

**MINUTES**  
**WAVELAND PLANNING & ZONING COMMISSION**  
**June 26, 2017**

A regular meeting of the Waveland Planning & Zoning Commission was held at 6:00 p.m. on Monday, June 26, 2017 at the Waveland City Hall, located at 301 Coleman Avenue, Waveland, Mississippi.

Chairman Jim Meggett called the meeting to order at 6:00 p.m. Present were Commissioners Clarence Harris, Judy Boudoin, Charlotte Watson. Mike Adams was not present. Zoning Official, David Draz, Building and Zoning Clerk Jeanne Conrad and City Attorney Rachel Yarborough were also present. Chairman Jim Meggett established there was a quorum present.

Chairman Jim Meggett called for a motion to accept the minutes from the Special Meeting of April 27, 2017. Commissioner Charlotte Watson moved, seconded by Commissioner Judy Boudoin to accept the minutes as written. Commissioner's Clarence Harris, Charlotte Watson and Judy Boudoin voted to approve the motion. Chairman Jim Meggett declared the motion carried.

Chairman Jim Meggett read the description for the Zoning Change from R-1 (Single Family Residential) to R-3 (Single, Two Family & Multi-Family Residential District) and if recommended for approval, a Conditional Use – Transitional Home as listed in Section 603.2 – Conditional Uses R-3 (Single, Two Family & Multi-Family Residential District) in order to allow a Transitional Home as a Conditional Use at the property commonly known as 721 Herlihy Street. Legal Description: Lots 40-44, Block 23 and Lots 44 & 45, Block 23, Waveland Highland Subdivision, City of Waveland, Hancock County, Mississippi.

Chairman Meggett requested that Asa Haynes, representative for Jacob's Well Ministries, come forward and speak to the Commission. Mr. Haynes came forward and introduced himself and other representatives from Jacob's Well Ministries who were present. Mr. Haynes provided background on their ministry, including other locations and their current operation of a thrift store in Waveland. Mr. Haynes explained that the proposed use would be for a transitional home that housed pregnant women who were dealing with recovery issues primarily addiction.

City Attorney, Rachel Yarborough noted that the publication of the street address in the legal publication was listed at 721 Herlihy Street but that the address was actually 716 Herlihy. Mr. Haynes confirmed this, but stated that he had sent a correction letter regarding the address to the Zoning Official as soon as he was notified. Zoning Official, David Draz, noted that based on a phone call on Tuesday, June 13<sup>th</sup>, 2017 about the case from a nearby property owner who had received their mailed notice of the pending case. The property owner brought up the street address listed in the notice and indicated that she thought that 721 Herlihy was actually the address of the Mount Chapel Baptist church

which is located across the street from the property of the proposed site of the pending zoning and conditional use case. Mr. Draz called Asa Haynes and requested that he send a letter to the zoning office indicating the proper address. Mr. Haynes provided the letter dated June 13<sup>th</sup>, 2017.

City Attorney, Rachel Yarborough, recommended to the Commission that they consider tabling this item due to the incorrect address. Dates of possible meeting dates to take up this item, if tabled, were discussed.

Commissioner Clarence Harris asked the City Attorney if it would be possible to proceed with this item because the legal description of the property was correct and everyone with interest in the case was present. The City Attorney stated that the most common position for an appeal on zoning issues is the lack of due process. She stated for example if a person who was not at the meeting, such as someone who read the notice in the newspaper, could after the fact file a grievance stating that they did not receive proper notice because the notice was insufficient.

Commissioner Watson stated that the sign that is posted on the property does not include the address, but does include the legal description and is clear about the property being considered in this case. The City Attorney stated that her concern is the notice in the newspaper serving as a vehicle for someone to file a grievance at a later date. She also stated that her concern was that we could be opening the City and the Applicant to unnecessary expense and time if we moved forward at this time.

Charlie Haynes spoke to the Commission about their mission and the need for their services based on the number of children who are without parents in foster care and the unmet needs of parents who are incarcerated or have no assistance in any form to move in a positive direction. .

Jay Trapani, Executive Director of Hope Haven asked the City Attorney questions regarding previous uses and continuation of those uses. The City Attorney responded to the questions by indicating that the Zoning Ordinance has changed, and that because the use of the property as a children's home has not been operational for some time it has consequently lost the right to use the property as such. If the types of uses currently in practice today were to be carried on as they are now then a new owner would be able to continue those non-conforming uses as long as they did not expand.

Chairman Meggett asked the City Attorney if the Commission could ask questions of the applicant regarding the proposed use. The City Attorney suggested that they not hear any evidence at this meeting that they won't be able to hear at the next. The City Attorney suggested that they table this case until the next meeting. Possible meeting dates and deadline requirements were discussed with the Commission.

Commissioner Clarence Harris suggested that the case be considered at the next regularly scheduled meeting on July 24<sup>th</sup>. Discussion was held regarding time requirements for notifications.

Chairman Meggett called for a motion. Commissioner Watson made a motion to table the Jacob's Well Ministries request a Zoning Change from R-1 (Single Family Residential) to R-3 (Single-, Two Family & Multi-Family Residential District) and if recommended for approval a Conditional use – Transitional Home as listed in Section 603.2 – Conditional Uses R-3 (Single-, Two-Family & Multi-Family Residential District) in order to allow a Transitional until the next regularly scheduled meeting of the Commission on July 24<sup>th</sup> so that the correct application and processing procedures could be completed. Commissioner Boudoin seconded the motion. Commissioners Harris, Boudoin, and Watson voted yes. Jim Meggett declared the motion carried.

Under Item 4 – Any request to address the Commission. Brenda McComb, 254 Pine Ridge asked how a person who had not bought a property even bring a Zoning request to the City for consideration. City Attorney Yarborough said that as long as there is a contract on the property or that there is a notarized letter from the property owner on the deed allowing the person to make the application.

Commissioner Harris made a motion to set the date of the next regularly scheduled meeting at Monday, July 24<sup>th</sup> at 6PM. Commissioner Boudoin seconded. The motion was approved by Commissioner's Harris, Watson and Boudoin. Jim Meggett declared the motion carried.

Commissioner Harris made the motion to set the date of the Special meeting to approve the minutes for Thursday, June 29<sup>th</sup> at 5PM. Motion was seconded by Commissioner Watson. The motion was approved by Commissioner's Harris, Watson and Boudoin. Jim Meggett declared the motion carried.

Commissioner Watson made the motion to adjourn. Motion was seconded by Commissioner Boudoin. The motion was approved by Commissioner's Harris, Watson and Boudoin. Jim Meggett declared the motion carried. The meeting adjourned at 6:40.

Respectfully submitted,

David Draz, Zoning Official