconded by Joey Conwill, to recommend approval subject to City Attorney's findings on Covenants. The motion passed unanimously.

- b. **PUBLIC HEARING:** 808 Desoto #11 / PID# 60119106.050 – Hunter Odom - Request for a residential short-term rental permit.

A motion was made by Michael Davis, seconded by Matthew Hinton, to go into public hearing. The motion passed unanimously. Carolyn Martin presented the application. Chairman Phelan asked if the applicant was present and wanted to speak. The applicant, Hunter Odom, spoke. Chairman Phelan asked if anyone else present wanted to speak. No one did. A motion was made by Matthew Hinton, seconded by Kevin O'Connell, to come out of public hearing. The motion passed unanimously. A motion was made by Kevin O'Connell, seconded by Matthew Hinton, to recommend approval. The motion passed unanimously.

- c. **PUBLIC HEARING:** 320 Magnolia Avenue / PID# 61011106.000 – Gary Tucker - Request for a residential short-term rental permit.

A motion was made by Michael Davis, seconded by Kevin O'Connell, to go into public hearing. The motion passed unanimously. Carolyn Martin presented the application. Chairman Phelan asked if the PC members had any questions. They did not. Chairman Phelan asked if the applicant was present and wanted to speak. The applicant, Gary Tucker, chose not to speak. Chairman Phelan asked if anyone else present wanted to speak. No one did. A motion was made by Kevin O'Connell, seconded by Matthew Hinton to come out of public hearing. The motion passed unanimously. A motion was made by Joey Conwill, seconded by Kevin O'Connell to recommend approval. The motion passed unanimously.

- d. **PUBLIC HEARING:** Amendments to the Unified Development Code (UDC) for the City of Ocean Springs, Mississippi amending the following sections and chapters: **1)** Chapter 3, section 3.6.3.G; **2)** Chapter 3, Table 3.2B; **3)** Chapter 3, Table 3.6; **4)** Chapter 4, Table 4.2; **5)** Chapter 4, Section 4.7.2; **6)** Chapter 2, Section 22; **7)** Chapter 5, section 5.9; and **8)** Chapter 7

A motion was made by Matthew Hinton, seconded by Kevin O'Connell, to accept into the minutes an email from Mike Illane at 303 Front Beach Drive that was submitted to Planning Department regarding the proposed marina on Front Beach. The motion passed unanimously. A motion was made by Matthew Hinton, seconded by Kevin O'Connell, to go into public hearing. The motion passed unanimously. Wade Morgan discussed the Amendments to the Unified Development Code with the Commission members. Chairman Phelan asked if anyone present would like to speak. Hanna

Navarro at 517 Rayburn Ave. asked about item 4.d. 3. PC members reminded her they voted to defer that item at the beginning of the meeting. Chairman Phelan asked if anyone else would like to speak. Patricia Joachim Creel at 517 Rayburn Ave. asked about townhomes. Chairman Phelan asked if anyone else would like to speak. No one did. A motion was made by Michael Davis, seconded by Joey Conwill to come out of public hearing. The motion passed unanimously. Chairman Phelan asked the PC members if they had any questions on item 4.d. 1. They did not. A motion was made by Michael Davis, seconded by Kevin O'Connell, to recommend approval. The motion passed unanimously. Chairman Phelan asked the PC members if they had any questions on item 4.d. 2. They did not. A motion was made by Matthew Hinton, seconded by Joseph McCormick, to recommend approval. The motion passed unanimously. Item 4.d. 3 was tabled at the beginning of the meeting, so it was not voted on. Chairman Phelan asked the PC members if they had any questions on item 4.d. 4. They did not. A motion was made by Kevin O'Connell, seconded by Marshall Johnson to recommend approval. The motion passed unanimously. Chairman Phelan asked the PC members if they had any questions on item 4.d. 5. They did not. A motion was made by Matthew Hinton, seconded by Joey Conwill, to recommend approval. The motion passed unanimously. Chairman Phelan asked the PC members if they had any questions on item 4.d. 6. They did not. A motion was made by Kevin O'Connell, seconded by Marshall Johnson, to recommend approval. The motion passed unanimously. Chairman Phelan asked the PC members if they had any questions on item 4.d. 7. They did not. A motion was made by Matthew Hinton, seconded by Joey Conwill, to recommend approval. The motion passed unanimously. Chairman Phelan asked the PC members if they had any questions on item 4.d. 8. Matthew Hinton suggested clarity for this amendment. The Planning Commission discussed it with Wade Morgan and Carolyn Martin. A motion was made by Matthew Hinton, seconded by Kevin O'Connell, to recommend approval as submitted with the addition of the phrase "withing a single structure" to the definition. The motion passed unanimously.

