Ordinance No. 2478

AN ORDINANCE TO APPROVE A ZONING MAP AMENDMENT, TO AUTHORIZE A CHANGE IN ZONING DISTRICT CLASSIFICATION FOR TWO PROPERTIES FROM THEIR CURRENT ZONING DISTRICT CLASSIFICATION OF RM-30 HIGH-DENSITY MULTI-FAMILY RESIDENTIAL TO CB COMMUNITY BUSINESS FOR PROPERTIES IDENTIFIED AS 133 BRIARFIELD AVENUE AND ALSO AN UNADDRESSED PARCEL SITUATED DIRECTLY BEHIND 145 BRIARFIELD AVENUE

WHEREAS, on Thursday, September 3, 2020, 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. 20-033-PC, Frank Zhang, DBA 133 Briarfield LLC, a request for Zoning Map Amendment for two parcels of land from their current zoning district classification of RM-30 High-Density Multi-Family Residential to CB Community Business; and

WHEREAS, the Planning Commission members were apprised of the particulars of this case, being made cognizant of the fact that Frank Zhang, DBA 133 Briarfield LLC, had submitted this application for Zoning Map Amendment to authorize a change in zoning district classification for two parcels of land measuring approximately one and one-half acres and one-half acre, respectively, in overall size, from their present zoning district classifications of RM-30 High-Density Multi-Family Residential to CB Community Business, for properties identified as 133 Briarfield Avenue, and also an unaddressed parcel situated directly behind 145 Briarfield Avenue, for properties further identified as Tax Parcel Nos. 1110J-02-118.000 & 1110J-02-123.000; and

WHEREAS, the Planning Commission, was informed at the Public Hearing by the owner/applicant that he requested this zoning change to allow his 48 apartments to be utilized as Short-Term Rentals by-right; and

WHEREAS, after hearing objections from two nearby property owners, who expressed concerns related to the limited accessibility of the site to main roadways to service the large number of units proposed, coupled with an uncertainty as to availability of appropriate utility connections in this area of the City, led to a discussion which resulted in the Planning Commission voting to recommend denial of this Map Amendment request by a vote of 7 to 5, having determined that said Zoning Change was unwarranted due to no plausible argument of Mistake in Original Zoning, nor Change in the Character of the Neighborhood with an established Community Need for the zoning change (and uses) requested; and

WHEREAS, the Biloxi City Council, after consideration of all facts presented, hereby rejects the report and findings of the Biloxi Planning Commission, and in so doing, determines that approval of this Zoning Map Amendment, as submitted, is appropriate for properties identified as 133 Briarfield Avenue and an also an unaddressed parcel situated directly behind 145 Briarfield Avenue (re: Tax Parcel No. 1110J-02-118.000 & 1110J-02-123.000).

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILOXI, MISSISSIPPI, THAT THE FOLLOWING SHALL BE AUTHORIZED:

SECTION ONE: That the boundaries of the Geographical Information System Format Zoning District Map of the City of Biloxi, Mississippi, as previously amended, are hereby further amended to designate a new zoning district classification for property identified as 133 Briarfield Avenue and an also an unaddressed parcel situated directly behind 145 Briarfield Avenue (re: Tax Parcel No. 1110J-02-118.000 & 1110J-02-123.000) to be re-zoned from RM-30 High-Density Multi-Family Residential to CB Community Business for land area more fully described as follows:

Lots 31 and 32, and the north 20 feet of lot 33, block 2, Briarfield subdivision and a part of lot 30 of the L.A. Frederick survey in fractional section 34, township 7 south, range 10 west, city of Biloxi, Second Judicial District of Harrison County, Mississippi and being more particularly described as follows with the bearings based on state plane grid north (MS east zone 2301):

beginning at an iron rod found at the northeast corner of said lot 31, block 2, Briarfield subdivision; thence along the west margin of Briarfield Avenue, s00°12'18"w 119.89' to an iron pipe found; thence n89°48'54"w 120.11' to an iron rod; thence n00°50'31"w 7.80' to an iron rod found; thence n89°51'05"w 190.31' to an iron rod found; thence n00°03'22"w 282.55' to an iron pipe found; thence n00°18'17"e 100.02' to an iron pipe found; thence s89°45'03"e 191.38' to an iron rod; thence s00°16'52"w 100.00' to an iron rod found; thence s00°43'38"e 19.86' to an iron pipe found; thence s00°12'39"w 100.07' to an iron rod found; thence s00°04'31"e 50.25' to an iron rod found; thence s89°49'46"e 119.87' to the point of beginning, containing 2.009 acres,

having determined that a Change in the Character of the Neighborhood is of notice, coupled with an established Community Need for additional CB Community Business Zoning (and the uses it will allow) in this area of the City of Biloxi.

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 Barrett, seconded by Councilmember Deming, 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 8th day of March, 2022.

STATE OF MISSISSIPPI
CITY OF BILOXI
HARRISON COUNTY

ATTEST:

Keri Campbell
CLERK OF THE COUNCIL

APPROVED:

PRESIDENT OF THE COUNCIL

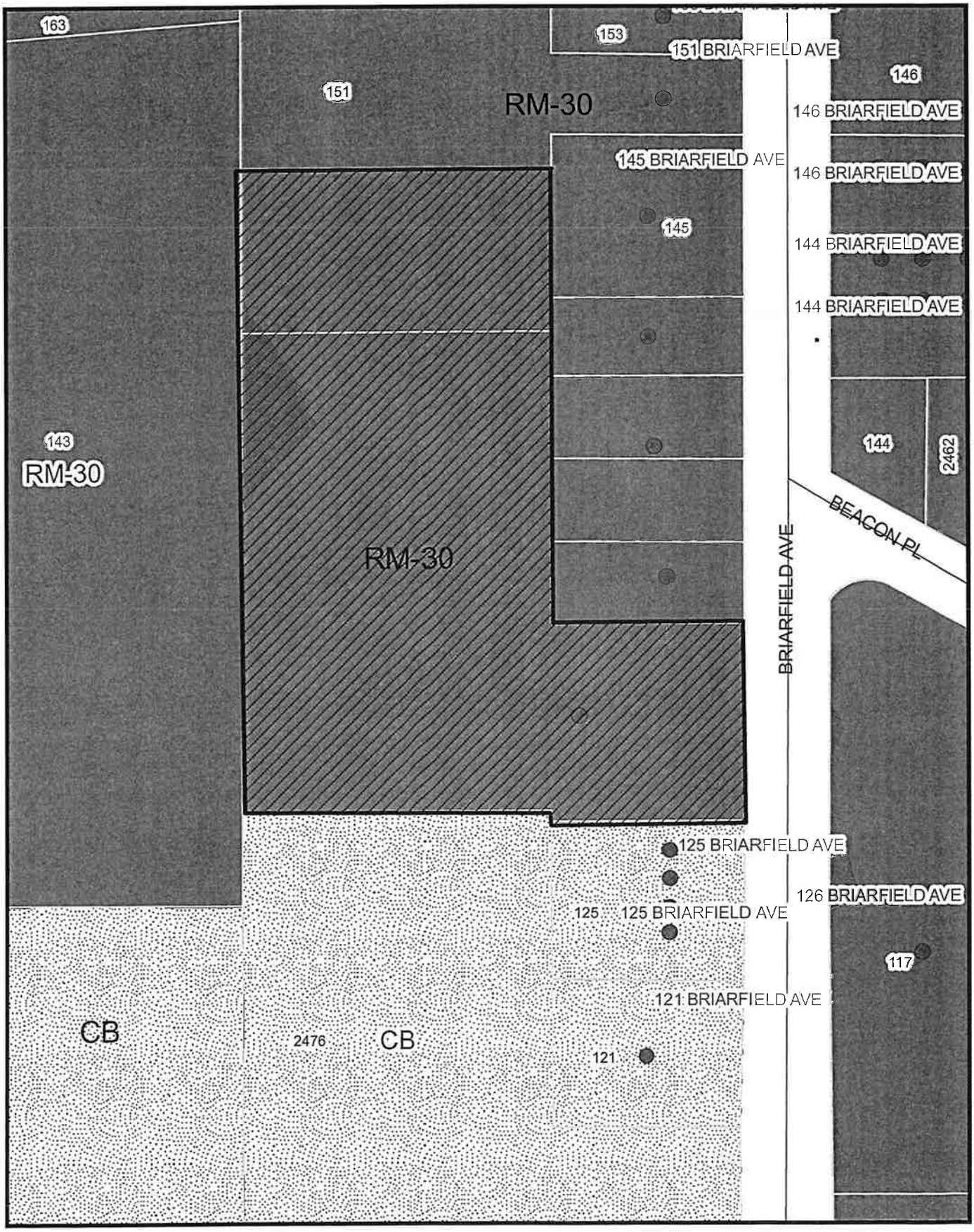
Ord. No. 2478

Submitted to and approved by the Mayor, this the 15th day of March, 2022.

APPROVED:

MAYOR

Case No. 20-033-PC - 133 Briarfield, LLC/Zhang
133 & 145 Briarfield Ave
Map Amendment - RM-30 to CB



Scheduled for
September 3, 2020
Meeting

Frank Zhang, DBA 133 Briarfield LLC
Case No. 20-033-PC
RM-30 High-Density Multi-Family Residential
to **CB Community Business**

Biloxi
established 1699

Planning Commission
Case Fact Sheet

Case No.:	20-033-PC
Names of Owner/ and Applicant:	Frank Zhang, DBA 133 Briarfield LLC
Address of Property:	133 Briarfield Avenue and an also an unaddressed parcel behind 145 Briarfield Avenue
Tax Parcels/Ward:	1110J-02-118.000 & 1110J-02-123.000/Ward 5
Request:	**Zoning Map Amendment**
Purpose of Request:	An application to consider a **Zoning Map Amendment,** to authorize a change in zoning district classification for two non-contiguous parcels of land measuring approximately one and one-half acre and one-half acre, respectively in overall size, from their present zoning district classifications of **RM-30 High-Density Multi-Family Residential** to **CB Community Business**, for properties identified as 133 Briarfield Avenue and also an unaddressed parcel situated directly behind 145 Briarfield Avenue, for properties further identified as Tax Parcel Nos. 1110J-02-118.000 & 1110J-02-123.000.
Size of Properties:	2 acres (more or less)
Present Zoning:	**RM-30 High-Density Multi-Family Residential**
Present Uses:	Vacant Land
Most Nearly Bounded By (streets):	To the North by the CSX Railroad Right-of-Way; to the South by Beach Boulevard; to the East by and fronting upon Briarfield Avenue; and to the West by Grande View Drive.
Adverse Influences:	A Zoning Map Amendment should be limited in scope to meet (but not exceed) the reasonable uses(s) to be made available for properties under consideration for rezoning. Care should be exercised to protect neighborhoods from

any adverse impacts, which overly–obtrusive (i.e. higher than – necessary) zoning might promote.

Positive Influences: This Zoning Map Amendment has been submitted to allow for potential **Short-Term Rentals** at these two property sites.

Letters or Concerns stated: The Planning Division Office has not received any letters or other written communications relative to this case, as of August 27, 2020.

Comments/ Recommendations: Frank Zhang, DBA 133 Briarfield LLC, has requested a **Zoning Map Amendment**, to authorize a change in zoning district classification for two non-contiguous parcels of land measuring approximately one and one-half acres and one-half acre, respectively in overall size, from their present zoning district classifications of **RM-30 High-Density Multi-Family Residential** to **CB Community Business,** for properties identified as 133 Briarfield Avenue and also an unaddressed parcel situated directly behind 145 Briarfield Avenue, for properties further identified as Tax Parcel Nos. 1110J-02-118.000 & 1110J-02-123.000.

This zoning change has been requested to allow a proposed apartment complex to be utilized for **Short-Term Rentals**.

