Ordinance No. 2481

ORDINANCE TO APPROVE A ZONING MAP AMENDMENT TO AUTHORIZE A CHANGE IN ZONING DISTRICT CLASSIFICATION FOR TWO PARCELS OF LAND COLLECTIVELY MEASURING FORTY (40) ACRES (MORE OR LESS) IN SIZE, FROM THEIR PRESENT ZONING DISTRICT CLASSIFICATIONS OF A AGRICULTURAL AND RE RESIDENTIAL ESTATE TO RS-10 LOW–DENSITY SINGLE–FAMILY RESIDENTIAL, FOR LAND PRESENTLY IDENTIFIED AS TWO UNADDRESSED PARCELS FRONTING TO JIM BYRD ROAD

WHEREAS, on Thursday, March 17, 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. 22-025-PC, Chesten Lee Felsher (owner) and Dennis Stieffel (applicant), a request for Zoning Map Amendment, to authorize a change in zoning district classification for two parcels of land collectively measuring forty (40) acres (more or less) in size, from their present zoning district classifications of A Agricultural and RE Residential Estate to RS-10 Low–Density Single–Family Residential, for land presently identified as two unaddressed parcels fronting to Jim Byrd Road (re: Tax Parcel Nos. 1107H-02-010.000 & 1107I-01-027.002); and

WHEREAS, the Planning Commission members were apprised of the particulars of this case, being made cognizant of the fact that Chesten Lee Felsher (owner) and Dennis Stieffel (applicant), had submitted this request for Zoning Map Amendment, to authorize a change in zoning district classification for two parcels of land collectively measuring forty (40) acres (more or less) in size, from their present zoning district classifications of A Agricultural and RE Residential Estate to RS-10 Low–Density Single–Family Residential, for land presently identified as two unaddressed parcels fronting to Jim Byrd Road (re: Tax Parcel Nos. 1107H-02-010.000 & 1107I-01-027.002), to allow said properties to be considered via a separate application to accommodate a proposed 59 lot Single-Family Residential Subdivision; and

WHEREAS, it was noted that the Development Review Committee (DRC) had reviewed the above-referenced request for rezoning and had found it to be in conformance with the rules and regulations of the City of Biloxi, and had authorized the applicant to proceed with an application to the Planning Commission and City Council to obtain the requested Zoning Map Amendment, as herein requested; and

WHEREAS, on March 17, 2022, the Biloxi Planning Commission, after some discussion, and upon careful reflection of the particulars of this case, voted to recommend approval for the Zoning Map Amendment, to authorize a change in zoning district classification for two parcels of land collectively measuring forty (40) acres (more or less) in size, from their present zoning district classification of A Agricultural and RE Residential Estate to RS-10 Low–Density Single–Family Residential, for land presently identified as two unaddressed parcels fronting to Jim Byrd Road, having determined that a Change in the Character of the Neighborhood was of evidence, coupled with an established community need for additional single-family residences in this area of the City of Biloxi; 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 the requested Zoning Map Amendment, as submitted, is appropriate for the properties identified as two unaddressed parcels fronting Jim Byrd Road, in Case No. 22-025-PC, Chesten Lee Felsher (owner) and Dennis Stieffel (applicant).

NOW, THEREFORE, BE IT RESOLVED 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

Ord. No. 2481

CHARACTER OF THE NEIGHBORHOOD COMBINED WITH AN ESTABLISHED COMMUNITY NEED FOR ADDITIONAL SINGLE–FAMILY RESIDENCES IN THIS AREA OF THE CITY OF BILOXI IS OF NOTE, 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 amended, be hereby further amended by a change in zoning district classification from A Agricultural and RE Residential Estate to RS-10 Low–Density Single–Family Residential, for land presently identified as two unaddressed parcels fronting to Jim Byrd Road, and described as follows:

A parcel of land being situated in the southwest 1/4 of the southeast 1/4 of section 27, township 6 south, range 10 west, city of Biloxi, Harrison county, Mississippi, being more particularly described as follows:

Commencing at an iron rod found at a fence corner post at the northwest corner of the southwest 1/4 of the southeast 1/4 of section 27, township 6 south, range 10 west, Harrison county, Mississippi; thence s00°06'23"e 332.02 feet to fence corner post at the point of beginning; thence n89°33'18"e 1303.11 feet to an iron rod found lying on the west margin of Jim Byrd Road; thence along the west margin of Jim Byrd Road, s00°24'12"e 993.00 to an iron rod found; thence s89°23'58"w 1308.28 feet to a concrete monument found at the southwest corner of said southwest 1/4 of the southeast 1/4 of said section 27; thence n00°06'23"w 996.06 feet to the point of beginning, said parcel contains 30 acres, more or less.

And also:
A parcel of land located in the northwest 1/4 of the northeast 1/4 of section 34, township 6 south, range 10 west, Harrison County, Mississippi, being more particularly described as follows: beginning at a concrete monument found at the northwest corner of the northwest 1/4 of the northeast 1/4 of said section 34; thence n89°23'58"e 1308.30' to an iron rod found lying on the west margin of Jim Byrd Road; thence along the west margin of Jim Byrd Road, s00°08'40"e 333.00' to an iron rod set; thence s89°23'58"w 1308.45' to an iron rod set; thence n00°07'07"w 333.00' to the point of beginning. Said parcel contains 10.00 acres, more or less; and

further described as land most nearly bounded by the following streets: to the North by Jim Byrd Road; to the South by Woolmarket Road; to the East by and fronting upon Jim Byrd Road; and to the West by Victory Lane.

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 Gines, and was adopted by the following vote:

YEAS:	Lawrence	Tisdale	NAYS:	None
	Gines	Glavan		
	Newman	Barrett		
	Deming			

The President then declared the Ordinance adopted this the 26th day of April, 2022.

STATE OF MISSISSIPPI
CITY OF BILOXI
HARRISON COUNTY

ATTEST: APPROVED:

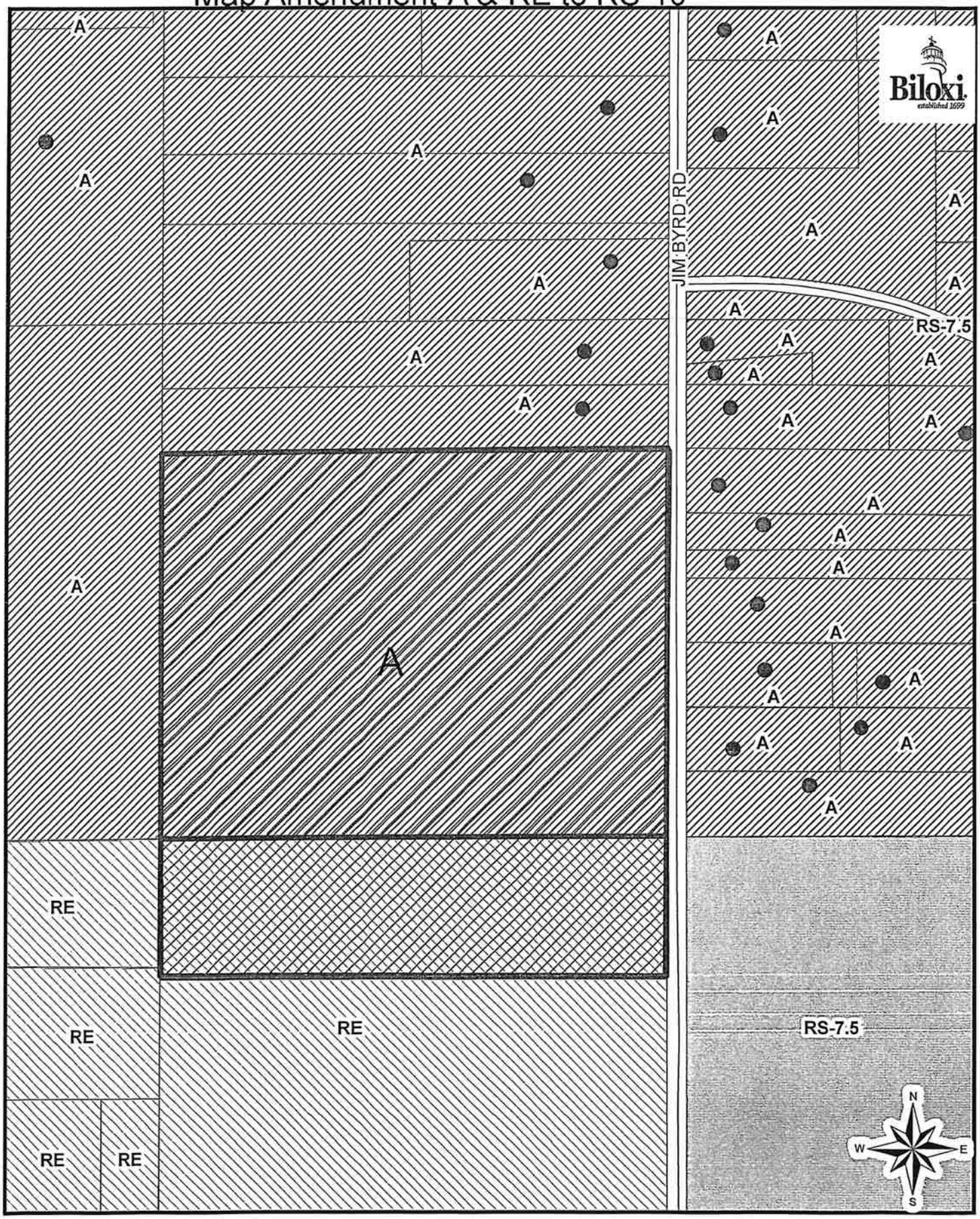
CLERK OF THE COUNCIL PRESIDENT OF THE COUNCIL

Submitted to and approved by the Mayor, this the 28th day of April, 2022.

APPROVED:

MAYOR

Case No. 22-025-PC
Chesten Lee Felsher/Dennis Stieffel
Jim Byrd Rd
Map Amendment-A & RE to RS-10



Scheduled for:
March 17, 2022
Meeting

Chesten Lee Felsher (owner)
Dennis Stieffel (applicant)
Case No. 22-025-PC
Zoning Map Amendment
A Agricultural and **RE-Residential Estate**
to **RS-10 Low–Density Single–Family Residential**

Biloxi
established 1699

Planning Commission
Case Fact Sheet

Case No.:	22-025-PC
Name of Applicant:	Chesten Lee Felsher (owner) and Dennis Stieffel (applicant)
Address of Property:	0 Jim Byrd Road
Tax Parcels/Ward:	1107H-02-010.000 & 1107I-01-027.002/Ward 7
Request:	**Zoning Map Amendment**
Purpose of Request:	An application for a **Zoning Map Amendment**, to authorize a change in zoning district classification for two parcels of land collectively measuring forty (40) acres (more or less) in size, from their present zoning district classifications of **A Agricultural** and **RE-Residential Estate** to **RS-10 Low–Density Single–Family Residential**, for land presently identified as two unaddressed parcels fronting to Jim Byrd Road (re: Tax Parcel Nos. 1107H-02-010.000 & 1107I-01-027.002).
Size of Property:	40 acres (More or Less)
Present Zoning:	**A Agricultural** and **RE-Residential Estate**
Present Use:	Vacant
Most Nearly Bounded By (streets):	To the North by Jim Byrd Road; to the South by Woolmarket Road; to the East by and fronting upon Jim Byrd Road; and to the West by Victory Lane.
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 owner/applicant to develop this property into a subdivision.

Letters or Concerns stated:

The Planning Division Office has not received any letters or other written communications relative to this case, as of March 10, 2022.

Comments/ Recommendations:

Chesten Lee Felsher (owner) and Dennis Stieffel (applicant) have requested a **Zoning Map Amendment**, to authorize a change in zoning district classification for two parcels of land collectively measuring forty (40) acres (more or less) in size, from their present zoning district classifications of **A Agricultural** and **RE-Residential Estate** to **RS-10 Low–Density Single–Family Residential**, for land presently identified as two unaddressed parcels fronting to Jim Byrd Road (re: Tax Parcel Nos. 1107H-02-010.000 & 1107I-01-027.002).
The applicant is proposing to change the zoning in order to construct an **RS-10 Low Density Single-Family Residential** Subdivision.

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 **Zoning Map Amendment**, to authorize a change in zoning district classification for two parcels of land collectively measuring forty (40) acres (more or less) in size, from their present zoning district classifications of **A Agricultural and RE-Residential Estate** to **RS-10 Low–Density Single–Family Residential**, for land presently identified as two unaddressed parcels fronting to Jim Byrd Road (re: Tax Parcel Nos. 1107H-02-010.000 & 1107I-01-027.002), having determined that a Change in the Character of the Neighborhood is of evidence, coupled with a Community Need for more housing in this area of Biloxi.

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. 22-025-PC

TO BE COMPLETED BY APPLICANT	Date: February 10, 2022
Name of Rightful Owner(s): Chesten Lee Felsher	Name of Applicant: (if different than Owner) Dennis Stieffel & Assoc. (Agent)
Property Address: Jim Byrd Road	Ward Number 7
Tax Parcel Identification Number(s): 1107H-02-010.000 / 1107I-01-027.002	
Mailing Address of Property Owner: 615 Bayou Road	Mailing Address of Applicant (if different than Owner): (Stieffel & Assoc) 13061 Shriners Blvd., Ste C
City: Cheneyville	City: Biloxi
State: LA	State: MS
Zip: 71325	Zip: 39532
County Rapides Parish	County Harrison
Telephone: (318)229-5702 (Owner)	Telephone: (228)860-8161 (cell) (Agent)
Property Size (please give in acres or by dimension): 40 acres	
Present Zoning Classification: A(30 ac, RE(10 ac)	
Is the property located within an AHRC District? Yes ☐ No ☒ If so, which District? N/A	Flood Zone(s) of Property: X

	North	South	East	West
Property is most nearly bounded by what streets?	Jim Byrd Rd	Woolmkt Rd	Jim Byrd Rd	Victory Ln
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
✓	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 #77415

Notary Signature

(Seal)

(Seal)

Signature of Rightful Owner

Signature of Applicant

Notary Signature

Notary Signature ICIA DORCIK

(Seal)

(Seal)

STATE OF MISSISSIPPI NOTARY PUBLIC ID # 123644 HARRISON COUNTY Commission Expires April 10, 2022

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:* 2/10/2022
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.* See attached.

