Ordinance No. 2473

ORDINANCE TO APPROVE A ZONING MAP AMENDMENT, FOR A CHANGE IN ZONING DISTRICT CLASSIFICATION FOR THREE PARCELS OF LAND CURRENTLY IDENTIFIED AS 153 & 161 PINE GROVE AVENUE AND 2465 DEMING PLACE, FROM THEIR PRESENT ZONING DISTRICT CLASSIFICATION OF RS-10 LOW-DENSITY SINGLE-FAMILY RESIDENTIAL TO RM-20 MEDIUM–DENSITY MULTI–FAMILY RESIDENTIAL

WHEREAS, on Thursday, December 16, 2021, the Biloxi Planning Commission held a public hearing in the Auditorium of the Dr. Martin Luther King, Jr., Municipal Building, 676 Dr. Martin Luther King, Jr. Boulevard, Biloxi, Mississippi, to hear Case No. 21-068-PC, Jinan MS, LLC, a request for Zoning Map Amendment, for properties identified as 153 & 161 Pine Grove Avenue and 2465 Deming Place (re: Tax Parcel Nos. 1110J-02-091.000, 1110J-02-091.001, & 1110J-02-092.000); and

WHEREAS, the Planning Commission members were apprised of the particulars of this case, being made cognizant of the fact that Jinan MS, LLC had submitted the request for Zoning Map Amendment, to authorize a change in zoning district classification for three parcels of land collectively measuring seventy-eight one-hundredths (.78) of an acre (more or less) in size, from their present zoning district classifications of RS-10 Low-Density Single-Family Residential to RM-30 High–Density Multi–Family Residential, for all three parcels of land identified as 153 & 161 Pine Grove Avenue and 2465 Deming Place (re: Tax Parcel Nos. 1110J-02-091.000, 1110J-02-091.001, & 1110J-02-092.000); and

WHEREAS, it was noted that the Development Review Committee (DRC) upon reviewing the request for rezoning, had found it to be in general conformance with rules and regulations of the City of Biloxi, and authorized the applicant to proceed with this application before the Planning Commission and City Council to request this Zoning Map Amendment, as herein offered; and

WHEREAS, it was stated by the applicant that the reason for requesting this rezoning was to bring these three properties, which presently accommodate a duplex, a tri-plex, and a four-plex, into full compliance with the zoning – necessary to achieve conforming; and

WHEREAS, it should be explained that all three properties are currently zoned RS-10 Low-Density Single-Family Residential – a classification which renders the properties as legal non-conforming properties as they contain a two-dwelling unit, a three-dwelling unit, and also a four-dwelling unit within the current RS-10 single-family residential zone; and

WHEREAS, after some discussion and clarification, whereupon it was explained that the lesser classification of RM-20 Medium–Density Multi-Family Residential zoning could provide a viable alternative to the RM-30 High–Density Multi-Family Residential zoning originally requested, the Planning Commission members after some discussion, modified the request and offered a motion for a change in zoning district classification for the three parcels of land collectively measuring seventy-eight one-hundredths (.78) of an acre (more or less) in overall size, from their present zoning district classification of RS-10 Low-Density Single-Family Residential to the downgrade RM-20 Medium–Density Multi-Family Residential zone, and approved that recommendation by a vote of 12-2 for the properties identified as 153 & 161 Pine Grove Avenue and 2465 Deming Place, and further identified as Tax Parcel Nos. 111110J-02-091.000, 1110J-02-091.001, & 1110J-02-092.000, having determined that an RM-20 Medium–Density Multi-Family Residential zoning would result in a lesser degree of impact upon this neighborhood and would also bring these three property sites into conformity with the Land Development Ordinance, noting that providing the this Zoning Map Amendment for these three properties provide compliance with the Change in the Character of the Neighborhood that was of notice; 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 Zoning Map Amendment, as modified, by the Planning Commission recommendation is appropriate for the properties for change petitioned in Case No. 21-068-PC, Jinan MS, LLC.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BILOXI, MISSISSIPPI, THAT AS PER THE FINDINGS OF THE PLANNING COMMISSION, AND BASED UPON A DETERMINATION THAT A CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD IN THIS AREA OF THE CITY OF BILOXI IS OF NOTE, AND THAT A NEED FOR THIS LEVEL OF MULTI-FAMILY ZONING AT THIS LOCATION HAS BEEN ESTABLISHED, 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, be hereby further amended by a change in zoning district classification from RS-10 Low-Density Single-Family Residential to RM-20 Medium –Density Multi-Family Residential, for the property identified as 153 & 161 Pine Grove Avenue and 2465 Deming Place, and further identified as Tax Parcel Nos. 111110J-02-091.000, 1110J-02-091.001, & 1110J-02-092.000, and more fully described as follows:

Lots 1, 2, 5, 6, 7 & E 20 ft. of Lot 8 & E 20 ft. of the S 25 ft. of Lot 3 Blk 4 Briarfield Subdivision,

further described as land most nearly bounded by the following streets: the North by and fronting upon Deming Place; to the South by Beacon Place; to the East by and fronting upon Pine Grove Avenue; and to the West by Briarfield Avenue.

Ord. No. 2473

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 Tisdale, seconded by Councilmember Lawrence, and was adopted by the following vote:

YEAS:	Gines Newman Deming	Glavan Barrett	NAYS:	Lawrence Tisdale

The President then declared the Ordinance adopted this the 18th day of January, 2022.

STATE OF MISSISSIPPI
CITY OF BILOXI
HARRISON COUNTY

ATTEST:

Keri Campbell
CLERK OF THE COUNCIL

APPROVED:

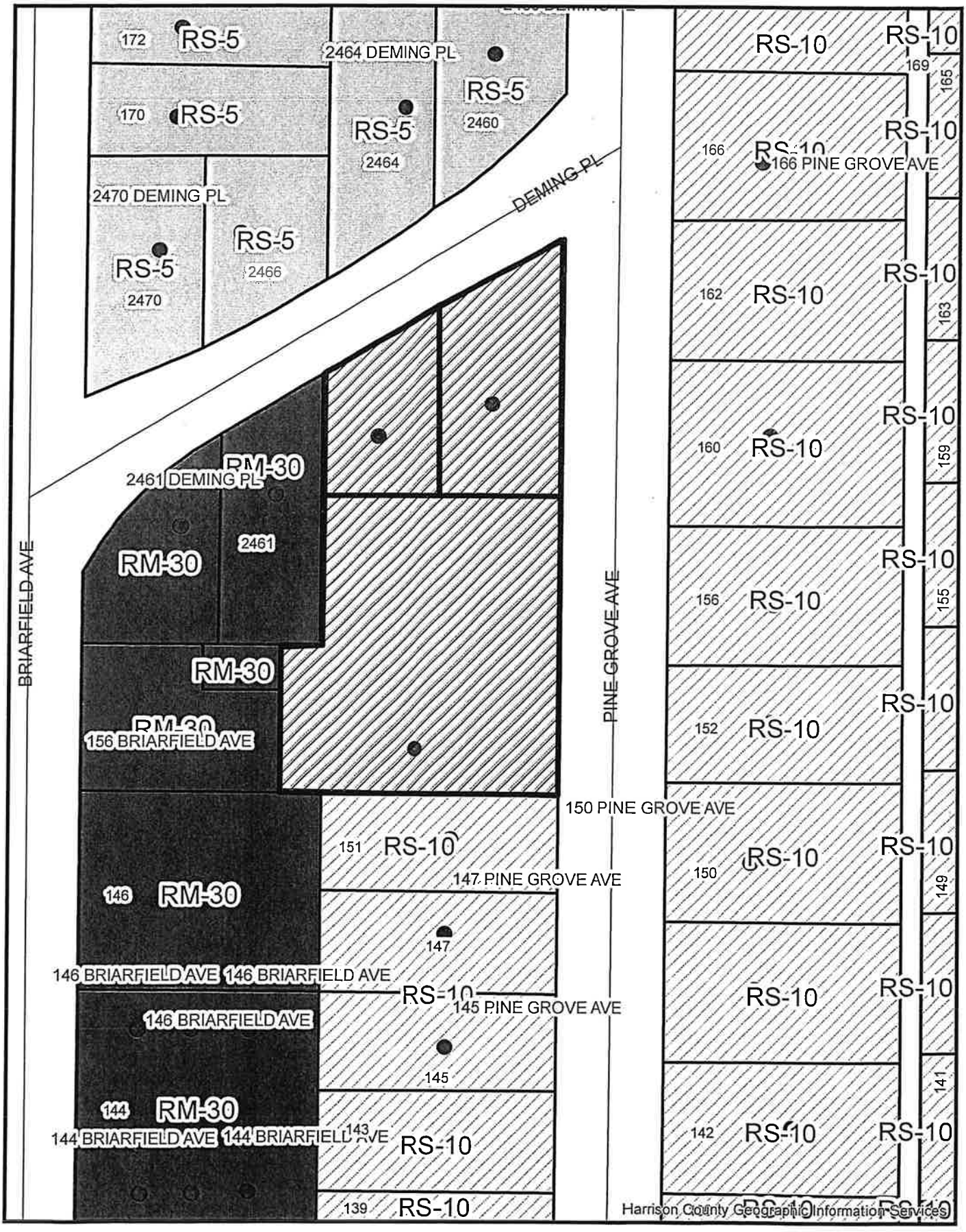
Paul L. Tisdale
PRESIDENT OF THE COUNCIL

Submitted to and approved by the Mayor, this the 21st day of January, 2022.