Options:

1. Recommend approval of this proposed **Zoning Map Amendment**, to authorize a change in zoning district classification for two individual parcels of land measuring approximately one and one-half acres and one-half acre in overall size, from their present zoning district classifications of **RM-30 High-Density Multi-Family Residential** to **CB Community Business,** having determined that the proposed change in zoning district classification for these parcels of land under consideration is necessary to accommodate **Short-Term Rentals**.

2. Recommend denial of this **Zoning Map Amendment**, as submitted, having determined that no plausible argument for rezoning has been provided.

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. 20-033-PC

TO BE COMPLETED BY APPLICANT	Date:
Name of Rightful Owner(s): 133 Briarfield LLC	Name of Applicant: (if different than Owner) Frank Zhang
Property Address: 133 Briarfield AVE. Biloxi, MS 39531	Ward Number
Tax Parcel Identification Number(s): ~~7111OJ-02-121.000~~ 7110J-02-123.000	
7110J-02-118.000	
Mailing Address of Property Owner: 304 Highway 90, Unit B Waveland, MS 39576	Mailing Address of Applicant (if different than Owner):
City:	City:
State:	State:
Zip:	Zip:
County Hancock County	County
Telephone: (228) 467 4009	Telephone: ( )
Property Size (please give in acres or by dimension): 120X120 192X295 100X192	
Present Zoning Classification: RM30	
Is the property located within an AHRC District? Yes ☐ No ☐ If so, which District?	Flood Zone(s) of Property:

	North	South	East	West
Property is most nearly bounded by what streets?	Highway 90	Railroad Track	Grand View Dr	Briarfield
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)

HIMANSHU AMIN ★ Gwinnett County Notary Public ★ Expires 11-05-2023 ★ STATE OF GEORGIA ★

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

NOTES: Russell S. Gill (Attorney)
Don Parker (Design professional)

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: 07/22/2020
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:	RM30	CB

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: 2008 West Biloxi Comprehensive Plan Hotels & Casino in this area.		
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: Motel 6 beside our lot zoned CB		

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

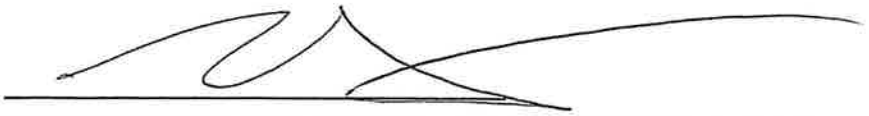
Criteria (continued)	✓	
	Yes	*No*
3. Is the property suitable for uses permitted in the present zoning district?		✓
Please explain: Short Term Rental is Not allow in RM30		
4. Is the property suitable for uses permitted in the proposed zoning district?	✓	
Please explain: CB Zone allow Short Term Rental		
5. Has there been a change in the character of the neighborhood?	✓	
Please explain: Short Term Rental Cross Street Motel is adjacent to our property		
6. Is there an established community need for uses permitted in the proposed zoning district?	✓	
Please explain: Shortage of Short Term Rental in our area.		
7. Was there a mistake in the original zoning of the property?		✓
Please explain: Request for zoning change		
8. Are utilities and infrastructure sufficient to address the impacts associated with allowed uses in the proposed district?	✓	
Please explain:		

Site Plan attached: (please circle): (Yes) No

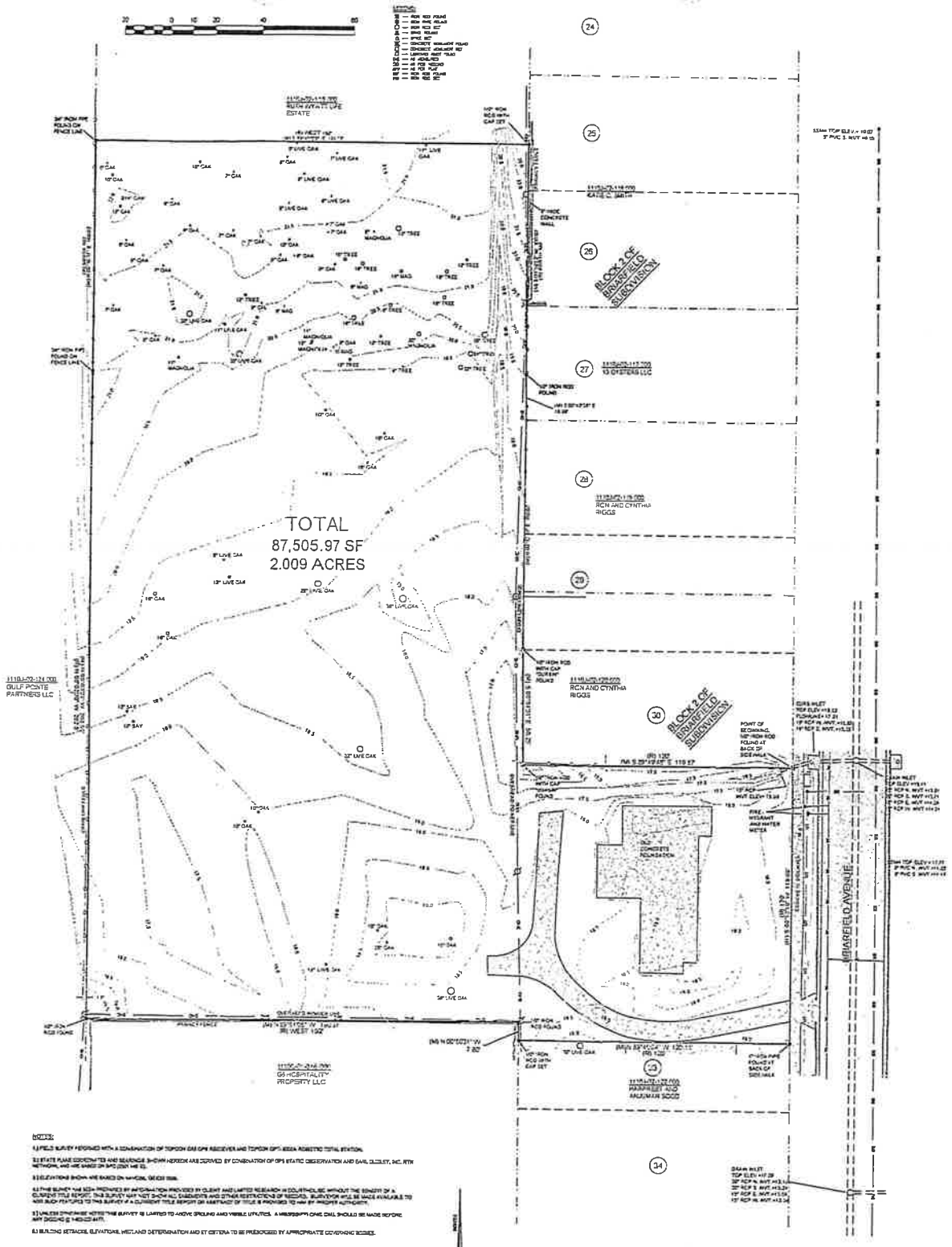
Case No. ☐☐-☐☐☐-☐☐☐

07/23/2020

To provide safe and comfortable accommodations for families, business travelers and Military family members seeking a place to stay during their visit to the Gulf Coast. Giving the availability for multi-room accommodations that will meet the needs of more than two travelers coming to visit our great city for the beaches, business, training or the many events the city puts on each year.



Frank zhang



NOTES:

1.) FIELD SURVEY PERFORMED WITH A COMBINATION OF TOPCON GAS GPS RECEIVER AND TOPCON GPS-ESSA ROBOTIC TOTAL STATION.

2.) STATE PLANE COORDINATES AND BEARINGS SHOWN HEREON ARE DERIVED BY COMBINATION OF GPS STATIC OBSERVATION AND BARL GLOBAL, INC. RTN METHODS, AND ARE BASED ON SPC (2001 MS 02).

3.) ELEVATIONS SHOWN ARE BASED ON NAVCOM, GEOID 2006.

4.) THIS SURVEY HAS BEEN PREPARED BY INFORMATION PROVIDED BY CLIENT AND LIMITED RESEARCH IN COURTHOUSE WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT. THIS SURVEY MAY NOT SHOW ALL EASEMENTS AND OTHER RESTRICTIONS OF RECORD. SURVEYOR WILL BE MADE AVAILABLE TO ADD SUCH FEATURES TO THIS SURVEY IF A CURRENT TITLE REPORT OR ABSTRACT OF TITLE IS PROVIDED TO HIM BY PROPER AUTHORITY.

5.) UNLESS OTHERWISE NOTED THE SURVEY IS LIMITED TO ABOVE GROUND AND VISIBLE UTILITIES. A MISSISSIPPI ONE CALL SHOULD BE MADE BEFORE ANY DIGGING IS HIGHLIGHTED.

6.) BUILDING SETBACKS, ELEVATIONS, WETLAND DETERMINATION AND ET CETERA TO BE PRESCRIBED BY APPROPRIATE GOVERNING BODIES.

OVERALL DESCRIPTION

LOTS 31 AND 32, AND THE NORTH 20 FEET OF LOT 33, BLOCK 2, BRIARFIELD SUBDIVISION AND A PART OF LOT 30 OF THE L.A. FREDERICK SURVEY IN FRACTIONAL SECTION 34, TOWNSHIP 7 SOUTH, RANGE 10 WEST, CITY OF BILOXI, SECOND JUDICIAL DISTRICT OF HARRISON COUNTY, MISSISSIPPI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS WITH THE BEARINGS BASED ON STATE PLANE GRID NORTH (MS EAST ZONE 2301):

BEGINNING AT AN IRON ROD FOUND AT THE NORTHEAST CORNER OF SAID LOT 31, BLOCK 2, BRIARFIELD SUBDIVISION; THENCE ALONG THE WEST MARGIN OF BRIARFIELD AVENUE, S00°12'18"W 119.82' TO AN IRON PIPE FOUND; THENCE N87°48'54"W 120.11' TO AN IRON ROD; THENCE N00°30'21"W 7.80' TO AN IRON ROD FOUND; THENCE N89°51'05"W 190.31' TO AN IRON ROD FOUND; THENCE N00°03'22"W 262.55' TO AN IRON PIPE FOUND; THENCE N00°18'17"E 100.02' TO AN IRON PIPE FOUND; THENCE S89°45'03"E 191.38' TO AN IRON ROD; THENCE S00°18'52"W 100.00' TO AN IRON ROD FOUND; THENCE S00°03'38"E 19.56' TO AN IRON PIPE FOUND; THENCE S00°12'39"W 100.07' TO AN IRON ROD FOUND; THENCE S00°34'31"E 50.25' TO AN IRON ROD FOUND; THENCE S89°49'48"E 119.87' TO THE POINT OF BEGINNING, CONTAINING 2.009 ACRES.

REFERENCE MATERIALS:

1.) RECORDED PLAT OF BRIARFIELD SUBDIVISION
2.) HARRISON COUNTY GIS WEBSITE
3.) INSTRUMENT NO. 2017-2108-0-2
4.) INSTRUMENT NO. 2016-6734-0-2

THIS IS TO CERTIFY THAT I HAVE MADE A SURVEY OF THE PROPERTY SHOWN HEREON AND THAT ALL DIMENSIONS AND OTHER DATA SHOWN ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

CLIFTON R. CROSBY, PLS — DATE 2/6/2020

THIS PROPERTY IS LOCATED IN FLOOD ZONE [illegible] ACCORDING TO MAP NUMBER 28047C0285C DATED JUNE 18, 2009

SURVEY SCALE - "B"	FOR:	SURVEYOR SHOWN HEREON ARE DERIVED BY
SCALE: 1" = 20'	DIVING PROPERTIES	[illegible]

CROSBY SURVEYING
PROFESSIONAL LAND SURVEYING
716 LIVE OAK DRIVE
BILOXI, MISSISSIPPI 39532
PHONE: 228-234-1648

DATE OF FIELD WORK: 1/31/2020
PARTY CHIEF: CC
INSTRUMENT MAN: MW
DRAWN BY: CAC
DRAWING NUMBER: 19064 133 BRIARFIELD
REVISED:

Community Development Director
Jerry Creel

Biloxi
established 1699

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: August 25, 2020

Re: Frank Zhang, DBA 133 Briarfield LLC
133 Briarfield Avenue
1110J-02-118.000 & 1110J-02-123.000
DRC Case No. 2019-040

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

The DRC **will** require further review and approval 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

cc: file

BILOXI PLANNING COMMISSION
September 3rd, 2020
Dr. Martin Luther King, Jr. Municipal Bldg.
676 Dr. Martin Luther King, Jr. Boulevard
Biloxi, Mississippi

COMMISSION MEMBERS PRESENT:

Mr. David Washer, President
Mr. Jimmy Poulos
Mr. John Snow
Mr. Gary Lechner
Mr. August Parker
Ms. Joanne Humphries
Ms. Kaye Bankston
Mr. Steve Delahousey
Mr. Charles Dellenger
Mr. Kyle Carron
Mr. Joe King
Mr. David Stanovich

OTHERS PRESENT:

Mr. Jerry Creel,
Director of Community Development
Mr. Ed Shambra,
Executive Planner
Ms. Caryle Lena,
Planning Technician
Mr. Tim Cipolla,
Code Enforcement

REPORTED BY:

CRYSTAL LYNN MORRIS, CSR

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(2:00 p.m.)

PROCEEDINGS

MR. WASHER:

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

Mr. King; Mr. Stanovich; Mr. Carron; Mr. Delahousey; Mr. Dellenger; Ms. Humphries; Ms. Bankston; Mr. Lechner; Mr. Parker; Mr. Snow; Mr. Poulos; myself, David Washer; Ed Shambra, Executive Planner; Jerry Creel, Director of Community Development; Caryle Lena, Planning Technician; Tim Cipolla, Code Enforcement; and our court reporter is Crystal Morris. We also recognize Dr. Paul Tisdale, Councilman Ward 5.

Mr. Parker, would you please lead us in a moment of prayer?

(Moment of prayer.)

MR. WASHER:

Thank you. If we would all stand for the Pledge.

Ms. Bankston, please.

(PLEDGE OF ALLEGIANCE.)

14:06:45 We would ask that anyone desiring to speak today please come to the podium and give us your name and address and sign in at the pad provided. Please mute or turn off your cellphones. Also, if you like, during the time that you are speaking you may remove your mask and after you are done you put it on thereafter.

14:02:21
14:02:21
14:02:23
14:02:26
14:02:28

14:04:12 Ask if all members received a copy of the minutes of the last meeting?

14:04:14
14:04:17 Any additions or corrections?

14:04:19 Motion to approve the minutes.

MR. SNOW:

So moved.

MR. POULOS:

Second.

MR. WASHER:

14:04:50 Motion for approval by Mr. Snow
14:04:52 and seconded by Mr. Poulos. All those in
14:04:54 favor say "Aye". Any opposed? Thank
14:04:56 you.

15:05:44 Do we have a committee report,
15:05:46 Mr. Creel?

15:05:47 MR. CREEL:
15:05:48 Yes, sir, Mr. Chairman and
15:05:48 members of the Commission, over the past
15:05:50 two weeks the department has issued 253
14:03:24 building permits with a construction
14:03:27 valuation right at $3.5 million and
14:03:31 collected $28,000 in permit fees and
14:03:33 issued 19 business licenses. We had 861
14:03:39 license renewals and issued 20
14:03:42 certificates of occupancy and one of
14:03:44 those was for short-term rental, and we
14:03:45 issued permits for 18, new, single-family
14:03:49 houses.
14:03:50 MR. WASHER:
14:03:50 Thank you.
14:03:55 We have no continued public
14:03:58 hearings today.
New public hearing today is Case
No. 20-033-PC — Frank Zhang, DBA 133
Briarfield LLC — an application to a
Zoning Map Amendment, to authorize a
change in zoning district classification
for two non-contiguous parcels of land
measuring approximately one and one-half
acre and one-half acre, respectively in

overall size, from their present zoning
district classifications of RM-30
HighDensity Multi-Family Residential to
CB Community Business, for properties
identified as 133 Briarfield Avenue and
also an unaddressed parcel situated
directly behind 145 Briarfield Avenue,
for properties further identified as Tax
Parcel Nos. 1110J-02-118.000 &
14:04:20 1110J-02-123.000. This case was
14:04:21 advertised on August 13th, 20th and
14:04:53 27th. Mr. Cipolla, video, please sir.
14:04:56 MR. CIPOLLA:
14:04:56 This is one of the properties
14:04:59 right here. One right across there.
14:05:04 That is looking down Highway 90. The
14:05:16 property goes from here all the way up
14:05:20 and I will go to the second one in just a
14:05:24 second. Further up the property now.
14:06:04 This is the telephone -- goes all the way
14:06:07 in between the two properties, and the
14:06:09 property that you will see on the map,
14:06:13 this address is the same as this address
14:06:15 back here. I will show you that. The
14:06:26 property comes back over here down behind

14:06:30 all the way back adjacent to where the
14:06:32 two apartments were originally. This
14:06:36 goes all the way down through and is also
14:06:40 his property. I was originally right
14:07:02 down here. This property is where the
14:07:05 two-story is right there. This property
14:07:08 comes in right here. This side comes
14:07:11 here all the way back here is where the
14:07:14 telephone lines come down through. This
14:07:17 is 125 and you go further up it crosses
14:07:22 over to 145 and 145 is also right there.
14:07:26 I was standing right here at the time
14:07:29 when I took the picture that way and this
14:07:31 way. The property that goes back in
14:07:34 there you can't get back in there accept
14:07:38 for the homeless guy.
14:07:40 MR. WASHER:
14:07:40 Thank you. Would you kindly put
14:07:42 up the crosshatch, the Zoning Map
14:07:46 Amendment with the crosshatch so we can
14:07:48 see what is around it. Thank you.
14:07:52 Is Mr. Zhang and his
14:07:54 representative here, please?
14:07:52 MR. ZHANG:
14:08:00 Yes, sir.

14:08:01 MR. WASHER:
14:08:01 Name and address for the record
14:08:03 and sign in and tell us what you are
14:08:05 asking for?
14:07:52 MR. ZHANG:
14:08:06 Frank Zhang. The address is 304
14:08:10 Highway 90, Waveland, 39576.
14:08:35 MR. WASHER:
14:08:35 All right, sir.
14:07:52 MR. ZHANG:
14:08:37 Okay. Any questions?
14:08:38 MR. WASHER:
14:08:39 You are asking for a zoning
14:08:41 change, tell us why that particular
14:08:45 zoning change is necessary.
14:07:52 MR. ZHANG:
14:08:46 Yes. I been back and forth with
14:08:50 Jerry's office a few times. Last time we
14:08:54 were requested for special use permit.
14:08:56 We get approval first time. Jerry was
14:09:01 recommending us to apply for zoning
14:09:07 change because we do apply for short term
14:09:14 -- what I do is apartment complex. We do
14:09:20 investor kind of -- what we want to have
14:09:23 second option to have short-term rental.

Right now we do have short-term rental across the street already, we have a few units running pretty successful this time. We want to do it right. Instead of special using license that already been approved for but now we officially request CB zone because that allow short-term rental. Without any -- I don't know -- this is my first time doing this so --

MR. WASHER:

So you want to be able to do short-term rentals?

MR. ZHANG:

Yes, I like the option.

MR. WASHER:

Legally approved to do it without having to request a Conditional Use each time?

MR. ZHANG:

Yes, sir that's yeah.

MR. WASHER:

Anything else?

MR. ZHANG:

Yeah. I'm hoping you guys -- we

do good job. We always like to promote housing for people from here and most of my short-term rental we cater to military family. We don't have many but we are still in the business of building apartments for local residents, but we want to have option legal we are able to do short-term rental. Thank you.

MR. WASHER:

Do we have any questions of Mr. Zhang from members of the Commission?

MR. CARRON:

Mr. Zhang, how many short-term rentals did you say you have across the street now?

MR. ZHANG:

We have 6 or 7.

MR. CARRON:

How many apartments do you have to have over there?

MR. ZHANG:

How many approved?

MR. CARRON:

How many apartments do you have across the street?

MR. ZHANG:

30.

MR. CARRON:

30. And all these are eligible for short-term rental; correct?

MR. CREEL:

On this piece of property -- let me just explain where we are right now.

Mr. Zhang came in asking for a Conditional Use to do short-term rental for all 48 units. Well, when it got to the City Council and after the Council heard the presentation they recommended that he go back to the Planning Commission and just ask for a zoning change. Essentially, if all units are short-term rental you are essentially running a hotel. And since it was already CB zoned at the south end Council felt like if it is going to be a hotel you need zoning that goes along with it which would be at least CB zoning. And so Mr. Zhang came back to reapply for CB zoning so it would be a use by right.

Now, I will tell you I talked

with the fire chief and if all the units are going to be used for short-term rental then what we are going to do if this gets approved and building plans are submitted we will review those just like we would for a hotel. So exit lights and sprinkler systems and everything else required for a hotel would be required in this building. So that is how we got to where we are today with this zoning change request.

MR. CARRON:

Jerry, if he is approved for CB there on the LDO it says he can put in 30 units for 8. That would allow him to put 60 units, if I am doing this correctly, and that goes all for short-term rental?

MR. CREEL:

Well, he is only asking for 48 units. That is all that is in the request. And, of course, you know he is going to have to provide parking for all the units at the hotel rate and he will have to provide draining there. He will

also have something else to work out on the site. If you notice, he only has the frontage facing Briarfield and the fire code requires that you have two remote entrances and exits into the property, but they have to meet half the diagonal of the property. So let's say the property the diagonal is 1200 feet so those two exits have to be at least 600 feet apart. If he is approved from the Planning Commission and the Council, he will still have to work that out at DRC before he can get approved to build on the property.

MR. CARRON:

Thank you.

MR. WASHER:

Any other questions of members of the Commission? No other questions. Thank you, Mr. Zhang.

We will ask is there anyone in the audience speaking in favor of the applicant's request? No one speaking in favor, anyone speaking in opposition? Yes, ma'am.

MS. BERNARD:

Counsel, I have already submitted a letter on behalf of several neighbors in Briarfield to show why this does not meet the requirements of RM 30 or CB. It is literally a division of homes by separating Grandview Drive, which there is no access or egress on that side, it is only onto Briarfield. I live right at the corner.

Mr. Zhang's apartment complex has caused a lot of issues with more people in the neighborhood getting out onto Highway 90 and getting in from Highway 90 because it adds 30 apartments. He now wants to add 48 temporary units. How I know that was applied for, ever other thing in the process I received notice with the exception of request for 48 units. You have a Motel 6, you have Holiday Inn and no crosswalks to the beach. It is a very small neighborhood with only three streets. We are completely confined in at any big Biloxi event. We are stuck in our subdivision.

There is no access from the back way. It is literally all Highway 90. And I feel like this is just going to add a lot more confusion to the neighborhood. It takes away privacy and rights for the people on Grandview and Briarfield. I know because I now have a third-floor window looking down into my house and I don't like it, it is an invasion of privacy and I ask that you deny it. Thank you.

MR. WASHER:

What was your name and address?

MS. BENARD:

My name is Donna Benard. I live at 135 Pine Grove in Biloxi.

MR. WASHER:

All right. I do have that letter from you, I think all members do.

MS. BENARD:

Yes.

MR. WASHER:

Also on behalf of Mary and Brian Cornwell, Pat and Howard Weaver, Stacy Spradlin and Jim Conway.

MS. BENARD:

And Jim Conway is here. I am not sure if he wants to speak, but he is here as well.

MR. WASHER:

Thank you.

MS. BENARD:

Thank you.

MR. WASHER:

Hold up. We will give you a chance to speak.

Anyone else speaking in opposition? Yes, sir.

