Ordinance No. 2485

ORDINANCE TO AUTHORIZE A PD-HB PLANNED DEVELOPMENT - HOSPITALITY BUSINESS OVERLAY DISTRICT AND MASTER PLAN UPON TWO PARCELS OF LAND IDENTIFIED AS 1252 & 1254 BEACH BOULEVARD

WHEREAS, the Biloxi Planning Commission held a public hearing on March 17, 2022, to hear the application of Harrison County Lodging Development, LLC (owner) and Neil Polen on behalf of Dale Partners Architects (applicant), Case No. 22-022-PC, to address a request for Zoning Map Amendment to authorize the establishment of a PD- HB: Planned Development - Hospitality Business Overlay District, said application having been submitted as a Planned Development - Hospitality Business Overlay District and Master Plan, as authorized within Section 23-3-4(G) of the Land Development Ordinance, for three properties presently zoned RM-20 Medium-Density Multi-family Residential and RS-7.5 Medium-Density Single-Family Residential - which parcels have been submitted as a single property site for establishment of a PD-HB - Hospitality Business Overlay District; and

WHEREAS, the Planning Commission members were apprised of the particulars of this case, being made cognizant of the fact that the PD-HB: Planned Development - Hospitality Business Master Plan, as submitted, proposes the creation of two new Hotels, an Aqua Suites Boutique Hotel with 40 rooms, a rooftop pool, an interior courtyard, and 43 parking spaces - all within phase 1, and a 108 room Marriott Residence Inn with an outdoor living room, a pool, and 98 parking spaces within phase 2 - for properties presently identified as 1252 & 1254 Beach Boulevard and 1257 Father Ryan Avenue (re: Tax Parcel Nos. 1310J-04-121.000, 1310J-04-122.000 & 1310J-04-122.002); and

WHEREAS, it was noted that the Development Review Committee (DRC) had reviewed this request for a Zoning Map Amendment to authorize the establishment of a

PD-HB: Planned Development - Hospitality Business Overlay District and Master Plan, which plan provides for exclusive accessibility to the site via a single driveway entrance to Interface with Beach Boulevard, and an emergency only access to Father Ryan Avenue controlled by a Knox Box, and found this Master Plan to be in conformance with the rules and regulations of the City of Biloxi, and authorized the owner and the applicant to proceed to the Planning Commission and City Council to request the PD-HB: Planned Development - Hospitality Business Overlay District and Master Plan approval, as herein requested; and

WHEREAS, on March 17, 2022, the Biloxi Planning Commission, upon conducting a public hearing whereupon the particulars of this case were discussed, voted (10-2) to recommend approval for this Zoning Map Amendment to authorize the establishment of a PD-HB: Planned Development - Hospitality Business Overlay District and Master Plan, subject to the proviso that an eight foot (8') tall privacy fence be installed, with a solid gate along the North property line paralleling Father Ryan Avenue, which solid gate would limit access to emergency entrance only, upon three properties currently zoned RM-20 Medium-Density Multi-Family Residential (the two south parcels) and RS-7.5 Medium- Density Single-Family Residential (the north parcel) - which combination of land has been submitted as a single property site establishing a PD-HB: Planned Development - Hospitality Business Overlay District, allowing for the creation of two new Hotels, upon properties presently identified as 1252 & 1254 Beach Boulevard and 1257 Father Ryan Avenue (re: Tax Parcel Nos. 1310J-04-121.000, 1310J-04-122.000 & 1310J-04-122.002); and

WHEREAS, the Biloxi City Council, via Resolution No. 248-22, voted to have a public hearing regarding this case, set for June 7, 2022; and

WHEREAS, Harrison County Lodging Development, LLC (owner) and Neil Polen

on behalf of Dale Partners Architects (applicant), on May 31, 2022, submitted changes to be presented at the public hearing on June 7, 2022; and

WHEREAS, the City Council members were apprised of the revisions of this case, for a Zoning Map Amendment to authorize the establishment of a PD-HB: Planned Development - Hospitality Business Overlay District, said application having been submitted as a Planned Development - Hospitality Business Overlay District and Master Plan, for two properties (re: Tax Parcel Nos. 1310J-04-121.000 & 1310J-04-122.000) presently zoned RM-20 Medium-Density Multi-Family Residential - which parcels have been submitted as a single property site for establishment of a PD-HB - Hospitality Business Overlay District, to be developed in two (2) Phases, for the creation of one new Hotel, an Aqua Suites Boutique Hotel, with 48 rooms, a rooftop pool, an Interior courtyard, and 50 parking spaces and an additional 14 parking spaces for a total of 64 parking spaces - all within Phase 1. Within Phase 2, the owner/developer is proposing to build multi-family units to be designed and built according to the provisions of RM-20 Medium-Density Multi-Family Residential as defined in the Land Development Ordinance, with only one entrance and exit for both phases of the Project to be at Highway 90 [NOTE: the third lot (parcel number 131OJ-04-122.002) which was proposed in the first application, fronting Father Ryan Avenue, and depicted on the attached site plan, will be either sold to an adjacent neighbor or donated to the City of Biloxi and will not be included within this PD-HB Overlay District], all for properties presently identified as 1252 & 1254 Beach Boulevard (re:Tax Parcel Nos. 1310J-04-121.000 & 1310J-04-122.000); and

WHEREAS, based on requests by members of the public at the June 7, 2022,

hearing, the applicant has proposed further changes to the Master Plan, Narrative, Terms and Conditions Document and Site Plan and have submitted to the Council for consideration an amended Map Amendment form with amended attachments- i.e., the Amended Master Plan, Narrative, & Terms and Conditions Document dated June 9, 2022, Supplement [dated June 13, 2022] to Amended Master Plan, Narrative, & Terms and Conditions Document, Amended Map Amendment Supplement dated June 6, 2022, revised Site Plan dated June 13, 2022, and revised Survey by Machado-Patano Engineers depicting and providing required legal descriptions of applicable parcels, all of which are attached to this resolution and made a part hereof; and

WHEREAS, the Biloxi City Council, after consideration of all facts presented hereby adopts the revisions submitted by the owner/applicant, and in so doing, determines that approval of this PD-HB: Planned Development - Hospitality Business Overlay District and Master Plan, as amended, is appropriate for the properties presently identified as 1252 & 1254 Beach Boulevard, having found that a change has occurred in the Character of this Neighborhood and further, that an established Community Need for this hotel project is warranted, noting that the uses and all PD-HB District Intensity/Dimensional and Development standards, as outlined within Section 23-3-4(G) included within this PD-HB Master Plan proposal are appropriate for the property site identified.

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 SAID DETERMINATIONS, THAT THE FOLLOWING SHALL BE AUTHORIZED:

Ord. No. 2485

SECTION ONE: The Biloxi City Council, hereby adopts the report and findings of the Biloxi Planning Commission, and in so doing, determines that approval of the PD-HB: Planned Development - Hospitality Business Overlay District and Master Plan, as amended, is appropriate for the collective property site for these individual properties currently Identified as 1252 & 1254 Beach Boulevard, having determined that a Change in the Character of this Neighborhood is of notice and that an established Community Need for this Planned Development Zoning district is warranted, as provided, and the uses and district standards proposed within this Master Plan, are correct and in concert with this neighborhood, for the property site presently identified as 1252 & 1254 Beach Boulevard (re: Tax Parcel Nos. 1310J-04-121.000& 1310J-04-122.000).

SECTION TWO: That the boundaries of the Geographical Information System Format Zoning District Map of the City of Biloxi, Mississippi, as amended, are hereby further amended by the establishment of an Overlay District (PD-HB) for the site presently identified as 1252 & 1254 Beach Boulevard (re: Tax Parcel Nos. 131OJ-04-121.000 & 1310J-04-122.000) and described as follows:

PHASE I Survey Description

LOT 4, FATHER RYAN PLACE SUBDIVISION AND A PART OF LOT 1, KELLAR'S ADDITION TO AVONDALE, CITY OF BILOXI, SECOND JUDICIAL DISTRICT OF HARRISON COUNTY, MISSISSIPPI, AND BEING FURTHER DESCRIBED AS FOLLOWS: COMMENCE AT A 1 INCH IRON PIPE FOUND MARKING THE NORTHEAST CORNER OF LOT 3, FATHER RYAN PLACE, AS PER PLAT BOOK 22, PAGE 6, ON FILE IN THE OFFICE OF THE CHANCERY CLERK, SECOND JUDICIAL DISTRICT, HARRISON COUNTY, MISSISSIPPI; THENCE RUN SOUTH 00 DEGREES 13 MINUTES 35 SECONDS EAST FOR A DISTANCE OF 119.69 FEET TO A ½ INCH IRON ROD FOUND; THENCE RUN SOUTH 0O DEGREES 07 MINUTES 21 SECONDS EAST FOR A DISTANCE OF 205.74 FEET TO A POINT BEING THE POINT OF BEGINNING; THENCE RUN SOUTH 00 DEGREES 07 MINUTES 21 SECONDS EAST FOR A DISTANCE OF 288.07 FEET TO AN X MARK CHISELED IN CONCRETE ON THE NORTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY 90; THENCE RUN ALONG SAID RIGHT-OF-WAY LINE NORTH 88 DEGREES 59 MINUTES 00 SECONDS WEST FOR A DISTANCE OF 236.58 FEET TO A ½ INCH IRON

ROD FOUND; THENCE RUN NORTH 87 DEGREES 31 MINUTES 18 SECONDS WEST FOR A DISTANCE OF 82.11 FEET TO A CAPPED ½ INCH IRON ROD SET; THENCE DEPARTING SAID RIGHT-OF-WAY LINE, RUN NORTH 00 DEGREES 42 MINUTES 29 SECONDS WEST FOR A DISTANCE OF 237.31 FEET TO A POINT; THENCE RUN NORTH 81 DEGREES 05 MINUTES 39 SECONDS EAST FOR A DISTANCE OF 256.68 FEET TO A POINT; THENCE RUN NORTH 87 DEGREES 11 MINUTES 46 SECONDS EAST FOR A DISTANCE OF 67.38 FEET TO THE POINT OF BEGINNING, CONTAINING 85,185 SQUARE FEET OR 1.96 ACRES, MORE OR LESS.

PHASE II Survey Description

LOT 4, FATHER RYAN PLACE SUBDIVISION AND A PART OF LOT 1, KELLAR'S ADDITION TO AVONDALE, CITY OF BILOXI, SECOND JUDICIAL DISTRICT OF HARRISON COUNTY, MISSISSIPPI, AND BEING FURTHER DESCRIBED AS FOLLOWS: COMMENCE AT A 1 INCH IRON PIPE FOUND MARKING THE NORTHEAST CORNER OF LOT 3, FATHER RYAN PLACE, AS PER PLAT BOOK 22, PAGE 6, ON FILE IN THE OFFICE OF THE CHANCERY CLERK, SECOND JUDICIAL DISTRICT, HARRISON COUNTY, MISSISSIPPI; THENCE RUN SOUTH 00 DEGREES 13 MINUTES 35 SECONDS EAST FOR A DISTANCE OF 119.69 FEET TO A ½ INCH IRON ROD FOUND BEING THE POINT OF BEGINNING; THENCE RUN SOUTH 00 DEGREES 07 MINUTES 21 SECONDS EAST FOR A DISTANCE OF 205.74 FEET TO A POINT; THENCE RUN SOUTH 87 DEGREES 11 MINUTES 46 SECONDS WEST FOR DISTANCE OF 67.38 FEET TO A POINT; THENCE RUN SOUTH 81 DEGREES 05 MINUTES 39 SECONDS WEST FOR A DISTANCE OF 256.68 FEET TO A POINT; THENCE RUN NORTH 00 DEGREES 42 MINUTES 29 SECONDS WEST FOR A DISTANCE OF 65.04 FEET TO A 1/2" IRON ROD FOUND; THENCE RUN NORTH 00 DEGREES 52 MINUTES 41 SECONDS WEST FOR A DISTANCE OF 97.82 FEET TO A 1 INCH IRON PIPE FOUND; THENCE RUN NORTH 88 DEGREES 34 MINUTES 21 SECONDS EAST FOR A DISTANCE OF 83.96 FEET TO A ½ INCH IRON ROD FOUND; THENCE RUN NORTH 00 DEGREES 26 MINUTES 54 SECONDS WEST FOR A DISTANCE OF 81.20 FEET TO A ½ INCH IRON ROD FOUND; THENCE RUN NORTH 89 DEGREES 24 MINUTES 35 SECONDS EAST FOR A DISTANCE OF 119.81 FEET TO A ½ INCH IRON ROD FOUND; THENCE RUN NORTH 89 DEGREES 19 MINUTES 46 SECONDS EAST FOR A DISTANCE OF 119.66 FEET TO THE POINT OF BEGINNING, CONTAINING 64,914 SQUARE FEET OR 1.49 ACRES, MORE OR LESS

and further described as land most nearly bounded by the following streets: to the North by Father Ryan Avenue; to the South by and fronting upon Beach Boulevard; to the East by White Avenue; and to the West by Saint Jude Street.

SECTION THREE: This ordinance shall become effective thirty days from and after its passage and publication with law.

Ord. No. 2485

The foregoing Ordinance having first been reduced to writing, was read by the Clerk and moved by Councilmember Deming, seconded by Councilmember Gines, and was adopted by the following vote:

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

The President then declared the Ordinance adopted this the 14th day of June, 2022.

STATE OF MISSISSIPPI
CITY OF BILOXI
HARRISON COUNTY

ATTEST:

CLERK OF THE COUNCIL

APPROVED:

PRESIDENT OF THE COUNCIL

Submitted to and approved by the Mayor, this the 16th day of June, 2022.

APPROVED:

MAYOR

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?		X
Please explain:		
4. Is the property suitable for uses permitted in the proposed zoning district?	X	
Please explain:		
5. Has there been a change in the character of the neighborhood?	X	
Please explain:		
6. Is there an established community need for uses permitted in the proposed zoning district?	X	
Please explain:		
7. Was there a mistake in the original zoning of the property?		X
Please explain:		
8. Are utilities and infrastructure sufficient to address the impacts associated with allowed uses in the proposed district?	X	
Please explain:		

Site Plan attached: (please circle): Yes No

Case No. ☐☐-☐☐☐-☐☐☐

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: 5-31-2022
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 12 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*:	RM-20	Overlay PDHB

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?	X	
Please explain: For All explanations refer to the attached Map amendment supplement.		
2. Is the proposed map amendment compatible with present zoning and conforming uses of nearby property and with the character of the neighborhood?	X	
Please explain:		

AMENDED MASTER PLAN, NARRATIVE, & TERMS AND CONDITIONS DOCUMENT FOR THE *AQUA SUITES HOTEL & RM-20 MULTIFAMILY* PROJECT APPLICATION FOR PD-HB OVERLAY DISTRICT

June 9, 2022

Harrison County Lodging Development, LLC, the owner/developer and applicant ("Applicant") requests a PD-HB Overlay District for construction of improvements for designated uses in two phases as depicted in the attached Site Plan, Survey and legal descriptions on the Survey. The first phase will begin Summer of 2022 on the land bordering highway 90 to construct the approximately $15 Million Biloxi Aqua Suites Hotel, with up to 48-rooms in a luxury, full service boutique hotel with rooftop pool, interior courtyard, associated parking and landscaping. No living trees will be removed from the Phase 1 site. In Phase 2, the owner/developer will build only multi-family units that will be designed and built according to the provisions of RM-20 Multi-Family zones as defined in the City's Land Development Ordinance.

The project will continue the revival of this West Biloxi Historic District, which includes all lots in the proposed PD-HB Overlay District and all lots that border Highway 90 in this city block.

The owner/developer will either sell at FMV to an adjacent lot owner, or donate to the City, the single-family lot zoned RS-7.5-zoned on Fr. Ryan Avenue, depicted on the attached Amended Site plan; the RS-7.5 lot is not part of the amended perimeter of the proposed PD-HB Overlay District depicted on the attached amended site plan. This sale or donation will occur as soon as reasonably possible after this application for PD-HB Overlay District is approved by a final, non-appealable decision of the City Council, but in any event the conveyance must occur before the City grants the owner/developer a building permit for the Aqua Suites Hotel in Phase 1.

In keeping with the historic, aesthetic, and environmental values of Biloxi's West Beach Historic District, Phase 1 of the project will preserve all of the protected and unprotected trees on the Phase 1 site and will use pervious surfaces where feasible to enhance the health of the trees. In the event the future design for the development of multi-family units in Phase 2 requires removal of any trees, the owner/developer will submit a tree-removal application to the Community Development Department and the Tree Committee as required by the LDO. Also, the owner/developer will submit an application with appropriate design of the RM-20 multi-family buildings in Phase 2 to the Architectural and Historic Review Committee for review and approval as required by the LDO.

In order to preserve the maximum number of trees in Phase 1, the developer has conducted detailed design to produce a site plan that works around protected trees as much as feasible. To achieve the goal of preserving the grove of oak trees, the unique design reduced the structural footprint of the Aqua Suites Hotel as much as economically feasible, by curving roadways and parking spaces to avoid tree trunks, and by using pervious surface materials wherever possible. Therefore, to achieve the goal of preservation of trees and green space, the owner/developer requests the assistance of Tax Increment Financing and/or tax abatement from the City and County to off-set at least in part the additional costs. The owner/developer will submit applications for such TIF and/or tax abatement as provided by law and City ordinances, but the owner/developer understands that such applications are subject to the approval of the Mayor and Council and that approval of this PD-HB Overlay District does not constitute approval of such applications.

Brick garden walls with wood panels and appropriate landscaping will border the residential neighbors bordering the northern edge of Phase 2 of the Project and the south boundary of the single-family lot on Fr. Ryan that the owner/developer will sell or donate.

All vehicles and emergency vehicles for the developments on both Phases 1 & 2 will enter and exit on Highway 90. Exterior lighting will be directed groundward to the interior of the project.

The owner requests a Planned Development – Hospitality Business Overlay District. There has been a change in the character of the neighborhood since the original zoning of RM-20 Multi-Family for the lots in the proposed PD-HB. This whole area along Highway 90 was devastated by Hurricane Katrina, permanently changing the character of the neighborhood of lots bordering Highway 90. The land in this proposed PD-HB site along Highway 90 has been vacant and unused since Katrina. Since Katrina, a portion of this City block has been rezoned CB; the owner of the CB parcel has announced to the Community Development Department preliminary plans for seeking additional zoning change to such owner's single family lot that borders Highway 90 on the eastern border of this Applicant's proposed PD-HB Overlay District, in order to build a new hotel on land from White Avenue to the eastern border of the Applicant's proposed PD-HB. The White House Hotel, in a CB District, is the next structure on Highway 90 east of the proposed PD-HB. The next structure on Highway 90 west of the PD is an apartment/condo complex. The economy of the City of Biloxi is heavily dependent upon tourism and hotel rooms, especially along its Highway 90 beachfront. Currently, there are 7,466 hotel rooms in Biloxi, which is only 80.8 % of Biloxi's pre-Katrina total of 9,241 rooms. There is a public necessity in Biloxi for additional hotel rooms, justifying a Planned Development – Hospitality Business Overlay District, in addition to the change in the character of the neighborhood, and a public necessity for the City's economic recovery from Katrina. Allowing this Planned Development - HB Overlay District would be consistent with the vision and goals of the City's Comprehensive Land Use Plan, which describes only four neighborhoods in the whole City of Biloxi—i.e., East Biloxi, West Biloxi, North Biloxi, and Woolmarket. This proposed PD-HB Overlay District is within the East Biloxi Neighborhood, which includes all of the Highway 90 beachfront property devastated by Katrina in East Biloxi, as this neighborhood is described in the City's Comprehensive Plan. Current nearby uses in the lots along Highway 90 within this City block are multifamily units and vacant lots. This Amended Master Plan and Amended Site Plan for the proposed PD-HB Overlay District, if approved, would continue the current RM-20 Multi-Family buffer in Phase 2 between the single-family lots on Fr. Ryan Avenue and the Aqua Suites Hotel proposed for Phase 1 bordering Highway 90. Clearly, the uses of the planned development are compatible with nearby uses on all lots bordering Fr. Ryan Avenue and on lots bordering Highway 90.

Key data and additional terms and conditions for this project:

The owner/developer will either sell at FMV to an adjacent lot owner, or donate to the City, the single-family lot zoned RS-7.5-zoned on Fr. Ryan Avenue, depicted on the attached Site Plan outside of the now amended perimeter of the proposed PD-HB Overlay District. This sale donation will occur as soon as reasonably possible after the application for PD-HB is approved by a final decision of the City Council not appealed to a state court, but in any event the sale or donation must occur before the City grants the owner/developer a building permit.

As a condition to approval of this application for PD-HB Overlay District, the City will vacate the unused part of the existing utility easement depicted on the attached amended Site Plan, and the owner/developer will donate, without receiving monetary payment, the proposed new utility easement depicted on the amended Site Plan, it being understood that the City inadvertently installed a utility line in the proposed new utility easement without having obtained conveyance of that easement from the property owner.

Total Lot Area = 149,870.5 SF (3.44 Acres)

Pervious paving (parking and drives) Phase 1 = 1904 SF

Impervious paving (building, parking, and drives) Phase 1 = 54856 SF = 67.2% of the Phase 1 land

Trees on site = 65. Trees to be removed in Phase 1 = none. Trees to be removed, if any, in Phase 2, are to be determined when design is submitted to City's AHRC and Tree Committee for approval.

The owner/developer will provide an 8' buffer garden wall and appropriate landscaping on the border of all single-family lots on the northern edge of Phase 2 of the PD-HB and on the south boundary of the single-family lot on Fr. Ryan that the owner/developer will sell or donate.

The buildings for both phases will meet the requirements of the Fire Code allowing one entrance and exit at Highway 90.

The multi-family buildings and uses for Phase 2 will meet, comply with, and be bound by the requirements of the LDO for RS-20 Multi-Family units.

Aqua Suites: 48 parking spaces, plus 15 extra parking spaces.
Aqua Suites Units. Up to 48. 55,816 SF total. Aqua Suites FAR is 0.39.

See Attachments to this Amended Master Plan, Narrative, & Terms and Conditions Document: the Amended Map Amendment Supplement, amended Site Plan, amended Survey with amended Legal Descriptions of the proposed PD-HB Overlay District, its two phases, and the single-family lot to be sold or donated.

SUPPLEMENT TO AMENDED MASTER PLAN, NARRATIVE, & TERMS AND CONDITIONS DOCUMENT DATED JUNE 9, 2022, FOR THE *AQUA SUITES HOTEL & RM-20 MULTIFAMILY* PROJECT APPLICATION FOR PD-HB OVERLAY DISTRICT

This **Supplement to Amended Master Plan, Narrative & Terms and Conditions Document Dated June 9, 2022, ("Supplement")** is a legally binding amendment to the legally binding **Amended Master Plan, Narrative & Terms and Conditions Document Dated June 9, 2022.** Harrison County Lodging Development, LLC, the owner/developer and applicant ("Applicant") hereby agrees and covenants to abide by the following legally binding additional commitments to its **Amended Master Plan, Narrative & Terms and Conditions Document Dated June 9, 2022,** submitted to the City Council as part of the Applicant's legally binding application for approval of a PD-HB Overlay District:

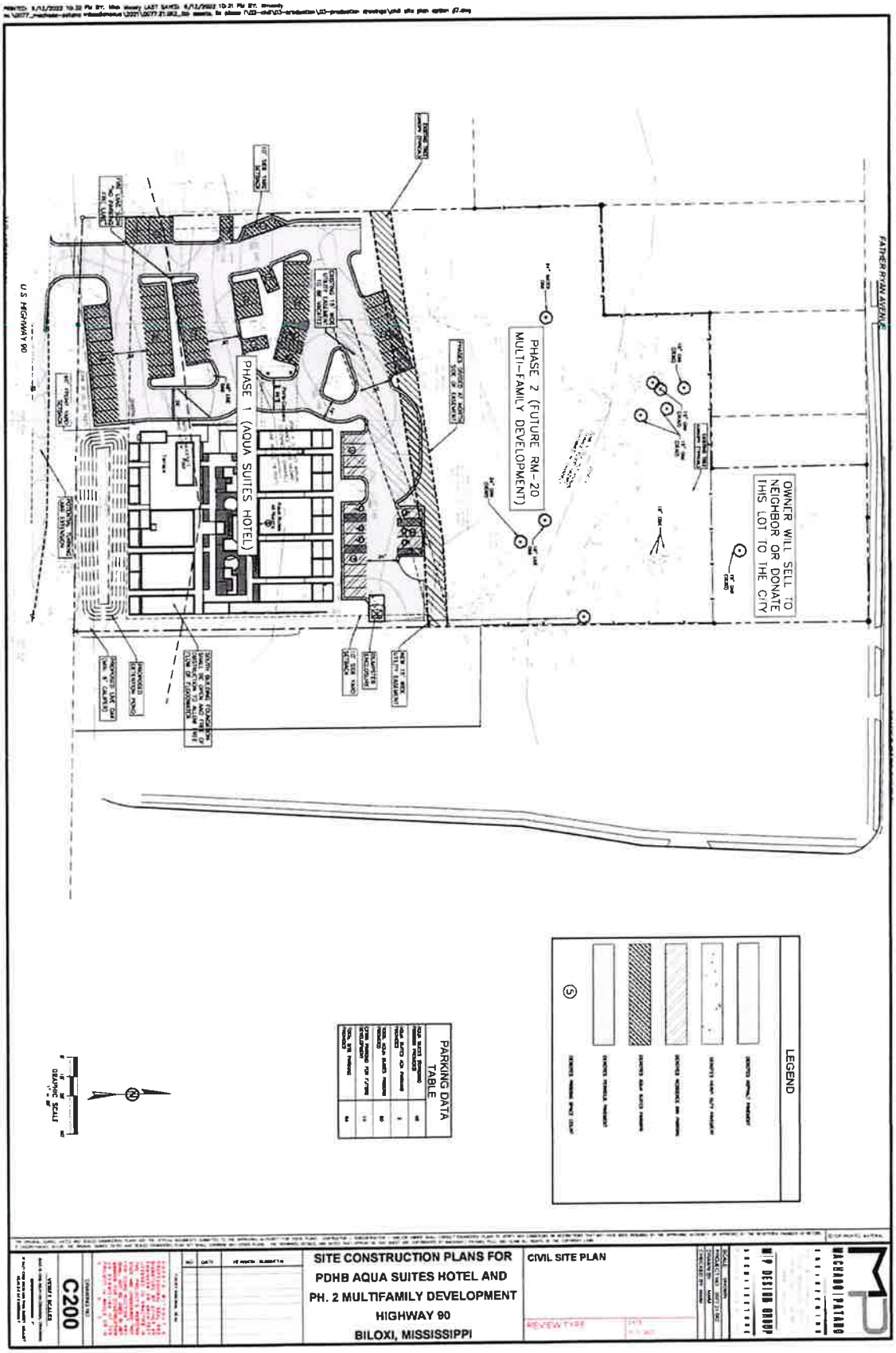
1. The initial Site Plan and design for Phase 2 of the PD-HB Overlay District and any and all future amendments to the Phase 2 Site Plan and design shall be only for RM-20 Multifamily buildings and uses and:

    a. Shall not depict, design, and request variances to the standards for setbacks and height defined in the LDO §23-3-2 (I) Table for RM-20 Medium-Density Multifamily Residential District Basic Intensity and Dimensional Standards;
    b. Shall not depict, design, and request any dumpster site(s) bordering the single-family lots that border the territory of Phase 2;
    c. Shall not depict or request an accessory use for a Nightclub, as defined in LDO Table §23-4-4 (B) (4) Permitted Accessory Uses and Structures; and
    d. Shall not depict or request authorization for Short Term Rentals, as defined in LDO § 23-4 -1 (B) Use Table – Residential Districts and § 23-4-3 (D) (10) e.

2. The Applicant and its successors shall not apply for any amendment to the PD-HB Overlay District that allows an accessory use for a Nightclub, as defined in LDO Table §23-4-4 (B) (4) Permitted Accessory Uses and Structures.

3. The Applicant hereby substitutes the attached Site Plan to replace the prior Site Plan in the Application.

This **Supplement** shall be effective only if and when a final resolution approving the Applicant's pending application for PD-HB Overlay District is adopted by the City Council and is not the subject of an appeal to a court of law.


U.S. HIGHWAY 90
FATHER RYAN AVENUE
PHASE 1 (AQUA SUITES HOTEL)
PHASE 2 (FUTURE RM-20 MULTI-FAMILY DEVELOPMENT)
OWNER WILL SELL TO NEIGHBOR OR DONATE THIS LOT TO THE CITY
PARKING DATA TABLE
LEGEND
SITE CONSTRUCTION PLANS FOR
PDHB AQUA SUITES HOTEL AND
PH. 2 MULTIFAMILY DEVELOPMENT
HIGHWAY 90
BILOXI, MISSISSIPPI
CIVIL SITE PLAN
C200

AMENDED MAP AMENDMENT
SUPPLEMENT

1. The proposed PD-HB Overlay District for this site is consistent with the Vision Statement and Land Use Goals in the City's Comprehensive Land Use Plan. The applicant (owner/developer) requests a PD-HB Overlay District for construction of improvements for designated uses in two phases as depicted in the attached Site Plan, Survey and legal descriptions. The first phase will begin Summer of 2022 on the land bordering highway 90 to construct the approximately $15 Million Biloxi Aqua Suites Hotel, an up to 48-room, luxury, full service boutique hotel with rooftop pool and interior courtyard and associated parking, landscaping, and preservation of all protected live oaks and magnolias on the Phase 1 site. In Phase 2 the owner/developer will build only multi-family units that will be designed and built according to the provisions of RM-20 Multi-Family Zones as defined in the City's Land Development Ordinance. The project will continue the revival of this West Biloxi Historic District, which includes all lots in the proposed PD-HB Overlay District and all other lots that border Highway 90 in this city block. The owner/developer will either sell at FMV to an adjacent lot owner, or donate to the City, the single-family lot zoned RS-7.5-zoned on Fr. Ryan Avenue, depicted on the attached amended Site Plan; the RS-7.5 lot is not part of the amended perimeter of the proposed PD-HB Overlay District depicted on the attached amended Site Plan.
2. The proposed use of Phase 1 of the PD-HB Overlay District is not compatible with the present zoning of the lots within the amended Site Plan for the PD-HB Overlay District, which is RM-20, but would be compatible with the current nearby uses and the current character of the nearby neighborhood of lots bordering Highway 90 and the nearby neighborhood of lots bordering Fr. Ryan Avenue, because Phase 2 of this proposed PD-HB Overlay District would continue to be bound by the current Zoning for only RM-20 Multi-Family uses for the land on Phase 2, thus providing a transitional buffer of RM-20 Multi-Family uses between the commercial use of Phase I (the Aqua Suites Hotel) and the single-family uses on the lots of the neighborhood bordering Fr. Ryan Avenue. This whole area of lots bordering Highway 90 was devastated by Hurricane Katrina, permanently changing the character of the neighborhood of lots bordering Highway 90. Since Hurricane Katrina, part of this City block has been rezoned CB. This PD-HB site has been vacant and unused since Katrina. Nearby uses on Hwy. 90 in this City block are multifamily units and vacant lots. East of this project site are vacant lots (one in a CB District). The first beachfront structure to the east is the White House Hotel in a CB District.
3. The property is not suitable for uses in Phase 1 permitted in the present zoning district, which is RM-20, without a PD-HB Overlay District. This whole area was devastated by Hurricane Katrina, permanently changing the character of the applicable neighborhood. Part of this City block has been rezoned CB. This site has been vacant and unused since Katrina. The uses proposed in the PD-HB Overlay District for Phases 1 and 2 are consistent with the properties in this City block.
4. The property is suitable for the uses permitted in the proposed PD-HB Overlay District. The first phase will begin Summer of 2022 on the land bordering highway 90 to construct the approximately $15 Million Biloxi Aqua Suites Hotel, an up to 48-room, luxury, full

service boutique hotel with rooftop pool and interior courtyard and associated parking, landscaping, and preservation of all protected live oaks and magnolias on the Phase 1 site. In Phase 2 the owner/developer will build only multi-family units to be designed and built according to the provisions of RM-20 Multi-Family Zones as defined in the City's Land Development Ordinance. The first phase will begin Summer of 2022 on the land bordering highway 90 to construct the approximately $15 Million Biloxi Aqua Suites Hotel, an up to 48-room, luxury, full service boutique hotel with rooftop pool and interior courtyard and associated parking, landscaping, and preservation of all protected live oaks and magnolias on the Phase 1 site. In Phase 2 the owner/developer will build only multi-family units to be designed and built according to the provisions of RM-20 Multi-Family Zones as defined in the City's Land Development Ordinance. Garden walls of brick columns and opaque wood panels and appropriate landscaping will border the rear and, where applicable, side yards of all of the single family lots that border Fr. Ryan Avenue. All exterior lighting will be directed groundward and toward the interior of the project. In order to preserve the maximum number of trees in Phase 1, the developer has conducted detailed design to produce a Site Plan that works around protected trees as much as feasible. To achieve the goal of preserving the grove of oak trees, the unique design reduced the structural footprint of the Aqua Suites Hotel as much as economically feasible, by curving roadways and parking spaces to avoid tree trunks, and by using pervious surface materials wherever possible. All vehicles and emergency vehicles for the developments on both Phases 1 & 2 will enter and exit on Highway 90.

