

Ordinance No. 2487

ORDINANCE TO APPROVE A ZONING MAP AMENDMENT, TO AUTHORIZE A CHANGE IN ZONING DISTRICT CLASSIFICATION FROM ITS PRESENT ZONING OF RE RESIDENTIAL ESTATE TO NB NEIGHBORHOOD BUSINESS, FOR A PARCEL OF LAND PRESENTLY IDENTIFIED AS 13181 REECE BERGERON ROAD

WHEREAS, on Thursday, June 16, 2022, the Biloxi Planning Commission held a public hearing in the Auditorium of the Dr. Martin Luther King, Jr., Municipal Building, 676 Dr. Martin Luther King, Jr. Boulevard, Biloxi, Mississippi, to hear Case No. 22-054-PC, Mississippi Drug and Alcohol Treatment Center, LLC, a request for Zoning Map Amendment, for property identified as 13181 Reece Bergeron Road; and

WHEREAS, the Planning Commission members were apprised of the particulars of this case, being made cognizant of the fact that Mississippi Drug and Alcohol Treatment Center, LLC, have submitted this request for Zoning Map Amendment, to authorize a change in zoning district classification for a parcel of land measuring two and seven-tenth (2.7) acres (more or less), from its present zoning district classification of RE Residential Estate to NB Neighborhood Business, for a parcel of land presently identified as 13181 Reece Bergeron Road (re: Tax Parcel No. 1307O-01-015.000); and

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

WHEREAS, on June 16, 2022, the Biloxi Planning Commission, after some discussion, and upon careful reflection of the particulars of this case, voted to recommend approval for the

Ord. No. 2487

Zoning Map Amendment, to authorize a change in zoning district classification for a parcel of land measuring two and seven-tenth (2.7) acres (more or less), from its present zoning district classification of RE Residential Estate to NB Neighborhood Business, for a parcel of land presently identified as 13181 Reece Bergeron Road, having determined that a Change in the Character of the Neighborhood, coupled with a valid community need at this location, was of evidence in this area of the City of Biloxi; and

WHEREAS, the Biloxi City Council, after consideration of all facts presented, hereby adopts the report and findings of the Biloxi Planning Commission, and in doing so, determines that approval of this Zoning Map Amendment to NB Neighborhood Business is appropriate for land presently identified as 13133 Reece Bergeron Road, Case No. 22-054-PC, Mississippi Drug and Alcohol Treatment Center, LLC.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BILOXI, MISSISSIPPI, THAT AS PER THE FINDINGS OF THE PLANNING COMMISSION, AND BASED UPON A DETERMINATION THAT A CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD IN THIS AREA OF THE CITY OF BILOXI, COUPLED WITH A VALID COMMUNITY NEED AT THIS LOCATION HAS BEEN ESTABLISHED, THAT THE FOLLOWING SHALL BE AUTHORIZED:

SECTION ONE: That the boundaries of the Geographical Information System Format Zoning District Map of the City of Biloxi, Mississippi, as amended, be hereby further amended by a change in zoning district classification from RE Residential Estate to NB Neighborhood Business for land presently identified as 13181 Reece Bergeron Road, and described as follows:

Ord. No. 2487

A parcel of land being a part of Lot 2, Block 10, Paradise Found Fruit & Truck Farms and being more particularly described as follows, to wit:

Less and except that certain portion of the above-described property conveyed to the State Highway Commission of Mississippi in Book 73 at Page 415 and being described as follows to wit:

Begin at the point of intersection of the south line of grantors property with the centerline of State Project No. SP-0022-1(36) at Highway Survey Station 40 + 41; thence West along said South line, a distance of 51.0 feet, to the point of beginning of the parcel of land herein described; from said point of beginning run thence West a distance of 10.2 feet, to a line that is parallel with and 60 feet Westerly of the centerline of said project; thence North 11° 11' East along said parallel line, a distance of 407.4 feet, to the North line of grantors property; thence East along said North line, a distance of 10.2 feet, to a line that is parallel with and 50 feet Westerly of the centerline of said project; thence South 11° 11' West along said parallel line, a distance of 407.4 feet, to the point of beginning, containing 0.09 acres, more or less, and being situated in Lot 2 of Block 10 of the Paradise Found Fruit and Truck Farms Subdivision in the Northeast ¼ of the Southwest ¼ of Section 32, Township 6 South, Range 9 West, the Second Judicial District of Harrison County, Mississippi,

and further described as land most nearly bounded by the following streets: to the North by Reece Bergeron Road; to the South by Old Highway 67; to the East by and fronting upon Reece Bergeron Road; and to the West by Paradise Lane.

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

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

YEAS:	Lawrence	Tisdale	NAYS:	None
	Gines	Glavan		
	Newman	Barrett		

ABSENT: Deming-*

(*-Absent from the room during discussion and voting only)

Ord. No. 2487

The President then declared the Ordinance adopted this the 19th day of July, 2022.



ATTEST:

APPROVED:

Kei Campbell
CLERK OF THE COUNCIL

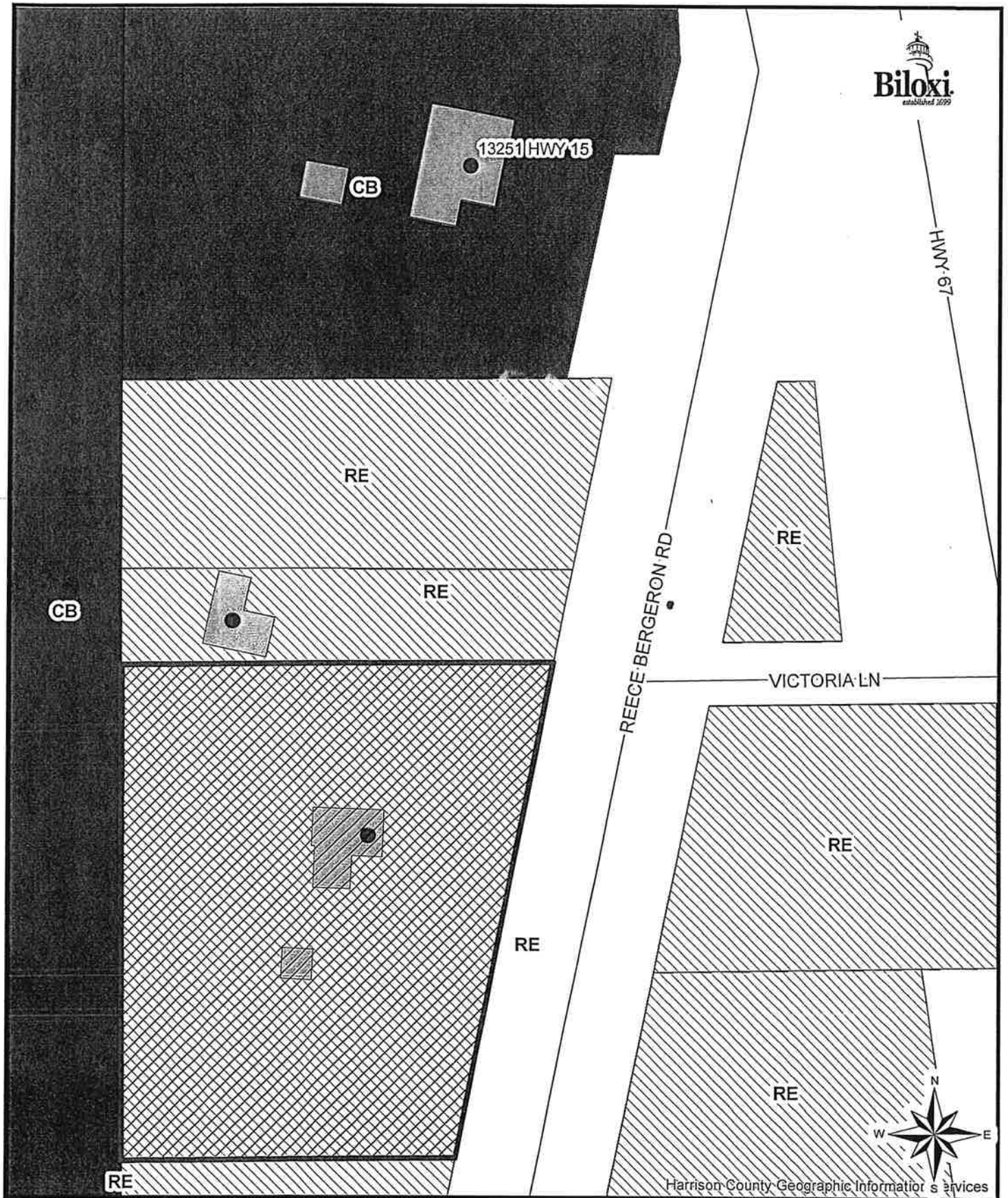
Ken Glan
PRESIDENT OF THE COUNCIL

Submitted to and approved by the Mayor, this the 22 day of July, 2022.

APPROVED:

[Signature]
MAYOR

Case No. 22-054-PC
MS Drug & Alcohol Treatment Center, LLC
13181 Reece Bergeron Rd
Map Amendment RE to NB



Scheduled for:
June 16, 2022
PC Meeting

Mississippi Drug and Alcohol Treatment Center, LLC
Case No. 22-054-PC
**Zoning Map Amendment
RE Residential Estate to
NB Neighborhood Business**



**Planning Commission
Case Fact Sheet**

Case No.:	22-054-PC
Name of Owner:	Mississippi Drug and Alcohol Treatment Center, LLC
Address of Property:	13181 Reece Bergeron Road
Tax Parcel/Ward:	1307O-01-015.000/Ward 6

Request:	Zoning Map Amendment
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Purpose of Request:	An application for a Zoning Map Amendment , to authorize a change in zoning district classification for a parcel of land measuring two and seven-tenth (2.7) acres (more or less), from its present zoning district classification of RE Residential Estate to NB Neighborhood Business , for a parcel of land presently identified as 13181 Reece Bergeron Road (re: Tax Parcel No. 1307O-01-015.000).
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Size of Property:	2.7 acres (More or Less)
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Present Zoning:	RE Residential Estate
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Flood Zone:	X
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Present Use:	Vacant Commercial Building
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Most Nearly Bounded By (streets):	To the North by Reece Bergeron Road; to the South by Old Highway 67; to the East by and fronting upon Reece Bergeron Road; and to the West by Paradise Lane.
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Adverse Influences:	A Zoning Map Amendment should only be authorized when conditions clearly suggest that a change in zoning is warranted, and that the change proposed is consistent with uses found upon adjacent or nearby properties, and represents the least zoning change needed to accomplish the specific objective at hand.
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Positive Influences: This rezoning, if approved, would allow the applicant to apply via separate application (i.e., Case No. **22-055-PC**) for **Conditional Use** Approval, to utilize an existing building as an expansion of an existing Drug and Alcohol Treatment Facility.

Letters or Concerns stated: The Planning Division Office has not received any letters or other written communications relative to this case, as of June 9, 2022.

Comments/ Recommendations: Mississippi Drug and Alcohol Treatment Center, LLC, has requested a **Zoning Map Amendment** to authorize a change in zoning district classification for a parcel of land measuring two and seven-tenths (2.7) acres (more or less) in size from its present zoning district classification of **RE Residential Estate** to **NB Neighborhood Business**, to allow a former church situated upon a parcel of land presently identified as 13181 Reece Bergeron Road (re: Tax Parcel No. 13070-01-015.000), to be converted into an expanded Drug and Alcohol Treatment Center. The Mississippi Drug and Alcohol Treatment Center, LLC, stated in their narrative that they would like to expand their existing business, [i.e. Mississippi Drug and Alcohol Treatment Center, LLC (MDATC) presently located at located at 13251 Reece Bergeron Road), just to the north of this property], by renovating the existing building into additional rooms, and administrative office space to service this existing business operation.

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

- 1) Consistency (or lack thereof) with the Comprehensive Plan;
- 2) Compatibility with the present zoning and conforming uses of nearby property and to the character of the neighborhood;
- 3) Suitability of the property affected by the amendment for uses permitted by the present district;
- 4) Suitability of the property affected by the amendment for uses permitted by the proposed amendment;

Mississippi Drug and Alcohol Treatment Center, LLC
Case No. 22-054-PC
Zoning Map Amendment
RE Residential Estate to
NB Neighborhood Business

Page 3 of 3

- 5) Change in the character of the neighborhood and established community need for uses permitted by the district applicable to the property at the time of the proposed amendment;
- 6) Availability of utilities and infrastructure sufficient to address the impacts associated with the allowed uses in the proposed district; and
- 7) Mistake in the original zoning.

Options:

1. Recommend approval of this request for **Zoning Map Amendment**, from **RE Residential Estate** to **NB Neighborhood Business**, for a parcel of land measuring 2.7 acres (more or less) in size, having determined that a Change in the Character of the Neighborhood is of evidence, and that this zoning change will authorize the applicant to apply for **Conditional Use** to allow consideration for the anticipated expansion of an existing Drug and Alcohol Treatment Center (via approval for the companion **Conditional Use** request –Case No. 22-055-PC) upon property currently located within an **RE Residential Estate** zone– a classification of zoning which would not allow for this proposed use.
2. Recommend denial of this **Zoning Map Amendment**, having determined that insufficient evidence has been provided to warrant that a Change in the Character of the Neighborhood has been determined, or that an established Community Need has been identified to warrant the level of zoning change herein proposed for the parcel of land under consideration for zoning change.



Planning Commission Application
 City of Biloxi Planning Division
 676 Martin Luther King Jr., Boulevard Biloxi, MS 39530
 (228)435-6266 Fax (228)435-6188

Case No. 22-054-PC

TO BE COMPLETED BY APPLICANT Date: May 17, 2022

Name of Rightful Owner(s): Mississippi Drug and Alcohol Treatment Center, LLC Name of Applicant: (if different than Owner) Same

Property Address: 13181 Reece Bergeron Road Biloxi, Mississippi 39532 Ward Number 6

Tax Parcel Identification Number(s):

1	3	0	7	0	-	0	1	-	0	1	5	0	0	0

Mailing Address of Property Owner: 13251 Reece Bergeron Road Mailing Address of Applicant (if different than Owner): Same

City: Biloxi City: Same

State: Mississippi State: Same

Zip: 23953 Zip: Same

County: County: Same

Telephone: (561) 324-2140 Telephone: ()

Property Size (please give in acres or by dimension): 2.7 Acres

Present Zoning Classification: RE

Is the property located within an AHRC District? Yes No Flood Zone(s) of Property: X

Property is most nearly bounded by what streets?	North	South	East	West
	Reece Bergeron	Old Highway 67	Reece Bergeron	Hudson Krohn Road

If property directly fronts or is adjacent one of the streets above please indicate with a ✓	X			
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REQUESTED ACTION BY THE PLANNING COMMISSION (A separate supplement form is required for each):

- | | |
|---|--|
| | Preliminary Subdivision Review |
| X | Map Amendment – must include zone classification change in narrative |
| X | Conditional Use |
| | Master Plan |
| | Gaming |
| | Hospitality |
| | Text Amendment |
| | Planned Unit Development |
| | Tree Removal |
| | Public ROW Vacation |
| | Administrative Appeal |
| | Variance |
| | Appeal |
| | Street Name Change |

PLEASE READ BEFORE EXECUTING. Attendance by the applicant(s) at the public hearing is mandatory; however, the applicant may designate a representative to attend the public hearing on his/her behalf, provided said representative has been properly designated to speak on the applicant's behalf either by written permission or oral designation by the applicant at the Public Hearing. If a continuance is to be granted, the applicant must request same in writing a minimum of seven (7) days in advance of the scheduled public hearing. The applicant acknowledges that, in signing this application, all conditions and requirements inherent in the application process have been fully explained and understood, including the timetable for processing of the application; the applicant has further received the following appropriate handouts: Application Processing Timetable; Instructions for Application Completion, Procedures for a Conditional Use or Community Unit Plan; and Variance Procedures. The completed application must be returned to the Planning Office not later than the first or third Thursday of any month in order that a public hearing may be held on the first or third Thursday of the following month. Receipt of fee(s) does not constitute receipt of a completed application.

Mississippi Drug and Alcohol Treatment Center, LLC

BY: Dr. Sandi Carlson, President



Signature of Rightful Owner

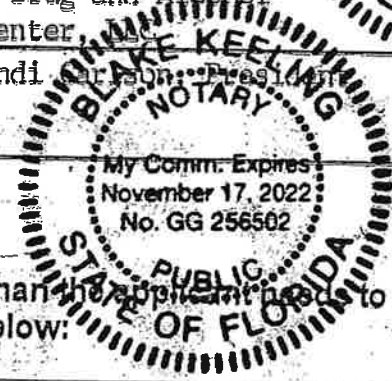
[Handwritten Signature]

Notary Signature

(Seal)

Mississippi Drug and Alcohol Treatment Center, LLC

BY: Dr. Sandi Carlson, President



Signature of Applicant

[Handwritten Signature]

Notary Signature

(Seal)

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

NOTES: Wayne L. Hengen, Attorney for Mississippi Drug and Alcohol Treatment Center, LLC
979 Howard Avenue, Biloxi, Mississippi, 39530
(228) 374-7844 wayne.hengen.2289@att.net

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

Zoning district in which the property is situated. The placement or size of any structure or infrastructure which triggers a Variance or Waiver must be clearly identified upon the Site Plan. All site plans for commercial projects must be submitted through the development review committee (DRC).



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: It is an existing structure suitable for business offices for the nearby Treatment Center. Such use is not permitted in the present zoning district.			
4. Is the property suitable for uses permitted in the proposed zoning district?	X		
Please explain: It is an existing structure suitable for business offices for the nearby Treatment Center.			
5. Has there been a change in the character of the neighborhood?	X		
Please explain: With the four-laning of State Highway 67 and the success of of the Treatment Center nearby, the property is tending toward non-residential use.			
6. Is there an established community need for uses permitted in the proposed zoning district?	X		
Please explain: The Treatment Center is successful and expanding. The vacant property will now be used as part of the Treatment Center operations which puts vacant property to good use in keeping with the existing business.			
7. Was there a mistake in the original zoning of the property?			X
Please explain: This is part of the property annexed by the City of Biloxi some years back. It was taken in under Biloxi Ordinances and since annexation Highway 67 was expanded, but it cannot be stated that it was a clerical error.			
8. Are utilities and infrastructure sufficient to address the impacts associated with allowed uses in the proposed district?			X
Please explain: Power is sufficient, water connection can be provided by HCUA, sewer is by septic tank, See attached HCUA email.			
Site Plan attached: (please circle):	Yes	Case No.	□□-□□□-□□□



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: May 17, 2022

Shaded Areas for Staff Only

MAP AMENDMENT – When the public necessity, convenience, general welfare or appropriate land use practices justify such action, and after the required review, public notice and report by the Planning Commission, the City Council may undertake the necessary steps to amend the Zoning District Map.

Please note that no application for the same parcel(s) requesting the same change may be made more often than once every 24 months.

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

I am requesting a zoning change from this zone to this zone: Existing RE New NB w/ Cond. Use

If zoning change request includes more than one parcel, you must provide a wraparound legal description. 1 Parcel Only

Detailed Site Plan Attached (If no site plan is attached, this application is considered incomplete and will not be accepted.) There will be no changes to the subject property.

Criteria: Yes No

1. Is the proposed map amendment consistent with the Comprehensive Plan? Yes No
Please explain: Mississippi Drug and Alcohol Treatment Center, LLC, is expanding to relocate its business offices in the existing structure and is therefore a part of the Center's operations.

2. Is the proposed map amendment compatible with present zoning and conforming uses of nearby property and with the character of the neighborhood? Yes No
Please explain: See explanation at #1. Further, the property is just off new State Highway 67 and has large parcels zoned CB lying to the immediate west and to the north of the subject property.

HENGEN & HENGEN
ATTORNEYS AND COUNSELLORS AT LAW
979 HOWARD AVENUE
BILOXI, MISSISSIPPI 39530-3731

LOUIS HENGEN (1912-1989)
WAYNE L. HENGEN

wayne.hengen.2289@att.net

TELEPHONE
(228) 374-7844
FACSIMILE
(228) 374-2244

February 14, 2022

Biloxi Planning Commission
676 Martin Luther King Boulevard
Biloxi, Mississippi 39530

RE: Designation of Representative

Dear Sir or Madam:

I have been requested to serve as a designated representative of Mississippi Drug and Alcohol Treatment Center, LLC, a Mississippi limited liability company in good standing with its principal office at 13251 Reece Bergeron Road, Biloxi, Mississippi, 39532.

The Center's President is Dr. Sandi Carlson. By her signature hereinbelow, she provides the required written permission for the undesigned, Wayne L. Hengen, to attend public hearings and speak on the Applicant's behalf.

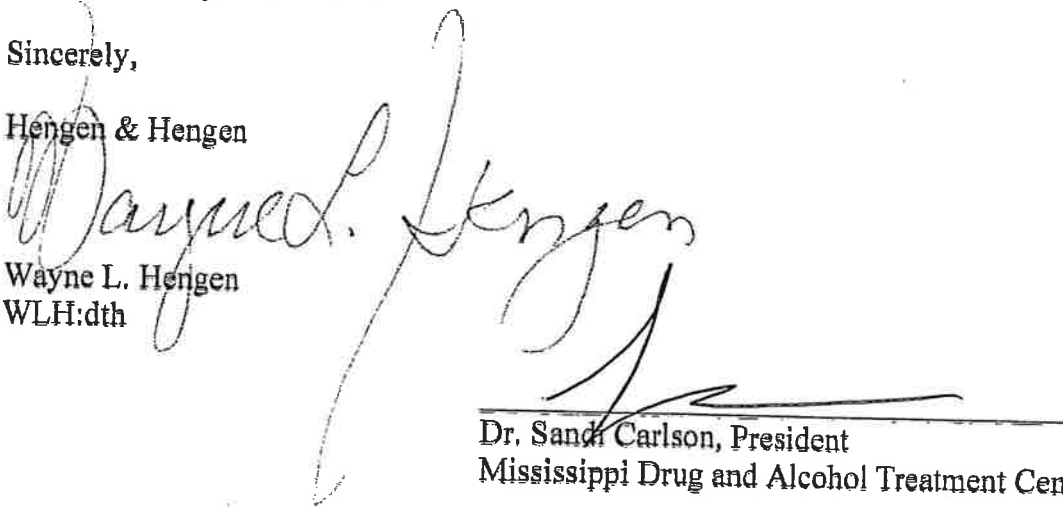
Contact information for the undersigned is set out hereinabove.

Thank you for your attention.

Sincerely,

Hengen & Hengen

Wayne L. Hengen
WLH:dth



Dr. Sandi Carlson, President
Mississippi Drug and Alcohol Treatment Center, LLC

Community Development Director
Jerry Creel



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

To: Biloxi Planning Commission
From: Eric Nolan, Development Review Committee Chair
Date: April 28, 2022
Re: Mississippi Drug & Alcohol Treatment Center Office
13181 Reece Bergeron Road
Parcel: 13070-01-015.000
DRC Case No. 2022-014

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

The City will require further review and approval by DRC prior to permitting because of the nature of this project. Building Permits shall be issued when construction documents are approved by the Building Division.

Yours truly,

Eric Nolan

Eric Nolan, Chair

HENGEN & HENGEN
ATTORNEYS AND COUNSELLORS AT LAW
979 HOWARD AVENUE
BILOXI, MISSISSIPPI 39530-3731

LOUIS HENGEN (1912-1989)
WAYNE L. HENGEN

wayne.hengen.2289@att.net

TELEPHONE
(228) 374-7844
FACSIMILE
(228) 374-2244

May 17, 2022

Biloxi Planning Commission
676 Martin Luther King Boulevard
Biloxi, Mississippi 39530

RE: Separate Narrative/Statements of Support as
Required by Application and Supplements

13181 Reece Bergeron Road
Biloxi, Mississippi 39532

Dear Staff and Members of the Biloxi Planning Commission:

Please accept this for those things required as part of the Application and the Supplements as set out hereinabove.

Mississippi Drug and Alcohol Treatment Center, LLC, (MDATC) is applying for a map amendment with conditional use for property that has been used as a church for decades. MDATC purchased the property from the Division Street Church of Christ on October 29, 2021. After the first of the year, MDATC set about the plans for obtaining approval of the City in renovating the Church building. Two other small buildings on the property are for storage, one of which may even be taken down.

The purpose behind all of this is to allow for the expansion of MDATC's facility located at 13251 Reece Bergeron Road immediately north of the subject property. The proximity is extremely advantageous for the Center. This actually provides an explanation for the reason, justification and objective in requesting NB with conditional use.

Specifically, the new center will operate exactly as the existing Center. The interior will be reconfigured to add individual rooms for patients to allow for drug and alcohol rehabilitation. Other rooms will serve for business operations. The Center has been extremely successful since it began.

There will be no new buildings constructed at this time. The Church building itself is sufficient.

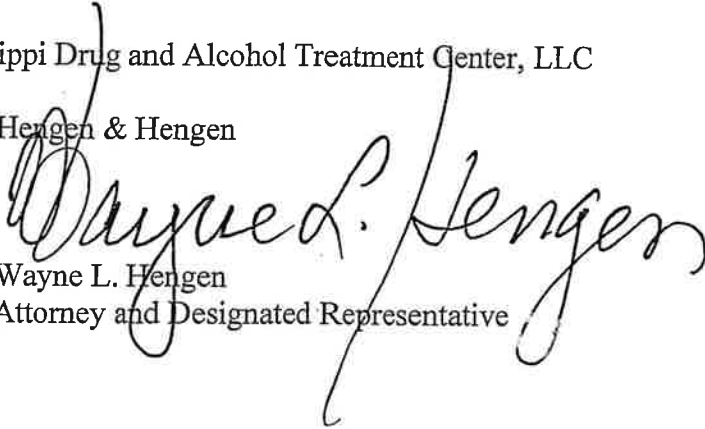
Attached is a site plan setting out the requisite features and figures. Also included are photographs of the interior and the work underway, together with a floor plan.

We have also included a zoning map, Harrison County GIS map, an aerial view, and six photographs.

Mississippi Drug and Alcohol Treatment Center, LLC

BY: Hengen & Hengen

BY: Wayne L. Hengen
Attorney and Designated Representative

A large, handwritten signature in black ink that reads "Wayne L. Hengen". The signature is written in a cursive style and is positioned over the typed name and title of the signatory.

**13181 REESE BERGERON ROAD
PART OF LOT 2, BLOCK 10
PARADISE FOUND FRUIT AND TRUCK FARMS
BILOXI, MISSISSIPPI
PARCEL #13070-01-015.000**

BLOCK 10

LOT 1

LOT 2



**118336 SQ. FT.
2.72 ACRES**

SCALE: 1"=60'
 IRF 1/2" IRON ROD FOUND
 IPF 3/4" IRON PIPE FOUND
 IRS 1/2" IRON ROD SET

P=PLAT OF RECORD
 M=MEASURED
 D=DEED

REFERENCE:
 SURVEY BY GARY A
 DURBIN, P.L.S.,
 DATED 3/01/21

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

Bearings based on GPS
 Observation of the
 wassy margin of Reese
 Bergeron Road, NAD 83,
 MS East Zone,
 convergence angle
 -0.130443, scale
 factor 0.999960.

This property is
 situated in Zone "x"
 per FEMA Flood
 Insurance Rate Map,
 City of Biloxi, Harrison
 County, Mississippi,
 Community Panel
 Number
 28047C-0281-C,
 Revised: 6/16/09.

**LEGAL DESCRIPTION
(DR 2009-2043-D-J2)**

Commencing at the Northwest corner of Lot 2, Block 10, of Paradise Found Fruit and Truck Farm Subdivision, according to the official plat, recorded in Plat Book 10, Page 3, and as shown on survey of T.T. Atteberry, dated March 20, 1964, running thence South 31.9 feet to a point, which is the Point of Beginning, running thence N 89°53' E to the West boundary line of Highway 15, thence S 12°54' W 375 feet, more or less, to the Northeast corner of the property conveyed by Grantor to J.D. Hickman, thence West along the North boundary line of J.D. Hickman to the West boundary line of Lot 2, Block 10, thence North along the West boundary line of Lot 2, Block 10, to the Point of Beginning.

LESS AND EXCEPT

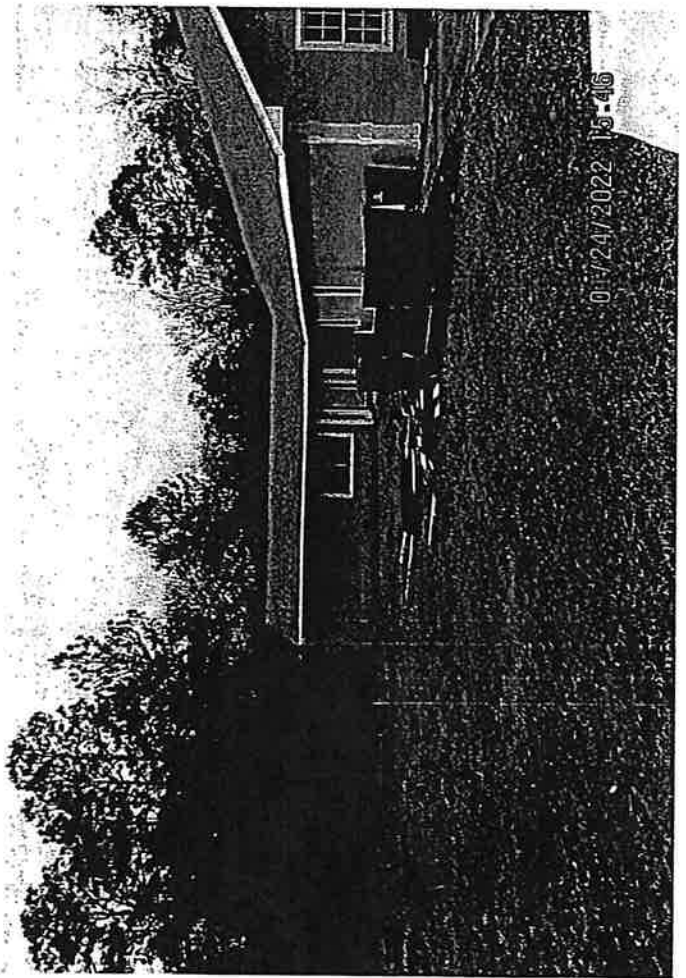
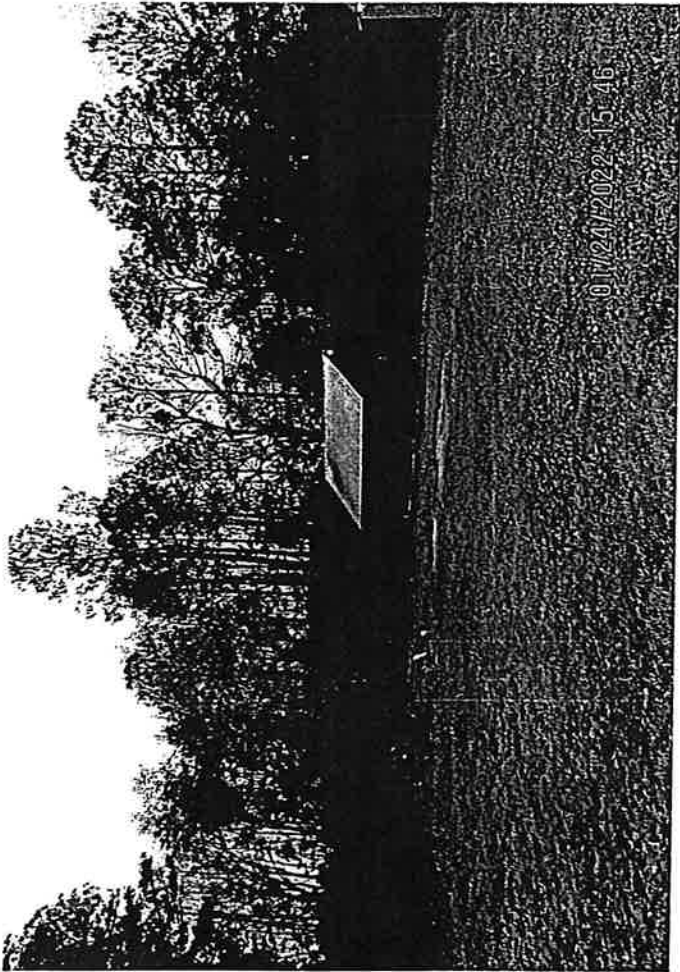
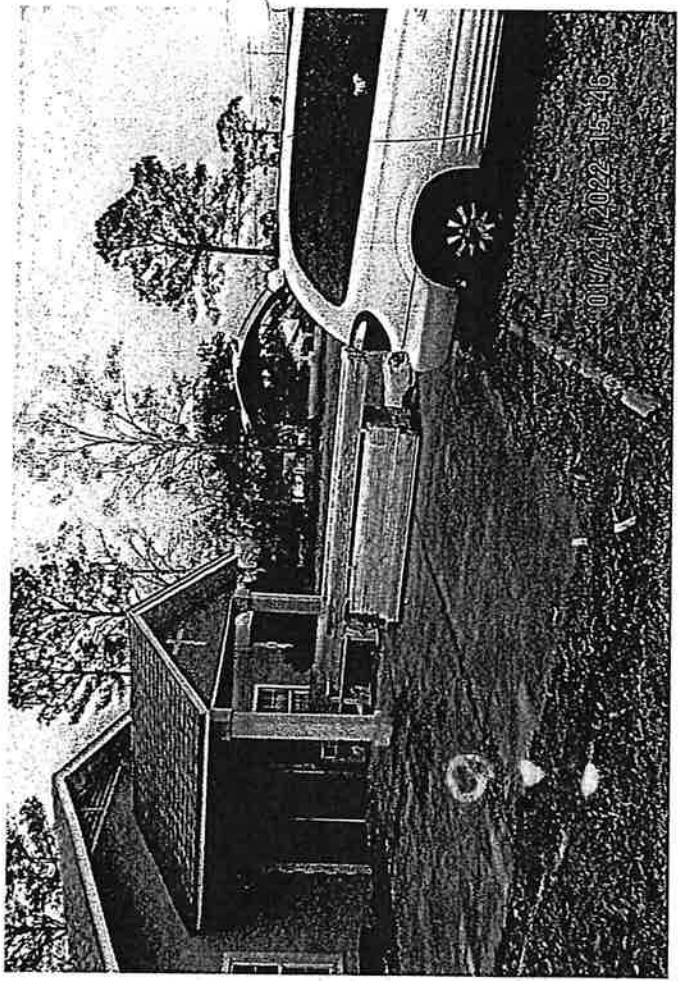
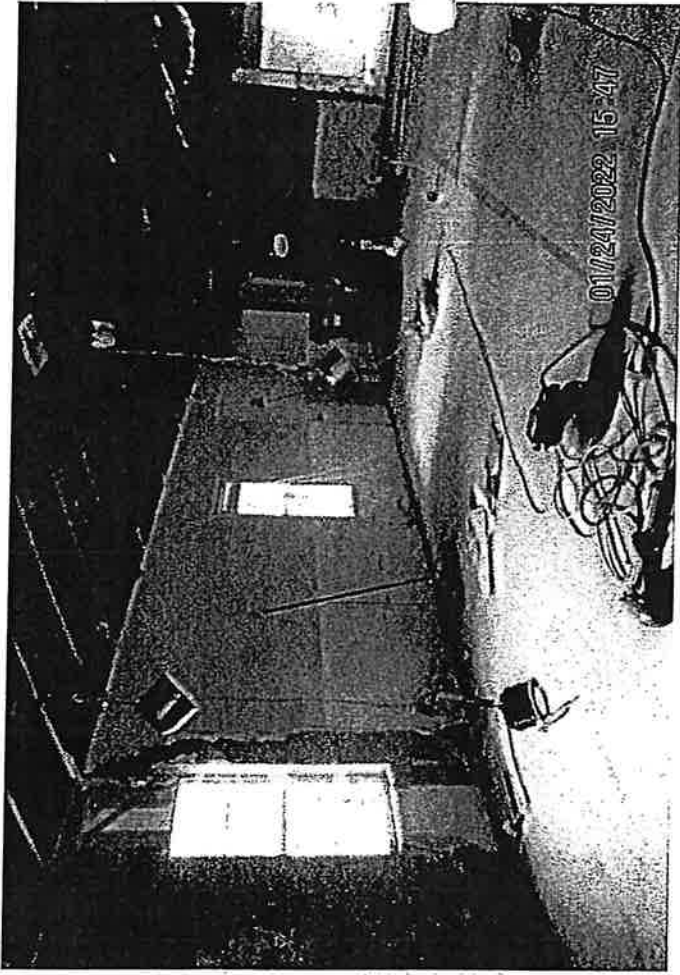
Begin at the point of intersection of the south line of grantors property with the centerline of State Project No. SP-0022-1(36) at Highway Survey Station 40+41, thence West along said South line a distance of 51.0 feet to the Point of Beginning of the parcel of land herein described, from said Point of Beginning run thence West a distance of 10.2 feet to a line parallel with and 50 feet Westerly of the centerline of said project, thence N 11°11' E along said parallel line a distance of 407.4 feet to the North line of grantors property, thence East along said North line a distance of 10.2 feet to a line that is parallel with and 50 feet Westerly of the centerline of said project, thence S 11°11' W along said parallel line a distance of 407.4 feet to the Point of Beginning, containing 0.09 acres, more or less, and being situated in Lot 2 of Block 10 of the Paradise Found Fruit and Truck Farms Subdivision in the Northeast 1/4 of the Southwest 1/4 of Section 32, Township 6 South, Township 9 West, the Second Judicial District of Harrison County, Mississippi.

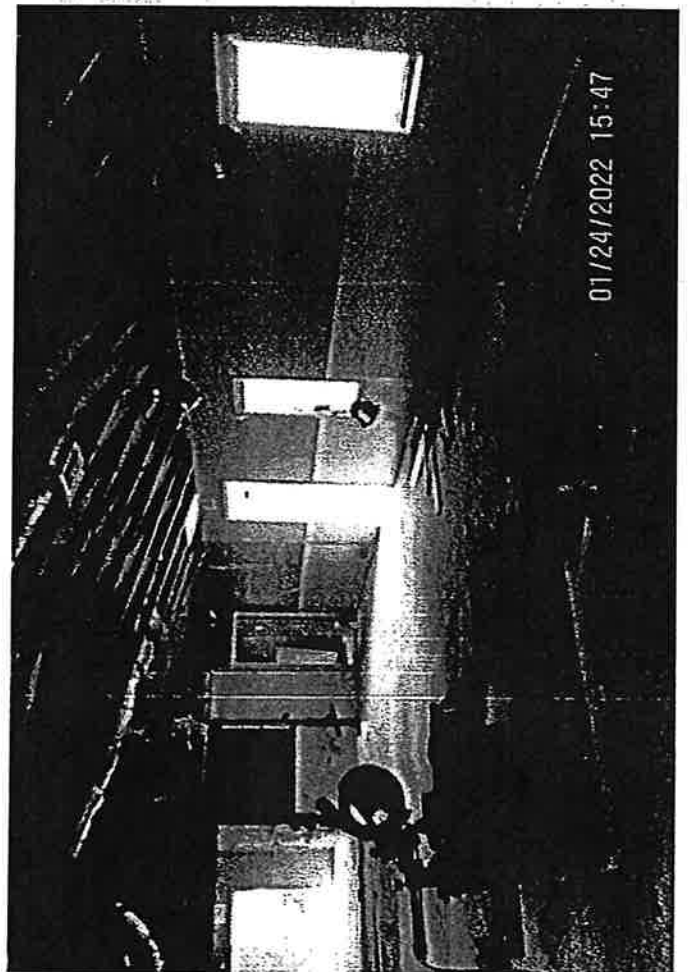
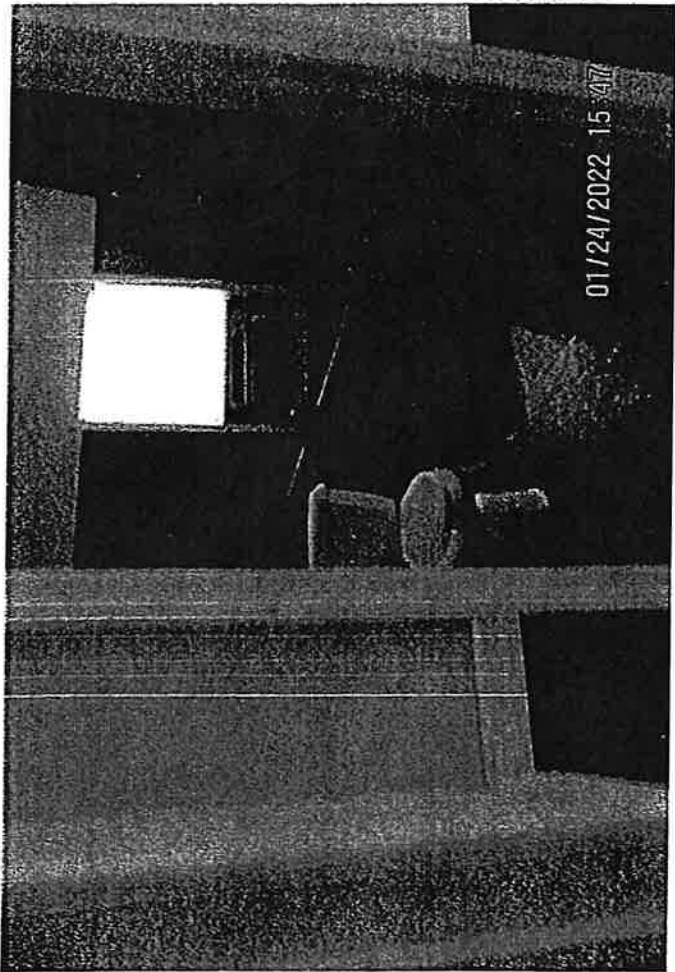
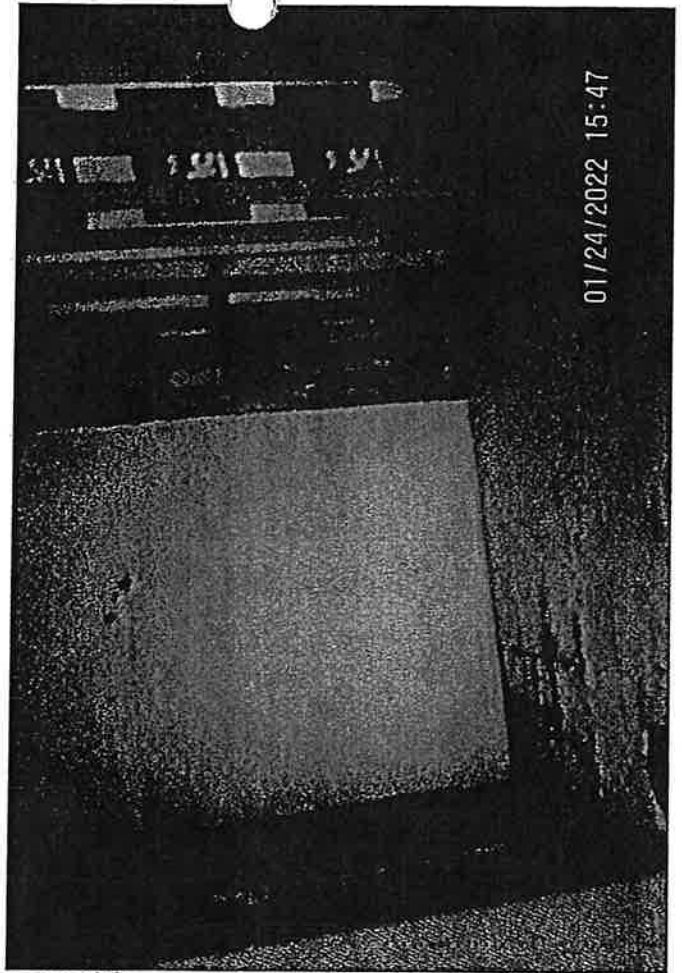
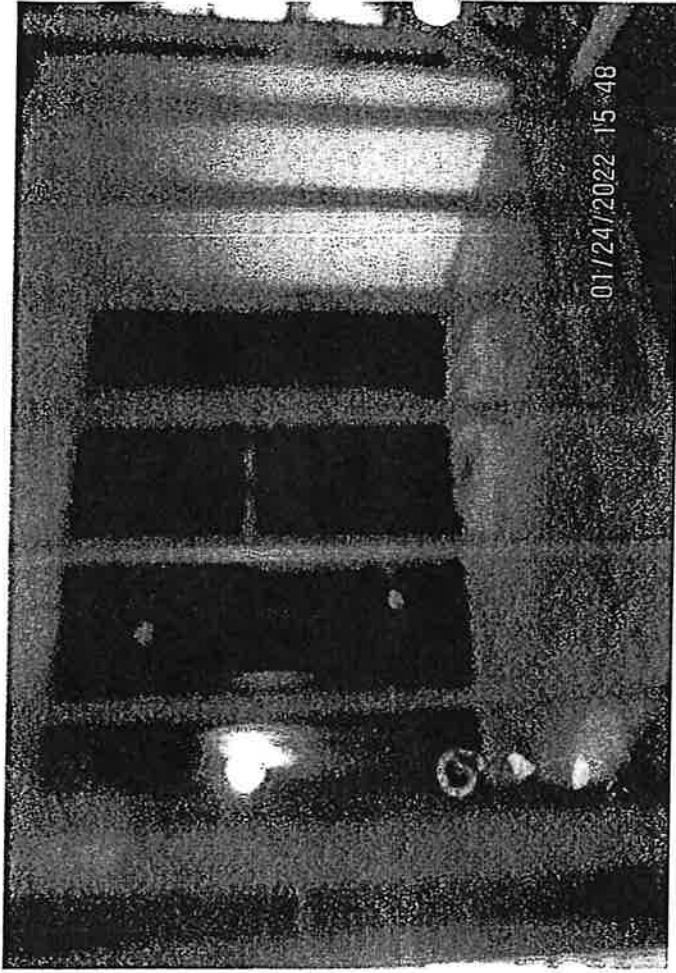
This is to CERTIFY that this plot or map and the survey on which it is based were made in accordance with "The Standards of Practice for Land Surveying in the State of Mississippi".

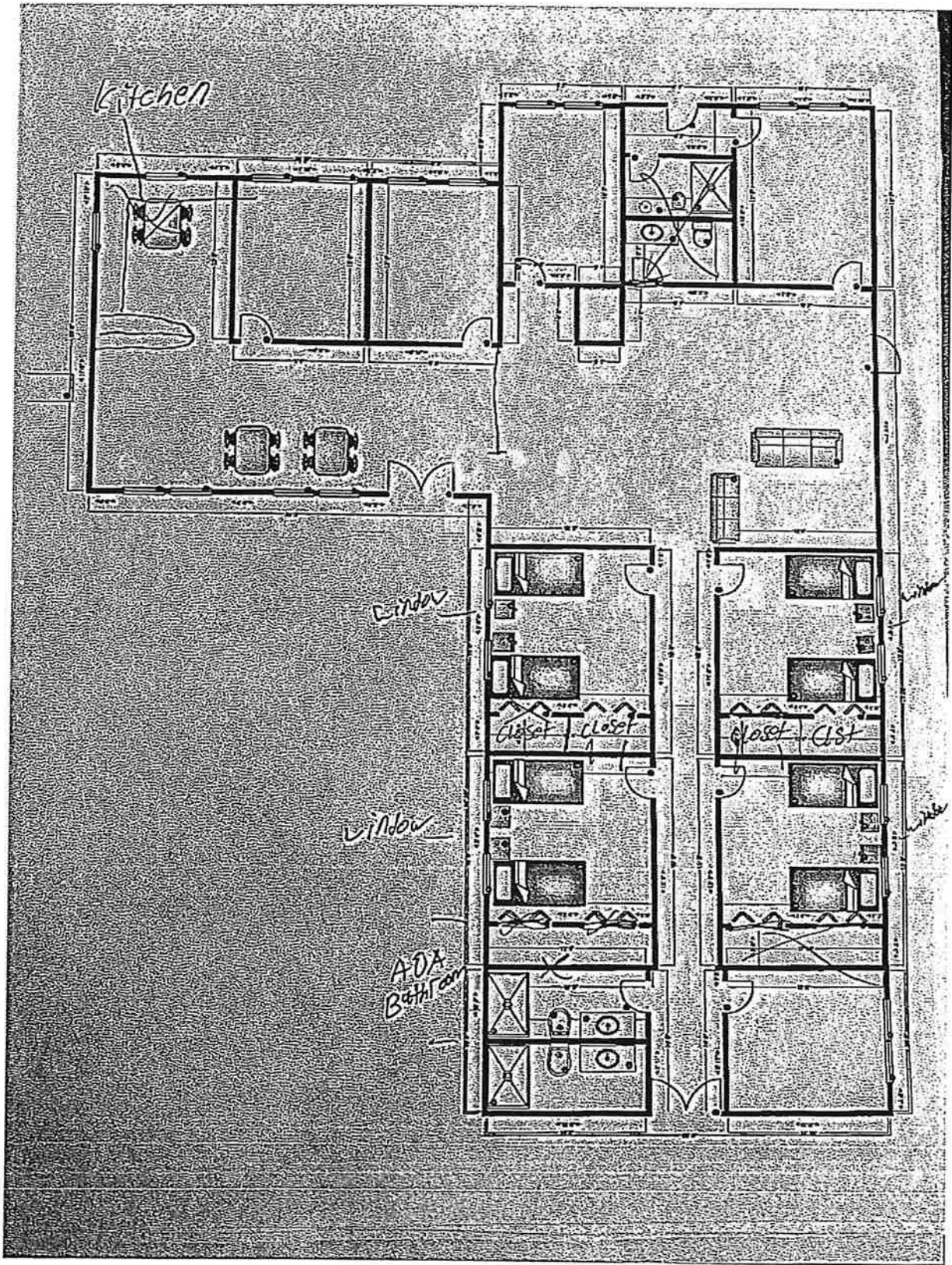
Gary A. Durbin, P.L.S. 2401
 Class "B" Survey
 March 24, 2022

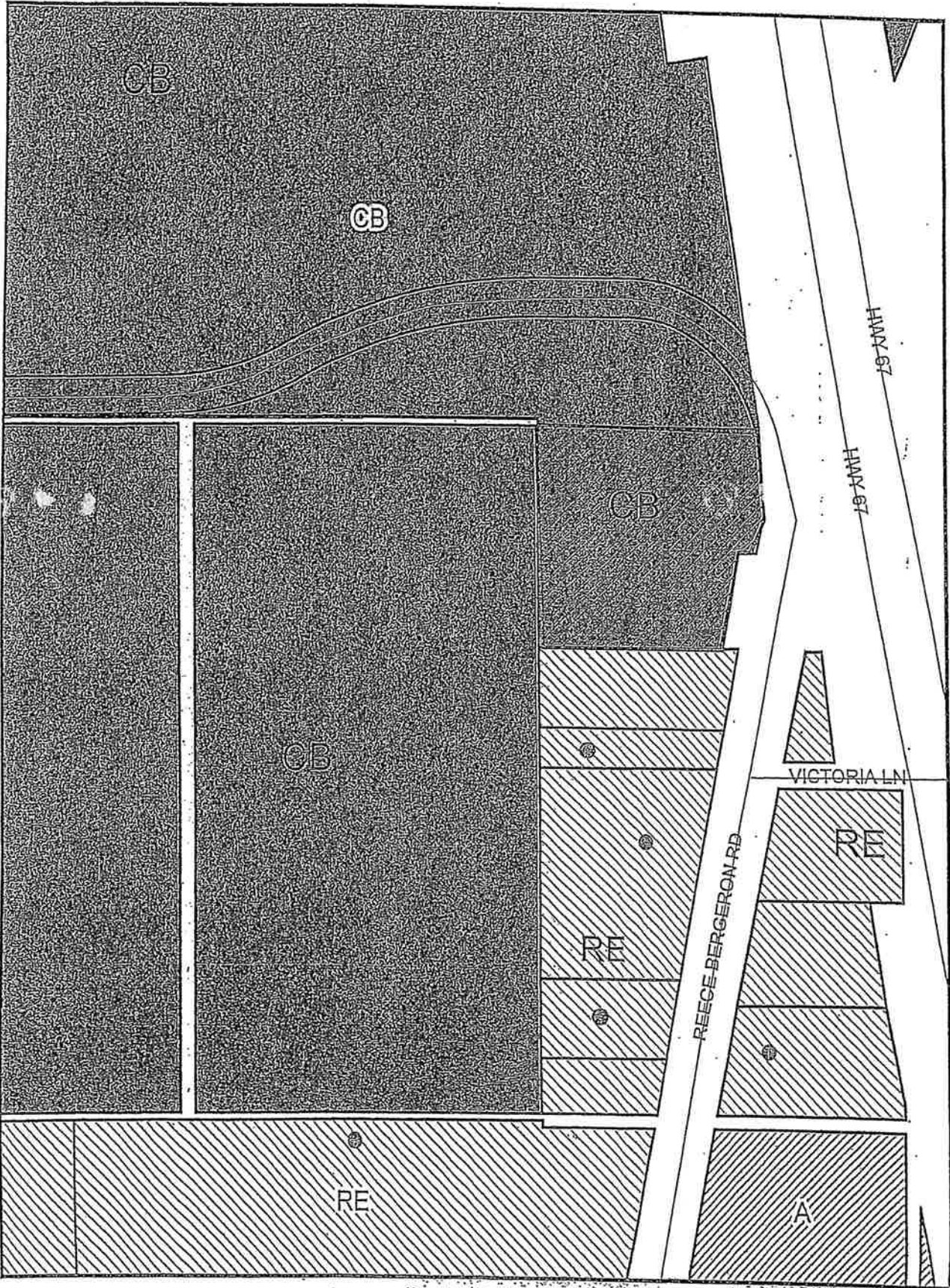


GARY A. DURBIN, P.L.S.
PROFESSIONAL LAND SURVEYOR
 13048 RIVERWALK CIRCLE, DIBERVILLE, MS. 39540
 PH. (228) 365-3652 fealord@att.net

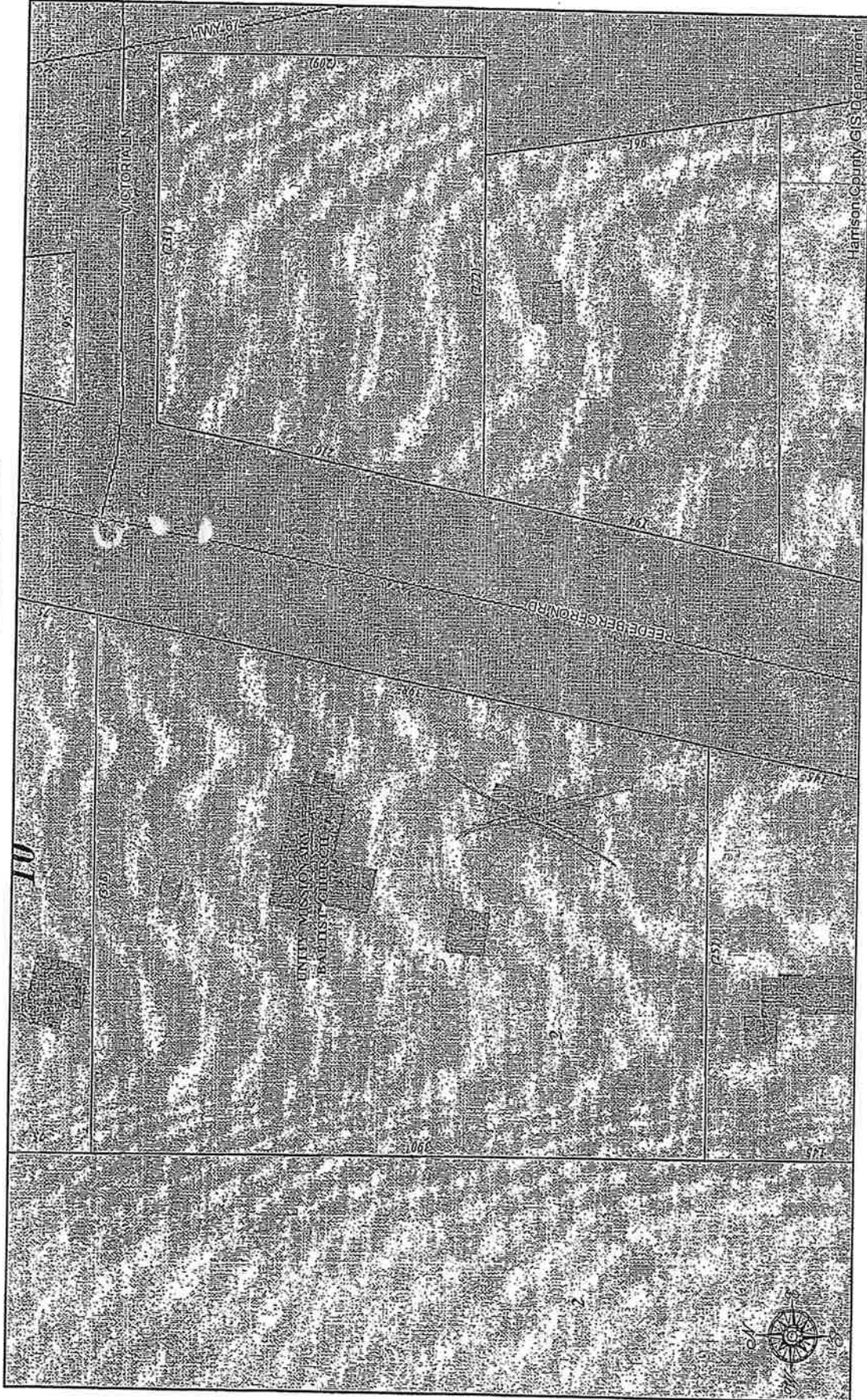








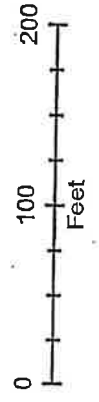
My Map13181 Reece Bergeron



HARRISON COUNTY, MISSISSIPPI

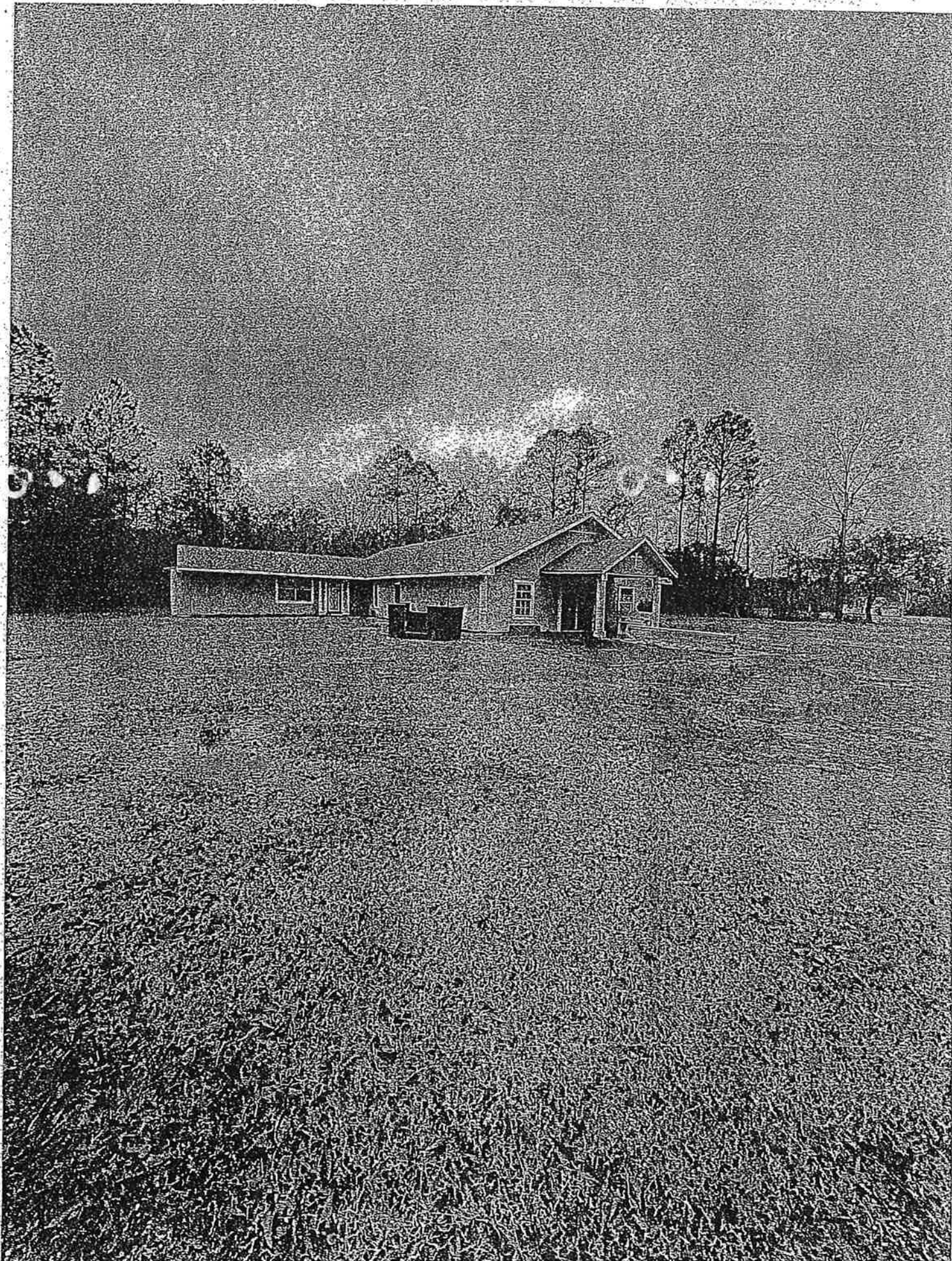
DISCLAIMER: THIS MAP IS FOR PROPERTY TAX ASSESSMENT PURPOSES ONLY. IT WAS CONSTRUCTED FROM PROPERTY INFORMATION RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS AND IS NOT CONCLUSIVE AS TO LOCATION OF PROPERTY OR LEGAL OWNERSHIP.
TAL FLURY, TAX ASSESSOR

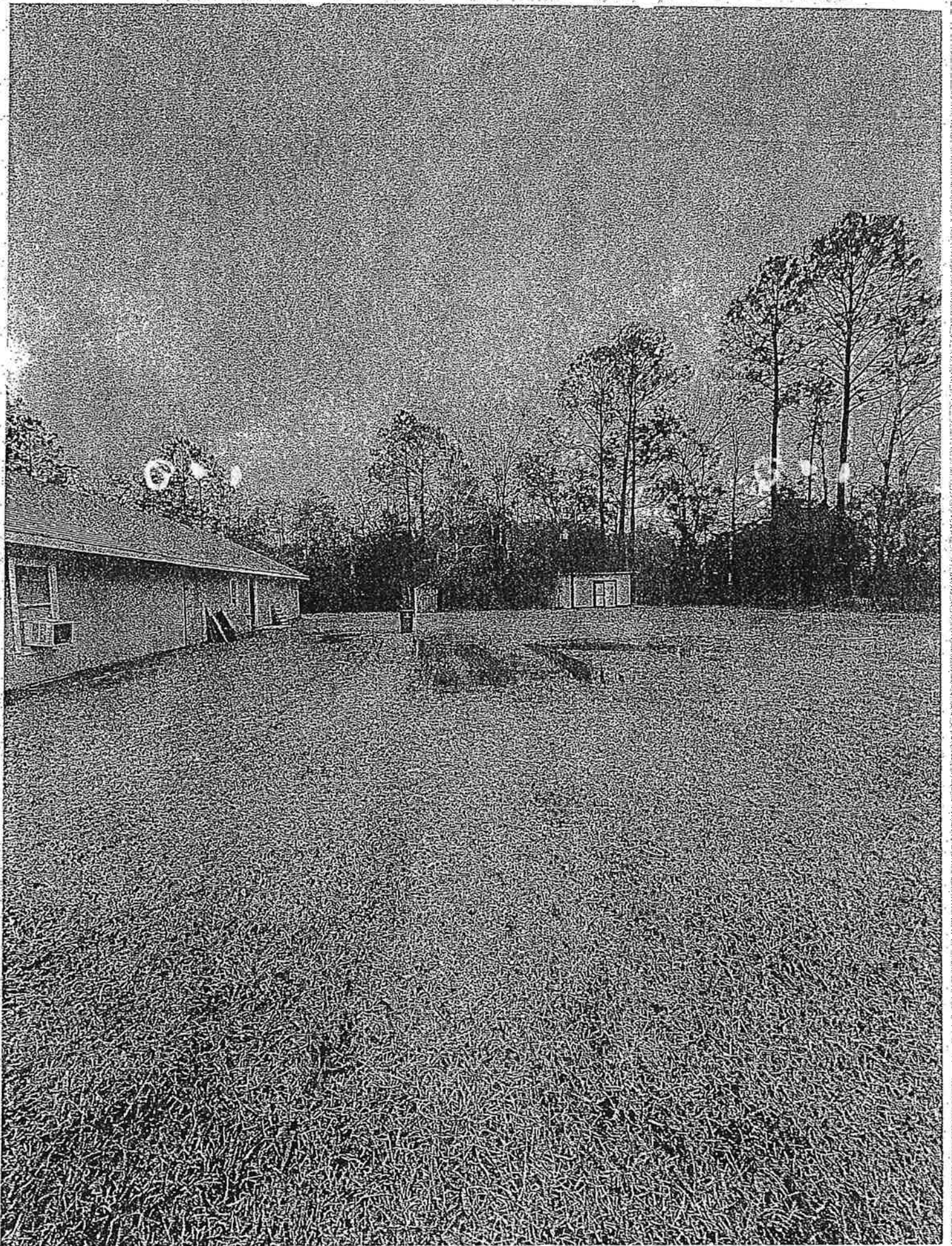
MAP DATE: January 28, 2022

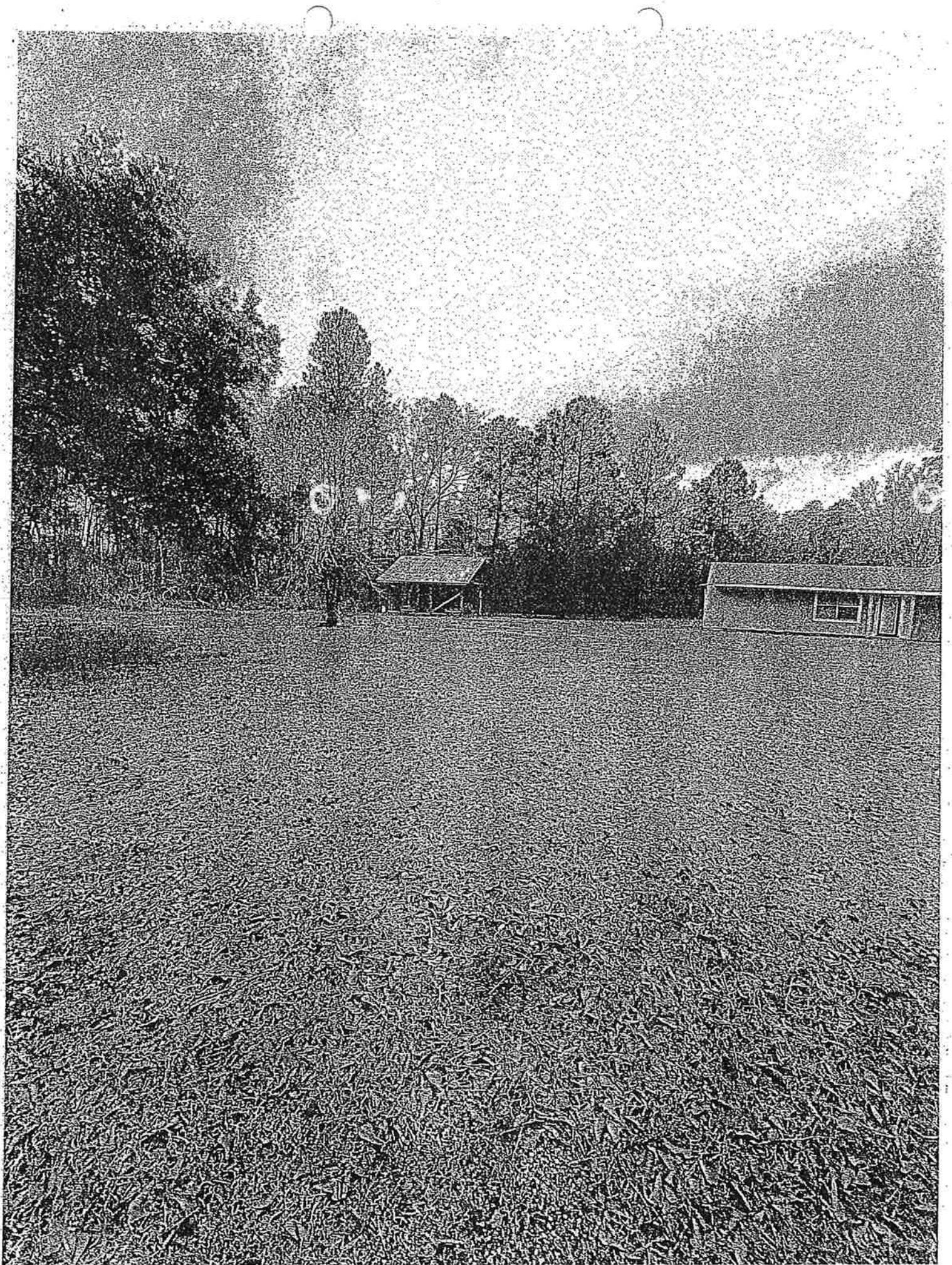










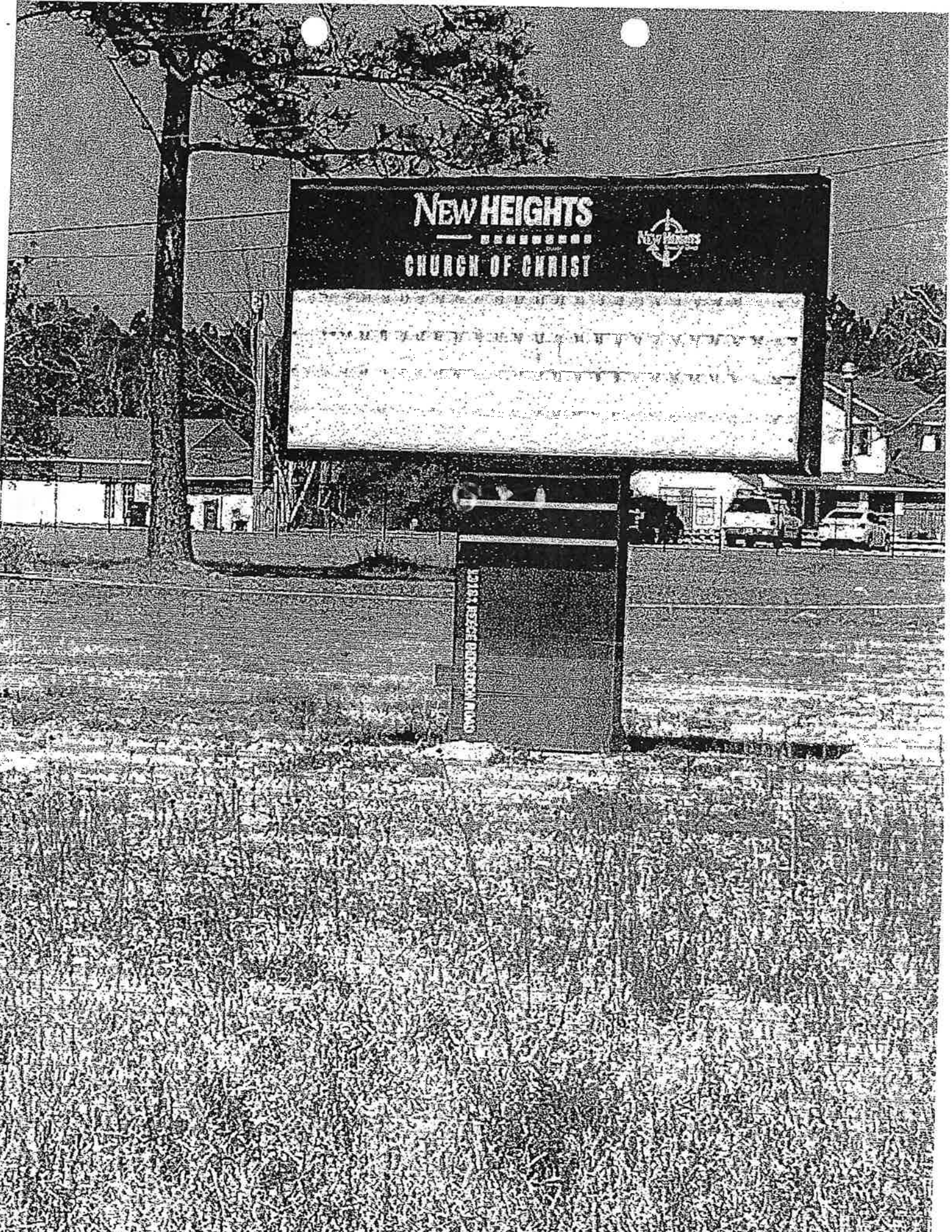


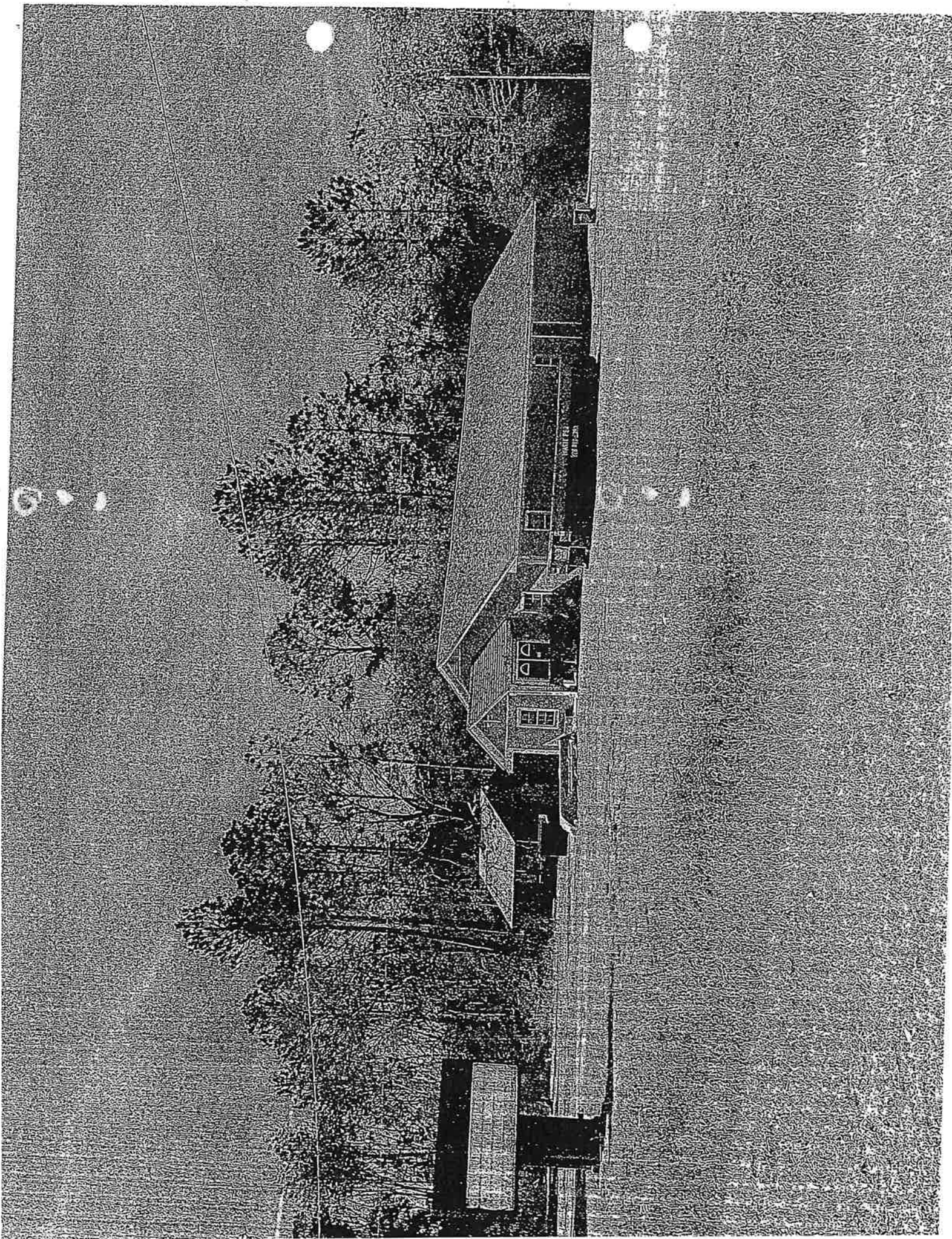
NEW HEIGHTS

CHURCH OF CHRIST



1215 KENNEDY BLVD. N.W.







J2 - BILOXI DISTRICT
INSTRUMENT 2021-0015519-D-J2
FILED/RECORDED 11/3/2021 3:27:01 PM
TOTAL FEES \$28.00
3 PAGES RECORDED

Our File: B210775
Prepared by & Return To: Schwartz, Orgler & Jordan, PLLC
PO Box 4682 Biloxi MS 39535, 228-388-7441

STATE OF MISSISSIPPI
COUNTY OF HARRISON

WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of all of which is hereby acknowledged, the undersigned,

the Division Street Church of Christ,
6821 Rose Farm Rd, Ocean Springs, MS 39564

does hereby sell, convey and warrant unto

Mississippi Drug and Alcohol Treatment Center LLC ,
13251 Reese Bergeron Rd, Biloxi, MS 39532, 561-324-2140

the following described land and property being located in Harrison County, Mississippi, being more particularly described in the attached Exhibit "A"

THIS CONVEYANCE is subject to any and all recorded restrictive covenants, rights-of-way and easements applicable to subject property, and subject to any and all prior recorded reservations, conveyances and leases of oil, gas and minerals by previous owners.

TAXES for the current year have been pro-rated as of this date and are hereby assumed by the Grantee herein.

IN WITNESS WHEREOF, Division Street Church of Christ has caused this conveyance to be executed by its duly authorized officer, after having first been duly authorized to do so, on this the 29th day of October, 2021.

Division Street Church of Christ

BY: *Charles Ray Mitchell*
Charles Ray Mitchell, Incorporator and Board Trustee

STATE OF MISSISSIPPI

COUNTY OF HARRISON

THIS DAY PERSONALLY CAME AND APPEARED BEFORE ME, the undersigned authority in and for the jurisdiction aforesaid, Charles Ray Mitchell, who acknowledged that he is an Incorporator and Board Trustee of Division Street Church of Christ, and as his act and deed, he signed, sealed and delivered, the above and foregoing instrument of writing on the day and in the year therein mentioned, for and on behalf of said entity after having been first duly authorized to do so.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the 29th day of October, 2021.

[Signature]

NOTARY PUBLIC

My Commission Expires:



EXHIBIT "A"

A parcel of land being a part of Lot 2, Block 10, Paradise Found Fruit & Truck Farms and being more particularly described as follows to wit:

Less and except that certain portion of the above described property conveyed to the State Highway Commission of Mississippi in Book 73 at Page 415 and being described as follows to wit:

Begin at the point of intersection of the south line of grantors property with the centerline of State Project No. SP-0022-1(36) at Highway Survey Station 40 + 41; thence West along said South line, a distance of 51.0 feet, to the point of beginning of the parcel of land herein described; from said point of beginning run thence West a distance of 10.2 feet, to a line that is parallel with and 60 feet Westerly of the centerline of said project; thence North $11^{\circ} 11'$ East along said parallel line, a distance of 407.4 feet, to the North line of grantors property; thence East along said North line, a distance of 10.2 feet, to a line that is parallel with and 50 feet Westerly of the centerline of said project; thence South $11^{\circ} 11'$ West along said parallel line, a distance of 407.4 feet, to the point of beginning, containing 0.09 acres, more or less, and being situated in Lot 2 of Block 10 of the Paradise Found Fruit and Truck Farms Subdivision in the Northeast 1/4 of the Southwest 1/4 of Section 32, Township 6 South, Range 9 West, the Second Judicial District of Harrison County, Mississippi.

Tax Parcel Number: 13070-01-015.000

Return to:
Schwartz, Orgler & Jordan, PLLC
PO Box 4682
Biloxi MS 39535
228-388-7441
Our File: B210775



Michael Watson

SECRETARY OF STATE

This is not an official certificate of good standing.

Name History

Name	Name Type
Mississippi Drug and Alcohol Treatment Center LLC	Legal

Business Information

Business Type:	Limited Liability Company
Business ID:	1078036
Status:	Good Standing
Effective Date:	10/19/2015
State of Incorporation:	Mississippi
Principal Office Address:	13251 Reece Bergeron Rd Biloxi, MS 39532

Registered Agent

Name
Sandi Lee Carlson 13315 river rapid dr diberville, MS 39540

Officers & Directors

Name	Title
Michael Carlson 126 Segovia Way Jupiter, FL 33458	Manager
Sandi Carlson 13315 river rapid dr diberville, MS 39540	President

HENGEN & HENGEN
ATTORNEYS AND COUNSELLORS AT LAW
979 HOWARD AVENUE
BILOXI, MISSISSIPPI 39530-3731

LOUIS HENGEN (1912-1989)
WAYNE L. HENGEN

wayne.hengen.2289@att.net

TELEPHONE
(228) 374-7844
FACSIMILE
(228) 374-2244

June 21, 2022

Eric Nolan, Chairman
Development Review Committee
676 Dr. Martin Luther King Boulevard
Biloxi, Mississippi

enolan@biloxi.ms.us

RE: Mississippi Drug and Alcohol Treatment Center, LLC, Business Offices
13181 Reece Bergeron Road, Biloxi, Mississippi
Parcel 13070-01-015.000
RC Case No.: 22-014

Dear Eric:

This follows the Planning Commission's vote to recommend approval of our application for a zoning change from RE to NB with conditional use this past Thursday, June 16, 2022.

Please advise regarding those things that need to be done in order for us to be prepared for presentation to the Biloxi City Council.

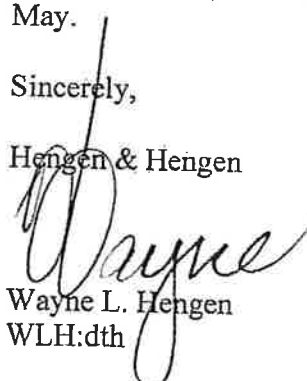
I am asking Dr. Carlson for a report on the progress. Upon receipt, I will review that with you.

I noticed that the package I filed which was attached to the Planning Commission Case Fact Sheet did not contain the email I received from David Perkins, O&M Manager, Harrison County Utility Authority. A copy is attached. While I made it a part of my presentation to the Commission, it was not until I reviewed the entire package that I realized that somehow that did not get picked up.

Please include your comments or questions regarding HCUA and its response to me back in May.

Sincerely,

Hengen & Hengen


Wayne L. Hengen
WLH:dth

cc: Jerry Creel
Dr. Sandi Carlson

1

BILOXI PLANNING COMMISSION MEETING
 JUNE 16, 2022
 COMMUNITY DEVELOPMENT,
 DR. MARTIN LUTHER KING JR. MUNICIPAL BUILDING,
 676 DR. MARTIN LUTHER KING JR. BOULEVARD,
 BILOXI, MISSISSIPPI,
 BEGINNING AT 2:00 P.M.

PLANNING COMMISSION MEMBERS PRESENT:

David Washer, Chairman
 Kay Bankston
 Kyle Carron
 Steve Delahousey
 Charlie Dellenger
 Joe King
 Gary Lechner
 Debora Magee
 August Parker
 Jimmy Poulos
 David Stanovich
 Cheryl Thompson
 Michael Todaro

ALSO PRESENT:

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

REPORTED BY

Melissa Burdine-Rodolfich
 Simpson Burdine & Migues

3

CHAIRMAN WASHER:

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

We'll record the members present.

Mr. Lechner, Mr. Todaro, Mr. Parker, Ms. Magee, Mr. Stanovich, Ms. Bankston, Mr. Delahousey, Mr. Poulos, Mr. Carron, Mr. King, Mr. Snow, Mr. Dellenger; myself, David Washer; Ed Shambra, Executive Planner; Jerry Creel, Director of Community Development; David Wheeler, Planning Commission attorney; Caryle Lena, Planning Technician. Standing at our projector there is Tim Cipolla, Planning Inspector, and seated is Eric Nolan, City Arborist. Our court reporter today is Melissa Rodolfich. In the audience, we will also recognize Dr. Paul Tisdale, Councilman Ward 5.

I'm going to ask Mr. Delahousey to please open the meeting with a moment of prayer.

(Moment of prayer.)

CHAIRMAN WASHER:

Mr. Todaro, the pledge, please, sir.

(Pledge of allegiance.)

CHAIRMAN WASHER:

Welcome everyone in attendance today

2

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

	PAGE
NEW PUBLIC HEARING:	
22-053-PC	5
<u>22-054-PC</u>	<u>118</u>
22-055-PC	118
CONTINUED PUBLIC HEARINGS. (None)	--
TREE HEARING:	
TR-22-005	5

4

here with us. We would ask that any cell phone in the audience be kindly muted or turn them off.

Anyone desiring to speak, if you would, please come to the podium when your case is called. Give us and your name address for the record. Please sign at the pad provided if you haven't already done so.

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

MR. DELAHOUSEY:

Move to approve.

MR. SNOW:

Second.

CHAIRMAN WASHER:

Motion to approve by Mr. Delahousey; seconded by Mr. Snow.

All those favor say, "aye."

(All in favor.)

CHAIRMAN WASHER:

Any opposed?

(None Opposed.)

CHAIRMAN WASHER:

Committee reports, Mr. Creel.

1 MR. CREEL:

2 Yes, sir. Mr. Chairman and members of
3 the Commission, over the past two weeks the
4 department has issued 170 building permits with a
5 construction valuation of right at \$1.8 million.
6 We have collected \$14,000 in permit fees, issued
7 12 licenses for new business, one renewal. We
8 also issued 15 certificates of occupancy, three of
9 which were for short-term rental. And out of
10 those permits, there were four new single-family
11 houses.

12 CHAIRMAN WASHER:

13 Thank you.

14 No continued public hearings.

15 New public hearings today, two different
16 cases, same applicant. We're going to hear those
17 together and we'll vote on them separately. First
18 one is Case Number 22-053-PC, Lawrence M. Rouse,
19 II and Amelia A.R. Murphy, owners; Greg Williams,
20 applicant. It's an application for a preliminary
21 subdivision plat with variances for a 52-lot
22 single-family residential subdivision, submitted
23 under the working title, Southern Magnolia Place
24 Subdivision, to be constructed on five parcels of
25 land collectively measuring 40.85 acres, more or

5

1 less in size, five unaddressed parcels fronting
2 upon Shorecrest Road, being Municipal Tax Parcel
3 Numbers 1108E-02-007.000, 1108E-02-007.001,
4 1108E-01-019.000, 1008H-01-004.001 and
5 1008H-01-005.000. This case was advertised on
6 June 2nd and June 9th.

7 Also, in conjunction, we have a tree
8 case, Number TR-22-005, Lawrence M. Rouse, II,
9 Amelia A.R. Murphy, owners; and Greg Williams,
10 applicant. This is a request to remove four
11 magnolia trees upon land identified as five
12 unaddressed parcels fronting upon Shorecrest Road.
13 Same parcel numbers I mentioned for the previous
14 case.

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

17 MR. CIPOLLA:

18 This is Shorecrest Road here. This is
19 the drive that goes down to the house. That's
20 looking to the south. That's looking back towards
21 the south towards Eagle Point, to the north
22 towards Lorraine Road. This is Boyette across
23 that hooks up with Oaklawn. I tried to get as
24 many of the trees as I could. I also drive down
25 the drive on the next video and get as much of it

6

1 as possible.

2 CHAIRMAN WASHER:

3 Okay. Tim, did Mr. Nolan step out?

4 MR. CREEL:

5 No, he's here.

6 MR. NOLAN:

7 I'm right here.

8 CHAIRMAN WASHER:

9 Oh, okay. Eric, do you want to go ahead
10 and address the trees and at least we have the
11 benefit of that information as we proceed?

12 MR. NOLAN:

13 Sure. There may be some confusion.
14 Initially when the subdivision came in, they were
15 only requesting to remove four trees. Then there
16 was a redesign because of an easement along
17 Shorecrest that they didn't pick up, so he had to
18 redesign. And I think it would probably be better
19 explained by the engineer as to how many trees
20 he's going to have to remove in order to do the
21 subdivision.

22 CHAIRMAN WASHER:

23 Based on the application we have from
24 the owner, Mr. Riemann is going to represent him?
25 Mr. Robert Riemann?

7

1 MR. CREEL:

2 No. Robert Schwartz.

3 CHAIRMAN WASHER:

4 Schwartz. Okay.

5 MR. SCHWARTZ:

6 Good afternoon, Mr. Washer. I'm Robert
7 Schwartz. I'm here on behalf of Greg Williams,
8 the applicant.

9 First, let me say Chris Riemann
10 originally filed this application. And
11 Mr. Riemann became ill yesterday and is unable to
12 attend, so I'm attending in his place to present
13 this on behalf of Greg Williams.

14 And as was stated earlier, I understand,
15 we will do both together, so is there a preference
16 in order, Mr. Washer, or may I just begin with the
17 subdivision?

18 CHAIRMAN WASHER:

19 Whatever you prefer.

20 MR. SCHWARTZ:

21 All right, sir.

22 CHAIRMAN WASHER:

23 Just didn't want to have to say the same
24 thing twice.

25 MR. SCHWARTZ:

8

117

1 ago?

2 MR. CARRON:

3 Yes.

4 MR. HENGEN:

5 Yes.

6 MR. DELAHOUSEY:

7 This is just an expansion?

8 MR. CREEL:

9 The one that's at the end of the road.

10 MR. DELAHOUSEY:

11 Okay. The one that you said is near

12 that facility.

13 MR. HENGEN:

14 Right. One or two lots away to the

15 north that has the fence that Kyle is talking

16 about.

17 CHAIRMAN WASHER:

18 No other questions. Anything else,

19 Mr. Hengen?

20 MR. HENGEN:

21 No.

22 CHAIRMAN WASHER:

23 All right. We'll ask if there's anyone

24 in the audience that wants to speak in favor of

25 applicant's request? No one speaking in favor.

119

1 as submitted. Do be the first one, which is the

2 zoning map amendment.

3 CHAIRMAN WASHER:

4 In regard to the zoning map amendment,

5 from RE, residential estate, to NB, neighborhood

6 business.

7 MR. DELAHOUSEY:

8 Move to approve by Mr. Delahousey.

9 MR. PARKER:

10 Second.

11 CHAIRMAN WASHER:

12 Motion to approve by Mr. Delahousey;

13 seconded by Mr. Parker. Any discussion on that?

14 (No discussion.)

15 CHAIRMAN WASHER:

16 All those in favor of that, raise area

17 hand, please. Mr. Lechner, Mr. Todaro, Mr.

18 Parker, Ms. Magee, Mr. Stanovich, Ms. Bankston,

19 Mr. Delahousey, Mr. Poulos, Mr. Carron, Mr. King,

20 Mr. Snow, Mr. Dellenger; myself, David Washer.

21 We'll let the record show that's unanimous.

22 With regard to Case Number 22-055-PC for

23 the conditional use.

24 MR. LECHNER:

25 I make a motion to approve.

118

1 Anyone speaking in opposition? No

2 opposition. We'll consider those hearings closed.

3 MR. SHAMBRA:

4 Two cases, I will give the rundown on

5 both. Vote on them separately. Case 22-054, this

6 is the zoning map amendment to authorize a change

7 in zoning district classification for a parcel of

8 land approximately 2.7 acres in size from its

9 present classification of RE, residential estate,

10 to NB, neighborhood business, and this is for

11 property presently identified as 13181 Reece

12 Bergeron Road.

13 The second case is 22-055. This is the

14 request for conditional use and this is for the

15 same property to basically utilize the building as

16 a drug and alcohol treatment facility. It's upon

17 the 2.7 acres and it's property also identified as

18 13181 Reece Bergeron Road.

19 Obviously, the zoning change is to be

20 able to get to the point where a second facility

21 could be built in this location in this very

22 neighborhood. And the second one, the conditional

23 use, to authorize it within the NB zone.

24 The staff is aware and has basically

25 done a review of this and in support of both cases

120

1 MR. DELLENGER:

2 Second.

3 MR. TODARO:

4 Second.

5 CHAIRMAN WASHER:

6 Motion by Mr. Lecher recommending

7 approval; seconded by Mr. Dellenger and

8 Mr. Todaro.

9 MR. SHAMBRA:

10 Let me just add a caveat to that, the

11 proviso we want to provide is this have paved

12 parking spaces.

13 MR. TODARO:

14 We need to include that in the motion?

15 MR. LECHNER:

16 I'll include that in my motion.

17 CHAIRMAN WASHER:

18 Provided the parking spaces be paved?

19 MR. LECHNER:

20 Right.

21 CHAIRMAN WASHER:

22 We have a motion and second on the

23 floor. All those in favor, raise your hand,

24 please. Mr. Lechner, Mr. Todaro, Mr. Parker,

25 Ms. Magee, Mr. Stanovich, Ms. Bankston,

121

1 Mr. Delahousey, Mr. Poulos, Mr. Carron, Mr. King,
 2 Mr. Snow, Mr. Dellenger; myself, David Washer.
 3 We'll let the record show that's unanimous.
 4 MR. DELLENGER:
 5 Mr. Hengen, I'm assuming that's okay
 6 with you guys to pave it?
 7 MR. HENGEN:
 8 Yeah. We've already gone to DRC to
 9 discuss that with our contractor. I can't you
 10 whether or not that has actually been done. I
 11 haven't been out there in two weeks now.
 12 CHAIRMAN WASHER:
 13 Thank you, sir.
 14 MR. HENGEN:
 15 Thank you.
 16 CHAIRMAN WASHER:
 17 All right. Moving on, of course, Case
 18 Number TR-005 is continued to the next meeting.
 19 City Council action, Mr. Shambra?
 20 MR. SHAMBRA:
 21 Two updates for you. Case Number
 22 22-022, which was the PD-HB, planned
 23 development-hospitality business, overlay district
 24 and master plan for property identified as 1252
 25 and 1254 Beach Boulevard, as you probably heard,

123

1 CHAIRMAN WASHER:
 2 Thank you.
 3 MR. DELAHOUSEY:
 4 David, I have some more new business, if
 5 I could, please.
 6 CHAIRMAN WASHER:
 7 Let us go ahead and get a motion to
 8 accept the nominating committee recommendations.
 9 MR. POULOS:
 10 (Indicating motion.)
 11 MR. SNOW:
 12 (Indicating second.)
 13 CHAIRMAN WASHER:
 14 Motion by Mr. Poulos; seconded by
 15 Mr. Snow. All those in favor, just "aye" would be
 16 fine.
 17 (All in favor.)
 18 CHAIRMAN WASHER:
 19 Any opposed?
 20 (None opposed.)
 21 CHAIRMAN WASHER:
 22 Thank you.
 23 MR. DELAHOUSEY:
 24 I would just like for the record to
 25 reflect that -- as you already know, I'm president

122

1 it was modified slightly. But basically this was
 2 approved by the Council on Tuesday, June 14th.
 3 The request for the 18 parcels being
 4 changed from RB, regional business, to PD planned
 5 development and master plan, this was the
 6 properties identified as Lots 9 through 26 for
 7 Cottage Business Park Subdivision and it's
 8 properties located along Caillavet Street, Case
 9 22-044, approved by the Council on Tuesday,
 10 June 14th.
 11 CHAIRMAN WASHER:
 12 Okay. Thank you.
 13 Any old business to come before us
 14 today? New business?
 15 Of course, prior to the meeting we had
 16 the meeting of the nominating committee for the
 17 officers for next year. I'll ask Caryle if she'd
 18 read that, please.
 19 MS. LENA:
 20 Yes. We held a meeting at about 1:35.
 21 The motions were made for chairperson for David
 22 Washer by Delahousey and seconded by Ms. Bankston.
 23 And motion was made for vice chairperson to be
 24 Mr. Delahousey by Mr. Poulos and seconded by
 25 Carron.

124

1 of my HOA and we had some issues come up and some
 2 landscaping work needing to be done on some trees
 3 there. And so we invited Mr. Nolan to come and
 4 speak to the group. And then we invited him back
 5 a second time on a Saturday, and he gladly
 6 accepted and he explained everything thoroughly to
 7 the homeowners association.
 8 And it's a real tribute to Biloxi
 9 have somebody that's willing to do that, to
 10 explain -- as a subject matter expert, he
 11 explained it and answered all of our questions.
 12 CHAIRMAN WASHER:
 13 Very good. Thank you.
 14 Ed, this is his last meeting with is
 15 today. Tomorrow is his last day of work. He's
 16 going to enjoy retirement after 33 years with the
 17 City of Biloxi. I believe Jane is about finished
 18 with her honey-do list, so you can hit the road
 19 running Monday.
 20 We thank you for all that you have done
 21 in guiding us over the years and wish you the best
 22 in the retirement, Ed.
 23 MR. SHAMBRA:
 24 Thank you.
 25 MR. CREEL:

125

1 I want to thank Ed too. He's a -- I'll
 2 tell you, we have worked close together. We
 3 haven't always agreed, but, you know, just like a
 4 family -- and this department actually is like a
 5 family. We have got good people that genuinely
 6 care about each other and look out for each other
 7 and don't have this bickering and backbiting and
 8 all that kind of stuff that you have in other
 9 departments. But, you know, it's like losing a
 10 family member.

11 And Ed and I over the years have bounced
 12 ideas out off of each other, you know, and I have
 13 to thank him because a lot of times he brings a
 14 different perspective about things I had not
 15 considered and I should have considered. So I
 16 appreciate him working with us and we have had
 17 a -- overall, we've had a good relationship. And
 18 I want to thank him for all of the time he's put
 19 in.

20 MR. SHAMBRA:
 21 Thank you.

22 CHAIRMAN WASHER:
 23 Now, we're going to have some
 24 refreshments and invite you all to stay with us
 25 for a little bit.

127

1 No. It will not come to the City for a
 2 variance. It goes to the State. And I clarified
 3 that with Scott -- Senator Delano and
 4 Representative Felsher. Because when I read
 5 through that law, it talked about, you know, that
 6 you have to this thousand foot distance between
 7 the dispensary and any church, school or daycare.
 8 And they said that they can get a variance to
 9 reduce that to 500 feet if they get a letter from
 10 the church, school or daycare and if that variance
 11 is approved by the licensing agency. Well, it
 12 wasn't clear about which licensing agency. You
 13 know, we will issue them just a business license
 14 to operate like any other retail establishment.
 15 But after talking to Senator Delano, no, that
 16 variance request has to be submitted to the state
 17 and they have to approve it.

18 MR. WHEELER:
 19 I can tell you something about it. The
 20 authority of the church depends on the
 21 denomination of the church and how that structure
 22 is, because for an official action by the church,
 23 some churches it's the pastor. Some churches it's
 24 a vote of the members. Some churches, it's a
 25 regional body, board of trustees. It just depends

126

1 Obviously no citizens comments.

2 MR. DELLENGER:
 3 I did -- well, maybe as a citizen or a
 4 member. Mr. Creel, someone asked me today -- and
 5 I guess because they knew I was on the Planning
 6 Commission -- that there is, I guess, a dispensary
 7 that's looking at going into a location on Pass
 8 Road in Biloxi that is within however many feet of
 9 a church.

10 Their concern was that they got
 11 permission from the pastor or whoever it is of
 12 that church that said -- signed off that they're
 13 okay with them doing that and I'm not sure all of
 14 the members of the church agreed to that. But, I
 15 mean, I guess with him being a member of the
 16 church, he wasn't aware that they ever were asked
 17 or discussed that he sent this letter or something
 18 saying that they were okay with that.

19 I guess my thing is, is that -- because
 20 they're going to have to come for a variance or
 21 whatever, is that something that comes to us? He
 22 was asking me because he knows I'm on the Planning
 23 Commission. Does that come to us for a variance
 24 before --

25 MR. CREEL:

128

1 on that particular church.

2 MR. DELLENGER:
 3 And I'm not sure. It's the Greek
 4 Orthodox church right there on Beauvoir that --

5 MR. WHEELER:
 6 You just have to see what the
 7 denomination is and how their governing documents
 8 authorize someone to do that.

9 MR. CREEL:
 10 And let me tell you what the schedule is
 11 now. They started accepting applications
 12 June 2nd. They're not going to start processing
 13 applications until July 2nd. The only thing that
 14 they get from us, from the City, is a letter of
 15 zoning compliance that basically says, you know,
 16 your zoning is correct for what you want to do.

17 Now, the Council voted to approve this;
 18 but because the vote at the Council was a split
 19 vote, then that means the ordinance changes don't
 20 go into effect for 30 days.

21 So what we're doing -- yes, people are
 22 calling us to get a letter so that they can get
 23 started. We'll put in there that the zoning is
 24 correct. However, this does not go into effect
 25 until July 7th. You know, we have to protect

129

1 ourself to make sure that nobody went up there and
 2 said, hey, I have got City approval, you know, to
 3 do it at this location. And even when they submit
 4 their application on July 2nd, it still says that
 5 it's going to take about 30 days for those
 6 applications to be processed.

7 So realistically, the only mention at
 8 the Planing Commission meeting when they discussed
 9 this, out of the 435 pages in that law, there are
 10 two pages in there that have to do with the City's
 11 responsibility and it's all zoning.

12 So -- and we're not -- even talking to
 13 Peter Abide about this because I was concerned, is
 14 it going to be our responsibility to verify that
 15 they meet those distances from those other
 16 entities, he said, you're right, that would open
 17 us up to litigation. He said, I think that needs
 18 to be the responsibility of the applicant to
 19 verify that, so we've actually put that in the
 20 letter, too, that it's the applicant who is
 21 responsible for verifying the distances to the
 22 church, school and daycare.

23 CHAIRMAN WASHER:
 24 All right. Thank you, Jerry.
 25 Just a reminder, our next meeting will

130

1 be here on Thursday, July 7th, which is several
 2 days after Independence Day. We wish you all a
 3 very safe and enjoyable Independence Day.

4 Let's go ahead and adjourn the Planning
 5 Commission meeting.
 6 (Adjourned at 4:21 p.m.)
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1 **CERTIFICATE OF COURT REPORTER**
 2 I, MELISSA BURDINE-RODOLFICH, Court Reporter
 3 and Notary Public, in and for the County of
 4 Harrison, State of Mississippi, hereby certify that
 5 the foregoing pages, and including this page,
 6 contain a true and correct copy of my stenotype
 7 notes and/or electronic tape recording of the
 8 testimony of the witness, as taken by me at the
 9 time and place heretofore stated, to the best of my
 10 skill and ability.

11 I further certify that I am not in the employ
 12 of, or related to, any counsel or party in this
 13 matter, and have no interest, monetary or
 14 otherwise, in the final outcome of the proceedings.

15 Witness my signature and seal, this the
 16 _____ day of _____, 2022.
 17
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 20 _____
 21 Melissa Burdine-Rodolfich
 22 My Commission Expires 4/28/24
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1 BILOXI BOARD OF ZONING ADJUSTMENTS
 2 JUNE 16, 2022
 3 COMMUNITY DEVELOPMENT,
 4 DR. MARTIN LUTHER KING JR. MUNICIPAL BUILDING,
 5 676 DR. MARTIN LUTHER KING JR. BOULEVARD,
 6 BILOXI, MISSISSIPPI,
 7 BEGINNING AT 4:21 P.M.

9 PLANNING COMMISSION MEMBERS PRESENT:
 10 David Washer, Chairman
 11 Kay Bankston
 12 Kyle Carron
 13 Steve Delahousey
 14 Charlie Dellenger
 15 Joe King
 16 Gary Lechner
 17 Debora Magee
 18 August Parker
 19 Jimmy Poulos
 20 John Snow
 21 David Stanovich
 22 Michael Todaro

23 ALSO PRESENT:
 24 Jerry Creel, Director of Community Development
 25 Caryle Lena, Planning Technician
 Ed Shambra, Executive Planner
 Tim Cipolla, Code Enforcement

26 REPORTED BY:
 27 Melissa Burdine-Rodolfich
 28 Simpson Burdine & Miguez

2

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

PAGE

No cases

3

1 CHAIRMAN WASHER:
 2 We'll immediately call the Board of
 3 Zoning Adjustments to order.
 4 Let the record reflect that all members
 5 that were attendance for the Planning Commission
 6 remain in attendance.
 7 Ask if everyone had the opportunity to
 8 review the minutes and if there is any additions
 9 or corrections? If not, we'll entertain a motion
 10 to accept the minutes as presented.
 11 MR. PARKER:
 12 Mr. Parker.
 13 MR. POULOS:
 14 Second.
 15 CHAIRMAN WASHER:
 16 Motion by Mr. Parker; second by Mr.
 17 Poulos.
 18 All those in favor, say "aye."
 19 (All in favor.)
 20 CHAIRMAN WASHER:
 21 Any opposed?
 22 (None opposed.)
 23 CHAIRMAN WASHER:
 24 No committee reports. No continued
 25 public hearings. No new public hearings.

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1 Old business? New business meeting?
 2 None.
 3 Next meeting July 7th following the
 4 Planning Commission. We stand adjourned.
 5 (Adjourned at 4:22 p.m.)
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CERTIFICATE OF COURT REPORTER

I, MELISSA BURDINE-RODOLFICH, Court Reporter and Notary Public, in and for the County of Harrison, State of Mississippi, hereby certify that the foregoing pages, and including this page, contain a true and correct copy of my stenotype notes and/or electronic tape recording of the testimony of the witness, as taken by me at the time and place heretofore stated, to the best of my skill and ability.

I further certify that I am not in the employ of, or related to, any counsel or party in this matter, and have no interest, monetary or otherwise, in the final outcome of the proceedings.

Witness my signature and seal, this the _____ day of _____, 2022.

Melissa Burdine-Rodolfich
My Commission Expires 4/28/24