Ordinance No. 2492

ORDINANCE TO AMEND THE BILOXI LAND DEVELOPMENT ORDINANCE, SPECIFICALLY THE ADDITION OF SECTION 23-3-5(C)(6)g WHICH ADDRESSES A NEW OVERLAY DISTRICT TO BE KNOWN AS BILOXI COMMERCE PARK CRO DISTRICT

WHEREAS, on Thursday, August 18, 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. 22-063-PC, City of Biloxi, with respect to a proposed Text Amendment and Map Amendment to the Biloxi Land Development Ordinance; and

WHEREAS, the Planning Commission members were apprised of the particulars of this case, being made cognizant of the fact that the Administration has proposed the Text Amendment to the Biloxi Land Development Ordinance, as addressed within Case No. 22-063-PC, City of Biloxi; and

WHEREAS, it is the intent of this Text Amendment to add Section 23-3-5(C)(6)g – Biloxi Commerce Park CRO District, as follows:

g. Biloxi Commerce Park CRO District

1. Purpose

The Biloxi Commerce Park CRO District is hereby established to encourage the Redevelopment and revitalization of those properties situated upon Tommy Munro Drive, and the western one-thousand and five-hundred eighty-eight (1,588) feet of Medical Park Drive. The Biloxi Commerce Park CRO District is bound on the North by Interstate 10, South by Popp's Ferry Road, East by Iron Horse Drive, and to the West by Ellzey Drive.

2. Applicability and Design Review Procedure

The standards, guidelines and procedures herein provided, shall serve as amendments to the City of Biloxi's Code of Ordinances, Land Development Ordinance, and Design Review Guidelines. In the case of conflict between Biloxi Commerce Park CRO District standards, guidelines and procedures and any other standards, guidelines and procedures of the City of Biloxi's Code of Ordinances, Land Development Ordinance, and Design

Review Guidelines – the Biloxi Commerce Park CRO District standards, guidelines, and procedures shall control.

Applicants for building permits shall submit all applications and plans to the Director of Community Development, who shall initiate the review process with the Biloxi Commerce Park Design Review Committee, provided in Chapter 3 of the City of Biloxi's Design Review Guidelines (Updated 2010).

3. Standards

(A) Primary Intended Uses - All sites in the Biloxi Commerce Park, shall be used for the following purposes:

(a) Medical Office or Clinic
(b) Professional Office
(c) Educational
(d) Research
(e) Distribution
(f) Light manufacturing/assembly
(g) Warehouse
(h) Commercial support facilities incidental to the specific permitted uses enumerated in this paragraph.

A. Land

1. All buildings must be set back a minimum of forty-five (45) feet from the right-of-way line of any street dedicated for public use.
2. An area not less than twenty (20) percent of the lot area (exclusive of street right-of-way and storage areas) shall be designated and suitably prepared for lawn and landscaping. A minimum of fifty (50) percent of this lawn and landscaping area shall be provided between the front building line and the abutting street and shall be visible from the street.

3 All utility service lines shall be underground from the point of service at the lot line to the building.
4. No lot shall be used in whole or in part for the storage of rubbish or other waste of any character whatsoever, nor for the storage of any property or purpose that will cause any lot to appear in unclean or untidy condition, or that will be obnoxious to the eye, or that would otherwise constitute either a public or private nuisance; nor shall any substance, structure or material be kept upon any lot that will emit foul or obnoxious odor.
5. Outside storage must be screened from public view.

B. Buildings

1. The front or side of all buildings facing a street; including side streets, shall be of a masonry type construction, brick facing or of another similar surface approved by the Biloxi Commerce Park Design Review Committee, and shall extend from the ground level to the underside of the mansard or roof eave.

2. The use of overhead doors on the street side of buildings shall be discouraged: however, a limited number may be approved by the Biloxi Commerce Park Design Review Committee provided that the wall containing such overhead door is recessed a minimum of twenty (20) feet behind the front or side edge of the building and such overhead doors used on the front or side of the building shall be constructed not closer than sixty-five (65) feet from the street property line surrounding the building.

C. Signs

1. Signs accessory to the principle use on the property are permitted in the Biloxi Commerce Park. No sign shall be permitted which is not accessory to the business use conducted on the property. All signs shall comply with the following standards:

(a) Building mounted business signs may be erected provided the sum area of all signs does not exceed two (2') square feet per linear foot of building frontage. The total area of business signs shall not exceed one-hundred (100) square feet. Such signs shall be attached to the principal building and shall not extend more than five (5) feet above the roofline.

(b) In addition to building signs, each separate lot may have one (1) freestanding monument name-plate sign that is accessory to the business conducted on the premises. Any freestanding monument name plate sign as permitted by this section must meet all of the following building requirements:

(1) The height shall not exceed six (6) feet.
(2) No freestanding nameplate shall be closer than five (5) feet from any abutting street right-of-way or property line.
(3) The area of the sign shall not exceed nine (9) square feet.
(4) In the event there is more than one (1) tenant in the building, each tenant is entitled to one (1) name plate sign attached to the free-standing sign; provided, however, each name plate sign shall be of uniform dimensions and lettering, and no name plate sign shall exceed nine (9) square feet in area.

(c) No sign shall be lighted by means of flashing or intermittent illumination.

D. Fences

1. Fences shall be of chain link or better construction, (i.e. masonry or wooden), and shall not be erected closer to the street than the front building line.

E. Parking

1. All driveways and parking areas, on any lot, shall be paved with either concrete or asphalt of a quality suitable for the intended traffic. Entrances from public roads shall be provided with radii for the intended traffic.

2. Off-street paved parking spaces, at least nine (9) feet wide and nineteen (I9) feet long exclusive of access or maneuvering area, ramps and other appurtenances, shall be located off the street right-of-way as follows:

One (1) space for each two hundred (200) square feet of gross office area. There shall be, without exception, a minimum of one (1) space for every two (2) employees occupying the premises. On-street parking is prohibited.

3. Specific development standards not addressed under these Overlay Design Standards, shall comply with the Development Standards of Article 23-6 of the current City of Biloxi Land.

The City Council may approve additional design standards addressing aspects of development not listed above. The City Council may also prohibit Use Types within a CRO District.

WHEREAS, on August 18, 2022, the Biloxi Planning Commission, after some discussion, voted (9-0) to recommend approval of the proposed changes to the City of Biloxi Land Development Ordinance, as offered; and

WHEREAS, the Biloxi City Council, upon careful consideration of all facts presented, hereby adopts the report and findings of the Biloxi Planning Commission, and in so doing, determines that approval of this Text Amendment and Map Amendment, to authorize the Biloxi Commerce Park CRO District to include those properties fronting upon Tommy Munro Drive, and

the western one-thousand and five-hundred eighty-eight (1,588) feet of Medical Park Drive, as presented, is appropriate.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILOXI, MISSISSIPPI, THAT AS PER THE FINDINGS OF THE PLANNING COMMISSION, AND BASED UPON SAID DETERMINATIONS, THAT THE FOLLOWING SHALL BE AUTHORIZED:

g. Biloxi Commerce Park CRO District

1. Purpose

The Biloxi Commerce Park CRO District is hereby established to encourage the Redevelopment and revitalization of those properties situated upon Tommy Munro Drive, and the western one-thousand and five-hundred eighty-eight (1,588) feet of Medical Park Drive. The Biloxi Commerce Park CRO District is bound on the North by Interstate 10, South by Popp's Ferry Road, East by Iron Horse Drive, and to the West by Ellzey Drive.

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Applicants for building permits shall submit all applications and plans to the Director of Community Development, who shall initiate the review process with the Biloxi Commerce Park Design Review Committee, provided in Chapter 3 of the City of Biloxi's Design Review Guidelines (Updated 2010).

3. Standards

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B. Buildings

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2. The use of overhead doors on the street side of buildings shall be discouraged: however, a limited number may be approved by the Biloxi Commerce Park Design Review Committee provided that the wall containing such overhead door is recessed a minimum of twenty (20) feet behind the front or side edge of the building and such overhead doors used on the front or side of the building shall be constructed not closer than sixty-five (65) feet from the street property line surrounding the building.

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3. Specific development standards not addressed under these Overlay Design Standards, shall comply with the Development Standards of Article 23-6 of the current City of Biloxi Land.

The City Council may approve additional design standards addressing aspects of development not listed above. The City Council may also prohibit Use Types within a CRO District.

SECTION ONE: That the boundaries of the Geographical Information System Format Zoning District Map of the City of Biloxi, Mississippi, as previously amended, are hereby authorize the Biloxi Commerce Park CRO District to include those properties fronting upon Tommy Munro Drive, and the western one-thousand and five-hundred eighty-eight (1,588) feet of Medical Park Drive

SECTION TWO: All other sections of said Section 23 of the Code of Ordinances of the City of Biloxi, Mississippi, shall remain in full force and effect.

SECTION THREE: 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 Gines Newman	Glavan Barrett	NAYS:	Deming
ABSENT:	Tisdale			

Ord. No. 2492

The President then declared the Ordinance adopted this the 13th day of September, 2022.

STATE OF MISSISSIPPI
CITY OF BILOXI
HARRISON COUNTY

ATTEST:

CLERK OF THE COUNCIL

APPROVED:

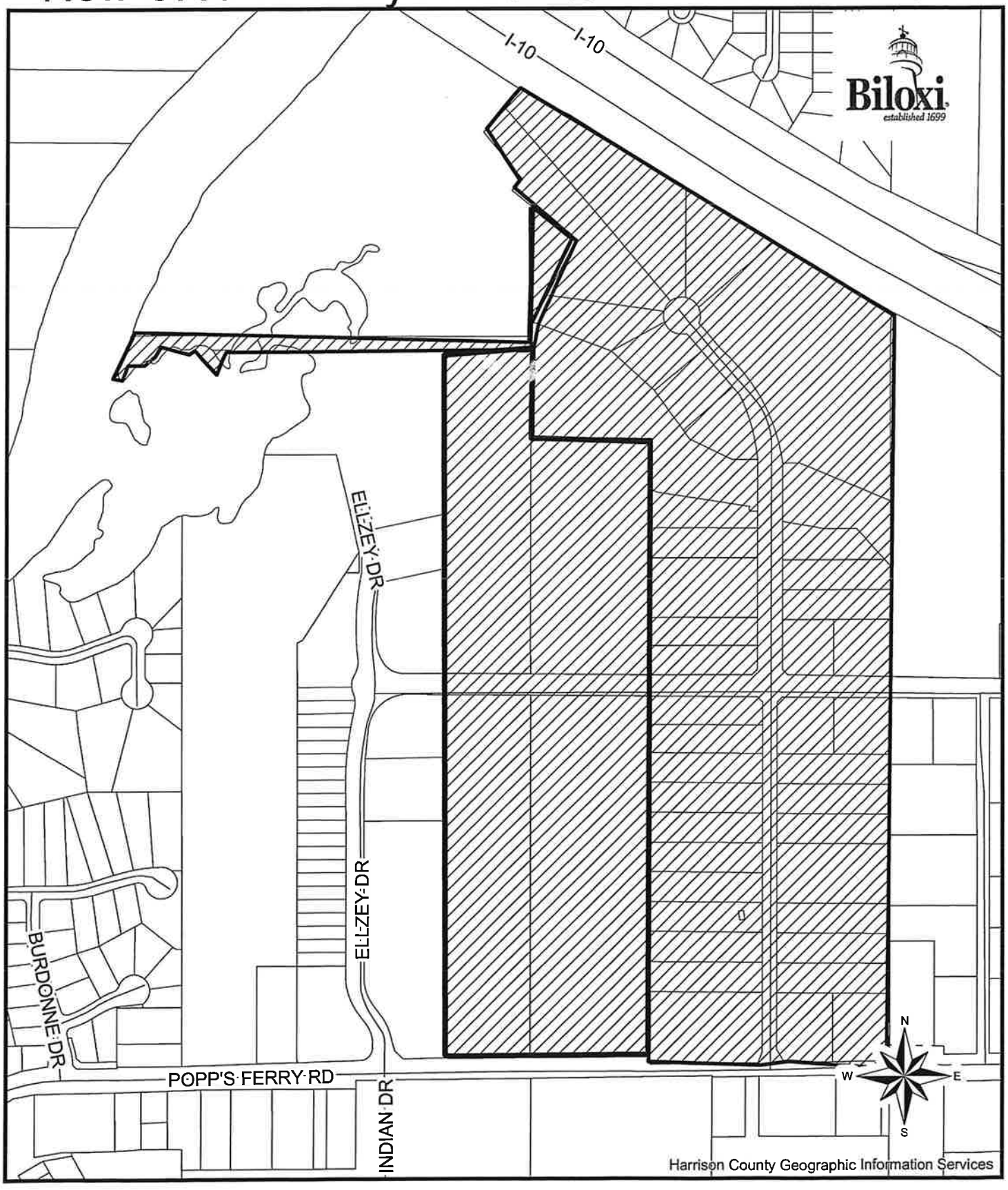
PRESIDENT OF THE COUNCIL

Submitted to and approved by the Mayor, this the 13th day of September, 2022.

APPROVED:

MAYOR

Case No. 22-063-PC
City of Biloxi
Tommy Munro & a portion of Medical Park Dr.
New CRO Overlay District-Biloxi Commerce Park



Scheduled for:
August 18. 2022
Meeting

City of Biloxi
Case No. 22-063-PC
Text Amendment to the LDO

Planning Commission
Case Fact Sheet

Case No.:	22-063-PC
Names of Applicant:	City of Biloxi
Address of Property:	N/A
Tax Parcel/Ward:	N/A
Request:	**Text Amendment** to the **Land Development Ordinance (LDO)** to establish an Overlay District zone.
Purpose of Request:	Proposal for Establishment of the **Biloxi Commerce Park CRO District.**
Size of Property:	Tommy Munro Drive, and the western one-thousand and five-hundred eighty-eight (1,588) feet of Medical Park Drive.
Present Zoning:	The section of Biloxi to be included within this Overlay District Zone are currently Zoned RB Regional Business and one parcel is AR Agricultural Restricted (which underlying zone will remain as the underlying zone)
Most Nearly Bounded By (streets):	To the West of Iron Horse Drive; to the North of Popps Ferry road; to the East of Ellzey Drive; and to the South Interstate 10.
Adverse Influences:	**N/A**
Positive Influences:	**Create a new CRO: Corridor Redevelopment Overlay District**
Comments/ Recommendations:	The section of text to be extended consideration is as follows:

Section 23-3-5(C)(6)g: Biloxi Commerce Park CRO District

g. Biloxi Commerce Park CRO District

1. **Purpose**

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2. **Applicability and Design Review Procedure**

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3. **Standards**

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3. Specific development standards not addressed under these Overlay Design Standards, shall comply with the Development Standards of Article 23-6 of the current City of Biloxi Land Development Ordinance

	The City Council may approve additional design standards addressing aspects of development not listed above. The City Council may also prohibit Use Types within a CRO District.
Letters or Concerns stated:	The Planning Division Office has not received any letters or other written communications relative to this case, as of August 11, 2022.

Options:

1. Recommend approval of the Text Amendment to the Land Development Ordinance – adding **Section 23-3-5(C)(6)g: Biloxi Commerce Park CRO District,** as offered.

2. Recommend denial of the Text Amendment to the Land Development Ordinance, as offered.

BILOXI PLANNING COMMISSION MEETING
AUGUST 18, 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
Charlie Dellenger
August Parker
Jimmy Poulos
John Snow
David Stanovich
Michael Todaro

ALSO PRESENT:

Jerry Creel, Director of Community Development
Tim Cipolla, Planning Inspector
Caryle Lena, Planner
Eric Nolan, City 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: (None)	
NEW PUBLIC HEARINGS:	
22-058-PC	5
22-063-PC	26
22-064-PC	32
22-066-PC (Removed from agenda)	
22-069-PC	39
22-070-PC	73
22-071-PC	78
TREE HEARINGS:	
TR-22-006	39
TR-22-008	32

CHAIRMAN WASHER:

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

We'll record the members present. Mr. Todaro, Mr. Parker, Mr. Dellenger, Mr. Stanovich, Mr. Poulos, Mr. Carron, Mr. Snow, Mr. Delahousey; myself, David Washer, and Jerry Creel, Director of Community Development. Next to him is Felicia Serpas, Senior Planner, and next to her on the end is Caryle Lena, Planner. On the projector is Tim Cipolla, Planning Inspector, and next to him is Eric Nolan, City Arborist. Our court reporter today is Melissa Rodolfich. And we welcome Dr. Paul Tisdale in the audience, Councilman Ward 5.

We'll ask Mr. Delahousey to please open the meeting with a moment of prayer.

(Moment of prayer.)

CHAIRMAN WASHER:

Mr. Carron, the pledge, please, sir.

(Pledge of allegiance.)

CHAIRMAN WASHER:

We announced earlier, if you were not here, that the Case Number 22-066, regarding the vacation of the alleyway behind -- or roadway

behind Nativity School is not going to be heard. That case has been withdrawn. It may come up at a later day. It very well may not come up at a later date, but if it does, you will be notified again.

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 by Mr. Delahousey; seconded by Mr. Snow.

All those in favor, say "aye."

(All in favor.)

CHAIRMAN WASHER:

Any opposed?

(None opposed.)

CHAIRMAN WASHER:

Committee reports, Mr. Creel?

MR. CREEL:

Yes, sir. Mr. Chairman, members of the

Commission, over of the past two weeks, the department has issued 122 building permits, with a construction valuation of $5.8 million. We have collected $26,000 in permit fees, issued licenses for 14 new business and renewals for 23 others. We have also issued 11 certificates of occupancy and three for short-term rental. Of those permits issued, commercial permits, the Beau Rivage for an employee entrance remodel and also the Barq's Building Renovations on Howard Avenue, and six new single-family houses.

CHAIRMAN WASHER:

All right. Thank you.

No continued public hearings.

New public hearing, 22-058-PC, J.N. Caillavet, LLC, owner, and Donovan Scruggs, applicant. This is to consider an application for a conditional use approval to authorize the operation of a medical cannabis dispensary on two parcels of land collectively measuring .41 of an acre, more or less in size, currently situated within a DT, Downtown Distric' zone and currently located at 100 Caillavet Street, being Municipal Tax Parcel Numbers 1410L-01-015.001 and 1410L-01-016.000. This case was advertised on

August 4th and August 11th.

View the video on that, Mr. Cipolla.

MR. CIPOLLA:

Okay. The parcel is this building here. As you know, we have the Beau Rivage across the street. Looking up towards the railroad tracks, MGM Park. You've got the Best Western and the Fat Tuesday lounge next to it. Down the street, you have the Hard Rock. This is looking to the west down underneath I-110 on Highway 90.

All right. Now we're going back up Caillavet Street because this parcel ends and the next parcel begins before it gets up to the Medical Arts Building, but the second parcel also has parking up in this area. That's the back of the building there.

CHAIRMAN WASHER:

Is the applicant or their representative here, please? Yes, sir.

MR. SCRUGGS:

Yes, sir. My name is Donovan Scruggs, and I'm here on behalf of the applicant or the property owner, J.N. Caillavet, which is Jordan Nicaud and his folks.

CHAIRMAN WASHER:

Your address, Mr. Scruggs?

MR. SCRUGGS:

317 Pine Drive in Ocean Springs.

I have got a quick little PowerPoint presentation that kind of outlines what we're doing here. I believe everybody is familiar with the site. Of course, we just saw that location.

You know, it is something that is very new. I don't think that Biloxi has got its feet very wet in this process and we haven't either. Very few permits have actually been issued by the State, if any, so it is going to be a learning process.

However, from what I have gathered and what I have seen from the application that goes to the State, as well as the documentation associated with the medical cannabis rules, they are pretty strict. Mississippi has looked at what other entities have done, other states have done across the country and have copied what they think are the best rules, and in so doing, I think we're going to have a very good process here in Mississippi.

Can I just go ahead to the next slide?

You know, one thing that Mississippi

did, of course, is to make sure that these facilities were located at least 1,000 feet from any church, daycare or school. And as part of the application process, a survey is supposed to be executed and provided to the State indicating that this has been met. This is a copy of the survey that we have done, and the surveyor indicated that the property is more than 1,000 feet from any church, daycare or school. You'll notice it in the highlighting in yellow at the top part of your packet. It was part of the application that we submitted. There is no medical cannabis dispensary in Biloxi as of now, so we are not within 1,500 feet of any other kind of facility.

Next slide, please.

Of course, you know, Biloxi does allow this by right in several districts. It just does not allow it by right in the Downtown District. Within the Downtown District what's required is a conditional use permit. My understanding of the way Biloxi operates with the CUP is that if we meet the conditions of the CUP, then we are allowed to move forward.

I have gone through the process. I have spoken with the staff and I believe we are in

complimentary to ours.

Security is very tight. If you recall, we have talked about this law, 400-plus pages, and only a couple of papes involved cities and counties where we have any control and most of that is zoning and distances to other buildings.

Of course, police would be involved, you know, in the event that there was a problem. But the security on this is so tight that the phraseology that they use in the state law is that this material, this product is tracked from seed to sale, so they keep up with it everywhere it goes through the process.

It does cover a lot of debilitating illnesses that are addressed in the state law. But they actually leave it open for other people that if they know of another debilitating illness that's not listed there, that they submit an application for that to the legislature.

But the question about this is, is the zoning, correct? Yes. It's downtown zoning where it's allowed as a conditional use. Does it meet the distance requirements from churches, schools and daycares? Yes, it does. So with that, the staff would recommend approval.

CHAIRMAN WASHER:

All right. Thank you.

We'll open the floor for any discussion or any motions.

MR. PARKER:

So moved.

MR. SNOW:

Second.

CHAIRMAN WASHER:

Motion by Mr. Parker recommending approval; seconded by Mr. Snow.

Any discussion? If not, we'll ask that all those in favor of approval, raise your hand, please.

Mr. Todaro, Mr. Parker, Mr. Stanovich, Mr. Poulos, Mr. Carron, Mr. Snow, Mr. Delahousey; myself, David Washer.

Any opposed? No.

Any abstentions? Mr. Dellenger.

Next case today, 22-063-PC, City of Biloxi. This is to consider an application for a text amendment to the Land Development Ordinance, LDO, to establish an overlay district zone regarding Biloxi Commerce Park, CRO District. This case was advertised on July 14th, 21st and

29th.

View the video on that, Mr. Cipolla.

MR. CIPOLLA:

At the intersection, that's looking back up towards Cedar Lake Road. Looking back up towards Popps Ferry Road. That's looking back towards the Santa Maria. That's going back up towards Popps Ferry.

CHAIRMAN WASHER:

Mr. Creel, you want to address this case?

MR. CREEL:

Yes, sir. If you'll recall, Biloxi Commerce Park was originally under the oversight of the Harrison County Development Commission. It was actually designed as an industrial park 20-plus years ago, and of course, the lots were very small. It really didn't attract industrial. But to our advantage, it actually built out as professional and medical and some storage in there.

But when it was developed, the Development Commission had some covenants, some design covenants that were there in place that the buildings had to adhere to, had to build to and

had to design to. And what happened is several years ago, Harrison County kind of took their oversight off of it and those covenants actually expired in 2021.

So we have another warehouse that went in there and was not exactly designed the way that some of the tenants wanted to see it designed, but there was nothing we could hold them to. The zoning allowed what they were asking for.

So the person requested that I put him in touch with Councilman Glavan. Councilman Glavan asked the staff -- asked the staff, the administration to go back and consider adopting some of those covenants incorporating those into the ordinances of the city so that they can be enforced again.

So what you have before you today is essentially the re-establishment of the original Biloxi Commerce Park, along with some property to the west of it that the Mayor asked that we include as a part of it. And we have taken almost word for word the design standards that came out of the Commerce Park covenants and incorporated those into it, so essentially that's what you have before you today. We're asking to establish an

overlay district called the Biloxi Commerce Park, CRO District for that area.

CHAIRMAN WASHER:

Thank you.

Any questions?

MR. CARRON:

Jerry, on their signage in there, I notice it's like they have multiple businesses on one parcel, that each business can have a sign.

MR. CREEL:

They have one shingle. You know, the language is a little bit different in there. But essentially, what would happen is they would have one freestanding sign and each business that's on that property would have one individual shingle in that sign.

MR. CARRON:

But it seems -- unless I'm interpreting it wrong, but each one of those signs is going to be like six -- I can't remember exact size, but it's a pretty good size.

MR. CREEL:

Yeah. Nine square feet, I believe.

MR. CARRON:

Yes.

MR. DELLENGER:

Does a 45 -- I mean, it seems like it's kind of big, but does a 45-foot setback and, you know, a minimum of 50 percent lawn and landscaping area give somebody enough space -- I mean, because those lots on aren't huge -- to put a decent -- I mean, a decent size building in there with parking and everything else to be able to even conform to this?

MR. CREEL:

Well, the first part of that, if you will recall, the lots that were originally subdivided for this property, a developer coming in had the ability to buy one lot, two lots or three lots depending on the width that they needed to be able to build whatever it was that they were going to build. Most of the buildings in there have complied with the 45 foot. They can have their parking on the front and on the side if they're in the corner lot.

We haven't really -- I think we've had maybe one complaint about the size, and that was one when Horton went in there to build their office.

MR. DELLENGER:

Because I -- like, I think it's the lot next to them that's vacant, that's for sale. I mean, it's not very wide. And I'm not sure exactly how deep it is, but I mean if you get back 45 feet and try to -- say 50 percent of it has to be landscaped or green or whatever, I mean, I'm not sure you can have a decent parking lot and a decent size building on that particular lot. I don't think that lot is very big.

CHAIRMAN WASHER:

Most of them are pretty deep. They run all the way back to that drainage ditch by the Diocese.

MR. CREEL:

Well, that's another thing, too, about it. Because the drainage has already been provided for, they're not having to take up part of their property with a detention pond or anything like that. It's all calculated in.

CHAIRMAN WASHER:

Any other questions, members of the Commission? None.

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? No one speaking in opposition. We will consider that hearing closed.

I believe Mr. Creel pretty much addressed on the front end what we're looking at here, so if anyone wants to make a motion.

MR. TODARO:

I move we approve.

MR. DELAHOUSEY:

Second.

CHAIRMAN WASHER:

Motion by Mr. Todaro recommending approval; seconded by Mr. Delahousey.

If there is no other discussion, we'll ask that all those in favor of approval, raise your hand. Mr. Todaro, Mr. Parker, Mr. Dellenger, Mr. Stanovich, Mr. Poulos, Mr. Carron, Mr. Snow, Mr. Delahousey; myself, David Washer. We'll let the record show that's unanimous.

Our next case today, 22-064-PC, DPG Holdings, LLC, owner, and Bob Wall, applicant. It's to consider an application for a conditional use approval, to authorize construction of a new carwash, upon a parcel of land measuring