5. This whole area of lots bordering Highway 90 was devastated by Hurricane Katrina, permanently changing the character of the neighborhood of lots on Highway 90. Since Katrina, part of this City block has been rezoned CB. This site has been vacant and unused since Katrina. The owner of the CB parcel has announced to the Community Development Department preliminary plans for seeking additional zoning change to the same owner's single-family lot that borders Highway 90 on the eastern border of this applicant's proposed PD-HB Overlay District, in order to build a new hotel on land from White Avenue to the eastern border of the applicant's proposed PD-HB. The White House Hotel, in a CB District, is the next structure on Highway 90 east of the proposed PD-HB. The next structure on Highway 90 west of the PD is an apartment/condo complex. The economy of the City of Biloxi is heavily dependent upon tourism and hotel rooms, especially along its Highway 90 beachfront. Currently, there are 7,466 hotel rooms in Biloxi, which is only 80.8 % of Biloxi's pre-Katrina total of 9,241 rooms. There is a public necessity in Biloxi for additional hotel rooms, justifying a Planned Development – Hospitality Business Overlay District, in addition to the change in the character of the neighborhood, and a public necessity for the City's economic recovery from Katrina. Allowing this Planned Development - HB Overlay District would be consistent with the vision and goals of the City's Comprehensive Land Use Plan, which describes only four neighborhoods in the whole City of Biloxi—i.e., East Biloxi, West Biloxi, North Biloxi, and Woolmarket. This proposed PD-HB Overlay District is within the East Biloxi Neighborhood, which includes all of the Highway 90 beachfront property devastated by Katrina, as this neighborhood is described in the City's Comprehensive Plan. Current nearby uses in the lots along Highway 90 within this City block are multifamily units and vacant lots. This Amended Master Plan,

Narrative, and Terms and Conditions Document and amended Site Plan for the proposed PD-HB Overlay District, if approved, would continue and be bound by the current RM-20 Multi-family buffer in Phase 2 between the single-family lots on Fr. Ryan Avenue and the Aqua Suites Hotel proposed for Phase 1 bordering Highway 90. Clearly, the uses of the planned development are compatible with nearby uses on all lots bordering Fr. Ryan Avenue and on all lots bordering Highway 90.

6. The economy of the City of Biloxi is heavily dependent upon tourism and hotel rooms, especially along its Highway 90 beachfront. Currently, there are 7,466 hotel rooms in Biloxi, which is only 80.8 % of Biloxi's pre-Katrina total of 9,241 rooms. There is a public necessity in Biloxi for additional hotel rooms, justifying a Planned Development – Hospitality Business Overlay District, in addition to the change in the character of the neighborhood, and a public necessity for the City's economic recovery from Katrina. The White House Hotel, in a CB District, is the next structure on Highway 90 east of the proposed PD-HB. The next structure on Highway 90 west of the PD is an apartment/condo complex. All of the nearby single-family structures on lots bordering Fr. Ryan Avenue are buffered by the owner/developer's binding commitment to build in Phase 2 only RM-20 Multi-family units and use between the Fr. Ryan lots and the Phase 1 commercial use for the Aqua Suites Hotel. Clearly, the uses of the planned development are compatible with nearby uses.

LOT 4, FATHER RYAN PLACE SUBDIVISION AND A PART OF LOT 1, KELLAR'S ADDITION TO AVONDALE, CITY OF BILOXI, SECOND JUDICIAL DISTRICT OF HARRISON COUNTY, MISSISSIPPI, AND BEING FURTHER DESCRIBED AS FOLLOWS:

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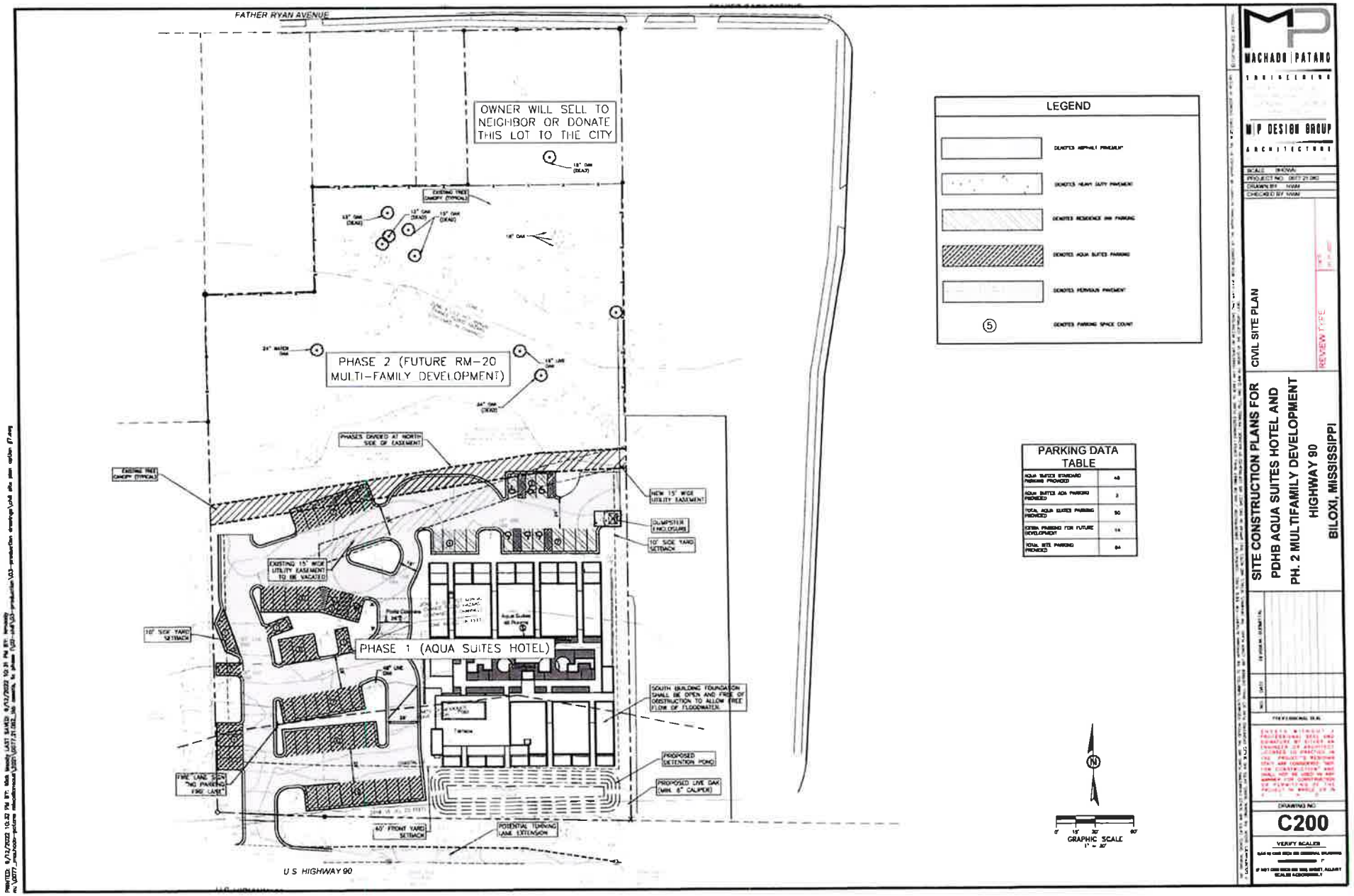

MACHADO | PATANO ENGINEERING

M P DESIGN GROUP ARCHITECTURE

SCALE: SHOWN
PROJECT NO: 0877.21.002
DRAWN BY: NVM
CHECKED BY: NVM

REVIEW TYPE

CIVIL SITE PLAN

SITE CONSTRUCTION PLANS FOR
PDHB AQUA SUITES HOTEL AND
PH. 2 MULTIFAMILY DEVELOPMENT
HIGHWAY 90
BILOXI, MISSISSIPPI

DRAWING NO.
C200

VERIFY SCALES

THESE PLANS AND SPECIFICATIONS ARE THE PROPERTY OF MACHADO PATANO ENGINEERING AND MP DESIGN GROUP ARCHITECTURE AND ARE NOT TO BE USED IN WHOLE OR IN PART FOR ANY OTHER PROJECT WITHOUT THE WRITTEN AUTHORIZATION OF MACHADO PATANO ENGINEERING AND MP DESIGN GROUP ARCHITECTURE.

PRINTED: 9/12/2022 10:32 PM BY: Mark Mosby LAST SAVED: 9/12/2022 10:31 PM BY: MMosby
file: U:\877_machado-patano miscellaneous\0877.21.002_bid events_by phase (1)\2-civil\03-production\03-production drawings\c200 site plan option (2).dwg

SURVEY DESCRIPTION EAST ½ OF LOT 2 & ALL OF LOT 3

THE EAST ½ OF LOT 2 AND ALL OF LOT 3, FATHER RYAN PLACE SUBDIVISION AND A PART OF LOT 1, KELLAR'S ADDITION TO AVONDALE, CITY OF BILOXI, SECOND JUDICIAL DISTRICT OF HARRISON COUNTY, MISSISSIPPI, AND BEING FURTHER DESCRIBED AS FOLLOWS:

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FLOOD ZONE INFORMATION

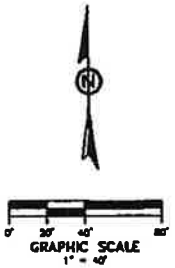
THIS PROPERTY IS LOCATED IN ZONES "AE" AND "X" (BASE ELEV. 18.00), AS PUBLISHED BY THE FEDERAL INSURANCE ADMINISTRATION, OFFICIAL FLOOD HAZARD MAP, PANEL NUMBER 28047C0253G, REVISED 06/16/2009. FLOOD HAZARD ZONE LINES WERE GRAPHICALLY PLOTTED.

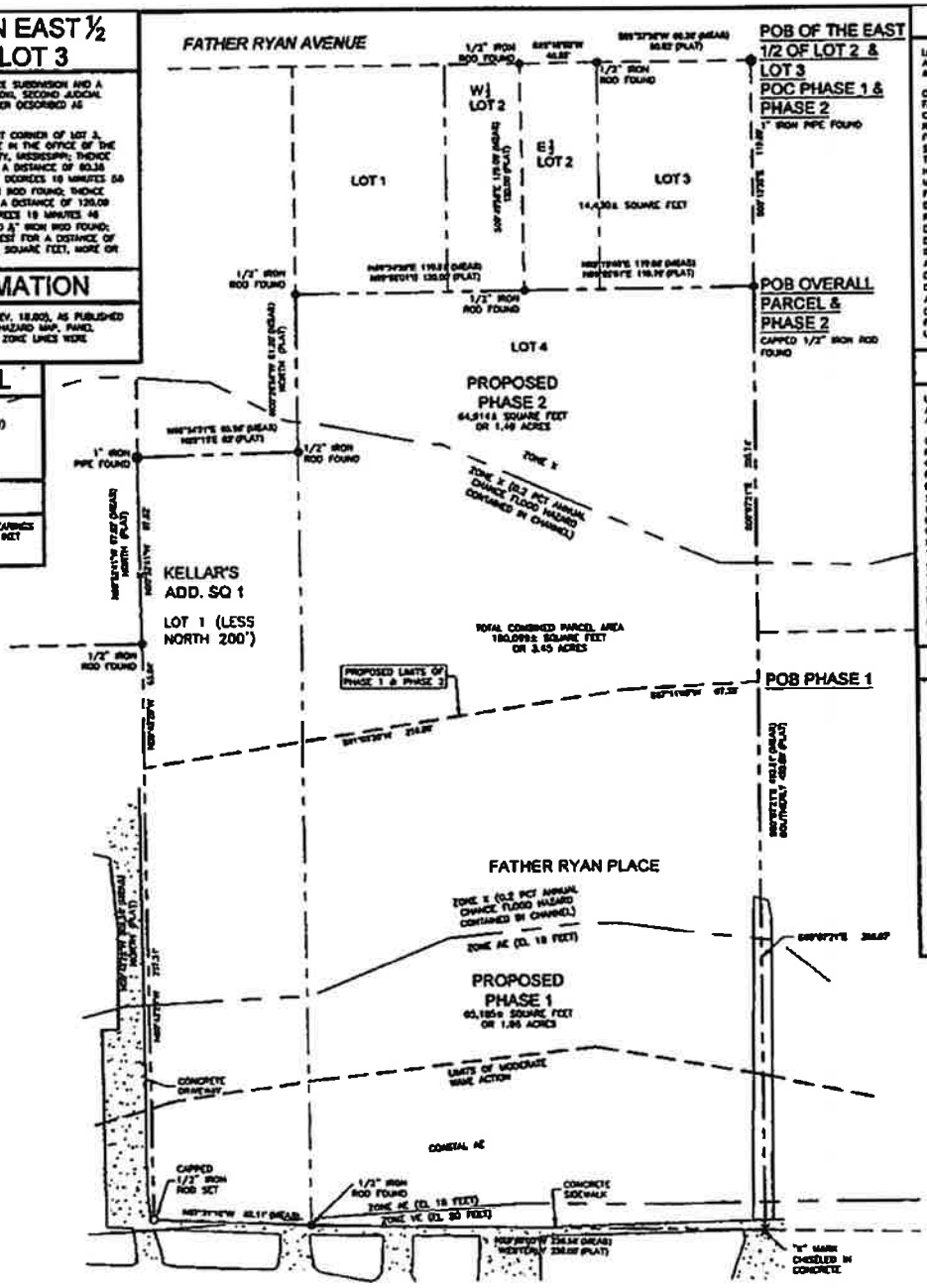
REFERENCE MATERIAL

HARRISON COUNTY LAND TAX ROLLS
RECORD PLAT OF KELLAR'S ADD. TO AVONDALE (PB 1, PG 2)
PLAT OF FATHER RYAN PLACE (PB 22, PG 6)
DEED BOOK 344, PAGE 314
DEED BOOK 274, PAGE 446
INST. NO. 2013-189-9-J2

BEARING NOTE

BEARINGS SHOWN ON THE FACE OF THIS SURVEY ARE TRUE BEARINGS BASED UPON GPS OBSERVATION USING EARL DUDLEY VRS RTK GPS NETWORK.





OVERALL SURVEY DESCRIPTION

LOT 4, FATHER RYAN PLACE SUBDIVISION AND A PART OF LOT 1, KELLAR'S ADDITION TO AVONDALE, CITY OF BILOXI, SECOND JUDICIAL DISTRICT OF HARRISON COUNTY, MISSISSIPPI, AND BEING FURTHER DESCRIBED AS FOLLOWS:

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PHASE 1 SURVEY DESCRIPTION

LOT 4, FATHER RYAN PLACE SUBDIVISION AND A PART OF LOT 1, KELLAR'S ADDITION TO AVONDALE, CITY OF BILOXI, SECOND JUDICIAL DISTRICT OF HARRISON COUNTY, MISSISSIPPI, AND BEING FURTHER DESCRIBED AS FOLLOWS:

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PHASE 2 SURVEY DESCRIPTION

LOT 4, FATHER RYAN PLACE SUBDIVISION AND A PART OF LOT 1, KELLAR'S ADDITION TO AVONDALE, CITY OF BILOXI, SECOND JUDICIAL DISTRICT OF HARRISON COUNTY, MISSISSIPPI, AND BEING FURTHER DESCRIBED AS FOLLOWS:

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PREPARED BY:
MACKAR | PATRON
CIVIL
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MECHANICAL
SURVEYING
918 Howard Ave., Suite F
Biloxi, Mississippi 39530
O: 228.388.1950 | F: 228.388.1971
www.mpeng.us

PARCEL DESCRIPTIONS FOR LOT 1 (LESS THE NORTH 200') KELLAR'S ADD. SQ. 1, ALL OF LOTS 3 & 4, AND THE EAST 1/2 OF LOT 2 FATHER RYAN PLACE

CITY OF BILOXI, HARRISON COUNTY, MISSISSIPPI

SHEET NO. TS-01

SHEET 1 OF 1

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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TR-22-003	43

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:

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

said, the hotel property goes all the way up to Father Ryan, comes off of property from Mr. Mavar, goes across and comes back down as you're looking to the west on Beach Boulevard.

And I will show you the Google Earth. Parcel goes right, straight up here over that house, down and come back down through.

CHAIRMAN WASHER:

Okay. Thank you.

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

MR. BLESSEY:

My name is Gerald Blessey, 2577 Chatham Court, Biloxi, and I'm representing the applicant today, along with the Neil Polen, who is the lead architect at Dale Partners, who will present the plans in just a moment after I make a few introductory remarks. We also have our engineer and our tree expert here to answer questions, should there be any.

I just handed out a document that I'm also going to hand -- and talk about briefly in a moment. I'm going to hand it to the court reporter, and I've given Mr. Schwartz a copy also. This is for the record.

So this $32 million project will create 35 permanent jobs. It's a combination of a 40-room boutique hotel called Aqua Suites. All suites, each room costs more than $200,000 per room to build, and, of course, that makes it a much higher-end kind of opportunity, and it's really filling a niche that does not exist yet in Biloxi. It's quite unique. It's called Aqua because there are pools with every room inside the building to it, and so it really plays to our waterfront community. In addition, we're going to have -- as Mr. Polen will show you in a moment, there's a rooftop pool as well.

And also, a 108-room Marriott Residence Inn. This is not a cookie-cutter Residence Inn. You'll see in a moment what we're talking about. Residence Inn, of course, is extended stay, tends to have people like contractors and TDY working at Keesler and families who come for a longer stay.

So this developer, Chico Patel, is a Mississippian. He's a head of the wealth management group which owns this development LLC. It's a single-purpose LLC as to the county lodging development, and his company owns and operates over 50 hotels nationwide. It's a great, growing

Mississippi homegrown company, and we're delighted to have him present this opportunity to Biloxi today.

This project is the first hotel project proposed in Biloxi since the pandemic began in early 2020. Now, I handed out to you a moment ago hotel inventory, and I'll just call your attention to the top part of the inventory. This inventory comes from the Mississippi Hotel and Lodging Association, which I got towards the end of last year in preparing for analyzing this proposal. And it compares the pre-Katrina hotel rooms -- that's the first column -- by city and county, the three coast counties and all the cities and compares them to current operating rooms and then shows the percentage of rooms currently operating versus the pre-Katrina inventory and then the percentage of total rooms on the Coast for each county.

Now, would what I would like to call your attention to and I'm going to speak a little more on, if you look up, it's the very top column here that I have highlighted here that -- I'm having a little trouble seeing these days. But your copies are not highlighted. But Biloxi is

the second line on the top. And pre-Katrina, we had 9,241 rooms and today we have 7,466 rooms. That's 80.8 percent of pre-Katrina, which was 17 years ago.

Now, Biloxi, of course, is -- one of the fundamentals of our economy is the tourism economy, especially the hotel rooms for conventions. And, of course, the casinos have done a good job and have many, many rooms, but also the smaller non-casino rooms because this is -- this project is totally unconnected -- not connected to any casinos. It will really fill out the rest of our inventory.

Whereas, let's just look at, D'Iberville, since Katrina, now has 226 percent over pre-Katrina. Of course, that's mostly Scarlet Pearl, but a lot of that is along I-10. Gulfport is 109 percent over pre-Katrina. Ocean Springs has 114 percent over pre-Katrina.

My point is that our neighbors are growing rapidly and replacing -- and have actually gone beyond a pre-Katrina level. Whereas, we're still one-fifth below our pre-Katrina inventory.

And why is that important? Well -- let me get back to my notes here -- clearly these

numbers show there's a public necessity for more hotel rooms for Biloxi's recovery from Katrina, as well as the Great Recession, the BP Oil Spill, the Bonnet Carré algae bloom in 2019 and then the COVID pandemic. I mean, tourism, which is a mainstay of our economy, along with Keesler and government and seafood and other elements are a major factor, really had these five blows and hurt Biloxi worse than all the others combined on the Coast because we're the heart of the tourism here.

So the point is the public necessity for getting back to where we were, and growing again is really important to everything else in the community because the more people in the hotel rooms, they go to our restaurants, they hire our service people. They have people maintaining them that work and live in Biloxi. So that, we think, that shows clear a necessity for what we're presenting today. Here we have an experienced Mississippi hotel investor willing to bet $32 million on new hotels in Biloxi and the future of Biloxi.

Now, Katrina was 17 years ago, as we all thankfully know. A child born 17 years ago is graduating from high school this year. And those

graduates will be entering a job market sooner or later. Some, going into job training right away or a job right away; some, community college and maybe a technical certificate and some to college. But what is the future of our economy for this new generation? What is the message to that new generation or, for that matter, to investors looking at Biloxi today if we turn down a high-quality $32 million tourism industry project? I suggest to you that there is a chilling effect on investing and on young Biloxians contemplating their future home.

And the reverse, the positive side is true, too. To show that we're back alive again with this beautiful new project gives hope to those children that would like to come back and live and work here and to investors who are willing to risk money in a very, very, fragile and volatile economy. We all know inflation has gone, you know, off the charts. And every week, every month, a delay. This $32 million project costs more, of course. But it is a sign that there is tremendous interest and we have a chance -- "we," in this process, you and this Commission and the City Council, City of Biloxi and the citizens of

Biloxi. I just pose that you think about the impact, both positive or negative.

Now, the number of handouts that the audience and everyone has, of course, gave a lot of background here. I'm not going to go over each one. I do want to point out that the narrative, of course, when we submitted everything some time ago -- as you know, you have to submit all your applications at one time and all your documentation and then you get feedback, so some of the numbers in the narrative have changed a little bit, especially on the trees -- and we'll talk about that -- because of the feedback from the Tree Committee and from your staff and from the other commissions. So I just point that out because we, of course, are following that guidance.

And our original numbers were based on the tree ordinance, as we understood it. It's been clarified since then. And the Tree Committee's recommendation, of course, we will follow, and they're the experts. And so we just got that recommendation in our hands about an hour ago, but we will follow it, and it's quite positive. So those numbers are a little different

than our narrative. That's what I'm tying to say here.

We are saving 53 trees, including all the majestic oaks. We're removing five dead trees and four living trees. It's our understanding that, you know, there was an old tree ordinance and a new tree ordinance that the Council adopted a few weeks ago changed what's called a protected tree and the count, so we're following -- we certainly will honor what -- the recommendation of the Tree Committee, which I understand they're basing it on the old ordinance.

But it's our understanding also that under the new ordinance, if it were to apply, we're only taking one protected tree, one live oak. It's a middle-sized live oak. We hate to do it. We did our best to try to avoid every tree, but it was just not feasible to avoid this particular one.

So this developer has done his best and spent a lot of money on design and changing design and other things to satisfy as many of the concerns as reasonably possible from the neighbors. We respect and honor the neighbors. There are many here and they're going to speak,

and we certainly understand, you know, and applaud their speaking up in the interest of their neighborhood, their feelings, their values and their concerns. And we honor them and respect them and we've done everything we feel we can reasonably and feasibly do to accommodate them.

I want to just tell you a little bit more about what we've done. Of course, the most historic thing about this particular lot, which has been empty since Katrina are the trees, so we have spent a lot of time and money and we'll spend some more protecting as many as we can and planting new live oaks for the ones we're taking out, which we feel is in keeping with the value system of this neighborhood of Biloxi and, of course, we honor that.

We have tried to place the structures to minimize as best we can the impact on the neighborhoods as well as the trees. You'll see in a moment that the Residence Inn is not on Father Ryan Avenue close up. It's in the middle of the property, and we'll talk to you a little bit more about that, what you would actually see from Father Ryan.

We've tried to put in pervious-surface

paving within drip lines to protect the trees. That cost a little bit more than regular paving.

We heard initially right off the bat the concern about traffic on Father Ryan, and we heard that. And under this plan that we have here, there will be no parking on the Father Ryan. There will be no access to Father Ryan, except for the emergency vehicles. And why is that? Because at DRC, Development Review Committee, the fire department made it clear you have to have two entrances. So we must have one on Father Ryan and at that one residential lot that we have, we must have a gate for fire, police and the emergency vehicles, the ambulance to get in and out.

And so to accommodate that, the recommendation of the fire department is to put what's called a Knox lockbox. A Knox lockbox is a door for the opening of the gate. It operates kind of like a garage door, you know, where you can click it and it goes up and down. So only the fire department, the police department and the ambulance service will have those clickers. Nobody in the hotel is going to have the right to go in and out. No service drive. No patrons coming in, so -- and no people getting on Father

Ryan Avenue.

We have taken the steps to kind of go above and beyond what the requirement is. Not only have we agreed to do the Knox lockbox to control that door, we're going to -- and we've voluntarily done this, even though not required. We are going to record a covenant that runs with the land, a deed restriction as part of a condition of this approval, if we get it. There will actually be an instrument that we'll record that dedicates that particular entrance for that single purpose to the public -- the City and the public in perpetuity so that no matter who owns this property in the future, that's all it can be used for. And we think that's taking a big step to try to help acknowledge that -- no traffic in this Father Ryan neighborhood.

We have changed the design of the hotel several times, several times, and we're still working on that. You are really not, as the Planning Commission, charged with voting on design, but we wanted you to be aware that we were working with the Architectural Historical Review Committee and we'll be going back to them until hopefully we get a satisfactory final design.

On Father Ryan Avenue, another thing we have done, hopefully for -- in recommendation of the neighborhood's concerns, we have laid a brick garden wall at Father Ryan -- Neil is going to show this to you in a moment -- where the Knox lockbox -- we'll have in the middle of it.

In addition to that, we're putting brick and wood panel garden walls bordering the neighbors to the west and east. The neighbors, Mr. Mavar and the Nicovich family and the Lechner family, will have those garden walls at our expense, brick. They're quite beautiful. You will see them in just a moment.

And for lighting on the grounds, we'll have bollard lighting. There won't be lighting up in the air where it can penetrate into the neighbors' yards. It's the kind -- you know, kind of pedestrian level so you can walk in and out of the hotel, but it won't be light pollution to the neighborhood.

So this applicant has requested a Planned Development Hospitality Business Overlay District. This property is within the West Beach Historic District. I want to emphasize the West Beach Historic District. All up and down Highway

90, there are historic districts by various names, all the way up and down. The Father Ryan lot and the Father Ryan neighbors are not in that historic district. Please keep that in mind.

Nevertheless, we have done our best to try to honor their historic concerns. And certainly, the Holy Land, Father Ryan is a beautiful historic neighborhood and we don't diminish at all the importance of doing everything we can to value that history, but they are not in this district that concerns Highway 90.

And all up and down Highway 90, there are historic districts that have six-story hotels in them with residences nearby. The Hampton Inn, the Hyatt Inn, Hilton Garden Inn, so -- and you have voted on those before in similar historic districts. Just pointing that out by way of reference.

So I'm going to turn this over now to Neil Polen of Dale Architects, who will present the plans to you. And we'll be available to answer questions, of course. And I know that neighbors will have comments and questions and we'll be glad to come back and answer those. If you have any now, we can try to answer them or we

can wait to see what Neil has to say.

CHAIRMAN WASHER:

All right. Thank you.

MR. BLESSEY:

Thank you, Neil.

MR. POLEN:

Good afternoon. My name is Neil Polen, Dale Partners Architects. We have several members from our design team here as well, Leigh Jaunsen is our managing partner; Travis Altsman, who is project architect on this project as well. We have our civil engineer, Nick Moody, with Machado Patano and Ben Kahlmus is our licensed arborist for this project.

Gerald gave a great overview of the project, so I'll try not to replicate that too much, but I do have a quick presentation that I'd like to make so that everybody can get a little bit better context of what's being proposed as opposed to just looking at the site drawings.

Go to the next slide.

So this is a sort of schematic aerial view of what's being proposed. The 40-room boutique Aqua Suites hotel is located here. The Residence Inn is located up here. You'll see this

further when we get to the site plan.

But the tree canopies that you see here, we've modeled them to replicate the existing conditions as much as possible. We want you guys to get a realistic vision of what's being proposed. This is not our project. This is the White House Hotel expansion that has been proposed for the corner here.

You can go to the next slide.

So Gerald has gone over a lot of this already, but we're looking at -- we're proposing two hotels, $32 million investment to the city. I can't emphasize this enough. From the very beginning, we had an arborist on our team. We had a civil engineer on the team. We knew that this was an important site for the city, for the residents. We did everything in our power to meet the developer's program and maintain the existing context as much as possible.

We have incorporated both hard-and-soft buffering where we are adjacent to neighbors with fencing, as well as landscaping that you guys will see in a minute. And then, of course, Gerald talked about the emergency-only gate at Father Ryan.

Briefly, I will just show a few slides of what's being proposed. This is the Aqua Suites project. Again, this is a completely new concept, especially for the Mississippi Gulf Coast. We are very, very excited about this project. This is intended to be very high-end. I mean, you know, this would be attracting people from all over the Southeast. Each of these rooms have individual plunge pools within them, extremely lush landscaping, a shared courtyard between the two wings of the hotel, as well as a rooftop terrace.

In fact, this is actually the second iteration of this design. The first time we went to HRC, there was some comments, there were -- some requests were made to try to meet better some of the historic guidelines, even though we followed them on the first iteration. We were within precedent of what had been approved previously. But we're even more excited about this version of the design.

Next.

I've already kind of a given you a brief overview of this.

You can ahead and go on to the next slide.

This is just another view of the project that is abutting Highway 90.

Go to the next slide as well.

And this is the site plan. Again, you can see here on the Aqua Suites in particular, we, I believe, have actually avoided having to tear down any trees to accommodate this particular hotel.

Okay. And this is the image looking west, our beautiful Mississippi sunset looking from the west across the terrace that would be up on the roof.

Okay. The second project as Gerald talked about is a proposed Residence Inn. That would be north of the Aqua Suites, but like Gerald said, it really will be more kind of the middle of the site. You know, again, this is not a party hotel. This is intended to be for families, professional business travelers, you know, so we don't envision this being an extremely loud and disruptive type hotel for the area.

Okay. This is the proposed south elevation, so I want to be very clear about this. This is the proposed south elevation. That would be looking back toward the beach. Again, the

Historic Review Committee had some comments that they would like us to address. There's actually another architect working with us on this project, so we've been working in tandem with them, again, trying to accommodate, as much as possible, all their comments. So we're actually in the process of working on redesigning some of the architecture of this building to try to address those comments.

The next one.

This is, again, a very preliminary look at how we're trying to match some of those comments, so that's not really pertinent to today's hearing, but we just want everyone to understand that we're trying to accommodate requests and concerns as much as possible.

Okay. This image here probably looks like an actual photograph, but this is actually a rendering of the proposed brick and wood paneled wall along Father Ryan and turning up on the adjacent neighbors. This would be the emergency-only gate. We can make this completely opaque if that makes a difference. It's no real design issue to us. And then we have modeled in the hotel to show how far set back it is actually from Father Ryan. We thought this might be a

beneficial image to have for everyone.

Okay. This is the site plan here. We have tried to color the existing trees so that everyone, again, can kind of get a sense of how we've tried to locate the hotels in a way that both buffers – A, save as many trees as possible and also buffers it from adjacent properties as much as feasible.

And again, as Gerald said, we intend to use bollard-style site lighting as much as possible to try to minimize or eliminate any potential light pollution.

As Gerald mentioned, some of the hard copies that got handed out were actually referencing an old application. The current tree removal application calls for nine total trees to be removed, only one of which is a protected live oak. See if I can get my numbers here correct. I think four of them are dead, one is diseased, so I think that's only three non-protected trees that are living that are being removed.

Okay. And that's it.

CHAIRMAN WASHER:

Okay. Anyone else to make a presentation?

MR. POLEN:

No, sir.

CHAIRMAN WASHER:

All right. We have got a handout with a lot of information on it, but for the benefit of the audience, tell us about the number of rooms in each hotel, the number of floors, number of parking spaces.

MR. POLEN:

Sure. So to the Aqua Suites Hotel on the south end of the property, it's a proposed 40-suite hotel. The south facing beachside will be four stories high and the northern wing is proposed to only be two stories high.

This is a very unconventional hotel. This is not like your standard double-loaded corridor where you're walking down the hallway and there's hotels on each side. These are almost like individual cabanas with individual entrances to each one. So again, it's a very unique concept.

Residence Inn is 108 stories being proposed at six stories tall.

MS. BANKSTON:

108 rooms.

MR. POLEN:

108-room hotel at six stories high. And again, I know that there was concerns from the neighbors about the height. Our primary concern from the very beginning of this project -- and this came straight down from the developer -- was try to maintain the existing natural context as much as possible. So part of the heights were dictated by the site as it exists. We're trying to maintain the trees, the canopy and the natural landscape that is there.

As far as the parking, so I think we have 140 -- excuse me, 148 rooms total project. Current parking count is 139, which is slightly less than a one-to-one ratio, which is typically what your hotels want. But both the south hotel and north hotel -- this site plan has been reviewed; it's been preliminarily approved. We've discussed with the developer any provisions that -- if, in the rare event, that both hotels are at absolute 100 percent capacity, we're working on provisions for, you know, valet parking, double parking, perhaps even some temporary parking where spaces are not paved. But again, none of that would impact the Father Ryan

residences at all.

CHAIRMAN WASHER:

If this project is approved, I believe you're recommending -- or proposing to phase it Phase 1 for Aqua and Phase 2 for the Residence?

MR. POLEN:

That is what has been discussed to date, correct.

CHAIRMAN WASHER:

If it is approved and you proceed on that course, all construction traffic will flow through Aqua to get to the construction of the Residence?

MR. POLEN:

Sure.

CHAIRMAN WASHER:

No construction traffic through Father Ryan?

MR. POLEN:

Yeah. There's no reason we couldn't accommodate that.

CHAIRMAN WASHER:

Do we have any questions from the members of the Commission?

Mr. Parker.

MR. PARKER:

Can you give us an idea of how much revenue this will generate for the City of Biloxi?

MR. POLEN:

As the architect, I will be honest, that's not information that I had. Gerald perhaps could advise of that a little bit, but --

MR. BLESSEY:

We don't have a projection of the gross revenue, Mr. Parker. We can get that for you. But, of course, it will generate 35 permanent jobs and so payroll significant to the city and to the people of the city. The sales tax, of course, and the property tax will generate a significant return.

MR. PARKER:

The reason I ask, right now it's generating $9,000 a year, no employees other than the grass cutters.

MR. BLESSEY:

I'm sorry?

MR. PARKER:

Presently, it's generating $9,350 a year to the city.

MR. BLESSEY:

For property taxes?

MR. PARKER:

Right. And they have no employees, so...

MR. BLESSEY:

Right. Well, for raw land, I mean, that would be the property taxes on the raw land. So $32 million in commercial property, multiply that by 15 percent for assessed valuation and you multiply it times our millage for the school millage, which is -- and the city millage together is somewhere around 60 or 70 million, so that's -- I can't do the math in my head unfortunately, but that's a pretty significant many multiples of $9,000 a year.

MR. PARKER:

Thank you.

CHAIRMAN WASHER:

Mr. Delahousey.

MR. DELAHOUSEY:

If this project were to be approved, when would start -- construction start?

MR. POLEN:

What I will tell you is that in many ways, we've -- the very first thing that we did is

we tried to design the units, especially for the Aqua Suites, all the way through and then we have -- because we wanted to make sure the concept worked, the developer liked the concept.

Now we're going through this process, but what I can tell you is that our drawings are probably at the 50 percent level as they stand today; so pending approval, you know, I suspect construction can start as soon as this summer, perhaps early fall.

MR. DELAHOUSEY:

Follow-up question to that: Barring any hurricanes or natural disasters, how long would it take for completion of the project?

MR. POLEN:

Just thinking about the hotels, if they are constructed one at a time, I mean, plus or minus a year perhaps. Again, that's not something that we've fully detailed yet, but as a baseline estimate, I'd say perhaps a year.

MR. DELAHOUSEY:

One more. I guess, Mr. Creel perhaps or Staff, the plans are for Keesler Air Force Base to have their main entrance at Division Street. I know they're working on that now.

MR. CREEL:

That's correct.

MR. DELAHOUSEY:

When is that plan expected to be completed, that project?

MR. CREEL:

It's still a few months off, but they are supposed to be starting on the paving in the next couple of weeks.

MR. DELAHOUSEY:

But it would be before if this project were approved?

MR. CREEL:

Yes, sir. That completion should be completed before this project is finished being constructed, yes.

MR. DELAHOUSEY:

And the White Avenue gate, what are the plans for that once Division Street gate is open?

MR. CREEL:

My understanding -- and I not may not be absolutely correct. My understanding, that will be used for deliveries and other purposes, but not coming onto the base.

MR. CIPOLLA:

It's already being done like that.

MR. CREEL:

Yeah.

MR. DELAHOUSEY:

Thank you.

CHAIRMAN WASHER:

All right. Mr. Todaro.

MR. TODARO:

Could you bring up that rendering that was from the Father Ryan Avenue view that looked like a photograph, but it was actually a rendering?

MR. CIPOLLA:

From Father Ryan?

MR. TODARO:

Yeah. What is the approximate distance from, like, the Father Ryan sidewalk going south before any construction begins – I mean, before any facility is constructed? How much land is going to be there with no construction? We can see it from here, but about what's the distance?

MR. POLEN:

At least 200 feet.

MR. TODARO:

About 200 feet before anything is

constructed?

MR. POLEN:

From Father Ryan.

MR. TODARO:

What's the planned used of that property, just parking?

MR. BLESSEY:

Well, parking and trees. As you see, the 60-inch oak takes up about two-thirds of the Father Ryan lot. You will have some parking there and then some parking in the rest of that lot, but it's mostly trees and tree cover and then, of course, the other 200-something feet would be parking and trees.

MR. CARRON:

What is the proposed height of the fence abutting up to the neighbors?

MR. POLEN:

Currently, it's proposed at seven feet, but, I mean, that's something that if there were a request for it to be higher or lower, I mean, that's not really a sticking point to us.

MR. CARRON:

Could we go up to eight feet in that zoning?

MR. CREEL:
Yes, we could.
MR. CARRON:
Maybe that might be something the neighbors would rather have than seven feet.
CHAIRMAN WASHER:
All right. Any other questions? Mr. Stanovich.
MR. STANOVICH:
A couple of questions on ingress and egress. On your plan here, you've got on here potential turning lane extension. Now, are y'all going to do that through the highway department or what's the thoughts on that?
MR. POLEN:
That's correct. Nick Moody perhaps could speak to that. He's been in discussion with the MDOT. There is an existing turn lane off of Highway 90. The only question is, would the beginning of that turn lane need to be extended back east a little bit or not.
MR. STANOVICH:
And my understanding is on the only exit, ingress and egress, onto 90, they will have to go west, correct? There is no crossover there

to get to Highway 90?
MR. POLEN:
I believe that's correct.
Is that right, Nick? If you're coming out of the property, you do have to go west?
MR. MOODY:
That's correct.
MR. STANOVICH:
Is there any plans trying to get a crossover? Y'all are not figuring on that, right?
MR. MOODY:
No, sir.
MR. BLESSEY:
We would not ask for a crossover and we would not want one.
MR. STANOVICH:
Okay.
MR. CARRON:
I just want to interject on that. You know, I've looked at it and just down the road is a turning bay to make a left turn to get back to go east, so it's not that far for them make a right, get into the turning lane and go back to the east.
CHAIRMAN WASHER:

Ms. Bankston.
MS. BANKSTON:
Okay. You said the question from the AHRC was about the height of the building of the Residence Inn or the number of stories. What was your answer to them?
MR. POLEN:
If I remember correctly, the concerns about height were as much from some of the neighbors as it was from some of the committee.
MS. BANKSTON:
Okay. I thought it was from the AHRC that someone said.
MR. POLEN:
It's possible that that's the case, but –
MS. BANKSTON:
Okay. And that seems to be a concern.
Okay. The front building, the suites, the Aqua Suites are beautiful and really complement that piece of property, but the Residence Inn does not complement the Aqua Suites. The Residence Inn looks like something off an interstate, and it is so high. There is no way it cannot infringe on the privacy and the backyards

of the people on Father Ryan. There is no way that could possibly --
MR. POLEN:
I certainly understand that that's a concern. Again, in trying to design the site plan, what the developer is proposing, our primary focus on the front of them is trees, right, trying to locate within the existing context as much as possible.
You know, perhaps one item I would point out is that as the property is currently zoned, you could build multifamily up to 50 feet right now. Obviously, that's not as tall as a proposed six-story building, but I think it could be argued that any concerns that someone might have with a six-story building, they'd probably also have with a structure that could be 50 feet high as a multifamily development.
MS. BANKSTON:
Thank you. One more question with that. Is there any way to approve or to have this in two different hearings, two different hearings for each building?
MR. BLESSEY:
No. This is an economically

penciled-out, return-on-investment project.
MS. BANKSTON:
Okay.
MR. BLESSEY:
And in order to have the economies of scale, okay, this developer is willing to bet his 32 million that 148 rooms together -- I think it's 148, the two in combination, to have 24/7 security, 24/7 management. So the two together make it worth it financially, and so the feasibility of it is an economic issue.
The number of rooms, 108 on the Residence Inn, to be honest with you, if you go below 100, which is only eight rooms, and if you take a floor or two off, it doesn't work. Even one floor off doesn't work.
So, I mean, that's the reality of the cost these days and inflation going up.
MS. BANKSTON:
On this particular property? It could not fit on another piece of property? It could not go to another piece of property? I know this property they already have and decided on, but this particular one infringes on not only Father Ryan -- and I'm an old Biloxian and I know this.

It's not only a very historic neighborhood. It's a very historic community, and the fact that it's there, it's -- they're not being protected.
MR. BLESSEY:
Certainly a legitimate concern, and the observation, we certainly are trying to do what we can to preserve those values.
Let me just say, as Neil pointed out, we still have to get final approval from the AHRC on the final design. It will -- I'm confident, based on what I heard at the AHRC, it will not look like this one that's on the screen right now. It will begin to look more and more like whatever is going to satisfy AHRC. That's the look, that's the design.
Now, the floors are a different issue and a different problem. Now, just imagine that four other hotels with similar neighborhood relationships in historic areas -- we love all Biloxi historic areas, and we love the Holy Land. We love all of this. But it's -- you know, the rest of the citizens have an interest in the economic development of Highway 90, which is our front door and is our crucial tourism land use. We don't own some other property, and so this is

the best we can do with this property.
I will remind you that Seashore Manor is in the Holy Land. It's been there for a long time and it has high rooms for their residences. I'm not saying that this is the same thing by any means and I'm not saying -- a four-story-high apartment building is lower than six floors. But if you turn this down and somebody -- the next person comes along with this property and does four floors that would still be over the tree level and looking into the backyards. There's really virtually nothing we can do to totally satisfy that problem, even by whatever would come next.
Now, you have -- I would just like to remind everybody in terms of evaluating uses of property, this particular property is in a block that to the west has the old Saxony Apartments which, I think, have been turned into condos. It's a massive structure. It's not six floors, but it's pretty high.
THE AUDIENCE:
It's two.
MR. BLESSEY:
And that particular property -- that

particular property, unfortunately, I think, whoever it was some years ago, so many years ago did not honor their request to not have an entrance on Father Ryan Avenue. And we have done our best to guarantee that that won't happen in our property, so that's a legitimate concern that wasn't satisfied there.
Now, to our east, there is a beautiful project that I have seen in the newspaper and that Greg Stewart and the White Avenue -- I mean, the White House Hotel will be building next door to us, which is on the much smaller piece of property. And so what we have here, it's just -- the likelihood of it being, whatever happens in the future, a structure that won't have some overlook into neighbors' yards or to have some view that others may not like is just not likely. I mean, if -- in other words doing nothing is not really reasonable.
MS. BANKSTON:
I understand that.
MR. BLESSEY:
And so we're trying to do the best we can within this context. And I understand height may make a difference. We will hear what the

residents have to say, if they have any recommendation on how high would be acceptable to them. We'll listen to that. I don't think you're going to hear six stories, but I don't know. We will see. I wish would we could satisfy every one of those issues. I just want to remind our good friends -- and they're all wonderful people, these old Biloxi families and new Biloxi families. We've got some new retirees here, wonderful people.

But we have 49,000 people in this city. And in this ward, Ward 1, there's 7,000 people. I mean, we have a tax base to be concerned about. We have future jobs to be concerned about.

And, you know, whatever you say about this project, you know, it is a high-level, very expensive, well-maintained type project. And I think it really is as good a highest and best use as can happen on this property. But that's a value judgment and you certainly have a right to disagree and we hear that.

MS. BANKSTON:

Thank you.

MR. DELAHOUSEY:

Mr. Blessey, I have one more question.

I know the answer, but I'm going to ask it anyway, for the record. What's been on that property the past 17 years?

MR. BLESSEY:

To my knowledge, nothing.

MS. BANKSTON:

Do you know what was there before?

MR. BLESSEY:

I can't remember.

THE AUDIENCE:

Homes.

MS. BANKSTON:

Houses. There were historic houses.

UNIDENTIFIED SPEAKER:

There was a big mansion on one part.

CHAIRMAN WASHER:

We will give everybody time to speak. We're going to take it one at a time.

UNIDENTIFIED SPEAKER:

Just answering the question.

CHAIRMAN WASHER:

All right. Questions from the members of the Commission? No other questions.

MR. BLESSEY:

Let me answer just that one question. I

really don't remember. Of course, we all treasured and loved all those old antebellum homes and homestead homes.

MR. CIPOLLA:

That's April 2005 homes. There is a house there and a house there.

MS. BANKSTON:

Okay. Very good. Thank you.

MR. DELAHOUSEY:

What was the date?

MR. CIPOLLA:

2005.

MS. BANKSTON:

April 2005, before the hurricane.

MR. BLESSEY:

Before Katrina.

So put yourself in the shoes of a person who can afford to build a $1 million mansion. Would you pick this block? I mean, there are other empty blocks.

UNIDENTIFIED SPEAKER:

Sure. I did.

UNIDENTIFIED SPEAKER:

Yes.

UNIDENTIFIED SPEAKER:

Yeah, we did.

CHAIRMAN WASHER:

Keep your comments to yourself, please. Mr. Blessey is not going to interrupt you, and I ask that you extend to him the same courtesy.

MR. BLESSEY:

On Highway 90, facing Highway 90, the likelihood of a person building post-Katrina, not on Father Ryan but on Highway 90, a highly expensive single-family residence is very unlikely. Not impossible, but not likely.

MS. BANKSTON:

I understand.

MR. BLESSEY:

So what we're saying here is this is a land use decision in the context of this particular site and block. It's in between two commercial things. I mean, the condos and apartments are commercial. The new hotel that -- the beautiful thing next to it, that's commercial and that's all on Highway 90.

And so, you know, I may be wrong. Maybe somebody would be willing to buy it and build something for single-family or maybe a single-family subdivision would come in. All

those are possible. But it's been here 17 years. Do you want to wait another 17 years?

Some of us are old enough, Kay, to remember Camille, you know, and we still have property empty from Camille, not to mention Katrina. So how many generations go by before somebody is willing to do what is desired rather than what is practical?

MS. BANKSTON:

I just want to say one more thing. I appreciate the efforts of the whole group who has worked with this community, first of all. And I appreciate all your efforts in answering my questions. And I certainly am for Biloxi and doing better in Biloxi with the taxes. I am for that. Okay. Thank you.

MR. BLESSEY:

We know that, and believe that for all of you, no matter how you vote. We know it's all to do with what you think is right.

CHAIRMAN WASHER:

Thank you very much.

Is there 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?

Mr. Genzer.

MR. GENZER:

My name is Frank Genzer. I live on the corner of St. Jude and Father Ryan. I have lived in that neighborhood for 40 years.

What I would like to express to the Planning Commission is in the 1990s, I was the architect for Mr. Henry Lee, who owned this piece of property, and it was with my design of building six buildings on this site that he had, that doesn't include the Father Ryan --

CHAIRMAN WASHER:

Mr. Genzer, may I ask, are you speaking for a group or just for yourself?

MR. GENZER:

I'm speaking for the whole group, but I'm --

CHAIRMAN WASHER:

Okay. Because I want to make everybody aware, we're going to limit everybody to four minutes; but if you're speaking for a group, we'll give you a little more time.

MR. GENZER:

No. You'll get four minutes because all I want to say is I was the architect when the Planning Commission agreed to change the first half from RS-7.5 to RM-20. And I designed a project for Mr. Henry Lee that was in the process of undergoing construction documents when Hurricane Katrina hit.

This same group, not made up of the same people, insisted -- they didn't recommend. They insisted that the property facing Father Ryan be maintained as RS-7.5 because they wanted to maintain and ensure the integrity of Father Ryan.

Now, with that, I wish that we could -- and the question has been asked. You can't pick and choose which one you would like under this PUD consideration. I wish it was individual so we could say that the Aqua Suites that were designed by the Dale Architects have done a fantastic job and it will be a great benefit to Biloxi, but there's nothing that you can do to that -- to their suggestions of putting parking and an attractive fence on the Father Ryan and make it reasonable. If you could just still simply take that part off and eliminate the six-story hotel, I

think that would be a fantastic compromise, but unfortunately, I understand you can't do this under a PUD configuration. So I just urge you to not approve it because of that.

CHAIRMAN WASHER:

Thank you, sir.

Anyone else? Yes, sir.

MR. GILL:

Hi. How you doing today? My name is Steven Gill. I'm the adjacent property on the east side of the development.

You know, I'm basically here today -- I understand that this city has to develop your stuff. It's about business. It's about money. I get it. That's what makes us all go around. That's why we're here. Y'all want to bring more in? I understand.

We're on that side street. We've been here a little over two years now. I have got two kids. We came to Biloxi. We were actually from Gulfport. Most of our family lives here already, but we came in -- my kids fell in love when they came to see the house. We brought them to tour it. They were on the corner. They ran down to the beach. The kids sold me on the house because

I've never seen them love a house as much as when we walked into this one. And the area and trees, it's beautiful down there. And that's kind of what's going to be changed when it's coming in.

And I don't think anybody is in a fight about the front half. Everybody agrees that that's pretty. That's good for Biloxi. It brings business. It's the showpiece. And it's actually the showpiece that's getting in the Residence Inn because they're not breaking it up. They're not offering that as a development. They're not offering a different option. They're saying, hey, if you want this, you've got to take that. I mean, I understand where they're coming from. You've got to make money. That's what's going to drive the profits up, is -- the back end looks like junk, and it's stuck in between our two houses. That's what's going to be facing Father Ryan Road. That's what everybody is going to see when they're walking their dogs and they're coming along the street.

I don't know how long it's been since y'all have been there. I believe this was deemed a historic drive or trail down the road this way, and people come when they visit the city and they

actually go down that street just look at the old historic houses. There is placards on the side of the walls. There's a lot of just charm that's there that you can't reproduce.

Everybody around as well -- they mentioned the White House development. Everybody has seen those plans. Nobody is up in arms about the White House Development. They've done a good job. They've kept it in the corner. They're clean. They live in that area. They're really good about that.

I just think that the whole access on the backside is a problem. I don't know if you guys have seen the design. In making sure they don't affect the neighbors too much, they've slapped a dumpster next to the corner of my house where we're at. I mean, that doesn't seem friendly to the neighborhood.

You know, there's just -- and then parking spots as well, there -- we have -- it's listed at 138, which is less than per room and the Residence Inn section is supposed to be extended stay, larger development, so they're going to have a bathroom, kitchen and they're going to expect people to stay longer. So if we're staying longer

and we can fit more people in the room but we have less parking spaces, that doesn't seem like a good math problem to me. It seems like we're going to have more cars, especially if you have people working there. You're going to have multiple people coming in with multiple trucks to do work, if that's the idea that they're picturing. So when you have that, you're going to have that overflow. You're going to have that excess traffic.

And we've seen the demand for the fire exit on the back. I understand you guys have put a proposal in here for a lockbox, and that's all good. They did the same thing with the property around the corner, the blue one, the two-story building right there. They did the same thing. Where it comes out on the side road, that was supposed to be emergency access as well and over time, it's just become the main access -- the main access because nobody wants to get out onto the beach and people want to loop around and get to the traffic light, whatever, whatever.

It's just whatever you guys decide and approve today we have to live with indefinitely. And I think that's everybody's main concern, is it

all sounds good and they give us what we want to hear today, and then 10 years from now, it's not working the way that was it was planned out and what everybody agreed to.

But that's all I wanted to say and I appreciate y'all's time. Thank y'all.

MS. WARD:

Hi, my name is Donna Ward. I live at 1327 Father Ryan Avenue. I'm at the corner of St. Peter. The next block over would be St. Jude.

I came to the first meeting and I was not extremely informed. But sitting in the first meeting, my first thought goes to how are we going to possibly negotiate these long fire trucks turning onto St. Jude? How are they going to possibly turn into the emergency entrance/exit on Father Ryan? The length of the vehicles just totally negates this idea.

And if you approach it from White Avenue from where Mr. Gill lives, then they're going to have to make a U-turn at St. Jude. How is the fire truck going to make a U-turn at St. Jude? So I have trouble with the logistics. Blocking it off, great, but I don't see how they're even going to get there to block it off. I don't get that.

And if they do use it as an exit mainly and not an entrance, they're going to have to take a right.

Talking about our children, there's children that live right across the street from Father Ryan from where they're talking about dumping onto Father Ryan. Steven has children. They've got to make the corner right there to go to White Avenue right by Steven's children. It makes no logistic sense to me.

You talk about this not being a historical area, why have I been up here twice to stand to ask for permission to do things to my 1941 house if this is not a historical area? And the times I have sat up here in the hot seat -- which I am not a public speaker. Yes, I did take public speaking at Mississippi State. They did a very good job with me evidently. But why are we even here talking about it? It just makes no logistical sense.

Yes. We're Number 33 on the city website of the Essence of Biloxi Driving and Bicycle Trail.

The next thing I wanted to say is about the number of hotels rooms. There aren't enough places for people to park to have this many

hotel rooms. We have should have one nice hotel. You're doing a really, really nice -- shooting the cannon off with the first one, and then you're doing a non-complementary residential inn behind it.

Why not make one nice property, have a massive pool, kind of like the Broadwater used to be or what they've done at Centennial Plaza in Gulfport with the waterpark? Why not make a nice hotel and make use of our green space? It's beautiful.

We have changed from eight protected trees to come down to nine, and if it's -- there is one deceased, it can be treated, as arborists know.

The last thing I want to say is that you look at the National Register of Historic Homes, they're gone.

CHAIRMAN WASHER:

Time is getting short.

MS. WARD:

I see my time. I see it.

They're gone. We can't help that. We can't help what Mother Nature does, but we can help what we do. The buildings are gone. No, the

neighborhood is not permanently changed. The buildings on the neighborhood are permanently changed, but the property is still there. The trees are still there. The community is still there. We are pumping money into these historic homes, filling them full of money and love, making a family neighborhood and this is what we get. Totally against two properties.

CHAIRMAN WASHER:

Anybody else to speak in opposition?

MR. SCHWARTZ:

Robert Schwartz, here on behalf of Victor Mavar, Jr. I'll try and be short, but sticking a lawyer with four minutes doesn't normally work very well.

We're here today and what you're really looking at is a zoning amendment. You can call it an overlay. You can call it anything you would like, but they are attempting to amend the zoning of the current properties. You have split zoning. Right now, part of this RS-7.5 and part of it is RM-20. The RS-7.5 has a height requirement that does not allow buildings to exceed 35 feet. The RM-20 has a height requirement that does not allow buildings to exceed 50 feet.

And what do you have proposed here? A six-story hotel closest to Father Ryan. So you're talking about a minimum of a 72-foot hotel. That's more than double what's allowed in RM -- or RS-7.5, and it's 50 percent more than is currently allowed in RM-20. That's why they're seeking an overlay, because they know they can't do it with the zoning as it exists today.

In looking at your LDO, the general purposes for residential zoning districts -- and specifically, it says that they are "intended to provide a comfortable, healthy, safe and pleasant environment in which to live and recreate." That is the purpose for your residential zoning, including the two parcels that are at issue.

The burden of proof in this matter is on the applicant, and he has to prove two different things, which they didn't prove today. They didn't even mention one of these factors. They have to, first, either show that there was a mistake in the original zoning, and they don't claim that. Their application is clear that they claim that that's an issue. So they have to then show that there is a change in the character of the neighborhood and also that there is a public

need for the specific zoning use that is requested.

Mr. Blessey made a nice presentation, and I have a world of respect for Mr. Blessey and for the people that are here applying. They have every right to make an application before the city. But they gave you one document that shows that -- as the basis for their application, that there are slightly less, about 80 percent, of the hotel rooms in Biloxi that were here pre-Katrina. That does not show, in and of itself, that there's a need for hotel rooms in Biloxi. It's just a statistical analysis that shows you what's present today versus what was present previously.

That does not get them anywhere, though, because there's no change in the character of the neighborhood. And, in fact, the testimony, and as you all know from living here -- and I've been here for 25 years -- that has not changed in that particular area. Father Ryan area has been a residential area for a lot longer than the 25 years that I have lived on the Gulf Coast.

My client, Victor Mavar's house is the one that is the closest to this.

Tim, if you wouldn't mind pulling up the

Google Earth imagery that showed Mr. Mavar's house.

His is on the right-hand side of the map. He's at 1263 Father Ryan, and he is going to be the most directly affected by the construction of the Residence Inn hotel because that's going to be closest to his home.

Now, the question was posed to the developer and his staff earlier about the distance from Father Ryan to the hotel, which they told you was about 200 feet. That's true. My client's property extends 120 feet from Father Ryan south, so that hotel that is going to be six stories tall is going to be 80 feet away from his windows. And Tim is showing you now the property line for Mr. Mavar's property that extends to the south. So we have a major problem with that.

Obviously, my client didn't spend hundreds of thousands of dollars to build a home near his parents in the historic Father Ryan area expecting to see a six-story hotel looming in his backyard so people can watch him from a hotel room. Nobody would want that as a neighbor. I wouldn't want it in my backyard. And he's only one of many neighbors. I'm only here on his

behalf, but I know a lot of the neighbors share the same concern.

But there is a duty that is on the applicant that they have to meet for you to be able to consider the zoning change, and they didn't meet that burden and they put on no evidence for you regarding their burden. Without showing both a public need and a change in the character of the neighborhood, you can't grant their request. And if you do, it is reversible error and there are a litany of cases that provide for that.

And I see I'm out of time, already inside the four minutes.

CHAIRMAN WASHER:

Go ahead and continue.

MR. SCHWARTZ:

Thank you.

The city has to, of course, weigh what it wants done with the property, and I -- we respect that that's the Planning Commission's job. And certainly, there are plenty of sites where this would be a fantastic project. Personally, I think that the suites that they showed you has a fantastic architectural design that would be on --

you know, closest to Highway 90. That's not our real issue. Our issue is a 108-room, six-story hotel that's located behind that. And I get that, according to the applicant's request, you can't have one without the other. They want an all-or-nothing proposition.

But the law is clear that they didn't meet their burden, and you never heard a single word about the change in the character of the neighborhood today. So respectfully, I do not believe that you can grant them their request, and if you do, I think it would clearly be reversed.

I have for you just a couple of documents that I'm going to enter into your record. The first of which is simply a portion of your land development ordinance to remind the board of the purposes of the residential zoning district. I have a little short, three-page summary that provides to you the cases of the relevant authority for the proposition of what they are seeking, which is, in fact, a zoning change of the property.

And the last item I have is a letter from Victor Mavar, Sr. -- not my client, but Mr. Victor, Sr., who lives down the street on

Beach Boulevard, also lodging an objection to this for the same reasons, that there is neither a change in the character of the neighborhood, nor is there an established need for the requested zoning. And I'd ask that those be made part of the record.

MR. PARKER:

I've got a question.

MR. SCHWARTZ:

Yes, sir.

MR. PARKER:

Did Victor Mavar ever own the land south of him?

MR. SCHWARTZ:

Mr. Victor did not own this land, to my knowledge. I believe that --

MR. PARKER:

Victor, Jr. owned it?

MR. SCHWARTZ:

No, sir. Originally -- Victor, Jr. owns, of course, the lot where his house is located that is shown on Father Ryan. His parents' property is about a block and a half away and it's further down the beach.

Tim, if you could scroll over to it.

Part of this property may have been owned many, many years by another Mavar, but not by Victor Mavar, Jr. or his father, is my understanding. I have not run the chain of title all the way back to the early 1900s, but I have looked for the last 20 or 30 years.

Does that answer your question, sir?

MR. PARKER:

Yes, it does.

MR. SCHWARTZ:

Okay. Any other questions that I can answer for the commission members?

CHAIRMAN WASHER:

Any questions?

(None indicated.)

CHAIRMAN WASHER:

Thank you, sir.

MR. SCHWARTZ:

Thank you.

CHAIRMAN WASHER:

All right. Any other objections?

Yes, ma'am.

MS. BESSELIEVRE:

Okay. I just want to say my name is JoAnne Besselievre. I live at 1342 Father Ryan,

on the corner of Father Ryan and Hubbard. I moved here in July of last year, so kind of a new Biloxian person.

And what I have gathered from this -- what's going on here is that the highest demand would be for something to be in, like, 31 days or longer. For the development of a house to be -- it shouldn't be -- they have enough hotels and everything in the area. There's places I know of right now that you can go get a room today if you want one on the beach. The demand for the area would be more -- better, like you said, the really nice place that you've seen that you showed and how you said you're going to decorate it. That's kind of unique and pretty and falls in with White House and everything.

I oppose of what they're talking about, the whole project together, because it will hurt my value of my house that I built -- that I bought. I'm sorry. And when I bought it, it was a big house and I could have been told that I would have to rent it out for 31 days if I wanted to. It would have to be a long-term rental because it's in -- it's the type of -- that's the way it is in that neighborhood. They don't want

short-term rentals going on.

And to make a long story short, is there is already one on St. Jude. There is already a small, like, condo development right there established. They use the neighborhood. They walk in the neighborhood and -- the same way we do. It's all part of that one community.

And I don't think this would be in the interest of what it will come out -- I don't think this will be positive for the homeowners and it will make our property go down. And I'm all about, you know, the highest and best use.

And so I would like to know what -- the question is, to -- me to you, what would be the way, the right procedure that I can take to oppose this project, this one that they're talking about? What do I need to do to go about doing this? So that would be my question to you guys. As a homeowner, how do I oppose this and what do I need to do?

And all that's -- basically, I have listened to everything. There is some pros and cons. Keesler can't come in and help people off of six-story buildings because the place can't -- an emergency truck can't get in there and out.

When a hurricane comes and people are leaving, you know, there is going to be chaos right in that area and -- plus, all the time when the kids are out playing. And you know, you're going to change the whole community, and I don't think that's the best place to put that because it's too much in one little spot. There needs to be more acres for that beautiful development that they want to put in. It's just not the right place, you know, and it would change the whole neighborhood. All right. Thank you.

CHAIRMAN WASHER:

I think you took the right approach today to come here and let us know what your opinion is.

MR. LECHNER:

How you doing today? My name is Jeff Lechner. I live at 1275 Father Ryan with my wife and two young kids. I have been there 10 years.

And the past three years, we currently purchased -- my family purchased the property directly behind me, which runs all the way to Highway 90. So you had a double -- bed and breakfast there prior to Katrina, but we bought it for serenity, safety for the kids and to raise my

family there.

And prior to my purchasing it, we looked into the zoning of each property, particularly the one that is in question now, developing into a development, but -- and it was an R-20, I believe, which would be townhomes or condos of that nature, nothing that would be a high-rise. So after that point, we went ahead and made the purchase.

And I just wanted to know -- for y'all members to consider and imagine being 25, 35 feet from this property development shadowing, towering, a condo or whatever it might be, coming into your yard, losing your privacy, your serenity, your value of your home and property at the same time and trying to raise a family, you know.

So thank you for your time. Mr. Schwartz and all my great, great neighbors have covered most of all my other questions, but I just wanted to add that to it. Okay. Thank you.

CHAIRMAN WASHER:

Thank you.

MS. TORRENCE:

Hello. My name is Eva Torrence. I'm from Miami originally. I've lived in Texas, but

now I live here. We bought a house in September on St. Paul. I live right next to Donna Ward. She is right on the corner of Father Ryan and St. Paul, and I'm right next to her.

And speaking for all of my neighbors, we would like to hold the removal talks of the trees -- I think you guys call it, to table it -- until the proposal response of the next meeting. And we also think as a group that we should be able to meet with the Tree Committee and have a walk-through on the property.

I just walked the property last night. In fact, I love to walk the property that's there with my husband and my dog. And they talked about -- I'm not sure. They say a 12-inch palm, a 30-inch live oak. 18, 36 inches, 48 inches, all of these numbers are too small. These trees are much bigger than this. I don't know where they get 48 inches. These trees are like 10 feet around, you know, like, six feet around, 12 feet around. So I don't really understand this tree thing.

But I did notice that Mr. Blessey stayed away from Column Number 4 where it shows the percentage of total rooms on the Coast. Biloxi

already has 46 percent of the total rooms on the Coast. 9,241 rooms versus Gulfport, which only has 3,400, so we're like three times Gulfport. And we're -- Ocean Springs has only 1,062, so we're eight times what Ocean Springs has. I think there is plenty of rooms if you want to get a room on the Coast.

And I'm totally opposed to the Residence Inn because I bought in a residential neighborhood. My house is 105 years old. I have a historical landmark plaque on it. It used to be on the Keesler Air Force Base. They moved it from the base before it was the base and they moved it to St. Paul. And it's just a beautiful home and I'm, like, one block away from this idea, which I hate and we all hate.

Actually, we don't mind the one on Beach Boulevard because it's -- you know, that belongs. Well, it doesn't really belong, but it's -- they have done a nice job of designing it. We're just opposed to the Residence Inn being so close to our, you know, place where we walk the grandkids and the dogs.

And that's all I have to say, but thank you for listening.

CHAIRMAN WASHER:

Thank you, ma'am.

MS. HOST:

Hi, I'm Kay Host, and I have been here a couple of times.

I just wanted to make a debate a little bit about what Attorney Blessey was saying. I have a house that's 1889, and I'm three houses away from this project. I'm on Father Ryan, 1283 Father Ryan. I have Dr. Oden's old house, 1909, for those you that knew Laurence Oden.

So 29 years it's considered a historical community because we have that middle part that everybody gets so excited about, one-way street here, one-way street there.

Now, when he tries to use emotional blackmail on this group here saying there are 32 jobs -- I have been living on the Coast for 29 years, and I have seen where these jobs aren't given to locals. They're given to other people in Alabama or Florida, but they're not given to us. So we don't know. When he says 35 permanent jobs, what are their job titles and how will we secure that they're even going to go to anybody that works here and lives here already?

Then when he says about this million-dollar project, when I mentioned this at the VA -- because I take my life to work, back and forth, because I often work 10, 12 hours a day at the VA. And we lived through Katrina. They all pointed out, what's going on with Broadway (sic)? Why would you want to do that and destroy and hurt Father Ryan outside of Keesler Air Force where our troops like to run up and down the street? We listen to Taps at night. We listen to Reveille every morning. And we have our troops screaming every morning when they're doing their exercise. And those kids love running down Father Ryan. And I'm just giving you an idea of what it's like for us to live there.

But when we look at this Broadway thing that they're going to build, I said, will that money go to Biloxi? Is that in Gulfport or is that in Biloxi? So I was to able pull this out, so I don't know what's going on with this Broadwater. Maybe you guys know, but this is going to be some sort of an auditorium where the bands come in and people are going to be in the hotels and be able to look down at bands. And then they're going to build out and they're going

to make a yacht.

So they are getting ahead of the power curve, in that they bought the property as residential when this property is commercial. It's not commercial. Thank you.

MS. NICOVICH:

Hello, my name is Ellen Nicovich and my husband and I, Steve, we live on 1269 Father Ryan Avenue in a historical home established in 1937.

We live on the wonderful, long-established historical district block of Father Ryan Avenue. It's personal. We are emotional. We want to protect our neighborhoods and our family.

The development, Limited Liability Corporation, has proposed a huge, dense development idea, and it's -- you know, Biloxi has a long history of spot zoning, but we don't have to give up the entire beach to commercial. Our neighborhood is very stable. We have no change in the neighborhood for years. Perhaps the only thing is it's more stable. We have more families that have bought homes in recent years. We have new families in the neighborhood.

The Raintree Condo on the beach, all the

tenants there, they own their individual units. They had come to you a couple of years ago concerning short-stay, and that was -- they did not want it and y'all all agreed not to have that.

Well, the extended stay hotels, they're also short-stay hotels. You can call anyone anytime -- I have done it the last few weeks -- and they -- you can easily get a short stay of two to three, four days a week. And since you have decided to go with the Raintree, which -- with no short-stays, this is just their next-door neighbors, of course.

So there is a lot of things that we're unhappy about. Of course, the Father Ryan parking lot, no one wants that. There is limited parking. When you don't have enough parking that's one of the biggest problems. You can't just say that we're working on that and maybe they can park on places that aren't paved. That's a problem right there, so there's just so many issues. Not enough buffers.

But the main thing with me, I'm at the backside of this project. And you see this wall here, this is 25 feet. That six-story building is going to be 25 feet from my family's residence.

Would you want that for any of your family? Before I start crying, thank you very much.

MR. KAVANAUGH:

I think I'm the last person, so y'all can rest easy that -- but I'm not going to go through all my main points because Mr. Schwartz, basically I think he made those points.

My name is Michael Kavanaugh. I live at 134 St. Jude. I was born and raised in Biloxi. I went to Biloxi High School, moved away and lived away for about 30 years and just recently moved back last fall to -- if you guys remember, I'm sure you do, Della McCaughan. My wife and I, Judy, whose maiden name is Snyder, after the Donal Snyder Community Center, that's her father. We bought Della's house and have redone it. We live across the street from Frank.

Just a little perspective on leaving and coming back. We left because, you know, there was opportunity other places, but we visited Biloxi over the years because we both have huge families here. Every time we came back we would always walk through Father Ryan neighborhood. I grew up on Miller and St. Charles, so in the Holy Land, as we like to say.

And my father loved Father Ryan Avenue. I mean, he was -- he wished he could have a house there, so he just kind of instilled that in me because I always thought it was a fantastic street.

So when we did come back, I decided we wanted to move back to Biloxi. I mean, that, of course, is the place we looked and we happened to luck upon Ms. McCaughan's house. And one of the reasons we wanted that street is because as Mr. Schwartz said, the character of that street has not changed. I'm 60 years old. As long as I can remember -- and I lived in that neighborhood and went to Biloxi High right down the street -- that street has maintained its character. It has always been one of the premier streets, I think, in Biloxi in terms of older residential areas that have remained. Kensington Drive is probably the only other one I can think of in the older part of Biloxi. So I do believe that the character of the neighborhood has not changed, and from what I understand, that's one of the primary reasons that the development has to give in order to get approval.

So I'm definitely against it. I live on

St. Jude next to those -- next to the condos. The condos are fine, but emergency exit is right next to my side property line, and cars come in and out constantly. It's gravel roads, so we hear them because, of course, it makes a lot of noise.

But anyway, that's all I have. All these other facts and figures, I think you've probably heard the most important. Thank you.

CHAIRMAN WASHER:

Thank you, sir.

I do have two letters of objection that I'll enter into the record.

MR. KAVANAUGH:

I do too.

CHAIRMAN WASHER:

Chuck and Debbie Collins, 124 St. Paul Street, and Tony and Kate Salman 167 St. Paul Street.

MR. KAVANAUGH:

And Chuck and Debbie, theirs is in that stack.

CHAIRMAN WASHER:

We have got Collins, and Hayes 1295 Father Ryan and John and Lehwmon Skrmetti, at 1289 Father Ryan.

No one else speaking in opposition? You, sir. All right. You will be the final one in opposition, and then we'll give Mr. Blessey a few minutes for any additional comments. Can you bring that mic over there?

MR. STEELE:

My name is James Steele. I live at 1280 Father Ryan. I've lived there for, as of this coming July, 30 years.

There has been very little, if any, change in the neighborhood. It will be changed irreparably if this project goes through. Most of the points I wanted to cover have already been addressed by other speakers.

But I want to cover again a little more, too, that what they're saying -- the emergency exit to the condos over on St. Jude, that has turned into an entrance and exit to that property. Now, there used to be lockboxes. There are no longer. The same thing will happen to this proposed lockbox. Sooner or later, we're going to have noise from these special events. We already get them from the White House. I'm not complaining about the White House. We're glad to see it back in operation instead of being a hazard

to the neighborhood.

As to the fire trucks, about a month ago I witnessed a person trying to make a U-turn in one of the crossovers on Father Ryan with a motor home. That motor home has a much smaller and shorter wheelbase than a fire truck and it took them 15 minutes to get turned around. During that time, both lanes and both directions of Father Ryan were blocked.

The fact that they had to have an emergency exit shows how inappropriate this project is for the area. Thank you for your time.

CHAIRMAN WASHER:

Thank you, Mr. Steele.

Mr. Blessey.

MR. BLESSEY:

Thank you, Mr. Chairman. If I may respond to the comments made.

First, my dear friend, Frank Genzer, great architect, wonderful Biloxian, he points out that he had planned for this property under Henry Lee and that the Planning Commission had changed zoning to RM-20. That was in the '90s before Katrina. So what we're talking about here is the situation post-Katrina. I'm going to cover that

in just a moment.

I understand that Steve on the east side -- I apologize for not recognizing the name. We certainly welcome having you in Biloxi, and newcomers are just as welcome as the old-comers. And he mentioned about the dumpster and moving it. I mean, that's something that we could adjust, if that's offensive to you.

Steve also mentioned regarding the parking and actually, a Residence Inn tends to have fewer cars because a family of four comes in one car, two rooms or couples going on vacation, but more likely business people who are traveling together, expertise often going to Keesler, for instance. So the likelihood of the Residence Inn needing the full complement of rooms is less likely statistically. If, however, it does happen, parking on the grass temporarily solves the problem.

Regarding the fire trucks, several people have mentioned the fire trucks. And first of all, we were required to do that by the fire department. Had the fire department not required it, we would be happy to close it off. But it will not be the primary entrance. The fire

department requires -- and I think understandably for public safety -- that -- including for apartments or anything else, they want two entrances and exits in case the primary entrance is blocked by the fire, which can happen, of course, even here. But in most, if not all instances of ambulances, police and fire, they are going to be coming in Highway 90, which we have designated as the primary entrance and we hope they never have to go through Father Ryan. But if they do, certainly it would be to protect the neighborhood as well as these developers' project.

And some of the people have said that I said the Holy Land is not a historic district and Father Ryan is not historic. What I tried to say, apparently not very well, is that they're not in the West Biloxi Beach Historic District, which is just the Highway 90 properties. All of the residential properties on Father Ryan are in a different district. So just to clarify, of course, Father Ryan is a beautiful old historic area, as is the Holy Land. In fact, all of Biloxi east of Rodenburg Avenue, I would consider historic because that's really the Old Biloxi before lots of annexations.

Now, let me go to my dear friend and colleague, a very good lawyer, Robert Schwartz, who is wrong today, however. His mention about we have to meet a burden of proof for a zoning change is not correct. And, of course, we're not here to really settle legal issues, but let me just say -- I mean, I hope it doesn't come to an adversary position on that issue, but we're confident that it's not considered a zoning change. An overlay district is not a zoning change because it applies only to this project, and you can only do this project. It's not a permanent change like a zoning change is. Whenever you have a permanent change, then no matter who owns it, in perpetuity, it applies to them. Here, you can build only this project and nothing else and that's it, so it's not a zoning change.

And we do not have to show a change in the character of the neighborhood. Although, we think it's self-evident, the question you've got to really ask yourself if you're trying to answer that question -- which I don't believe you will ever get to legally, but if you're trying to answer that question, we -- you first have to define what neighborhood it is that you're

contending has had a change. And the change we're talking about that is clearly evident here is all the beachfront properties and to some extent beyond the beach in many areas of Biloxi were changed. The character was changed by Katrina.

Frank's project was pre-Katrina. This is post-Katrina. They were changed, and you have voted recently -- I'm not sure exactly when, but it's fairly recent, within the last few years, to change the easternmost lot on Highway 90 which goes all the way to Father Ryan. Just like the one for the White House, you changed to community business, which is a good change. And so you had to -- that's a true zoning change. That's a permanent change. You then endorsed the notion, and so did the City Council, that this particular neighborhood at issue, the Highway 90 neighborhood, has had a change in the character. That's the precedent here. This block has been broken based on that change alone.

Now, but I'm not here to argue the law so much. I just wanted to make the point that -- and I'm sure Robert would disagree and we will have those disagreements later in some -- hopefully it doesn't go that far, but I couldn't

let it go unanswered.

So as far as the public need, it's a question of judgment like almost everything you've got here. You're not required to determine the public need. I mentioned the public need, though, about the hotel rooms and our 20 percent below pre-Katrina because it is part of the backdrop of what is really needed here, is the kind of development -- and there's no other kind of development like it, maybe apartments, which I submit to you, be careful what you wish for. If I were living in this neighborhood, apartments would be far worse.

A hotel like this has 24/7 security and it has management on the property all the time. It has the capacity to react to any problems, and they certainly aren't going to want to have lots of noise and interference with the neighborhoods. That would be the last thing for them to tolerate.

So I would also point out that when Jacinto Baltar and the other great Biloxians built the neighborhood on Father Ryan some years ago, that was before there was any zoning in Biloxi, any zoning at all. No zoning in Biloxi, and it has kept its way largely because originally there

were subdivision covenants and I hope they're still in effect, but that certainly worked.

But those covenants never applied to the beachfront area. Part of Father Ryan obviously borders the back of the beachfront area, and that's what's causing the concern today. We've done everything we can not to penetrate beyond what we just said, that is that one emergency entrance.

Now, Robert also mentioned about being within eight feet. This is maybe just getting in the weeds a little. He's not within eight feet. Actually, Ms. Nicovich is quite correct, 25 feet away on the side yard is the location, not eight feet.

So for Mr. Lechner and his family, I certainly wish we could solve that problem completely, but we can't. And we certainly want to try to do everything possible to be good neighbors. But a four-story apartment is going to be looking down in that backyard as well, so I know it's lower and that may make a difference. It may make a big difference. I don't know. But it's not something that can be prevented because it's already zoned for at least that level.

With regard to the lady who mentioned about meeting with the Tree Committee, certainly you have been free to meet with them all along, free to meet again. And if you would really like to walk the property with our arborist -- we've hired an arborist who walked it several -- a number of times. But the city's arborist is the one who has designated dead and deceased trees. We followed that recommendation. So with regard to the size of the trees, I assure you that our professional, licensed surveyors who did the site plan and did the dirt lines and did the diameters, were confirmed -- all that was confirmed by the city arborist.

So let's see. We had -- I think some of this was a little bit repetitious. And we certainly understand the Nicovich family and Vick and his family. We don't diminish or belittle that at all. There's just not anything more that we know that we can do to have a feasible project.

Now, for my friend Mike Kavanaugh, we're glad you're back, Mike, and we're glad you had opportunities elsewhere. But this illustrates what I'm talking about. Somebody 17 years old now, are they going to be the new Mike Kavanaugh

that leaves for 30 years because there's not enough jobs, or are we really going to have a thriving economy?

MR. KAVANAUGH:

I'm still in the same job. I'm working remotely now, which is what a lot of you do. I did not retire. I did not retire.

MR. BLESSEY:

Touché. Okay, Mike. Very good.

Well, and the final is Jim Steele. He's not here any longer, but he's a great guy. And maybe he wasn't here when I talked about the covenant. But the difference between this project and the one that did not honor their promise about the Knox box is that we're going to put it in writing. We will record it in the land records and anybody can enforce that in perpetuity. So that's something the others didn't do, Jim.

So with that, I would ask you to please consider -- it's real important -- voting today will be extremely helpful because inflation is killing everything, and every week, every month now really counts. So we appreciate your attention and I want to say, Kay, no matter how y'all vote, we love you. We know you're going to

do what you think is in the best interest of the City of Biloxi.

CHAIRMAN WASHER:

We'll call on Mr. Creel to address the Tree Committee reports in which the city arborist serves on.

MR. CREEL:

I did speak with the city arborist, Eric Nolan, before he came -- I'm not sure how he always manages to be out of town whenever a project like this comes up. But he and the developer's arborist walked the property and before Eric did leave last week to go out of town I asked him if the information on this list was correct. There were, in fact, four dead trees, one in poor condition and of the remaining four, only one of those was a live oak tree. He said, yes, he had looked at those and that all that information is correct.

CHAIRMAN WASHER:

Thank you. We're going to go ahead and adjourn those two –

MR. CARRON:

Jerry, will you address it for information to these people as far as water oak

trees with what's come up about those? I know they are huge trees, but we have taken them off the list.

MR. CREEL:

I was going to address that in the recommendation to y'all about the trees. The water oaks at one time were a protected tree. And several months ago we made some revisions to the tree ordinance working with the Tree Committee and we removed the water oaks off the protected list, so the only protected trees located in the city now are live oaks, bald cypress and southern magnolia.

CHAIRMAN WASHER:

Again, we're going to go ahead and adjourn those hearings in regard to the PD-HB planned development and the tree removal.

With that said, I'm going to turn it over to Mr. Shambra.

MR. CREEL:

I'm going to do the recommendation.

This is an application for the approval of a $32 million planned development-hospitality business district overlay on a property that fronts directly onto business commercial corridor

in Biloxi. The property has been vacant for almost 17 years. The proposed development, which includes 3.78 acres, will include two hotels and will provide 148 rooms for guests.

The property is located in the West Biloxi Historic District and revisions for the designs of the structures are currently going through AHRC, the Architectural Historical Review Commission.

The case before you today is about the use of property. The developer and their architects have gone to great lengths to design the project that will work economically, while also being sensitive to minimize any adverse impact to the residential neighborhood to the north of this property.

This project has been designed for both structures to face south and with the extended-stay Residence Inn by Marriott being located near the center of the subject property. The smaller Aqua boutique hotel will be located directly on Beach Boulevard, away from the neighborhood.

The location and the limited footprints of the two hotels and the parking will result in

saving 56 out of the 65 trees currently located on the property, with only one healthy live oak protected tree being removed. The developers will be required to provide mitigation for any of the trees removed as a part of this project. And we have a letter of support from the Tree Committee actually speaking in favor of this project.

The developers are providing an opaque Type B buffer in the form of a six- to seven-foot brick column and panel construction fence that will buffer sound and visibility on the site. The only connectors to the neighborhood will be a solid brick wall with a wrought iron gate, and we have heard today that they're willing to put a solid gate, if that would satisfy the neighbors. Brick column and panel construction fence that will buffer sound and visibility to the site. The only connector to the neighborhood will be the solid brick fence with the wrought iron Knox box gate that will be used only by the emergency vehicles, and the vehicles would only use the Father Ryan entrance and exit if the Beach Boulevard entrance was inaccessible, if there was something blocking that entrance. But they always use the main entrance first and only will go to

the secondary entrance if there's some reason that they can't do it.

And as Mr. Blessey mentioned, the city -- we're working on a deed restriction that would allow the city to enforce that. There will be no walk-through or pedestrian gates from this project to Father Ryan. The only ingress/egress for guests has been located on the southwest corner of the property resulting in a right-turn only egress that would channel traffic to the west away from the neighborhood. Transient traffic from hotels typically stay on the main thoroughfares and would have no reason to enter the neighborhood.

Considering these efforts by the developer and the designers to minimize adverse impact to the neighborhood and the changes in the immediate area, such as the destruction caused by Hurricane Katrina, the removal of the remaining single houses on this block of Beach Boulevard, the conversion of the former Saxony Apartments into condos, the adoption of more stringent flood maps, the restoration and parking lot extension and proposed expansion of the White House Hotel -- and I will point to the map that's on the wall

right there. If you will notice that the White House parking lot, it goes all the way back to the next street and has a connector that does not have a gate on it that actually enters into that area. And remember that the White House hotel remained vacant for years. Now, it's already on there. And I mentioned the parking lot extension there and also the proposed expansion of the White House Hotel, which will take place on the west side of White Avenue.

The question before the Planning Commission today is have the developers designed the project in a way that would make the project work financially and economically while implementing measures that would protect the neighborhood? The staff can support the application for the PD and we recommend approval.

CHAIRMAN WASHER:

Mr. Delahousey.

MR. DELAHOUSEY:

To be clear, we are first considering 22-022-PC, and then the tree case will be a separate vote; is that correct?

CHAIRMAN WASHER:

That's correct.

MR. DELAHOUSEY:

I move that we approve the applicant's request with the following stipulations: That there be a covenant to keep Father Ryan entrance for emergency vehicles as Mr. Blessey has stated, that the fence height be increased to eight feet and that there be a solid gate on Father Ryan.

MR. PARKER:

Second.

And I would like to make a statement, if I could. I looked at the census bureau for Biloxi. 1940 was 17,000 people; 1950 was 37,000; 1960 was 44,000; 2020 census says we've got 40,690 people. You might say the hurricane did it, but let's look at Gulfport. 1950, they had 22,000; 1960, they had 30,000; 2020, they've got 72,000. Ocean Springs had 5,000 people in 1960; they have 18,429 today.

As far as people not having to leave town to get a job, Mr. Blessey knows very well his brother Walter had to leave town. F. Walker Tucei, Jr. had to leave town to get a job. He wound up being a general partner of Arthur Andersen Corporation. Billy Conway left because he couldn't fulfill his -- he wound up being head

of a big four accounting firm. And Joe Canizaro, of course, I think that -- you don't have to tell him who he is. And these people all had to leave town. If they wouldn't have left town, they wouldn't have amounted to what they did.

I think we owe it to our children to give them the best chances they can to improve themselves.

CHAIRMAN WASHER:

All right. We have a motion on the floor by Mr. Delahousey and seconded by Mr. Parker recommending approval subject to a covenant regarding the lockbox gate and increasing the height of that gate and entrance and all to eight foot with a solid gate.

MR. DELAHOUSEY:

Eight-foot and a solid gate in the rear.

CHAIRMAN WASHER:

All right. We'll open the floor for any discussion.

Mr. Stanovich.

MR. STANOVICH:

I forget your name, the architect.

MR. CREEL:

Neil.

MR. STANOVICH:

Just a question. From all the comments we heard and everything, I think the general consensus was everybody loved the look of the Aqua Suites. Is the facade of the Residence Inn, I mean, what we saw, is that your -- I mean, can that be tweaked, I mean, maybe to complement what the Aqua looks like and also the White House Hotel, kind of blended in together because I think that was one of the -- other than the height issue, that was one of the most negative things that we heard in all the testimony?

MR. POLEN:

Sure. So just to be clear, there is another architect that's technically responsible for that building, but we have been presenting both projects on their behalf and we're working together as a team.

Out of the AHRC meeting that we had, since then, we have already been working on revisions to the Residence Inn facade to go above and beyond the guidelines that are within the requirements that are within the historic guidelines that we feel like are above and beyond the precedent that's been set with previous

approvals.

So in answer to your question, yes, we are currently working on revisions that would be re-presented at the next AHRC meeting.

MR. STANOVICH:

So when you get those new renditions, you have to go back before the AHRC?

MR. POLEN:

Correct.

MR. STANOVICH:

Thank you.

MR. DELAHOUSEY:

I have a comment also for the Commission members, a couple of years ago, we had a case come before us not unsimilar to this with a hotel that wanted to be built on Beach Boulevard and Hopkins. And there was lengthy discussion and we ultimately agreed on that. And not only did we agree on that, the majority of the Planning Commission realized that the days of the million-dollar antebellum homes are gone and that we agreed to extend that zoning to -- all the way to the Biloxi Visitors Center.

That's a similar situation here. I drive Highway 90 every day, and I wish all -- I

have lived here all my life and I wish all the beautiful homes were there. They're not coming back. I'm tired of seeing empty lots with slabs, and I think this is a positive thing for Biloxi.

CHAIRMAN WASHER:

Mr. Todaro.

MR. TODARO:

I want to be clear on this because we're all empathetic. We don't want a building in our backyard, looking in our back door, but right now as it is, the zoning -- there could be a four-story apartment complex in this entire RM-20 portion; is that correct?

MR. CREEL:

That's correct. And let me just expand on that just a little bit. You know, sometimes when the neighbors get used to having a large open area, it sometimes --

UNIDENTIFIED SPEAKER:

You said that last time and we didn't agree.

CHAIRMAN WASHER:

Y'all, please, bear with us.

UNIDENTIFIED SPEAKER:

Thirty-five jobs.

MR. CREEL:

-- it sometimes kind of gets adopted by the neighborhood as a buffer strip or we heard one lady mention that she's been walking her dog on that property as well.

But let's just say that someone did decide to develop a single-family residential subdivision or an apartment complex on this property, the footprint of what they could put on here would take down many, many more of the trees because to put in roads for a single-family subdivision would -- in itself, would remove a lot of trees. The drainage would have to be reshaped. The new flood elevations would require the houses to be elevated for a single-family subdivision.

The expanded apartment complex would have to have more than just one building if they could only go four stories high --

MR. TODARO:

And one of those buildings could go in the footprint of this Residence Inn right now; is that correct?

MR. CREEL:

That's correct.

MR. TODARO:

And nothing would have to change. It would just be a four-story building instead of a six-story building.

MR. CREEL:

And that also, because they could only go four stories high, would require them to build multiple buildings there and require parking for those, which would also result in the removal of the number of trees on this property.

The developers have designed to split this hotel with a limited footprint to save as many of those trees as possible. And they've meandered the parking all around the clusters of trees out there to save as many of these trees as possible.

So there is a downside to holding the property for possible residential, which no one has approached us about, or multifamily residential, which no one has approached us about.

MR. CARRON:

Question, Jerry. I have heard a little differences about the zoning. Could you just kind of relate to this what the planned development is compared to the zoning change, that this really is not a zoning change.

MR. CREEL:

No. This is clearly an overlay district and I have a packet here with pages right out of the land development ordinance and it, over 20 times, mentions that a PD is an overlay district. And what it says about change in character -- and I mentioned several of the character changes in the initial presentation -- is that the city will weigh relevance of and consider whether and to the extent to which the proposed amendment is required to address a mistake in the original zoning or the public need.

So that's a decision that could be made, could not be made. We made arguments for changes in the character of the neighborhood with the White House Hotel and the new flood elevations and the Saxony Apartments converting over to condominiums. And the Saxony Apartments, if you actually look at those, it's two floors of living area, but with the mansard roof and the windows on the front, it's almost a three-story building.

The six stories that have been designed into this project is duplicating the Hyatt Place Hotel, the Hampton Inn, the Hilton Garden Inn that have all previously been approved by the AHRC, and

we will continue to go through the AHRC with the design of this building until we get to one that is acceptable to AHRC. But they're trying to remain consistent with the height of those other buildings along the beach.

MR. CARRON:

And along with that, in an RM-20, by right, they could be put a four-story building?

MR. CREEL:

They could, but also if that apartment developer decided he wanted to come before the Planning Commission and the council and do it as PD, then that height limit -- they would not be held to that height limit because the numeric equations in development, the setbacks, the height, the density, those kind of things are all presented as a part of the package as a whole. And so you could have an apartment developer come in and ask to exceed that height, you know, also. So it could be a PD for what we're listening to now or it could be a PD for another type of development.

CHAIRMAN WASHER:

Any other discussion? None.

We have a motion and second on the floor

recommending approval.

We'll ask that all those in favor of approval raise your hand, please. Mr. Lechner, Mr. Todaro, Mr. Parker, Ms. Thompson, Mr. Stanovich, Mr. Delahousey, Mr. Poulos, Mr. Carron, Mr. King, Mr. Snow.

Any opposed? Ms. Bankston; myself, David Washer.

I don't believe there is any abstentions.

Motion carries.

All right. Now, we're going to move on to the tree case, TR-22-003. Of course, you heard Mr. Creel's comments on that.

We're going to go ahead and take a five-minute recess. If anybody wants to exit, please do so quietly.

(Five-minute recess.)

CHAIRMAN WASHER:

Right now, we've got Case Number TR-003 regarding Harrison County Lodging Development, LLC and Neil Polen of Dale Partners, 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.

You heard the presentation on that. You heard the comments from Mr. Creel. If you've got any questions, go ahead and fire away. If not, we will entertain motion.

Anything, you want to add, Jerry?

MR. CREEL:

No. I think I covered it all, but I'll be happy to answer any questions.

MR. PARKER:

Recommend approval.

CHAIRMAN WASHER:

Motion by Mr. Parker recommending approval.

MR. SNOW:

Second.

CHAIRMAN WASHER:

Seconded by Mr. Snow.

We'd ask that all those in favor of approval, raise your hand.

MR. KAVANAUGH:

Is there -- can I do a public comment on this?

CHAIRMAN WASHER:

No, sir.

MR. KAVANAUGH:

No.

MS. BANKSTON:

So this is for the same property we've been talking about?

CHAIRMAN WASHER:

That's correct.

MR. KAVANAUGH:

So no public comment? You can just vote on it without me saying a word?

CHAIRMAN WASHER:

He asked for it. You didn't raise your hand, so he closed it.

MR. KAVANAUGH:

Oh, he asked for public comment? I didn't hear it. Well, I'm sorry.

CHAIRMAN WASHER:

All those in favor, raise your hand. Mr. Lechner, Mr. Todaro, Mr. Parker, Ms. Thompson, Mr. Stanovich, Mr. Delahousey, Mr. Poulos, Mr. Carron, Mr. King, Mr. Snow.

Those opposed? Ms. Bankston; myself, David Washer. Motion carries.

All right. Moving on, our next case today, Case Number 22-024-PC, G.M.R.I., Inc., owner; Felix Bertucci, Audubon Realty, II, applicant. It's a request for a conditional use approval to authorize the construction of a new convenience store and 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 presently identified as 2790 Beach Boulevard, being Municipal Tax Parcel Number 1110M-03-008.000. This case was advertised on March 3rd and March 10th.

Ms. Lena, if you have got the video, please, ma'am.

MS. LENA:

This is the old Olive Garden property. That is the service drive. That's the beach. That would be going towards Gulfport, of course. That's Debuys Road. And the property goes all the way back to, I believe, the project that we looked at for the RV park. And that's all we have.

CHAIRMAN WASHER:

All right. Mr. Bertucci.

MR. BERTUCCI:

Good afternoon. I'm Felix Bertucci. I