



Planning Commission
1018 Porter Avenue
Ocean Springs, MS 39564

Tuesday, April 11, 2023 @ 6:00 PM

1. Call Meeting to Order

2. Approval of Minutes

- a. March 14, 2023

3. Old Business

4. New Business

- a. 322 Magnolia Avenue / PID# 61011107.000 - Vincent Burke - Requesting approval to construct a single-family home on a historically-platted, legal, non-conforming lot.
- b. Robinson Street / PID# 60119460.000 - Ben Cowart / COBO, LLC - Requesting approval to construct a single-family home on a historically-platted, legal, non-conforming lot.
- c. **PUBLIC HEARING:** Groveland Road / PID# 60123040.000 - Donovan Scruggs - Requesting a rezoning from the R-2, Low-Medium Density, Single-Family Residential District to the R-3, Medium Density, Single-Family Residential District.
- d. **PUBLIC HEARING:** An ordinance amending the Comprehensive Zoning Ordinance of the City of Ocean Springs, Mississippi, being ordinance No. 13-1976, as amended, by revising Appendix D, Article V, Section 510 regarding Residential Short-term Rentals; and for related purposes.

5. General Public Comment:

6. Commissioner's Forum

7. Adjourn

**The Minutes of the City of Ocean Springs
Planning Commission
Tuesday, March 14, 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, March 14, 2023. Members present were Matthew Hinton, Kevin O'Connell, Marshall Johnson, Michael Davis, Allen Stanfield, and Joseph McCormick. Also present were Carolyn Martin, Planning & Grants Administrator; Wade Morgan, City Planner; Will Norman, City Attorney; and Amanda Moser, Planning/Grants Coordinator.

A motion was made by K. O'Connell seconded by M. Hinton to move item 7a to between 4a and 4b. The motion was carried unanimously.

2. Approval of Minutes

a) February 14, 2022

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

3. Old Business – None.

M. Davis entered the meeting.

4. New Business

a) 408 Russell Avenue / PID# 61430045.000 – Eric Creel – Requesting approval to construct a single-family home on a historically-platted, legal, non-conforming lot.

W. Morgan introduced the proposal. The lot is extremely small and does not meet the standard R-2, Single-Family Residential District lot size and lot width requirements.

A. Phelan wanted to confirm there are no variances is being requested. W. Morgan confirmed while several properties on Russell Avenue have variances associated with them, this property will not.

A motion was made by K. O'Connell seconded by M. Johnson to recommend approval of the request to construct a residence on 408 Russell Avenue, a historically-platted, legal, non-conforming parcel. The motion was carried unanimously.

7. Discussion

a) Short-term Rentals

Several areas were looked at for potential changes. A survey was sent to the current [at the time] permit holders. No renting issues were reported other than tenants smoking in the house with no permission. The first change is increasing the application and renewal fees from \$200 and \$50, respectively, to \$500 for the initial application and for annual renewals. This increase matches surrounding municipality increases and supports administrative duties in processing the numerous applications. Another change would be to adjust the maximum cap within either the Downtown Overlay District or by creating a new short-term rental zone. Three (3) housekeeping items are needed: [1] revocation process needs clarification, [2] property manager requirements need to be addressed, and [3] the HOA/Covenant requirements need clarification.

M. Davis asked how quickly these changes would go to the Board of Aldermen (BOA) for approval. C. Martin explained the soonest would be May 1st if an ordinance was brought to the PC in April but edits would increase that timeframe.

Avenues for input and a possible special call / workshop meeting were discussed.

4. New Business

b) **PUBLIC HEARING:** 813 General Pershing Avenue / PID# 60119394 – Mike Fritz – Requesting a rezoning from the RD (Two-Family Residential District) to the CMX-1 (Neighborhood Commercial / Mixed-Use District).

A motion was made by M. Doster seconded by K. O'Connell to go into public hearing. The motion was carried unanimously.

W. Morgan introduced the proposal. The property is surrounded by the R-D zoning district on three (3) sides with the only commercial property being across General Pershing Avenue to the east. The application states the intended use is for short-term rentals. Due to those facts, the zoning change is not supported by the Planning Department. The BOA has instructed the planning staff to evaluate short-term rentals within the city.

A motion was made by K. O'Connell seconded by M. Johnson to accept input received from Fred Moran and Kari Branch / Kenneth Finnegan into the minutes. The motion was carried unanimously.

Donovan Scruggs, 317 Pine Drive, representing the applicant, addressed the commission. He discussed a change in the character of the neighborhood due to the newly proposed development at 1515 Government Street including residential and

commercial uses as well as a parking garage. The property being discussed is directly across the street. He feels the rezoning of 813 General Pershing would provide a transitional area between commercial and residential properties. He discussed other rezonings in the area including 424 Washington Avenue.

J. McCormick inquired of the number of parking spaces provided. D. Scruggs explained there are four (spaces); two (2) for the top unit, two (2) for the bottom unit. J. McCormick is concerned four (4) spaces might not be enough for a future commercial use. D. Scruggs further explained there is plenty of room on the rear of the property for additional parking.

D. Scruggs added the property currently is undersized for its existing zoning district of R-D. Two-Family Residential.

Lottie Gipson, 821 General Pershing Avenue, addressed the commission in opposition to the project. She is concerned about tax increases.

Yaya Muhammad, 1704 Davis Street, addressed the commission in opposition to the project. He owns property adjacent to General Pershing Avenue that abuts his niece's, Lottie Gipson, property. He feels a precedent will be set if this property is rezoned. They [himself and his niece] absolutely do not want the change of zoning near their property.

K. O'Connell asked Mr. Muhammad if he was opposed to someone near him rezoning their property only, or is he against his neighborhood being rezoned as a whole. Mr. Muhammad stated he is against it all. He wants no change.

D. Scruggs addressed the public's comments. He suggested questions regarding taxes be directed to Nick Elmore with the Jackson County Tax Assessor's office.

A motion was made by K. O'Connell seconded by M. Davis to come out of public hearing. The motion was carried unanimously.

A motion was made by J. Conwill seconded by K. O'Connell to recommend approval of the rezoning of 813 General Pershing Avenue from the R-D, Two-Family Residential District to the CMX-1, Neighborhood Commercial / Mixed-Use District due to a change in character of the neighborhood as determined and a public need. The motion was carried unanimously.

c) PUBLIC HEARING: Desoto Street / PID# 60119468.000 – Nicole Sullivan / Wall Holdings, LLC – Requesting a rezoning from the R-D (Two-Family Residential District) to the CMX-2 (Community Commercial / Mixed-Use District)

This item was tabled by the applicant and will be re-advertised prior to being placed on another agenda.

5. General Public Comment

6. Commissioner's Forum

7. Discussion

a. Short-term Rentals

A motion was made by K. O'Connell seconded by M. Davis to accept three (3) letters: one (1) from Nicole Sullivan and two (2) from Mike Fritz into the minutes. The motion was carried unanimously.

The different districts/areas and their relation to the cap were discussed.

PC input and advertising deadlines were discussed.

8. Adjourn

A motion was made by M. Davis seconded by M. Hinton to adjourn the meeting. The motion was carried 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 MEETING DATE: April 11, 2023

APPLICANT(S): Vincent G. Burke

CURRENT OWNER? ✓ Yes No

LOCATION: 322 Magnolia Avenue / PID# 61011107.000

REQUESTED ACTION: Approval to construct a dwelling on a legal, non-conforming lot.

DATE OF APPLICATION: March 7, 2023

ADJACENT ZONING AND LAND USE:

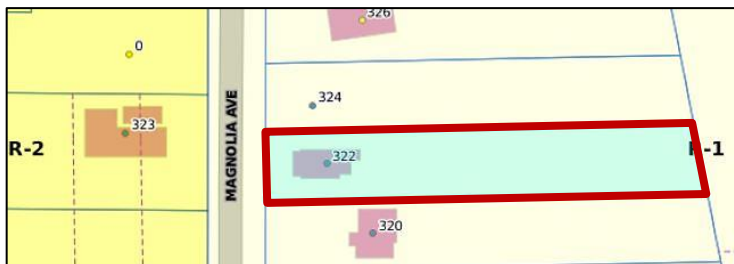
Subject Property: R-1, Single-Family Residential District – undeveloped parcel;

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

West: Across Magnolia Avenue; R- 2, Single-Family Residential District – single-family dwellings.

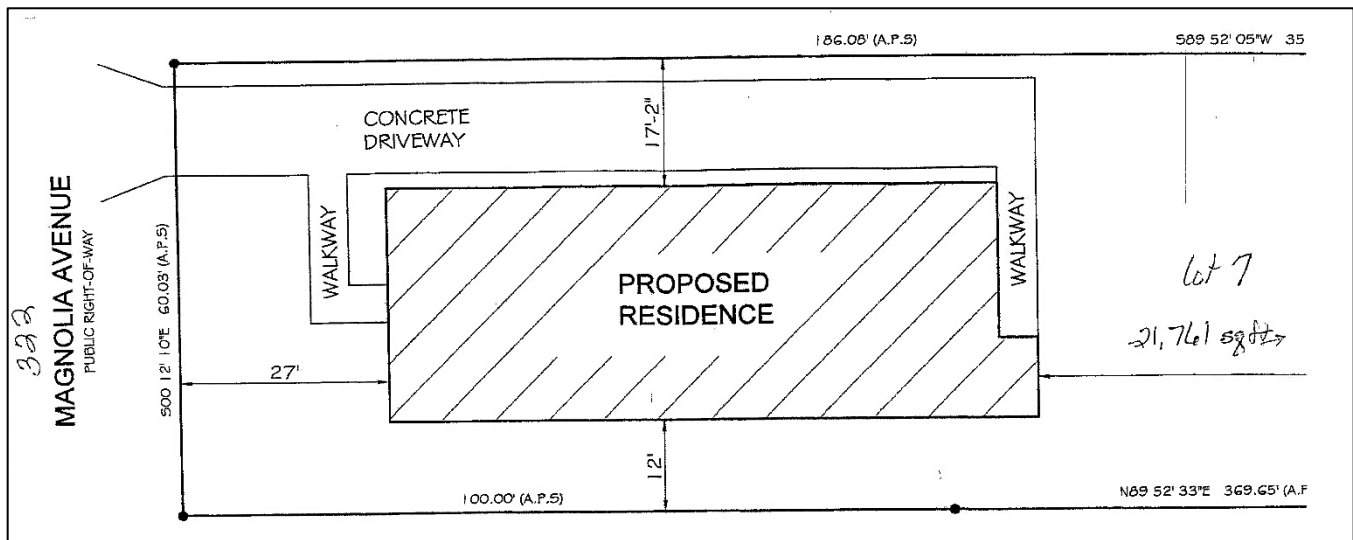
CURRENT CONDITIONS:

- Property Size: 21,761 sq. ft. (60 ft. x 362 ft.)



DESCRIPTION OF REQUEST:

- The applicant requests approval to construct a new dwelling that complies with all building setback and height requirements.

**FINDINGS:**

- The property is in the R-1, Single-Family Residential District, which requires a minimum lot area of 13,500 sq. ft. and minimum width of 100 ft. The parcel is 60 ft. wide at the street (60% of the minimum) but has sufficient depth to meet the minimum lot area.
- The site plan shows a building that exceeds all minimum building setback requirements and with a driveway along the length of the dwelling.
- A previous dwelling on the parcel was demolished in 2022. The proposed dwelling will be slightly closer to the north lot line than the previous dwelling.

CITY DEPT. COMMENTS:**PUBLIC WORKS:**Water Department:

- Water tap must be requested at the Public Works office at 228-875-3955. All costs associated with water tap are the responsibility of the homeowner/owner/developer.

Sewer Department:

- The main sewer line is in the road.
- Sewer tap must be requested at the Public Works office at 228-875-3955. All costs associated with sewer tap are the responsibility of the homeowner/owner/developer.

OTHER FEEDBACK:

- None received.

STAFF CONCLUSIONS:

- The parcel has sufficient width and area for the proposed dwelling and off-street parking.

POTENTIAL MOTION:

To recommend approval of the request to construct a dwelling on 322 Magnolia Avenue, a historically-platted, legal, non-conforming parcel.



1677

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

LEGAL NON-CONFORMING APPLICATION

Application Fees:

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

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

Application Date: 3/07/23 (Applications are due by the 7th of each month.)

Applicant Information

Address of Lot(s): 322 Magnolia Ave.

Parcel ID(s): 61011107.00

- | | | | |
|---------------------|---|-------|-------------------------------------|
| 1. Applicant: | <u>Vincent G. Burke</u> | Phone | <u>228-238-8314</u> |
| | Address <u>324 Magnolia Ave</u> | Email | <u>VincentGBurke@gmail.com</u> |
| 2. Local Agent: | | Phone | |
| | Address | Email | |
| 3. Owner of Record: | <u>VGBurke Property Management Group</u> | Phone | <u>228-818-2830</u> |
| | Address <u>3614 Bienville Blvd</u> | Email | <u>VincentGBurke@gmail.com</u> |
| 4. Engineer: | | Phone | |
| | Address | Email | |
| 5. Land Surveyor: | <u>Patrick Martino</u> | Phone | <u>228-396-2283</u> |
| | Address <u>13010 Kayleigh Cove Biloxi 39532</u> | Email | <u>Patrick@MartinoSurveying.com</u> |
| 6. Attorney: | | Phone | |
| | Address | Email | |

Property Information

1. Tax Map Designation: Section 30 Township: 7 Range: 8
2. Zoning of Lot(s): R3
3. Current lot area (sq. ft.) 21,761sqft

Reconfiguration Request

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

Original lot was built on in 1911. Lot was and is 60' wide to date. House was demolished in 2020. I purchased the lot in 2021. We want to build a home that will fall within allowed setbacks. House will be beach cottage style exactly as the home we own to the north of it.

2. Has Zoning and Adjustments Board granted any variance exceptions or special permits for this property?
☐ Yes ☒ No If so, please explain and state the date of approval: _____

3. Are there any easements filed for the property? _____
No

4. Is there access to public water and sewer lines? Yes, was a home with water and sewer on it until 2021

LEGAL NON-CONFORMING COMPLIANCE CHECKLIST

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

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

- ☒ Application
- ☒ Application Fee
- ☒ Vicinity map submitted, identifying lot(s) relationship to nearby parcels, roadways or other landmarks.
- ☒ Survey submitted, including all required information (see survey requirements)
- ☒ Evidence of ownership submitted (tax statement, deed, etc.)
- ☒ If corporate ownership, attach a list of all directors, officers, stockholders of each corporation owning more than 5% of any class of stock.
- ☒ Affidavit of Ownership and notarized signature submitted (attached)
- ☒ Adequate legal and physical access to all proposed lots is provided (no "land locked" parcels)
- ☒ Proposed development does not impair existing access, easements or public improvements.

Survey Requirements for Lot Split/Lot Reconfiguration

Information for Applicant, Items to be included in submittal:

- ☒ Date, north arrow and scale
- ☒ Parcel ID number(s)
- ☒ Existing and proposed lot lines, lot widths, lot areas, and any other lot dimensions
- ☒ Existing driveway(s), roads and road easements/rights-of-way
- ☒ Existing utilities, including any septic tanks or other private utilities
- ☒ All existing structures
- ☒ Setbacks from existing structures to existing and proposed property lines
- ☒ Location of any existing structures on the lots, with nature, location and dimensions
- ☒ Any existing and proposed utility or road easements

Affidavit of Ownership

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

I, (print name) Vincent G. Burke, 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: Vincent G. Burke

Parcel ID(s): 61011107.00

Date Property Acquired Date: 3/16/2022

Book and Page of Each Conveyance: _____

Owner's Signature [Signature] Date 3/7/2023

STATE OF Mississippi

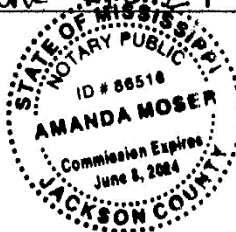
COUNTY OF Jackson

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

Mailing Address 1018 Porter Ave.
OS, MS 39564

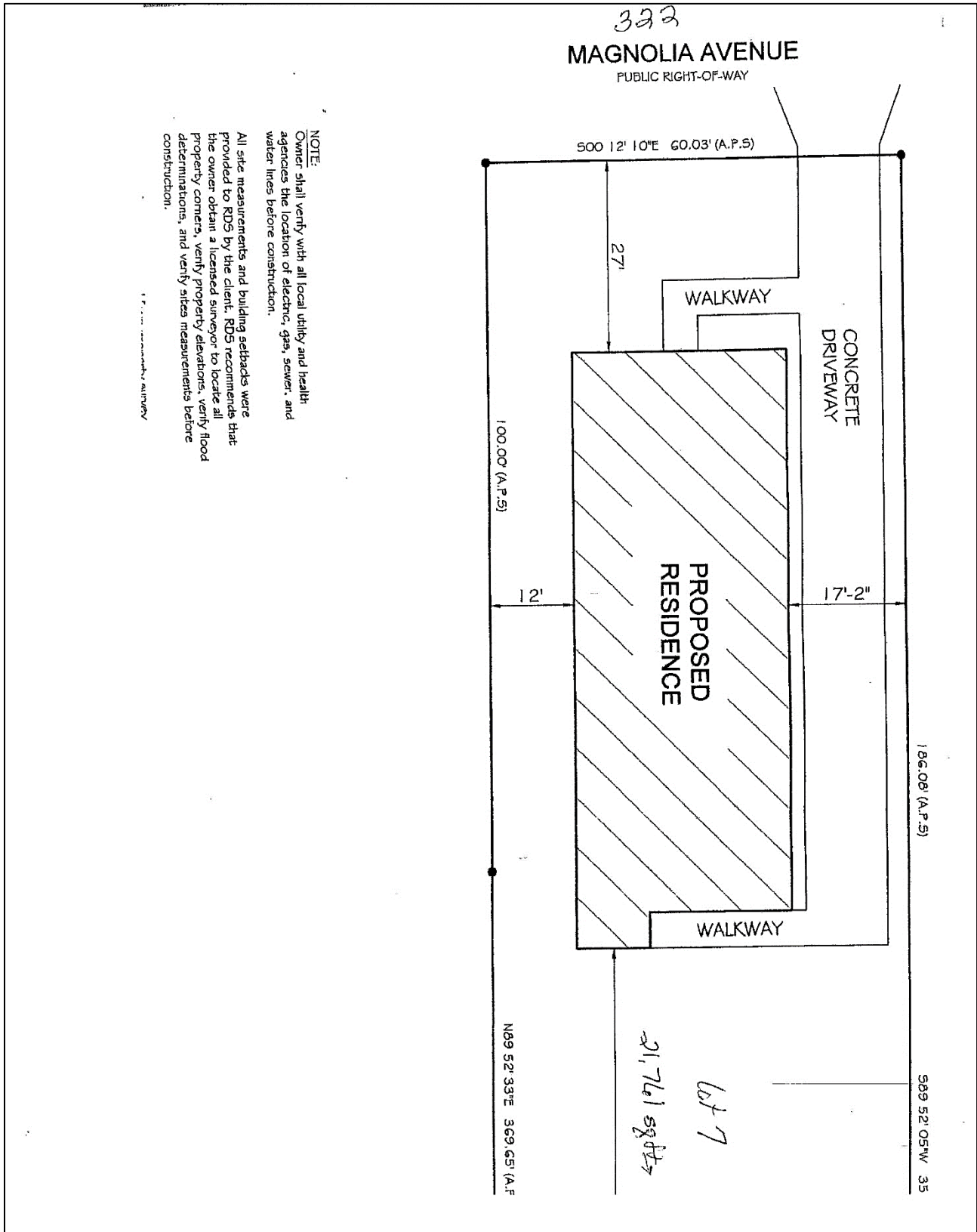
Subscribed and sworn before me this 7th day of March 2023.

My commission expires June 8, 2024



[Signature]
Notary Signature

SITE PLAN:



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

PLANNING COMMISSION REPORT

PUBLIC MEETING DATE: April 11, 2023

APPLICANT(S): Ben Cowart / (Cobo LLC)
CURRENT OWNER? ✓Yes No

LOCATION: Robinson Street / PID# 60119460.000
(South side of Robinson Street / East of Cash Aly)

REQUESTED ACTION: Approval to construct a dwelling on a legal, non-conforming lot.

DATE OF APPLICATION: March 7, 2023

ADJACENT ZONING AND LAND USE:

Subject Property: R-D, Two-Family Residential District – undeveloped parcel;

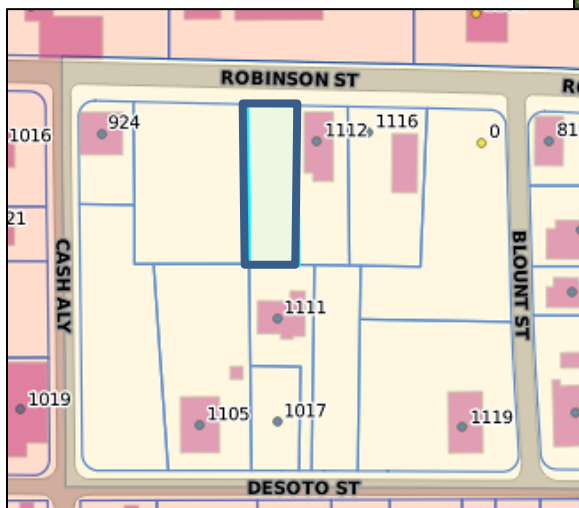
North: Across Robinson Street, CMX-2, Community Commercial / Mixed Use District – office buildings;

East & West: R-D, Two-Family Residential District – single-family dwellings;

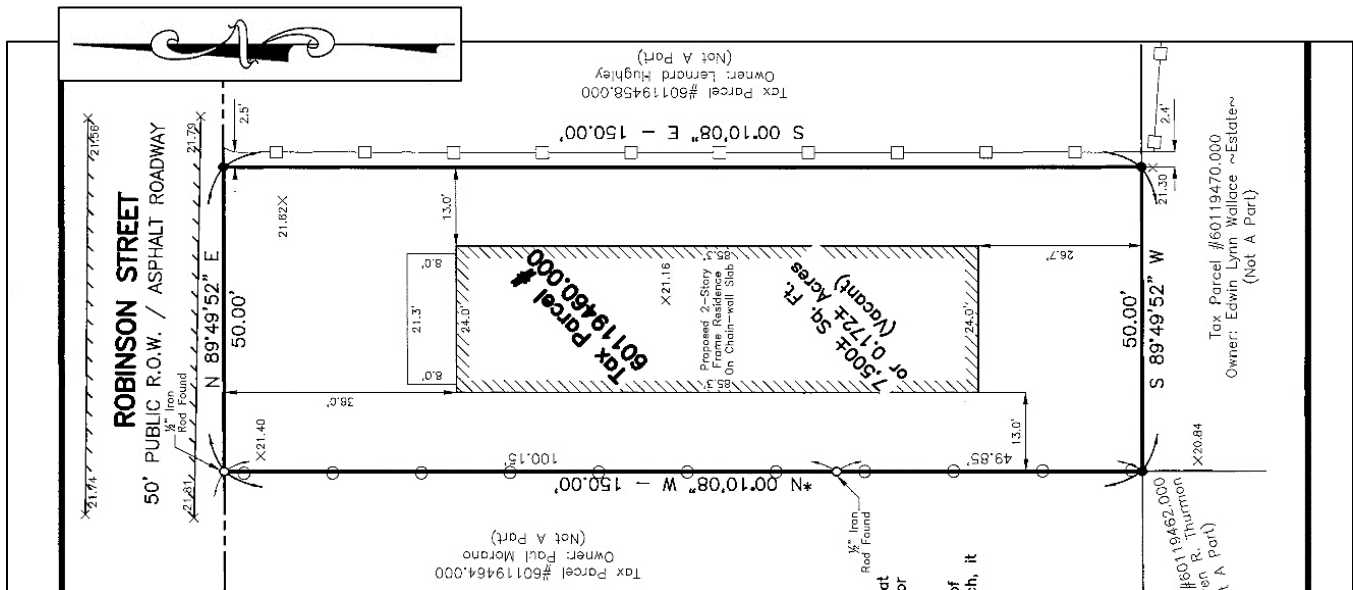
South: R-D, Two-Family Residential District – single-family dwelling.

CURRENT CONDITIONS:

- Property Size: 7,500 sq. ft. (50 ft. x 150 ft.)



- The applicant requests approval to construct a two-story dwelling within a 24 ft. x 83.5 ft. building pad on this parcel. The parcel is undersized in width.



FINDINGS:

- The property is in the R-D, Two-Family Residential District, which requires a minimum lot area of 7,500 sq. ft. and minimum width of 70 ft. The parcel is 50 ft. wide at the street (71% of the minimum) but has sufficient depth to meet the minimum lot area.
- The site plan shows a building that exceeds all minimum building setback requirements.

CITY DEPT. COMMENTS:

- **PUBLIC WORKS:**

Drainage Department:

- Large drain pipe on Robinson.
- No permanent structures on right-of-way.
- Homeowner responsible for removing items placed in the right-of-way.

Water Department:

- Water tap must be requested at the Public Works office at 228-875-3955. All costs associated with water tap are the responsibility of the homeowner/owner/developer.

Sewer Department:

- Sewer tap must be requested at the Public Works office at 228-875-3955. All costs associated with sewer tap are the responsibility of the homeowner/owner/developer.

OTHER FEEDBACK:

- None received.

STAFF CONCLUSIONS:

- The parcel has sufficient width and area for the proposed dwelling and off-street parking.

POTENTIAL MOTION:

To recommend approval of the request to construct a dwelling on Robinson Street on PID 60119460.000, a historically-platted, legal, non-conforming parcel.



City of Ocean Springs, Mississippi
On the Mississippi Gulf Coast

Ocean Springs Planning Commission
PO Box 1800
Ocean Springs, MS 39564
228-875-4415 (Phone)

Office Use

Date Received _____

Received by _____

Fee Paid \$ _____

LEGAL NON-CONFORMING APPLICATION

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

Legal Non-Conforming: \$50.00

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

Anticipated Planning Commission Meeting Date (Planning Dept to complete): _____

Applicant Information

Address of Lot(s): Robinson Ave, Ocean Springs, Ms 39564

Parcel ID(s): 6-01-19-460.000

1. Applicant: Ben Cowart Phone 601-528-3699
Address 12208 Preservation Dr. Gulfport, Ms 39503 Email dbcowart418@gmail.com
2. Local Agent: _____ Phone _____
Address _____ Email _____
3. Owner of Record: Cabo LLC Phone 601-528-3699, 228-265-1323
Address 2194 Harmanon Vuc Biloxi, Ms 39531 Email dbcowart418@gmail.com, nbalesm2@yahoo.com
4. Engineer: _____ Phone _____
Address _____ Email _____
5. Land Surveyor: Cassady - Acadia Phone 228-896-7155
Address 1714 22nd Ave Suite A, Gulfport, Ms 39501 Email wvice@cassady-acadia.com
6. Attorney: Integrity Land Title LLC Phone 228-896-8962
Address 1806 23rd Ave. Gulfport, Ms 39501 Email _____

Property Information

1. Tax Map Designation: Section 19 Township: 7 S Range: 8 W
2. Zoning of Lot(s): R-D
3. Current lot area (sq. ft.) 7500

Reconfiguration Request

1. Describe the request (existing lot size, lot width, reason for request, etc.).
Lot width is 50', wanting to build a residence. Site plan, elevation, attached.



City of Ocean Springs, Mississippi
On the Mississippi Gulf Coast

2. Has Zoning and Adjustment Board granted any variance exceptions or special permits for this property?
Yes ☐ No ☒ If so, please explain and state the date of approval: _____

3. Are there any easements filed for the property? no

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

LEGAL NON-CONFORMING COMPLIANCE CHECKLIST

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

Submitted/ Complies?		Requirement
Applicant	City	
☒		Application complete and submitted.
☒		Application fees paid in full.
☒		Vicinity map submitted, identifying lot(s) relationship to nearby parcels, roadways or other landmarks.
☒		Survey submitted, including all required information (see survey requirements, p 3).
☒		Evidence of ownership submitted (tax statement, deed, etc.).
☒		If corporate ownership, attach a list of all directors, officers, stockholders of each corporation owning more than 5% of any class of stock.
☒		Affidavit of Ownership and notarized signature submitted (see attached.)
☒		Adequate legal and physical access to all proposed lots is provided (no "land locked" parcels).
☒		Proposed development does not impair existing access, easements or public improvements.



Survey Requirements for Lot Split/Lot Reconfiguration

Information for Applicant, Items to be included in submittal:

- ☒ Date, north arrow and scale
- ☒ Parcel ID number(s)
- ☒ Existing and proposed lot lines, lot widths, lot areas, and any other lot dimensions
- ☒ Existing driveway(s), roads and road easements/rights-of-way
- ☒ Existing utilities, including any septic tanks or other private utilities
- ☒ All existing structures
- ☒ Setbacks from existing structures to existing and proposed property lines
- ☒ Location of any existing structures on the lots, with nature, location and dimensions
- ☒ Any existing and proposed utility or road easements

Next Steps

Once the application is received (with all attachments) and fee is paid, the City will review the package and schedule the request on the next month's Planning Commission agenda. The Planning Commission will make a recommendation to the Board of Alderman, which will approve or reject the request. Applicants are encouraged to attend both the Planning Commission and Board of Aldermen meetings to respond to questions. The Planning Commission meets the 2nd Tuesday of each month at 6:00 pm and the Board of Aldermen meets the 1st and 3rd Tuesday of each month at 6:00 pm. Applicants will be notified when their request will be considered. All meetings occur in the City Hall Board room at 1018 Porter Avenue.

When the approved lot split or lot reconfiguration results in a new deed, the property owner or agent shall record lot split/reconfiguration survey and deed in the Land Records Office (Chancery Clerk) of Jackson County, MS.



City of Ocean Springs, Mississippi
On the Mississippi Gulf Coast

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) Ben Court, 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: Coba LLC

Parcel ID(s): C-01-19-460.000

Date Property Acquired Date: 12/22

Book and Page of Each Conveyance: _____

Owner's Signature [Signature] Date 3/7/23

STATE OF Mississippi

COUNTY OF Jackson

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

Mailing Address 1018 Porter Ave.
OS, MS 39564

Subscribed and sworn before me this 7th day of March 2023

My commission expires June 8, 2024

[Signature]



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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 11, 2023

APPLICANT(S): Donovan Scruggs, AICP

CURRENT OWNER? Yes ☐ No ☒

If No, - List Current Owner: Crosspoint Capital LLC – Jesse Saucedo

LOCATION: Groveland Road, PID# 60123040.000
(Northwest corner of Groveland Road and Deana Road)

REQUESTED ACTION: Zoning change from R-2 (Low-Medium Density Residential District) to R-3 (Medium Density Residential District)

DATE OF APPLICATION: March 7, 2023

ADJACENT ZONING AND LAND USE:

Subject Property: R-2, Low-Medium Density Residential District – undeveloped land;

North: R-2, Low-Medium Density Residential District – Gay-Lemon Sports Complex (Ocean Springs park);

East: Across Deana Road; R-D, Two-Family Residential District – single-family dwellings facing Deana Road in the Deana Road Subdivision;

South: across Groveland Road; R-D, Two-Family Residential District – single-family dwellings in the Baywood Residential Planned Unit Development (PUD);

West: RM-2, Multi-family Residential District – single-family detached dwellings in the Waterford Village Subdivision.

CURRENT CONDITIONS:

Property Size: 9.5 acres



DESCRIPTION OF REQUEST:

- The applicant requests the rezoning of the property from the R-2, Low-Medium Density, Single-Family Residential District to the R-3, Medium Density, Single-Family Residential District.
- The existing R-2 district is described in the Unified Development Code (UDC) as: “low to medium density single-family detached dwellings. Allows density of 2-4 du/acre. Consistent with traditional neighborhoods.”
- The proposed R-3 district is described as: “Medium density single family dwellings. Allows for smaller lot sizes and infill development for a density of 4-6 du/acre”.

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.
- Both the existing R-2 district and the requested R-3 district are intended for single-family detached dwellings. The difference between the two (2) is that the R-3 district will allow the development of more dwellings. That increase comes about through smaller lot sizes and lot widths. The R-2 district requires lots to have at least 11,250 sq. ft. in area and be at least 80 ft. wide, while the R-3 district requires lots to have at least 7500 sq. ft. in area and be 50 ft. wide.
- The property’s existing R-2 district requirements are out of character with the development characteristics of existing subdivisions in the neighborhood. The residential developments to the east across Deana Road (Deana Road Subdivision) to the south across Groveland Road (Baywood Subdivision [PUD]) and to the west (Waterford Village Subdivision). Those three (3) subdivisions’ lots range in width from 50 ft. to 73 ft. and in area from 6600 sq. ft. to 16,000 sq. ft. The R-3 district’s 50-foot lot width and 7,500 sq. ft. lot area minimum are more consistent and in character with existing subdivisions.
- The applicant’s zoning report describes the changes that have occurred in the neighborhood since the 1980’s. These include [1] the rezoning of the southwest corner of Deana and Groveland from I-1 Industrial to the R-3 district and its subsequent development into a single-family subdivision; [2] the northeast corner of Deana Road and Groveland Road was rezoned in the early 1990’s from the R-2 district to the R-D district (R-3 at that time) and subsequently developed as the Deana Road Subdivision; [3] the southeast corner of Deana Road and Groveland Road was rezoned in 2007 from the I-1 Industrial district to the R-4 (now RM-2) Multi-family Residential District. That property was developed into The Sails apartments in 2022-2023.

COMPREHENSIVE PLAN:

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

- Policy 1.5: Encourage compatible infill development that is designed and constructed to be consistent with the character of the existing neighborhood.
- 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 4.3: 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.

OTHER FEEDBACK:

- An email from a property owner in the vicinity was received (attached below)

SUMMARY: The character of the neighborhood has changed to justify the rezoning. The nearby subdivisions to the south and east are developed with residential lots similar in character to the proposed R-3 district.

POTENTIAL MOTIONS:

1. To recommend approval of the rezoning from the R-2, Low-Medium Residential District to the R-3 Medium Density Residential District of PID 60123040.000, the northwest corner of Groveland Rd. and Deana Road due to _____.
2. To recommend denial of the rezoning from the R-2, Low-Medium Residential District to the R-3 Medium Density Residential District of PID 60123040.000, the northwest corner of Groveland Rd. and Deana Road due to _____.



Ocean Springs Planning Commission
PO Box 1800
Ocean Springs, MS 39564
228-875-6712 (Phone) 228-872-5427 (fax)

Office Use
Date Received _____
Received by _____
☐ App Fee Paid / Cash/Ck# _____
☐ Mailout Fee: \$ _____
☐ Mailout Pd: Cash / Ck# _____

CHANGE IN ZONING / USE PERMIT APPLICATION

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

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

* Does not include mail fee, to be determined by City.

Certified 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 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): Unaddressed parcel located at NW corner of Groveland and Deana Rds.

Parcel ID(s): 60123040.000

1. Applicant: Donovan Scruggs (agent)	Phone: <u>228-348-1315</u>
Address: <u>317 Pine Drive, OS, MS 39564</u>	Email: <u>donovan@scruggsplanning.com</u>
2. Owner of Record: Crosspoint Capital LLC - Jesse Saucedo	Phone: <u>228-366-3223</u>
Address: <u>129 Gannet Lane, OS, MS 39564</u>	Email: <u>jesses@phoenixlaborgroup.com</u>

COMPLETE THE FOLLOWING:

- Current Zoning classification of property: R2
New Zoning District Requested (if applicable): R3
- Explain the present use of the property and condition of any existing structures:
The property is vacant, wooded, and undeveloped.
- Describe the intended use of property:
Development of a single-family subdivision consistent with the neighborhood.



City of Ocean Springs, Mississippi
On the Mississippi Gulf Coast

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

The request is based on a change in neighborhood character evidenced by denser developments and rezonings to the east, south, and west. The current zoning requires much larger lots sizes than those developed within the area.

The public need is based on a need for housing Ocean Springs and population growth. Residential growth has slowed in Ocean Springs as a result of lack of new housing developments.

More information is provide in the attached report.

ATTACHMENTS REQUIRED:

- ☒ 1. Application Fee. Amount \$ 250.00
- ☒ 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

Crosspoint Capital LLC - Jesse Saucedo

Print name

3/6/23

Date

Signature of Applicant

Donovan Scruggs (agent)

Print name

3/6/23

Date

Office Use Only: APPROVALS

____ Public Works Date: _____ / _____ Planning Department Date: _____
____ City Engineer Date: _____

**Land Use Report for a Zoning Amendment for
A Parcel of Land Located at Intersection of Groveland Road and Deana Road
Parcel ID No.: 60123040.000**

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

Crosspoint Capital, LLC is the owner of approximately 9.5 acres of land located in the northwest quadrant of the intersection of Groveland Road and Deana Road. The site is located in an area that includes a variety of uses and zoning districts. The site is currently zoned R-2 Single-Residential District, but this designation is not consistent with nearby districts and lot sizes. The most prominent districts within the immediate area R-D and RM-2. The R-D Districts include Baywood Subdivision and Deana Road Subdivision. The RM-2 Districts include Waterford Village and the Sails Apartments. While there is an adjacent area to the north with an R-2 designation, this area is primarily public recreation, public utility, and fire protection. The owner is hoping to rezone the property from R-2 District to R-3 District to permit a development that is more consistent with the surrounding neighborhood. This request is based on a change in neighborhood character and a public need for additional housing.

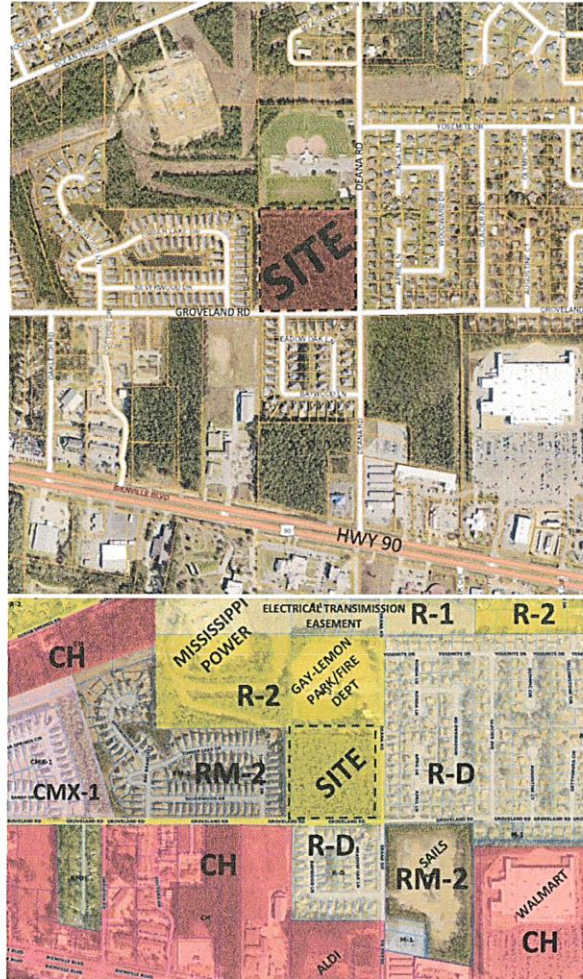
Overview.

The subject site is located along the west side of Deana Road at the intersection of Groveland Road. While Groveland Road is not a primary corridor, it has experienced substantial growth over the past twenty-five years. This has primarily been medium to high density residential along the north side and office/medical commercial along the southern side. Similarly, Highway 90 and Ocean Springs Road have experienced growth.

Groveland Road, east of Deana Road and immediately west of Deana Road, is exclusively residential. To the east and along the corridor are Deana Road Subdivision and Park Town Subdivision. On-going in the southeast quadrant of the intersection of Deana and Groveland Roads is the construction of the Sails Apartments.

At the southern end of Deana Road at the intersection of Highway 90 is an ALDI Grocery Store. This development opened in fall of 2022 and required the installation of a traffic signal at the intersection of Deana Road and Highway 90. The grocery store has an access point along the west side of Deana Road. This encourages traffic along the corridor to access the traffic signal, but also to exit and travel north toward Groveland Road and Ocean Springs Road. The grocery store with the access onto Deana Road will ultimately place more traffic along the corridor.

The applicant is hoping to develop a single-family residential development on site. However, the current zoning is not consistent with existing residential developments within the area. Baywood Subdivision and was developed in the late 1990s as a Planned



Unit Development and was rezoned to R-3 (currently R-D). Deana Road Subdivision was developed in the mid-1990s. Developments to the west on Groveland Road are denser than these older developments. Overall, the residential development along adjacent and nearby properties are not consistent with the R-2 District of the subject property.

Change in Character.

As indicated above, Baywood and Deana Road Subdivision established a more compact density or lot size for the area in the mid-1990s with lots smaller than permitted within the R-2 District. Deana Road Subdivision was rezoned from R-2 and developed as an R-3 Subdivision that permitted lot widths of 70 feet and areas of 7,500. The 'old' R-3 District permitted duplexes or two-family residential units. Baywood Subdivision was developed as a Planned Unit Development within the R-3 District and platted, accordingly. While the majority of lots within the P.U.D. meet or exceed the R-3 (old district) area requirements, the widths of the lots are only 60 feet in most cases, and do not comply with the minimum width requirements. The perimeter lots along the north and east sides did not meet the minimum area requirements. As a result, the P.U.D. designation was assigned. In 2021, the City adopted a new Land Development Code (this was adopted earlier in 2019 but challenged). The new zoning code rezoned both of these developments from R-3 District to R-D District. The R-D designation is consistent with the 'old R-3' designation in terms of lot requirements and permitted uses. This rezoning to R-D basically reflects a name change and not a change in land use requirements. The R-D District permits duplexes and lots minimum widths of 70 feet. Baywood is not consistent with the 'old' R-3 or new R-D District requirements. The new ordinance establishes an R-3 District but this district does not permit duplexes and permits smaller lot widths of 50 feet. The required area within the new R-3 District remained at 7,500 square feet (the same as the R-D). Baywood Subdivision meets the width requirements of the new R-3 District but not the area, and it does not meet the width requirements or area of the R-D District.

The 2021 ordinance also changed the designation of properties to the west. Properties that were zoned R-4 (Waterford Village) were rezoned to RM-2 District. Clear Springs was zoned CMX-1 after previously being zoned C-1 District. These changes reflect primarily name changes of the districts and don't reflect a true 'change in zoning' designation. Both districts maintain multi-family or neighborhood commercial functions, respectively. These developments were constructed more recently than Baywood Subdivision and Deana Road Subdivision.



Waterford Village located immediately west of the site was completed in approximately 2013 and within the RM-2 District. Clear Springs, located to the west of Waterford Village, was completed in 2017 with the CMX-1 District. These developments along with Baywood Subdivision have established a medium to high-density development characteristic along the corridor in more recent years. Neither Waterford Village nor Clear Springs are multi-family or neighborhood commercial developments as indicated with their zoning districts. At the time of approval, these districts provided opportunities for more flexible design.

Today, these three subdivisions are more consistent with the 'new' R-3 District lot widths. All three subdivisions have lots widths that are less than 70 feet and lot areas less than 7,000 square feet. Baywood Subdivision is not consistent with the RD District requirements in terms widths or areas. Ocean Spring Station is another development along Groveland that was developed prior to 2010 as an apartment complex. This development adds weight to the denser development pattern along Groveland Road over the past 20 years.

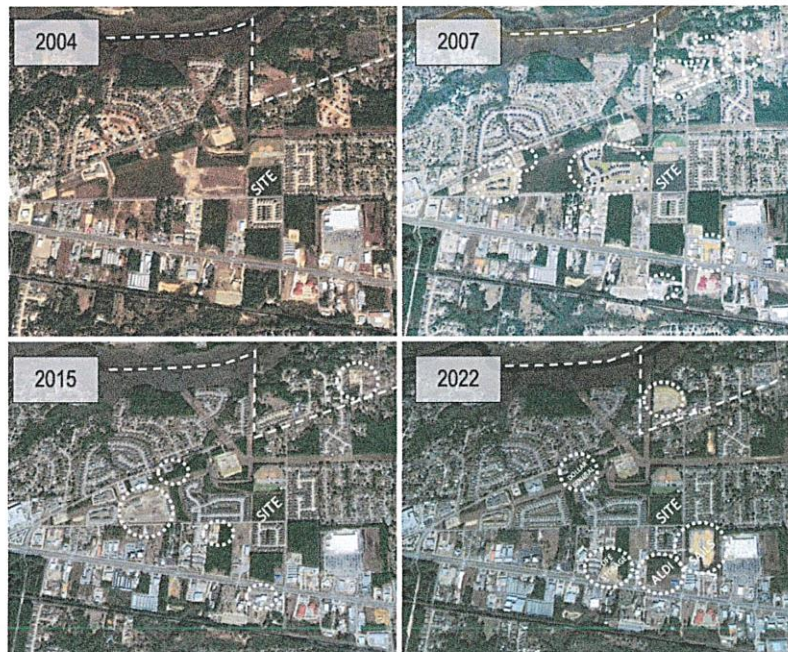
The most significant example of change in neighborhood character is evidenced by the development of the Sails apartment complex located in the southeast quadrant of the intersection. The property was previously zoned Industrial, but the zoning was changed in the mid-2000s. Construction of the apartment complex did not begin until 2022. The multi-family development will consist of approximately 150 dwelling units on 11.5 acres of land. This development has a density of approximately 12.25 units per acre which is much denser than the surrounding or nearby single-family residential neighborhood. This is an ongoing development that represents a significant change in character toward a higher density, residential neighborhood.



To a lesser extent, the ALDI development represents another change in character. The development borders along Deana Road and Highway 90. It has a primary access along Deana Road to encourage access away from Highway 90. The new traffic signal located at the intersection of Highway 90 will promote customers to use Deana Road to access Highway 90. It will also promote traffic along Deana Road for customers who reside in Fort Bayou Estates and the subdivisions along Ocean Springs Road. ALDI and the Sails will increase traffic along Deana Road, and these developments are a primary factor that led to the City's efforts to install the traffic signal and plans to improve Deana Road. As the intensity or traffic volumes along the corridor has increased and will continue to increase, this represents a change in neighborhood character.

Change in Character – Progression.

A review of Google Earth imagery shows the changes that have occurred within the area over the last 18 years. In 2004, there was significant development occurring in Ocean Springs. As demonstrated on the image to the right, Monticello Woods and the Woodlands Subdivisions were under construction as residential developments. The north side of Groveland Road was undeveloped and there were significant 'gaps' along Highway 90. By 2007, changes within the immediate area were underway. Ocean Springs Station and Waterford Village located west of the site were under construction. Developments in and along Doctor's Drive were underway. Whataburger and the adjacent shopping center were being developed and improvements to the



City's multi-purpose (Fire and Police) facility were under construction. Along the north side of Ocean Springs Road and in unincorporated Jackson County, the Arbor, Tuscana, and the Vineyard Subdivision were in various phases of construction. These changes were all within the immediate vicinity of Deana Road and the subject site.

In 2015, more changes are evident as growth continued. The build-out of Waterford Village occurred, and Clear Springs was under construction. The Police and Fire Facility had been completed. Growth along Ocean Springs Road included commercial and medical facilities. A nursing home/retirement home was constructed to the east of the Vineyard on Ocean Springs Road in unincorporated Jackson County.

By 2022, the immediate area had become largely built out. This build-out continued with projects that were completed or initiated in throughout 2022 and 2023. A new subdivision was under construction north of the Arbor in unincorporated Jackson County. The ALDI grocery store and Life Storage facilities were in the initial phases of construction (now completed). The Sails multifamily complex was initiated in 2022 and is nearing completion. More commercial development occurred along Ocean Springs Road.

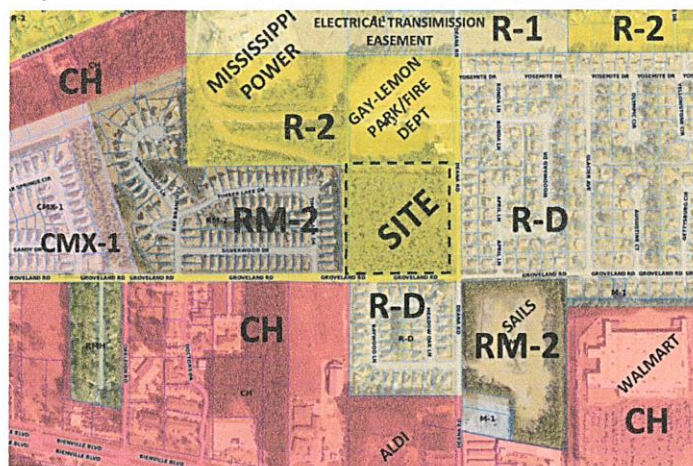
This timeline shows continued growth and development within the area, but does not show any development within the immediate area of the City since 2004 that is consistent with the R-2 requirements of the ordinance. The developments that have occurred within the area are denser single-family residential units, multi-family complexes, and commercial or public facilities. The residential developments that have occurred within the City are more consistent with the RM-2 or R-3 and R-D requirements.

Surrounding Zoning and Uses.

As indicated on the image below, the site is surrounded by a variety of zoning districts or uses. The subject parcel is situated within a R-2 District, and it is not developed. The site is separated or buffered from property to the north by the City's Gay Lemon Park that is also within the R-2 District. Despite the R-2 Single-Family Residential District designation, the district does not include any residential uses. Gay Lemon Park includes baseball and soccer fields. In the southeast corner of the park is the Gay Lemon Fire Station. To the west of the park and within the R-2 District is a Mississippi Power Substation. Associated with the electrical substation are large transmission lines. Adjacent to and north of Gay Lemon Park is a 175-foot utility easement for the large, regional power lines. These public or quasi-public areas separate the site from Ocean Springs Road and some of the other residential areas to the north.

The site is adjacent to an RM-2 District that includes Waterford Village. This is a multifamily district that permits a density up to 21 units per acre. The site is developed more conservatively with smaller, single-family residential lots with approximately 4.3 units per acre. Farther east is Clear Springs which is developed within the CMX-1 District. This is a neighborhood commercial district that also has a maximum density of 21 units per acre. Similarly, this site is developed more conservatively as a single-family residential neighborhood with approximately 4.7 dwelling units per acre. Baywood Subdivision was developed as a P.U.D. in an R-D District and includes approximately 3.8

ZONING DISTRICTS				
	R-2	R-3	R-D	RM-2
Min. Lot Area (ft ²)	11,250	7,500	7,500	NA
Min. Lot Width (ft.)	80	50	70	15 ⁶
Max. Building Height	35 ft.	35 ft.	35 ft.	4 stories
Min. Building Height	NA	NA	NA	NA
Max. Gross Dwelling Unit Density (dwellings per acre)	NA	NA	NA	21 ⁷



units per acre. It is expected that with if the site is developed in a similar manner and layout as Baywood Subdivision, it would permit the development of approximately 32 lots with a density of approximately 3.4 units per acre.

To the southeast is the RM-2 District that includes the Sails development. The Sails has an expected density of approximately 12.25 units per acre. This exceeds the single-family residential densities of nearby and adjacent properties, but supports the established a change in neighborhood character toward a higher density residential area.

To the immediate west is Deana Road Subdivision and Park Town. These areas have an R-D District designation with minimum lot widths of 70 feet and lot sizes of 7,500 square feet.

To the southwest of the site is a CH Commercial District. This district extends westward to Oakleigh Drive. The primary uses along Groveland within this district are medical or professional office spaces. While these uses are not typically objectionable to residential uses, the CH District permits uses that are much more intense. Because some areas are available for development, there is no certainty what the eventual uses may be constructed along the south side of Groveland Road.

Historical Zoning

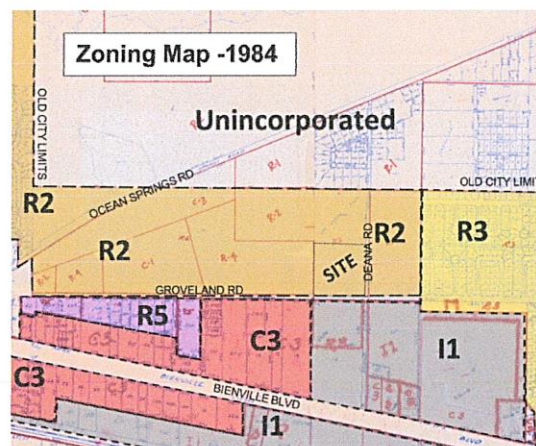
While no development occurred along the north side of Groveland Road prior to 2000, the area was inside the City during the 1980s. The 1984 Zoning Map of the City of Ocean Springs indicates that the area from Fort Bayou Estates to Deana Road Subdivision was within an R-2 District. The overlay or shading on this map shows the 1984 zoning and city limits, and changes in zoning designations are visible. Deana Road Subdivision was rezoned in the early 1990s to from R-2 to R-3 to permit the development of the subdivision in a manner consistent with Park Town located to the east. Baywood Subdivision was rezoned from the Industrial I-1 District to R-3.

Areas south of Groveland Road included a mix of zoning districts to include R-5 for Manufactured Housing, C-3 for Highway Commercial, and I-1 for Light Industrial. The majority of the area south of Groveland and along Deana Road and along the south side of Highway 90 was Industrially zoned. Over the years the Industrial zoning has transitioned to Commercial zoning (C-3 and now CH). This was prompted largely by the development of the Wal-Mart in approximately 2000. As other commercial developments occurred, more of the I-1 District was rezoned to C-3. In the mid-2000s, the Sails property was rezoned from I-1 to R-4. This eliminated the majority of I-1 zoning north of Highway 90.

Similarly, the R-2 designation has been significantly reduced. This district initially included the majority of the area north of Groveland Road including Ocean Springs Road. During the late 1990s the areas along the south side of Ocean Springs Road were rezoned to commercial (C-3). Along the north side of Groveland Road, properties were rezoned from R-2 to C-1 and R-4. No areas within the immediate area have developed as R-2 in over 20 years. The only R-2 remaining properties within the area have either not been developed or consists of public utilities or recreational areas.

RD vs. R-3

The R-3 and R-D Districts are very similar. Both districts have minimum area requirements of 7,500 square feet for single-family residential lots. There are two primary differences with these districts. The R-D District permits duplexes or two-family residential units. On a duplex or two-family lot, the area requirement is 5,000 per family (or a 10,000 square-foot lot for a duplex). This would permit a density that is approximately 33.3 denser than the R-3 District. Approximately 8.7 dwelling units (gross) could be permitted on a single acre, while the R-3 District only permits approximately 5.8 dwelling units (gross) per acre. (The construction of roads and drainage facilities would decrease this density on both examples).



The R-3 District permits narrower lots. The R-D District has lot width requirements of 70 feet for a single-family residential lot, but the R-3 permits a width of only 50 feet. This allows for greater flexibility in design, but does not permit a higher density. The lot areas in the R-3 and R-D Districts for single-family residential are 7,500 square feet. The requested R-3 District will likely have a density that is consistent with Deana Road Subdivision and Park Town. This would be less dense than Baywood, Clear Springs, and Waterford Village.

Public Need.

The owners of the property are hoping to develop a parcel of land that has never been developed. The site is surrounded by a mix of uses with more intense residential areas to the east, west and south than permitted within the R-2 zoning of the subject property. The site is developed on all adjacent sides. As outlined in the Comprehensive Plan, the development of 'in-fill' properties permits the increasing of the City's tax base and revenues without the extension of water and sewer services.

The Comprehensive Plan describes In-fill development as... "using vacant, underused, or orphaned land for new development. It can create more affordable development since it uses existing infrastructure. It also can be used to encourage population growth needed to sustain commercial activities and vitality in the heart of the City. Furthermore, by using land in mature areas, in-fill development can reduce the demand for housing in undeveloped areas that require new services and reduce the cost to taxpayers."

The anticipated development on the site is a single-family residential development that will provide more housing options for those who wish to reside in Ocean Springs. The smaller lot sizes will also provide the developer flexibility in addressing stormwater, drainage, and proposed improvements along Deana Road.

Despite the nationwide boom in the housing market, Ocean Springs growth rate was not as significant as the areas in the unincorporated areas of Jackson County. Areas north and southeast of Ocean Springs grew at a more rapid pace. Much of this is because of the availability of land. Many of the vacant areas within Ocean Springs include wetlands which can be costly, timely, and difficult to develop. The owners hope to mitigate a portion of the wetlands on the property to permit the development. This will be beneficial to the City that is in need of increases in population.

Consistency with the Comprehensive Plan.

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

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

Policy 1.5: Encourage compatible infill development that is designed and constructed to be consistent with the character of the existing neighborhood. *The subject property has never been developed and is one of the few undeveloped parcels within the area. It is adjacent to two roadways and will not require the extension of water or sewer services. The property is surrounded by residential and recreational uses. The requested rezoning will permit the construction of homes that are consistent with the character of the existing neighborhood.*

Goal 4: To provide high quality residential neighborhoods with a variety of compatible housing types to serve the various needs of Ocean Springs residents. *Over the past decade most of the new subdivisions within the City and all of those within this area have been developed as R-D, R-3 or some other less traditional district than the R-1 and R-2 Districts that were commonplace in the 1990s and early 2000s. More compact lots permit greater flexibility, requires less infrastructure, and allows residents to invest more in the house and less in the land. The subject property includes wetlands that will need to be mitigated, and extractions may be necessary for additional rights of way. The R-3 District will provide greater flexibility in meeting these needs.*

Policy 4.1: Provide greater flexibility in the types of units allowed within the City, including provisions for residences on the upper floors of non-residential structures and a variety of moderate density unit types, such as patio homes, town homes and zero lot line homes. *The owner hopes to single-family residential development on lot sizes that are consistent with the area. The R-3 District provides narrow lot widths but maintains the 7,500 square foot area. The R-D District, that is more consistent with the area, permits duplexes on more compact lot sizes which is not consistent with the development plans of the owner.*

Requested Rezoning to R-3 District Designation.

The owner is requesting a rezoning to R-3 to assist with the development of the property. Based on historical information, the zoning and development trends in the area have changed the overall character of the area. The majority of the surrounding area north of Groveland Road was zoned R-2. This area has been rezoned in a slow, incremental manner until the only remaining R-2 sites are the subject property, the City's Gay Lemon Park, and the Mississippi Power Substation and property. Areas that were previously designated as R-2 have been rezoned to CMX-1 and RM-2.

Other areas such as Baywood Subdivision was rezoned to R-D from I-1 District. This is a Light Industrial District. Similarly, the site that includes the Sails was previously zoned I-1. Very few properties within the immediate area have the same zoning that was present in 1984. The subject parcel is one of the few residential areas that has not had a zoning change.

Along with the zoning change, development patterns along Groveland Road followed with denser residential development. This included Waterford Village, Clear Springs, and Ocean Springs Station. This area has become much more compact over the years and a change in neighborhood character is evident. Currently, the on-going development of the Sails apartment complex continues to increase the density of the area.

Public need is also established. Many areas within the City include wetlands. These areas are difficult to develop and often take years to acquire the necessary permits. As a result, the development within the City has slowed, and the population growth of the past 20 years is lower than other areas with available properties. Unincorporated Jackson County within the Ocean Springs area has continued to grow showing a significant demand for housing within the area. These areas impact the school district and City infrastructure despite not being located within the City. The proposed development is within the City and will increase revenues with property and sales tax.



Amanda Moser

From: James & Gloria Thompson [REDACTED]
Sent: Friday, March 31, 2023 4:57 AM
To: Amanda Moser
Subject: PID# 60123040.000

I am against it and will campaign against these efforts! Put it next door to your own property, so that your property value is deleted!!! I hope your endeavor fails drastically.

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

PLANNING COMMISSION REPORT

MEETING DATE: Tuesday, April 11, 2023

SUBJECT: **DRAFT ORDINANCE:** Consideration of an Amendment to the Zoning Regulations on Residential Short-Term Rentals

An overview of the proposed changes was provided during the March 14, 2023 Planning Commission agenda. As reported, the current ordinance for Residential Short-Term Rental activity was passed in July 2015 and amended in February 2018, December 2019, and December 2021. The cap of 75 residential permits was reached in the fall of 2022 and staff was directed to evaluate the program to date to make recommendations for modifications. As of this date there are forty (40) properties on the waiting list.

Fees: The concepts presented at the previous PC meeting included a fee increase to \$500 application / \$500 renewal. The current code governing Residential Short-Term Rentals is found in Section 510. **Section 510(b)(f)** allows for the “non-refundable application fee of two hundred dollars (\$200.00) plus mailing costs or the most recent fee established by the board of alderman...” Similarly, **Section 510(b)(6)** sets the renewal fee at fifty dollars (\$50.00) with the same allowances.

Due to the current verbiage, the direction provided was to update the current fee schedule as part of the April 4, 2023 Board of Aldermen agenda. The increase was approved as presented. Therefore, the change to the fee section of this draft ordinance only references the “currently adopted Fee Schedule” with no references to specific dollar amounts.

Summary of Changes:

Based on evaluation and input received, the following issues are being considered for inclusion in the forthcoming ordinance draft:

1. Section 510(a) – Definitions:

- Establish a STR DENSITY ZONE to allow for dual control with one cap on residential STR permits within the STR DENSITY ZONE, and a different cap for residential STR permits throughout the rest of the city.
- Clarify *Local Property Manager*

2. Section 510(b)(3)b – Permit Required:

- Clarify language related to covenants.

3. Section 510(b)(10) Permit Required:

- Revise the Residential STR Permit cap to reflect and maintain the current distribution within and outside of the STR DENSITY ZONE:

Scenario #1	
- ZONE:	45 (45%)
- City:	55 (55%)
- TOTAL:	100
33% Increase	

- Existing Downtown Overlay District – add provision that cap does not apply to residentially zoned properties within the existing DT Overlay District. All other rules would still apply.

INPUT RECEIVED:

The attached email from Stephen Johnston was received with input on this subject.

All changes above are reflected in the attached DRAFT ORDINANCE.

PROPOSED MOTION: To recommend approval of the modifications as presented and reflected in the attached DRAFT Ordinance.

From: [Johnston, Stephen](#)
To: [Andy Phelan](#); [Amanda Moser](#); [Amanda Moser](#); [Carolyn Martin](#)
Subject: Proposed Vacation Rental Changes
Date: Wednesday, March 22, 2023 3:20:51 PM

Hopefully it's not too late to submit comments regarding changes to the current vacation rental ordinance.

- Increase permit cap to accommodate all of the waitlist, I like clean numbers so would propose 125 as the new STR permit cap. Pass Christian has a current STR cap of 150 with only 90 active permits the last time I checked.
- Try to speed up the permitting process (sorry Amanda!), 5-7 months to clear 40-45 permits seems like there is room for improvement especially given the increase in application fees. Is there a way to speed this up? Maybe a special planning meeting just dedicated to clearing the backlog.

Overall I think the Planning Dept does a great job managing this process!

Stephen Johnston



Barings-Corporate

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City of Ocean Springs

ORDINANCE NO. 2023-xx

**AN ORDINANCE AMENDING ORDINANCE NO. 2015-11 AND SECTION 510 OF
APPENDIX D OF THE OCEAN SPRINGS CODE OF ORDINANCES
REGARDING PERMITS FOR SHORT-TERM RENTALS IN RESIDENTIAL
AREAS**

WHEREAS, Ordinance 2015-11 was passed July 7, 2015 and was codified in Section 510 of Appendix D of the Ocean Springs Code of Ordinances; and

WHEREAS, Ordinance 2018-02 was passed February 20, 2018 and was codified in Section 510 of Appendix D of the Ocean Springs Code of Ordinances; and

WHEREAS, Ordinance 2019-19 was passed December 19, 2029 and was codified in Section 510 of Appendix D of the Ocean Springs Code of Ordinances; and

WHEREAS, Ordinance 2021-25 was passed December 7, 2021 and was codified in Section 510 of Appendix D of the Ocean Springs Code of Ordinances; and

WHEREAS, the initial ordinances stated that the City shall review the Ordinance annually to evaluate the benefits recognized by the use of Short Term Rentals, as well as, any adverse impact the use of Short Term Rentals may have; and

WHEREAS, the Board of Aldermen requested the Planning Commission to conduct a public hearing to discuss whether the limit needed to be amended and solicit community input on this matter; and

WHEREAS, the Planning Commission conducted said hearing on April 11, 2023; and

WHEREAS, the Planning Commission recommended several modifications to the existing code for Short Term Rentals.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF
ALDERMEN of the City of Ocean Springs, Mississippi, as follows:

SECTION I

That Section 510(a) *Definition* of the Code of Ordinances, City of Ocean Springs, Mississippi, is hereby amended to read as follows:

501(a) – *STR Density Zone:* The defined area located in the western portion of the City Limits bounded by the CSX Railroad line on the north; Porter Avenue on the west; Front Beach Drive on the south, Harbor Drive, Inner Harbor, and Pine Drive on the east – excluding the existing Downtown Overlay District as identified in Section 3.9.5 of the Unified Development Code. A map illustrating both the DENSITY ZONE and the DOWNTOWN OVERLAY District is included as Exhibit A.

Local property manager: The person **or business** specifically named on the application and permit who is responsible for the day-to-day operation of the short-term rental unit, and who may be contacted and available twenty-four (24) hours a day if there is a problem with the unit.

The local property manager may be the owner or agent of the owner, ~~and~~ **Individuals** shall reside **and business entities shall be physically located** within two (2) miles of the Ocean Springs city limits. **If a business entity is designated as the local property manager, the business entity must designate an employee as the point of contact for that property.**

SECTION II

That Section 510(b)(3)b. *Permit Required* of the Code of Ordinances, City of Ocean Springs, Mississippi, is hereby amended to read as follows:

510(b)(3)b – It shall be the duty of the applicant to notify the city planning department of any **covenants** or existing homeowners association which may have jurisdiction over the applicant's property. It shall be the further duty of the applicant to notify the affected homeowner's association of the application process, **as well as** ~~and~~ to provide the city planning department with **a copy of the covenants or** a written statement of support from the homeowner's association which approves the request of the applicant for use of the owner's property as a short-term rental **as applicable**. Failure to notify the city planning department of the existence of a homeowner's association may result in the suspension or revocation of the permit.

SECTION III

That Section 510(b)(3)f. *Permit Required* of the Code of Ordinances, City of Ocean Springs, Mississippi, is hereby amended to read as follows:

510(b)(3)f – A non-refundable application fee ~~of two hundred dollars (\$200.00)~~ as indicated in the most currently adopted Fee Schedule as approved plus mailing costs ~~or the most recent fee established~~ by the board of alderman shall be paid by the applicant at the time of filing the application with said application fee concerning the costs of inspection, mailing, and labor affiliated with the processing of the application.

SECTION IV

That Section 510(b)(6) *Permit Required* of the Code of Ordinances, City of Ocean Springs, Mississippi, is hereby amended to read as follows:

510(b)(6) – Permit renewal may be obtained ~~for fifty dollars (\$50.00)~~ through the city ~~building~~ **planning** department through submittal of the appropriate application and fee as reflected in the currently adopted Fee Schedule. Permit renewal process will include staff review of city records and other documentation pertaining to complaints, if any, that have been received related to the specific short-term rental unit under consideration. Filed complaints that are in violation of the zoning codes, building codes, property maintenance, codes and/or applicable laws or regulations will be considered as part of the renewal process. Violation of applicable local, state and federal laws or regulations may be a basis for denying a permit renewal. If permit renewal is denied, the city planning department shall provide notice as to the reason for denial and the landowner shall be allowed ten (10) days to correct any deficiencies itemized. At the expiration of ten (10) days, a landowner may appeal the denial of permit renewal to the board of aldermen. The appeal must be in writing and must be filed within ten (10) days following the expiration of the ten-day period within which to file correct deficiencies.

SECTION V

That Section 510(b)(10) *Permit Required* of the Code of Ordinances, City of Ocean Springs, Mississippi, is hereby amended to read as follows:

510(b)(10) – The total number of permits issued for residential short-term rental ~~shall not exceed seventy five (75) at any given time~~ units shall be based on the following:

- a. Properties located in the STR DENSITY ZONE as defined in Section 510(a) will not exceed 45 (forty-five) short-term rental permits at any given time.
- b. Properties located in the existing DOWNTOWN OVERLAY District as defined in the Unified Development Code, Section 3.9.5 will be excluded from any cap restrictions. All other Residential Short Term Rental provisions shall still apply.
- c. Properties located within the city limits but not included in the above referenced STR DENSITY ZONE or the DOWNTOWN OVERLAY District will not exceed 55 (fifty-five) short-term rentals at any given time.

SECTION VI

That Section 510(i) *Local contact person* of the Code of Ordinances, City of Ocean Springs, Mississippi, is hereby amended to read as follows:

510(i) – All short term lodging rentals shall designate a local property manager who will respond to the questions or concerns twenty-four (24) hours a day. The name, address and telephone number of the local contact person shall be ~~submitted to the planning department, building department, and city police department during the permitting process~~ **included on the permit application and must meet the requirements as described in Section 510(a) Definitions**. The contact information for the local contact person shall be posted permanently inside the short-term rental unit. The local contact person, property manager and/or property owner shall be considered the responsible person for violations of the short-term rental ordinance.

SECTION VII

Any and all ordinances or parts thereof in conflict or inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to such extent as they are so in conflict or inconsistent.

SECTION VIII

It is hereby declared to be the intention of the Board of Aldermen that the actions, paragraphs, clauses and phrases of this ordinance, when adopted, are severable, and if any sections, paragraphs, clauses, sentences or provisions of this ordinance as adopted shall be declared unconstitutional or otherwise invalid, same shall not affect any of the remaining sections, paragraphs, clauses and phrases of this ordinance.

SECTION IX

This Ordinance shall take effect in the manner prescribed by law.

SECTION X

That upon adoption, the City Clerk shall cause this Ordinance to be recorded in the Book of Ordinances of the City of Ocean Springs, Mississippi, and published in the manner prescribed by law.

SECTION XI

The provisions of this Ordinance may be included and incorporated in the Code of Ordinances of the City of Ocean Springs, Mississippi, as an addition or amendment thereto, and appropriately renumbered to conform to the uniform numbering system of the Code.

The above Ordinance 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 THE ORDER OF THE MAYOR AND BOARD OF ALDERMEN of the City of
Ocean Springs, Mississippi, on this the _____ day of _____, 2023.

MAYOR

CITY CLERK

EXHIBIT A

