Ordinance No. 2474

ORDINANCE TO APPROVE A ZONING MAP AMENDMENT, FOR A PARCEL OF LAND FROM ITS PRESENT SPLIT-ZONING DISTRICT CLASSIFICATIONS OF RMH RESIDENTIAL MANUFACTURED/MOBILE HOME AND NB NEIGHBORHOOD BUSINESS TO RMH RESIDENTIAL MANUFACTURED MOBILE HOME, FOR LAND CURRENTLY IDENTIFIED AS 1718 PASS ROAD

WHEREAS, on Thursday, January 6, 2022, 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. 22-002-PC, Biloxi, MHC, LLC, a request for Zoning Map Amendment, for property identified as 1718 Pass Road (re: Tax Parcel No. 1210H-04-014.000); and

WHEREAS, the Planning Commission members were apprised of the particulars of this case, being made cognizant of the fact that Biloxi, MHC, LLC had submitted this request for Zoning Map Amendment, to authorize a change in zoning district classification for a parcel of the land measuring nine and forty-two one-hundredths (9.42) of an acre (more or less) in size, which land is presently split-zoned RMH Residential Manufactured/Mobile Home and NB Neighborhood Business, which re-zoning request has been submitted to re-align the entire tax parcel to conform to the use presently of notice at this location: which is the RMH Residential Manufactured/Mobile Home zoning, currently utilized by the Century Oaks Retirement Community at 1718 Pass Road the RMH zoning is required to operate a manufactured/mobile home facility within the City of Biloxi, MS; and

WHEREAS, the Planning Commission members upon understanding that this zoning change to RMH Residential Manufactured/Mobile Home was little more than a house keeping task requested to re-align the zoning to fully match the use presently in evidence at this location

unanimously voted to recommend approval for this Zoning Map Amendment to RMH Residential Manufactured/Mobile Home, as submitted; 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, is appropriate for the property petitioned in Case No. 21-002-PC, Biloxi, MHC 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 CHANGE IN ZONING IS A MATTER OF HOUSEKEEPING CHANGE FOR A USE CURRENTLY OF NOTE AT THIS LOCATION, 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 Residential Manufactured/Mobile Home zoning and NB Neighborhood Business to RMH Residential Manufactured/Mobile Home zoning for the entire parcel of land currently identified as 1718 Pass Road (re: Tax Parcel No. 1210H-04-014.000), and more fully described as follows:

That portion of Lot 2 of Century Oaks Subdivision, City of Biloxi, Second Judicial District of Harrison County, Mississippi which is currently zoned neighborhood business, and is more particularly described as follows with the bearings based on state plane grid north (MS East zone 2301):

Beginning at an x-mark found on top of the concrete curb on the north margin of Pass Road, said point being the southeast corner of said Lot 2; thence along said north margin of Pass Road, N86°33'53"W 63.69' to an x-mark found on top of concrete at the corner

common to Lots 1 and 2 of said subdivision; thence along the line common to said lots, N00°00'03"E 225.00' to a 3/8" iron rod found; thence further along said common line, N86°23'46"W 40.04' to a 3/8" iron rod found; thence further along said common line, S00°00'41"E 25.05' to a 1/2" iron rod found; thence further along said common line, N86°20'38"W 296.40' to a 3/8" iron rod found; thence along the west line of said Lot 2, N00°04'05"W 74.60'; thence N89°53'28"E 397.81' to the east line of said Lot 2; thence along said east line of Lot 2, S00°18'23"E 300.54' to the Point of Beginning, containing 1.067 acre,

further described as land most nearly bounded by the following streets: the North by James Buchanan Drive; to the South by and fronting upon Pass Road; to the East by Rodenberg Avenue; and to the West by Glenn Street.

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 Gines, seconded by Councilmember Glavan, and was adopted by the following vote:

YEAS:	Newman Deming	Tisdale Barrett	NAYS:	Lawrence
ABSENT:	Gines Glavan			

The President then declared the Ordinance adopted this the 1st day of February, 2022.

STATE OF MISSISSIPPI
CITY OF BILOXI
HARRISON COUNTY

ATTEST:

Keri Campbell
CLERK OF THE COUNCIL

APPROVED:

Paul L. Tisdale
PRESIDENT OF THE COUNCIL

Ord. No.

Submitted to and approved by the Mayor, this the 4th day of February, 2022.

