

MINUTES
WAVELAND PLANNING & ZONING COMMISSION
REGULAR MEETING
MAY 15, 2023

A regular meeting of the Waveland Planning & Zoning Commission was held at 6:00 pm on Monday, May 15, 2023 at Waveland City Hall in the Board Room located at 301 Coleman Ave, Waveland, MS 39576.

Chairman Bryan Frater called the meeting to order at 6:01pm. Present at the meeting were Chairman Bryan Frater, Commissioners Greg Poindexter and Chad Whitney. Also present was Zoning Official, Jeanne Conrad. City Attorney, Ronnie Artigues Jr., Commissioner Dr. Barbara Coatney, and Commissioner Matt Touart were not present but a quorum was established.

Chairman Frater called for a motion to approve the minutes from the Planning & Zoning Special Meeting held Monday, May 8, 2023. Commissioner Whitney made the motion, seconded by Commissioner Poindexter, to approve the minutes as written.

After a unanimous vote of yes by all Commissioners present, Chairman Frater declared the motion passed.

Chairman Frater called for a motion to approve the adoption of recommended amendments to the City of Waveland Zoning Ord. #349. Commissioner Whitney made the motion, seconded by Commissioner Poindexter to approve the recommended changes as follows:

- **Section 401.4 Use will include new wording for temporary structures: “Temporary structures, including but not limited to shipping containers, storage containers, and the like, are prohibited as permanent residential dwelling but may be used as temporary storage during new construction of a permanent primary structure with a building permit.**
- **Section 401.5 Approved Water Supply and Sewage Disposal for Building change the word “building” to permanent habitable dwelling. The new wording will be “It shall be unlawful to construct any permanent habitable dwelling or occupy any mobile home or manufactured home without water supply and sewer disposal...etc.”**
- **Section 401.6: reference the definition of a “nuisance” in the description. The new wording will be “No nuisance as defined in Section 302.7, shall be allowed as a permitted, conditional, or non-conforming use.”**
- **Section 401.8 Residential Planned Development Projects: Subsection C.2 “Wherever there is an abrupt change in use (i.e. residential to commercial), it is required that a buffer area of open space, protective planting, or solid fence be placed between the land uses which will protect each use from the undesirable effects of each other.**
- **Section 404. Regulations for Auto Oriented Commercial Establishments: This type of business will only be allowed in the C-3 Highway Commercial District.**

• **Section 701.8 Accessory Buildings (in R-1 Single Family Residential District): Increase the allowable sizes for accessory structures contingent upon the size of the lots.**

The sizes would be as follows:

- o **500 sq. ft. for all properties up to 8,500 sq. ft. in lot size,**
- o **750 sq. ft. for properties 8,501 sq. ft. to 12,500 sq. ft. lot size,**
- o **1,000 sq. ft. for properties 12,501 sq. ft. to 15,000 sq. ft.**
- o **15,001 sq. ft. properties will be allowed up to 1,500 sq. ft. accessory structure.**
- o **Any request for accessory structure over 1,500 sq. ft. will be required to submit a Conditional Use request.**

• **The implementation of a 3% sales tax on all Short-Term Rentals & Hotels/Motels within the City.**

Chairman Frater asked if there was anyone in the audience that would like to come forward to comment. Garret Garcia of Garcia & Sons Development came forward to state his support of the accessory structure change and to ask when the recommended changes would become effective. Zoning Official, Jeanne Willie, stated that if the Board of Mayor and Aldermen accept the recommended changes at the Regular Board meeting on June 6, 2023, then the changes would become effective after 30 days. With no other comments, Chairman Frater called for a vote.

After a unanimous vote of yes by all Commissioners present, Chairman Frater declared the motion passed.

Scott Shaw, owner of the property commonly known as 207 Music St. parcel #162A-0-03-137.000, has made an application for a conditional use to construct an accessory structure over 500 square feet. The proposed accessory structure will be 900 square feet and will meet all setback requirements.

Mr. Shaw was not present for the meeting. Commissioner Whitney asked about the 3 parcels that Mr. Shaw owns on Music St. He stated that with all 3 parcels being adjacent to each other, the only stipulation he would suggest, would be to combine all 3 parcels in order to place the accessory structure on the property to the left rather than allow an accessory structure on a separate parcel. Commissioner Poindexter did not agree with the condition. Chairman Frater called for a motion. Commissioner Chad Whitney made a motion to approve the conditional use with the condition that the 3 parcels Mr. Shaw owns must be combined if able. Commissioner Poindexter did not want to second the motion with the conditions. Garret Garcia came forward with a comment that even if he combines, if he meets requirements to split the lot, he can go back to the tax assessor and have the lots split after-the-fact later. With this knowledge, **Commissioner Whitney changed his motion to approve with the stipulation that the parcels would be required to be sold together if Mr. Shaw ever decided to sell either of the properties. Commissioner Poindexter seconded the motion with the condition.**

After a unanimous vote of yes by all Commissioners present, Chairman Frater (stated that the request meets all requirements set forth by the Zoning Ordinance section 906.3 and) declared the motion passed.**

Chad Rhodes, owner of the property commonly known as 645 N. Beach Blvd, parcel #161B-2-01-127.000, has made an application for a conditional use to construct an accessory structure over 500 square feet. The proposed accessory structure will be 901 square feet and will meet all setback requirements.

Chairman Frater called for Mr. Rhodes to come forward and explain the request. Mr. Rhodes was not present but his contractor, Mr. Garret Garcia of Garcia & Sons Development, came forward to explain the conditional use request. Mr. Garcia stated that the accessory structure will be 901 square feet in size and will not measure over 15' in height for the mean roof pitch as required in the Zoning Ordinance and submitted an additional specification page for the Commissioners depicting that height.

Chairman Frater called for anyone else to come forward for any comments. Mr. Larry Lagasse, owner of 103 Whispering Pines, came forward to get clarifications on the structure size and position. After discussions between Mr. Lagasse, Mr. Garcia and the Commission, Mr. Lagasse changed his objection to support of the request saying he has no problem with the accessory structure.

Kathie Esher, owner of 105 Whispering Pines, came forward to read her letter that she submitted to the Zoning Office and explain her opposition to the request. Chairman Frater addressed her concern about plumbing stating that there will be no plumbing allowed for the structure but she still stated that she is in objection to therequest.

After all discussions between the audience, Mr. Garcia, and the Commission, Chairman Frater called for a motion for the request.

Commissioner Whitney made the motion to approve the Conditional Use request as written, seconded by Commissioner Poindexter.

After a unanimous vote of yes by all Commissioners present, Chairman Frater (stated that the request meets all requirements set forth by the Zoning Ordinance section 906.3 and) declared the motion passed.**

Joel Lee, owner of the property commonly known as 9881 Hwy 603, parcel #138G-0-46-147.000, has made an application to rezone this property from R-1: Single Family Residential to C-3: Highway Commercial in order to continue the district use with his commercial property next door at 9919 Hwy 603.

Chairman Frater called for Mr. Lee to come forward to explain his request. Mr. Lee was not present for the meeting. Commissioner Poindexter asked for clarification about the combination of residential and commercial properties along Hwy 603. Zoning Official, Jeanne Willie stated that Hwy 603 is mostly zoned C-3: Highway Commercial but there are a few properties along Hwy 603 that are zoned R-1: Single-Family Residential such as this one. Commissioner Poindexter made a motion to approve the Re-Zoning of the property from R-1 to C-3: Highway Commercial. Commissioner Whitney asked if the required notices were mailed and if there were any correspondences for this case. Zoning Official, Jeanne Willie, stated that notices were sent for all property owners within 300 feet around the property were sent and that no correspondences were sent to the Zoning Office. Commissioner Whitney then seconded the motion made by Commissioner Poindexter to approve the Zoning Change.

After a unanimous vote of yes by all Commissioners present, Chairman Frater declared the motion passed.

Perry Nixon Jr, owner of the property commonly known as 712 Villere St, parcel #162G-0-03-265.000, has made an application for multiple variances in order to split the property into 3 new parcels. All 3 new parcels will need a frontage variance of 6.61 feet from the required 100 feet street frontage and 3,106 square feet variance from the required 12,000 square feet area.

Chairman Frater called for Mr. Nixon to come forward to explain his request. Mr. Nixon came forward to explain that he has children that he would like to split this property in order to give each child a piece of property. Commissioner Whitney verified that all required neighbors were notified and that there were no correspondences. Commissioner Poindexter stated that this property was 3 individual properties before Hurricane Katrina because you can see 3 separate old driveways.

After a brief discussion between the Commissioners, Chairman Frater called for anyone else to come forward. No one came forward for comment. Chairman Frater then called for a motion. Commissioner Poindexter made the motion, seconded by Commissioner Whitney to approve the variances as written.

After a unanimous vote of yes by all Commissioners present, Chairman Frater (stated that the request meets all requirements set forth by the Zoning Ordinance section 906.1 and) declared the motion passed.**

****Chairman Frater forgot to make the required statement about meeting the requirements according to the Zoning Ordinance and made a blanket statement that all cases heard at this meeting meet the requirements set forth in the Zoning Ordinance sections 906.1 for the Variance and 906.3 for the Conditional Use requests. ****

Chairman Frater then called for any additional comments from the Commissioners or anyone left in the audience. No one came forward for comments.

Chairman Frater called for a motion to adjourn the meeting. Commissioner Whitney made the motion, seconded by Commissioner Poindexter to adjourn the meeting.

After a unanimous vote of yes by all Commissioners present, Chairman Frater declared the motion passed and the meeting adjourned at 7:06 pm.

Respectfully submitted,
Jeanne Willie, Zoning Official