Ordinance No. 2483

AN ORDINANCE TO APPROVE A ZONING MAP AMENDMENT, TO AUTHORIZE A CHANGE IN ZONING DISTRICT CLASSIFICATION FOR TWO PARCELS OF LAND TOGETHER MEASURING SIX AND NINE ONE-TENTHS (6.9) ACRES (MORE OR LESS) IN SIZE, FROM THEIR PRESENT ZONING DISTRICT CLASSIFICATION OF NB NEIGHBORHOOD BUSINESS TO RB REGIONAL BUSINESS FOR PROPERTIES COLLECTIVELY IDENTIFIED AS 13193 HUSLEY ROAD

WHEREAS, on Thursday, April 7, 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. 22-030-PC, John Felsher on behalf of M. J. Kane, LLC, a request for Zoning Map Amendment, to authorize a change in zoning district classification for two parcels of land, together measuring six and nine one-tenths (6.9) acres (more or less) in size, from their present zoning district classification of NB Neighborhood Business to RB Regional Business, for properties collectively identified as 13193 Husley Road (re: Tax Parcel Nos. 1207M-01-014.000 & 1207M-01-015.000); and

WHEREAS, the Planning Commission members were apprised of the particulars of this case, being made cognizant of the fact that John Felsher on behalf of M. J. Kane, LLC, had submitted this request for Zoning Map Amendment, to authorize a change in zoning district classification for two parcels of land together measuring six and nine one-tenths (6.9) acres (more or less) in size, from their present zoning district classification of NB Neighborhood Business to RB Regional Business, and collectively identified as 13193 Husley Road (re: Tax Parcel Nos. 1207M-01-014.000 & 1207M-01-015.000), to bring said properties into compliance with their current use; 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 this

application to the Planning Commission and City Council to obtain the requested Zoning Map Amendment, as herein requested; and

WHEREAS, on April 7, 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 the two parcels of land together measuring six and nine one-tenths (6.9) acres (more or less) in size, from their present zoning district classification of NB Neighborhood Business to RB Regional Business, and collectively identified as 13193 Husley Road, having determined that a Change in the Character of the Neighborhood with a community need for the use offered (re: a restaurant equipment repair contractor), was of evidence at this location; 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 two properties collectively identified as 13193 Husley Road, in Case No. 22-030-PC.

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 CHARACTER OF THE NEIGHBORHOOD WITH AN ESTABLISHED NEED FOR THE USE OFFERED IS OF EVIDENCE AT THIS LOCATION, THAT THE FOLLOWING SHALL BE AUTHORIZED:

SECTION ONE: That the boundaries of the Geographical Information System Format Zoning District Map of the City of Biloxi, Mississippi, be hereby amended by a change in zoning

district classification from NB Neighborhood Business to RB Regional Business, for properties collectively identified as 13193 Husley Road, and described as follows:

A parcel of land situated in the Southeast Quarter of the Southwest Quarter (SE 1/4 of the SW 1/4) of Section 35, Township 6 South, Range 10 West, Harrison County, Mississippi, and being more particularly described as follows:

Beginning at an iron pipe found at the Northwest Corner of said Southeast Quarter of the Southwest Quarter (SE 1/4 of the SW 1/4) of Section 35; thence North 89 degrees 33 minutes 31 seconds East 329.00 feet to an iron rod lying on the West margin of Husley Road; thence along said West margin, South 10 degrees 32 minutes 51 seconds East 848.02 feet to an iron rod; thence South 89 degrees 47 minutes 55 seconds West 140.00 feet to the centerline of Parkers Creek; thence along said centerline of creek, North 14 degrees 46 minutes 18 seconds West 148.84 feet; thence further along said centerline of creek; North 41 degrees 13 minutes 37 seconds West 33.46 feet; thence further along said centerline of creek, North 76 degrees 13 minutes 25 seconds West 67.86 feet; thence further along said centerline of creek, North 47 degrees 37 minutes 08 seconds West 165.62 feet; thence further along said centerline of creek, North 56 degrees 18 minutes 53 seconds West 89.16 feet; thence further along said centerline of creek, South 31 degrees 07 minutes 38 seconds West 35.58 feet, thence further along said centerline of creek, North 50 degrees 27 minutes 54 seconds West 13.55 feet to the Quarter-Section line dividing the Southeast Quarter of the Southwest Quarter (SE 1/4 of the SW 1/4) of said Section 35, from the Southwest Quarter of the Southwest Quarter (SW 1/4 of the SW 1/4) of said Section 35; thence along the Quarter-Section line North 00 degrees 47 minutes 50 seconds East 507.20 feet to the Point of Beginning, Containing 5.98 acres, more or less
And also:
A parcel of land located in the northwest 1/4 of the northeast 1/4 of section 34, Commencing at the Northwest Corner of the Southeast Quarter of the Southwest Quarter (SE 1/4 of the SW 1/4) of Section 35, Township 6 South, Range 10 West, Harrison County, Mississippi, and run thence North 89 degrees 29 minutes East 329.0 feet to the West margin of Husley Road; thence along said margin South 10 degrees 38 minutes East 440.0 feet to the point of beginning; thence further along said margin South 10 degrees 38 minutes East 200.0 feet; thence South 89 degrees 29 minutes West 200.00 feet; thence North 10 degrees 38 minutes West 200.00 feet; thence North 89 degrees 29 minutes East 200.0 feet to the point of beginning. Containing 0.92 acres, more or less; and

further described as land most nearly bounded by the following streets: to the North by Shriners Boulevard; to the South by Woolmarket Road; to the East by and fronting upon Husley Road; and to

the West by Thomas Road.