APPROVED:

MAYOR

Case No. 21-068-PC/Jinan MS, LLC
153/161 Pine Grove Ave & 2465 Deming Pl
Zoning Map Amendment - RS-10 to RM-30



Scheduled for the
December 16, 2021
Planning Commission Meeting

Jinan MS, LLC
Case No. 21-068-PC
Zoning Map Amendment
RS-10 Low-Density Single-Family Residential
to **RM-30 High–Density Multi–Family Residential**

Biloxi
established 1699

Planning Commission
Case Fact Sheet

Case No.:	21-068-PC
Name of Applicant:	Jinan MS, LLC
Address of Property:	153 & 161 Pine Grove Avenue and 2465 Deming Place
Tax Parcels/Ward:	1110J-02-091.000, 1110J-02-091.001, & 1110J-02-092.000/Ward 5
Request:	**Zoning Map Amendment**
Purpose of Request:	An application for a **Zoning Map Amendment,** to authorize a change in zoning district classification for land collectively measuring seventy-eight one-hundredths (.78) of an acre (more or less) in size, from their present zoning district classifications of **RS-10 Low-Density Single-Family Residential** to **RM-30 High–Density Multi–Family Residential,** for three parcels of land currently identified as 153 & 161 Pine Grove Avenue and 2465 Deming Place (re: Tax Parcel Nos. 1110J-02-091.000, 1110J-02-091.001, & 1110J-02-092.000).
Size of Property:	.78 of an acre (More or Less)
Present Zoning:	**RS-10 Low-Density Single-Family Residential**
Present Use:	Duplexes
Most Nearly Bounded By (streets):	To the North by and fronting upon Deming Place; to the South by Beacon Place; to the East by and fronting upon Pine Grove Avenue; and to the West by Briarfield Avenue.
Adverse Influences:	A **Zoning Map Amendment** should only be authorized when conditions clearly suggest that a change in the character of the Neighborhood combined with an established Community Need is of notice, and that the change in zoning proposed is consistent with uses found upon adjacent or nearby

properties.

Positive Influences: This rezoning, if approved, would allow the applicant to bring certain properties into compliance with city ordinance, specifically with respect to for the existing Duplexes currently in place.

Letters or Concerns stated: The Planning Division Office has not received any letters or other written communications relative to this case, as of December 9, 2021.

Comments/ Recommendations: Jinan MS, LLC, has requested a **Zoning Map Amendment**, to authorize a change in zoning district classification for land collectively measuring seventy-eight one-hundredths (.78) of an acre (more or less) in size, from their present zoning district classifications of **RS-10 Low-Density Single-Family Residential** to **RM-30 High–Density Multi–Family Residential**, for three parcels of land currently identified as 153 & 161 Pine Grove Avenue and 2465 Deming Place (re: Tax Parcel Nos. 1110J-02-091.000, 1110J-02-091.001, & 1110J-02-092.000.

The applicant has proposed a change in zoning in order to bring these parcels into compliance with existing multi-family uses present.

As with all requests for **Zoning Map Amendment**, discussion points should be focused upon the merits or demerits of the Zoning change proposed, taking into account 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 with 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.

Options:

1. Recommend approval of this request for **Zoning Map Amendment**, to authorize a change in zoning district classification for parcels of land collectively measuring seventy-two one-hundredths of an acre (.72) acres (more or less) in size, from their present zoning district classification of **RS-10 Low-Density Single-Family Residential to RM-30 High–Density Multi–Family Residential**, having determined that a Change in the Character of the Neighborhood is in evidence, coupled with a Community Need for the multifamily residential use now for these three parcels of land.

2. Recommend denial of this **Zoning Map Amendment**, having determined that insufficient evidence has been provided to warrant a Change in the Character of the Neighborhood, or that a Community Need exists to warrant the level of zoning change proposed for these parcels of land.

Planning Commission Application

City of Biloxi Planning Division
676 Martin Luther King Jr., Boulevard Biloxi, MS 39530
(228)435-6266 Fax (228)435-6188

Case No. 21-068-PC

TO BE COMPLETED BY APPLICANT Date: 11-4-2021

Name of Rightful Owner(s): Swan MS LLC	Name of Applicant: (if different than Owner) Helen M. Hua
Property Address: 153/161 Pine Grove Ave. & 2465 Deming place.	Ward Number 5
Tax Parcel Identification Number(s): 111J-02-091.000 / 111J-02-091.001 / 111J-02-092.000	
Mailing Address of Property Owner: 33 Rue Lafitte	Mailing Address of Applicant (if different than Owner):
City: Hattiesburg	City:
State: MS	State:
Zip: 39402	Zip:
County Lamar	County
Telephone: (601) 307-3509	Telephone: ( )
Property Size (please give in acres or by dimension): .72	
Present Zoning Classification: R5-D	
Is the property located within an AHRC District? Yes ☐ No ☑ If so, which District?	Flood Zone(s) of Property: SX

	North	South	East	West
Property is most nearly bounded by what streets?	Deming Pl	Beacon Pl	Pine Grove Ave	Briarfield Ave
If property directly fronts or is adjacent one of the streets above please indicate with a ✓.	✓			

REQUESTED ACTION BY THE PLANNING COMMISSION (A separate supplement form is required for each):

	Preliminary Subdivision Review
X	Map Amendment – must include zone classification change in narrative
	Conditional Use
	Master Plan
	Gaming
	Hospitality
	Text Amendment
	Planned Unit Development
	Tree Removal
	Public ROW Vacation
	Administrative Appeal
	Variance
	Appeal
	Street Name Change

GENERAL INFORMATION, READ BEFORE EXECUTING. Attendance by the applicant(s) at the public hearing is mandatory; however, the applicant may designate a representative to attend the public hearing on his/her behalf, provided said representative has been properly designated to speak on the applicant's behalf either by written permission or oral designation by the applicant at the Public Hearing. If a continuance is to be granted, the applicant must request same in writing a minimum of seven (7) days in advance of the scheduled public hearing. The applicant acknowledges that, in signing this application, all conditions and requirements inherent in the application process have been fully explained and understood, including the timetable for processing of the application; the applicant has further received the following appropriate handouts: Application Processing Timetable; Instructions for Application Completion, Procedures for a Conditional Use or Community Unit Plan; and Variance Procedures. The completed application must be returned to the Planning Office not later than the first or third Thursday of any month in order that a public hearing may be held on the first or third Thursday of the following month. Receipt of fee(s) does not constitute receipt of a completed application.

Signature of Rightful Owner	Signature of Rightful Owner
Notary Signature	Notary Signature
(Seal)	(Seal)
Signature of Rightful Owner	Signature of Applicant
Notary Signature	Notary Signature
(Seal)	(Seal)

STATE OF MISSISSIPPI NOTARY PUBLIC CARYLE D. LENA Commission Expires Sept. 12, 2025 HARRISON COUNTY

If someone other than the applicant needs to be notified concerning this case, please note name(s) and address (es) below:

NOTES:

NOTE: Please see attached instructions for details on documents required for a complete application.

Zoning district in which the property is situated. The placement or size of any structure or infrastructure which triggers a Variance or Waiver must be clearly identified upon the Site Plan. **All site plans for commercial projects must be submitted through the development review committee (DRC).**

Biloxi
established 1699

PLANNING COMMISSION SUPPLEMENT

Map Amendment

(Master Plan update)

City of Biloxi Planning Division
676 Martin Luther King Jr., Boulevard
Biloxi, MS 39530 (228)435-6266 Fax(228)435-6188

TO BE COMPLETED BY APPLICANT	*DATE:* 11-4-2021
Shaded Areas for Staff Only	

MAP AMENDMENT – *When the public necessity, convenience, general welfare or appropriate land use practices justify such action, and after the required review, public notice and report by the Planning Commission, the City Council may undertake the necessary steps to amend the Zoning District Map.*
Please note that no application for the same parcel(s) requesting the same change may be made more often than once every 24 months.

Please attach a separate Statement of Support - *This narrative must set forth proposed use and justification for the change, utilizing criteria set forth in Section 23-2-4(B)(3) of the Biloxi Code of Ordinances and including all proposed and existing structures as well as the uses planned for the site in question. Be specific as to development proposals, sale of property, or other transactions/plans proposed or scheduled for preparation subject to this rezoning request being granted approval.*

	Existing	New
I am requesting a zoning change from this *zone* to this *zone*:	R-10	RM-30

If zoning change request includes more than one parcel, you must provide a wraparound legal description.

Detailed Site Plan Attached (If no site plan is attached, this application is considered incomplete and will not be accepted.)

Criteria:	✓	
	Yes	**No**
1. Is the proposed map amendment consistent with the Comprehensive Plan?	✓	
Please explain:		
2. Is the proposed map amendment compatible with present zoning and conforming uses of nearby property and with the character of the neighborhood?		✓

Please explain:
3 parcels bought in different years & each has different zonings, some are nonconforming from previous owner.

PLANNING COMMISSION SUPPLEMENT

Map Amendment

City of Biloxi Planning Division
676 Martin Luther King Jr., Boulevard Biloxi, MS 39530
(228)435-6266 Fax(228)435-6188

Criteria *(continued)*	✓	
	Yes	**No**
3. Is the property suitable for uses permitted in the present zoning district?		✓
Please explain: Single family homes Built on Multifamilies by previous owners.		
4. Is the property suitable for uses permitted in the proposed zoning district?	✓	
Please explain: Most our neighbors are zoning for multifamilies		
5. Has there been a change in the character of the neighborhood?	✓	
Please explain: Many changes have been made due to Neighborhood economy.		
6. Is there an established community need for uses permitted in the proposed zoning district?	✓	
Please explain: Many Rentals & Apts are in the same neighborhood.		
7. Was there a mistake in the original zoning of the property?		✓
Please explain: We bought as is. not sure how that happened before. No knowing what were before.		
8. Are utilities and infrastructure sufficient to address the impacts associated with allowed uses in the proposed district?	✓	
Please explain: very close to Beach Blvd & No problem.		

Site Plan attached: (please circle): Yes No	*Case No.* ☐☐-☐☐☐-☐☐☐

Jinan MS LLC

33 Rue Lafitte

Hattiesburg, MS 39402

To whom it may concern:

We are a local real estate investor who loves to invest in beachfront properties. Since 2005, we have started to purchase properties in Biloxi. We bought twice in separate years one in 2005 and another one in 2009. The addresses are: 161 Pine Grove, 153 Pine Grove Ave, 2461 and 2461 Deming place. They are several parcels together on one big corner lot. Some have Rm-10 Zoning like 153 and 161 Pine Grove Ave, some have Rm=30 zoning eg. 2465 Deming place. Due to rapid economic development on Highway 90, we feel like it is proper to unify all parcels one lot and one zoning---RM 30. We use these properties for rental only at Present.

Applicant : Helen M. Hua

Date : 11/5/2021

Community Development Director
Jerry Creel

676 Dr. Martin Luther King Jr. Blvd.
P.O. Box 508
Biloxi, Mississippi 39533
Office: 228.435.6280
Fax: 228.435.6188
www.biloxi.ms.us

To: Biloxi Planning Commission

From: Eric Nolan, Development Review Committee Chair

Date: December 7, 2021

Re: Jinan MS, LLC
153 & 161 Pine Grove Avenue and 2465 Deming Place
1110J-02-091.000, 1110J-02-091.001, 1110J-02-092.000

The Development Review Committee (DRC) has reviewed the above-referenced project and has authorized the applicant to apply to Planning Commission and the Biloxi City Council for a Zoning Map Amendment.

The City **will not** require further review and approval by DRC prior to permitting because of the nature of this project. Building Permits shall be issued when construction documents are approved by the Building Division.

Yours truly,

Eric Nolan

Eric Nolan, Chair

Case No. 21-068-PC – Jinan MS, LLC

My name is Vickie Gryder and I live at 2460 Deming Place, Biloxi, MS 39531. I am highly against this rezoning from MF-10 to MF 16...the owners are wanting this in order to ask for a conditional use permit in order to house vacation rentals...I will be present tomorrow afternoon to speak on this...my reason for this letter is to send you pictures of the neighborhood and pictures of the complexes so you may have a visual as I am speaking...thanks!!

Street Views:

1-North West side of Pine Grove

2-North East Side of Pine Grove

3-South East Side of Pine Grove

4-Across from the Apartments on Pine Grove

5-North East Side of Deming

6-North west side of Deming

7-My House

8-Across the Street from my House

9-Home south of South building

21-068-PC

RECEIVED
DEC 16 2021
BY: E. Shambra

Building Views:

1-East House on Deming Front

2-East House on Deming Back

3-East Home on Deming Back 2

4-East house on Deming

5-West side of West home on Deming

6-Tri-Plex

7-North Side of Triplex

8-Tri-Plex North

9-Tri-Plex Middle

10-Parking lot for both compleses

11-Parking & South Building was funeral home

12-South Building Front

13-Newly built shed

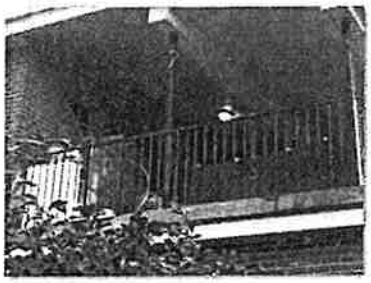
14-Sign on Property

15-South Building Balcony

13-Newly built shed

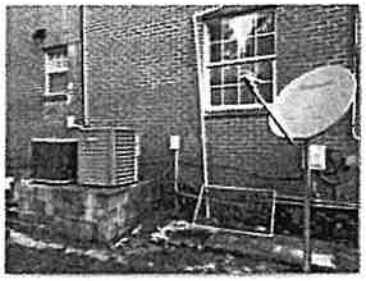
14-Sign on Property

15-South Building Balcony



16-South Building Front Balcony

17-South side of South Building



18-South Side of South Building 2

19-South Side of Building 3

20-West side of south building

21-West side of south building 2

Caryle Lena

From: Ed Shambra
Sent: Thursday, December 16, 2021 8:14 AM
To: Caryle Lena
Subject: FW: Case # 21- 068-PC Jinan MS LLC

Edward H. Shambra, AICP
Executive Planner
City of Biloxi
676 Dr. Martin Luther King, Jr. Blvd
P.O. Box 508
Biloxi, MS 39530/39533-0508
(228) 435-6266
(228) 435-6188 (fax)
eshambra@biloxi.ms.us

-----Original Message-----
From: Pat <pattyweave1@gmail.com>
Sent: Wednesday, December 15, 2021 6:21 PM
To: Planning <planning@biloxi.ms.us>
Subject: Case # 21- 068-PC Jinan MS LLC

The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.

Subject: Case # 21- 068-PC Jinan MS LLC – Is requesting a change from a RS 10 status to a Rm 30, affecting 153, and 161 Pine Grove Ave, and 2465 Deming Place.

Due to having medical appointments in Hattiesburg today, we are unable to attend the planning meeting, but we would still like for our opinions to be heard by the board.

We are vehemently against changing the zoning for the addresses mentioned in the Case #21-068-PC Jinan MS LLC. Our neighborhood has been so badly affected by other zoning changes in our area over the past few years. This particular zoning change may be the worst one yet. This is a quiet little neighborhood full of a number of retired people and others who have invested hard-earned monies and time into improving our homes and neighborhood. The city of Biloxi needs more neighborhoods and people like these willing to invest long-term into improving the city for the benefit of all, not more short-term rentals that benefit so few.

Please do not approve this zoning change that will allow inattentive and irresponsible landlords to insert people into this area that will not be invested in our community nor in making Biloxi a great southern city in which to live and work.

Respectfully,

Howard D and Patricia A Weaver
135 Beachview Ave

RECEIVED
DEC 16 2021
BY: E. Shambra

21-068-PC

Biloxi, MS 39531
228-990-4147

Caryle Lena

From: Ed Shambra
Sent: Monday, December 13, 2021 8:29 AM
To: Caryle Lena
Subject: FW: Case 21-068-pc

Edward H. Shambra, AICP
Executive Planner
City of Biloxi
676 Dr. Martin Luther King, Jr. Blvd
P.O. Box 508
Biloxi, MS 39530/39533-0508
(228) 435-6266
(228) 435-6188 (fax)
eshambra@biloxi.ms.us

From: crowrita <crowrita@yahoo.com>
Sent: Sunday, December 12, 2021 9:42 AM
To: Planning <planning@biloxi.ms.us>
Subject: Case 21-068-pc

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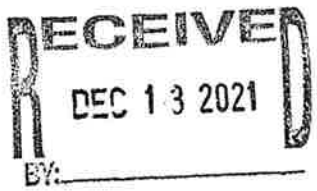

In response to the change in zoning for 153 and 161 Pine Grove Avenue and 2465 Demming Place, supposed purpose so she can do vacation rentals. In the past several years, she has done vacation rentals and by doing so has broken the law. I don't believe she will obey the regulations of the city of Biloxi in respect to the guidelines the city has placed on vacation rentals. The big question is, does the city have enough employees to check on her when we call you and have a problem. During spring break a couple of years ago, she rented to a motorcycle gang from Chicago which had guns, selling alcohol out of a car right on the street, and their were over abundance of vehicles parked all over the field and parted all night. Thus is basically a quiet residential neighborhood.
I do not think her properties are up to code even for a month to month basics.At 153 I see water coming over the upstairs balcony going into the neighbor's yard as from a washing machine, as he has brought that to the city's attention before. A tenant who lived up stairs had sewage coming out of her walls and had to move because they would not fix the problem. She still is doing vacation rental when you see someone there for 2 or 3 days and then they are gone.

I have no problem with vacation rentals as we have a couple in the neighborhood as long as the follow the regulations, but I don't think she is willing or able to follow them.

Thank You

Rita Crow
152 Pine Grove Avenue
Sent from my Samsung Galaxy , an AT&T LTE smartphone

Ed Shambra

From: Pat <pattyweave1@gmail.com>
Sent: Wednesday, December 15, 2021 6:21 PM
To: Planning
Subject: Case # 21- 068-PC Jinan MS LLC

Follow Up Flag: Follow up
Flag Status: Flagged

The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.

Subject: Case # 21- 068-PC Jinan MS LLC – Is requesting a change from a RS 10 status to a Rm 30, affecting 153, and 161 Pine Grove Ave, and 2465 Deming Place.

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Respectfully,

Howard D and Patricia A Weaver
135 Beachview Ave
Biloxi, MS 39531
228-990-4147

Case No. 21-068-PC – Jinan MS, LLC

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Street Views:

1-North West side of Pine Grove

2-North East Side of Pine Grove

3-South East Side of Pine Grove

4-Across from the Apartments on Pine Grove

5-North East Side of Deming

6-North west side of Deming

7-My House

8-Across the Street from my House

9-Home south of South building

Building Views:

1-East House on Deming Front

2-East House on Deming Back

3-East Home on Deming Back 2

4-East house on Deming

5-West side of West home on Deming

6-Tri-Plex

7-North Side of Triplex

8-Tri-Plex North

9-Tri-Plex Middle

10-Parking lot for both compleses

11-Parking & South Building was funeral home

12-South Building Front

13-Newly built shed

14-Sign on Property

15-South Building Balcony

13-Newly built shed

14-Sign on Property

15-South Building Balcony

16-South Building Front Balcony

17-South side of South Building

18-South Side of South Building 2

19-South Side of Building 3

20-West side of south building

21-West side of south building 2

BILOXI PLANNING COMMISSION MEETING
DECEMBER 16th, 2021
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
Kyle Carron
Steve Delahousey
Charlie Dellenger
Joann Humphries
Gary Lechner
Joe King
Debora Magee
August Parker
Jimmy Poulos
John Snow
David Stanovich
Cheryl Thompson
Michael Todaro

ALSO PRESENT:

Jerry Creel, Director of Community Development
Caryle Lena, Planning Technician
Ed Shambra, Executive Planner
Tim Cipolla, Code Inspector

REPORTED BY

Melissa Burdine-Rodolfich
Simpson Burdine & Migues

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

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CONTINUED PUBLIC HEARING:	
21-052-PC (Held in abeyance)	--
NEW PUBLIC HEARINGS:	
21-068-PC	6
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TREE HEARINGS: (None)	

CHAIRMAN WASHER:
Let us call the Planning Commission meeting to order, please.
We'll record the members present. Mr. Lechner, Mr. Todaro, Mr. Parker, Ms. Magee, Ms. Thompson, Mr. Stanovich, Ms. Humphries, Mr. Delahousey, Mr. Poulos, Mr. Carron, Mr. King, Mr. Snow, Mr. Dellenger, myself; David Washer; Ed Shambra, Executive Planner; Jerry Creel, Director of Community Development; Caryle Lena, Planning Technician. On the projector is Tim Cipolla, Planning Inspector, and our court reporter is Melissa Rodolfich. Also recognize Dr. Paul Tisdale in the audience, Councilman Ward 5.
Mr. Parker, would you please open the meeting with a moment of prayer?
(Moment of prayer.)
CHAIRMAN WASHER:
Mr. Todaro, the pledge, please, sir.
(Pledge of allegiance.)
CHAIRMAN WASHER:
I would like to welcome everyone here with us today. We would ask that anyone that desires to speak, please come the podium when your case is called. Give us your name and address for

the record and also, please sign in at the pad provided. We would ask that any cell phones in the audience, if you would kindly mute them or turn them off.
Ask if all members of the Commission received the minutes from the last meeting and if there's any additions or corrections?
MR. DELAHOUSEY:
Move to approve.
CHAIRMAN WASHER:
Motion by Mr. Delahousey recommending approval.
MR. SNOW:
Second.
CHAIRMAN WASHER:
Seconded by Mr. Snow.
All those in favor, say "aye."
(All in favor.)
CHAIRMAN WASHER:
Any opposed?
(None indicated.)
CHAIRMAN WASHER:
Committee reports, Mr. Creel?
MR. CREEL:
Yes, sir. Mr. Chairman and members of

the Commission, over the past two weeks, the department has issued 169 building permits, with a construction valuation of $2.5 million. We've collected $18,400 in permit fees. We've issued licenses for 23 new businesses and 41 renewals. We have also issued 23 certificates of occupancy, three of those were for short-term rental, and we've issued permits for six new single-family houses.

CHAIRMAN WASHER:

Thank you.

We have one continued public hearing that we're going to continue to hold in abeyance, Alterna Mortgage/Gulf Coast Development. They're still sorting out some legal issues with the property.

New public hearing today, 21-068-PC, Jinan Mississippi, LLC. It's an application for a zoning map amendment to authorize a change in zoning district classifications for land collectively measuring .78 of an acre, more or less, in size from the present zoning district classification of RS-10, low-density, single-family residential to RM-30, high-density, multifamily residential, for the three parcels of

land currently identified as 153 and 161 Pine Grove Avenue and 2465 Deming Place, being Municipal Tax Parcel Numbers 1110J-02-091.001 and 1110J-02-092.000. This case was advertised on November 24th, December 2nd and December 9th.

Mr. Cipolla, view the video, please, sir.

MR. CIPOLLA:

All right. I'm on Deming right here. That is looking back at Pine Grove. This is Briarfield. This is the first home in question being brought up. I walked the whole property. This is the second. This is, I believe, three apartments and they actually face Pine Grove. That is looking back up. That's the back of the Coliseum parking lot. This is the actual front of the three apartments. Coming down to the 153 Pine Grove. That's looking back down towards the beach. At the very end, you have Surf Style on the right-hand side and a big vacant lot on the left side.

And should you be looking through -- because we were talking about this building, this building and the one next to it -- this building right over here is the very first short-term

rental that we have with Mr. Foster, but it was zoned properly when it came through.

So you have one house, two houses, the three apartments and then the apartments that are right here and I'm not sure how many are in there all together. I believe it's six.

CHAIRMAN WASHER:

Okay. Thank you.

Is the applicant or their representative here, please.

MS. HUA:

Yes, I am here. Helen from Hattiesburg, and I bought this way back, in 2005.

I just read a couple of people are against and they feel like I'm going to do an Airbnb, and really, it's not the case. It's not true.

I bought on the waterfront street, not long -- in March of this year and we try to do the Airbnb.

We leave this for the monthly rental. So this is four buildings together. It's three parcels. And the zoning on the first one is RM-30 and the second one, it's half of RM-30, half of RM-10. 153 and 161, it was RM-10. But the

building, when I bought it, it's already a three-plex and four-plex. My lawyer never told me that, and I never know its zoning was wrong in the beginning, but I bought it anyway.

So at this time, we try to add a concrete pad to put a storage. That's why Mr. Andy say we want to apply for zoning change to make a correction. That's all I'm doing. I don't know why neighbor was so against it.

But this entire corner, I own it and half of them RM-30 already. Some of them RM-10, which zoning is right in the beginning. I don't know how they did it, who did it. I don't know. But I bought this. It's already triplex, four-plex.

We clean up and we just did the driveway today, put a lot of flowers and then looks real nice. Doesn't look like picture like when he took it. Do I have a problem with my tenant? I do sometimes. Those don't listening, and we was talking about trying to make more stringent enforcement, if and when we have to, starting in 2022.

But at this point, I only want to change the zoning, make the correction, nothing else. No

Airbnb. Make this very clear to everybody. And we bought on the waterfront street already. That's commercial and we can build a brand new for the Airbnb. That's all I want to say. Thanks.

CHAIRMAN WASHER:

Any questions from the members of the Commission for Ms. Hua?

MR. STANOVICH:

Ma'am, you say you're not going to have an Airbnb, but are you looking at short-term rentals there?

MS. HUA:

No, it's monthly rental right now.

MR. STANOVICH:

All of them are monthly?

MS. HUA:

All of them, everybody, every one of them.

CHAIRMAN WASHER:

Mr. Creel, do you have any questions?

MR. CREEL:

What I understand from what she's saying is she's wanting to bring the zoning into compliance with the uses that are on the property, and that she is not going to come back later for a

conditional use to request that it be used for short-term rental.

What I was going to make the Planning Commission aware of is that I have had a number of conversations with the Fire Chief, and we are both in agreement that we -- you know, we've had a number of applications that have come to the city to convert existing apartment complexes over to short-term rental. And the position that we're taking now is that you're essentially taking a residential structure -- if short-term rental is the goal, you're taking an existing residential structure that was built for residential purposes and you're converting it over to a hotel without it being built to the standards of a hotel. In other words, it doesn't have metal conduit and all those emergency features built into it.

So the position that we're taking from a recommendation standpoint to the Planning Commission and the City Council is that if someone comes in with an application to convert an apartment complex over into short-term rental, that we would recommend that those be denied because they're just not built to hotel standards, commercial standards that are required of a hotel.

So I thought you need to hear that as y'all deliberate on this case today.

CHAIRMAN WASHER:

Any other questions, Members of the Commission? No questions.

Anything else, ma'am?

MS. HUA:

No, I was just waiting for --

CHAIRMAN WASHER:

All right. Thank you. One more question here.

MR. SHAMBRA:

Okay. So on the three properties, what's the total number of active units on the property?

MS. HUA:

Two cottage, the 2461 and 2465. 161 is a triplex on the Pine Grove. 153 is a four-plex, so the total units is nine units.

MR. CIPOLLA:

Four, three, one, one.

MS. HUA:

Yes, four, three, one, one.

MR. CARRON:

Once again on that?

MR. CIPOLLA:

This is four; that's three; that house is one; that house is one.

MR. SHAMBRA:

So there is four structures on three parcels for nine total units?

MS. HUA:

Right, correct.

MR. STANOVICH:

One of the letters in here references you rented to a motorcycle gang from Memphis. Have you ever used them as short-term rentals?

MS. HUA:

That was way back, several, several years ago. We didn't know that. And started -- the last time that -- we went to the meeting and I stopped doing this. I haven't been doing this for several years now, couple years, two or three years now.

MR. STANOVICH:

So all your units are rented now long-term, more than 30 days?

MS. HUA:

Yes. I have one gentleman come in yesterday. They stay for four months. I have a

military coming for six months and I have a couple snowbirds coming for two or three months right now. I haven't done anything. I don't know where they're coming from.

MR. STANOVICH:

When is the last time you rented a unit for short-term purposes? How long ago?

MS. HUA:

Last meeting, we facing the attorney, the city attorney before. And she was -- we was being -- talked about it and then she say you cannot do this. And I ask her, what do you want me to do? And she say, the 30 days above.

MR. STANOVICH:

How long ago was that?

MS. HUA:

I think maybe two or three years ago.

MR. STANOVICH:

Thank you.

MS. HUA:

Yeah.

MR. DELAHOUSEY:

And, ma'am, where do you live?

MS. HUA:

I'm in Hattiesburg, Mississippi.

MR. DELAHOUSEY:

How often do you come down and check on these properties?

MS. HUA:

Very often. I come pretty much every week.

MR. DELAHOUSEY:

Do you have anybody that resides in the area that represents you to enforce the regulations?

MS. HUA:

I come pretty much myself and I watch quite often. And it's only nine units, so it's not that big. If I have 25 units, I will have a manager. That's what I feel. It's only nine units, and then mostly it's long-term. The four units, they been there for several years. But some tenants doesn't really comply too well, even though I keep constantly talking to them. But they will do something. Sometimes they don't listen. But I guess next year, we'll put a lot of things in writing, make them sign it if we have to.

CHAIRMAN WASHER:

Thank you.

MS. HUA:

Okay. Thanks.

CHAIRMAN WASHER:

Let me ask if there's anyone in the audience that wants to speak in favor of the applicant's request? Anybody speaking in favor?

Yes, sir.

MR. COTTON:

Yes. My name is Jules Cotton.

And actually I came here to vote in opposition, but if it's actually just to bring it into compliance, I can't imagine that the commission wouldn't. This -- I moved into that complex in December of '09 with my deceased wife, and I moved out in August of last year, so -- because there was just too much work. And so I was installing landscape material to maintain it, and I still do that.

But at any rate, one thing I'm absolutely opposed to is having that being vacation rental, the buildings and the properties that were assigned here, and that's why I came prepared to vote to the negative. But I can't imagine that you would expect anybody to have vacant apartment complexes because they didn't

comply with the zoning if that was the purpose of the ordinance, just to bring it into compliance.

I am discussing it with the owner. She's too soft on her tenants. And what I have discovered is if you're too soft on your tenants, then you either have to be real lucky and get real good folks or the place does have a tendency to become controlled by less-than-desirable tenants. But I have -- I think I can help her change that.

But anyway, I don't have any major connections with her because I don't live there anymore, but I do think she has good intentions to try to make the property reasonable.

CHAIRMAN WASHER:

All right. Thank you, sir.

Anyone else to speak in favor of the applicant's request. No one else to speak in favor.

Anyone to speak in opposition? All right. Let me just start with you and then we'll just kind of move on down the line here.

MS. GRYDER:

My name is Vickie Gryder. I reside at 2460 Deming Place.

I sent you some pictures. I'm not sure

if they're up there or not.
CHAIRMAN WASHER:
We got them, yes, ma'am.
MS. GRYDER:
Okay. Good. I live across the street. Can you go to the one that's the triplex that shows the side yard. Thank you.
Right there. That's a washing machine. It's hooked up to the faucet, just to let you know. That's right across the street from my house. My house is like -- if you walk out my front door, that's what I get to see.
If you only have nine units here, why do you want to go RM-30 if you don't want a good stepping stone? Because in order to go to short-term rentals you have to be RM-30. And I realize this because I sell real estate with Fidelis Realty so I understand all this stuff.
Let me give you a few things that I have heard from tenants that are with the owner, previous tenants. One came in for a month, which basically is a vacation rental. They were coming in from out of town. There's not even any toilet paper in the complex for them. It's fully furnished, so you know it was used as a vacation

rental. It's just -- she's legal because she's doing it for a month. And I get that.
The one on the two properties that are single unit, that little family -- that's my house, the yellow one. Isn't it pretty? I just thought I would throw that out.
The one that is next to the triplex, that one right there, okay, after Zeta, she lost some shingles in the back. So the front property is basically the old roof. The back of the property is brand new roof. And then if you look at the other one, the west side -- no, I'm sorry, the east side at the top, it definitely needs painting.
The grounds are not kept up. We are in a residence that -- I mean, we have older, elderly people that live there. I built my house 30 years ago. I've been there for 30 years. Do I mind apartments across the street from me? No. I lived where we had apartments that were in the back of houses and they were rented out. That's not the issue. The issue is she does not keep -- or the owner does not keep the grounds up like they should be kept up. And with a vacation rental, is that what you want advertising Biloxi?

Another thing, I was there when the motorcycles came down the -- it was Pine Grove and they just raced and raced and raced and that was a short-term rental at that point in time because it was during one of our prestigious Spring Breaks. Okay?
CHAIRMAN WASHER:
Mr. Gryder, if you would, kind of be aware of the clock here.
MS. GRYDER:
Pardon me?
CHAIRMAN WASHER:
Kind of be aware of the clock as far as your time.
MS. GRYDER:
Oh, I didn't even see the time. Okay. Hang on. Let's see what else I've got real quick, real quick, real quick. I teach school. I could go on and on and on. My eighth graders love me.
I just -- basically, I guess, what I don't want is a glorified hotel/motel across the street from me. And we do -- whenever we do have something that is on the beach or whatever, we do have it blockaded to where they look for driver's licenses and stuff. So if you have vacation

rentals going within that point, then they're going to be asked for ID and stuff like that. We won't know who's there and who's not there. And you know, all we want to do is live in this great city. I think I'm out of time.
MR. DELAHOUSEY:
I have a question, Ms. Gryder. In your correspondence, you said -- you mentioned rezoning from MF-10 to MF-16.
MS. GRYDER:
Multifamily is what -- I mean, I thought I said multifamily. Residential multifamily -- she's going from 10 to 30, isn't she?
MR. DELAHOUSEY:
Well, she is. But in your --
MS. GRYDER:
Did I do it wrong?
MR. DELAHOUSEY:
Yeah. It's just a typo?
MS. GRYDER:
That was in the middle of my eighth graders trying to do an exam. I'm so sorry. You know, I just try to find time to get things done.
Are there any other questions? I will be glad to answer them.

CHAIRMAN WASHER:

Thank you. Appreciate it.

MS. GRYDER:

Thank you.

CHAIRMAN WASHER:

All right. Anyone on the front row here?

MS. HENRY:

Thank you for letting me speak. I have two concerns. One is traffic. Deming is a very --

CHAIRMAN WASHER:

Give us your name and address, please.

MS. HENRY:

I'm Bess Henry. I live at 175 Pine Grove Avenue.

Deming, if you park a car on one side of Deming, it becomes a one-way street, so that -- but something that I did not see in the paperwork I was given was where the driveway was going to be and where the parking was going to be, which is a concern. This unit that's four apartments in it has never had a driveway and parking. They have parked on the grass and they made dirt out of it eventually. But that's never had proper parking

and, of course, they park on the street. So if we get people on both sides of Pine Grove or Briarfield, they become a one-way street.

So that's a concern for me, and I would request that they not be allowed to have an entrance on Deming. It's just too small, a little alley-type road. It's a very short, little street. You can tell they made dirt out of that, but it doesn't have, like, a concrete driveway or anything.

My other concern is that they do have somebody managing it on-site to make sure that people aren't grilling on a patio -- a deck or patio or that they aren't drying their clothes on the railing and things like that. We're not that kind of a neighborhood. So we would like to make sure that they had somebody on-site taking care of things like, you know, incidentals that they need to and having things fixed when they need to be fixed.

But my biggest concern, I think, is the parking and the entrance and what have you, but I would recommend that they do have somebody on-site to manage the building. Thank you.

CHAIRMAN WASHER:

Thank you. Yes, sir.

MR. ESTERLY:

Hi, I'm Bill Esterly. I live at 180 Briarfield. I'll leave my mask off, even though I'm recovering from a cold, as you can tell.

I'm concerned about several things. Pine Grove Avenue has had some construction problems for years and years, and they've tried to fix it, tried to fix it and I think they've got a long ways to go. But more construction trucks and heavy equipment going up and down this and construction is going to further deteriorate that road.

Further, if they have more and more apartments, those 30 apartments or whatever it is, families, driving back and forth is going to further deteriorate it. We have a problem now on Pine Grove and Briarfield getting onto Highway 90, and having 30 more cars driving -- backing up trying to get on Highway 90 is going to be a big traffic problem.

They will require that this be -- meet hotel standards, I believe, according to what he said. And the one they built behind the Surfside did not meet that when they first built it.

They're building another one on the west side of Briarfield now that I don't know if they're going to meet that or not.

But the short-term rentals there on Deming Place need to be looked into several times a week. She mentions she comes down here almost once a week. They need to be looked into several times a week because people are there for two or three days and we don't know who they are.

Now, the area north of Deming Place, Briarfield Subdivision, and that is -- like Vickie said, she's lived there 30 years. That -- the houses in there are about 30 years old or less and they're well taken care of. And none of them are -- maybe one of them is -- is over a single story. But we do not want a multistory hotel complex to have to drive through to get to our single-story, well-kept houses.

And I think it would severely deteriorate the market value of our houses if there was -- driving through a hotel complex or motel complex to get to our residential areas. So we're -- several of my neighbors here are opposed to it and some could not come because they had to be out of town or working. But we are severely

opposed to having this type of construction in our neighborhood.

CHAIRMAN WASHER:

Thank you, sir.

Anyone else on the front row? Second row, anyone want to speak in opposition? Next row, third row, anyone else to speak in opposition?

MR. TUBBS:

Excuse me, sir. Could I ask a question?

CHAIRMAN WASHER:

Yes, sir.

MR. TUBBS:

You need me to go to the podium?

CHAIRMAN WASHER:

Please, sir.

MR. TUBBS:

My name is Larry Tubbs. I live in the middle of Briarfield.

And when I go to bed at night trying to go to sleep, there's no time after I get in the bed that, say -- like, I go to bed late and get up later, say, midnight -- 11:00, 12:00, 1:00. Okay? I'm not in the bed five minutes, there is thousands of police cars and sirens and ambulances

and I don't know what all at the end down there where you get on 90 at the end of Briarfield. You hear them all night long down there. I don't know what's going on down there.

My opposition is -- to it is, I just don't want riffraff or whatever coming in there that's going to cause us problems or -- at night rambling around and breaking into cars and stuff like that.

And I had one more question. Could you pull that picture up, the blue house in the corner and curve down, the back of Briarfield. There is an alleyway back there. Right across the street there in the corner. Okay. It's on the corner. Come down Briarfield to the first stop sign -- or second stop sign and turn right. It's on the left. Off of that. Right there. Right there.

Now, these people on the corner, I don't know who they are or whether it's a rental or what. There's always different cars there, but they park in the street or the alleyway. And I'm thinking if a fire truck or emergency vehicle had to get in there, especially a wide fire truck, he's going to have a problem.

But everybody says that's their property

and they can do that. So I don't know. I'm going to ask you if that's legal or not, to park there. If not, I'd like somebody to check on it. But every now and then, you come in and you've got to swing over to go around them to get to -- see, all our houses, the garage is in the back, so we have to go down the back. And that's why I'm asking about it, you know. All right. Thank you very much.

CHAIRMAN WASHER:

You want to address the parking on the street, Ed? Unless it's -- in my opinion, unless it's specifically marked no parking, they all have a right to park on the street on a first-come/first-serve basis.

MR. TUBBS:

Well, it's in the way when you turn to go down to your street, though. It sticks out there. Unless they get over far enough, it's in the way. And if a fire truck comes in there, somebody's going to have to move -- wake somebody up and move them over to get down the street, you know. All right. Thank you.

CHAIRMAN WASHER:

Yes, sir.

All right. If there is no one else to speak in opposition I've got a few letters here that we got. I'll go ahead and read those.

MR. ROBERTSON:

Can I say one thing.

CHAIRMAN WASHER:

Yes, sir.

MR. ROBERTSON:

I'm Terry Robertson. I live at 173 Briarfield. I have the black house, white picket fence. I've been there seven years. I'm retired military.

I have seen Pine Grove. The 153 complex with the four -- I think it's a duplex or apartments in there. It has gone completely downhill, the trash around it. If you go out there and drive down, you wouldn't want it in your neighborhood and I don't want it in mine. There's so much trash on the second floor. It's unreal. It looks like white -- I'm sorry. Just looks bad.

That's all I have got to say. My house is beautiful. The neighbors are beautiful and we all get along. But we just don't want that in the neighborhood, you know. We're all retired and old, you know. Thank you very much.

CHAIRMAN WASHER:

Yes, sir. Thank you.

All right. In response to the change for zoning for 153 and 161 Pine Grove Avenue, 2465 Deming Place, supposed purpose so she can do vacation rentals. In the past several years, she has done vacation rentals and by doing so has broken the law. I don't believe she will obey the regulations of the City of Biloxi and respect the guidelines the city has placed on vacation rentals.

The big question is, does the City have enough employees to check on her when we call you and have a problem? During Spring Break a couple of years ago, she rented to a motorcycle gang from Chicago which had guns, selling alcohol out of a car right on the street and there was an overabundance of vehicles parked all over the field and partied all night. Thus is basically a quiet residential neighborhood.

I do not think her properties are up to code, even for a month-to-month basis. At 153, I see water coming over the upstairs balcony and going into the neighbor's yard from a washing machine, as she has brought that to the City's

attention before. A tenant who lived upstairs had sewage coming out of her walls and had to move because they would not fix the problem. She is still doing vacation rentals when you see someone there for two or three days and then they are gone.

I have no problem with vacation rentals, as we have a couple in the neighborhood, as long as they follow the regulations, but I don't think she is willing or able to follow them. Thank you. Rita Crow, 152 Pine Grove.

Also: Due to having medical appointments in Hattiesburg today, we are unable to attend the meeting, but we would like for our opinions to be heard by the board.

We are vehemently opposed to changing the zoning for the addresses mentioned in the Case Number 21-068-PC, Jinan Mississippi, LLC. Our neighborhood has been so badly affected by other zoning changes in our area over the past few years. This particular zoning change may be the worst one yet. This is a quiet little neighborhood full of a number of retired people and others who have invested hard-earned monies and time into improving their homes and

neighborhoods. The City of Biloxi needs more neighborhoods and people like these willing to invest long-term into improving the city to the benefit of all, not more short-term rentals that will benefit so few.

Please do not approve the zoning change that will allow inattentive and irresponsible landlords to insert people into the area that will not be invested in our community nor in making Biloxi a great Southern city in which to live and work.

That's all I've got in regard to letters.

If you would like, we'll give you five minutes for any rebuttal you may have.

MS. HUA:

In all the rentals, we have the records, and I never done anything short-term for a couple years now, and it's from VRBO and Airbnb. The shortest one we have, it's stay-by-the-month, so you can in check on that. And I don't think their claim is at all valid.

The tenants on the second floor, I try to talk to her, and she say she put Christmas decoration. She had issues, quite a lot of

problems before and I almost filed eviction on her. The 153, that one has what they call broken washing machine. They are leaving. I already gave them -- 30-day notice to them. And the rest of it, you will see it's pretty clean.

I guess they always think we are doing the Airbnb behind the city, which I don't have to. I already say that. We already bought the water -- commercial property. It's on the Water Street. 655 Water Street. I just bought it, so I will do an Airbnb if I wanted to.

And for this neighborhood, if they don't want Airbnb, I don't have to do and we haven't been doing this for a couple years now. I don't know why they still say that.

All we're doing is trying to comply with the city coding. I don't know even why it's triplex and four-plex before. I bought it anyway, so we will try -- this piece, what do they call? We need to take it out. And we pour the driveway. We clean up. And I told my tenants, if you don't clean and pick up the garbage yourself, I will give eviction notice. That's what I'm doing. We clean up quite a lot. You're welcome to look at it yourself.

CHAIRMAN WASHER:

All right. One question. Mr. Shambra.

MR. SHAMBRA:

I just want to get a clarification. So you're not looking for any type of short-term rentals on this property?

MS. HUA:

No, not for this location.

MR. SHAMBRA:

And you have nine units on the property at this time?

MS. HUA:

Yes.

MR. SHAMBRA:

Are they all fully occupied?

MS. HUA:

At this point, yes.

MR. SHAMBRA:

So you have them all under lease at the present time?

MS. HUA:

Yes. And one of the tenants on the second floor, she had five kids come to visit. And then the kids had boyfriend, and so one time they have lots of car parking in the front. I

look at it myself. I ask her, be careful about the parking.

And speaking about parking, we only cut up half of the grass and change it to the parking. We just finished it. I can show you the picture. We just did a couple of -- and flatten out. I never see my tenants parking on the street. That's Number 1. All the units have the parking on the side, except the four-plex, so we made it half of the lot because it's a piece of -- big piece of vacant lot, so we made half of it parking. And I never seen any tenants parking on the street. I never see myself.

MR. SHAMBRA:

Could you see yourself moving at least one of those units and going down from nine to eight?

MS. HUA:

I have one -- the middle unit, I'm using myself right now.

MR. SHAMBRA:

What I'm saying, though, is because you're asking for RM-30, which is a very high classification zoning, 30 units per acre -- you have .78 of an acre there now. That puts a large

number of potential of where you could go from there with that zoning. So I'm asking you would you be able to restrict it from nine to possibly eight units on the property? Would that be something that you --

MS. HUA:

What do you want me to do? I'm still not following you.

MR. SHAMBRA:

I'm trying to see if you can come up with an alternate classification of zoning other than RM-30, which gives you too much leeway to possibly going ahead and expanding it very quickly to a much more dense project.

MS. HUA:

Okay. My point is, even if it's changed to RM-30, you're not allowed an Airbnb without a permit. And the city has control to getting the permit for the Airbnb, right? I cannot just randomly do that.

MR. SHAMBRA:

Okay. I'm asking you about the Airbnb aspect of it because I'm asking you, is that one of the reasons why you're asking for 20 or 30 and you're telling me, no?

MS. HUA:

I think it's just based on your city zoning. You do whatever your city feels proper.

MR. SHAMBRA:

We also have another classification of zoning, which is called RM-10. It would restrict to ten units per acre. And with .78 of an acre, you could actually get up to eight units on there. So that's why I'm asking you the question, would you be reasonably comfortably with reducing by one unit which you have on the property now?

MS. HUA:

How are you reducing?

MR. SHAMBRA:

In other words, not have a full nine units, have eight.

MS. HUA:

It's already four building. It's already existing. I don't know how you can do that.

MR. SHAMBRA:

You would collapse one into the other because it's probably --

MS. HUA:

I don't think you can do that to the

building. The structure, it's pretty solid. Everything is looking fine.

MR. SHAMBRA:

Trust me. There is an easy way to do it if you want to do that. That's why I'm asking that question.

MS. HUA:

I don't know how to do this and I don't think this is a way to do this. And I don't know what you mean by that. It's already four buildings. And if you want to restrict the Airbnb or something -- I mean, you -- city has control for the permit. Without a permit, I cannot do anything. It's already nine units.

MR. SHAMBRA:

I understand you're trying to make it legal according to the zoning.

MS. HUA:

Yes.

MR. SHAMBRA:

I'm trying to get you to a level where it might be a compromise to get you legal, but at the same time me asking you to reduce it because our laws allow you to put eight units, not nine units.

MS. HUA:

I didn't do myself. I just bought it. That's all I will say.

MR. SHAMBRA:

I know you didn't. But if I buy a triplex, I can easily convert it to a duplex if I really wanted to. That's up to me. I realize that takes an extra unit away, but by the same token, square footage still stays ostensibly the same.

MS. HUA:

It's three parcels and it's a big lot in the middle and it's spread pretty -- distance. I just don't see why you need to reduce the units and the building looks perfectly fine.

CHAIRMAN WASHER:

So you want to stay on course for your request for RM-30?

MR. DELAHOUSEY:

I have one question. The unit at 153 Pine Grove, I believe, you say there are four units in that building?

MS. HUA:

Yes.

MR. DELAHOUSEY:

Is there a driveway for those four units?

MS. HUA:

We made this big half -- half of the lots become a driveway and parking. It can park 10 car in this driveway in this little piece of it. And I never seen my tenants parking on the street for so many years now because this is enough for them. You can park 10 cars in there, and I don't see it.

MR. CARRON:

I've got a question for Ed before she leaves. If she doesn't want to change the zoning to RM-10, wants to stick with RM-30, and if we deny that, she still will not be in compliance, so what would happen then?

MR. CREEL:

She is grandfathered in with the use that's there right now. And as long as nothing changes, she will continue to be grandfathered in with the number of units for permanent residential residents to live there.

Now, let me just say this, because I know that in dealing with requests that come in here all the time, a lot of times people come in

and ask to bring the zoning into compliance with the use that's on the property; and the reason they do that is because if they go out and get refinancing or something like that banks do not like to lend money on grandfathered-in uses or legal non-conforming uses, so there is an advantage to having the property rezoned.

The question is, does it justify going to RM-30? Now what Ed was trying to say is RM-10, you also try to get the lowest zoning available to accomplish the purpose that you're trying to accomplish. In this case, she wants to bring her property into compliance, so the RM-10 would apply. But the fact that she only has .78 acres would not allow her to have nine units.

It would justify eight units, but it's because of the size of the land that's involved in the application that she brought forward. If she had a full acre or even just a little bit more, then there would be no problem. We could go with the RM-10. The RM-10 does not allow short-term rental, so it would accomplish both purposes. It would bring her into compliance and prohibit the short-term rental from coming in.

But the other side of this, too, is

let's just say the Planning Commission decides to go to RM-20 -- which y'all have that right to reduce the request down to RM-20. If she decides to do short-term rental, she is going to have to come back to this body at a future date and ask for a conditional use. The Planning Commission has taken a position in the past -- and it's in the minutes of the meetings -- that if the property is already zoned correctly for short-term rental that y'all would consider it, but that y'all were not in favor of changing the zoning on a piece of property and then letting somebody come in and ask for conditional use approval. So there is a precedent that's already been set on this.

MR. CARRON:

Is there any way or anyone that can enforce the problems that apparently she has already had in there? With the long-term rentals, basically you get people in there and you just get what you get for their term, and apparently that's what's happening with some of these. And I don't know if it's 30-day rentals or not or if they're a week or three days or if that's something else we don't know about.

MR. CREEL:

We have someone on staff that's sole responsibility is to investigate and enforce the rules concerning short-term rental. And if we get complaint calls there is short-term rental going on there, he will go out and investigate. If we get complaint calls that they're overcrowding, you know, a structure, then the fire department is responsible for enforcing that. Certainly noise and traffic and parking on the street, blocking emergency access is something that the fire department -- the police department would enforce.

So there are mechanisms in place to enforce some of these things that the neighbors are having problems with. The question is what zoning does the Planning Commission feel is appropriate for this or do you feel like the zoning change -- the zoning should not be changed?

MR. DELAHOUSEY:

Mr. Creel, there is a lot of property around there that is zoned RS-10. Are short-term rentals allowed in RS-10 property?

MR. CREEL:

They are not, no.

MR. PARKER:

So if we went to RM-20, could she still

keep her nine apartments?

MR. CREEL:

Yes. If you went to RM-20, it would bring her property into compliance. She would be in compliance. And then, again, if she decided to do short-term rental there, she would still have to come back and have another public hearing.

MR. PARKER:

But she couldn't do it unless she came back?

MR. CREEL:

That's correct.

CHAIRMAN WASHER:

Ms. Magee, you had a question.

MS. MAGEE:

Yeah. Because she keeps saying, I don't know this, whatever y'all want to do or whatever, so exactly what is she asking us to do? What does she actually want?

MR. CREEL:

The zoning change to be multifamily so that the zoning and the use on the property would match up.

MS. MAGEE:

Okay.

MR. DELLENGER:

So if we declined what she's asking us currently, then she just does what she's doing, status quo? She doesn't have to change anything? She can keep all nine properties operating?

MR. CREEL:

Uh-huh.

MR. DELLENGER:

I mean, I don't know that it's fair for us to recommend for her to have to do away with a income-producing property, to narrow from nine to eight, I mean, you know, if she's got nine rented.

I mean, I think that the complaints more or less are for vacation rentals, and I don't think -- she's not here for vacation rentals or Airbnb or short-term rentals. But I think the RM-30 is excessive, but, again, I think she's just trying to get compliant with what she has. And I'm not sure by us even doing RM-20 it gets her to what she wants.

MR. CREEL:

Well, the number of units that she's got there, the lowest zoning available to accomplish the purpose that she wants to accomplish is RM-20.

MR. CARRON:

But in reality, with the short-term rental you actually have more control over it than it being RM-10 or 20. I mean, let's face it. Short-term rentals, there's such strict guidelines that are monitored on a regular basis that we haven't had a bunch of problems with that. Right now, I don't see where we're changing up anything. Even if we go to RM-10 and she goes down to eight apartments, unless she changes her ways, there's still going to be a problem.

MR. DELLENGER:

And we can approve or decline, it's not going to change what she's doing now, nothing. The tenants aren't going to change. I mean, if they're long-term renters, she's not kicking her renters out unless they're not paying their rent.

CHAIRMAN WASHER:

All right. I believe we're going to go ahead and end that hearing. Mr. Shambra, it's over in your lap.

MR. SHAMBRA:

Case Number 21-068, this is the application for zoning map amendment. It's to authorize the change in zoning for land collectively measuring three-fourths of an acre in

size from its present zoning classification of RS-10 low-density, single-family resident to RM-30 high-density, multifamily residential. And it's involving three separate parcels of land identified as 153 and 151 Pine Grove Avenue and 2465 Deming Place.

You've heard all the particulars. What I was trying to do is give her the legal conforming status, is what I was hoping to be able to accomplish. That was the reason why we were offering her the RM-10, and that will also satisfy a lot of the concerns of the neighborhood because it wouldn't have allowed for her to come back and ask for a conditional use for short-term rentals.

That not being the case, it's basically up to you to make the determination whether the RM-30 is justified, and I think that's a very high density for this particular set of properties, or to go to the RM-20, which would still make them legal and would still open the door for the possibility of short-term rentals to come, or basically just deny the application.

It's your choice.

CHAIRMAN WASHER:

Thank you.

MR. PARKER:

I move that we go to RM-20 and to bring them in compliance.

CHAIRMAN WASHER:

Motion by Mr. Parker recommending reducing the request to RM-20. Do we have a second?

MR. KING:

Second.

CHAIRMAN WASHER:

Second by Mr. King. Any discussion?

MR. CARRON:

Doesn't she have to request that because she has already said that she wants 30?

MR. SHAMBRA:

No, no. You can reduce it.

MR. CREEL:

You can reduce it.

MR. CARRON:

Well, why can't we go to 10?

MR. SHAMBRA:

You can.

MR. CREEL:

Because she doesn't have --

MR. DELLENGER:

She'll only be allowed to have eight.

MR. CARRON:

I understand.

MR. CREEL:

If you go to RM-10, you would be approving a non-conforming situation out there on the property because you're approving the zoning to RM-10 but she's got nine units out there and the land she's got does not justify nine units. It only justifies eight.

MR. STANOVICH:

Jerry, just for clarification, earlier you talked about the fire department and y'all's discussions about converting apartment complexes into hotels. How many units would a building -- this is a four-unit apartment complex. Could she come in and ask for short-term rentals on this apartment complex?

MR. CREEL:

With RM-20?

MR. STANOVICH:

Yes.

MR. CREEL:

If you go to RM-20, she can come back and make an application, but, again, we're going

to recommend that it be denied because the structure was not built to the commercial standards required for a hotel.

MR. STANOVICH:

So it would be unlikely, no matter what the zoning is, that that building would ever be short-term rental unless she got it up to the standards of a hotel?

MR. CREEL:

That's correct. If y'all listen to our smart recommendation on that.

MR. CARRON:

I have a question, Jerry, another question. Under RM-20, let's say they level that, what can they build on .78 acres?

CHAIRMAN WASHER:

Sixteen units.

MR. CARRON:

And that's what I'm kind of alluding to, you know, I mean --

MR. SHAMBRA:

That's what I was trying to say too.

MR. CREEL:

Well, the difference between that, though, is that any new units that come in would

go through DRC and would be required to meet the parking requirements and the commercial building requirements and everything else, so it's -- you know, it would still work.

MR. DELLENGER:

Plus they would be brand new.

MR. TODARO:

I have a question. I know the fundamental change in zoning has to meet has there been a change in the character or is there a mistake in the zoning. The fact that this is non-compliant and it's grandfathered in, where does that fit in those two?

MR. CREEL:

It kind of fits in that there was a mistake in the original zoning that, because there were multifamily units already on there, it should have been zoned multifamily when it went through several years ago.

MR. TODARO:

I got it. And it's just clear that she cannot use short-term rental unless she comes to this body again?

MR. CREEL:

That's correct.

MR. TODARO:

So everybody needs to feel comfortable with the fact that whatever happens here, she cannot do short-term rentals.

MR. CREEL:

That's correct. And one step further. Let's just say that she sells this property to somebody else, the same thing would apply. They would have to come before this body for a public hearing?

MR. TODARO:

And it will be recommending denial because they don't meet the criteria for hotel wiring and plumbing and all this business?

MR. CREEL:

That's correct, yes.

MR. TODARO:

And the fact that she has problems with the tenants, like they said, we can't manage that. Only she can manage that. And we can only enforce it. Unfortunately, it's a bad situation that's been grandfathered in.

Is the reason that she's asking to be compliant was to build something like an additional structure? What brought her to the

position in here to say I want to comply? What was the reason?

MR. CREEL:

There was a shed addition added onto the big building without a permit and our code officer found that. They came in to get a permit. And see, a non-conforming situation cannot be expanded or enlarged without the property being in compliance with the ordinance.

MR. TODARO:

All right. I see. Thank you.

CHAIRMAN WASHER:

All right. We've got a motion and a second on the floor recommending approval for an RM-20. We'll ask that all those in favor of approving RM-20, raise your hand, please.

Mr. Lechner, Mr. Todaro, Mr. Parker, Ms. Magee, Ms. Thompson, Mr. Stanovich, Ms. Humphries, Mr. Poulos, Mr. Carron, Mr. King, Mr. Snow, Mr. Dellenger.

Any opposed?

Mr. Delahousey; myself, David Washer.

No abstentions.

I believe the motion carries.

All right. Moving on. Our next case