MR. CONWAY:

My name is Jim Conway, 139 Beach View Avenue in Biloxi. I have a problem in that we got a notice today we are going to get a three percent water increase because of the sewage system and the water system. Now we are going to add this many more apartments, we just added 30, so if you add 40 we got 80 toilets and where is all that going. Can our capacity take care of all in that we have already added. Now you are talking about putting a casino with a hotel in it

14:17:36 1 at Edgewater with the same sewage system.
14:17:40 2 I don't see how we can add more until we
14:17:44 3 do what we already have to fix.
14:17:46 4 MR. WASHER:
14:17:46 5 That is something that the DRC
14:17:48 6 considers when they look at these
14:17:49 7 requests to make sure we have capacity.
14:17:51 8 Jerry, you might want to comment
14:17:54 9 on that.
14:17:54 10 MR. CREEL:
14:17:55 11 We do have capacity.
14:17:55 12 MR. CONWAY:
14:17:57 13 What about the homeless
14:17:59 14 encampment that is sitting back there,
14:18:01 15 been there for years. I know. What
14:18:05 16 about the environmental the people using
14:18:08 17 the bathroom everywhere. It is a huge
14:18:12 18 encampment. That is all I have to say.
14:18:15 19 MR. WASHER:
14:18:15 20 Thank you, sir. Anyone else
14:18:23 21 speaking in opposition? No one else
14:18:26 22 speaking in opposition, we have one more
14:18:29 23 letter in opposition from KC Smith at 145
14:18:35 24 Briarfield Avenue.
14:18:36 25 Mr. Zhang owns the property

14:18:40 1 behind 145 Briarfield, but she owns 145
14:18:44 2 Briarfield Avenue and he is opposed to
14:18:46 3 the rezoning and did not want to be
14:18:49 4 included, which she was not.
14:18:50 5 All right. No one else speaking
14:18:51 6 in opposition Mr. Zhang, we will give you
14:18:53 7 five minutes if needed for any additional
14:18:59 8 comments you wants to make.
14:18:59 9 MR. ZHANG:
14:19:05 10 As everybody aware of this piece
14:19:09 11 of property is zoning for RM-30. Even
14:19:14 12 the outer piece we already build
14:19:18 13 originally zoned RM-30. Based on that
14:19:22 14 zoning they know before they buy the
14:19:25 15 house or when they leaving they know that
14:19:29 16 piece of property zoned RM-30 is going to
14:19:32 17 build something there. It not -- might
14:19:35 18 not be this year, next year, one day
14:19:39 19 somebody build. If I want to live with
14:19:43 20 an apartment or don't want to live with a
14:19:46 21 business. I just simple I don't buy the
14:19:49 22 house in that area. I feel like
14:19:52 23 everybody like to have privacy but we
14:19:56 24 already have everything before we bought
14:20:01 25 the lot. We already talked to Jerry hey,

14:20:04 1 Jerry, I bought this lot I want to make
14:20:06 2 sure I would be able to build apartments.
14:20:10 3 So it does not change the fact --
14:20:14 4 apartment or short-term rental the
14:20:16 5 building is going to be there. I want
14:20:19 6 everybody to know we did not -- the
14:20:22 7 building being -- if we get the approval
14:20:26 8 with the CB zoning with the hotel zoning
14:20:29 9 being approved. It is only get better
14:20:32 10 because Jerry going to require more fire
14:20:36 11 rating, more assets, it going to be a
14:20:40 12 better building. Anything we do I don't
14:20:43 13 think it will be any effect to the local
14:20:46 14 community. We only promoting the local
14:20:50 15 business. Bring more tourist in our area
14:20:54 16 and I don't see any bad side of it. And
14:20:58 17 I am busy person and I just want to build
14:21:03 18 nice building and promote our business.
14:21:08 19 I have no -- another is the traffic I
14:21:14 20 drove back and forth all the time there
14:21:17 21 is no problem with the traffic. If
14:21:20 22 anything, I would like to see real solid
14:21:25 23 backup as far as a utility owner I
14:21:30 24 believe in the planning. And I can't
14:21:32 25 speak on that but Jerry or your

14:21:35 1 department should able to provide all
14:21:37 2 data to support we do not have any bad
14:21:41 3 impact from the neighborhood. Thank you.
14:21:43 4 MR. WASHER:
14:21:44 5 Thank you, Mr. Zhang. We will
14:21:45 6 consider that hearing closed.
14:21:50 7 Mr. Shambra.
14:21:51 8 MR. SHAMBRA:
14:21:55 9 This is a request for a Zoning
14:21:59 10 Map Amendment that we are looking at to
11 authorize a change in zoning district
12 classification for two non-contiguous
13 parcels of land measuring approximately
14 one and one-half acre and one-half acre,
15 respectively in overall size, from their
16 present zoning district classifications
17 of RM-30 HighDensity Multi-Family
18 Residential to CB Community Business, for
19 properties identified as 133 Briarfield
20 Avenue and also an unaddressed parcel
21 situated directly behind 145 Briarfield
22 Avenue.
14:22:27 23 As with any zoning case you need
14:22:29 24 to look at it from what they can legally
14:22:32 25 do and how it should go about being

changed. Basically over the years the established pattern mistake in originally zoning is not a mistake. Change in the character of the neighborhood in an established community. Changing the character and community need meaning for more of a specific use in this case clearly the argument is more short-term rental. I think you need to use this as your barometer to make your determination whether you feel it is appropriate. It is a change in zoning of some significance, but obviously to accomplish a specific objective. If you feel comfortable this is something that does not intrude upon the neighborhood and works well within the context than that would be the arguments to use to validate. If you feel just the opposite that would be a reason why it would feel inappropriate. The staff will leave it up to you all to make that specific determination.

MR. WASHER:

Thank you. We will open the

floor for any discussion or entertain a motion.

MR. CARRON:

I want to remind everybody on this, if you look at the LDO some of what that could be used for as CB are restaurants, nightclubs, all type uses, so things of that sort, hotels, colleges. So if we approve this as CB it would be hard to pull it back in if he can't do what he says. You could have bars and nightclubs back there. So I think we need to consider that when we make our decision today. Saying that I think we should deny the request.