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 Tisdale, and was adopted by the following vote:

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

The Vice-President then declared the Ordinance adopted this the 3rd day of May, 2022.

STATE OF MISSISSIPPI
CITY OF BILOXI
HARRISON COUNTY

ATTEST: APPROVED:

Keri Campbell
CLERK OF THE COUNCIL

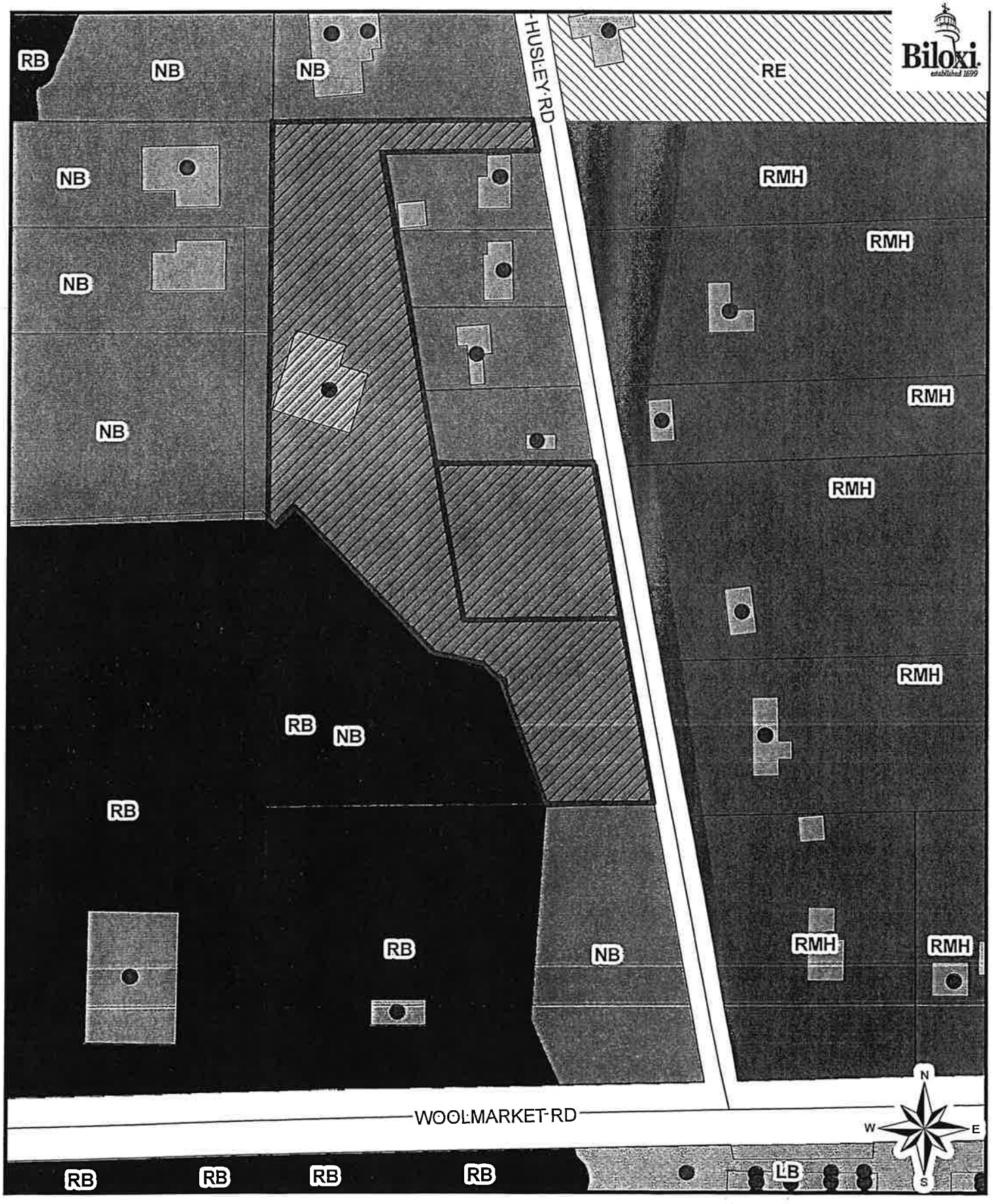
VICE-PRESIDENT OF THE COUNCIL

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

APPROVED:

MAYOR

Case No. 22-032-PC
MJ Kane, LLC
13193 Husley Rd
Map Amendment - NB to RB



Scheduled for:
April 7, 2022
PC Meeting

John Felsher on behalf of M. J. Kane, LLC
Case No. 22-030-PC
Zoning Map Amendment
NB Neighborhood Business to
RB Regional Business

Planning Commission
Case Fact Sheet

Case No.:	22-030-PC
Name of Applicant:	John Felsher on behalf of M. J. Kane, LLC
Address of Property:	13193 Husley Road
Tax Parcels/Ward:	1207M-01-014.000 & 1207M-01-015.000/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 six and nine one-tenths (6.9) acres (more or less) in size, from their present zoning district classification of **NB Neighborhood Business** to **RB Regional Business,** for two parcels of land collectively identified as 13193 Husley Road (re: Tax Parcel Nos. 1207M-01-014.000 & 1207M-01-015.000).
Size of Property:	6.9 acres (More or Less)
Present Zoning:	**NB Neighborhood Business**
Present Use:	Commercial Building (Temco)
Most Nearly Bounded By (streets):	To the North by Shriners Boulevard; to the South by Woolmarket Road; to the East by and fronting upon Husley Road; and to the West by Thomas Road.
Adverse Influences:	A Zoning Map Amendment should only be authorized when conditions clearly suggest that a change in zoning is warranted, and that the change proposed is consistent with uses found upon adjacent or nearby properties.
Positive Influences:	This rezoning, if approved, would allow the applicant expand an existing business, which involves the diagnosis and repair

of various electronic components of restaurant equipment utilized y schools, casinos, and other businesses located across the Mississippi Gulf Coast.