APPROVED:

MAYOR

Scheduled for:
January 6, 2022
PC Meeting

Biloxi, MHC, LLC
Case No. 22-002-PC
Zoning Map Amendment
NB Neighborhood Business to
RMH Residential Manufactured/Mobile Home

Biloxi
established 1699

Planning Commission
Case Fact Sheet

Case No.:	22-002-PC
Name of Applicant:	Biloxi, MHC, LLC
Address of Property:	1718 Pass Road
Tax Parcels/Ward:	1210H-04-014.000/Ward 3
Request:	**Zoning Map Amendment**
Purpose of Request:	An application for a **Zoning Map Amendment**, to authorize a change in zoning district classification for a portion of a parcel of land measuring nine and forty-two one-hundredths (9.42) of an acre (more or less) in size, from its present zoning district classifications of **NB Neighborhood Business** and **RMH Residential Manufactured/Mobile Home**, to reclarify the entire parcel to the **RMH Residential Manufactured/Mobile Home** zone for land currently identified as 1718 Pass Road (re: Tax Parcel No. 1210H-04-014.000).
Size of Property:	9.42 acres (More or Less)
Present Zoning:	**NB Neighborhood Business/RMH Residential Manufactured/Mobile Home**
Present Use:	Mobile Home Park
Most Nearly Bounded By (streets):	To the North by James Buchanan Drive; to the South by and fronting upon Pass Road; to the East by Rodenberg Avenue; and to the West by Glenn Street.
Adverse Influences:	A Zoning Map Amendment should only be authorized when conditions clearly suggest that a change in zoning is warranted, and that the change proposed is consistent with uses found upon adjacent or nearby properties.

Positive Influences:

This rezoning, if approved, would allow the applicant to bring this dual-zoned single ta parcel property into conformance the current use of this site – manufactured home park.

Letters or Concerns stated:

The Planning Division Office has not received any letters or other written communications relative to this case, as of December 30, 2021.

Comments/ Recommendations:

Biloxi, MHC, LLC, has requested a **Zoning Map Amendment**, to authorize a change in zoning district classification for the portion of a parcel of the land measuring nine and forty-two one-hundredths (9.42) of an acre (more or less) in size, which is presently zoned **NB Neighborhood Business** but has been submitted to be joined in zoning with the larger part of the site, which has **RMH Residential Manufactured/Mobile Home zoning,** and **RMH Residential Manufactured/Mobile Home**, for the parcel of land currently identified as 1718 Pass Road (re: Tax Parcel No. 1210H-04-014.000).

The applicant has proposed this change the zoning in order to bring this parcel into compliance with the Mobile Home Park presently in operation at this location.

As with all requests for **Zoning Map Amendment**, discussion points should be focused upon the merits or demerits of the Zoning 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 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;

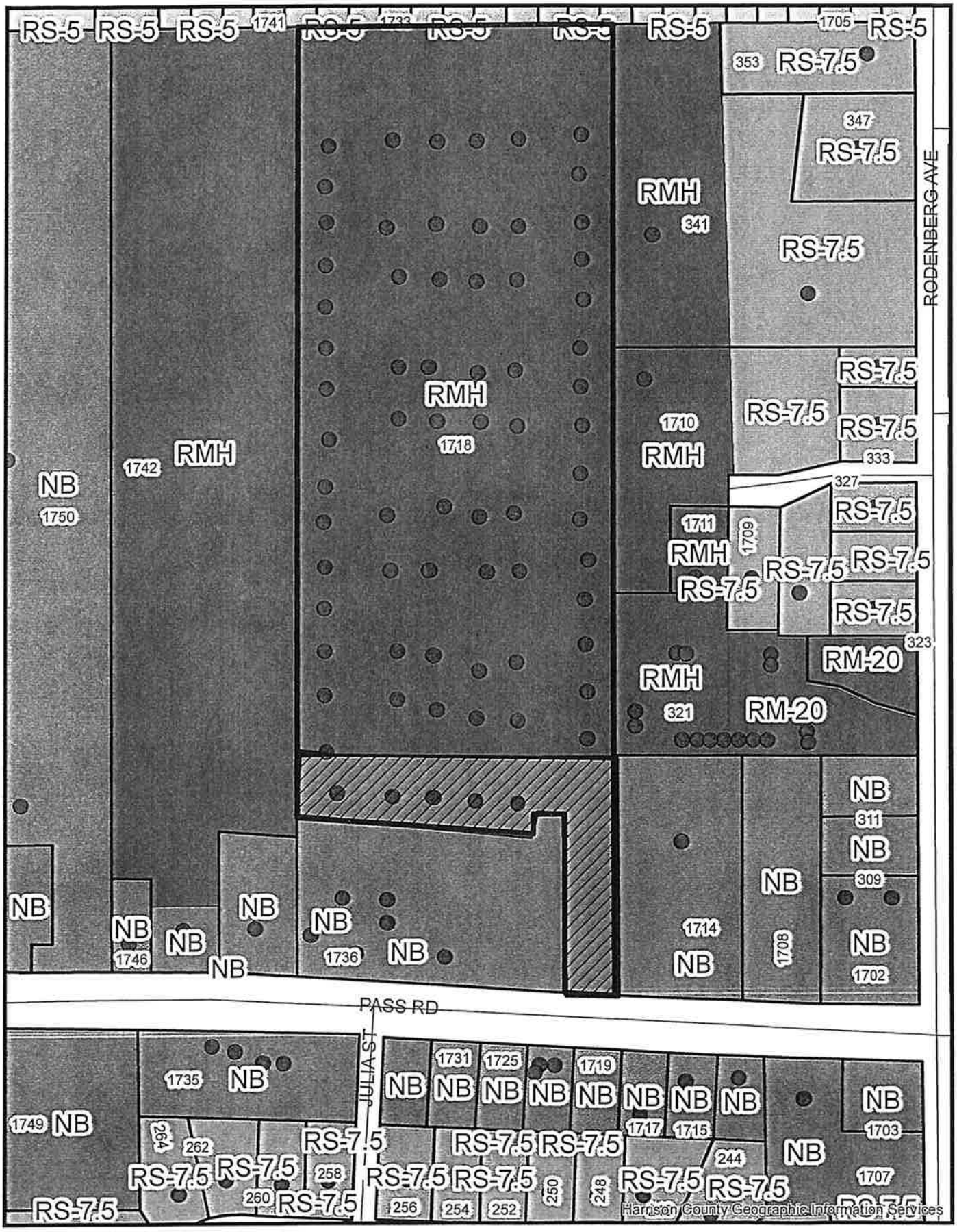
6) Availability of utilities and infrastructure sufficient to address the impacts associated with the allowed uses in the proposed district; and
7) Mistake in the original zoning.