MR. STANOVICH:

We had a similar case, I don't know if y'all remember several months ago, on a piece of property off Howard Avenue and we cut the -- the owner wanted to extend the CB zone on Howard Avenue for a single-family construction, I don't know if you remember that or not but we denied that. The neighbors opposed it.

What we are talking about here is

a gross intrusion into a single-family neighborhood. I think the whole intent when we decided to allow single-family in a multifamily district was for one or two, not 48-unit apartment complexes. So I agree with Mr. Carron also, it should be denied.

MR. WASHER:

So we have a motion by Mr. Carron recommending denial and seconded by Mr. Stanovich.

Mr. Delahousey, do you have something?

MR. DELAHOUSEY:

Mr. Creel is there a traffic light at Briarfield and 90?

MR. CREEL:

No.

MR. DELAHOUSEY:

Has there been any traffic studies done?

MR. CREEL:

I am not aware of one, no.

MR. DELAHOUSEY:

I would just like to say as a

member of Ward 5 some of these same people have been to many of Dr. Tisdale's ward's meetings and expressed existing concerns with the traffic there without any additional construction. So it appears there has been a problem with traffic on Briarfield.

MR. WASHER:

My guess would be you probably won't see any traffic because we have a new traffic light coming in down the road with the extension of Popps Ferry. Any other discussion?

MR. DELLENGER:

Jerry, is he -- in RM-30 you are allowed to put apartments there by right?

MR. CREEL:

Yes, there are apartments there now. It is closer to two acres. So he can meet the parking requirement and draining requirement and everything else so he is eligible to put up to 60 units there, a little less than 60 as a use by right. Now, it is just the short-term rentals kicking him over into the CB

14:26:52 requirement.
14:26:53 MR. DELLENGER:
14:26:54 To where he can do all of them as
14:26:57 a right.
14:26:57 MR. CREEL:
14:26:57 That's right.
14:26:57 MR. DELLENGER:
14:26:58 But he can still come to us with
14:27:00 a Conditional Use for --
14:27:02 MR. CREEL:
14:27:02 He did that already. He came in
14:27:04 for a Conditional Use to do it but
14:27:07 because he was asking for all of the
14:27:08 units instead of like on the other
14:27:11 project there should only be four. So he
14:27:14 only got approval for four units in the
14:27:16 other building, so I will have to talk
14:27:19 with him after the meeting, but since he
14:27:21 is asking for the entire building
14:27:24 48 units proposed to be short-term rental
14:27:28 it is essentially a hotel. That requires
14:27:30 us to getting to CB zoning for that.
14:27:34 MR. DELLENGER:
14:27:34 Correct, but I guess I am trying
14:27:36 to figure out he can put the apartments

14:27:39 there regardless?
14:27:39 MR. CREEL:
14:27:40 That's right.
14:27:41 MR. WASHER:
14:27:41 Any other discussion? All right.
14:27:44 We have a motion and second recommending
14:27:47 denial. We ask all those in favor of
14:27:49 denial raise your hands, please.
14:27:49 Mr. Stanovich, Mr. Carron, Mr.
14:27:49 Delahousey, Ms. Humphries, Ms. Bankston,
14:27:59 Mr. Snow, myself, David Washer.
14:27:59 All those opposed?
14:28:02 Mr. King, Mr. Dellenger, Mr.
14:28:05 Lechner, Mr. Parker, Mr. Poulos.
14:28:16 MS. LENA:
14:28:18 7 to 5.
14:28:18 MR. WASHER:
14:28:18 Motion carries for denial. Very
14:28:21 well.
14:28:22 Moving on to our next case. Case
No. 20-034-PC — Reverend Thang Pham on
behalf of the Catholic Diocese of Biloxi;
Dennis J. & Nanette A. Burke; Tanya
Kennedy on behalf of the Vietnamese
Buddhist Congregation of MS; Olin B.

Parker; Vu Anh Pham; Paul Kovacevich Jr.;
Noah J. Saunders; Cathy Ta; Elizabeth Ta;
Maria Ta; Morris Arguelles III; and
Charlie Chinh Nguyen (owners), and Andre
Huu (applicant) — an application to
consider a Zoning Map Amendment, to
authorize a change in zoning district
classification for twenty-two (22)
individual parcels of land collectively
measuring approximately six (6) acres
(more or less) in overall size, from
their present zoning district
classifications of RS-5 High-Density
SingleFamily Residential to NB
Neighborhood Business, for properties
identified as 171, 175, 179, 181, 183,
187, 187-A, 191, 193, 195, 197, 199, 203,
205, 209, 213 & 217 Oak Street and 306,
310, 311, 314 & 315 4th Street, also
identified as Tax Parcel Nos.
1410H-03-007.000, 1410H-03-008.000,
1410H-03-009.000, 1410H-03-010.000,
1410H-03-011.000, 1410H-03-012.000,
1410H-03-013.000, 1410H-03-014.000,
1410I-05-001.000, 1410I-05-001.001,

1410I-05-002.000, 1410I-05-003.000,
1410I05-004.000, 1410I-05-005.000,
1410I-05-006.000, 1410I-05-007.000,
1410I-05-008.000, 1410I-05-009.001,
1410I-05-010.000, 1410I-05-011.000,
1410I-05-048.000, and 1410I-05-049.000.
14:29:25 This case was 8-13, 8-20 and 8-27.
14:29:30 MR. CIPOLLA:
14:29:33 I am right out in front of that I
14:29:37 believe that is 117. 171. Sorry. This
14:29:52 is Third Street and right up towards the
14:29:56 railroad tracks. Bear with me.
14:30:17 Everything along this side and I will do
14:30:20 the second video when I get up further.
14:30:24 All of these and go back approximately to
14:30:29 Hoxie Street. It goes right back behind
14:30:34 the that house right across there. It
14:30:49 includes -- that was at one time a
14:30:52 short-term rental. This is Fourth
14:31:11 Street. I'm sorry. Doing road
14:31:13 construction out there. I tried to get
14:31:16 it the best I could. I believe that
14:31:20 includes this house and the next house;
14:31:26 right, Caryle?
14:31:26 MS. LENA: