

Planning Commission  
**City of Pass Christian**  
Regular Monthly Meeting  
Municipal Complex Auditorium  
200 West Scenic Drive  
Aug 28, 2018

**MINUTES**

**CALL TO ORDER**

Chairman Tom Phares called the meeting to order at 6:00 PM. In attendance were Commissioners Steve Hunter, Lisea Johnson, Lisa Smith, Ken Austin, Adam Pace, Margaret Jean Kalif, and Rebecca O'Dwyer. Commissioner Michael Lizana was not in attendance. In the absence of Danit Simon, Commissioner Tom Phares presented the applications.

**ADOPTION OF MINUTES**

The first order of business was the adoption of the minutes from the Planning Commission meeting held on June 26, 2018. On motion of Pace, seconded by Kalif, a motion was made to adopt the minutes. The motion passed unanimously.

**NEW BUSINESS**

Open Public Hearing

A Motion by Commissioner Kalif, seconded by Commissioner Pace, was made to open the public hearing. The motion passed unanimously.

**Application PD-28-2018 - Christopher & Shawna Hansen, 110 Seal Avenue, #0413D-03-018.001.**

Chairman Phares explained that this application was for re-subdivision to divide one nonconforming lot into two lots; creating a conforming southern undeveloped lot, and reducing the nonconformity of the northern lot that exceeds the 96-foot maximum lot width due to the location of the existing house, in the T4L Limited Mixed-Use Zone.

A Motion by Commissioner Austin, seconded by Commissioner Pace, was made to approve the re-subdivision. The motion passed unanimously.

**Application PD-34-2018, R Dale Mathews as agent of M Square Properties, LLC, 757 E Scenic Drive, Parcel #0413C-02-014.000.** Chairman Phares explained that this was for a conditional Use Permit for a Non-Dwelling Outbuilding with water, sewer and electric, on a parcel without a Principal Structure, and a Variance for a 5-foot setback at the west side property line, in the T3E Estate Zone.

The applicant owns and resides at 765 E Scenic Drive, and owns the undeveloped neighboring parcel to the west, 757 E Scenic Drive. The applicant is making this application, as he does not want to combine the lots and lose the option of building a Principal Structure at 757 E Scenic Drive in the future. The applicant has agreed to sign the (1) Non-Dwelling Outbuilding Agreement (SmartCode Section 5.14.1 d); a (2) Non-Conversion Agreement, which does not allow the Outbuilding to be converted into a habitable space; and (3) covenants will be added to both deeds, with language approved by the City Attorney, which will not allow the Outbuilding to be converted into a dwelling unit unless a Principal Structure is built on the lot, and which will not allow 757 E Scenic Drive to be sold separately from 765 E Scenic Drive unless the City issues a Building Permit for a Principal Structure at 757 E Scenic Drive

before the sale. City Attorney Malcom Jones read the documents drawn up for the applicants to sign. The protective covenants to be signed include the following:

1. The aforementioned properties, and any and all improvements thereon, will be considered as an "undivided parcel" pursuant to the City's zoning ordinance and will not be sold, transferred or conveyed separate and apart from the adjoining lot without the express written approval of the City of Pass Christian, Mississippi. It is the Owner's understanding that the City of Pass Christian has represented that it will not withhold approval for such purposes when the owner, or its successor or assigns, lawfully applies for and obtains a building permit to construct a Principal Building (as such terms are defined in the City's current zoning ordinance) on the property situated at 757 E. Scenic Drive, Pass Christian, MS
2. The Owner, its successors and assigns, agree that the outbuilding that is to be constructed upon the property situated at 757 E. Scenic Drive, Pass Christian, MS is not to be used as a habitable Dwelling or Ancillary Dwelling Unit (as such terms are defined in the City's current zoning ordinance) until such time as the Owner, its successor or assigns, shall lawfully construct a Principal Building on the aforementioned property and such use of the Outbuilding shall be permitted under the City's zoning ordinance.
3. These covenants are to run with the land and shall be binding upon all parties. The only method that these covenants can be altered is for the City of Pass Christian, or its designees, to join in on any amendments, modifications or changes to said covenants and upon agreement, all additions or deletions shall be binding on all property owners and on any and all conveyances.

Chairman Austin noted that the outbuilding would be permissible by right if the two lots were one. He also asked if there was a possibility that the purchaser of the property with the Non-Dwelling outbuilding could be issued a building permit but decide not to build. Attorney Jones stated that anyone going through the process of obtaining a building permit and going before various commissions (Historical, Planning, Zoning) would be planning in good faith to build a principal residence on the lot.

A Motion by Commissioner Kalif, seconded by Commissioner Pace, was made to approve the Conditional Use Permit with the signed agreements and deed covenants. The motion passed unanimously.

A Motion by Commissioner Kalif, seconded by Commissioner Pace, was made to approve the Variance for the five-foot side setback. The motion passed unanimously.

#### **Close Public Hearing**

A Motion by Commissioner Smith, seconded by Commissioner Kalif, was made to close the public hearing. The motion passed unanimously.

#### **OLD BUSINESS**

None

#### **OTHER BUSINESS/PUBLIC COMMENT**

On motion of Kalif, seconded by Johnson, the meeting was adjourned at 6:15 PM.