	Existing	New
I am requesting a zoning change from this *zone* to this *zone*:	A, RE	RS-10

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

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

Criteria:	✓	
	Yes	**No**
1. Is the proposed map amendment consistent with the Comprehensive Plan?	✓	

Please explain: The proposed map amendment is consistent with the Comprehensive Plan in that the proposed amendment consists of changing the current low-density A & RE zoning to low density RS-10 to accommodate 59 single-family residential lots.

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:

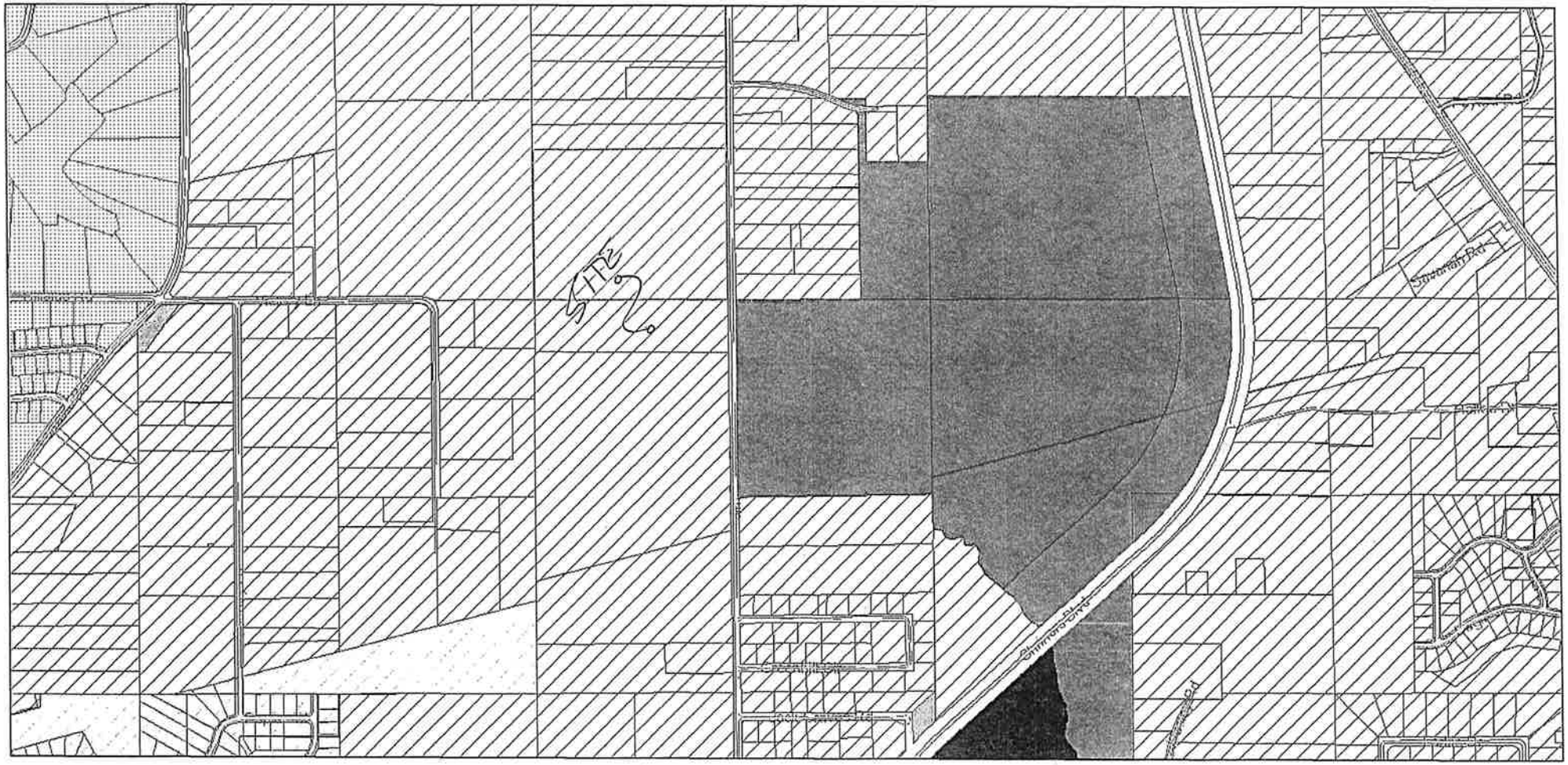
PLANNING COMMISSION SUPPLEMENT

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 property is so encumbered by wetlands and topographical constraints that it is simply not feasible to develop the property as A & RE. The cost of streets, drainage, utilities, etc., could not be recuperated with the very limited number of homes allowed under the current A & RE zoning.		
4. Is the property suitable for uses permitted in the proposed zoning district?	✓	
Please explain: Changing the zoning from A & RE to RS-10 simply enable the property yield to be approximately the same number of homes it would have had as A & RE with no encumbrances (wetlands, topographical constraints, etc.).		
5. Has there been a change in the character of the neighborhood?	✓	
Please explain: Over recent years a significant amount of new development (i.e., retail, restaurants, homes, etc.) has been and continues to be built in the area further exploited by new utilities effectively changing the character of the neighborhood.		
6. Is there an established community need for uses permitted in the proposed zoning district?	✓	
Please explain: Very few lots are available in the City north of I-10 for new homes. There is a severe lack of needed housing north of I-10, especially due to the increased insurance rates south of Interstate 10.		
7. Was there a mistake in the original zoning of the property?		✓
Please explain: At the time this property received its current zoning, utilities were not available and the on-going development was not taking place.		
8. Are utilities and infrastructure sufficient to address the impacts associated with allowed uses in the proposed district?	✓	
Please explain: The existing utilities are adequate for the proposed project, however, any on-site or off-site improvements and/or upgrades that may be needed to serve the proposed project will be the sole responsibility of the Developer.		
Site Plan attached: (please circle): Yes No	*Case No.* ☐☐-☐☐☐-☐☐☐	

ArcGIS Web Map



2/10/2022, 10:50:27 AM

Property Lines
City Limit
Edge of Pavement
Street Centerline

Zoning (1/2022)

<all other values>
LB Limited Business
NB Neighborhood Business
CB Community Business
RB Regional Business
DT Downtown
I Industrial
WF Waterfront
RS-5 SF Res, High Density
RS-7.5 SF Res, Medium Density
RS-10 SF Res, Low Density
RM-10 Multifamily Res, Low Density
RM-20 Multifamily Res, Medium Density
RM-30 Multifamily Res, High Density
RE Residential Estate
RER Residential Estate Restricted
RMH Res Manufactured/Mobile Home
A Agriculture
AR
SB Sand Beach

1:9,028

0 0.07 0.15 0.3 mi

0 0.15 0.3 0.6 km

Web AppBuilder for ArcGIS
Esri, HERE, Garmin, GeoTechnologies, Inc., NGA, USGS |

Dennis Stieffel & Associates, P.A., Inc.
Consulting Engineers

Woolmarket Professional Plaza
13061 Shriners Blvd., Suite C
Biloxi, Mississippi 39532

Office (228) 392-1638
Fax (228) 392-1679
Cell (228) 860-8161
dennis@dsaeng.net

STATEMENT OF SUPPORT – NARRATIVE

for

Jim Byrd Rd Subdivision

Biloxi, Mississippi

February 10, 2022

Lot and Street Layout The proposed Jim Byrd Rd Subdivision fronts Jim Byrd Road and single-family residences to the east, north and south. The surrounding adjacent properties are generally single-family residential in character. The proposed development contains approximately 40 acres with approximately 59 single-family residential lots and is situated in the City of Biloxi, Mississippi.

The property is currently zoned A Agricultural and RE Residential Estate, however the proposed layout has been configured to meet RS-10 requirements with average lot sizes of 80'x140' which consist of upscale fee-simple market-rate homes.

The proposed development is consistent with the City's Future Land Use Plan in that the proposed project provides for low density larger upscale fee simple market rate homes along the west side of Jim Byrd Rd with the proposed RS-10 zoning.

The proposed project conforms with the proposed RS-10 zoning and complements the existing residential homes along Jim Byrd Road. The total property yield is approximately 1.5 lots per acre under the proposed RS-10 zoning. The typical lot sizes in the proposed layout range from 80'x140' which exceeds the minimum required lot size of 10,000 sf. The proposed development is compatible with the current uses of nearby properties and with the character of the neighborhood the proposed use is the only feasible and practicable way to see this property being developed in the foreseeable future.

As the property currently exists, it is not suitable or feasible for uses permitted in the present zoning district mainly due to the inordinate amount of unusable property in the form of wetlands, swamp, topographical constraints, etc. The property is so encumbered by wetlands, swamp, topographical constraints, etc., that the number of lots achieved with the proposed RS-10 zoning is comparable to the number of lots allowed with the current zoning if there were no encumbrances.

The character of the neighborhood has changed and continues to change. Since this neighborhood was originally zoned, many businesses and homes have been built along with new utilities and sewer treatment facilities. The change in the character of the neighborhood will only increase with the anticipated rapid growth of this area of the City.

There is a serious need in the community for uses permitted in the proposed RS-10. Very few lots are available in the north Biloxi area, north and south of Interstate 10 for purposes of building new homes. There is a severe lack of available housing on the real estate market today as homes are selling in this area as fast as they are constructed. This is partly due to the increased insurance rates south of Interstate 10 and also due to the very low housing inventory which is projected to be deficient to keep up with demand for at least the next few years as pointed out in the following article.

Domicile Deficit
By: Elliot's Brief Blog
Thursday, March 4, 2021

Existing inventory of residential homes is currently just 1.04 million units, or 1.9 months of supply, both record lows. It is partly due to insufficient homebuilding over the past decade, Boomers aging in place, Covid-19 preventing sellers from listing, huge demand by buyers to escape dense cities and decamp to suburbia and more space, low interest rates, forbearance plans, and the seven million single-family homes that have become rentals.

The proposed layout for the Jim Byrd Rd Subdivision is configured to meet the minimum requirements for single-family residential subdivisions. While the property is encumbered by wetlands, swamp, topographical constraints, etc., no variances will be required for the proposed project.

A large wetlands area exists in the southwest portion the development. This wetlands area will be avoided and preserved in its present natural condition to the maximum extent practicable. Every effort will be taken to minimize impacts to this natural wetland and the property contains several other areas of wetlands which will remain largely undisturbed, protected and preserved.

The wetlands on the property limit flexibility of the configuration of the lot and street layout. However, the proposed development incorporates, to the maximum extent practicable, unique heavily landscaped geometric features along with elaborate beautifully landscaped entry way monumentation in an effort to significantly enhance the beauty and aesthetics of the entire neighborhood. Additionally, the development provides two (2) roadway connections to Jim Byrd Rd to enhance traffic flow and safety access for residents, emergency vehicles and first responders.

Drainage The terrain is such that the elevations range from approximately 76 ft. to 38 ft. at the wetlands thereby providing ample grade for adequate drainage. The proposed layout contains approximately 16 acres of designated wetlands mostly in the form of woods at a relatively flat average grade of approximately 1.0%. The entire parcel gradually slopes off towards the south with the surface drainage ultimately finding its way into the Tchoutacabouffa River and then into Back Bay.

While the existing drainage system functions very well in its natural state and could easily handle additional flow, this project will have no measurable effect on the existing drainage ways upstream or downstream of the development. The proposed drainage plan consists of providing detention where necessary for City purposes to ensure the post-development run-off does not exceed the pre-development run-off for the entire development. The drainage will be discharged from the southern portion of the subdivision into a detention area which discharges into a tributary of the Tchoutacabouffa River. The effect on adjacent properties will be that any drainage which currently flows from this property will be largely diverted into the new subsurface drainage system and large on-site detention areas and culverted outfalls, thereby eliminating the potential of erosion occurring from this project onto adjacent properties.

The proposed development is virtually completely self-contained with its own drainage outfall discharge points and the project will be designed to ensure that measures are implemented on-site to prevent the post-development run-off from exceeding the pre-development run-off for all developed portions of the property.

The proposed drainage plan consists of dividing the development into a number of smaller areas, each with its own discharge into the subsurface drainage system. The subsurface drainage system is collected into detention areas and subsequently released into a tributary of the Tchoutacabouffa River via new on-

site outfall culverts and the new detention area(s). This plan provides ample filtration of potential pollutants while enhancing downstream water quality and wetland areas. The proposed development of the Jim Byrd Rd Subdivision should have no adverse or detrimental effects on the environment or adjacent properties.

Additionally, the construction plans will require that silt screens be constructed at all points of discharge into existing drainage systems with silt fences being left in place and maintained for the duration of the project. Upon acceptance and approval of the project, the silt fencing shall be removed along with any and all silt build-up. The silt screens should eliminate any sedimentation onto downstream properties thereby preventing the silt from inflicting any damage to existing creeks and associated wetland areas and minimizing the amount of pollutants and sedimentation reaching any wetland areas. Best management practices (BMPs) will be utilized throughout the duration of the construction of the project. Construction entrance/exits consisting of stone-stabilized site entrances (6" thick and 50' long) will be installed to minimize sediment on public roads with tires being washed on an as-needed basis.

An individual lot protection plan which will be implemented during the construction of the houses in the subdivision, consists of the installation of silt fencing, hay bales and/or other erosion/siltation control measures in a continuous band across the downhill side of disturbed areas of all lots including areas adjacent to streets. Under no circumstances will silt laden run-off be allowed to escape lots.

Any and all drainage detention areas will contain drainage easements giving the City the right to access and maintain these drainage systems if the City deems it necessary.

Water The Jim Byrd Rd Subdivision will receive potable water by connecting to the existing water main on Jim Byrd Rd at both entrances. The new water mains to be installed with the proposed subdivision will contribute to "looping" the existing water system through the subdivision thereby enhancing not only pressures but also fire flows. The water system infrastructure for the proposed development will consist of 8 inch mains with the appropriate valves along with adequate fire hydrants for fire protection.

Sewer The Jim Byrd Rd Subdivision will be provided with sewer service by the installation of a conventional gravity collection system which will connect to the existing City sewer system on Jim Byrd Road via a new proposed pump station within the Jim Byrd Rd Subdivision and force main and, if necessary, upgrading any existing down stream pump stations and/or existing force mains at the Developer's expense, to meet the demands of increased flows. The wastewater is then transported west where it is ultimately discharged into the North Biloxi STP on Shorecrest Road. Any off-site improvements required to tie the proposed development into the existing City sewer system will be at the Developer's expense. The sewer system infrastructure for the proposed development will be conventional 8 inch gravity mains with the associated manholes, pump stations and force mains constructed in strict accordance with the City's standard specifications.

Traffic Traffic will access the Jim Byrd Rd Subdivision via two (2) entrances along Jim Byrd Road spaced approximately 560 feet apart. The two (2) entrances will be amply adequate for the proposed project. The streets of the proposed development will be designed in strict accordance with the City standards and the existing City streets are adequate to handle the minor increases in traffic volume resulting from this project. Any off-site improvements required to tie the proposed development into the existing City infrastructure will be at the developer's expense.

Common Areas Common property areas will be created within the development and a Home Owner's Association will be set up to own and maintain these areas along with the entryway monumentation, landscaping and detention areas.

Construction Phasing It is anticipated that the proposed development will be constructed in one (1) phase as shown on the Preliminary Plat layout. Upon completion, Jim Byrd Rd Subdivision will have both points of access available for use by the entire development for purposes of providing multiple means of access for emergency vehicles and first responders. It is anticipated that the construction of all proposed 59 lots will be completed within approximately two (2) years.

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: March 10, 2022

Re: Chesten Lee Felsher (Owner)
Dennis Stieffel (Applicant)
0 Jim Byrd Road
1107H-02-010.000 &1107I-01-027.002

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 and Preliminary Subdivision Plat.

The City **will** 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 MEETING
MARCH 17, 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
Steve Delahousey
Joe King
Gary Lechner
August Parker
Jimmy Poulos
John Snow
David Stanovich
Cheryl Thompson
Michael Todaro

ALSO PRESENT:

Jerry Creel, Director of Community Development
Caryle Lena, Planning Technician
Felicia Serpas, Planning Technician
Ed Shambra, Executive Planner
Tim Cipolla, Code Inspector
Dr. Paul Tisdale, Councilman Ward 5

REPORTED BY

Melissa Burdine-Rodolfich
Simpson Burdine & Migues

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

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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. Thompson, Mr. Stanovich, Ms. Bankston, Mr. Delahousey, Mr. Poulos, Mr. Carron, Mr. King, Mr. Snow, myself; David Washer; Ed Shambra, Executive Planner, Jerry Creel, Director of Community Development; Caryle Lena, Planning Technician; Felicia Serpas, Planning Technician. On the projector is Tim Cipolla, and our court reporter today is Melissa Rodolfich.

I would ask that anyone in the audience kindly mute your phones or turn them off if you have one with you.

I'd ask Mr. Parker to please open the meeting with a moment of prayer.

And I'm also going to recognize Dr. Paul Tisdale in the audience, Councilman Ward 5.

(Moment of prayer.)

CHAIRMAN WASHER:

Ms. Thompson, the pledge, please.

(Pledge of allegiance.)

CHAIRMAN WASHER:

We'd welcome each of you here with us today. We would ask that anyone that desires to speak, please come to 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.

Ask if all Commissioners received a copy of the minutes of the last meeting and if there is any additions or corrections. If not, we will entertain a motion to accept them as presented.

MR. POULOS:

So moved.

MR. SNOW:

Second.

CHAIRMAN WASHER:

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

(All in favor.)

CHAIRMAN WASHER:

Any opposed?

(None indicated.)

CHAIRMAN WASHER:

Thank you.

Mr. Creel, committee reports?

MR. CREEL:

Yes, sir. Mr. Chairman and Members of the Commission, over the past two weeks, the department has issued 189 building permits, with a construction valuation of $3.8 million. We have collected $20,000 in permit fees, issued licenses for 21 new businesses and 17 renewals. We have also issued 17 certificates of occupancy of which three of those were for short-term rental. Out of those permits issued, three were for commercial additions or remodeling and three were for new single-family houses.

CHAIRMAN WASHER:

Our one continued public hearing that's held in abeyance will continue to be held abeyance in regard to Alterna Mortgage and Gulf Coast Development and Design, LLC.

MR. DELAHOUSEY:

Mr. Washer, if I could make a motion in the interest of time and -- in the audience, it is apparent that Case Number 22-022-PC is probably going to be lengthy, so I would like to move that we change the agenda and move that item to the end of the agenda.

CHAIRMAN WASHER:

You want the Tree Case with it,

TR-22-003?

MR. DELAHOUSEY:

Yes.

MS. BANKSTON:

Second.

CHAIRMAN WASHER:

All right. We have a motion and second. To move 22-022-PC Harrison County Lodging and Development, LLC and the accompanying tree case to the rear of the agenda. That way we can clear out the other cases scheduled for today and make the best use of everybody's time.

We'd ask that all those in favor, say "aye."

(All in favor.)

CHAIRMAN WASHER:

Any opposed?

(None indicated.)

CHAIRMAN WASHER:

Thank you.

Our first case today is 22-018-PC, Edwin R. and Jennifer G. Miles, owners; Craig and Natalie Balius, second owner/applicants. It's an application for a vacation of a portion of a unimproved public right-of-way approximately

285 feet in length and 12.83 feet, more or less, in width, identified as an unimproved section on South Hill Drive, formerly Brasher Road, right-of-way situated immediately adjacent to three properties of 700 Live Oak Drive, 721 Highland Drive and an unaddressed parcel situated adjacent to this section of right-of-way. This case advertised on February 17th and February 24th.

Is the applicant or their representative here, please? Mr. Balius.

Before you start, I want to ask Mr. Cipolla to please show us the video on that.

MR. CIPOLLA:

As we said, that's down at the very end. This is the end of the cul-de-sac down here, and I'll show you the site plan in a minute. This is Mr. Balius' house. It goes down, over and comes back up. Actually, it comes out way down over there. As you can see, there is a fence across there and it's also on the other side. Got the bayou down here, Mr. Balius' fence down at the end. This fence comes all the way down onto Highland. And that goes down, over and back out of the site. This is where his house is. This is

the part he wants to have vacated.

CHAIRMAN WASHER:

Thank you. Mr. Balius, for the record, give us your name and address, sir.

MR. BALIUS:

Craig Balius, 700 Live Oak Drive.

I'm in the process of building a boathouse and redoing my bulkhead. And in doing so, there is a small piece that I do not own, which is right here, 90 feet across by 15 that Jerry Johnston owns. I'm in the process of purchasing it. Cliff Crosby is doing my legal description, and I will hopefully close on it this week with Mike McDermott. And so in order to do that, I need to get that right-of-way vacated to own the property.

CHAIRMAN WASHER:

Any questions of Mr. Balius, Members of the Commission? No questions. Thank you, sir.

Do we have anyone in the audience that wants to speak in favor of the applicant's request? Anyone speaking in favor? No one speaking in favor.

Anyone speaking in opposition?

CHIEF DUNAGAN:

Of course, Case Number 22-022-PC has been moved to the back of the agenda.

Our next case advertised is Case Number 22-024-PC, G.M.R.I., Inc., owner, and Felix Bertucci on behalf of Audubon Realty, II, applicant. This is a request for conditional use approval to authorize the construction of a new convenience store with gas facility upon a parcel of land 2.8 acres, more or less, in size and located within an NB, neighborhood business district for property identified as 2790 Beach Boulevard, being Municipal Tax Parcel Number 1110M-03-008.000. This case was also advertised on March 3rd and March 10th.

Mr. Cipolla.

MR. CIPOLLA:

This is formerly on the Olive Garden property. This is the service drive and it goes up Debuys Road. This is the service drive coming down from Walmart Drive. Gulfport line. This goes up, all the way up. I'll show you on the site map. Those are the two lots where the Red Lobster was over here that had the full parking lot and the site where the building was.

CHAIRMAN WASHER:

Okay. Thank you. Is the applicant or their representative here, please? Anyone here on behalf of G.M.R.I. or Mr. Felix Bertucci?

No one here. I'm going to entertain that we put that one behind the case on Father Ryan.

MR. POULOS:

So moved.

MR. DELAHOUSEY:

Second.

CHAIRMAN WASHER:

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

(All in favor.)

CHAIRMAN WASHER:

Any opposed?

(None indicated.)

CHAIRMAN WASHER:

Next case advertised, 22-025-PC, in conjunction with that, we're going to also hear 22-026-PC. We'll vote on them separately. 22-025-PC, Chesten Lee Felsher, owner, and Dennis Stieffel, applicant. This is a request for a zoning map amendment to authorize a change in zoning district classification of two parcels of

land collectively measuring 40 acres, more or less, in size from their present zoning district classification of A, agricultural, and RE, residential estate, to RS-10 low-density, single-family residential for two parcels fronting Jim Byrd Road, being Municipal Tax Parcel Numbers 1107H-02-010.000 and 11071-01-027.002.

Also Case Number 26, Chesten Lee Felsher, owner; Dennis Stieffel, applicant, this is request for a preliminary subdivision approval for a 59-lot single-family residential subdivision submitted under the working title, Jim Byrd Road Subdivision to be constructed upon land collectively 40 acres, more or less, in size presently identified as two unaddressed parcels fronting on Jim Byrd Road. Tax Parcel Numbers 1107H-02-010.000 and 11071-01-027.002. Both of these cases were advertised on February 24th and March 3rd and March 10th.

Mr. Cipolla.

MR. CIPOLLA:

This is Jim Byrd Road here. It goes down and connects up with Woolmarket Road. And Jim Byrd Road if you follow it all the way around, it will come back out to Lorraine Road. That's as

good as it gets showing that. I will have to show you on the site plan. That's going north.

You want to show them your site plan?

CHAIRMAN WASHER:

Mr. Stieffel.

MR. STIEFFEL:

Do you all have a copy of the site plan in your packet that shows the layouts?

MS. LENA:

There should be one in there.

MR. STIEFFEL:

I'm not seeing it.

MS. LENA:

It's in there.

MR. STIEFFEL:

I have got a full copy of it here. I'll just open it up and let you guys see it if you need to.

MR. DELAHOUSEY:

Is it this one?

MR. STIEFFEL:

That's where it is. This is the site plan here. Can y'all see that?

MS. BANKSTON:

Uh-huh.

MR. STIEFFEL:

So what we have here is essentially a 40-acre tract of land and approximately a third -- over a third of it, almost half of the property is encumbered by wetlands, no flood zones, but wetlands. No high-tension power lines, which is unusual, but we do have a lot of wetlands that we need to contend with.

And so what we're proposing here is RS-10 zoning, as opposed to the existing agricultural. It's split zoned right now. It's zoned partially agricultural and partially residential estate. What we want to do is rezone both pieces to one zoning, the RS-10. This layout is for RS-10 size lots. There is no variances needed.

We are basing the request on the need, the serious need for housing and also the change in the character of the neighborhood. But with the recent -- in the last couple of years, few years, Jim Byrd Road has been widened and improved. Stewart Drive has been connected to Jim Byrd Road allowing traffic better access to Shriner's Boulevard, the main road. There's been an awful lot of development in the area. It's

very clear. My office is right down the street, and it's very clear that there is a serious change in the character of the neighborhood. I have been there for about 25 years and it's changing every day.

So with the new subdivision, The Preserve, you guys, probably most of you, are familiar with that. It's essentially right across the street from this one. So the demand is serious. There is a severe lack of -- shortage for lots and homes in the areas that are not prone to flooding and flood zone costs.

So this is our conventional subdivision. It's simple -- you know, fee simple market rate housing. This will be an upscale development. The lots actually well exceed the minimum required lot size for RS-10 zoning. All the lots are over 11,000 square foot and then some. Some of them are substantially bigger than that.

The idea that -- the developer that is doing this -- that's planning on doing this project is planning on selling the homes -- the lots to DSLD, for your information. DSLD is planning upscale, nice homes, probably in the range of about 175- to 200- to up to about

$300,000-plus homes, which will complement what's going on across the street. These are actually, the lots -- the zoning across in the Preserve, I think, is RS-7.5 if I'm not mistaken, so this is a little bit of an upgrade in lot sizes and house size for the most part.

The water and sewer has been extended up Jim Byrd Road. The city is in the process of extending the water up Shriner's Boulevard also. And so the utilities have been partially extended up Jim Byrd Road and they're also being extended, as we speak, up Shriner's Boulevard by the city. And so with the extension of the water and the sewer in the area, that's allowing more development to take place, just relieving a lot of pressure. But there is a lot of pressure for new developments, new homes in that area of the city.

So if there is any questions -- I can go through a number of other things, but if there is any questions that you guys have, I will be happy to address them.

Yes, sir.

MR. DELAHOUSEY:

The lots are obviously different sizes. What's the minimum size of the houses that would

be on the property?

MR. STIEFFEL:

That -- I'm not the builder, but I can say that probably the house size is going to be a minimum of about 1,800 to 2,200 square feet. They probably will exceed 3,000 square feet and larger homes.

MR. DELAHOUSEY:

And will there be sidewalks?

MR. STIEFFEL:

Yes, sir. There will be sidewalk and underground power, street lights, conventional subdivision with no overhead.

MR. STANOVICH:

Dennis, none of these houses will face Jim Byrd?

MR. STIEFFEL:

Correct. They will all be facing into the subdivision.

MR. STANOVICH:

In the section on the sewer narrative, you talk about a new proposed pump station. Who is doing that?

MR. STIEFFEL:

The developer will pay for that and

install it. The city not incur any costs due to this development, whether it's on-site improvements or off-site improvements.

CHAIRMAN WASHER:

Any other questions, Members of the Commission?

MR. CARRON:

Dennis, I know drainage is quite an issue in that area, especially going back to the south and east. Has that been alleviated since they put in that new culvert across Shriner's Boulevard?

MR. STIEFFEL:

Yeah. That drainage issue would be at my office. We actually received a bunch of water thanks to the storm in 2016. But since the city made the upgrade of that boxed culvert, we've had no issues with the drainage. We are confident that that's going to solve that problem permanently.

There are some dips. Jim Byrd goes up and down. There are some dips. I can't say that -- in that area where you're talking about where they put that boxed culvert, I think, that issue is taken care of it. There's a few other

dips as you go up north on Jim Byrd Road. I'm not aware of the road overtopping anywhere where these creeks and drains tend to go across Jim Byrd Road but -- in particular to where our project is. There are dips between us and my office. And again, I'm not sure if there is overtopping there or not, but with the upgrade -- widening and upgrading of Jim Byrd Road and installation of Stewart Drive that goes from Shriner's to Jim Byrd Road, that would alleviate any potential traffic hazard if there happens to be any flooding or overtopping of the road. People can get out on high and dry ground across Stewart Drive now.

MR. CARRON:

Okay. Thank you.

CHAIRMAN WASHER:

What improvements are scheduled for Jim Byrd Road?

MR. STIEFFEL:

They have already been done.

CHAIRMAN WASHER:

They were already done?

MR. STIEFFEL:

Yes. That's what I was talking about. The City Councilmen -- evidently it was a city

project. They did that in-house. They widened it and upgraded and repaved the whole thing. They upgraded the drainage underneath Jim Byrd Road and across Jim Byrd Road and they upgraded the boxed culvert substantially. And that was the major bottleneck and that's been taken care of now.

CHAIRMAN WASHER:

Any others? Ms. Bankston.

MS. BANKSTON:

I had one question. You talked about the wetlands. What is the elevation of the property? I mean, it is enough to keep the flooding out, the elevation?

MR. STIEFFEL:

Yes, ma'am. There is a lot of relief on the property. There is some wetlands on the low end of the property, but there is also a hill. And we're essentially developing the hill, not the wetlands. And so I will have adequate detention that's designed to meet the city's requirements and then some. And so there's no special needs there. There will not be any flooding that occurs in this subdivision or downstream of the subdivision due to the subdivision.

MS. BANKSTON:

Thank you.

CHAIRMAN WASHER:

Any other questions, Members of the Commission?

(None indicated.)

CHAIRMAN WASHER:

Anything else, Mr. Stieffel?

MR. STIEFFEL:

No. Thank you.

CHAIRMAN WASHER:

Thank you.

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

Anyone speaking in opposition? Anyone with any questions?

Come forward, just at one time, please. Again, give us your name and address and sign in, please, sir.

MR. M. REDMON:

My name is Mike Redmon. I live on the Victory Lane. I'm a property owner. Been there -- my family has been there since the early 1970s.

And my question was: In regards to the zoning map, it's unclear where this property would butt up against -- actually, my property is east of Victory Lane and west of Jim Byrd Road, so that's right in the area of your proposal. And it's unclear, according to the plot layout, where the property delineation is in regards to our property. So I would ask that -- the council that -- if we could postpone or at least have a meeting, be able to have a meeting with the developer to get those -- that question cleared up.

Also, too, we have already had homeowners that have built single-dwelling homes in close proximity just to the north of our property and it has caused a lot of drainage issues that have affected the natural drainage going through our property, and it has caused a big problem for us.

It floods every time it rains because the property is built up in a way that was not pre-engineered or was not -- did not have any proper studies done as far as drainage. Our property floods. Our driveway floods every time it rains.

So my question is, again, if we could postpone the vote on this until we have had a chance to find out from the developer just where the delineation of that 40 acres would fall in relation to our property.

And again, I have already heard that they are talking about putting in a new pumping station, and that's a good thing. That will help the drainage. But again, as a property owner, in that area, I have just been made aware of this situation since about 10:30 today. I didn't know.

CHAIRMAN WASHER:

Yeah. Let me get everybody's questions and then we'll see if we can get the developer to answer those questions all at one time.

MR. M. REDMON:

Okay. Sounds good.

CHAIRMAN WASHER:

Anything else? That's your only question, Mr. Redmon?

MR. M. REDMON:

No, sir. I think that that's about it.

And also, too, ingress and egress, what are the ingress and egress plans of this subdivision? Again, we have already had a

subdivision that was developed just to the west of us and they cut through -- they cut through. Our road is a dead-end road currently. It deads right into my property and into my neighbor's property. So we just want to find out if there is any future plans to develop that road through in order to tie in with the subdivision. Another question.

CHAIRMAN WASHER:

Thank you, sir.

MR. M. REDMON:

Thank you.

CHAIRMAN WASHER:

Any other questions? Yes, sir.

MR. L. REDMON:

My name is Larry Redmon. I currently live on Victory Lane, which is butting up to, what I understand, Jim Byrd Road.

So it's not clear to me that -- you know, I have and -- have been living on Victory Lane for quite some time. Victory stands for Victory because when we come up and down them roads, it was all red clay, so we had to pull each other out. So Victory Lane is a Victory for us, but so this is not a victory going on with this subdivision at this point because I'm not clear on

everything that's going on. My property is up against the Jim Byrd Road proposal. And my animals, which I currently have cows -- this is our property right here. Right here. It butts up against the power line. Here's Jim Byrd Road and this is our little 15 acres of heaven right here is what we're discussing, what we're talking about. So that 40 acres, I believe, is in this area right, sir?

MR. STIEFFEL:

No, sir.

CHAIRMAN WASHER:

Can you put the light on your 40 acres?

MR. STIEFFEL:

Yeah. Let me help you guys out. Y'all are about 1,000 to 1,300 feet away from this project.

MR. L. REDMON:

Maybe you can you clear this up real quick.

MR. STIEFFEL:

So the property that we're developing here basically goes from about where Victory Lane extends -- would extend off straight to the east of Jim Byrd Road here. The property we're

developing is this piece up here, so you guys are about 1,500 feet away from the development and you're also upstream of the development. The way the creeks drain there, we're actually a little bit downstream of these people here. Everything flows this way. The drainage is flowing from west to east.

MR. M. REDMON:

Okay. Well, that helps a lot because it was unclear where -- I mean, Victory Lane was mentioned in the proposal, so we just really weren't sure exactly.

MR. L. REDMON:

Yeah. Jim Byrd Road and Victory Lane, you know what I'm saying, with what you've got going on, it wasn't clear to us. You know, if my cows get out and they're running down the road -- you know, there's all kind of things going on that I don't want us to go divide that up with what I have lived for forever. So that does clear that up. My chickens might get into your property, but hopefully nothing else will come about. But I appreciate that.

CHAIRMAN WASHER:

Thank you, Mr. Redmon.

MR. L. REDMON:

Okay, buddy. I'm going to fill this out if you don't mind.

MR. STIEFFEL:

You don't know if you don't ask.

MR. L. REDMON:

That's right. You don't know if you don't get involved either.

CHAIRMAN WASHER:

I think we had another question in the back.

MR. STIEFFEL:

David, there was an issue of ingress and egress they had. Just to clarify --

MR. M. REDMON:

That was one, yes.

MR. STIEFFEL:

We have two ingress and egress points as the drawing shows. I'm not sure if they saw that.

CHAIRMAN WASHER:

Can you pop that one back up there, Tim?

MR. DELAHOUSEY:

Would it be helpful -- we saw the plan, but they didn't.

MR. STIEFFEL:

This is Jim Byrd Road right here and you have got two points of ingress and egress, which meets the city's emergency access requirements.

MR. M. REDMON:

And so it won't even tie into Victory Lane?

MR. STIEFFEL:

No, sir.

MR. M. REDMON:

Oh, lovely. We like that.

CHAIRMAN WASHER:

Yes, sir.

MR. CLOWER:

I'm Joseph Clower, 14115 Jim Byrd Road.

My property will be abutting this plan here, so I just have a question on the -- about the site plan on the north. That's my property line right there.

MR. STIEFFEL:

What is your name?

MR. CLOWER:

Joseph Clower. I bought from Mr. Leroy Felsher and he had originally divided the 40 acres up into sections, eight five-acre sections. My corner will be your corner down there to the west.

There is a marker down there, I believe.

So my question was, is there going to be any kind of buffer between my home and those seven homes that will be running alongside the north?

MR. STIEFFEL:

The homes, the backyards of the homes will join Mr. Clower's property. There's not going to be 50 or 100-foot buffer or a wooded buffer unless the homeowners elect to leave a buffer there.

Do you have a buffer there now or have you cleared all the way to your property line?

MR. CLOWER:

I'm cleared to the property line and just woods.

MR. STIEFFEL:

I don't know. I'm not the builder. The builder will make that call.

MR. CLOWER:

Right. And you're aware of the wetlands, civil engineer?

MR. STIEFFEL:

Yes, sir.

MR. CLOWER:

Would you know if they're going to put a

fence?
MR. STIEFFEL:
I would expect them to put a fence.
MR. CLOWER:
I would expect them to, too. So you really can't answer because you're not the builder?
MR. STIEFFEL:
No. Most of them do, though. Most of them do fences, six-foot, eight-foot fences, wooden fences usually.
MR. CLOWER:
And as you said, as it -- 600 feet down, so it probably drops. Water constantly flows from the north all the way down there to that -- goes under Jim Byrd Road and Parkers Creek.
MR. STIEFFEL:
Right. And we're not developing the drain. We're staying out of the drain, well away from the drain.
MR. CLOWER:
Yeah. I saw that. It's going to be tough, you know. All right. And so you're not going to affect my home as far as you're not going to build property up to where the drainage would

change?
MR. STIEFFEL:
No, sir.
CHAIRMAN WASHER:
Mr. Clower, it looks like on that, as proposed, you're going to have like seven houses on that line with your property.
MR. CLOWER:
Yes, sir. That's it. And I was just wondering if I was going to have some kind of privacy there. I'm kind of used to being out there in the country.
CHAIRMAN WASHER:
Falls back on the developer for that.
MR. CLOWER:
Nothing we can do about that today. Well, that's it for me. You've answered everything else.
CHAIRMAN WASHER:
Thank you.
Any other questions? No one else speaking in favor. No one speaking against. No other questions. We'll consider that hearing closed. Mr. Shambra.
MR. SHAMBRA:

We have two cases. Let's do the first one, Case 22-025. This is the request for zoning map amendment to authorize a change in zoning classification for two parcels approximately 40 acres, more or less, in size and from their present zoning classifications of A, agricultural, and RE, residential estate, to RS-10 low-density, single-family residential.
This is a change in zoning, which is actually quite to the benefit of the people because it's to be able to put -- what we can say is it's our most common and preferable single-family residential classification to build in. These are about a quarter of an acre size lots. They're very attractive and they work quite well in subdivisions environments. So with that being the case, the Staff has no concern or problems with that specific classification.
And we will go to the next case.
CHAIRMAN WASHER:
All right. In regard to Case Number 22-025, zoning map amendment, any discussion on that? Anyone want to offer a motion?
MR. POULOS:

I make a motion we approve the applicant's request.
MR. TODARO:
Would it be appropriate to request the builder build a fence on the north side to give some shelter for those -- privacy with those seven houses?
MR. SHAMBRA:
That would be part of the subdivision request.
MR. CREEL:
The next case.
MR. TODARO:
The next case.
CHAIRMAN WASHER:
Do we have a second?
MR. KING:
Second.
CHAIRMAN WASHER:
Second by Mr. King.
We'd ask that all those in favor of approval of the zoning map amendment, raise your hand.
Mr. Lechner, Mr. Todaro, Mr. Parker, Ms. Thompson, Mr. Stanovich, Ms. Bankston

Mr. Delahousey, Mr. Poulos, Mr. Carron, Mr. King, Mr. Snow, myself; David Washer. Let record the show that's unanimous.

MR. SHAMBRA:

And then the counterpart case that goes with this case, Number 22-026. This is a request for preliminary subdivision approval, and it's for a 59-lot single-family residential subdivision under the working title Jim Byrd subdivision. Again, it's land approximately 40 acres in size and this is fronting upon two unaddressed parcels of Jim Byrd Road.

I think that the development appears to be very well positioned. It has two ingress and egress on Jim Byrd. There was really only one concern about some of the issues with the wetlands, but I understand that's being addressed now through the Corp. And with that the being the case, they'll be buildable lots with no real concern. The Staff can support Option 1, which is to approve.

MR. TODARO:

I move we accept the proposal with the condition that the builder build a fence on the north side to give privacy from the building of

those set of homes on the north side.

MR. DELAHOUSEY:

I'll second it.

CHAIRMAN WASHER:

Motion for approval conditioned upon that at least those seven lots that back up to Mr. Clower have fences erected; seconded by Mr. Delahousey.

Any other with discussion?

(None indicated.)

CHAIRMAN WASHER:

All those in favor of approval, raise your hand. Mr. Lechner, Mr. Todaro, Mr. Parker, Ms. Thompson, Mr. Stanovich, Ms. Bankston Mr. Delahousey, Mr. Poulos, Mr. Carron, Mr. King, Mr. Snow, myself; David Washer.

We will let the record show that's unanimous.

Go back case to Number 22-022-PC, Harrison County Lodging Development, LLC, owner, and Neil Polen on behalf of Dale Partners Architects, applicant. This is a request for zoning map amendment to authorize the establishment of a PD-HB, Planned Development-Hospitality Business District Master Plan, said application being submitted as a Planned Development-Hospitality Business District, As authorized within Section 23-3-4(G) of the Land Development Ordinance, for three properties presently split zoned RM-20 medium-density multifamily residential, south parcel, and RS-7.5 medium-density single-family residential, north parcel, which parcels have been submitted as a single property site for re-zoning to PD-HB, hospitality business district Zoning.

The PD-HB, Planned Development-Hospitality Business Master Plan, as submitted, proposes the creation of two new Hotels, for the SINGLE property site collectively identified as 1252 and 1254 Beach Boulevard and 1257 Father Ryan Avenue, being Municipal Tax Parcel Numbers 1310J-04-121.000, 1310J-04-122.000 & 1310J-04-122.002.

Also in on conjunction with this case, we're going to hear the tree case requesting an application to remove a total of nine trees to allow for the creation of two new hotels, for properties presently identified as 1252 and 1270 Beach Boulevard and 1257 Father Ryan Avenue. This case advertised on February 24th, March 3rd and March 10th.

Mr. Cipolla.

MR. CIPOLLA:

This is down on the beach. The White House Hotel is here, White Avenue. You have the westbound lane and the eastbound lane on the opposite side. This is the portion that goes all the way up through right beside that house, which I --

CHAIRMAN WASHER:

Tim, let me interrupt you, please. Let me ask everybody in the audience, if you could, please remain quiet. It's difficult picking up everything on the tape here and we don't want to miss anything for either side. Thank you.

MR. CIPOLLA:

Second parcel starts right around Mr. Mavar's property, at his property line. As I