

Ordinance No. 2519

ORDINANCE TO GRANT A ZONING MAP AMENDMENT, THE APPROVAL OF WHICH WOULD PROVIDE FOR THE ESTABLISHMENT OF A PD-I: PLANNED DEVELOPMENT – INFILL MASTER PLAN – EXTENDING AUTHORIZATION FOR A RESIDENTIAL DEVELOPMENT TO BE KNOWN AS THE COTTAGES AT HOWARD

WHEREAS, the Biloxi Planning Commission conducted a public hearing on July 6, 2023, to hear the application of A&M Properties (owner) and Tim Murphy (applicant), Case No. 23-057-PC, to consider an application for a Zoning Map Amendment, the approval of which would provide for the establishment of a PD-I: Planned Development – Infill Master Plan – extending authorization for a residential development to be known as The Cottages at Howard, for parcels of land presently zoned NB-Neighborhood Business and RS-5 Single-Family High Density Residential; and

WHEREAS, the Planning Commission members were apprised of the particulars of this case, being made cognizant of the fact that the PD-I: Planned Development – Infill Master Plan allows the owners to construct a little closer to property lines than normally allowed for the construction of five (5) single-family homes; and

WHEREAS, it was noted that the Development Review Committee (DRC) had reviewed this request for a Zoning Map Amendment, to authorize the establishment of a PD-I: Planned Development – Infill District Master Plan, and had found it to be in conformance with the rules and regulations of the City of Biloxi, and authorized the applicant to proceed to the Planning Commission and City Council to apply for a PD-I: Planned Development – Infill District Master Plan approval, as herein requested; and

WHEREAS, on July 6, 2023, the Biloxi Planning Commission, upon conducting this public hearing, and after careful reflection of the particulars of this case, voted (13-0) to

Ord. No. 2519

recommend approval for this Zoning Map Amendment, the approval of which would provide for the establishment of a PD-I: Planned Development – Infill Master Plan – extending authorization for a residential development to be known as The Cottages at Howard, which includes a proposed 5 lot residential development situated on two (2) unaddressed parcels fronting upon Howard Avenue, Copp Street, and Lee Street (re: Tax Parcel Nos. 1410J-05-042.000 & 1410J-05-044.000), having determined that the PD-I: Planned Development – Infill District Master Plan requested would provide needed residential dwellings within this area of Biloxi, noting further that the proposed residential uses requested within this Master Plan are consistent with uses previously of notice in this section of Biloxi; and

WHEREAS, the Biloxi City Council, after consideration of all facts presented, hereby adopts the report and findings of the Biloxi Planning Commission, and in so doing, determines that approval of this PD-I: Planned Development – Infill District Master Plan, as submitted, is appropriate for the properties presently identified as two (2) unaddressed parcels fronting upon Howard Avenue, Copp Street, and Lee Street, having concurred that an established community need for this PD-I Master Plan and the use proposed are appropriate for this location.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILOXI, MISSISSIPPI, THAT AS PER THE FINDINGS OF THE PLANNING COMMISSION, AND BASED UPON THOSE DETERMINATIONS, THAT THE FOLLOWING SHALL BE AUTHORIZED:

SECTION ONE: That the boundaries of the Geographical Information System Format Zoning District Map of the City of Biloxi, Mississippi, as amended, are hereby further amended by a Change in Zoning District Classification from NB-Neighborhood Business and RS-5 Single-

Ord. No. 2519

Family High Density Residential to PD-I: Planned Development – Infill District Master Plan for two (2) unaddressed parcels fronting upon Howard Avenue, Copp Street, and Lee Street (re: Tax Parcel No. 1410J-05-042.000 & 1410J-05-044.000) and described as follows:

Lot 2, in Square 5 of the Plan of J. H. Kellar property as per map or plat thereof filed and of record in Book I, Page 10 of the Record of Plats in the office of the Chancery Clerk of Harrison County Second Judicial District, Mississippi, together with all improvements thereon and all rights, privileges and appurtenances thereunto belonging or appertaining. And Lot 3, Block 5 of Keller's Addition to the City of Biloxi, fronting 60 feet 4 inches on Howard Avenue with a depth of 185 feet, and that certain lot or parcel of land located in the Northern part of Lot I in square 3. according to 'the Plat of J. H. Kellar property in the city of Biloxi, as shown in Plat Book 1, Page 10 of the Records of Plats in the office of the Chancery Clerk of Harrison County. Mississippi, which begins at a point on the east side of Lee Street, where a concrete post erected by Mary Ellen Weeks and E. Burton Weeks, as the Western terminus of their Northern fence joins Lee Street which point is also marked by an iron stake set by Arthur Defraites, Civil Engineer. Running, thence North along the east line of Lee Street 52 feet to the south boundary line of Copp Street, running thence east along the South boundary of Copp Street 60 feet to the property of the Methodist Parsonage. Running thence South on West line of the property of the Methodist Parsonage 52 feet to a concrete post in the fence of Running thence west along the fence line dividing the property of Weeks and the property of Ellis 60 feet to the point of beginning, which said property is further described as being bound on the North by Copp Street, on the west by Lee Street, on the south by the property of Weeks, and on the East by the property of the Methodist Parsonage, now Melvin Plumbing Company, and further described as land most nearly bounded by the following streets: to the North of and fronting to Howard Avenue; South of and adjacent to Copp Street; East of and adjacent to Lee Street; and West of Keller Avenue.

SECTION TWO: This ordinance shall become effective thirty days from and after its passage and publication with law.

The foregoing Ordinance having first been reduced to writing, was read by the Clerk and moved by Councilmember Lawrence, seconded by Councilmember Gines, and was adopted by the following vote:

Ord. No. 2519

YEAS: Gines Tisdale NAYS: None
 Newman Glavan
 Deming Barrett

ABSENT: Lawrence-*

(* - Absent from the room during discussion and voting only)

The President then declared the Ordinance adopted this the 1st day of August, 2023.



ATTEST:


CLERK OF THE COUNCIL

APPROVED:


PRESIDENT OF THE COUNCIL

Submitted to and approved by the Mayor, this the 1st day of August, 2023.

APPROVED:


MAYOR

Scheduled for:
July 6, 2023
PC Meeting

A&M Properties (owner)
Tim Murphy (applicant)
Case No. **23-057-PC**
Zoning Map Amendment Overlay
PD-I Planned Development Infill District



**Planning Commission
Case Fact Sheet**

Case No.:	23-057-PC
Names of Owners/ Applicant:	A&M Properties (owner) Tim Murphy (applicant)
Address of Property:	(2) unaddressed parcels fronting upon Howard Avenue
Tax Parcels/Ward:	1410J-05-042.000 & 1410J-05-044.000/Ward 2

Request:	Zoning Map Amendment to authorize a PD-I
-----------------	--

Purpose of Request:	An application for an overlay Zoning Map Amendment , the approval of which would provide for the establishment of a PD-I: Planned Development – Infill Master Plan – extending authorization for a residential development to be known as The Cottages at Howard, which includes a proposed 5 lot residential development situated on two (2) unaddressed parcels fronting upon Howard Avenue, Copp Street, and Lee Street (re: Tax Parcel Nos. 1410J-05-042.000 & 1410J-05-044.000).
----------------------------	---

Size of Property:	.58 acres (More or Less)
--------------------------	--------------------------

Present Zoning:	NB-Neighborhood Business and RS-5 Single-Family High Density Residential
------------------------	--

Flood Zones:	SX
---------------------	----

Present Use:	Vacant Property
---------------------	-----------------

Most Nearly Bounded By (streets):	Situated to the North of and fronting to Howard Avenue; South of and adjacent to Copp Street; East of and adjacent to Lee Street; and West of Keller Avenue.
--	--

Adverse Influences:	None, specifically.
----------------------------	---------------------

Positive Influences: The change in zoning as proposed, would allow for consideration of a Planned Development Master Plan Subdivision, a proposed five (5) lot residential development which is in high demand in this part of Biloxi.

Letters or Concerns stated: The Planning Division Office has not received any letters or other written communications relative to this case, as of June 29, 2023.

Comments/ Recommendations: A&M Properties (owner) and Tim Murphy (applicant) have requested a **Zoning Map Amendment**, the approval of which would provide for the establishment of a PD-I: Planned Development – Infill Master Plan – extending authorization for a residential development to be known as The Cottages at Howard, which includes a proposed 5 lot residential development situated on two (2) unaddressed parcels fronting upon Howard Avenue, Copp Street, and Lee Street (re: Tax Parcel Nos. 1410J-05-042.000 & 1410J-05-044.000).

The applicant is requesting the proposed **PD-I: Planned Development – Infill District Master Plan** in order to minimize variance requests and to develop .58 acres of land into five (5) individual lots that will accommodate five (5) single-family residential homes.

As with all requests for **Zoning Map Amendment**, discussion points should focus on the merits or demerits of the Zoning Map change proposed, considering the following criteria:

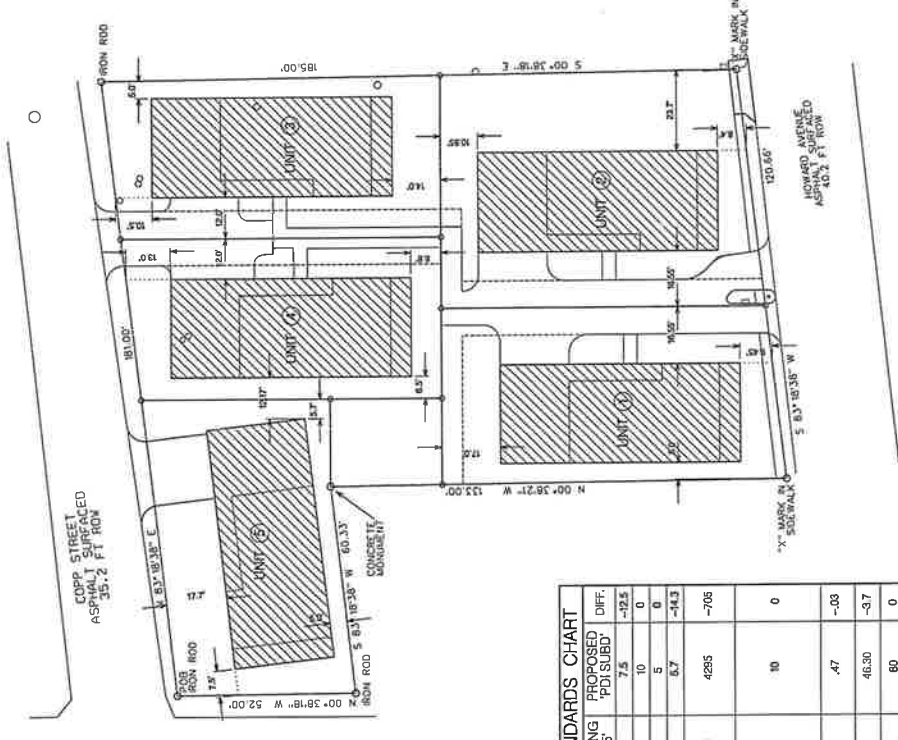
- 1) Consistency (or lack thereof) with the Comprehensive Plan;
- 2) Compatibility with the present zoning and conforming uses of nearby property and to the character of the neighborhood;
- 3) Suitability of the property affected by the amendment for uses permitted by the present district;
- 4) Suitability of the property affected by the amendment for uses permitted by the proposed amendment;
- 5) Change in the character of the neighborhood and established community need for uses permitted by the district applicable to the property at the time of the proposed amendment;

- 6) Availability of utilities and infrastructure sufficient to address the impacts associated with the allowed uses in the proposed district; and
- 7) Mistake in the original zoning

The Development Review Committee (DRC) reviewed this request for PD-I overlay zoning and offered no objections to this proposal to proceed to the Planning Commission and City Council for further review and disposition.

Options:

1. Recommend approval of this request for **Zoning Map Amendment** classification for a parcel of land measuring approximately fifty-eight one-hundredths of an acre (.58) (more or less) in size, for the establishment of a **PD-I: Planned Development- Infill Master Plan**, having determined that the proposed change, would appropriately serve the interests of the neighborhood and the City of Biloxi and that a change has occurred in the circumstances and conditions of the neighborhood and areas surrounding the petitioned property, and further, that an established community need for said zoning and uses allowed, is apparent at this location.
2. Recommend denial of this request for **Zoning Map Amendment**, having determined that insufficient evidence has been provided to establish that a mistake in original zoning is of evidence, or a Change in the Character of the Neighborhood, coupled with no valid Community need to warrant the level of the zoning change, herein proposed for the parcel of land under consideration for a zoning change.

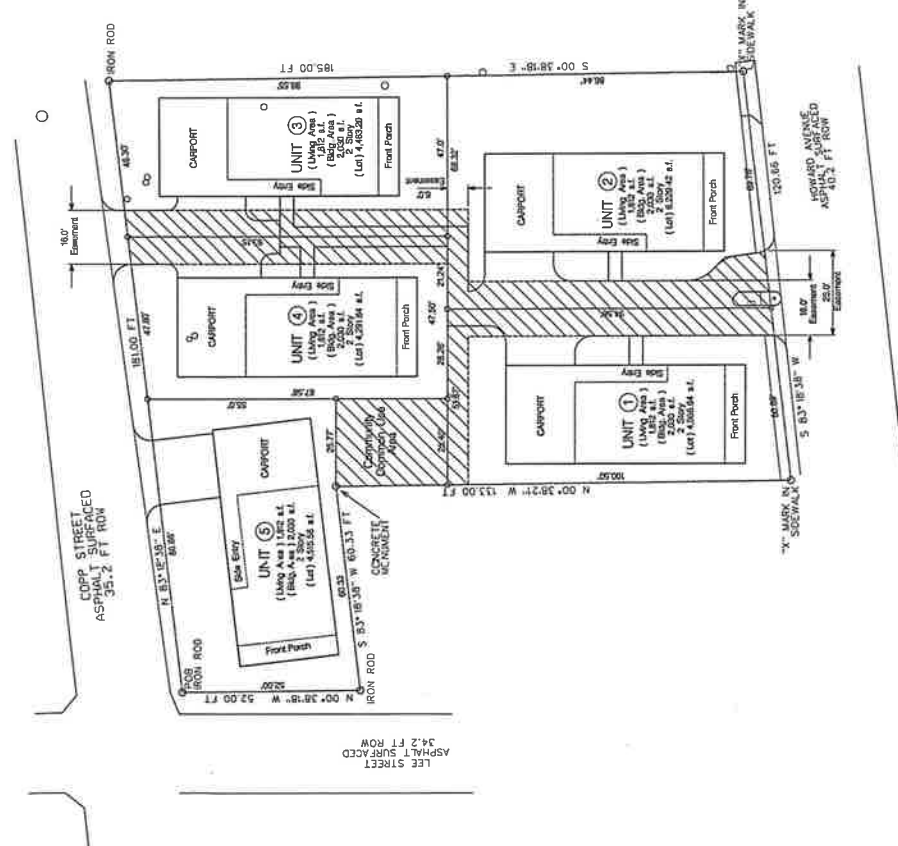


DEVELOPMENT STANDARDS CHART

EXISTING NB	EXISTING PPS-S	PROPOSED PPS-SUBD	DIFF.
25	20	7.5	-12.5
125	10	10	0
5	6	5	-1
10	20	6.7	-13.3
NA	5000	4855	-705
20	NA	10	0
.5	NA	.47	-.03
50	50	46.30	-3.7
100	80	80	0
60	60	61	-1
50	35	35	0



PROPOSED DEVELOPMENT PLAT
 SCALE: 1" = 20'



PROPOSED DEVELOPMENT CHART
 SCALE: 1" = 20'



TOM HENRY
designer
1000 HOWARD AVENUE, SUITE 100
HOUSTON, TEXAS 77002
P: 713.865.2000
F: 713.865.2001
www.tomhenry.com

TME
THEME CONSULTANTS
ENGINEERING &
SURVEYING &
TECHNOLOGY
P.E. P.L.S.
P.O. BOX 6024
HOUSTON, TEXAS 77261
P: 713.865.2000
F: 713.865.2001

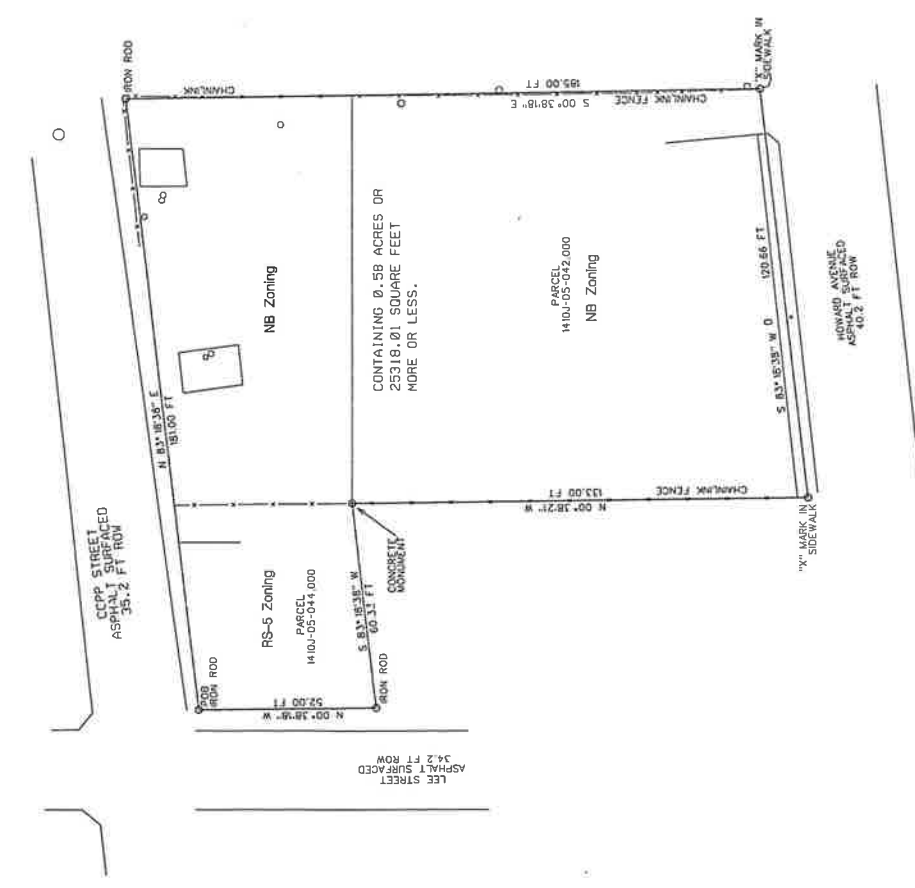
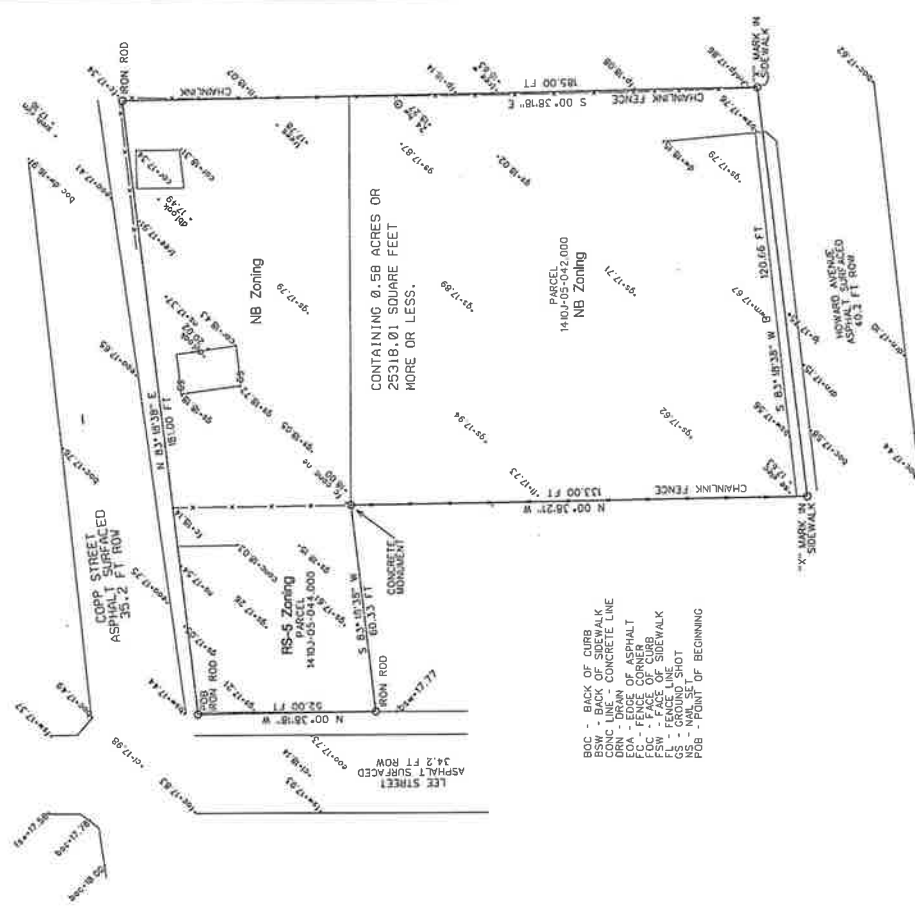
A PLANNED DEVELOPMENT INFL SUBDIVISION
FOR
The Cottages at Howard
546 HOWARD AVENUE, BLOX #1, MS.

SHEETS
Including
Boundary &
Topographic
Site Plans

REVISIONS
DATE: DESCRIPTION
DATE: DESCRIPTION
DATE: DESCRIPTION

DATE: 05-31-2025
DRAWN: TH
CHECKED: TH
SCALE: 1" = 20'

1.00
OF





TOM HENRY
designer
1724 Highway 10, Suite 101
Birmingham, AL 35202
205.988.1000
tomhenrydesigner.com

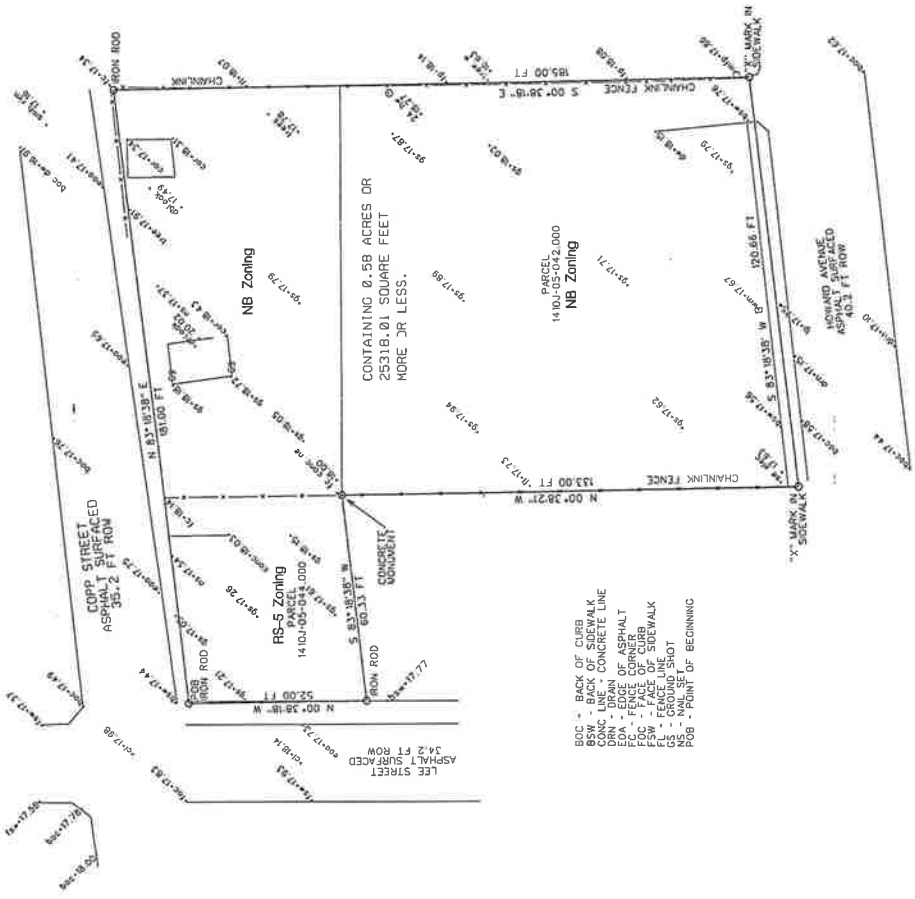
TME
TERRY MORAN
SURVEYING &
ENGINEERING
1724 Highway 10, Suite 101
Birmingham, AL 35202
205.988.1000

THE COTTAGES AT HOWARD
A PLANNED DEVELOPMENT INFILL SUBDIVISION
546 HOWARD AVENUE, BILOXI, MS.

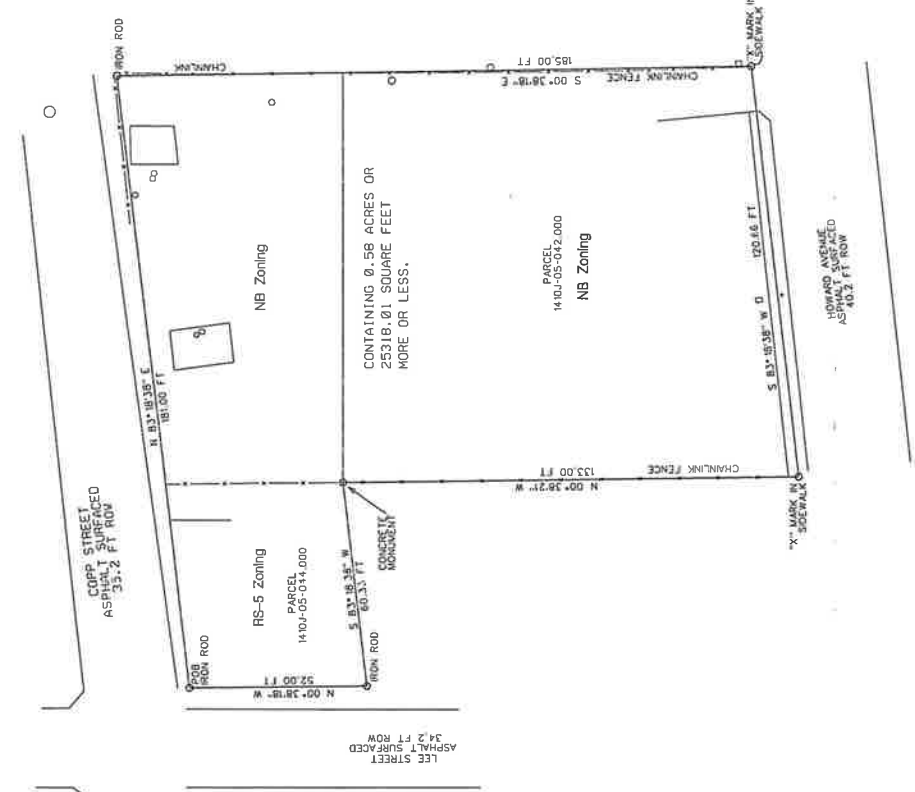
EXISTING
BOUNDARY &
TOPOGRAPHIC
SITE PLANS

REV	DATE	DESCRIPTION
1	06-11-2003	DATE ASSUMPTION
2	06-11-2003	DATE DESCRIPTION
3	06-11-2003	DATE DESCRIPTION
4	06-11-2003	DATE DESCRIPTION

DATE: 06-11-2003
DRAWN: T.H.
CHECKED: T.H.
SCALE: 1" = 20'
1.00



PROPERTY TOPOGRAPHIC
SCALE: 1" = 20'



PROPERTY BOUNDARY
SCALE: 1" = 20'

1

BILOXI PLANNING COMMISSION MEETING
 JULY 6, 2023
 COMMUNITY DEVELOPMENT,
 DR. MARTIN LUTHER KING JR. MUNICIPAL BUILDING,
 676 DR. MARTIN LUTHER KING JR. BOULEVARD,
 BILOXI, MISSISSIPPI,
 BEGINNING AT 2:00 P.M.

PLANNING COMMISSION MEMBERS PRESENT:

David Washer, Chairman
 Ronnie Bogard
 Kyle Carron
 Steve Delahousey
 Charlie Dellenger
 Dr. Larry Drawdy
 Joe King
 Gary Lechner
 August Parker
 Jimmy Poulos
 John Snow
 Cheryl Thompson
 Michael Todaro

ALSO PRESENT:

Jerry Creel, Director of Community Development
 Felicia Serpas, Senior Planner
 Caryle Lena, Planner
 Jon Lambert, Inspector
 Zach Harris, Arborist
 Dr. Paul Tisdale, Councilman Ward 5
 Kenny Glavan, Councilman Ward 6

REPORTED BY

 Melissa Burdine-Rodolfich
 Simpson Burdine & Migues

2

C-O-N-T-E-N-T-S

1	CONTINUED PUBLIC HEARING(S):	PAGE:
2	(None)	--
3	NEW PUBLIC HEARING(S):	
4	23-039-PC	6
5	23-052-PC	13
6	23-056-PC	60
7	<u>23-057-PC</u>	<u>64</u>
8	23-058-PC	65
9	TREE HEARING(S):	
10	TR-23-004	96

3

CHAIRMAN WASHER:

Let us call the Planning Commission meeting to order, please.

We'll record the members present. Mr. Lechner, Mr. Parker, Mr. Todaro, Ms. Thompson, Mr. Bogard, Mr. Dellenger, Mr. Poulos, Dr. Larry Drawdy, Mr. Carron, Mr. King, Mr. Snow, Mr. Delahousey; myself, David Washer; Jerry Creel, Director of Community Development; Felicia Serpas, Senior Planner; Caryle Lena, Planner. At the table is Melissa Rodolfich, our court reporter today. Next to her is Jon Lambert, Inspector. On the front row, is Zach Harris, City Arborist.

Ask Mr. Delahousey, if you would please, open the meeting with a moment of prayer.

MR. DELAHOUSEY:

Certainly. Before we pray today, I would like to acknowledge that Tuesday, July 4th was the 274th birthday of our nation. So Happy Birthday, America.

In a moment, we will recite the Pledge of Allegiance, and we will declare that we are one nation under God. President Ronald Reagan once said, "If we ever forget we are one nation under God, then we will be a nation gone under."

4

Now, let us pray.
 (Moment of prayer.)

CHAIRMAN WASHER:

Mr. Todaro, the pledge, please, sir.
 (Pledge of allegiance.)

CHAIRMAN WASHER:

Let me also recognize Dr. Paul Tisdale in the audience, Councilman Ward 5.

We welcome you all with us here today. We would ask that if anyone desires to speak, please come to the podium when your case is called, give us your name and address for the record and please sign at the pad provided if you haven't already done so.

Ask if all members of the Commission received a copy of the minutes from the last meeting, and if there is any additions or corrections.

MR. DELAHOUSEY:

Move to approve.

MR. SNOW:

Second.

CHAIRMAN WASHER:

Motion by Mr. Delahousey recommending approval; seconded by Mr. Snow.

5

1 CHAIRMAN WASHER:
2 All those in favor, say, "aye."
3 (All in favor.)
4 CHAIRMAN WASHER:
5 Any opposed?
6 (None opposed.)
7 CHAIRMAN WASHER:
8 Committee reports, Mr. Creel.
9 MR. CREEL:
10 Yes, sir. Mr. Chairman, members of the
11 Commission, over the past two weeks, the
12 department has issued 140 building permits, with a
13 construction evaluation of \$2.1 million. We have
14 collected \$14,400 in permit fees, issued 15
15 certificates of occupancy; eight of those were for
16 short-term rental. Of the permits issued, there
17 was a duplex renovation at 144 Hopkins Boulevard,
18 also a new duplex at 142 Hopkins Boulevard,
19 Shriner's Boulevard, 12273-B Shriner's Boulevard,
20 a new warehouse, a remodel of the Center Stage
21 building at 2670 Rue Palafox and a new Zaxby's
22 restaurant to be located 2441 Pass Road, also one
23 new single-family house.
24 CHAIRMAN WASHER:
25 Thank you.

7

1 families in it. And you can see the area on the
2 list where it's crossed out before, so the
3 indication was, is that it was one building.
4 But we're running into now is that we're
5 getting a number of developments where the owner
6 intends to build multiple units and rent those
7 units and we believe that those should follow
8 under multifamily dwelling.
9 So what we did is we went to the APA
10 Planners dictionary and found a definition that
11 actually would include the previous type of
12 dwelling definition, but also adds to it
13 apartments, group homes, tiny homes and
14 condominiums to make it clear. So that's the
15 first definition that we're proposing as a text
16 amendment change and it comes right out of the APA
17 dictionary.
18 You will recall that recently we had an
19 application for a soup kitchen, but we did not
20 have a definition of soup kitchen in the ordinance
21 so we had to refer to it as a social agency.
22 Well, social service agency opens the door for a
23 lot more things than just a soup kitchen.
24 So what we did, again, is go back to the
25 APA dictionary and pull out the definition of soup

6

1 There are no continued public hearings.
2 New public hearing today, Case Number
3 23-039-PC, City of Biloxi. This is a request for
4 a text amendment within the Land Development
5 Ordinance which case specifically addresses the
6 amendment of social services in multifamily
7 dwelling within Article 23-10: Definitions and
8 Interpretations; Table 23-4-1(C), Use Table -
9 Non-residential and Planned Development Districts;
10 Use Standards, Section 23-4-3-(C)(3)c, and Article
11 23-4: Use Standards, Section 23-4-3-(C)(1)b.
12 This case was advertised on June 22nd and June
13 29th.
14 Mr. Creel, you want to brief us on that?
15 MR. CREEL:
16 Yes, sir. As we go through the Land
17 Development Ordinance through the year and we
18 encounter some issues that are not clear or maybe
19 some definitions are not clearly described, what
20 we do is try to go back and address those.
21 And what we have here are three
22 definitions that we wanted to clarify. The first
23 one is multifamily dwelling. The previous
24 definition of a multifamily dwelling limited the
25 definition to one building that had multiple

8

1 kitchen, which you will see limits those type of
2 uses or occupancy to just a place that can -- to
3 be used to prepare and serve food on a regular
4 basis, either without cost or at a low cost, so
5 that they're not a profit generating type of
6 agency.
7 And then an exemption in there, it says
8 that soup kitchens are not to be considered
9 restaurants. So we -- it would have a social tone
10 to it, but we would have a specific definition of
11 the soup kitchen for any application that we
12 receive in the future.
13 And the last one is actually a social
14 service agency, which we also didn't have a
15 definition of. And what this does is provides
16 language in the text to show a clear definition of
17 what a social service agency is. And essentially,
18 it's to provide training and offering life
19 training skills, substance abuse counseling,
20 housing services, food banks, crisis centers,
21 community health centers, welfare agencies, job
22 centers, just essentially what it says it is,
23 something to help people. When they need it, they
24 would come to the social service agency to get
25 that help.

61

1 see, but it goes all the way back here. There is
2 another section behind here as well. Just trying
3 to make sure I incorporate that.
4 MR. CARRON:
5 Jon, I can't hear you.
6 MR. LAMBERT:
7 Okay. Do you need me to repeat what I
8 said?
9 MR. CARRON:
10 Please.
11 MR. LAMBERT:
12 So where I started the sign, there's an
13 area -- where I zoomed in back here, there's a
14 whole 'nother section that he -- that's part of
15 the parcel back there as well, so I just tried to
16 make sure that I zoomed in on that to make sure it
17 was incorporated in the video.
18 This is looking back south towards the
19 Dollar General and Family Dollar just down there.
20 Of course, back north here. That's it.
21 CHAIRMAN WASHER:
22 All right. Thank you.
23 Is the applicant or their representative
24 here, please? Toxey Collins?
25 All right. Not here.

63

1 request? Anyone speaking in favor. No one
2 speaking in favor.
3 Is there anyone speaking in opposition?
4 (No response.)
5 CHAIRMAN WASHER:
6 Anyone with any questions? If not, we
7 will consider that hearing closed.
8 MR. CREEL:
9 Okay. The staff has looked at it and we
10 would recommend approval.
11 MR. DELAHOUSEY:
12 Well, I guess -- it's kind of unusual to
13 proceed without a representative here, but given
14 the situation, like Mr. Creel said, it seems
15 pretty cut and dry, so I move to approve.
16 MR. KING:
17 Second.
18 CHAIRMAN WASHER:
19 Motion by Mr. Delahousey recommending
20 approval; seconded by Mr. King.
21 Any discussion?
22 If not, we'll ask that all those in
23 favor of approval, raise your hand, please.
24 Mr. Lechner, Mr. Parker, Mr. Todaro, Ms. Thompson,
25 Mr. Bogard, Mr. Dellenger, Mr. Poulos, Dr. Larry

62

1 Mr. Creel said he can go ahead and
2 apprise us with what the request is.
3 MR. CREEL:
4 Okay. I'm not sure why Mr. Collins'
5 representative is not here. But essentially what
6 this is, if you'll look at the map, Mr. Collins
7 bought a mini storage warehouse operation on
8 Lorraine Road. The property was zoned NB, and he
9 would like to do RV and boat storage on the rear
10 of the property, which would require the RB
11 zoning.
12 If you will look at your map, you'll see
13 that Kayleigh Cove coming off of Woolmarket Road
14 is already zoned RB. So just south of this RER
15 property and just west of it is already zoned RB,
16 so this would basically be a continuation of a
17 zoning that already exists.
18 And the staff has looked at it and we
19 have no objection to it, but that's basically what
20 it is.
21 CHAIRMAN WASHER:
22 Any questions, members of the
23 Commission? No questions.
24 Is there anyone in the audience that
25 wants to speak in favor of the applicant's

64

1 Drawdy, Mr. Carron, Mr. King, Mr. Snow,
2 Mr. Delahousey; myself, David Washer. We'll let
3 record show that's unanimous.
4 All right. Our next case is 23-057-PC,
5 A&M Properties, owner, Tim Murphy, applicant.
6 It's a request for an overlay zoning map
7 amendment, the approval of which would provide for
8 the establishment of a PD-I, planned
9 development-infill master plan, extending
10 authorization for a residential development to be
11 as known as The Cottages at Howard, which includes
12 a proposed five-lot residential development
13 situated on two unaddressed parcels fronting upon
14 Howard Avenue, Copp Street and Lee Street, being
15 Municipal Tax Parcel Numbers 1410J-05-042.000 and
16 1410J-05.044.00. This case was advertised on
17 June 15th, June 22nd and June 29th. Mr. Lambert.
18 MR. LAMBERT:
19 I was going to say this case and the
20 following case are the same, so it's all on the
21 same video.
22 This is Howard Avenue looking east
23 towards Keller right here, and, of course, south
24 towards the beach. And then looking west at Lee
25 Street here. And this is Copp Street right back

65

1 here. And that's it.

2 CHAIRMAN WASHER:

3 Also in conjunction with this case,

4 we're going to hear Case Number 23-058-PC A&M

5 Properties, owner, Tim Murphy, applicant. This is

6 a request for preliminary subdivision re-plat of

7 Lots 1, 2 and 3 of Keller, JH Estate, re-plat of

8 Block 1, Keller property, to create five

9 single-family residential lots upon those two

10 parcels.

11 We'll hear them together. We'll vote on

12 them separately.

13 Mr. Henry.

14 MR. HENRY:

15 Hi. I'm Tom Henry from Biloxi, but 1734

16 William Harrison Drive, Biloxi.

17 This is A.J. Murphy. He is one of the

18 owners of the A&M properties.

19 And as you saw in the video, these are

20 two empty pieces of -- parcels right now that are

21 vacant. But they're wanting to -- proposing to

22 do -- we call it The Cottages at Howard -- of

23 Howard -- is create five small residential lots

24 within the -- individual single-family homes

25 with -- all the homes would be pretty close to

67

1 have -- y'all have the site plans. I don't know

2 if you have it in there. But we have one drive on

3 Howard Avenue. They're all side-loading-type

4 carports.

5 I gave you all in the package the

6 exteriors, but we still have to go through AHRC

7 and all that to get the architectural approved and

8 make sure they stay in the guidelines of

9 historical.

10 Any questions?

11 CHAIRMAN WASHER:

12 Anything you want to add to, Mr. Murphy?

13 MR. MURPHY:

14 Sir?

15 CHAIRMAN WASHER:

16 Anything you want to add?

17 MR. MURPHY:

18 No. I'm A.J. Murphy. I live at 920

19 Caroline.

20 You know, I grew up in that part of the

21 town back on Lameuse, back in the day. My dad's

22 first office was there. We're just trying to

23 bring some residential back to that area and some

24 development.

25 CHAIRMAN WASHER:

66

1 identical. We're going to mismatch them a little

2 bit just to -- so they're not all the same.

3 They're trying to create somewhat of a

4 community feel in a sense and not necessarily make

5 it private, but privatize it a little bit, you

6 know. We are planning on -- like I said, they're

7 all going to have two-car carports. You can

8 almost fit three cars in it.

9 There's going to be wrought iron fencing

10 around -- on every street around our property, and

11 there will be privacy fencing down the sides, you

12 know, as they are permitted.

13 These are going to be all individually

14 owned. You have got -- he's presold three

15 already. The density is a little thick, but we've

16 tried to create the drives not to impact too

17 many -- too much of the street. We have three

18 drives.

19 The one that is at the very north --

20 northwest lot, they're RS-5. There's one that

21 tucks up into there and the driveway there does

22 come off of Copp Street. The other two, we have a

23 shared driveway that comes off the Copp Street, so

24 we're not having to put three driveways there.

25 And out on Howard Avenue, I think you

68

1 Do we have any questions from the

2 members of the Commission?

3 MR. CARRON:

4 Yes, I do. Are all of these units going

5 to be considered for use for short-term rentals?

6 MR. HENRY:

7 That has been brought up. At this

8 stage, no. They're going to be single-family. If

9 they so chose to do short-term, we would have to

10 do it on an individual case.

11 MR. CARRON:

12 Would that have to be included in our

13 motion that they could be short-term rentals?

14 MR. CREEL:

15 Short-term rental -- if you approve the

16 PD-I. If you approve the PD-I, short-term rental

17 would be allowed as an accessory use to the PD-I.

18 It's already in the ordinance. You can -- it's

19 listed in there. It can be an accessory use

20 without them having to come back.

21 MR. HENRY:

22 Jerry, when we were at DRC, it was --

23 they told us we'd have to do case by case.

24 MR. CREEL:

25 Yes. As a PD-I, though, as a PD-I, it's

69

1 allowed as an accessory use, meaning that you can
2 do it.

3 Now, the structures would have to be
4 built to comply with the short-term rental in
5 order to be used as short-term rentals, so there's
6 a lot of things that you would have to comply
7 with.

8 MR. HENRY:
9 There's already some things that would
10 have to be tweaked if they choose to do short-term
11 rental. There's the new fire code issues and new
12 parking issues.

13 MR. CARRON:
14 And that's what I was going to address
15 if they are to be used as short-term rentals, the
16 parking -- I notice that some of them are three
17 bedrooms, so you're going to have to be able to
18 get three cars into that property.

19 MR. HENRY:
20 They're all three bedrooms. The unit
21 that's south is 29 feet wide. So if it comes to
22 that, I don't know if we have to come back here to
23 deal with DRC, but we may have to. Instead of
24 having that one single drive off of Copp Street,
25 have a driveway that comes in on the carport.

71

1 Well, if you had two under the carport,
2 could one park behind it?

3 MR. HENRY:
4 On the front south buildings, that's
5 doable because there is a way we can parallel in
6 there. But on the north buildings, that's why I'm
7 saying we'd have to bring in a driveway where you
8 can park three cars under the carport because of
9 the width of it.

10 MR. CARRON:
11 I notice that you do have two ways of
12 ingress and egress as far as the stairways to the
13 second floor where there's two bedrooms.

14 MR. HENRY:
15 There's two bedrooms up top and one
16 downstairs.

17 MR. CARRON:
18 Is there going to be fencing?

19 MR. HENRY:
20 On the interior of the site, there won't
21 be any fencing separating properties. This is
22 supposed -- they're going to have an HOA and
23 community thing. There is fencing around the
24 properties, yes.

25 MR. CARRON:

70

1 The two units in the back, on the north
2 side, that are on Copp Street, that is really the
3 rear of the home. The front of the home really
4 faces towards the south, Howard Avenue, and it
5 depicts that in that paperwork that I gave you.

6 So the front of these homes are two
7 story. You have a double-story balcony. We're
8 already -- got a spiral stair design in there for
9 that situation if those so choose to go case by --
10 well, I call it case by case -- short-term.

11 So the single-story part and the carport
12 part is all on the north side of each one of these
13 units. So, you know, that -- we didn't want to
14 impede throwing two stories up against some of
15 Copp Street because it's such a small street. But
16 if we have to address that -- which I'm not sure
17 how we did that, Jerry. Do we come back here? Go
18 through DRC to get those driveways in to where we
19 can have three parking spaces.

20 MR. DELLENGER:
21 Well, because you have two -- you said
22 they're two-car carports?

23 MR. HENRY:
24 Yes.

25 MR. DELLENGER:

72

1 Okay. On the -- basically the west and
2 east sides, there will be fencing and on that one
3 little section on the Number 5 there should be
4 fencing there also?

5 MR. HENRY:
6 Yeah. We'll have privacy fencing where
7 that RS-5 is on that south side there and it will
8 come south, down that NB, okay, on the west.
9 We'll have wrought iron that will go from the
10 southwest corner of that RS-5 all the way up
11 around Copp Street.

12 MR. CARRON:
13 Okay. Is there going to be a sidewalk
14 on that existing --

15 MR. HENRY:
16 Yeah. We're going to add a little bit
17 of the sidewalk on that -- on Lee Street, yes.

18 MR. CARRON:
19 On the north side, from Copp Street --

20 MR. HENRY:
21 There is really not enough room for it.
22 That's only a 32-foot --

23 MR. CARRON:
24 Yeah. I was going to say --

25 MR. HENRY:

73

1 -- I think 32-foot right-of-way, so the
2 road is pretty much right up against the property
3 almost.
4 MR. CARRON:
5 All right. That answered all my
6 questions thank you.
7 MR. DELAHOUSEY:
8 Mr. Creel, the map doesn't show what the
9 adjacent property is zoned as. Can you provide
10 that information for us?
11 MR. HENRY:
12 And I believe that bottom left corner,
13 that southwest corner that's not part of this --
14 that was so -- that's what started this. That's
15 neighborhood business.
16 MR. CREEL:
17 Uh-huh.
18 MR. HENRY:
19 The big property is neighborhood
20 business. But that one little corner up there
21 stayed RS-5.
22 MR. CREEL:
23 Everything else on this block is NB
24 zoning. You can look -- if you can see on the map
25 up here, it shows NB zoning on all of the adjacent

75

1 nature. I think it's a good -- it will have --
2 you know, some of the stuff going on in downtown
3 Biloxi, it will be a short walk -- not a short
4 walk, but it's short trek on a bike or golf cart
5 down there.
6 MR. CREEL:
7 With regard to the short-term rental, if
8 they're going to do these short-term rentals in
9 these five houses, we have to know when they start
10 construction because as an accessory structure, it
11 refers you back to all the short-term rental
12 regulations. So it would have to comply with all
13 the short-term rental regulations from Day 1.
14 MR. HENRY:
15 Okay.
16 CHAIRMAN WASHER:
17 But that's not the intention at this
18 time; is that right?
19 MR. MURPHY:
20 Right now, the intention is to sell
21 them.
22 MR. HENRY:
23 Now, once you sell them, you don't know
24 what the person who buys them may want to do, and
25 that's where we may have to come back.

74

1 properties within that block that's bordered by
2 the streets.
3 MR. DELAHOUSEY:
4 Okay.
5 MR. CREEL:
6 And typically up and down Howard, most
7 of the properties that face Howard Avenue are NB.
8 CHAIRMAN WASHER:
9 Dr. Drawdy.
10 DR. DRAWDY:
11 One quick question. But the intention
12 now is it's going to be single-family owned homes?
13 MR. HENRY:
14 Yes. We have to -- we are
15 re-subdividing it and re-platting it as
16 single-family. The building is going to be
17 designed, built to that, set on those lots.
18 You're buying the lot and the building.
19 But like I said, under the homeowners
20 association and the maintenance agreement, they're
21 going to have -- keeping the grounds and all that.
22 It's kind of setting the tone for
23 retirement, in a sense. There's so many people
24 moving down here from wherever wanting to retire
25 and be close to downtown and things of that

76

1 MR. CREEL:
2 If you sell them as single-family and
3 somebody wants to come do short-term rental, we
4 would have to go out and do an inspection and make
5 sure that it complies with all the short-term
6 rental regs.
7 CHAIRMAN WASHER:
8 All right. Thanks, gentlemen.
9 All right. We'll ask if there is anyone
10 in the audience that wants to speak in favor of
11 the applicant's request? Anyone speaking in
12 favor?
13 MR. JENKINS:
14 I wasn't planning on speaking today, but
15 as I learn more about this -- I'm Randy Jenkins.
16 I live at 545 Howard Avenue directly across from
17 this property -- my concern is the number of
18 three-bedrooms houses on these two lots.
19 The one on Lee Street and Copp Street
20 there is just an old small lot. The original
21 house was probably a one-bedroom. When I first
22 saw it, it said cottages. Now you're talking
23 about three-bedroom, two-story houses, you know,
24 with only two parking spots, you know.
25 That's my -- and I'm for any development

77

1 down on that end of town. My concern is the
2 number of houses and the number of cars and people
3 in that short area, that small area. I'm not
4 against it. I'm just concerned about the numbers
5 of houses in there, so...

6 CHAIRMAN WASHER:
7 Mr. Henry, what's your average square
8 footage on those? Of course, they're all
9 three-bedroom, but...

10 MR. HENRY:
11 1,800 square feet.

12 CHAIRMAN WASHER:
13 1,800 total?

14 MR. HENRY:
15 Heated and cooled, and then you have a
16 carport in the back and you have the porch.

17 CHAIRMAN WASHER:
18 On two floors?

19 MR. HENRY:
20 Yes.

21 MR. CARRON:
22 Mr. Jenkins, did you get a chance to
23 look at this diagram?

24 MR. JENKINS:
25 Yeah. Yeah, it's pretty tight what

79

1 CHAIRMAN WASHER:
2 And your address, please?

3 MR. KNAPP:
4 Yes, sir.

5 CHAIRMAN WASHER:
6 Your address, please?

7 MR. KNAPP:
8 Yes, sir.

9 MR. CREEL:
10 Your address?

11 MR. KNAPP:
12 Well, I have multiple. 136 Keller
13 Avenue, but I also -- we have a property at 560
14 Howard. I will put that on there.

15 I was just curious to see how that was
16 going to lay out. Okay? That's all cool, but
17 that's a lot of density on that property. Thank
18 you.

19 CHAIRMAN WASHER:
20 All right. Thank you.
21 Anyone else to speak in favor? No one
22 else to speak in favor.
23 Anyone speaking in opposition? No one
24 speaking in opposition.
25 Anything else y'all want to add,

78

1 they're putting in there. Like I said, I'm not
2 against it. I'm just concerned about what they're
3 trying to do.

4 And I have been up here before in
5 support of short-term rentals. I'm not against
6 short-term rentals. We have had good luck in our
7 areas with the short-term rentals that's come in,
8 except for one, so we only have one that's been a
9 problem, you know.

10 CHAIRMAN WASHER:
11 Is there anyone else to speak in favor
12 of the applicant's request?

13 MR. KNAPP:
14 Yes. I was just asking him -- I didn't
15 know if he had -- I was just curious to see if
16 there was some kind of a plot plan that -- with
17 all these homes laid on this? I mean, that's a
18 little square, but is it -- you got something laid
19 out with that -- houses on there?

20 MR. HENRY:
21 Yeah.

22 CHAIRMAN WASHER:
23 And your name?

24 MR. KNAPP:
25 Oh, I'm sorry. My name is Greg Knapp.

80

1 Mr. Henry?

2 MR. HENRY:
3 No.

4 CHAIRMAN WASHER:
5 We will consider that hearing closed,
6 those hearings closed.

7 All right. In regard to 057, Jerry?

8 MR. CREEL:
9 The staff has looked at the use of this
10 property. The PD-I designation was designed to
11 for East Biloxi. PD-I means planned
12 development-infill, and so it's specifically -- if
13 you look at the language, it's set up so that
14 people could do infill construction in East Biloxi
15 where you have smaller lots and it will be more
16 density.

17 So the staff has looked at this. It's
18 gone through DRC, and DRC gave it the approval to
19 move forward.

20 If you want me to, I will go on and
21 address the other as well.

22 CHAIRMAN WASHER:
23 That will be fine.

24 MR. CREEL:
25 The intent here is to create five

81

1 individual lots within this PD-I and possibly --
2 they're going to sell them, but a future owner may
3 come in and want to do the short-term rental which
4 is allowed as an accessory use under PD-I.
5 However, any application that comes to us for
6 short-term rental would have to show us that the
7 structure complies with all of the short-term
8 regulations or else it would be denied. It has to
9 meet building department inspection approval and
10 fire department inspection approval.
11 So with that understanding, you know,
12 the applicant has been through DRC and the staff
13 would recommend approval.
14 MR. DELAHOUSEY:
15 Move to approve.
16 MR. PARKER:
17 Second.
18 CHAIRMAN WASHER:
19 Now we're only talking about the zoning.
20 MR. DELAHOUSEY:
21 Correct.
22 CHAIRMAN WASHER:
23 Motion to approve the zoning by
24 Mr. Delahousey; seconded by Mr. Parker.
25 MR. TODARO:

83

1 single-family houses.
2 MR. TODARO:
3 Right. That's what I understand.
4 MR. CREEL:
5 However, if the person comes back in and
6 says I want to do short-term rental, then the
7 houses would have to have certain commercial
8 installations done, which means that there would
9 be some significant renovations to be done to the
10 inside unless they're done when the buildings are
11 built.
12 MR. TODARO:
13 And if that's the case, like Mr. Carron
14 said, by right, they don't even have to come
15 before us?
16 MR. CREEL:
17 That's right.
18 MR. TODARO:
19 So if they have the wiring and if
20 they've got the exits and all, everything in
21 accordance to the business aspect of the building,
22 which is short-term, then --
23 MR. CREEL:
24 If they build these to comply with the
25 short-term rental regulations, and then they're

82

1 Part of the discussion I would like to
2 mention is that, Jerry, in my mind, all I can see
3 is a nightmare if -- and it is such high density.
4 It looks like a great development, but if, say,
5 three owners are these retired people and they own
6 it and they love it and two people would decide
7 that they want to make it into a short-term
8 rental, I could just see a nightmare in such close
9 density if three of the five decide they want
10 individual homes and the other two want to be
11 short-term rental. What do we do with that?
12 MR. CARRON:
13 I think they're going to know that up
14 front when they buy it.
15 MR. CREEL:
16 So are we prepared to deny anybody in
17 that group of five homes of any short-term?
18 MR. CARRON:
19 No. It's going to be by right.
20 MR. TODARO:
21 I know, but they have to come, they?
22 MR. CREEL:
23 What would have to happen -- if they are
24 going to sell these as short-term rentals -- and
25 my understanding was they're going to sell them as

84

1 sold as short-term rentals, they can be used as a
2 short-term rental without having to come back.
3 MR. TODARO:
4 So it's going to be out of our hands if
5 they decide to build -- we want the homeowners to
6 be aware if three of the -- say, the people wanted
7 to be individual, they have to know going into it
8 that it's already been prepared for short-term
9 rental.
10 MR. CREEL:
11 That's correct, yes, sir.
12 MR. TODARO:
13 So I'm just -- I was just trying to
14 think of the nightmare ahead if it happened that
15 way.
16 MR. CREEL:
17 And, too, if somebody -- even if it's a
18 senior citizen, I mean, if somebody goes in to buy
19 a structure like this, it's no different than
20 what's happening at Point Breeze down there. You
21 will see up front that the houses are very close
22 together, and either you want to live right next
23 door to your neighbor or you don't, you know.
24 This type of construction is very
25 popular in Florida. I mean, you see these things

85

1 side by side by side. If people choose to buy
2 those knowing that they're going to be able to
3 hear what their neighbor is saying every night,
4 you know -- so it's just another case of let the
5 buyer beware.
6 MR. TODARO:
7 The density to me is no problem, because
8 like you said, that's just what's happening. But,
9 I mean, people going into it knowing that the
10 potential for short-term, if they build them in
11 accordance, is there.
12 MR. CREEL:
13 Now, one thing the Planning Commission
14 could do is require that that language be put on
15 the subdivision plat which you're voting on today,
16 and we can make sure that language is added to the
17 plat so that anybody that goes to research it at
18 the courthouse would see there's a note on there
19 that these houses can be used for short-term
20 rental.
21 MR. TODARO:
22 If they build that in compliance?
23 MR. CREEL:
24 That's correct, yes, sir.
25 MR. TODARO:

87

1 mean, we have got so many short-term rentals right
2 in that area and down the street and across the
3 street and everywhere else. I mean, I'm not sure
4 if we would decline them anyway.
5 MR. TODARO:
6 Well, the density is what I'm worried
7 about. I mean, when you've got such close places
8 and you have got a weekender coming in there for
9 three or four days and you've got a retired couple
10 coming in right next door, that could be a -- I
11 mean, I can just see a nightmare.
12 MR. CREEL:
13 This is just like Seaside in Florida.
14 You go to Seaside, the houses are right on top of
15 each other. You can hear what the neighbors are
16 saying, you know, you can hear them on their front
17 porch. But you know going in that that's --
18 MR. TODARO:
19 As long as they know going in, I'm good
20 with it.
21 MR. DELAHOUSEY:
22 While we're in the discussion phase, I
23 would like to make my comment before we vote. And
24 that is, development in that area of Biloxi, as
25 you know, has been stagnant since Katrina. And in

86

1 That would be -- to me, that would be
2 appropriate for a person who is going to buy --
3 one of these retired people knowing that these
4 could be short-term rentals.
5 MR. CREEL:
6 We add that language -- we add types of
7 language to the subdivision plats all the time
8 that gets recorded at the courthouse, so when a
9 person does their due diligence, it would show up.
10 MR. TODARO:
11 But based on their information, they're
12 not going to be built according to short-term; is
13 that correct? Didn't he say that they were going
14 to be built strictly for single-family?
15 MR. CREEL:
16 He said they were going to build them
17 and sell them as single-family. But if somebody
18 comes back to us for short-term rental and it
19 doesn't meet the requirements, we would turn them
20 down.
21 MR. DELLENGER:
22 But I guess my thought is even if you
23 don't do it as a PD-I and give it to them as a
24 right and somebody bought a house in there and
25 wanted to come back and do short-term rental -- I

88

1 the past year, we have approved a number of
2 different projects in that area and it's -- it
3 looks very promising to me from what I've seen.
4 And I think this plan is in keeping with some of
5 the other projects that we've approved in that
6 area.
7 CHAIRMAN WASHER:
8 Dr. Drawdy.
9 DR. DRAWDY:
10 Could the HOA that he was talking about
11 that they're going to have, could that be put in
12 there that they could only be used for --
13 restricted for only single-family homes?
14 CHAIRMAN WASHER:
15 Times change, now.
16 MR. CREEL:
17 It could -- you could put that on there.
18 It could be challenged.
19 And let me tell you what we run into
20 with homeowners associations, is that some of the
21 things that we place on there -- we place certain
22 responsibilities on homeowners associations to
23 oversee certain things. Well, what's happened is,
24 is that these homeowners have gotten wise to that
25 so they chose not to form a homeowners

89

1 association. So whenever we go to them to get
2 them to clean out the detention pond, well, wait a
3 minute. We don't have a homeowners association.
4 But language on the plat says the HOA is
5 responsible for keeping it clean, so ultimately
6 what happens is we wind up having to write up
7 everybody in the subdivision because of that or in
8 a condo development because that's the only remedy
9 that we have.
10 We could -- could we put that on the
11 plat? Yes, we could put it on the plat. Would it
12 be enforced by the homeowners association? It
13 might and it might not. We do not get into
14 enforcing private covenants, but we could use that
15 language to help us enforce the short-term rental
16 regulations. That would just be another added
17 element in there that when a person comes to us,
18 we could say, the plat clearly shows that these
19 are eligible for short-term rental if the person
20 decides to comply with all of those regulations so
21 that these owners would be aware of it, you know,
22 if they come in to check on those kind of things.
23 MR. CARRON:
24 Something I don't know if we noted --
25 all of you noticed in here, there's actually one

91

1 MR. PARKER:
2 So moved.
3 MR. DELAHOUSEY:
4 I will amend my motion to approve the
5 request for 057 with the stipulation that language
6 be included that if construction is done
7 appropriately for -- to meet short-term rental,
8 the requirement is that that be the installed in
9 the plat.
10 MR. CREEL:
11 We'll do that.
12 CHAIRMAN WASHER:
13 Case 57 is just the zoning.
14 MR. DELAHOUSEY:
15 Oh, what are we voting on now?
16 CHAIRMAN WASHER:
17 We're voting on 57, the rezoning.
18 MR. DELAHOUSEY:
19 Rezoning. Okay. All right. Then, I
20 just -- all we need --
21 MR. KING:
22 Save it for the next one.
23 MR. DELAHOUSEY:
24 Yeah. I move to approve 057.
25 MR. PARKER:

90

1 portion of this project that has common ground, so
2 that would be, like, a little green area or
3 something. So in that case, the HOA -- they're
4 going to need the HOA just to get somebody to cut
5 the grass on that.
6 MR. TODARO:
7 It's really promising. I'm like you,
8 and I mean -- this is the Old Bellman property
9 right next door. I just know we have ran into
10 some nightmares with -- so what could you suggest
11 that we need to include in the motion to
12 protect -- to make sure that there is an HOA and
13 to protect the --
14 MR. CREEL:
15 I think the best thing to do would be to
16 make a motion and add to it the fact that we need
17 to provide language on the subdivision plat that
18 clearly would indicate to any potential buyer that
19 these are eligible for short-term rental.
20 MR. TODARO:
21 And that's if they're built according to
22 that?
23 MR. CREEL:
24 Yes, sir. And we will put the language
25 together.

92

1 Second.
2 CHAIRMAN WASHER:
3 Motion by Mr. Delahousey recommending
4 approval of the rezoning; seconded by Mr. Parker.
5 Any other discussion?
6 (No response.)
7 CHAIRMAN WASHER:
8 All those in favor, raise are your hand.
9 Mr. Lechner, Mr. Parker, Mr. Todaro, Ms. Thompson,
10 Mr. Bogard, Mr. Dellenger, Mr. Poulos, Dr. Larry
11 Drawdy, Mr. Carron, Mr. King, Mr. Snow,
12 Mr. Delahousey; myself, David Washer. We will let
13 the record show that is unanimous.
14 All right. Now we'll move on to the
15 subdivision plat, Case Number 23-058-PC.
16 MR. DELAHOUSEY:
17 I would move that we approve of this
18 with the stipulation that it be included on the
19 plat -- language be included on the plat that if
20 the construction meets the requirements of
21 short-term rentals that it could be at a later
22 time included without having to come before us.
23 CHAIRMAN WASHER:
24 Jerry, once they get their plans
25 together and get everything approved, how long

93

1 does it take to get a final plat? If I was them,
2 I would want to make up my mind before it goes to
3 final plat in case I don't go that route. I don't
4 want to have that stuck on my plat.
5 MR. CREEL:
6 It really is how soon they get it back
7 to us. One of the things that happens is they
8 will present a preliminary plat to us. We'll
9 check the language to make sure that everything is
10 included in the plat for the subdivision. And
11 once we have made all the corrections, we give it
12 back to them and it depends on how quick they get
13 it back to us for approval.
14 MR. TODARO:
15 Jerry, you opened up a thought that I
16 never thought about before. But you said some of
17 these subdivisions are not doing HOAs, just to do
18 an end run around some of these regulations.
19 MR. CREEL:
20 That's correct.
21 MR. TODARO:
22 Do we need to include, whenever we
23 approve something like that, there is an HOA?
24 MR. CREEL:
25 Well, we actually put language on

95

1 people and they say, we didn't know when we
2 purchased this property. We didn't know there was
3 a HOA.
4 MR. TODARO:
5 In a high-density group of five homes,
6 it would be real vital to have some kind of an
7 agreement. Like you said, there is going to be a
8 neutral ground or a common area of the property.
9 So we couldn't say that an HOA is required?
10 MR. CREEL:
11 We can say it. We just can't force them
12 to do it.
13 MR. DELAHOUSEY:
14 In response to Mr. Carron's comments, I
15 can tell you, I'm president of our HOA and quite
16 the opposite is true. Our HOA becomes more active
17 every single day because I have to accept all the
18 phone calls. But it's very functional and we work
19 with code enforcement all the time. And it's been
20 very beneficial and people are wanting to move
21 into our neighborhood.
22 And every time we have a home for sale,
23 all of the realtors know to contact me to get a
24 copy of the covenants and the bylaws. Everybody
25 does. They have to do that.

94

1 subdivision plats that says the HOA will be
2 responsible for this and this and this and this.
3 And so again, these properties --
4 MR. TODARO:
5 They said unless they're --
6 MR. CREEL:
7 They decide before, well, we don't want
8 to be responsible, so then we have to handle it as
9 a code enforcement issue.
10 MR. TODARO:
11 But can we require -- if we give
12 approval, say that there must be an HOA?
13 MR. CREEL:
14 We can say that, but can't force it on
15 people.
16 MR. CARRON:
17 I will tell you the problem with that,
18 because I'm involved with it, is in our
19 neighborhood there was a property owners
20 association and as the time goes by, it kind of
21 died away.
22 And the realtors are not telling these
23 people when they do the title searches that
24 there -- an HOA is still in existence, but they
25 don't tell them that. And so -- we approach

96

1 CHAIRMAN WASHER:
2 Any other discussion?
3 (No response.)
4 CHAIRMAN WASHER:
5 Motion. And a second, please?
6 MR. PARKER:
7 Second.
8 CHAIRMAN WASHER:
9 Motion by Mr. Delahousey; seconded by
10 Mr. Parker.
11 We'll ask that all those in favor, raise
12 your hand. Mr. Lechner, Mr. Parker, Mr. Todaro,
13 Ms. Thompson, Mr. Bogard, Mr. Dellenger,
14 Mr. Poulos, Dr. Larry Drawdy, Mr. Carron,
15 Mr. King, Mr. Snow, Mr. Delahousey; myself, David
16 Washer. We'll let the record show that's
17 unanimous.
18 Our next case before the Planning
19 Commission today is tree hearing, TR-23-001, Our
20 Lady of Fatima Catholic Church, owner, and Kevin
21 Shaughnessy, applicant. This is a request to
22 remove five protected trees to authorize
23 construction of two new single-family priests'
24 homes.
25 Mr. Shaughnessy, you want to present