Options:

1. Recommend approval of this request for **Zoning Map Amendment**, to authorize a change in zoning district classification for a portion of the parcel of land measuring nine and forty-two one-hundredths (9.42) of an acre (more or less) in size, from its present zoning district classification of **NB Neighborhood Business** and **RMH Residential Manufactured/Mobile Home**, to the singular zoning classification of **RMH Residential Manufactured/Mobile Home,** having determined that a Change in the Character of the Neighborhood is of evidence, and that this zoning change will better address the present use of this portion of the property currently not located within the RMH zone.

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 this portion of the parcel of land under consideration for zoning change.

Case No.22-002-PC/Biloxi MHC, LLC
1718 Pass Road
Map Amendment NB to RMH



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. 22-002-PC

TO BE COMPLETED BY APPLICANT	Date:
Name of Rightful Owner(s): Biloxi MHC LLC	Name of Applicant: (if different than Owner)
Property Address: 1718 Pass Road, Biloxi, MS	Ward Number 3
Tax Parcel Identification Number(s): 1210H-04-014.00	
Mailing Address of Property Owner: 98 Mill Plain Road, Suite 3C	Mailing Address of Applicant (if different than Owner):
City: Danbury	City:
State: CT	State:
Zip: 06811	Zip:
County Fairfield	County
Telephone: (203) 942-2745	Telephone: ( )
Property Size (please give in acres or by dimension): 9.492 Acres	
Present Zoning Classification: Split - RMH Residential Manufacture Home & NB Neighborhood Business	
Is the property located within an AHRC District? Yes ☐ No ☑ If so, which District?	Flood Zone(s) of Property: X

	North	South	East	West
Property is most nearly bounded by what streets?	James Buchanan Dr	Pass Rd	Rodenberg Rd	Glenn 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.

By: Athena RE Florida, LLC, Managing Member
By: Richard J O'Brien, Operating Mangager

Signature of Rightful Owner

Notary Signature

(Seal)

Signature of Rightful Owner

Notary Signature

(Seal)

KATHLEEN DUNNE
NOTARY PUBLIC
NO. 172847
MY COMMISSION EXPIRES NOV. 30, 2021

Notary Signature

(Seal)

Signature of Rightful Owner

Notary Signature

(Seal)

Signature of Applicant

Notary Signature

(Seal)

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).**

REQUIRED EXHIBITS AND INSTRUCTIONS FOR COMPLETING PLANNING COMMISSION APPLICATIONS

Complete all information requested on the Planning Commission Application, inclusive of notarized signatures of the applicant(s) as well as **all** owners of record of the property (ies), as reflected upon the deed(s) on file at the Chancery Clerk's Office. Supplemental Applications for the specific request(s) for Zoning Map Amendments, Preliminary Subdivision Plats, Conditional Uses, Variances, Special Exceptions and/or Waivers must also be filled out completely by the applicant and submitted for processing. **A COPY OF THE FILED WARRANTY DEED(S)** must also be attached to the application to verify ownership and the property description.

Name and Signature of Rightful Owner: Print the name(s) of the applicant(s) and **all** owner(s) of record, as identified by deed, along with the current mailing address and telephone numbers of all applicants and owners. The signatures of the current owner(s) and the applicant must be notarized. In the event that the owner or applicant is a corporate entity, the application must be signed by the officer authorized in their official capacity to sign for said entity – noting that the name of the officer and his/her position must also be printed legibly or typed. An application may be signed by an agent for the owner(s), provided that a Power of Attorney signed and duly notarized by said owner(s) which states that said agent has the authority to act on the owner's behalf, is included.

Property Identification: Indicate the address (or location) of the property upon the application, as well as the Municipal Tax Parcel Number(s) assigned to the property (ies).

Narrative: All applications should contain a brief narrative which fully explains the purpose of the requested action being sought, the reason or justification for said action, and the applicant's objective in requesting said action.

Site Plan: A copy of the Site Plan must be included with the application. The Site Plan shall depict all structures, existing as well as proposed, depicting all property lines and drawn to scale. Measurements between all structures, proposed and existing, must be provided, as well as the front, side and rear yard setbacks required within the **Property Description:** The applicant must submit a composite property description for the property (ies) under consideration for Planning Commission recommendation in Microsoft Word format. This information may be provided via CD or email. **Floor Plan** is required for all Short-Term Rentals

Subdivision Applications: An abstract is required for all major subdivisions, and a title opinion is required for all minor subdivisions. The abstract and/or title opinion must certify ownership of the property by an attorney licensed to practice law in the State of Mississippi.

Application Fee: Subdivisions ..... $500.00 + $15/Unit or Lot
All others $175.00

For additional information with respect to completing applications, please contact the Planning Division staff at (228)435-6266 or planning@biloxi.ms.us.

*****all commercial projects require authorization from the development review committee (DRC) in order to be eligible to make application for planning commission public hearing and discretionary approvals. A letter From the DRC authorizing application submittal must be provided by the applicant with the application at the time of submittal.**

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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:* October 26,2021
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*:	NB	RMH

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: The parcel is currently split zoned with only the entrance and 5 building sites lying within the NB Zone		
The balance of the property encompassing 65 homesites is zoned RMH. The proposed change will bring the entire property		
into conformity with its use since the property was initially developed in 1998 and consistent with the properties to the North,		
East, and West.		
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: The proposed change brings the entire property into conformity and eliminates split zoning.		

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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:		
The portion of the parcel (11%) in the NB district is considered to be Legal Non-Conforming use as it currently exists. The proposed change will eliminate the non-conformity		
4. Is the property suitable for uses permitted in the proposed zoning district?	✓	
Please explain:		
89% of the parcel is already zoned RMH and the proposed adjustment brings the remainder into the same zoning. The property is fully developed as a mobile home park		
5. Has there been a change in the character of the neighborhood?		✓
Please explain:		
6. Is there an established community need for uses permitted in the proposed zoning district?	✓	
Please explain:		
RMH zonng, generally and the property specifically provides affordable housing stock.		
7. Was there a mistake in the original zoning of the property?	✓	
Please explain:		
The original zoning created a "split" zoning situation on a single parcel where the two zones conflict with one another. The proposed change resolves this conflict in favor of the zoning for the majority of the parcel.		
8. Are utilities and infrastructure sufficient to address the impacts associated with allowed uses in the proposed district?	✓	
Please explain:		
Property has been operating as a Manufactured Home Park since its construction in 1998 with no known issues.		

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

NARRATIVE
1718 PASS ROAD, BILOXI, MS 39531
APN 1210H-04-014.000

Planning Commission
City of Biloxi

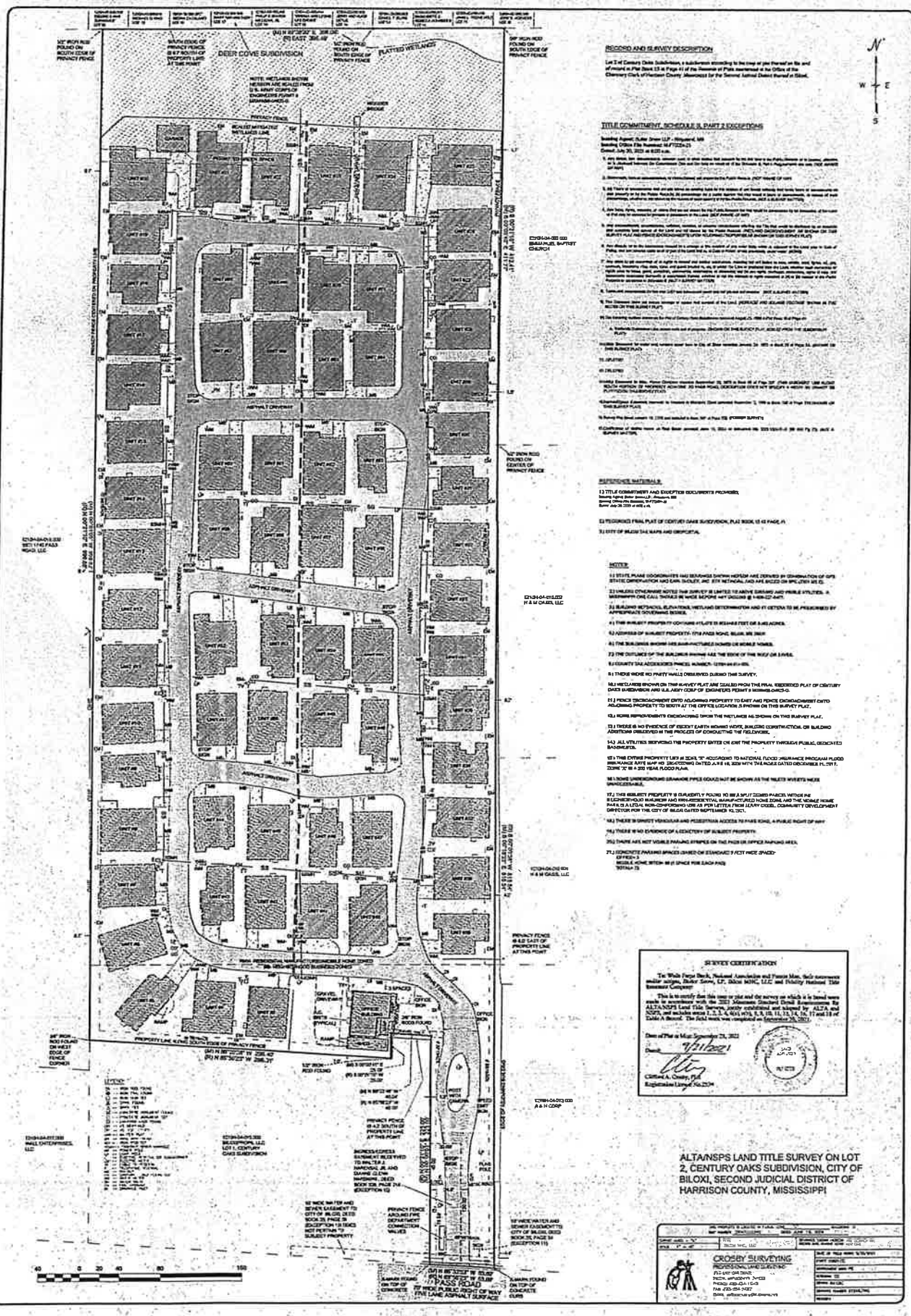
Biloxi MHC, LLC recently completed the acquisition of the Century Oaks Retirement Community located at 1718 Pass Road. The property is a 71-site mobile home park developed in 1996 on 9.492 acres. We are excited to have acquired such a high-quality asset and to continue maintaining it as a high-quality 55+ community.

During our due diligence, we discovered that the property is "split" zoned with 8.442 acres being zoned RMH - Residential Mobile Home District and 1.05 acres zoned NB-Neighborhood Business District. Since NB does not allow mobile home uses, the portion of the property that is on the 1.05 acres is considered Legal Non-Conforming.

We are requesting that the portion of the property zoned NB be changed to RMH to consolidate the entire property under RMH zoning. This is consistent with not only the property's use but also the zoning to both the East and West (RMH) and with the area to the North which is zoned RS-5 Residential High Density.

PROPERTY DESCRIPTION
1718 PASS ROAD, BILOXI, MS 39531
APN 1210H-04-014.000

1718 Pass Road is a single 9.492-acre parcel. The property is a flag lot with access from a single driveway off Pass Road. The property is approved for 71 mobile homes and all but 1 site is occupied by a double wide home. The property was constructed in 1998 as a mobile home park and has been in continuous operation since then.


DEER COVE SUBDIVISION
PLATTED WETLANDS
PASS ROAD
SURVEY CERTIFICATION
ALTA/NSPS LAND TITLE SURVEY ON LOT 2, CENTURY OAKS SUBDIVISION, CITY OF BILOXI, SECOND JUDICIAL DISTRICT OF HARRISON COUNTY, MISSISSIPPI
CROSBY SURVEYING
PROFESSIONAL LAND SURVEYING

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

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To: Biloxi Planning Commission

From: Eric Nolan, Development Review Committee Chair

Date: December 22, 2021

Re: Biloxi, MHC, LLC
1718 Pass Road
1210H-04-014.000

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

BILOXI PLANNING COMMISSION
JANUARY 6, 2022
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
Kay Bankston
Kyle Carron
Charlie Dellenger
Joe King
Debora Magee
Jimmy Poulos
John Snow
David Stanovich
Michael Todaro

ALSO PRESENT:

Jerry Creel, Director of Community Development
Ed Shambra, Executive Planner
Caryle Lena, Planning Inspector
Tim Cipolla, Code Inspector
Eric Nolan, Arborist
Dr. Paul Tisdale, Ward 5

REPORTED BY:

Melissa Burdine-Rodolfich
Simpson Burdine & Migues

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

	PAGE
CONTINUED PUBLIC HEARINGS:	
21-052-PC (Held in abeyance)	--
NEW PUBLIC HEARINGS:	
22-001-PC	5
22-002-PC	9
22-003-PC	16
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CHAIRMAN WASHER:

Let us call the Planning Commission meeting to order, please. We'll record the members present.

Mr. Todaro, Ms. Magee, Mr. Stanovich, Ms. Bankston, 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 behind him, Eric Nolan, City Arborist, and our court reporter is Melissa Rodolfich.

We'd like to welcome you all here with us today.

Mr. Todaro, would you please open the meeting with a moment of prayer?

(Moment of prayer.)

CHAIRMAN WASHER:

Ms. Magee, the pledge, please.

(Pledge of Allegiance.)

CHAIRMAN WASHER:

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

And, again, we welcome all of you here

with us. We would ask, any cell phones in the audience, if you would kindly mute them or turn them off.

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? If none, we will entertain a motion to accept the minutes as presented.

MR. SNOW:

So moved.

MR. POULOS:

Second.

CHAIRMAN WASHER:

Motion by Mr. Snow; seconded by Mr. Poulos. All those in favor say, "aye."

(All in favor.)

CHAIRMAN WASHER:

Any opposed?

(None indicated.)

CHAIRMAN WASHER:

Thank you.

Mr. Creel, any reports?

MR. CREEL:

Yes, sir. Mr. Chairman and Members of the Commission, over the past two weeks, the

department has issued 137 building permits. We had a total construction valuation of $1.5 million. We collected $12,200 in permit fees, issued licenses for 13 new businesses and 50 renewals. We also issued 16 certificates of occupancy; none of those were for short-term rental. Of the major projects issued permits, one was for a remodel of the Reef restaurant on Beach Boulevard and there were four new single-family houses.

CHAIRMAN WASHER:

Thank you, sir.

No continued public hearing. There is one case we're still holding in abeyance, which is the property down off of Highway 90, the Oak Shores condominiums.

New public hearing today, Case Number 22-001-PC, City of Biloxi. It's an application for text amendment for the land development ordinance to revisit the section of the land development ordinance which authorizes and regulates the operation of short-term rentals in the City of Biloxi. Consider a text change specifically or consider an amendment to the regulations pertaining to short-term rental uses,

providing that short-term rentals cannot be established within recreational vehicles or mobile manufactured homes. This case was advertised on December 16th, 23rd and 30th.

Jerry, you want to address that or, Ed, are you going to want to address that?

MR. CREEL:

Ed will make the presentation on the text change.

MR. SHAMBRA:

This is a pretty simple change that we're making. There's been a lot of interest in people trying to do different types of short-term rentals, and one that was most concerning to us was an RV or manufactured home because it was never really intended for that to be the case.

So that being what we've seen as possibly a problem area, we're suggesting that we amend the short-term rental ordinance, that section of the land development code to specifically say that manufactured homes and any type of RV, which is not even a home -- it's basically a vehicle -- would not be appropriate accommodations for short-term rentals.

MR. TODARO:

I move the text be amended --

CHAIRMAN WASHER:

Is there anyone in the audience that would like to speak in favor of that requested change? Anyone speaking in favor? No one speaking in favor.

Anyone speaking in opposition? No one speaking in opposition.

We'll consider that hearing closed.

Mr. Todaro.

MR. CARRON:

I'll second it, but I have a question.

MR. TODARO:

I move to amend it as presented.

CHAIRMAN WASHER:

Okay. We have a motion by Mr. Todaro; seconded by Mr. Carron.

We'll open it for any discussion.

MR. CARRON:

Didn't we approve some just recently in Majestic Oaks, two of them down there?

MR. CREEL:

Those are not RVs. Those are tiny houses, but they are in an RV park, yes. And those have been approved. And because they were

approved under the ordinance that was in place at the time, they will be allowed to continue to operate. This would only affect any new applications that come forward.

And let me just add one other thing. The ordinance already says that we do not allow short-term rentals in boats, if there is a boat in one of our harbors or -- that's already prohibited, so this is just kind of piggybacking on that to make sure that we don't have movable structures where people can move a short-term rental from place to place.

CHAIRMAN WASHER:

Not allowed in the harbors.

How about if we've got a boat anchored up in my back yard?

MR. CREEL:

It would depend on the zoning.

CHAIRMAN WASHER:

RM-10 would not allow it?

MR. CREEL:

Not allow it, no, sir.

MR. DELLENGER:

So I have a question on the manufactured homes. Would -- speaking of a tiny house or

something like that or let's just say a modular home that's on the beach, is that considered a manufactured home?

MR. CREEL:

No. A modular home is actually considered the same as a stick-built home. It's built with lumber and it's built to International Code standards.

Mobile homes and manufactured homes are reviewed and approved through the state fire marshal's office. They're just categorized differently than the ones that our guys go out to inspect and certainly, none of those are built to any type of hotel standard or any life safety standard other than just the residential use.

CHAIRMAN WASHER:

Any other discussion, Members of the Commission?

(None indicated.)

CHAIRMAN WASHER:

All right. We have a motion and second on the floor recommending approval. All those in favor, raise your hand, please.

Mr. Todaro, Ms. Magee, Mr. Stanovich, Ms. Bankston, Mr. Poulos, Mr. Carron, Mr. King,

Mr. Snow, Mr. Dellenger; myself, David Washer. We'll let the record show that's unanimous.

Our next Case, 22-002-PC, Biloxi MHC, LLC. It's an application for zoning map amendment to authorize a change in zoning district classification to a portion of a parcel of land measuring 9.42 of an acre, more or less, in size from its present zoning classifications of NB, neighborhood business, and RMH, residential manufactured/mobile home, to reclassify the entire parcel to RMH, residential manufactured/mobile home zone for the land currently identified as 1718 Pass Road, being Municipal Tax Parcel Number 1210H-04-0140.00. This case was advertised also on December 16th, 23rd and 30th.

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

MR. CIPOLLA:

All right. Just so you know, this is the entrance. This is the back of Luckies. That is looking back down towards Rodenburg and back to Keesler's gate. Directly to the west is the Jamaican food restaurant. This is the entranceway that goes back all the way around the park. I did not go into the individual -- I didn't know what

one it was.

CHAIRMAN WASHER:

Is the applicant or their representative here? All right. If you would -- we would ask that if there's anyone that would like to speak on these cases, please come forward when that case is called, give us your name and address for the record, and also please sign in at the pad provided.

MR. DAY:

How you folks doing today? I'm Jesse Day, and I represent Biloxi MHC, LLC.

So today -- we recently purchased this property back in October. While doing our due diligence, we did recognize about 66 of the units on the property were classified RMH and that those front five, 9.42 of an acre, which includes five homes, an empty lot and an office were still considered the neighborhood business district.

So just -- on our behalf, what -- we're kind of looking at including the entire park as just kind of protection of our residents. You know, if anything ever did happen, a natural disaster, a hurricane comes through, those homes in the front, if they were affected, essentially

you guys could tell us, hey, we don't want to you rebuild manufactured homes here. We want to make sure our residents' investments are protected -- or residential homes.

CHAIRMAN WASHER:

So really no change? You're just requesting to bring everything into compliance?

MR. DAY:

Correct, yes, sir.

CHAIRMAN WASHER:

Any other questions, Members of the Commission?

(None indicated.)

CHAIRMAN WASHER:

All right. Thank you.

MR. DAY:

Thank you.

CHAIRMAN WASHER:

I'll ask if there is anyone in the audience that wants to speak in favor of the applicant's request? No one speaking in favor.

Anyone speaking in opposition? No one speaking in opposition.

We'll consider that hearing closed.

Mr. Shambra.

MR. SHAMBRA:

Okay. As we've just heard, this is Case 22-002. This is the zoning map amendment to change the classification of zoning for approximately nine and a half acres from NB, neighborhood business, and RMH, residential manufactured home, to be completely RMH, residential manufactured home, and this is for property identified as 1718 Pass Road.

As was noted, this is the old -- it's Century Oaks Mobile Home Park. It is completely being used for manufactured homes. Again, this is a corrective measure. They're trying to take a single tax parcel that was dual zoned, primarily because, in the early days, we were doing a lot of zoning by so many feet off the roadway and the front of Pass Road and so much zoning to be for the back. But that doesn't work well with this particular situation and, in fact, it's more than advantageous to have it all in a single classification to actually articulate the use that's being done on the property. Staff strongly supports this application and can suggest Option 1, which is to approve.

CHAIRMAN WASHER:

All right. I'll entertain a motion.

MR. STANOVICH:

So moved.

MR. DELLENGER:

Second.

CHAIRMAN WASHER:

Motion by Mr. Stanovich; seconded by Mr. Dellenger.

MR. CARRON:

I have a question. In their write-up here, he mentioned short-term rentals. They're not allowed to do it, correct?

MR. CREEL:

They would not be allowed to do short-term rental in RMH. And basically, all they're doing is bringing their zoning into compliance with what's already there.

MR. CARRON:

I just wanted to bring that up because they do make a requirement --

MR. CREEL:

Yeah. It's not allowed in RMH, period.

MR. CARRON:

I just wanted to make that clear.

MS. BANKSTON:

I have a question about that.

CHAIRMAN WASHER:

Yes, ma'am.

MS. BANKSTON:

Weren't there some little houses, cabins that were requested earlier to be short-term rental in that area?

CHAIRMAN WASHER:

That was down the road.

MR. CREEL:

That was Majestic Oaks.

MS. BANKSTON:

Okay. Thank you.

CHAIRMAN WASHER:

Any other questions?

MR. STANOVICH:

Yeah. Jerry, I'm pretty sure this gentleman can comment. Y'all don't have any mobile homes in there, do you? Those are all modular construction?

MR. DAY:

No. Those are all mobile homes.

MR. STANOVICH:

There's wheels on those?

MR. DAY:

Yeah. Those can be moved out of there. They're just all set and they all have skirting or they have siding all the way down so it doesn't look like that. But those are manufactured homes, Wind Zone 3. They're actually Skyline manufactured homes in that community.

MR. STANOVICH:

All of them?

MR. DAY:

All of them, 100 percent. All of them, yep.

MR. STANOVICH:

Just checking.

MR. CREEL:

And let me just say. I don't think we've been called to Century Oaks for a code enforcement issue, so it's very well managed and maintained.

CHAIRMAN WASHER:

Any other questions? None.

All right. Again, we have a motion and second on the floor recommending approval. Raise your hand, please.

Mr. Todaro, Ms. Magee, Mr. Stanovich, Ms. Bankston, Mr. Poulos, Mr. Carron, Mr. King,

Mr. Snow, Mr. Dellenger; myself, David Washer. We'll let the record show that's unanimous.

Our next case, 22-003-PC, Michael Schmitt, IV, it's an application for conditional use approval to authorize a single-family residence to be utilized as a short-term rental for property situated within an RM-30 high-density multifamily residential zoning district and identified by Municipal Address 646 Water Street, being Municipal Tax Parcel Number 1410K-01-057.000. This case was advertised on December 23rd, December 30th. Mr. Cipolla, please view the video.

MR. CIPOLLA:

All right. I know this has been through HRC. You have approval for the fence and the modifications to the building. This was owned by -- purchased by Mr. Schmitt that used to own South Port. It was also sold.

That's looking back down towards Main Street and the back of Patio 44 and Mugshots. The Waffle House is over here and the old Seashore Mission down here and the Camille Memorial.

CHAIRMAN WASHER:

Is the applicant or their representative

here, please?

MR. SCHMITT:

Yes, sir. Hello. I don't know what -- am I supposed to plead my case or --

CHAIRMAN WASHER:

Go ahead and give us your name and address.

MR. SCHMITT:

My name is Michael Schmitt. I live at 646 Water Street.

CHAIRMAN WASHER:

All right. Tell us briefly what you're wanting to do and why you're wanting to do it, sir.

MR. SCHMITT:

We just want to vacation rental the home while we're away. We go every three months -- we go to Costa Rica every three months; so during the three months, we'd like to vacation rental the house out. That's about it.

CHAIRMAN WASHER:

I'll ask if there is anyone in the audience that wants to speak in favor of the applicant's request? If you want me to come up there.

MS. DARROW:

So Mr. Mike, he called me a couple days ago to actually clean the house. And so while I was there talking to him, he told me that they were thinking to do -- you know, evolve and what have you. And you know, they're an international company, so they want to be present for issues and such that may arise with vacation rentals. So I offered my services to him so that way he would have somebody local here, as I do live in Ocean Springs right across the bridge, you know, and deal with any issues if they do arise to make sure the house stays maintained.

And most of you know in here that I do vacation rentals and I have a bunch of them in Biloxi, zoned properly, I promise. And so I'll be helping them with everything, making sure we stay in compliance and that, you know, we keep the peace in the neighborhood and all that stuff.

CHAIRMAN WASHER:

All right. Very good. Thank you.

MS. DARROW:

Thank you.

Anyone speaking in favor of the applicant's request? No one else speaking in

favor.

Anyone speaking in opposition? No one speaking in opposition.

MR. HARPER:

I want to make a couple comments. I'm a little concerned.

CHAIRMAN WASHER:

Yes, sir.

MR. HARPER:

Since Katrina, I have watched the continuous --

CHAIRMAN WASHER:

Give us your name and address.

MR. HARPER:

My name is Jerry Harper. I'm the property owner at 652 Water Street.

Since Katrina, I've noticed the continuous degradation of the property. Yet, it remains the only historical district that's within walking distance of downtown Biloxi towards the east with a total of, now left, maybe four or six homes on Dukate and Water Street.

And it's been rezoned. What I consider inappropriate uses have been allotted to it and are still continuing to be allotted to it from