Letters or Concerns stated:

The Planning Division Office has not received any letters or other written communications relative to this case, as of March 31, 2022.

Comments/ Recommendations:

John Felsher on behalf of M. J. Kane, LLC, has requested a **Zoning Map Amendment**, to authorize a change in zoning district classification for two parcels of land collectively measuring six and nine one-tenths (6.9) acres (more or less) in size, from their present zoning district classifications of **NB Neighborhood Business** to **RB Regional Business**, for two parcels of land presently identified as 13193 Husley Road (re: Tax Parcel Nos. 1207M-01-014.000 & 1207M-01-015.000).

The applicant has proposed this change the to allow an existing diagnostic and repair business for electrical components to be expanded.

As with all requests for **Zoning Map Amendment**, discussion points should be focused upon the merits or demerits of the Zoning change proposed, considering the following criteria:

1) Consistency (or lack thereof) with the Comprehensive Plan;
2) Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood;
3) Suitability of the property affected by the amendment for uses permitted by the present district;
4) Suitability of the property affected by the amendment for uses permitted by the proposed amendment;
5) Change in the character of the neighborhood and established community need for uses permitted by the district applicable to the property at the time of the proposed amendment;
6) Availability of utilities and infrastructure sufficient to address the impacts associated with the allowed uses in the proposed district; and
7) Mistake in the original zoning.

Options:

1. Recommend approval of this request for **Zoning Map Amendment**, to authorize a change in zoning district classification for two parcels of land collectively measuring six and nine one-tenths (6.9) acres (more or less) in size, from their present zoning district classifications of **NB Neighborhood Business** to **RB Regional Business,** having determined that a Change in the Character of the Neighborhood is of evidence, and that this zoning change will better address the proposed use of the property currently located within the NB Neighborhood zone.

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

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. 22-030-PC

TO BE COMPLETED BY APPLICANT | Date: 2-23-2022

Name of Rightful Owner(s):	Name of Applicant: (if different than Owner)
M.J. KANE LLC	

Property Address: 13193 HUSLEY ROAD | Ward Number 7

Tax Parcel Identification Number(s):
1207M-01-015.000
1207M-01-014.000
1207M-01-038.001

Mailing Address of Property Owner	Mailing Address of Applicant (if different than Owner):
P.O. BOX 1433	
City: BILOXI	City:
State: MS	State:
Zip: 39533	Zip:
County HARRISON	County
Telephone: (228) 348-0677	Telephone: ( )

Property Size (please give in acres or by dimension): 4.9 acres

Present Zoning Classification: NB

Is the property located within an AHRC District? Yes ☐ No ☑
If so, which District?

Flood Zone(s) of Property: X

	North	South	East	West
Property is most nearly bounded by what streets? HUSLEY WOOLMARKET ROAD	Skriners Blvd	Woolmarket Rd	Husley	Thomas Rd
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

Notary Signature

(Seal)

Signature of Rightful Owner

Notary Signature

(Seal)

STATE OF MISSISSIPPI NOTARY PUBLIC ID #292855 Joyce E. Stone Commission Expires September 16, 2025 JACKSON COUNTY

Signature of Rightful Owner

Notary Signature

(Seal)

Signature of Applicant

Notary Signature

(Seal)

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

NOTES:

Mike Reed
3075 Big Ridge Rd.
Diberville Ms 39540
mreed@temco-ms.com

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

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:*
Shaded Areas for Staff Only	

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

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

	Existing	New
I am requesting a zoning change from this *zone* to this *zone*:	NB	RB

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

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

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

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: Yes, It is currently suitable and being used under conditional use.		
4. Is the property suitable for uses permitted in the proposed zoning district?	✓	
Please explain: yes, the property is adjacent to other uses of this zoning and use.		
5. Has there been a change in the character of the neighborhood?		✓
Please explain: The Neighborhood has always been used for this type of commercial uses with adjoining properties being salvage yard, mechanics shop		
6. Is there an established community need for uses permitted in the proposed zoning district?	✓	
Please explain: Yes, as we support 20 Jobs and are currently allowed to do this.		
7. Was there a mistake in the original zoning of the property?		✓
Please explain: No		
8. Are utilities and infrastructure sufficient to address the impacts associated with allowed uses in the proposed district?	✓	
Please explain: Yes, the current utilities and infrastructure support the proposed use.		

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

We desire to rezone the subject property so that we can continue to perform and grow our business in the City of Biloxi. We have 5.98 acres and are bordered by an auto-salvage yard to our South. We have approximately 20 employees currently and our primary business consist of the diagnostic & repair of various electronic & mechanical components of restaurant equipment. Our clients include Schools, Casinos, numerous businesses across the Mississippi Gulf Coast.

While we are currently allowed to perform our business in this location as a matter of existing regulations we wish to have our zoning changed so that we may comfortably consider new improvements on the subject parcel as our business continues to grow.

We do not believe this request will impact the neighbors adversely. Our neighbor to the North and part of our parcel is already zoned with a higher zoning designation. Furthermore, our neighbor to the West is a repossession yard, to the South a salvage yard, and our other neighbors include various small businesses and mobile home rentals.

We thank you for your consideration on this matter,

Expectantly,

John Felsher

TEMCO

GARY A. DURBIN, P.L.S.
PROFESSIONAL LAND SURVEYOR
2981 TRAILWOOD DRIVE, BILOXI, MS. 39532
PH. (228) 365-3832 fredsigs@bellsouth.com

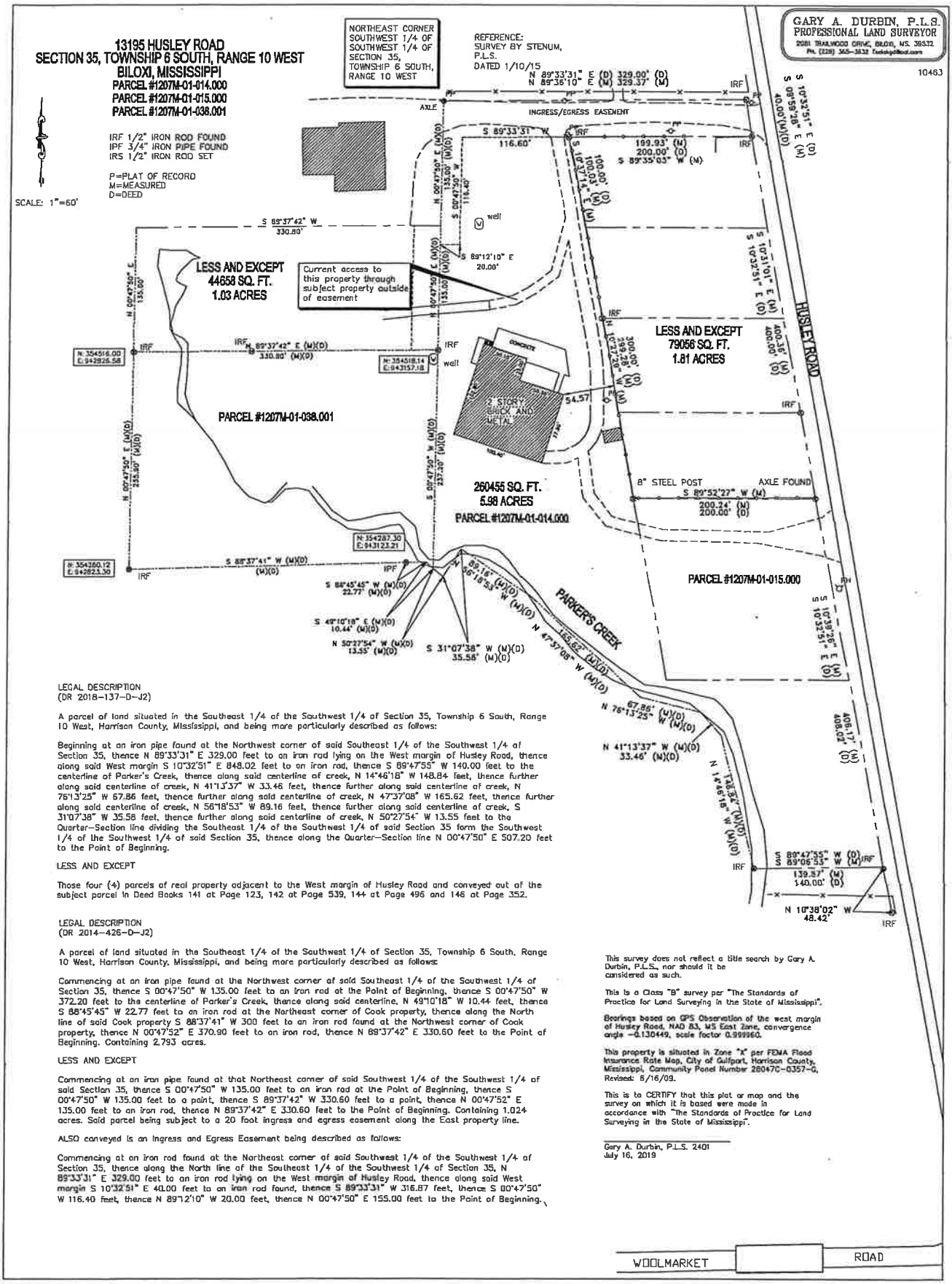
10463

13195 HUSLEY ROAD
SECTION 35, TOWNSHIP 6 SOUTH, RANGE 10 WEST
BILOXI, MISSISSIPPI
PARCEL #1207M-01-014.000
PARCEL #1207M-01-015.000
PARCEL #1207M-01-038.001

IRF 1/2" IRON ROD FOUND
IPF 3/4" IRON PIPE FOUND
IRS 1/2" IRON ROD SET

P=PLAT OF RECORD
M=MEASURED
D=DEED

SCALE: 1"=60'



LEGAL DESCRIPTION
(DR 2018-137-D-J2)

A parcel of land situated in the Southeast 1/4 of the Southwest 1/4 of Section 35, Township 6 South, Range 10 West, Harrison County, Mississippi, and being more particularly described as follows:

Beginning at an iron pipe found at the Northwest corner of said Southeast 1/4 of the Southwest 1/4 of Section 35, thence N 89°33'31" E 329.00 feet to an iron rod lying on the West margin of Husley Road, thence along said West margin S 10°32'51" E 848.02 feet to an iron rod, thence S 89°47'55" W 140.00 feet to the centerline of Parker's Creek, thence along said centerline of creek, N 14°46'18" W 148.84 feet, thence further along said centerline of creek, N 41°13'37" W 33.46 feet, thence further along said centerline of creek, N 76°13'25" W 67.86 feet, thence further along said centerline of creek, N 47°37'08" W 165.62 feet, thence further along said centerline of creek, N 56°18'53" W 89.16 feet, thence further along said centerline of creek, S 31°07'38" W 35.58 feet, thence further along said centerline of creek, N 50°27'54" W 13.55 feet to the Quarter-Section line dividing the Southeast 1/4 of the Southwest 1/4 of said Section 35 form the Southwest 1/4 of the Southwest 1/4 of said Section 35, thence along the Quarter-Section line N 00°47'50" E 507.20 feet to the Point of Beginning.

LESS AND EXCEPT

Those four (4) parcels of real property adjacent to the West margin of Husley Road and conveyed out of the subject parcel in Deed Books 141 at Page 123, 142 at Page 539, 144 at Page 496 and 146 at Page 352.

LEGAL DESCRIPTION
(DR 2014-426-D-J2)

A parcel of land situated in the Southeast 1/4 of the Southwest 1/4 of Section 35, Township 6 South, Range 10 West, Harrison County, Mississippi, and being more particularly described as follows:

Commencing at an iron pipe found at the Northwest corner of said Southeast 1/4 of the Southwest 1/4 of Section 35, thence S 00°47'50" W 135.00 feet to an iron rod at the Point of Beginning, thence S 00°47'50" W 372.20 feet to the centerline of Parker's Creek, thence along said centerline, N 49°10'18" W 10.44 feet, thence S 88°45'45" W 22.77 feet to an iron rod at the Northeast corner of Cook property, thence along the North line of said Cook property S 88°37'41" W 300 feet to an iron rod found at the Northwest corner of Cook property, thence N 00°47'52" E 370.90 feet to an iron rod, thence N 89°37'42" E 330.60 feet to the Point of Beginning. Containing 2.793 acres.

LESS AND EXCEPT

Commencing at an iron pipe found at that Northeast corner of said Southwest 1/4 of the Southwest 1/4 of said Section 35, thence S 00°47'50" W 135.00 feet to an iron rod at the Point of Beginning, thence S 00°47'50" W 135.00 feet to a point, thence S 89°37'42" W 330.60 feet to a point, thence N 00°47'52" E 135.00 feet to an iron rod, thence N 89°37'42" E 330.60 feet to the Point of Beginning. Containing 1.024 acres. Said parcel being subject to a 20 foot ingress and egress easement along the East property line.

ALSO conveyed is an Ingress and Egress Easement being described as follows:

Commencing at an iron rod found at the Northeast corner of said Southwest 1/4 of the Southwest 1/4 of Section 35, thence along the North line of the Southeast 1/4 of the Southwest 1/4 of Section 35, N 89°33'31" E 329.00 feet to an iron rod lying on the West margin of Husley Road, thence along said West margin S 10°32'51" E 40.00 feet to an iron rod found, thence S 89°33'31" W 316.87 feet, thence S 00°47'50" W 116.40 feet, thence N 89°12'10" W 20.00 feet, thence N 00°47'50" E 155.00 feet to the Point of Beginning.

This survey does not reflect a title search by Gary A. Durbin, P.L.S., nor should it be considered as such.

This is a Class "B" survey per "The Standards of Practice for Land Surveying in the State of Mississippi".

Bearings based on GPS Observation of the west margin of Husley Road, NAD 83, MS East Zone, convergence angle -0.130449, scale factor 0.999960.

This property is situated in Zone "X" per FEMA Flood Insurance Rate Map, City of Gulfport, Harrison County, Mississippi, Community Panel Number 28047C-0357-G, Revised: 8/16/09.

This is to CERTIFY that this plat or map and the survey on which it is based were made in accordance with "The Standards of Practice for Land Surveying in the State of Mississippi".

Gary A. Durbin, P.L.S. 2401
July 16, 2019

WOOLMARKET ROAD

Community Development Director
Jerry Creel

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

To: Biloxi Planning Commission

From: Eric Nolan, Development Review Committee Chair

Date: March 28, 2022

Re: John Felsher on behalf of M.J. Kane, LLC
13193 Husley Road
1207M-01-014.000 & 1207M-01-015.000

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

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

Yours truly,

Eric Nolan

Eric Nolan, Chair

March 28, 2022

Re: Rezoning of 13193 Husley Road

To Whom It May Concern

I would like to voice my support for the subject zoning change. I have a business adjacent to this property, my personal residence is adjacent to this property, and I have multiple rental properties also contiguous with this property.

I have never had a complaint with the business located on premises and they have been a wonderful neighbor and operated in a professional manner. This is exactly the type of responsible businesses we need to continue to nurture in Biloxi. Thank you for your consideration in this matter.

Respectfully,

WCook

Wendie Cook

228-380-0701

RECEIVED
APR 06 2022
BY: Clong

22-030-PC

BILOXI PLANNING COMMISSION MEETING
April 7th, 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
Charlie Dellenger
Gary Lechner
Joe King
Debora Magee
August Parker
Jimmy Poulos
John Snow
David Stanovich
Cheryl Thompson
Michael Todaro

ALSO PRESENT:

Jerry Creel, Director of Community Development
Caryle Lena, Planning Technician
Felicia Serpas, Planning Technician
Ed Shambra, Executive Planner

REPORTED BY

Melissa Burdine-Rodolfich
Simpson Burdine & Migues

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

	PAGE
CONTINUED PUBLIC HEARINGS: (None)	
NEW PUBLIC HEARINGS:	
22-029-PC	5
22-030-PC	9
22-031-PC	28
22-032-PC	38
TREE HEARINGS: (None)	

CHAIRMAN WASHER:

Let us call the Planning Commission meeting to order, please.

We'll record the members present, Mr. Lechner, Mr. Todaro, Mr. Parker, Ms. Magee, Ms. Thompson, Mr. Stanovich; coming in, Ms. Bankston; Mr. Delahousey, Mr. Poulos, Mr. Carron, Mr. King, Mr. Snow, Mr. Dellenger; myself, David Washer; Ed Shambra, Executive Planner; Jerry Creel, Director of Community Development; Caryle Lena, planning technician. Felicia Serpas is on the projector, planning technician; and our court reporter today is Melissa Rodolfich.

I would like to welcome you all here with us today. We'd ask that any cell phones in the audience, if you'd kindly mute them or turn them off.

Ask Mr. Parker to lead us in a moment of prayer, please.

(Moment of prayer.)

CHAIRMAN WASHER:

Ms. Magee, the pledge, please, ma'am.

(Pledge of allegiance.)

CHAIRMAN WASHER:

We welcome all of you with us here today. Anyone that desires to speak, please come to the podium when your case is called and also sign in at the pad provided.

Ask if all members of the Commission received a copy of the minutes from last meeting; if there is any additions or corrections?

MR. DELAHOUSEY:

Move to approve.

MS. BANKSTON:

Second.

CHAIRMAN WASHER:

Motion by Mr. Delahousey; second by Ms. Bankston.

All those in favor, say "aye."

(All in favor.)

CHAIRMAN WASHER:

Any opposed?

(None indicated.)

CHAIRMAN WASHER:

Good news, everybody -- well, we've got to talk to Jerry first. Committee reporters?

MR. CREEL:

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

Mr. Lechner, Mr. Todaro, Mr. Parker, Mr. Magee, Ms. Thompson, Mr. Stanovich, Ms. Bankston, Mr. Delahousey, Mr. Poulos, Mr. Carron, Mr. King, Mr. Snow, Mr. Dellenger; myself, David Washer. We'll let the record show that's unanimous.

Our next case, 22-030-PC, John Felsher on behalf of M.J. Kane, LLC. This is a request for a zoning map amendment to authorize the change in zoning district classification of two parcels of land collectively measuring 6.9 acres, more or less, in size from the present zoning district classification of NB, neighborhood business, to RB, regional business, for two parcels of land collectively identified as 13193 Husley Road, being tax parcel numbers 1207M-01-014.000 and 1207M-01-015.000. This case was also advertised on March 17th, 24th and 31st.

Have you got video on that please, ma'am?

MS. SERPAS:

Yes, sir.

(Video played.)

CHAIRMAN WASHER:

That's everything?

MS. SERPAS:

That's all we have.

CHAIRMAN WASHER:

Yes, sir.

MR. FELSHER:

John Felsher, 795 Destiny, Biloxi, Mississippi.

Any questions you all have, I would be happy to answer, but we have been using this property, our warehouse and such, to work on restaurant equipment and such for our business and now we just wanted to make it compliant for the long term.

And we have had no complaints from any neighbors. I think we have a letter for support in the packet, I believe, from the neighbor that owns the salvage yard to the south and some rentals to the east and then her home is to the north. So she is, by far, our most contiguous neighbor.

CHAIRMAN WASHER:

Let us give you a pointer and show us where you're operating out of now, Mr. Felsher. It's a pretty good size and pretty irregular size piece of property.

MR. FELSHER:

Here. What they showed you is -- we have six acres here. What they showed you was really not the property itself. Do you have a pointer or something?

CHAIRMAN WASHER:

The homes on the front of that property front Husley; is that correct?

MR. FELSHER:

This is the salvage yard. This is our neighborhood. This is the warehouse that we've been operating out of. This is the remaining neighborhood that goes off of the street here. And as I said, the neighbor to the north and -- here, she owns two of those and a few here -- Wendie Cook -- as well.

MR. DELAHOUSEY:

Mr. Felsher, you have part of your property that's already zoned --

MR. FELSHER:

Yes, sir. Part of it was already zoned. If I understand, we're able to do it by right right now, what we're doing, I believe.

MR. CREEL:

It's grandfathered in right now. It's a

legal non-conforming use on the property for what it is. They're proposing it for a contractor to be able to use it as their base for a heating and air business.

MR. FELSHER:

Yes.

MR. CREEL:

So they're adjacent to RB, and we just felt like it was an extension of a zoning that already exists.

CHAIRMAN WASHER:

Any questions, Members of the Commission, of Mr. Felsher?

I do have here one, it looks like, an e-mail from Wendie Cook. To whom it may concern: I would like to voice my support for the subject zoning change. I have a business adjacent to this property. My personal residence is adjacent to this property, and I have multiple rental properties also contiguous with this property. I have never had a complaint with the business located on the premises, and they have been a wonderful neighbor and operate it in a professional manner. This is exactly the type of responsible business that we need to continue to

nurture in Biloxi. Thank you for your consideration in this matter. Respectfully, Wendie Cook.

All right. If there is no one with any questions, Members of the Commission, is there anyone in the audience that wants to speak in favor of the applicant's request? No one in the audience speaking in favor.

Is there anyone in the audience speaking in opposition?

MS. LOPOSSER:

I'm not sure yet. It depends on what I hear.

CHAIRMAN WASHER:

Anyone with any questions?

MS. LOPOSSER:

There you go. You got me.

CHAIRMAN WASHER:

Again, give us your name and address and please sign in.

MS. LOPOSSER:

Okay. My name is Norma Loposser, and I live at the corner of Woolmarket and Thomas Road, which is 13042 Thomas Road and, of course, that's in Biloxi.

First, I want you to know you're mistaken to say it's just rental property out there.

CHAIRMAN WASHER:

Let me get you to address us, and then we'll --

MS. LOPOSSER:

Oh, I'm sorry. Forgive me. I'm a preacher and I like look at who I'm talking to.

But it's not just rental property out there. My family, myself, we have owned property out there since 1965. We have a house there that my nephew lives in. I live on the property next door. The Woolmarket Hill is what we call it out there. That's what we call it. There is a hill in my front yard. Y'all all know me when you pass. And I own an acre behind that property, so all together, we've got about three, three and a half acres up there.

And I simply want to know what's going to happen. I know what he's doing now. That's fine. I have no complaint with that. But what happens should he decide to close his business and another business comes out there? You know, I just -- I want to know that it's a good place to

live. It used to be. It's changed a lot -- y'all are right about that -- but it is going to continue to change?

CHAIRMAN WASHER:

Who knows. I can ask Mr. Shambra to give you a list of businesses that could locate there in an RB zone.

MS. LOPOSSER:

In an RB because? I noticed up there on the screen it said CB.

MS. LENA:

That's what it is now.

MS. LOPOSSER:

That's what it is now. Maybe I was just looking at this thing wrong.

CHAIRMAN WASHER:

There's a lot of NB out there and some -- a lot of RB out there.

MS. LOPOSSER:

Yeah. I know that we're getting businesses out there. I was worried when the apartment complex opened. And I will be honest with you, I have not had any problem with the people out there, except walking up and down the road. Now, if the city would build them a

sidewalk, that wouldn't be a problem. They shouldn't have to walk in the road.

But I wish I could say the same -- we live right beside Cook's property. Being a preacher, I'm not going to speak against them, but I most certainly cannot speak for Cook's property, the rental property especially. It's not a good thing right now.

CHAIRMAN WASHER:

RB zone would allow what, Mr. Shambra?

MR. SHAMBRA:

Okay. RB is one of our highest commercial classifications. It allows for the most heavy duty type -- storage facilities, so forth.

MS. LOPOSSER:

Yeah. I looked it up and I realize that.

MR. SHAMBRA:

So it is a pretty intensive classification. And it is next to RB zoning, which is the reason, I think, they're asking for the remaining portion of that lot -- those two lots to be brought in to the NB zoning. But you bring up a good concern. It does open the door

for other people should that property be sold.
MS. LOPOSSER:
It does. And my property is included in this; am I correct?
MR. SHAMBRA:
No. Your property should not be included. The only --
MS. LOPOSSER:
It says -- it borders Thomas Road.
MR. SHAMBRA:
They put the map back up there. Only that part --
MR. CREEL:
It's the crosshatched.
MR. SHAMBRA:
The crosshatched area is where the property is that's involved, so the areas just between those two are not included in the zoning.
MS. LOPOSSER:
Then, Thomas Road, the property on the Thomas road is not included?
MR. CREEL:
No.
MS. LOPOSSER:
So my property zoning would not change

on it?
MR. SHAMBRA:
You're not changing zones.
MS. LOPOSSER:
Well, that kicks my dog out from under the porch. Okay. I just -- I guess I don't want another place like we have around the corner on Shriner's Boulevard. I'm sure it's a good business and they're nice people, but I get tired of country music every Friday and Saturday night. I really do.
And I want that neighborhood to be a good neighborhood, a growing neighborhood and a safe neighborhood for everybody around there, and that's my concern. And the gentleman that's representing, the first one in the blue, he is a very nice young man. So I find it very hard to speak against him. I'm neutral. Let's just leave it at neutral.
CHAIRMAN WASHER:
Is there anyone else with any other questions or concerns?
MS. TOWNSEND:
Yeah. I'm Star Townsend, and I live at 13281 Husley Road in Biloxi.

We built our house in 2019. The road is very narrow. It's only 12 feet wide, so for incoming traffic going north and south, you have to pull over in somebody's yard or the first driveway you come to to let other traffic pass. Have y'all seen that?
MR. FELSHER:
Uh-huh.
MS. TOWNSEND:
Yes. The road has to be widened. There is no way that heavy equipment and trucks can keep coming up and down. I mean, myself, I just had to pull over and let the garbage people go up and down the street to collect garbage before I could even get to my house.
And Ms. Bert lives at the end of the road. And if something happens and the road gets closed down, an ambulance can't even get there. There is no other way in and out, so that's our concern.
CHAIRMAN WASHER:
All right. Thank you. Anyone else? No one else.
Mr. Felsher, could you address what your immediate plans are? You've got a pretty good

size tract of land there. Tell us who is operating out of there right now at this time. Are they planning to expand?
MR. FELSHER:
Yes. They're not expanding, but they have been operating on our restaurant equipment there. They'll continue -- what we'll do is, they'll keep the same amount of trucks. The same amount of trucks that have been coming there are what's going to be there.
As far as an alternative use on the property, Mr. Reed grew up steps from there and has no intention on doing anything other than staying there with his business. He's actually relocating his business for that purpose there, so I think -- I'm reasonably certain that the building will not be sold. This is what they want, as far as the building itself, which is pretty large, in excess of 14,000 square foot.
Prior to our purchase of this property, it was used by a gentleman with semi-truck postal routes, so we would agree that the road was narrow. But Mr. Reed will put nowhere near the amount of traffic they had on it. They ran semis down that road for a long, long time. So I don't

believe we're going to see any increased traffic. They have been using it to work on our equipment now with our restaurants and such, so I don't really see a noticeable increase in traffic.

As far as his long-term plans, the building right now he's using about one-third of the building, so there is two-thirds of the building left if he wanted to go -- and that's within the existing building footprint. And we have a good bit of woods and a creek as buffers around them.

We haven't had one complaint over the last few years that he has been there operating with us and for us. So again, if any neighbors have any concern, you're welcome -- both of us are local. You'd be welcome to -- and we'll stop or alter whatever we can do to help you.

But as far as from this point, this is only a matter of wanting to conform longer term with what we've been doing. No amount of increased traffic is going to happen on the road. We have semis come on that road probably three or four times a week. We have never had a problem yet. And as far as having to pull over, I was out there today and had to sit to let the post office

come up.

MS. TOWNSEND:

Yeah, it's dangerous.

MR. FELSHER:

Yeah. But as far as an increase of traffic -- and to your concern, there will not be -- as far as music or what have you. We have been using it for this site and this has been his lifelong dream. And he wanted to come back to Biloxi, so we've operated in it a few years and we haven't had a problem. And we just wanted go ahead officially for the long term make it so we are conforming. And in the event we did put up another building, it would be adjacent to the building that we have now, but there is no plans for that. I think we're using a little under 6,000 square foot right now, and there is another -- there is at least two-thirds more of that building.

MR. DELAHOUSEY:

How long has Temco been operating on the Coast?

MR. REED:

Since '07. I started in -- I'm not very good -- my name is Mike Reed with Temco. Address,

3075 Big Ridge Road, D'Iberville, Mississippi 39532.

I started the company out of my house on Shore Cove in Eagle Point. We left after the hurricane. I lived there most of my life. And I lived on Larkin over there just on the other side of where we're at now. That's where I grew up at.

I started in the City of Biloxi with one person. That was by myself and my wife, and I have since, you know, grown it to 15 service vehicles and five employees in the office. We really kind of want to change. We utilize just the office area for the staff. I think we're going to try to do the best -- as far as pulling in, we're going to try to make all the employees come in on the first entrance. That way we're not --

MS. TOWNSEND:

Is that where it leads to --

MR. REED:

Yes, ma'am. So the only people that will actually come in -- and where the video was, take that area and we hope to pave that road in the near future, which I think is part of that land there. But would be the office staff. We're

going to have that gate where a lady or myself can unlock that gate and come in.

We've a Monday through Friday business. You know, usually from 7:30 to 5:00. Weekends, we don't work on them. We may come up and get a part out of the building or something. But we just want to be a good neighbor.

MS. TOWNSEND:

We don't have any objections to the business.

MR. REED:

Yeah. I know it's everybody's neighborhood. We all grew up around here. We want to keep it the way it is, so I get it. I do thank y'all for your time, if anybody has got any questions for me.

MR. FELSHER:

Just for the record -- John Felsher again, just for the record, the entrance that was shown was a residential -- a secondary entrance. We have a double-gated commercial entrance that is -- here it is. This is a double-gated commercial entrance, which impacts -- when they shot that particular video, they came in here on a residential entrance. This double-gated

commercial entrance is what Mike is saying is the majority of the time we've been using this many years, and this is primarily where we come in at here. So this is a double-gated entrance there and that's primarily what we've been using. Seldom have we had to go to the alternative entrance there.

CHAIRMAN WASHER:

Thank you very much.

Anyone else with anything to say? Any questions?

All right. We'll consider that hearing closed.

MR. SHAMBRA:

Mr. Shambra. Case Number 22-030. This is a request for zoning map amendment to authorize the change in zoning for two parcels of land collectively measuring 6.9 acres in size from the present zoning district classification -- and actually, the property is presently zoned both NB, neighborhood, and partially RB, regional business -- to having the entire two parcels converted to RB, regional business zoning classification. And this is for property identified as 13193 Husley Road.

When you're doing a zoning map amendment and you're going from a moderately low commercial classification to a higher classification, you also have to pause and see what the circumstances are. I think it's been demonstrated that they've taken reasonable efforts to keep out any type of adverse impact to the residential area. And with the gate being situated the way it is, realizing that there's probably not going to be any significant expansion of the business at the site, the staff has no objections to this request as presented.

CHAIRMAN WASHER:

All right. Thank you.

MR. DELAHOUSEY:

I move we approve the zoning map amendment.

MR. PARKER:

Second.

CHAIRMAN WASHER:

All right. Motion by Mr. Delahousey recommending approval; seconded by Mr. Parker.

Any discussion?

MR. DELAHOUSEY:

I would like just to say that I think

the current use, Temco, I think they have done a good job from what I can tell here on the Coast. And from what I understand they have no plans of going anywhere, so it sounds like they're going to do some enhancements actually. The problem that you're experiencing with garbage trucks is not Temco's problem.

MS. TOWNSEND:

No, it's not. But it's the street that is the problem, and they have deep ditches.

MS. HANSON:

The blacktop is not but 12 foot wide. And they have got room enough there, 40 feet.

MR. DELAHOUSEY:

I understand. It sounds like they're going to do some enhancement to it.

MS. HANSON:

And the pictures they showed up there, it's not the original road. That was before it was ever blacktopped. It was much wider. It was much wider then than it is now.

CHAIRMAN WASHER:

All right. We have a motion and second on the floor. Any more discussion?

I'll ask that all those in favor of

approval, raise your hand.

Mr. Lechner, Mr. Todaro, Mr. Parker, Mr. Magee, Ms. Thompson, Mr. Stanovich, Ms. Bankston, Mr. Delahousey, Mr. Poulos, Mr. Carron, Mr. King, Mr. Snow, Mr. Dellenger; myself, David Washer. We'll let the record show that's unanimous.

Our next case, Number 22-031-02-PC, Huoung Dao and Nguyet Le and Susan Jones, applicants, this is a request for a conditional use approval with variances to authorize the establishment of a tattoo parlor, being a tattoo or body piercing establishment, within the same block as property zoned residential for the new business to be situated within an existing commercial building, situated upon a parcel of land 75.25 feet by 116.2 feet, more or less, in size and located within an NB, neighborhood zoning district, for property identified as 271 Iberville Drive, being Municipal Tax Parcel number 1210H-02-016.000. This case advertised on March 24th and March 31st. Ms. Serpas, video please, ma'am.

(Video played.)

CHAIRMAN WASHER: