Ordinance No. 2499

ORDINANCE TO APPROVE A ZONING MAP AMENDMENT, FOR A CHANGE IN ZONING DISTRICT CLASSIFICATION FOR A PARCEL OF LAND IDENTIFIED AS 12409 LORRAINE ROAD, FROM ITS PRESENT ZONING DISTRICT CLASSIFICATION OF RS-10 LOW-DENSITY SINGLE-FAMILY RESIDENTIAL TO NB NEIGHBORHOOD BUSINESS

WHEREAS, on Thursday, December 1, 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. 22-097-PC, Jered Cleveland, a request for Zoning Map Amendment, for property identified as 12409 Lorraine Road (re: Tax Parcel No. 1008H-02-001.000); and

WHEREAS, the Planning Commission members were apprised of the particulars of this case, being made cognizant of the fact that Jered Cleveland had submitted the request for Zoning Map Amendment to authorize a change in zoning district classification for a parcel of land measuring approximately fifteen (15) acres (more or less) in size, from its present zoning district classification of RS-10 Low-Density Single-Family Residential to RB Regional Business for a parcel of land presently identified as 12409 Lorraine Road (re: Tax Parcel No. 1008H-02-001.000); and

WHEREAS, it was stated by the applicant, this request for Map Amendment is to obtain a higher-level of zoning (i.e., RB-Regional Business) which would allow him to apply for Conditional Use Approval via a separate application (i.e., 22-099-PC) which is needed to allow for the placement of outdoor storage for his business; and

WHEREAS, after some discussion and clarification, whereupon it was explained that the lesser classification of NB Neighborhood Business zoning could provide a viable alternative to the RB Regional Business zoning originally requested, the Planning Commission members after some discussion, modified the request and provided a motion for a change in zoning district

classification for the parcel of land measuring approximately fifteen (15) acres (more or less) in size, from its present zoning district classification of RS-10 Low-Density Single-Family Residential to NB Neighborhood Business, and approved that recommendation (by a vote of 11-0) for the property identified as 12409 Lorraine Road, and further identified as Tax Parcel No. 1008H-02-001.000, which would allow for the establishment of an office/warehouse for his business noting that providing the relief being sought by this Zoning Map Amendment for this property coupled with a Change in the Character of the Neighborhood was in evidence; 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 modified Zoning Map Amendment, is appropriate for the property as related in Case No. 22-097-PC, Jered Cleveland, 12409 Lorraine Road.

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 NOTE, THAT THE FOLLOWING SHALL BE AUTHORIZED:

SECTION ONE: That the boundaries of the Geographical Information System Format Zoning District Map of the City of Biloxi, Mississippi, be hereby further amended by a change in zoning district classification from RS-10 Low-Density Single-Family Residential to NB Neighborhood Business, for the property identified as 12409 Lorraine Road, more fully described as follows:

Ord. No. 2499

A parcel of land situated in the southeast 1/4 of the northeast 1/4, the southwest 1/4 of the northeast 1/4, the northwest 1/4 of the southeast 1/4 and in the northeast 1/4 of the southeast 1/4 of section 5, township 7 south, range 10 west, city of Biloxi, second judicial district of Harrison County, Mississippi, and being more particularly described as follows with the bearings based on state plane grid north (MS east zone 2301):
Commencing at a concrete monument found at the northeast corner of said section 5; thence s00°35'02"e 2472.53' to an iron rod found at the southwest corner of Coalville Cemetery, said point lying on the north margin of Lorraine Road; thence along said north margin of Lorraine Road, s53°41'07"w 259.84' to an iron rod found at the point of beginning; thence along a curve of said north margin to the right, having a radius of 1720.00', an arc length of 156.71' and a chord bearing and distance of s61°12'55"w 156.66' to the north line of property of Allie l. Bosarge; thence along said north line, s89°57'14"w 11.18' to the northwest corner of said property; thence along the west line of said property, s00°09'20"e 5.43' to the north margin of Lorraine Road; thence along a curve of said north margin to the right, having a radius of 1720.00', an arc length of 287.86' and a chord bearing and distance of s69°02'02"w 287.53'; thence further along said north margin, s73°05'43"w 742.76' to an iron rod found; thence n00°27'47"e 278.09' to a 1" iron pipe found; thence n89°37'51"w 485.47' to an iron rod found on the east margin of road 248; thence along a curve of said east margin to the right, having a radius of 133.48', an arc length of 97.89' and a chord bearing and distance of n26°31'59"e 95.71'; thence further along said east margin, n44°52'18"e 104.52'; thence along a curve of said east margin to the left, having a radius of 254.08', an arc length of 102.61' and a chord bearing and distance of n31°17'55"e 101.91' to an iron rod found; thence s88°53'02"e 770.17' to an iron rod found; thence n04°12'42"e 708.10' to an iron rod with cap set on the south margin of a 50 feet wide roadway easement known as road 248; thence along said south margin, s86°34'24"e 215.81' to an iron rod with cap set; thence s04°15'26"w 606.94' to an iron rod found; thence n86°10'59"e 278.03' to an iron rod found; thence s37°58'40"e 278.83' to the point of beginning, containing 15.074 acres,

further described as land most nearly bounded by the following streets: to the North of and fronting to Lorraine Road; to the South of Road 248; to the East of Road 248; and to the West of Lorraine Road.

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

Ord. No. 2499

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

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

The President then declared the Ordinance adopted this the 27th day of December, 2022.

STATE OF MISSISSIPPI
CITY OF BILOXI
HARRISON COUNTY

ATTEST:

CLERK OF THE COUNCIL

APPROVED:

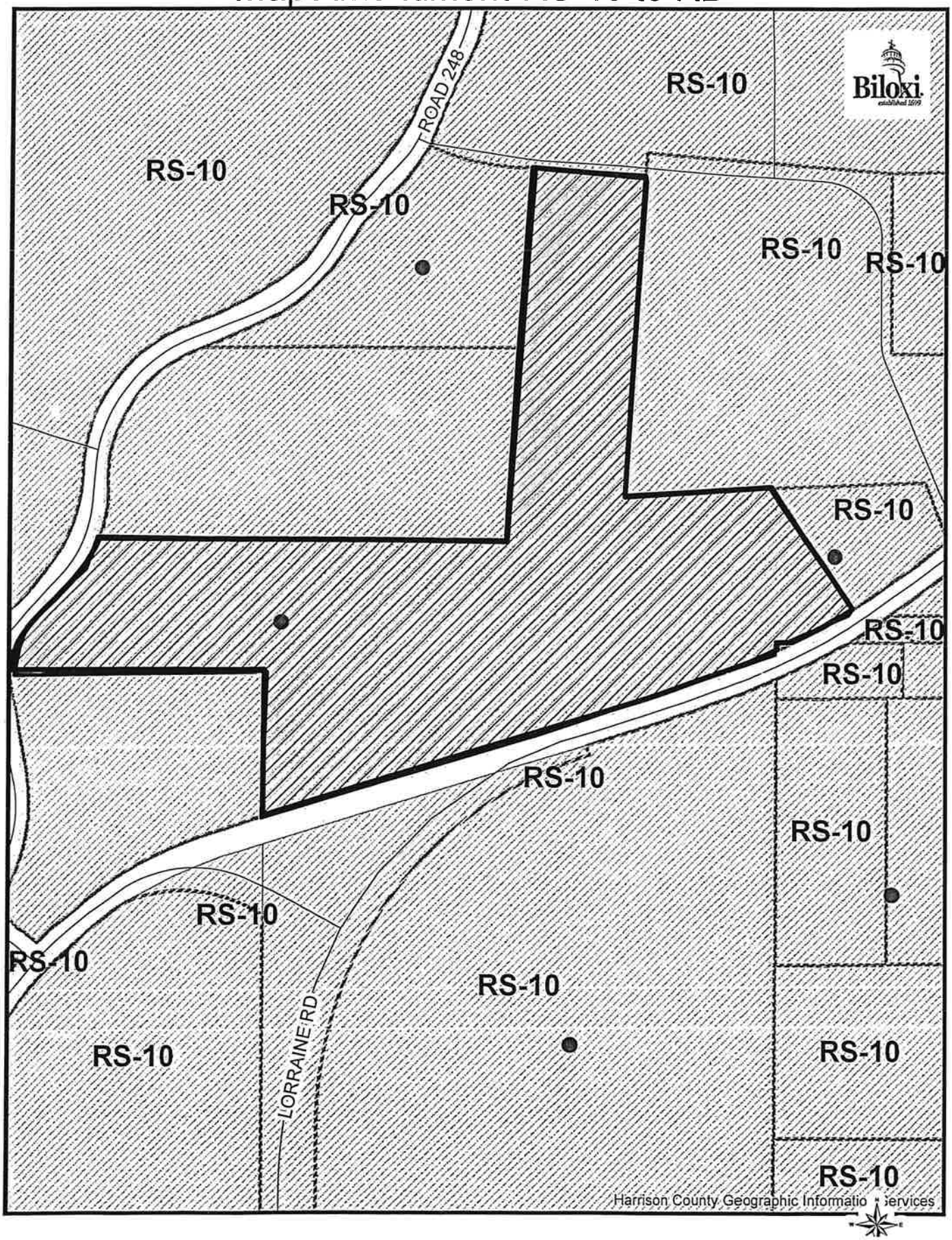
PRESIDENT OF THE COUNCIL

Submitted to and approved by the Mayor, this the 29th day of December, 2022.

APPROVED:

MAYOR

Case No. 22-097-PC
Jered Cleveland
12409 Lorraine Rd
Map Amendment-RS-10 to RB



Scheduled for:
December 1, 2022
PC Meeting

Jared Cleveland
Case No. **22-097-PC**
Zoning Map Amendment
RS-10 to RB

Planning Commission
Case Fact Sheet

Case No.:	22-097-PC
Applicant/ Owner:	Jared Cleveland
Address of Property:	12409 Lorraine Road
Tax Parcel/Ward:	1308C-02-001.002/Ward 7
Request:	**Zoning Map Amendment**
Purpose of Request:	An application for a **Zoning Map Amendment**, to authorize a change in zoning district classification for a parcel of land measuring approximately fifteen (15) acres (more or less) in size, from its present zoning district classification of **RS-10 Low-Density Single-Family Residential** to **RB Regional Business** for a parcel of land presently identified as 12409 Lorraine Road (re: Tax Parcel No. 1308C-02-001.002).
Size of Property:	15 acres (More or Less)
Present Zoning:	**RS-10 Low-Density Single-Family Residential**
Present Use:	Vacant land
Most Nearly Bounded By (streets):	To the North of and fronting to Lorraine Road; to the South of Road 248; to the East of Road 248; and to the West of Lorraine Road.
Adverse Influences:	A **Zoning Map Amendment** should only be authorized when conditions clearly suggest that a mistake in the original zoning or a change in the character of the Neighborhood, is apparent – with an established community need for the use being requested is determined, and that the zoning change proposed is consistent and in harmony with uses found upon adjacent or nearby properties, and represents the least zoning change needed to accomplish the specific use proposed for this site.

Positive Influences: This rezoning, if approved, and subject to a separate Conditional Use authorization, would allow the applicant to construct an office/warehouse.

Letters or Concerns stated: The Planning Division Office has not received any letters or other written communications relative to this case, as of November 23, 2022.

Comments/ Recommendations: Jared Cleveland has requested a **Zoning Map Amendment**, to authorize a change in zoning district classification for a parcel of land measuring approximately fifteen (15) acres (more or less) in size, from its present zoning district classification of **RS-10 Low-Density Single-Family Residential** to **RB Regional Business** for a parcel of land presently identified as 12409 Lorraine Road (re: Tax Parcel No. 1308C-02-001.002).

The applicant, Jared Cleveland, requested this **Map Amendment** to obtain a higher-level zoning (i.e., **RB-Regional Business**) needed to allow consideration of a separate application request (re: Case No. 22-099-PC) to obtain **Conditional Use** Approval – to allow for the establishment of an office/warehouse for his business.

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

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

Options:

1. Recommend approval of this request for **Zoning Map Amendment**, for a parcel of land measuring 15 acres (more or less), from its present zoning district classifications **RS-10 Low-Density Single-Family Residential** to **RB Regional Business,** having determined that a Change in the Character of the Neighborhood is of evidence, and that this zoning change will authorize the use proposed for this property – a classification of zoning which will allow for consideration of a **Conditional Use**.

2. Recommend denial of this **Zoning Map Amendment**, having determined that insufficient evidence has been provided to establish that a mistake in original zoning is of evidence, or a Change in the Character of the Neighborhood, coupled with no valid Community need to warrant the level of zoning change, herein proposed for the parcel of land under consideration for zoning change.

Planning Commission Application

City of Biloxi Planning Division
Mailing Address: P.O. Box 508, Blvd., Biloxi, MS 39530
Office Location: 676 Dr. MLK Blvd.,
Building (228) 435-6270 Planning (228) 435-6266 Fax (228) 435-6188
Case No. 22-097-PC

TO BE COMPLETED BY APPLICANT	Date: 10/10/2022
Name of Rightful Owner(s): JERED M CLEVELAND	Name of Applicant: (if different than Owner)
Property Address: 12409 Lorraine Rd, Biloxi,MS 39532	Ward Number 7
Tax Parcel Identification Number(s): 1008H-02-001.000	
Mailing Address of Property Owner: 10252 WOODLANDS DRIVE	Mailing Address of Applicant (if different than Owner):
City: BILOXI	City:
State: MISSISSIPPI	State:
Zip: 39532	Zip:
County HARRISON	County
Telephone: (228)860-6679	Telephone: ( )
Property Size (please give in acres or by dimension): 15.074 ACRES	
Present Zoning Classification: RS-1D	
Is the property located within an AHRC District? Yes ☐ No ☑ If so, which District?	Flood Zone(s) of Property: AE

	North	South	East	West
Property is most nearly bounded by what streets?	RD 248	LORRAINE RD	Lorraine Rd	RD 248
If property directly fronts or is adjacent one of the streets above please indicate with a ✓.		LORRAINE RD		

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

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

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

Signature of Rightful Owner

Signature of Rightful Owner

Notary Signature

STATE OF MISSISSIPPI
JULIE ELLEN WILSON
NOTARY PUBLIC
ID No. 120352
Commission Expires
May 29, 2025
HARRISON COUNTY

Notary Signature

(Seal)

Signature of Rightful Owner

Signature of Applicant

Notary Signature

Notary Signature

(Seal)

(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
Mailing Address: P.O. Box 508, Blvd., Biloxi, MS 39530
Office Location: 676 Dr. MLK Blvd.,
Planning (228) 435-6266 Fax (228) 435-6188

TO BE COMPLETED BY APPLICANT	*DATE:*
Shaded Areas for Staff Only	

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

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

	Existing	**New**
I am requesting a zoning change from this zone to this zone:	RES	~~LIGHT INDUSTRIAL~~ RB

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

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

Criteria:	✓	
	Yes	**No**
1. Is the proposed map amendment consistent with the Comprehensive Plan?	X	
Please explain:		
2. Is the proposed map amendment compatible with present zoning and conforming uses of nearby property and with the character of the neighborhood?		X
Please explain: WE ARE PLANNING TO BUFFER THE PROPERTY, MOST OF THE TIME IT WILL JUST BE USED FOR STORAGE.		

Biloxi
established 1699

PLANNING COMMISSION SUPPLEMENT

Map Amendment

City of Biloxi Planning Division
Mailing Address: P.O. Box 508, Blvd., Biloxi, MS 39530
Office Location: 676 Dr. MLK Blvd.,
Planning (228) 435-6266 Fax (228) 435-6188

Criteria *(continued)*	✓	
	Yes	**No**
3. Is the property suitable for uses permitted in the present zoning district?		X
Please explain: NO THEIR WILL BE OUTSIDE STORAGE NEEDED. THAT IS WHY WE ARE ASKING FOR THE ZONING CHANGE.		
4. Is the property suitable for uses permitted in the proposed zoning district?	X	
Please explain: THIS IS A VERY LARGE 15 ACRE PIECE OF PROPERTY; THE BUILDING WILL BE OFF THE ROAD, AND WILL BE BUFFERED.		
5. Has there been a change in the character of the neighborhood?	X	
Please explain: THERE ARE COMMERICIAL BUSINESSES POPPING UP DOWN THE ROAD.		
6. Is there an established community need for uses permitted in the proposed zoning district?	X	
Please explain: OUR BUSINESS HAS BLOOMED OVER THE LAST YEAR THAT WE HAVE TO BE ABLE TO STORE OUR MATERIALS SOMEWHERE,		
7. Was there a mistake in the original zoning of the property?		X
Please explain:		
8. Are utilities and infrastructure sufficient to address the impacts associated with allowed uses in the proposed district?		X
Please explain: IT IS NOT AVAILABLE BUT WE ARE WORKING WITH THE HEALTH DEPARTMENT FOR OPTIONS.		

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

PROJECT NARRATIVE

This is a request for rezoning within the Biloxi City Limits.

The application seeks approval for a light industrial zoning for 12409 Lorraine Rd, Biloxi, MS 39532. Where we will have a metal office building, with a shop for our crews to work on their equipment for the land beautification and upkeep services we provide across the Gulf Coast.

The site for the rezoning is 15.074 acres on the northwest side of Lorraine Road.

The property is Tax Parcel 1 0 0 8 H 0 2 0 0 1 0 0 0 inside of Harrison County.

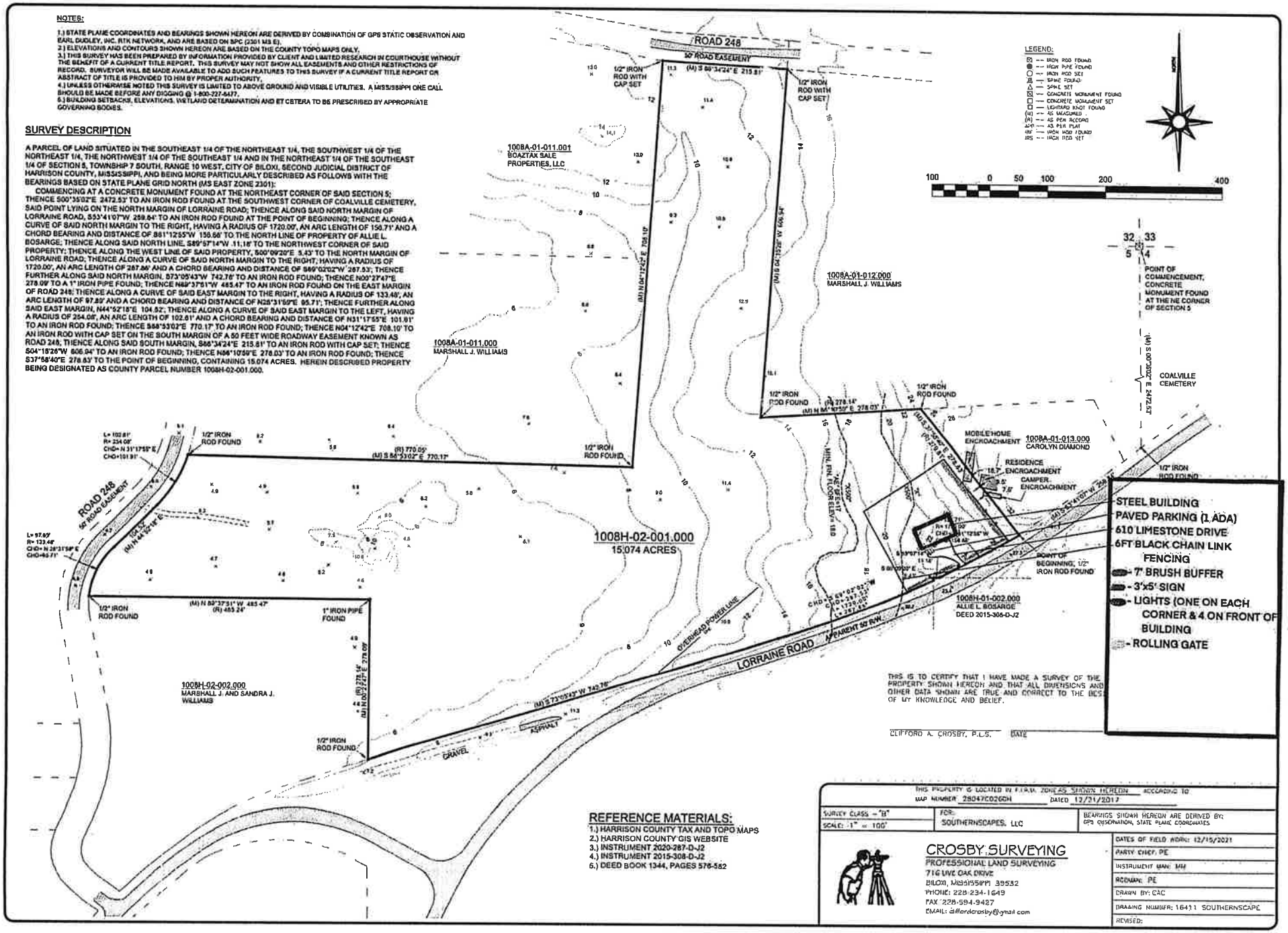
NOTES:

1.) STATE PLANE COORDINATES AND BEARINGS SHOWN HEREON ARE DERIVED BY COMBINATION OF GPS STATIC OBSERVATION AND EARL DUDLEY, INC. RTK NETWORK, AND ARE BASED ON SPC (2301 MS E).
2.) ELEVATIONS AND CONTOURS SHOWN HEREON ARE BASED ON THE COUNTY TOPO MAPS ONLY.
3.) THIS SURVEY HAS BEEN PREPARED BY INFORMATION PROVIDED BY CLIENT AND LIMITED RESEARCH IN COURTHOUSE WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT. THIS SURVEY MAY NOT SHOW ALL EASEMENTS AND OTHER RESTRICTIONS OF RECORD. SURVEYOR WILL BE MADE AVAILABLE TO ADD SUCH FEATURES TO THIS SURVEY IF A CURRENT TITLE REPORT OR ABSTRACT OF TITLE IS PROVIDED TO HIM BY PROPER AUTHORITY.
4.) UNLESS OTHERWISE NOTED THIS SURVEY IS LIMITED TO ABOVE GROUND AND VISIBLE UTILITIES. A MISSISSIPPI ONE CALL SHOULD BE MADE BEFORE ANY DIGGING @ 1-800-227-6477.
5.) BUILDING SETBACKS, ELEVATIONS, WETLAND DETERMINATION AND ET CETERA TO BE PRESCRIBED BY APPROPRIATE GOVERNING BODIES.

SURVEY DESCRIPTION

A PARCEL OF LAND SITUATED IN THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4, THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4, THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 AND IN THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 5, TOWNSHIP 7 SOUTH, RANGE 10 WEST, CITY OF BILOXI, SECOND JUDICIAL DISTRICT OF HARRISON COUNTY, MISSISSIPPI, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS WITH THE BEARINGS BASED ON STATE PLANE GRID NORTH (MS EAST ZONE 2301):

COMMENCING AT A CONCRETE MONUMENT FOUND AT THE NORTHEAST CORNER OF SAID SECTION 5; THENCE S00°35'02"E 2472.53' TO AN IRON ROD FOUND AT THE SOUTHWEST CORNER OF COALVILLE CEMETERY, SAID POINT LYING ON THE NORTH MARGIN OF LORRAINE ROAD; THENCE ALONG SAID NORTH MARGIN OF LORRAINE ROAD, S53°41'07"W 259.84' TO AN IRON ROD FOUND AT THE POINT OF BEGINNING; THENCE ALONG A CURVE OF SAID NORTH MARGIN TO THE RIGHT, HAVING A RADIUS OF 1720.00', AN ARC LENGTH OF 150.71' AND A CHORD BEARING AND DISTANCE OF S61°12'55"W 150.66' TO THE NORTH LINE OF PROPERTY OF ALLIE L. BOSARGE; THENCE ALONG SAID NORTH LINE, S69°57'14"W 11.16' TO THE NORTHWEST CORNER OF SAID PROPERTY; THENCE ALONG THE WEST LINE OF SAID PROPERTY, S00°09'20"E 5.43' TO THE NORTH MARGIN OF LORRAINE ROAD; THENCE ALONG A CURVE OF SAID NORTH MARGIN TO THE RIGHT, HAVING A RADIUS OF 1720.00', AN ARC LENGTH OF 287.86' AND A CHORD BEARING AND DISTANCE OF S69°02'02"W 287.53'; THENCE FURTHER ALONG SAID NORTH MARGIN, S73°05'43"W 742.76' TO AN IRON ROD FOUND; THENCE N00°27'47"E 278.09' TO A 1" IRON PIPE FOUND; THENCE N89°37'51"W 485.47' TO AN IRON ROD FOUND ON THE EAST MARGIN OF ROAD 248; THENCE ALONG A CURVE OF SAID EAST MARGIN TO THE RIGHT, HAVING A RADIUS OF 133.48', AN ARC LENGTH OF 97.89' AND A CHORD BEARING AND DISTANCE OF N25°31'59"E 95.71'; THENCE FURTHER ALONG SAID EAST MARGIN, N44°52'18"E 104.52'; THENCE ALONG A CURVE OF SAID EAST MARGIN TO THE LEFT, HAVING A RADIUS OF 254.06', AN ARC LENGTH OF 102.61' AND A CHORD BEARING AND DISTANCE OF N31°17'55"E 101.91' TO AN IRON ROD FOUND; THENCE S88°53'02"E 770.17' TO AN IRON ROD FOUND; THENCE N04°12'42"E 708.10' TO AN IRON ROD WITH CAP SET ON THE SOUTH MARGIN OF A 50 FEET WIDE ROADWAY EASEMENT KNOWN AS ROAD 248; THENCE ALONG SAID SOUTH MARGIN, S86°34'24"E 215.81' TO AN IRON ROD WITH CAP SET; THENCE S04°18'26"W 806.94' TO AN IRON ROD FOUND; THENCE N86°10'59"E 278.03' TO AN IRON ROD FOUND; THENCE S37°58'40"E 276.63' TO THE POINT OF BEGINNING, CONTAINING 15.074 ACRES. HEREIN DESCRIBED PROPERTY BEING DESIGNATED AS COUNTY PARCEL NUMBER 1008H-02-001.000.



THIS IS TO CERTIFY THAT I HAVE MADE A SURVEY OF THE PROPERTY SHOWN HEREON AND THAT ALL DIMENSIONS AND OTHER DATA SHOWN ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

CLIFFORD A. CROSBY, P.L.S. DATE

REFERENCE MATERIALS:

1.) HARRISON COUNTY TAX AND TOPO MAPS
2.) HARRISON COUNTY GIS WEBSITE
3.) INSTRUMENT 2020-287-D-J2
4.) INSTRUMENT 2015-308-D-J2
5.) DEED BOOK 1344, PAGES 576-582

THIS PROPERTY IS LOCATED IN F.I.R.M. ZONE AS SHOWN HEREON ACCORDING TO MAP NUMBER 28047C0260H DATED 12/31/2017

SURVEY CLASS - "B"	FOR: SOUTHERNSCAPES, LLC	BEARINGS SHOWN HEREON ARE DERIVED BY: GPS OBSERVATION, STATE PLANE COORDINATES
SCALE: 1" = 100'		

CROSBY SURVEYING
PROFESSIONAL LAND SURVEYING
716 LIVE OAK DRIVE
BILOXI, MISSISSIPPI 39532
PHONE: 228-234-1649
FAX: 228-594-9427
EMAIL: cliffordcrosby@gmail.com

DATES OF FIELD WORK:	12/15/2021
PARTY CHIEF:	PE
INSTRUMENT MAN:	MM
RODMAN:	PE
DRAWN BY:	CAC
DRAWING NUMBER:	16411 SOUTHERNSCAPE
REVISED:	

BILOXI PLANNING COMMISSION MEETING
DECEMBER 1, 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
Steve Delahousey
Charlie Dellenger
Joe King
Gary Lechner
Debora Magee
August Parker
Jimmy Poulos
John Snow
Cheryl Thompson
Michael Todaro

ALSO PRESENT:

Jerry Creel, Director of Community Development
Felicia Serpas, Senior Planner
Caryle Lena, Planner I
Tim Cipolla, Code Inspector
Dr. Paul Tisdale, Councilman Ward 5

REPORTED BY:

Melissa Burdine-Rodolfich
Simpson Burdine & Migues

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

CONTINUED PUBLIC HEARING(S):	PAGE:
(None)	--
NEW PUBLIC HEARING(S):	
22-097-PC	5
22-098-PC	23
22-099-PC	5
22-100-PC	32
TREE HEARING(S):	
(None)	--

CHAIRMAN WASHER:
Let us call the Planning Commission meeting to order, please. We'll record the members present.
Mr. Lechner, Mr. Todaro, Mr. Parker, Ms. Thompson, Mr. Dellenger, Mr. Poulos, Mr. King, Mr. Snow, Mr. Delahousey; myself, David Washer; Jerry Creel, Director of Community Development; Felicia Serpas, Senior Planner; Caryle Lena, Planner. On the table there in the front, Tim Cipolla, Planning Inspector. And our court reporter today is Melissa Rodolfich.
Ask Mr. Delahousey to open the meeting with a moment of prayer.
(Moment of prayer.)
CHAIRMAN WASHER:
Mr. Snow, the pledge, please, sir.
(Pledge of Allegiance.)
CHAIRMAN WASHER:
We welcome everyone here with us today. We would ask anyone that desires to speak, if you would, please, come to the podium, give us your name and address for the record and also please sign at the pad provided.
All right. Let the record reflect

Ms. Magee is currently in attendance with us.
Ask if all members of the Commission received a copy of the minutes from the last meeting, November 17th, as well as the meeting prior to that, November 3rd.
MR. DELAHOUSEY:
Move to approve both.
MR. SNOW:
Second.
CHAIRMAN WASHER:
Motion by Mr. Delahousey recommending approval; seconded by Mr. Snow.
All those in favor, say "aye."
(All in favor.)
CHAIRMAN WASHER:
Any opposed?
(None opposed.)
CHAIRMAN WASHER:
Thank you.
Committee reports, Mr. Creel?
MR. CREEL:
Yes, sir. Mr. Chairman, members of the Commission, over the past two weeks, the department has issued 229 building permits with a construction valuation of $2.2 million. We have

collected $24,000 in permit fees, issued licenses for seven new businesses and 17 renewals. We also issued eight certificates of occupancy. One of those was for short-term rental. Of the permits issued, one was for Summerhouse Bay Cove, exterior renovations at 680 Bay Cove, $545,000, a remodel of the Retina Specialist building at 953 Tommy Munro Drive and six new single-family houses.

CHAIRMAN WASHER:

Thank you. We have no continued public hearings today.

New public hearings, we have two that's related here that we're going to go ahead and combine for hearing purposes. We'll vote on them separately.

First case is Number 22-097-PC, Jered Cleveland. This case was advertised on November 10th, 17th and 24th. Also, in conjunction with this hearing, we'll hear Case Number 22-099-PC. That was advertised on November 17th and November 24th.

22-097 is to consider an application requesting a zoning map amendment to authorize a change in zoning district classification for a parcel of land measuring approximately 15 acres,

more or less, in size from its present zoning district classification of RS-10, low density, single-family residential, to an RB, regional business, for a parcel of land presently identified as 12049 Lorraine Road.

Also in conjunction with that, we'll hear case 22-099-PC. It's to consider an application requesting a conditional use approval to authorize the establishment of a 2500-square-foot metal building to include outdoor storage upon a parcel of land measuring approximately 15.074 acres, more or less, in overall size for a property presently situated within a proposed RB, regional business zone and identified as 12409 Lorraine Road.

View the video on that, Mr. Cipolla.

MR. CIPOLLA:

Okay. This property pans from Lorraine Road over to Road 252 and back around to 248. This is back on the property on 252. It turns right down there up to 248, I believe. This is the -- where they're doing some cleaning up in there. It used to be an old radio tower in there that we had torn down several years ago.

This is out on Lorraine Road itself now.

That's where it loops back around to Road 252 and 248. This is looking back up towards the cemetery up there and there is a residence on the right and a mobile home on the left. Other than that, there is, I think, two more houses on the whole property -- on that whole block.

That's looking back to the south on Lorraine Road, and that's looking back up towards Coalville Methodist up there and the Coalville Cemetery across the street. That's as good as you can get it.

CHAIRMAN WASHER:

All right. Thank you.

Is the applicant or their representative here, please?

MS. JACKSON:

Representative. Jessica Jackson for Jered Cleveland.

CHAIRMAN WASHER:

Okay. And your address please, ma'am?

MS. JACKSON:

My personal or the work address?

CHAIRMAN WASHER:

Whatever address you want to use.

MS. JACKSON:

10252 Woodlands Drive, Biloxi, Mississippi 39532.

CHAIRMAN WASHER:

Thank you. And if you will, briefly tell us what you're asking, why you're needing it.

MS. JACKSON:

Okay. So what we're wanting to do is rezone. As you saw the property, it's very covered with trees and things now. We want to be able to put a building on it, a metal building that will facilitate our office as well as a shop so that we can bring our vehicles in.

Our company does anything from lawn maintenance to landscaping, tree removal, site development, fencing, so -- which is why we're needing the outdoor storage. The only stuff that we keep on hand is our fencing materials. So we need somewhere to keep that stuff.

As far as big equipment goes, we have two dump trucks. That's it. The rest of it is like a track hoe, excavator, things like that. And so the reason that we need the shop to be so big is we work on our equipment. Our guys train to be able to do their own stuff. It's just too expensive to take it somewhere, so we need to be

able to have a shop for it to come into to be serviced.

CHAIRMAN WASHER:

So you'll build a metal shop that will also contain the office and all?

MS. JACKSON:

Yes, sir.

CHAIRMAN WASHER:

You say that you are planning to buffer the property?

MS. JACKSON:

Yes, sir.

CHAIRMAN WASHER:

How much of the property and how are you going to buffer it?

MS. JACKSON:

So not to even, like, say the fence is a buffer because I don't really see a fence as a buffer, as far as like a noise buffer. But we want to do a seven-foot brush buffer from -- say, the fence is on the outside. The brush buffer will start at the fence and come back towards where our development would be from all sides.

CHAIRMAN WASHER:

So other than the brush buffer, there's

no fencing or anything?

MS. JACKSON:

We're going to put up a six-foot chain-link fence around where the development will be and then the buffer will start at the -- the brush buffer will start at the fence coming towards the building.

CHAIRMAN WASHER:

Of the 15 acres, it looks like all you're using or proposing to use is just a small portion of that?

MS. JACKSON:

Yes, sir.

CHAIRMAN WASHER:

That measures about how much of an acre?

MS. JACKSON:

I believe what I was given was right under a full acre. I did ask Jered that and he stated that the surveyor said it wasn't much more -- or much less than an acre, so it was almost a full acre.

CHAIRMAN WASHER:

It looks like we're requesting an extreme change in zoning there from RS-10 on the low end to RB on the high end. Is there somewhere

in between that we could go that would still accomplish what you want to accomplish? I also understand you want to do the outside storage.

MS. JACKSON:

Uh-huh. I'm not sure. I don't know. I don't have an answer for you. I don't know the difference between those two zonings.

CHAIRMAN WASHER:

Okay. So I guess the primary desire would be to get approval to rezone it to construct the office and have the outside storage?

MS. JACKSON:

Yes, sir.

CHAIRMAN WASHER:

And wherever that falls, it should be fine?

MS. JACKSON:

Yes, sir. We don't really do anything at the shop other than working on our equipment. Sometimes the guys get there at 6:00 a.m. and they're out on jobs, so I don't really know what zoning that is needed for. Really, all we need is the building and being able to put the building up, as well as the storage.

MR. DELAHOUSEY:

So the building you're proposing is 2,500 square feet. That's a relatively small piece of property for 15 acres, isn't it?

MS. JACKSON:

Yes. So the majority of the property -- I don't know if you guys have -- if each of you have a copy of the survey.

MR. DELAHOUSEY:

We do.

MS. JACKSON:

So if you're looking at the survey, on the right-hand side where you see the dotted lines of the property, I think it's all 18 and 20 right in there, everything to the west side is all pretty much considered wetlands. So in other words, for us to be able to develop it, we need to be able to clear it, bring in dirt and things like that. Otherwise, we can't really put anything on it unless it's on stilts. I mean, that area back there if it rains for more than an hour, it's under. Everything washes out. Besides that piece that's right there in between those dotted lines, which is why it's so small, of where we want to put everything for right now.

CHAIRMAN WASHER:

Does that property have access to any community water and sewer?

MS. JACKSON:

No, sir. We will have to get septic and a well.

CHAIRMAN WASHER:

Have you talked to anybody about the septic?

MS. JACKSON:

I know that we needed to be able to clear the spot that we were proposing to have the septic and do the soil test for it and we haven't been able to get it -- get quite there yet.

CHAIRMAN WASHER:

Okay. Thank you.

MR. DELLENGER:

Will you be able to see the building and whatnot from the road?

MS. JACKSON:

We don't want it to be able to be seen from the road, no. We do -- we have a -- at the beginning of the driveway, we're wanting a rolling gate, but we still want that buffer to be, again, at the fence back. We don't really want anyone to be able to see it from the road.

Again, this isn't a place that we have our customers come to. Our customers don't come to us to pay in person. They typically call, mail in a check or give their payments on the last day of the job.

MR. CIPOLLA:

This is about where the entrance is right over in here. And right up in here, I believe, is where the high spot is.

MS. JACKSON:

No. It's actually further over. So do you see where the encroachings are? It's typically -- it's right there. The only reason why they're trying to get there from where it is, like where the debris from the tearing down, the demo, is because that was the only way leading into the property. That was the only driveway that was there. I assume that's how they got there.

MR. CIPOLLA:

There was a road that came from here back to where the tower was.

MS. JACKSON:

Yes.

MR. CIPOLLA:

And that was the only high spot because it always flooded there.

MS. JACKSON:

This past weekend it was completely covered in water, yep.

MR. DELAHOUSEY:

Do you know if the owner has any future plans for future development on the property?

MS. JACKSON:

As in?

MR. DELAHOUSEY:

Anything.

MS. JACKSON:

No. As far as I know he just wants to put the shop there and have a little, small yard for fencing and stuff. We have just outgrown where we're at.

CHAIRMAN WASHER:

All the wetlands and low-lying areas, you've kind of got your hands tied for anything in the future, don't you?

MS. JACKSON:

Yes. Exactly. The amount of money that would need to be invested in the rest of it to try to make it not wetlands is -- I don't see that

happening for him.

CHAIRMAN WASHER:

Any other questions, members of the Commission?

MR. DELLENGER:

About how far back is the building going to be from the road, from Lorraine Road?

MS. JACKSON:

That's actually a good question.

MR. DELLENGER:

I don't see where it's referenced on here.

MS. JACKSON:

I believe it was about anywhere from 100 to 150 foot, is how far he wanted it back. I'm just looking at my drawing here. And that was just because when the dump trucks come in, if they need to turn around, they need enough space to turn around. They don't turn very quickly.

MR. DELLENGER:

What's -- the drive, it would be made out of limestone?

MS. JACKSON:

Yes, sir.

CHAIRMAN WASHER:

All right. Any other questions?
(No questions.)
CHAIRMAN WASHER:
Anything else you want to add?
MS. JACKSON:
No, sir. Thank you.
CHAIRMAN WASHER:
We'll ask if there's 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.
I do have one little brief note that we received from an individual. I'll just read it it's so short.
I'm a property owner across the street from the property at 12548 Lorraine Road. This house is directly behind the west side of Coalville Church. I'll be unable to attend the meeting but have several questions.
One, how does the proposed parcel zoning affect my property? None.
Is there a plot survey available electronically that I can review? I'm not sure if

it's on the website.
Number 3, where will the access entrances be located, i.e. Road 248, whatever and what amount of additional traffic is anticipated or expected?
Number 4, what effect will clearing the land have on flooding?
Is the hearing available to watch online via the website?
Along with these questions, I'd like to express these as concerns, as well as to point out that I would oppose the authorization. Thank you, Joyce Hicks.
Anything you want to respond to that?
MS. JACKSON:
Well, as far as the entrance goes, it will be off of Lorraine. And as far as the flooding goes, we're not messing with any of the flow. We're not grading anything, so it shouldn't really mess with it.
Trafficwise, we have got 12 employees and they're not there, so it should'nt mess with traffic at all.
CHAIRMAN WASHER:
Thank you. We will consider those

hearings closed, and I'll refer to Mr. Creel.
MR. CREEL:
Well, this is a very large piece of property, you know. There's frontage on Lorraine Road and then on two locations on Road 248. We looked at this. We believe that the RB zoning is a little intense for this area because it's surrounded by single-family zoning all the way around.
However, we were looking at the code book and we felt that this could possibly be classified as a construction office and would recommend that the zoning request be reduced to NB with a conditional use. We believe that NB will work well with the neighbors. We think the use is appropriate for that area, that -- having the landscaping office there.
The concerns we have are visibility from the road, and one of conditions that we would recommend is if you do agree to reduce the zoning request from RB down to NB that, as part of the conditional use, the only thing that can be seen from the road would be maybe the front facade of the building and that everything else would be screened from public view.

We think with that understanding that we can recommend approval.
MR. PARKER:
So moved.
CHAIRMAN WASHER:
That's on the first case as far as the rezoning? We're going to vote twice.
MR. PARKER:
Yes.
CHAIRMAN WASHER:
We have a motion by Mr. Parker recommending approval of the rezoning to NB as recommended by Mr. Creel.
MR. TODARO:
I've got a question. Since we're changing -- everything around it is residential and this is going to be an NB, that won't be spot zoning? Would we consider there is a change in the character of the neighborhood? Is that the basis for the change?
CHAIRMAN WASHER:
We can use that. Certainly, a lot of things have happened on Lorraine Road that has caused some changes. Y'all have already approved some zoning changes on Lorraine Road.

MR. TODARO:
Right.
MR. CREEL:
But we look for Lorraine Road eventually to be a commercial corridor. And right now, NB would seem to be appropriate because it works well with residentially-zoned property. And then if someone comes in with a more intense request, that would have to come back before y'all, so we believe that NB with conditional use would be appropriate.
CHAIRMAN WASHER:
Is that a second, Mike?
MR. TODARO:
Yes.
CHAIRMAN WASHER:
We have a second by Mr. Todaro. No discussion.
We'd ask that all those in favor of approval to reduce zoning to NB, raise your hand. Mr. Lechner, Mr. Todaro, Mr. Parker, Ms. Magee, Ms. Thompson, Mr. Dellenger, Mr. Poulos, Mr. King, Mr. Snow, Mr. Delahousey; myself, David Washer. We'll let the record show that's unanimous.
MR. DELAHOUSEY:

Mr. Washer, since we obviously don't -- we have a reporter, but we don't have a video recording. Would it be appropriate for Ms. Hicks to send her a copy of the minutes of this discussion?
CHAIRMAN WASHER:
Those minutes never make it to the website?
MS. LENA:
No, sir. We do have a public records request and we'll give them to her.
MR. DELAHOUSEY:
All right. That answers my question.
CHAIRMAN WASHER:
Now, we'll talk about Case Number 22-099-PC, Jered Cleveland. That's the request for a conditional use. And I think per Mr. Creel as long as we have got it screened and all, it should be okay on that.
So do we have a motion for that approval?
MR. PARKER:
So moved.
MR. KING:
Second.

CHAIRMAN WASHER:
Motion by Mr. Parker recommending approval; seconded by Mr. King.
We'd ask that all those in favor of approval of the conditional use, raise your hand. Mr. Lechner, Mr. Todaro, Mr. Parker, Ms. Magee, Ms. Thompson, Mr. Dellenger, Mr. Poulos, Mr. King, Mr. Snow, Mr. Delahousey; myself, David Washer. We'll let the record show that's unanimous.
Our next case is 22-098-PC, Steve and Dianna Gallagher. It's to consider an application requesting a zoning map amendment to authorize a change in zoning district classification for two parcels of land measuring three acres, more or less, from the present zoning district classification of A, agriculture, to NB, neighborhood business, for land presently identified as 4267 Ray Wise Drive and an unaddressed parcel fronting Ray Wise Drive. This case also advertised on November 10th, November 17th, November 24th.
View the video on that, please, Mr. Cipolla.
MR. CIPOLLA:
This is looking down from Reece Bergeron

Road. That's looking back up to the north towards Victoria, back to the south towards Old Highway 67. This property goes all the way in and curls back to the second location.
I'm back at the beginning of it. The road comes down and then cuts back to the house. There is also a small parcel on the opposite side over there that was inclusive, but it was cut in half when they put Highway 67 on through.
That is the second parcel to the south and this goes back out to where I was standing out on Reece Bergeron. And that, I believe, is where she is going to...
CHAIRMAN WASHER:
Is the applicant or their representative here?
MS. GALLAGHER:
Hi, I'm Dianna Gallagher.
MR. GALLAGHER:
I'm Steve Gallagher.
MS. GALLAGHER:
And we live at 1816 Seashore Avenue in Ocean Springs, Mississippi.
CHAIRMAN WASHER:
Tell us briefly what you're asking for