Ordinance No. 2489

AN ORDINANCE TO APPROVE A ZONING MAP AMENDMENT, TO AUTHORIZE A CHANGE IN ZONING DISTRICT CLASSIFICATION FOR SEVERAL PARCELS OF LAND, FROM THEIR PRESENT ZONING DISTRICT CLASSIFICATION OF RS-10 SINGLE-FAMILY RESIDENTIAL LOW-DENSITY TO RM-30 MULTI-FAMILY RESIDENTIAL HIGH-DENSITY, FOR PARCELS PRESENTLY IDENTIFIED AS 131, 139 BRADY DRIVE AND 15 UNADDRESSED PARCELS FRONTING BRADY DRIVE

WHEREAS, on Thursday, August 4, 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. 22-062-PC, Darrell & Kelly Meyer, Terrence & Shonlada Young, United Majestic RV Resorts, LLC (owners) & Tanya Darrow (applicant), a request for Zoning Map Amendment, for parcels presently identified as 131, 139 Brady Drive and 15 unaddressed parcels fronting Brady Drive; and

WHEREAS, the Planning Commission members were apprised of the particulars of this case, being made cognizant of the fact the owners and applicant, had submitted this request for Zoning Map Amendment, to authorize a change in zoning district classification for several parcels of land measuring three and nine-tenths (3.9) acres (more or less), from their present zoning district classification of RS-10 Single-Family Residential Low-Density to RM-30 Multi-Family Residential High-Density, for parcels presently identified as 131, 139 Brady Drive and 15 unaddressed parcels fronting Brady Drive (re: Tax Parcel Nos. 1210L-02-059.001, 1210L-02-060.000, 1210L-02-061.000, 1210L-02-062.000, 1210L-02-063.000, 1210L-02-064.000, 1210L-02-065.001, 1210L-02-066.000, 1210L-02-082.000, 1210L-02-083.000, 1210L-02-084.000, 1210L-02-085.000, 1210L-02-085.001, 1210L-02-086.000, 1210L-02-086.001, 1210L-02-087.001, 1210L-02-088.000); and

WHEREAS, on August 4, 2022, the Biloxi Planning Commission, upon careful reflection of the particulars of this case, voted to recommend approval for the Zoning Map Amendment, for

properties identified as 131, 139 Brady Drive and 15 unaddressed parcels fronting Brady Drive (re: Tax Parcel Nos. 1210L-02-059.001, 1210L-02-060.000, 1210L-02-061.000, 1210L-02-062.000, 1210L-02-063.000, 1210L-02-064.000, 1210L-02-065.001, 1210L-02-066.000, 1210L-02-082.000, 1210L-02-083.000, 1210L-02-084.000, 1210L-02-085.000, 1210L-02-085.001, 1210L-02-086.000, 1210L-02-086.001, 1210L-02-087.001, 1210L-02-088.000), having determined that the RM-30 Multi-Family Residential High-Density zoning requested would allow the owners the opportunity to apply for Conditional Use for Short-Term Rentals, noting further that a Change in the Character of the Neighborhood with an established Community Need for the additional uses that RM-30 Multi-Family Residential High-Density zoning would allow is warranted at these locations; and

WHEREAS, the Biloxi City Council, after consideration of all facts presented, hereby adopts the report and findings of the Biloxi Planning Commission, and in so doing, determines that approval of the requested Zoning Map Amendment, as submitted, is appropriate for the properties as related in Case No. 22-062-PC.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BILOXI, MISSISSIPPI, THAT AS PER THE FINDINGS OF THE PLANNING COMMISSION, BASED UPON A DETERMINATION THAT A CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD IN THIS AREA OF THE CITY OF BILOXI IS OF NOTICE, AND THAT A COMMUNITY NEED FOR THE ADDITIONAL USES WHICH RM-30 ZONING WOULD ALLOW HAS BEEN ESTABLISHED, THE FOLLOWING SHALL BE AUTHORIZED:

Ord. No. 2489

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 RS-10 Single-Family Residential Low-Density to RM-30 Multi-Family Residential High-Density, for these parcels presently identified as 131, 139 Brady Drive and 15 unaddressed parcels fronting Brady Drive, more fully described as follows:

A parcel of land being in the southwest ¼ of the northwest ¼ of section 35, township 7 south, range 10 west, city of Biloxi, Harrison County Mississippi, commencing at a point at the east right-of way of Brady Drive and the north right-of-way of Beach Boulevard; thence, travel north along the east right-of-way line of Brady Drive for 440.9 feet; thence, east for 5.9 feet; thence, north for 58.8 feet to the point of beginning; thence, S 89-55-11 E for 140.5 feet; thence, N 0-5-16 W for 601.1 feet; thence, S 89-53-38 W for 142.2 feet; thence, S 0-14-52 E for 600.7 feet, back to the point of beginning, and
A parcel of land being in the southwest ¼ of the northwest ¼ of section 35, township 7 south, range 10 west, city of Biloxi, Harrison County Mississippi, commencing at a point at the west right-of way of Brady Drive and the north right-of-way of Beach Boulevard; thence, travel north along the west right-of-way line of Brady Drive for 441.6 feet; thence, west for 3.7 feet; thence, north for 59.1 feet to the point of beginning; thence, N 89-40-8 W for 142 feet; thence, N 0-5-53 W for 600.8 feet; thence, S 89-50-24 E for 141.1 feet; thence, S 0-11-9 E for 601.2 feet, back to the point of beginning,

further described as land most nearly bounded by the following streets: the North of Beach Boulevard; to the South of the CSX Railway; to the East of Beauvoir Road; to the West of Sadler Beach Drive; and all properties front Brady Drive.

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 Newman, seconded by Councilmember Deming, and was adopted by the following vote:

Ord. No. 2489

YEAS:	Gines	Tisdale	NAYS:	Lawrence
	Newman	Glavan		
	Deming	Barrett		

The President then declared the Ordinance adopted this the 6th day of September, 2022.

STATE OF MISSISSIPPI
CITY OF BILOXI
HARRISON COUNTY

ATTEST: APPROVED:

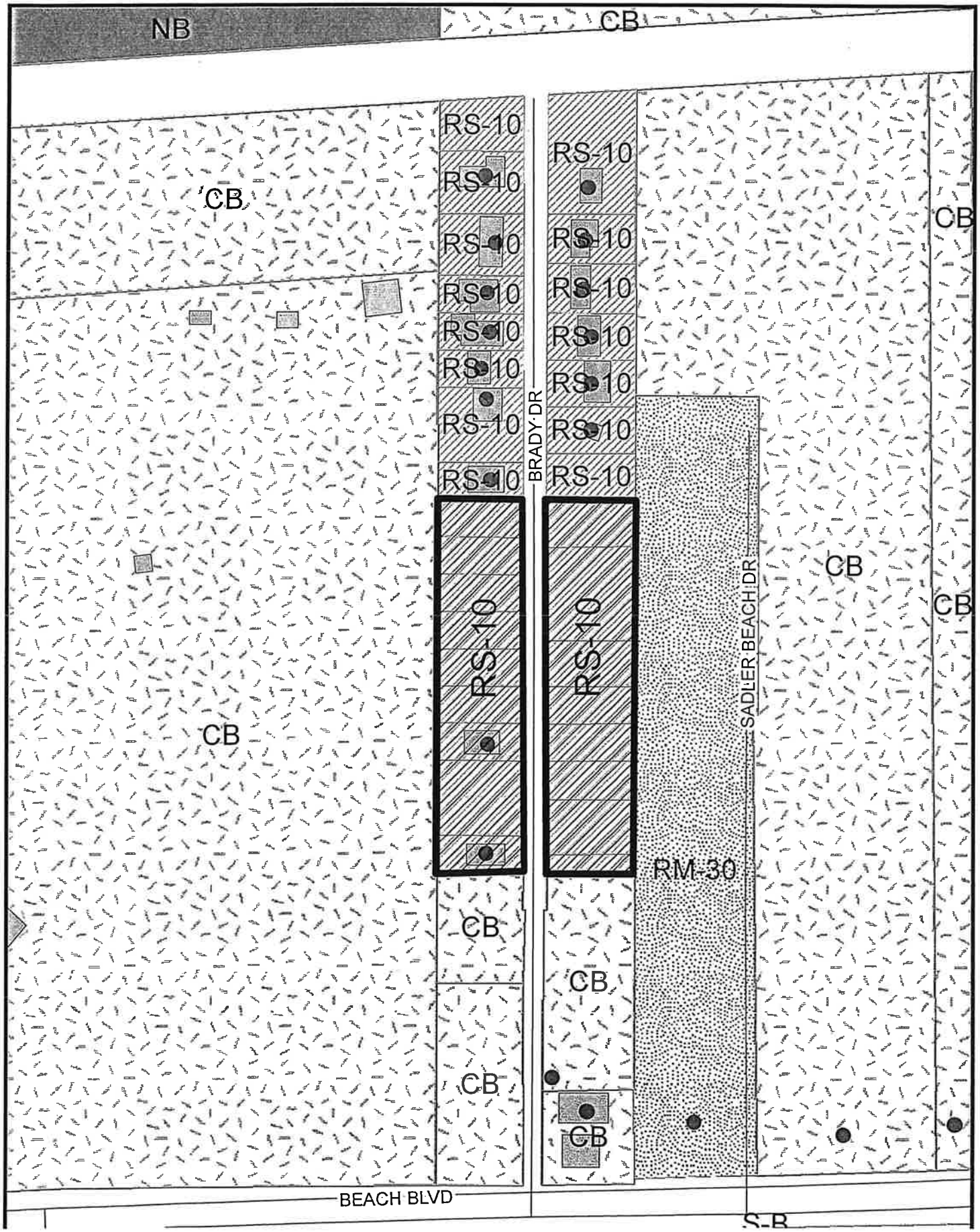
CLERK OF THE COUNCIL PRESIDENT OF THE COUNCIL

Submitted to and approved by the Mayor, this the 8th day of September, 2022.

APPROVED:

MAYOR

Case No. 22-062-PC
Tanya Darrow
131, 139 Brady Drive & 15 unaddressed parcels on Brady Drive
Map Amendment RS-10 to RM-30



Scheduled for:
August 04, 2022
PC Meeting

Darrell & Kelly Meyer, Terrence & Shonlada Young,
United Majestic RV Resorts, LLC (owners)
Tanya Darrow (applicant)
Case No. 22-062-PC
Zoning Map Amendment

Biloxi
established 1699

Planning Commission
Case Fact Sheet

Case No.:	22-062-PC
Name of Owners:	Darrell & Kelly Meyer, Terrence & Shonlada Young, United Majestic RV Resorts, LLC (owners) & Tanya Darrow (applicant)
Address of Property:	131, 139 Brady Drive and 15 unaddressed parcels fronting upon Brady Drive
Tax Parcel/Ward:	1210L-02-059.001, 1210L-02-060.000, 1210L-02-061.000, 1210L-02-062.000, 1210L-02-063.000, 1210L-02-064.000, 1210L-02-065.001, 1210L-02-066.000, 1210L-02-082.000, 1210L-02-083.000, 1210L-02-084.000, 1210L-02-085.000, 1210L-02-085.001, 1210L-02-086.000, 1210L-02-086.001, 1210L-02-087.001, 1210L-02-088.000/Ward 3
Request:	**Zoning Map Amendment**
Purpose of Request:	An application for a **Zoning Map Amendment**, to authorize a change in zoning district classification for several parcels of land measuring three and nine-tenths 3.9 acres (more or less), from their present zoning district classification of **RS-10 Single-Family Residential Low-Density** to **RM-30 Multi-Family Residential High-Density**, for parcels presently identified as 131, 139 Brady Drive and 15 unaddressed parcels fronting Brady Drive (re: Tax Parcel Nos. 1210L-02-059.001, 1210L-02-060.000, 1210L-02-061.000, 1210L-02-062.000, 1210L-02-063.000, 1210L-02-064.000, 1210L-02-065.001, 1210L-02-066.000, 1210L-02-082.000, 1210L-02-083.000, 1210L-02-084.000, 1210L-02-085.000, 1210L-02-085.001, 1210L-02-086.000, 1210L-02-086.001, 1210L-02-087.001, 1210L-02-088.000).
Size of Property:	3.9 acres (more or less)
Present Zoning:	**RS-10 Single-Family Residential Low-Density**

Flood Zone:	**VE-21** and **AE-19**
Present Use:	Vacant Land and 1 Single Family Residence
Most Nearly Bounded By (streets):	Situated to the South of the CSX Railway; to the North of Beach Boulevard; to the West of Sadler Beach Drive; to the East of Beauvoir Road; and all properties front Brady Drive.
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.
Positive Influences:	This rezoning, if approved, would allow the applicant to apply via separate application, for **Conditional Use** Approval, to authorize **Short-Term Rentals** within an existing Single-Family Residence.
Letters or Concerns stated:	The Planning Division Office has not received any letters or other written communications relative to this case, as of July 28, 2022.
Comments/ Recommendations:	Darrell Meyer and Kelly R. Meyer, Terrence M. Young and Shonlada Young, and Marques Thomas on behalf of United Majestic RV Resorts, LLC (owners), and Tanya Darrow (applicant), have requested a **Zoning Map Amendment** to authorize a change in zoning district classification for several parcels of land measuring three and nine-tenths (3.9) acres (more or less), from their present zoning district classification of **RS-10 Low-Density Single-Family Residential** to **RM-30 High-Density Multi-Family Residential**, and presently identified as 131, 139 Brady Drive and 15 unaddressed parcels fronting Brady Drive (re: Tax Parcel Nos. 1210L-02-059.001, 1210L-02-060.000, 1210L-02-061.000, 1210L-02-062.000, 1210L-02-063.000, 1210L-02-064.000, 1210L-02-065.001, 1210L-02-066.000, 1210L-02-082.000, 1210L-02-083.000, 1210L-02-084.000, 1210L-02-085.000, 1210L-02-085.001, 1210L-02-086.000, 1210L-02-086.001, 1210L-02-087.001, 1210L-02-088.000.

The owners have stated they would like the properties changed to multifamily zoning because it would allow the opportunity to rebuild and perhaps use the new residences for Short-Term Rental.

It should be noted, if the zoning is approved, each parcel would need Conditional Use approval for the Short-Term Rental use.

Options:

1. Recommend approval of this **Zoning Map Amendment**, from **RS-10 Residential Low-Density Single Family** to **RM-30 Residential High-Density Multi-Family**, having determined that an established community need for uses permitted by this zoning classification is important to this neighborhood, and the City as offered.

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 is warranted.

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. 22-062-PC

TO BE COMPLETED BY APPLICANT Date: 21 Jun 2022

Name of Rightful Owner(s):	Name of Applicant: (if different than Owner)
Darrell + Kelly Meyer	Tanya V. Darrow

Property Address: 139 Brady Dr — Ward Number

Tax Parcel Identification Number(s):

1210L-02-086.001	059.001; 060.000; 061.000; 062.000 063.000
1210L-02-086.000	084.000; 066.000
1210L-02-088.000	083.000; 065.001
1210L-02-087.001	082.000; 064.000

Mailing Address of Property Owner	Mailing Address of Applicant (if different than Owner):
40458 N South Newport Dr	PO Box 467
City: Antioch	City: Ocean Springs
State: IL	State: MS
Zip: 60002	Zip: 39564
County	County Jackson
Telephone: (353) 641 2881	Telephone: (228) 229-2275

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

Present Zoning Classification: R S-10

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

Flood Zone(s) of Property: VE

	North	South	East	West
Property is most nearly bounded by what streets?	Passp	Hwy 90	Ocean Club Blvd	Reservoir
If property directly fronts or is adjacent one of the streets above please indicate with a ✓.				

REQUESTED ACTION BY THE PLANNING COMMISSION (A separate supplement form is required for each):

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

From: Tanya Darrow tanya@soldinsouthms.com
Subject: Application
Date: May 26, 2022 at 6:54:28 PM
To: Darrell Meyer darrellmeyer28@outlook.com

Please call me

Sent from Mail for Windows

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

Signature of Rightful Owner

Notary Signature

STACEY N HINSON
OFFICIAL SEAL
Notary Public, State of Illinois
My Commission Expires
July 27, 2022

(Seal)

Signature of Rightful Owner

Notary Signature

(Seal)

Signature of Rightful Owner

Notary Signature

STACEY N HINSON
OFFICIAL SEAL
Notary Public, State of Illinois
My Commission Expires
July 27, 2022

(Seal)

Signature of Applicant

Notary Signature

(Seal)

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

NOTES:

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

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

Signature of Rightful Owner

Notary Signature

(Seal)

STATE OF MISSISSIPPI NOTARY PUBLIC ID # 290503 AMBER CHEA Commission Expires April 12, 2025 HARRISON COUNTY

Signature of Rightful Owner

Notary Signature

(Seal)

Signature of Rightful Owner

Notary Signature

(Seal)

STATE OF MISSISSIPPI NOTARY PUBLIC ID # 290503 AMBER CHEA Commission Expires April 12, 2025 HARRISON COUNTY

Signature of Applicant

Notary Signature

(Seal)

STATE OF MISSISSIPPI NOTARY PUBLIC ID # 10666 CARYLE D. LENA Commission Expires April 12, 2025 HARRISON COUNTY

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

NOTES:

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

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

STATE OF MISSISSIPPI NOTARY PUBLIC ID # 118120 LEAH N. VASQUEZ Commission Expires Oct. 20, 2024 JACKSON COUNTY

Signature of Rightful Owner

Notary Signature

(Seal)

Signature of Rightful Owner

Notary Signature

(Seal)

Signature of Rightful Owner

Notary Signature

(Seal)

Signature of Applicant

Notary Signature

(Seal)

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

NOTES:

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

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: 21 June 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.

	Existing	New
I am requesting a zoning change from this *zone* to this *zone*:	R-10	RM 30

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: established [illegible]	✓	
	Yes	No
1. Is the proposed map amendment consistent with the Comprehensive Plan?	✓	
Please explain: a large portion of this area is already CB and a portion is already RM 30.		
2. Is the proposed map amendment compatible with present zoning and conforming uses of nearby property and with the character of the neighborhood?	✓	
Please explain: Commercial Business at the end of the road & other areas close by.		

Biloxi
established 1699

PLANNING COMMISSION SUPPLEMENT
Map Amendment

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

Criteria (continued)		✓
	Yes	**No**
3. Is the property suitable for uses permitted in the present zoning district?	✓	
Please explain: it was previously an owner occupied home.		
4. Is the property suitable for uses permitted in the proposed zoning district?	✓	
Please explain: location is ideal for the proposed zoning as the area would like to make it a short term rental.		
5. Has there been a change in the character of the neighborhood?		✓
Please explain:		
6. Is there an established community need for uses permitted in the proposed zoning district?	✓	
Please explain: We need more vacation rentals for our growing tourist population		
7. Was there a mistake in the original zoning of the property?		✓
Please explain:		
8. Are utilities and infrastructure sufficient to address the impacts associated with allowed uses in the proposed district?	✓	
Please explain: the neighborhood is set up for growth development		

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

To whom it may concern:

We are requesting the City of Biloxi to rezone our area so that we may, as well as others, have the opportunity to use homes on Brady Dr for short term and corporate leases. Brady Dr is a prime location for vacation rental people who have a desire to be close to all that Biloxi has to offer while still enjoying a relaxing beach vacation. Rezoning will also be attractive to investors that want to develop properties on this street. This area will make great contributions to the economic growth of the Biloxi tourism industry. We sincerely appreciate the time the city is taking to honor our request to rezone Brady drive from RS-10 to RM-30.

Sincerely,

Tanya Darrow

Applicant

BILOXI PLANNING COMMISSION MEETING
AUGUST 4, 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
Kyle Carron
Steve Delahousey
Charlie Dellenger
Gary Lechner
Joe King
August Parker
Jimmy Poulos
John Snow
David Stanovich
Cheryl Thompson
Michael Todaro

ALSO PRESENT:

Jerry Creel, Director of Community Development
Caryle Lena, Planner
Eric Nolan, Arborist
Felicia Serpas, Senior Planner
Dr. Paul Tisdale, Councilman Ward 5

REPORTED BY

Melissa Burdine-Rodolfich
Simpson Burdine & Migues

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

PAGE

CONTINUED PUBLIC HEARING:
TR-22-005 5

NEW PUBLIC HEARING:
22-062-PC 30

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, Mr. Poulos, Mr. Dellenger, Mr. Carron, Mr. King, Mr. Snow; Mr. Delahousey; myself, David Washer; Jerry Creel, Director of Community Development; Felicia Serpas, Senior Planner; Caryle Lena, Planner. On the projector today is Eric Nolan, City Arborist, and our court reporter today is Melissa Rodolfich. Also in the audience is Dr. Paul Tisdale, Councilman Ward 5.
Mr. Delahousey, if you'd open the meeting with a moment of prayer.
(Moment of prayer.)
CHAIRMAN WASHER:
Mr. Dellenger, the pledge, please.
(Pledge of allegiance.)
CHAIRMAN WASHER:
We welcome everyone here with us today in the audience. 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. We would ask, any cell phones in the audience, kindly mute them or turn them off.
Ask if all members of the Commission received a copy of the minutes from the last meeting and if there is any additions or corrections?
MR. DELAHOUSEY:
Move to approve.
CHAIRMAN WASHER:
Motion by Mr. Delahousey recommending approval.
MR. SNOW:
Second.
CHAIRMAN WASHER:
Seconded by Mr. Snow.
All those in favor, say "aye."
(All in favor.)
CHAIRMAN WASHER:
Any opposed?
(None opposed.)
CHAIRMAN WASHER:
Thank you. Mr. Creel, committee reports?
MR. CREEL:
Over the past two weeks, the department

has issued 122 building permits, with a construction valuation of $3.6 million. We have collected $19,400 in permit fees. We have issued 14 certificates of occupancy. Four of those were for short-term rental. And of the permits issued, a commercial permit was for the Old Wells Fargo building to transition from those to condos. It's going to be called the Bella, and there were also four new single-family houses.

CHAIRMAN WASHER:

Thank you.

We have one continued public hearing Case TR-22-005, Lawrence M. Rouse, II, Amelia A.R. Murphy, owners; Greg Williams, applicant. This is a request to remove two trees upon -- originally advertised to remove two trees upon land identified as five unaddressed parcels fronting upon Shorecrest Road. This case was previously advertised and continued, and we're finally having a hearing for this today.

Mr. Nolan, you want to talk about the Tree Committee minutes or do you want to show the video? What do you want to do first?

MR. NOLAN:

Let's do the video first. Most of the

video, it starts on Shorecrest then it goes down the driveway on the north side. North side. Looking south. Back to the east back -- I mean, back to the west, the north. Down to driveway across the street. Let's go to the next one.

The Tree Committee made some revised recommendations, which you should have in your packet. I'm not sure what their -- the Tree Committee Note Number 1 that was regarding -- they said, The developer inaccurately defined the critical root zone. That wasn't what I found. The developer defined the critical root zone as 10 inches for every one inch in diameter, and that's the way that was it was stated on the plan. So I'm not sure what they were talking about there.

They are concerned with the survivability of 15 trees that they're proposing to get in to the critical root zone, as am I, because the majority of the 15 trees are going to be within the existing city right-of-way when the subdivision is done, so we want to make sure that the damage is minimized.

The Tree Committee recommendation was to permit removal. They had some other statements about liability for the mitigation and liability

if the tree roots are damaged and the city takes it over, which that can also be a city concern since the trees are going to be in the city right-of-way.

I took the existing site plan that you've got in your packet. I put orange circles over the trees that they're going to impact the critical root zone, and then the red circle at the bottom is the four trees they're proposing for removal. And I think that's about it.

CHAIRMAN WASHER:

All right. Any questions of Mr. Nolan from the members of the commission?

MR. DELAHOUSEY:

Mr. Nolan, do you know, of the four recommendations that are in the packet, are these options or does the Tree Committee recommend all four of these?

MR. NOLAN:

I would assume that they're recommending all four. The developer has already said that they are open to the option of mitigation. They're not proposing to remove the trees at this time. They're going to try to work the subdivision in around them. I'll be involved --

I'll be there while they're putting in the infrastructure, you know, once a week or so to make sure that anything that's going to be in the right-of-way doesn't get damaged. And if it does, you know -- we don't want it in the right-of-way if it's a damaged tree.

Yeah. Most of the time, when the Tree Committee makes recommendations, they want all the recommendations approved.

CHAIRMAN WASHER:

All right. Thank you very much.

Mr. Schwartz.

MR. SCHWARTZ:

I think Mr. Reimann is going to start, and I'm going to follow up behind him if that's acceptable, Mr. Washer.

MR. REIMANN:

Thank you. My name is Chris Reimann.

And I was not here the last meeting that we had discussing this project. I had COVID, so I couldn't make it. But I'm glad I could make it today. I'm glad to be here.

I think everything that Eric said is all accurate. You know, in looking at this project, when you go into the property, you see all of

these just really nice oak trees. You see the limbs that will overhang the road and all that, and we definitely don't want to take down any more trees than we have to. So we made it a point to, you know, just wind the road around, you know, all the trees. And we plan on building the road so that the curb is maybe within four feet or so from the base of the tree.

You know, you see that happening everywhere. I mean, you go up any streets in Biloxi and you'll see, you know, you've got oak trees that are right by the street there. You know, they're healthy. They're, you know, maintaining life and that's what we want these trees to do.

We have 173 total trees. Of 173, we are definitely going to try to preserve 154 trees. And then of the 154, we're going to take down four trees and then we're going to disturb the root zone of about 15 trees. So all in all, I think it's a great project.

And we're going to donate a lot of the property to the Land Trust of Coastal Mississippi, and that's going to be for the wetlands. So we're going to donate that to the land trust. But all

in all, I think it's a great project and we appreciate y'all's support. Thank you.

CHAIRMAN WASHER:

Thank you, sir.

MR. SCHWARTZ:

Good afternoon. Robert Schwartz, I'm here on behalf of Greg Williams, the developer.

I was present at the last hearing when this was brought before the commission, and thank you for your time then and again today.

To begin with, I think it should be clear that our goal in this project is to preserve trees. We are preserving over 150 oak trees in this project. We want to take out four that are marked in red that have to come out because there is no way to cut the road in in that location without doing that.

As Mr. Nolan mentioned, there are other trees that we're trying to save that are going to be close to the roadbed area, and so our purpose in doing this is so we don't cut those trees. We don't want to cut any of them. We have agreed that we would, of course, allow it to be monitored. We have agreed that we would be responsible if any of the trees are damaged or

die. We don't want the city to be responsible for that. But our goal is to keep all these trees because we think that they are a big bonus for the subdivision and for the people who are going to live there.

I know in looking at your Tree Committee report, too, Mr. Nolan pointed out that their first note was incorrect, because we properly described the tree critical mass. So I'm not sure why the Tree Committee didn't catch that, but that doesn't seem to be in dispute. And as Mr. Nolan said, their recommendations was for all to be accepted and their recommendation was to allow us to remove the four trees that need to be removed and specifically to allow for mitigation to be done, and, of course, we expect Mr. Nolan to be involved in that process.

Again, we're trying to be a good neighbor. And rarely do I see a developer who comes to me and says, I only want to remove the minimum amount of trees. I'm used to seeing developers who want to take out as many as they can to maximize lots, and that's not what Mr. Williams wants to do. We think it's a beautiful site. We think it's going to be a

beautiful addition to Biloxi.

Although not relevant for today -- and I want to stay focused on the trees -- there were two other little items mentioned last time we were here. As you remember, this commission previously approved the subdivision application for this development, and this is waiting to go to the City Council till this matter was resumed. But there was a reference to an old home that's located on the property and we represented to you before that it's our intention not to demolish that.

That's still the case. We have offered to donate it to the family of the prior owners and if they don't want to take it, we would, of course, offer to donate it to the city or to a group that the city would like to have that residence.

Again, we're not trying to destroy anything. We're trying to keep this as nice as it can be. Of course, the old home won't remain on the site. It wouldn't be conducive for the new development.

So we think coming to you and asking you to save 154 trees and trying to remove only four is a very reasonable request and so we would

request that you vote to approve the proposed removal. Understanding that if any of the other trees are damaged -- we will do our best for that not to happen and we will do our best to mitigate those and replace any that are.

I'm happy to answer any questions that any commission members may have. And I have Mr. Williams present to answer anything if you would like to hear from the developer himself.

CHAIRMAN WASHER:

All right. Any questions, members of the Commission? None. Very good. Thank you.

MR. SCHWARTZ:

Thank you, Mr. Washer.

CHAIRMAN WASHER:

Mr. Williams, anything you want to say at this point?

MR. WILLIAMS:

No. I think they pretty well covered it all. I met with Chris several times. And Chris happened to have COVID the last time it come up, so I had went to Chris and said, hey, we want to save the oak trees. That's key to this. It's what makes the property so pretty, so he drew it like that. And when I seen the drawing, I'm like,

wow, that street is close to that tree. And we are getting close, but we are trying to save them. A good example would be right outside your building here. There's live oaks growing right here where the curb and street -- and we've got storm drain in front of this very building.

We want to save the trees, but we are -- you know, that's why I met with Jerry. We're doing the 19. If one of them does die after that, the developer will take it out. I will take the tree out, no expense to the city. But we would like to give them, those trees, the opportunity to make it and to be part of the subdivision versus just saying, hey, let's take them out. That's our goal. I think they stated that. But any other questions, I will be glad to answer, sir.

CHAIRMAN WASHER:

For the record, your address, please, sir.

MR. WILLIAMS:

My address is 824 Wire Road East, Perkinston, Mississippi.

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? Yes, ma'am.

MS. BLUM:

Good afternoon, Commissioners. I'm Je'Nell Blum, 2909 13th Street. That's Gulfport. I'm here on behalf of David Hansen, and he resides at 12096 Shorecrest Road directly across the street from the subject property. Mr. Hansen could not be here today.

So I understand this application went from four to two and now we're back to four, but maybe 19. I did receive a copy of the current application, per a public records request, and it consisted of the owners' name and applicant's name and address. The second page of that is what you have, your tree survey, up here. It was very short and brief, that it was more removal of basically up to 19 trees.

That's all well and good that they will try to save 15 of them. Apparently, they don't have to if you approve this today. And I understand there is a maintenance bond and a

maintenance period, but after that, it's all on the city, both the expense and when you have to remove the trees because they don't survive.

I think what perhaps -- Mr. Nolan is the expert, not me, but I think maybe what the Tree Committee meant on that Recommendation Number 1 is -- it said there was 10 inches of critical root zone per one inch of diameter of the tree. And Mississippi State does say the minimum is one foot per inch, and really, it goes up -- some recommendations go up to 1.25 all the way to two and a half feet per inch in diameter. So I think that's probably what they were referring to because this is only 10 inches per one inch of diameter of the tree.

Some of these trees that are in this 15 that may have their root zone impaired, some of these are -- there is one tree that's a -- one live oak that's 40 inches in diameter. One is 50 inches in diameter. Two are nearly 60 inches in diameter. So you're talking a real big root zone when you get to that, even if you use the 10 inches as opposed to one foot. That's a big spread. And how they cannot be damaged when you're putting this kind of infrastructure in is a

real question, and that's going to be your question, one of them, you get to answer today.

Incidentally, the ages of those oak trees would be the -- the ones that's 60 inches would be about 240 years old. Not to call out my husband over here, but the age of both of us is about 121 years, so we're half the age of one of those oak trees, just to put it in perspective a little bit. We don't want those trees damaged. They have been here a lot longer than us and we need to keep them around for our children and grandchildren.

In the June 16th meeting Ms. Carroll read the report and noted that the applicant at that time had not complied with the tree permit application requirements in your land development ordinance. She referred to 23-2-4(I)(3). This section requires that an application for a tree permit shall, mandatory, include a completed application. That perhaps is not in dispute unless we get to Number 2, the drawing showing the following information to scale: A, the shape and dimensions of the lot with existing and proposed locations of all structures and improvements; B, locations, species and diameter at breast height

of all existing trees, including those proposed for removal and those that are remaining, all of the trees; D, a statement showing that the trees not removed will be protected during land clearing and construction with protective barriers to disallow excavation, stockpiling or vehicular traffic encroaching upon the root zone and that's per 23-6-4(F); statement identifying the reason for the removal of each protected tree. Excuse me. Let me go back to E, a drawing as to grade changes, if any.

Now, let's get back to G, the replacement and mitigation plan. None of those, to my knowledge, based on documents I received from the public records request, none of those were included in the application. Ms. Carroll pointed out that they weren't included the first time around. They definitely haven't been included the second time around. So these are not just my allegations. These are Ms. Carroll's and the Tree Committee's notes also that the ordinance just hasn't been complied with.

I would submit that approving this, whether you ultimately approve four trees, 19 trees, however many trees, these are your

ordinances, and the applicant has wholly failed to comply with them, and to approve them in the face of that failure would be arbitrary. It would be capricious, and it's just a violation of your own ordinance. Whatever you ultimately choose, it should be based on the applicant following your rules.

I would also point out that the trees that we're discussing right now are only in the infrastructure, and this was pointed out by some of you actually also at the June 16th meeting. There are -- undoubtedly, when you look at the trees -- and you can see them very good right here -- other trees are going to have to be removed. These are just the ones that are in the infrastructure.

I understand the developer is saying, oh, we don't want to remove any trees. They are going to have to when those homeowners start putting in homes. They're going to come back to you and they're going to say we can't build our home on this lot because of the trees. In fact, back to the Tree Committee's report from the June 16th meeting, they recommended that eight of those 52 lots be declared undevelopable because of

the number of protected trees on those lots.

Once you have a landowner coming in to build a house, they're not going to be subject to the mitigation rules that the developers have. So not only are they going to come in and these trees will be removed, but they're not going to be replaced under a mitigation plan because at that point it's going to be a landowner coming in to ask for removal to build -- removal of trees to build their home.

I'm not quite so sure I'm even convinced -- and y'all are experts on your ordinance better than I am -- but there were comments last time that if the developer wants to remove trees, he's got to come back to you and get permission. I'm not entirely sure that's even the case based on my reading your ordinance. Perhaps it's wrong. But under the instances where a tree permit is required, your land development ordinance states, in part, No removal of existing trees on a parcel of land or development site shall occur before approval of a tree permit unless in accordance with the unexpired approval of a site plan or a preliminary plat.

So to me, that says once the preliminary

plat or site plan is approved, they don't have to come back. Perhaps that's not the way it's actually done, but that's my reading of it and I would ask for you to consider that because this committee already recommended approval of the preliminary plat. It's got to go, of course, to City Council first. But I think that's a big concern, and I would just submit that that question should be answered first. Will they really have to come back or can they just go do whatever they want after the approval of that preliminary plat.

Based on everything that was presented at the June 16th meeting and today, we would ask that you deny this permit at least until they have complied with the requirements of your ordinances. And I would also just like to ask that all the documents and the evidence that was submitted at the June 16th hearing be included with this record since this is a continuation hearing. Thank you very much.

CHAIRMAN WASHER:

Mr. Creel, you want to address the preliminary plat that was previously recommended?

MR. CREEL:

Yes. As you'll recall, the subdivision plat was actually approved, but it has not gone to the City Council because it was agreed that that preliminary plat approval would be held up until the results of this tree case that was continued from June 16th.

The questions on June 16th had to do with whether or not our ad was correct. We had advertised that four trees would be removed. That gave us an opportunity to come back and meet with the developer and his designer to determine whether or not we were going to have to readvertise. And after that meeting, it was determined only four trees are actually going to be removed.

Now, the developer could have come in and asked to remove 19 trees in the beginning, but he is trying to actually save 15 of those trees that are out there. Only four of them are going to be removed. They're trying to save 15. He agreed that during the construction -- and this is what he had talked with us about during the meeting, that it's one thing to show where your curb and gutter are going to be on a drawing, but when you actually get out in the field and you

start to look at the location of those trees, that the curb and gutter could possibly be adjusted around to reduce potential damage to those root systems. We just won't know until they actually get out there and survey exactly where everything is going to go.

The owner/developer has also agreed to mitigate any trees that are damaged. And although subdivisions are exempt from the mitigation requirements, you could make that a part of your approval of this tree case that's before you today. That's where we are on that.

CHAIRMAN WASHER:

All right. Anyone else in the audience want to speak in opposition? Anyone else in opposition? Any other questions? None.

MR. DELLENGER:

I have a question of Mr. Nolan. It looks like, counting, there are 15 live oaks that run right -- looks like on the top of Shorecrest Road from this drawing. Are those trees thriving because surely those were there before Shorecrest Road was put in and they look like they're dead on top of the road just like these others may be close to the road that they're proposing.

MR. NOLAN:

You talking about this group here?

MR. DELLENGER:

Yeah, that whole group. That's 15 live oaks.

MR. NOLAN:

Truthfully, I didn't look at them because they're so far back on the property line. They are right in between the property and the street. Nothing is ever going to really happen there, except for -- they're not going to cut them down for the houses and basically the developer will just put a fence up and move on, so, no, I didn't look.

MR. DELLENGER:

But, I mean, in looking at the location of where those are compared to location of some of the proposed ones that they're talking about saving, I mean -- in proposal of --

MR. NOLAN:

They're fairly small. You know, they're in the 15-inch range, and they probably have been there -- they probably grew up as volunteers there along the edge of the ditch or something like that because we do have a bunch of that along fence

rows and that kind of thing.
CHAIRMAN WASHER:
I think what he's trying to say is they appear to be healthy and the road isn't interfering with them too much.
MR. NOLAN:
Well, it's a wide road with a ditch and so if you're on the other side of the ditch from the road, you don't get a lot of impact from the road.
MR. CREEL:
They also don't appear to be within the building footprint, the setback area for the house that would be built there.
MR. NOLAN:
No. They're going to be in the setback of the rear fences, so it won't be any problem.
MR. CARRON:
Eric, are they past the -- I can't remember exactly the name of what it is, but from the center line of the road, 25 feet out on each side belongs to the city, correct?
MR. NOLAN:
I think they may be on city property. Some may be on city property, but that's usually

not a big concern whether it's in the right-of-way or easement unless we're going to be going in there and doing some major utility project. And I think the water and sewer is already in there, so that shouldn't be a big concern for this subdivision.
CHAIRMAN WASHER:
Okay. Any other questions?
MR. DELAHOUSEY:
I have -- Mr. Nolan, based on the revised application that we have before us now, are you satisfied that this application is appropriate?
MR. NOLAN:
The developer has made a good effort. It's a different way of dealing, you know, trying to keep trees on the front end with the option to take them out if you run into trouble on the backside. Live oaks can be kind of challenging at times. You may get into it and not really do much damage to it and the tree may be fine; or a tree you think may be healthy, when you get in there with a track hoe and start going, you may get all up into it and cause some problems. So giving the developer that kind of flexibility and wanting to

do the mitigation, I think it's a good plan.
MR. DELAHOUSEY:
Thank you.
CHAIRMAN WASHER:
And it will be done with your oversight?
MR. NOLAN:
Oh, yes. I mean, I am sure if Greg runs into trouble, he's going to be calling me.
CHAIRMAN WASHER:
All right. Thank you.
Mr. Schwartz, any closing comments?
MR. SCHWARTZ:
Just a few. I would note that Counsel opposite, of course, makes a nice presentation. But I'd remind this board, if you don't remember from the first hearing, the client she represents tried to buy the property that Mr. Williams now owns, and he isn't happy because he didn't buy the property. And now he wants to do what a lot of people want to do, control what they don't own, so that's why they're here objecting today. They objected to the subdivision application also because he couldn't buy the property. So, although I'm sure her comments are genuine, I think the motive behind the comments is readily

apparent.
As far as the statements that the ordinance was not complied with, we have done everything by the ordinance. Again, I think we've tried to be very accommodating. And our goal is to keep trees, not to hurt trees, and that's an unusual stance for a developer. And frankly, I think what Mr. Williams is doing is something that should be applauded by the city because most people are just trying to cut trees because it's faster and easier and they can move on. And he's trying to do the opposite and spend more to go around them. So respectfully, we ask for your approval today. Thank you.
CHAIRMAN WASHER:
All right. We will consider that hearing closed. Mr. Creel.
MR. CREEL:
You've heard the presentation of the city arborist. You've heard the presentation of the applicant and the owner and their willingness to mitigate any trees that don't survive. So with that, the staff would recommend approval.
CHAIRMAN WASHER:
Thank you.

MR. PARKER:
So moved.
CHAIRMAN WASHER:
Motion by Mr. Parker recommended approval.
MR. DELAHOUSEY:
I second it.
CHAIRMAN WASHER:
Seconded by Mr. Delahousey.
Any questions?
MR. DELLENGER:
Yes. Is the motion and second for mitigation if anything were to happen to any of these 15 trees while under construction?
CHAIRMAN WASHER:
I think the applicant said he would do it, but if you want to get it on the record and make it part of the motion, we can do so.
MR. SCHWARTZ:
We have no objection to that being a part of the motion. We're going to do what we promised you we would do, so a stipulation, there is not an objection.
CHAIRMAN WASHER:
Mr. Parker is fine with that.

Mr. Delahousey, you're fine?
MR. DELAHOUSEY:
Correct.
CHAIRMAN WASHER:
So there's a motion and second on the floor recommending approval with the contingency that should any of the 15 trees that they don't think will have to be removed, if they're removed, then we'll mitigate those also according to the ordinance.
We'd ask that all those in favor of approval raise your hand. Mr. Lechner, Mr. Todaro, Mr. Parker, Ms. Thompson, Mr. Stanovich, Mr. Poulos, Mr. Dellenger, Mr. Carron, Mr. King, Mr. Snow; Mr. Delahousey; myself, David Washer. We'll let the record show that's unanimous.
New public hearing today, Case Number 22-062-PC, Darrell Meyer and Kelly R. Meyer, Terrence M. Young, Shonlada Young, and Marques Thomas on behalf of United Majestic RV Resorts, LLC owners, and Tanya Darrow, applicant. This is to consider an application for zoning map amendment to authorize the change in zoning district classification for several parcels of

land measuring 3.9 acres, more or less, from the present zoning district classification of RS-10, low-density single-family residential, to RM-30, high-density multifamily for parcels presently identified as 131, 139 Brady Drive and 15 unaddressed parcels fronting Brady Drive. This case was advertised on July 14th, 21st and 28th.
View the video on that, Mr. Nolan, please, sir.
MR. NOLAN:
Yes, sir. Brady Drive going to the east, looking south, back to the west. This is the subject property, the RM-30 in the back. All right.
CHAIRMAN WASHER:
Okay. Is the applicant or their representative here? Yes, ma'am.
MS. DARROW:
How are y'all? I'm Tonya Darrow. Good to see y'all.
CHAIRMAN WASHER:
Address, please?
MS. DARROW:
It's 4125 Silverwood Drive, Ocean Springs.

So yes, we're the second blue dot there on the left, I believe. Right there under the R. So we're applying to have that particular black shaded area rezoned to RM-30. I mean, we have CB on one side, CB below us, RM-30, CB. So we're asking to do RM-30 so we would have the right to apply for conditional use for short-term and stuff.
And then I do have other investors that are interested in building in that area, but they want to be able to have the ability for a higher resale value that -- you know, having an investment property or something in a zone where you could do something other than short -- you know, single-family residential, they would have a higher resale value if they decided not to live there. So most of that is just land. There's one house on that area.
And then if you go down the road there, there is a gas station and then there is the beach. So we're the only house till you get to the gas station and then the beach. So we're asking for a rezoning because my client in particular would like to use the house as a short-term rental. They bought the house a few

months ago for a pretty large sum of money. They put a lot of money into that house making it look nice, repairing it, bringing it up to code, making sure, you know, that -- I mean, really it was an eyesore to the neighborhood before my client bought it. Now, it's this big, beautiful beach house with a pool and everything, so, you know, they would really like to be able to do something with it, seeing that they don't live here -- they live up north -- so they can supplement the income, you know, and the cost of the house with the income from the short-term rental.

Yep.

MR. STANOVICH:

Does your client own all those parcels?

MS. DARROW:

No. My client in particular owns the Brady house at 139. Now, I did talk to Marques Thomas who owns Majestic RV and then also to Mr. Terry. He owns the two parcels right next to us, which are also for sale that I have a client that's considering buying and building a house there. So we asked them to come in with us because they were in favor of the zoning change, particularly Terry, because he's selling his. And

then, of course, Marques is a businessman here in the city, so he was, you know, open to the idea as well.

MR. STANOVICH:

So how many of these owners are part of this application?

MS. DARROW:

Well, three owners, but there is all those parcels. Majestic owns most of them.

MR. STANOVICH:

But do they own all of them?

MS. DARROW:

All the ones that were in the black shaded area, yeah. We had those on that application. They should be.

MR. STANOVICH:

But are the owners signed -- are they part of this application?

MS. DARROW:

Yes. Everyone is on there. All those parcel numbers on there, the owners signed off on, and so they are a part of the application.

MR. STANOVICH:

When you say "signed off," what do you mean by signed off?

MS. DARROW:

They made a notary on the form. There is a lot of forms there. We do have notarized signatures for the other two owners that are involved with this, and then all the parcel numbers listed are a part of the application as well.

MR. CARRON:

All 17 lot owners have signed something saying they're for this?

MS. DARROW:

Well, there's three owners that own all those lots in those two areas.

MR. CARRON:

Three owners own all 17 lots?

MS. DARROW:

Right. So 139 Brady is owned by Darrell and Kerry and then Terry owns the two lots next to it and then the other ones are owned by Majestic Oaks, which everything is listed on that application.

MR. STANOVICH:

I see one, two, three, four, five applicants. How many of these lots do the five applicants own?

MS. DARROW:

All the ones that are listed. I think it's 15 or 16 lots there. Whatever is listed on there, they own -- everybody that's on the application, they own the specific lots that's in the shaded areas. Now, one of them I did put on there -- I don't know if it made it on the application, but he owns the one that's already RM-30, Majestic Oaks, so he already has that particular lot zoned in that -- in the way that we're asking. So I had put that on there so you could see that, you know, we're trying to bring that whole area into one zone and that it wouldn't be out of, you know --

MR. CARRON:

Another question. Did y'all consider going to a lower zone instead of RM-30, possibly RM-20?

MS. DARROW:

Would that still give us the right to apply for a conditional use for the short-term?

MR. CARRON:

Yes, it would.

MS. DARROW:

I mean, that would be fine. I mean, the

ultimate goal of my client specifically on 139 Brady is they want to use their home on a short-term rental. So if that means, you know, a lower zoning, we would be open to that. We just want to be able to have the ability to do something other than the single-family residential or renting it out long term.

MR. CREEL:

Well, one of the reasons for the request for RM-30 is because you already have RM-30 there next door.

MS. DARROW:

Correct. That's what I had originally --

MR. CREEL:

It's a continuation of a zone that already exists. And if you look at the map, you'll see that their RM-30 request, if you're going north, does not extend to where the existing RM-30 already goes, so they're not asking to encroach beyond what's already there. So it's always best if you have got an existing zoning to request something that's a continuation of that, rather than go with a different zoning.

MS. DARROW:

Uh-huh.

CHAIRMAN WASHER:

Any other questions?

MR. CARRON:

The other concern is that on the western side there, that all backs up to Beauvoir and I'm just kind of concerned about what could go in next to Beauvoir. Right now it appears that Beauvoir has heavy woods kind of isolating them away from that area.

MS. DARROW:

Yes. There's all -- I mean, you can't really see past it. It's all, you know, wooded back there. You can't really see anything through there. So, I mean, I really feel, you know, it would be protected because we don't -- you know, with all of that.

MR. CARRON:

And that's all I'm alluding to, is on the western side, RM-30, they could put an apartment complex right next to Beauvoir.

MR. CREEL:

Well, they can do that with either RM-20, which is the only other multifamily zone that allows short-term rental, so you're talking

about the difference between 20 units per acre and 30 units per acre. But also any development that comes in on at that west side is going to have to go before AHRC for approval because it's within of so many feet of the landmark, which is Beauvoir. Thank you.

CHAIRMAN WASHER:

Anything else, Ms. Darrow?

MS. DARROW:

No. I think that's all.

CHAIRMAN WASHER:

All right. Thank you.

We will ask if there is anyone in the audience that wants to speak in favor of the applicant's request?

MR. THOMAS:

Yes, I'm Marques Thomas. 1750 Pass Road, Biloxi.

How is everybody today? I represent the landowners and we own the property, I guess, to the east side. We're already zoned -- six of our lots are RM-30 and two of them are already CB. We own the 30-acre tract which is attached to that, which is zoned CB.

We're in favor of it. As y'all can see,

it's pretty much CB all the way around the property and RM-10 and RM-30 per acre. So it's just -- there's a hotel site behind the gas station. And I think that's been purchased, to my knowledge. I don't know what they're doing. We tried to buy it. I think it would be a benefit for that area right there.

CHAIRMAN WASHER:

Thank you, Mr. Thomas.

MR. THOMAS:

Thank you.

MR. STANOVICH:

So you're the Majestic RV Park?

MR. THOMAS:

Yes, sir.

MR. STANOVICH:

So how many of those lots do y'all own?

MR. THOMAS:

We own eight lots, plus 30 acres.

MR. STANOVICH:

But, I mean, you own eight of the 17 they're wanting to rezone?

MR. THOMAS:

Yes.

MR. STANOVICH:

Okay.
CHAIRMAN WASHER:
Anyone else to speak in favor?
MR. YOUNG:
My name is Terrence Young. I own the two properties south of the subject properties there.
I really don't have any objection to a bed and breakfast next door.
As far as the RM, there was some questions on RS-20, RS-30. Really, that area is all velocity zoned, so I don't think you need to worry about anybody putting up an apartment complex there. They would be unable to insure it.
I do have one question. My wife and I are trying to sell the two lots we have and they're residential. If I advertise that as it could be bed and breakfast or residential, will that be misleading to somebody who buys them?
MR. CREEL:
It would be right now, because, first of all, the zoning hasn't been changed. And second of all, the RM-20 and RM-30 require a conditional use, and we don't have an application for a conditional use yet. So today, the only thing on

the table is the rezoning, and then the applicant would have to come back to the Planning Commission and to the City Council to ask for a conditional use approval for the short-term rental.
MR. YOUNG:
Okay. My wife and I have no objection to short-term rental, then.
CHAIRMAN WASHER:
Thank you. Anyone else to speak in favor? No one else speaking in favor.
Anyone to speak in opposition? No one speaking in opposition.
MR. BAKER:
My name is Larry Baker. I reside at 172 Brady Drive.
And my only opposition to this whole thing is the traffic at the corner of Beach Boulevard is almost -- it's really hazardous right now, even at just rush hour. I'm not talking about Scrapin' or Cruisin' the Coast, even, but the people coming out of that gas station have absolutely no clue that there is a road with people who live on it. And they tend to pull out partway and it's tough even to try to get across if you're making a left-hand turn. You don't know

what people are going to do when they pull out and all this. I would say that before we approve or add more traffic to that road that that corner is going to have to be improved. We need a right turn lane.
The drainage is absolutely horrendous. There is a great big -- pretty much a lake that forms there every time it rains and there's sand built up there that no one wants to take responsibility for. I've called the city a number of times. And I have called MDOT; they don't want to touch it. And I think a lot of things need to be fixed up before any additional traffic is added to that street.
A lot of street lights on that end of the street are not functioning, and that would need to be addressed as well. I know you're going through a transition here to LED lights. I think if you're going to start issuing permits to build there, you're going to have to accelerate that.
But yeah, I'm more concerned about the traffic because my wife and I are out there all the time. And it just gets -- someone is going to be sitting there waiting to make a left turn across four lanes and the traffic gets backed up.

And it's just kind of -- can be a real hazardous nightmare at points.
And then the delivery trucks at that gas station, they sit right there too and that's -- I mean, they're, like, just, you know, two feet beyond the driveway of the gas station. And they can be backed up and it gets to be an obstacle course at times. So I think you have to look at something, either a light there or -- ultimately maybe. I don't know, but at least a right turn lane to get some flow to the traffic that sits there.
CHAIRMAN WASHER:
Is there adequate land in front of the gas station on that corner to put in a right turn lane?
MR. BAKER:
You would have to go into the existing corner across from the gas station and it would have to be on the other side, a right turn lane.
CHAIRMAN WASHER:
And so you're not talking about getting off Highway 90 onto Brady. You're talking about getting out of Brady?
MR. BAKER:

Yes.
MR. CARRON:
There is a turning lane existing there now in front of the gas station.
MS. BAKER:
You're talking about the wrong area. We're talking about getting out of Brady and onto 90 because there's sand buildup and the land is sloping there. There is almost a half of a lane gone and because of that, then the people in the gas station, when they come out, are sitting in the middle of the road and as a result, you can't make it left off of 90, so you're sitting there sometimes and they just use it as an extension of Brady.
MR. BAKER:
Yeah. This entrance to the gas station is only about a car length or two off, so what happens is you get to two cars to either turn right or left and they come out and they just sit there partway. They have no clue, no respect that there might be a street, you might want to get through.
And then right past the driveway is where all the delivery trucks sit and semis and

stuff, and it gets difficult to maneuver this to get through. You can't see past them at something that might be coming. And then it gets tied up here. You'd actually have to take a piece of this land and actually make a right turn lane.
CHAIRMAN WASHER:
Out of the old Denny's property?
MR. BAKER:
Old Denny's property.
MR. YOUNG:
And they don't keep it clean either. There's always sand in the road there a foot deep.
MS. BAKER:
At least.
MR. DELAHOUSEY:
Mr. Creel, I have a question. If a median there -- if that were going westbound, if that were made a right turn only, does the city control that or MDOT?
MR. CREEL:
No, all of that is MDOT.
MR DELAHOUSEY:
MDOT.
MR. CREEL:
Of course, nothing has been presented to

be built here on the property yet. We're just talking about the zoning change now, so we've got several steps. But we could approach MDOT about softening that area there to maybe have a merge lane that goes in it. We don't have any control over MDOT, but we can certainly relay the concerns here today to them because it is a problem.
MR. DELAHOUSEY:
Do you think that would help any with the traffic there, the solution that Mr. Creel just brought up, making a proposal to MDOT, approving that intersection.
MS. BAKER:
Yes.
MR. BAKER:
I don't hear very well. Forgive me.
MR. CARRON:
I know exactly what they're talking about because I went there the other day to look at that. And when I made the right turn onto Brady, there was a delivery truck there. So I had to park behind the delivery truck, which was hard to see if I could even go around them.
What they really need there is -- eventually if this is developed, is a red light.

They need a red light because you're not going to be able to control it. It's dangerous if you want to make a right on 90 because that's such a narrow intersection.
MS. BAKER:
And the people coming out of the gas station have no idea. And when they pull out on 90 to go eastbound, so they're crossing that median, sometimes they just sit there and as a result, you can't -- you know, you're stuck. There have been so many near accidents there I can't tell you, you know.
But I know this morning pulling out, I had a problem, too, because I was going across the median to turn left. No big deal. The traffic wasn't bad. Somebody from the gas station pulls up in front of me and sits there and they're waiting to turn right. Well, they couldn't turn right because there was a car parked there, sitting there.
MR. CREEL:
So a suggestion would be, too, that that opening in the median needs to be closed and that anyone coming out of Brady would have to turn right and not be able to come out. I have seen

that happen as well.
MR. BAKER:
Well, then we would have to go all the way around somewhere else to get back in our road.
CHAIRMAN WASHER:
Everything is no u-turn.
MS. BAKER:
So that's part of the problem.
CHAIRMAN WASHER:
Give us your name and address, please.
MS. BAKER:
I'm Mary Baker. I live at 172 Brady Drive.
MR. BAKER:
This is my wife.
MS. BAKER:
But you have to go, then, all the way back to Treasure Bay in order to turn around.
MR. BAKER:
Because we had to do that during Scrapin' and Cruisin' because they close off all the left turn lanes, which is understandable, and that's fine. But to do that on a regular basis would be --
MS. BAKER:

I wouldn't have bought the house.
MR. DELAHOUSEY:
I agree that this intersection and this corner and all that, especially with the gas station there, it's a problem. I mean, it's getting in and out of there. And you're not going to stop delivery trucks from stopping at Circle K every day or every other day that they fill up their stuff.
But I guess my issue is, with it being a problem regardless, I don't know how it has anything to do with what we're looking at or talking about today because somebody could build 15 houses there that have five cars at each house and it's no different than somebody putting in an Airbnb that may have two cars there a week or 10 cars there a week. I mean, I guess you can build 15 single-family residences where everybody in the family has a car and you have got the same problem.
MS. BAKER:
And you're correct in that. What we're saying, though, is there is an infrastructure problem here at this intersection.
MR. DELLENGER:

I agree 100 percent.
MS. BAKER:
And now to go ahead -- multifamily homes that would be in that area, there is a huge issue as far as traffic and water that has not been addressed. And I know that we're on the drainage problem with the sewers and all that, the three-year plan. But if you're going to put in more housing through there, somehow those two projects need to be connected so that we're not redoing our street only to have it torn up again to redo it when that project comes through because there is no other way for us to get out.
During Hurricane Katrina, I understood they opened Fox's for us to get out that way, but there is no other way. So you're trapping all the families who live on that if that intersection goes away because they have got Sadler Road blocked off now with chains because of the problems that they didn't want people parking on Majestic lots and going through, which is great. I love it for a safety problem, but now we have no place to go. And so it becomes an issue for us, and just adding more people is a slight effect. But the intersection there needs to be looked at

when we consider adding more people to our neighborhood.
MR. CREEL:
So closing the curb cut is not an issue. We need to be maybe looking at a traffic signal there.
MS. BAKER:
Traffic signal or curb or something to make it safer. Thank you.
MR. BAKER:
Thank you, gentlemen.
CHAIRMAN WASHER:
We'll get a traffic signal when Music City comes.
Anybody else to speak in opposition?
MR. COFIELD:
My name is Thomas Cofield. I lived on Brady Drive for 30 years.
And Cruisin' the Coast, Scrapin' the Coast, Black Spring Break, I mean, we're dead. We can't go anywhere. And the RV park, can you imagine after spring break hundreds of RVs trying to get out of there? How the hell would they get out? It's impossible. You've got to do something with Sadler Road. Make that -- put the traffic

light right there. Make Sadler Road their exit and entrance. It's the worst, I'm telling you. Can't get in and can't get out. Now they want more people on the street. I don't know. Not me. Thank you.

CHAIRMAN WASHER:

Thank you.

MR. CARRON:

Jerry, does the city still own Sadler Road or is that a private road?

MR. CREEL:

No.

MR. NOLAN:

No. Sadler Beach Road is a private drive now. It was Housing Authority property and then it got sold to, I think, Marques.

CHAIRMAN WASHER:

Any other comments in opposition? No other comments in opposition.

Ms. Darrow, anything else you want to add?

MS. DARROW:

Yes.

CHAIRMAN WASHER:

Make it short.

MS. DARROW:

Okay. So I understand their concerns with the road. I really do think there is a huge problem because every time you drive through there it's like a lake. But this house is already there and whether someone is using it as an Airbnb or if you have a family living there with 16 people, whatever the case may be, you're going to have somebody living there, whether it's a long-term, medium-term, short-term, so there are going to be cars there regardless.

So I think that their main issue is the beginning of the road, but not really the fact that I want to use this as a short-term rental and that there is going to be people there, so that was it. Thank you.

CHAIRMAN WASHER:

We will consider that hearing closed.

Mr. Creel.

MR. CREEL:

The case before you is an application to change 17 properties that are currently zoned RS-10 to RM-30. In looking at the property and looking at the surrounding properties, these properties are surrounded on the west and south by

CB already, which is one of our most intensive zones already, and it's already RM-30 on the east side.

The request is that -- this is just a textbook case of what we call transitional zoning where you have a heavy commercial zone district and then you would transition to the multifamily before you got to the single family. They're not asking to go as far north as the RM-30 that already exists. So based on this, the staff would recommend approval. And any application for a conditional use for short-term rental would have to be applied for separately.

MR. STANOVICH:

RM-30, this guy, he owns all these lots right here? He's already left. The Majestic gentleman, right?

MR. CREEL:

Right.

MR. STANOVICH:

Are we looking at -- this lady is talking about short-term rentals, but is this guy talking about making it into an RV park?

MR. CREEL:

No.

MR. STANOVICH:

But could he?

MR. CREEL:

Not in an RM-30, no. He would have to come in for a zoning change in order to do that.

MR. STANOVICH:

Could he put apartments in here?

MR. CREEL:

RM-30, yeah, he can put apartments in there.

MR. STANOVICH:

So we would have half of a street with possible apartments and the other half across the street with whatever, single family?

MR. CREEL:

That's a possibility, yes.

MR. STANOVICH:

Is that the route --

MR. CREEL:

Well, I actually had a conversation with Marques this morning, and I actually think what they're doing is waiting to see what's going to happen with the Universal Music project before they make any decision about what to do on their project, which I think is a smart move on his

part.
MR. STANOVICH:
And I'm still a little unclear, even after this nice lady tried to explain it to me, but I'm kind of dense. Are all these property owners an applicant of -- or applicants on this, or is somebody getting their property zoned and they may be unaware of it?
MR. CREEL:
It was over 50 percent of the owners.
MS. LENA:
Marques actually made up over 50 percent and then her client and the owners south of them and one north.
MR. STANOVICH:
We don't have 100 percent saying --
MS. LENA:
We have about 80 percent of those 17 lots.
MR. STANOVICH:
I'm not sure we want to go that route.
CHAIRMAN WASHER:
Ordinance allows for it.
MR. CREEL:
And we have done it many times before.

CHAIRMAN WASHER:
All right.
MR. PARKER:
Recommend approval.
MR. LECHNER:
Second.
CHAIRMAN WASHER:
Motion by Mr. Parker recommending approval; seconded by Lechner.
Any other discussion on that?
MR. CARRON:
Yes. Is there any way we could just add something to their motion that somebody could look into some form of a traffic study there?
MR. CREEL:
I have written all that down as they were making the comments. And typically what we do is if there is a development project -- we'll go ahead and approach MDOT about that. But typically if there is a development project going on, that's when these things seem to get serious attention, you know, so we'll work on that.
MR. CARRON:
And I agree with Charlie, you know. This is a problem whether there's something

developed or not.
MR. CREEL:
That's correct.
MR. DELLENGER:
Whether one house or zero houses goes up there now, it's still a problem.
MR. CARRON:
Right.
MR. NOLAN:
I did notice the contractor started staging stuff on the Broadwater property and they were actually using --
MR. DELLENGER:
I noticed a lot of silt fences.
MR. NOLAN:
I think they're getting ready to do some drainage work down there.
MR. CREEL:
That's what it is. That's utility work. That's why the silt fences are so close together.
CHAIRMAN WASHER:
Any other discussion? None.
Got a motion and second on the floor.
All those in favor, raise your hand.
Mr. Lechner, Mr. Todaro, Mr. Parker, Ms. Thompson,

Mr. Poulos, Mr. Dellenger, Mr. Carron, Mr. King, Mr. Snow; Mr. Delahousey; myself, David Washer.
Any opposed? Mr. Stanovich opposed.
Motion carries.
No tree hearings today.
City Council action, any updates on that, Mr. Creel?
MR. CREEL:
I do. At this past City Council meeting, the Planning Commission's recommended approval as far as the modifications to the Land Development Ordinance addressing solar panels was approved.
Also, there was a lot splitting that was approved. I don't think that came to the Planning Commission. No.
Those were the two actions by the council this week.
CHAIRMAN WASHER:
Thank you. Any old business today?
MR. CARRON:
Yes. Jerry, do we have an update on what we discussed about the short-term rentals having two means of ingress and egress on them?
MR. CREEL:

Well, we're working on that. That's the next thing. We just finished up the text changes for the Commerce Park, which is something that the Council had asked us to do. And the next thing that we'll work on is the two ingresses and egresses for elevated short-term rentals.

MR. CARRON:

Thank you.

CHAIRMAN WASHER:

Any new business to come before us today?

Any citizens' comments? Anyone want to speak? No comments.

Just a reminder, our next meeting will be here on Thursday, August 18th at 2:00. If there is no other business to come before us today, Planning Commission stands adjourned.

(Adjourned at 3:07 p.m.)

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