5. General Public Comment

None

6. Commissioner's Forum

Michael Davis and Carolyn Martin discussed Short-Term Rental permits and caps. Chairman Phelan asked if Planning Department can add to the PC Agendas that there is a 3 minute time limit on public speaking.

7. Adjourn

A motion was made by Matthew Hinton, seconded by Michael Davis, to adjourn the meeting. The motion passed unanimously.

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: April 9, 2024

APPLICANT(S): Russell Rayburn

CURRENT OWNER? ✓ Yes No

LOCATION: The Porter Condominiums, 114 Ethel Circle / PID# 61275004.000 and 61460003.100

REQUESTED ACTION: Zoning change from the RM-2 (Multi-Family Residential District) to the CMX-1 (Neighborhood Commercial / Mixed Use District)

DATE OF APPLICATION: March 7, 2024

ADJACENT ZONING AND LAND USE:

Subject Property: RM-2, Multi-Family Residential District – The Porter Condominiums (formerly Jeff Davis apartments);

North: CMX-1 District – multi-tenant retail commercial building, undeveloped parcels and Infinity Springs Spa;

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

East: RM-2 District – single family dwellings and beauty shop.

West: RM-2 District – Duplex and single family residential buildings.

CURRENT CONDITIONS: Property Size: 1.85 acres



DESCRIPTION OF REQUEST:

- The applicant requests to change the property's zoning district from the RM-2, Multi-Family Residential District to the CMX-1, Neighborhood Commercial / Mixed-Use District. The application states that the intended use is, "mixed use, multi-family residence and short-term rentals."
- The application states as the reason for the request is "there has been a recent uptick of the need for short term rentals, therefore we are requesting the zoning of the subject property to be changed from RM-2 to CMX-1 to allow for short term rentals."

FINDINGS:

- The Porter Avenue condominiums consists of 44 dwelling units in 10 two-story buildings. Amenities include a swimming pool and a laundry building.
- The property abuts CMX-1 zoning on approximately 250 feet on its north property line. The remaining abutting properties are in single family or multi-family residential zoning.
- The current RM-2 district is described in the UDC as the "highest density residential district. Allows 12 or more du/acre. Includes a variety of attached dwelling types including townhomes, row houses and apartments Dwelling units may be included in a mixed-use structure."
- The CMX-1 district is described in the UDC as the, "least-intense commercial mixed-use district. Maximum 2 story building height. Applies to neighborhood corridor areas with smaller scale commercial uses and a variety of surrounding residential uses."
- Following is a list of uses that are permitted by right in the CMX-1 district that are not permitted in the RM-2 district:
 - Hotels, motels, or other accommodation services;
 - Short-term rental (no cap in the CMX-1 district);
 - Hotel, motel, or tourist court;
 - General retail sales/service;
 - Durable Consumer Goods;
 - Tobacco Store;
 - Convenience store (Conditional Use in RM-2);
 - Finance and Insurance office;
 - Theme or festival center (leisure, tourist-oriented, restaurants);
 - Fashion/specialty center (higher end, fashion-oriented stores);
 - Clinics;
- 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 **AND** that a public need exists for rezoning. The applicant must describe and provide justification to the PC and BOA about how the character of the neighborhood has changed. In addition, the applicant should describe the need for the rezoning.
- The application does not provide the description of change in the neighborhood's character or mistake in original zoning that is necessary to justify the rezoning.
- According to the City's records, the last rezoning in the Porter Ave. neighborhood was in 2004. That rezoning changed the zoning of 503 Porter Ave. (north side of Porter, between First Ave. and Azalea Dr.) from C-1 commercial district to the R-2 single family dwelling district. The staff report on the zoning change concluded that properties not abutting Porter have remained residential and the area has seen no change in use.

- **COMPREHENSIVE PLAN:** Requests for change in a zoning district should comply with the adopted Comprehensive Plan. The following elements of the Plan address the requested zoning:
 - **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.*
 - *Policy 4.10 - Maintain compatible transitions between different land use and housing types through effective land use and site design regulations. This policy is intended to allow for development of a compatible mix of unit types and neighborhood-scale services.*
- The parking area is not striped to identify the individual parking spaces and there are no designated ADA accessible parking spaces. A parking plan that designates the appropriate number and dimensions of both regular and ADA parking spaces is needed.

STAFF CONCLUSIONS:

- There is no documentation or evidence of either a mistake in the property's zoning or a change in the neighborhood character to support a change to the proposed CMX-1 zoning district.

POTENTIAL MOTIONS:

To recommend **approval** of the rezoning of 114 Ethel Circle from the RM-2, Multi-Family Residential District to the CMX-1 Neighborhood Commercial Mixed-Use District due to _____.

– OR –

To recommend **denial** of the rezoning of 114 Ethel Circle from the RM-2, Multi-Family Residential District to the CMX-1 Neighborhood Commercial Mixed-Use 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: March 07, 2024

(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): 114 Ethel Circle

Parcel ID(s): 61275004.000 and 61460003.100

- | | |
|--|---------------------------------------|
| 1. Applicant: <u>Russell Rayborn</u> | Phone: <u>601.303.1504</u> |
| Address: <u>936 Hall St., Wiggins MS 39577</u> | Email: _____ |
| 2. Owner of Record: <u>The Porter LLC</u> | Phone: <u>601.303.1504</u> |
| Address: <u>936 Hall St., Wiggins MS 39577</u> | Email: <u>russrayborn35@yahoo.com</u> |

COMPLETE THE FOLLOWING:

1. Current Zoning classification of property: RM-2
New Zoning District Requested (if applicable): CMX-1
2. Explain the present use of the property and condition of any existing structures:
multi-family residence
3. Describe the intended use of property:
mixed use, multi-family residence and short term rentals

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.*

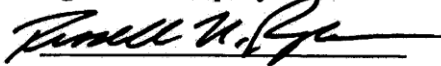
There has been a recent uptick of the need for short term rentals, therefore we are requesting the zoning of the subject property to be changed from RM-2 to CMX-1 to allow for short term rentals.

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.
- ☐ N/A 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



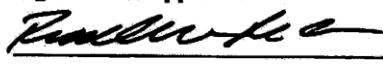
Russell N. Rayburn

Print name

2/26/24

Date

Signature of Applicant



Russell N. Rayburn

Print name

2/26/24

Date



DRAFT REZONING ORDINANCE:

**ORDINANCE NO. 2024-xx
AN AMENDMENT TO ORDINANCE NO. 13-1976
REZONING PROPERTY HEREIN DESCRIBED FROM RM-2 MULTI-FAMILY
RESIDENTIAL DISTRICT TO THE CMX-1 NEIGHBORHOOD COMMERCIAL
MIXED-USE DISTRICT**

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

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

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

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

WHEREAS, application was made to the Ocean Springs Planning Commission that a certain parcel of property presently zoned RM-2, Multi-Family Residential District be changed to CMX-1, Neighborhood Commercial Mixed-Use District, said property being described as:

Parcel ID: 61275004.000 and 61460003.100; and

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

WHEREAS, thereafter on April 9, 2024, 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 RM-2 to a classification of CMX-1:

Parcel ID: 61275004.000 and 61460003.100.

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 _____ 2024.

Mayor

City Clerk

DRAFT