Ordinance No. 2500

ORDINANCE TO APPROVE A ZONING MAP AMENDMENT, TO AUTHORIZE A CHANGE IN ZONING DISTRICT CLASSIFICATION FOR TWO PARCELS OF LAND FROM THEIR PRESENT ZONING DISTRICT CLASSIFICATION OF AN AGRICULTURAL TO NB NEIGHBORHOOD BUSINESS, FOR LAND PRESENTLY IDENTIFIED AS 4267 RAY WISE DRIVE AND AN UNADDRESSED PARCEL FRONTING RAY WISE DRIVE

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. 22-098-PC, a request for Zoning Map Amendment, for property identified as 4267 Ray Wise Drive and an unaddressed parcel fronting Ray Wise Drive; and

WHEREAS, the Planning Commission members were apprised of the particulars of this case, being made cognizant of the fact that Steven & Dianna Gallagher, have submitted this request for Zoning Map Amendment, to authorize a change in zoning district classification for two parcels of land measuring three (3) acres (more or less), from their present zoning district classification of A Agricultural to NB Neighborhood Business, for land presently identified as 4267 Ray Wise Drive and an unaddressed parcel fronting Ray Wise Drive (re: Tax Parcel Nos. 1307O-01-011.001 & 1307O-01-011.003); and

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

Ord. No. 2500

WHEREAS, on December 1, 2022, the Biloxi Planning Commission, after some discussion, and upon careful reflection of the particulars of this case, voted 11-0, to recommend approval for the Zoning Map Amendment, to authorize a change in zoning district classification for two parcels of land measuring three (3) acres (more or less), from their present zoning district classification of A Agricultural to NB Neighborhood Business, for land presently identified as 4267 Ray Wise Drive and an unaddressed parcel fronting Ray Wise Drive, having determined that a Change in the Character of the Neighborhood, was of evidence in this area of the City of Biloxi; and

WHEREAS, the Biloxi City Council, after consideration of all facts presented, hereby adopts the report and findings of the Biloxi Planning Commission, and in doing so, determines that approval of this Zoning Map Amendment to NB Neighborhood Business is appropriate for land presently identified as 4267 Ray Wise Drive and an unaddressed parcel fronting Ray Wise Drive, Case No. 22-098-PC, Steven & Dianna Gallagher.

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

SECTION ONE: That the boundaries of the Geographical Information System Format Zoning District Map of the City of Biloxi, Mississippi, as amended, be hereby further amended by a change in zoning district classification from A Agricultural to NB Neighborhood Business, for

land presently identified as 4267 Ray Wise Drive and an unaddressed parcel fronting Ray Wise Drive, and described as follows:

A portion of Lot 2, Block 24, Paradise Found Fruit and Truck Farms Subdivision, situated in the SW Quarter of Section 32, Township 6 South, Range 9 West, Harrison County, Mississippi, and being more particularly described as follows:
Commencing at an iron pipe at the southeast corner of said Southwest quarter of Section 32, thence North 00 degrees 08 minutes 08 seconds West a distance of 12.60 feet to the Southeast corner of said Lot 2; thence North 89 degrees 57 minutes 49 seconds West a distance of 436.50 feet to the Point of Beginning; thence further along said South line of Lot 2, North 89 degrees 57 minutes 49 seconds West a distance of 198.50 feet to an iron rod located at the Southwest corner of said Lot 2; thence along the West line of said Lot 2, North 00 degrees 08 minutes 08 seconds West a distance of 281.31 feet to an iron rod; thence East a distance of 111.14 feet to an iron rod; thence South 17 degrees 22 minutes 03 seconds West a distance of 294.88 feet to the Point of Beginning; containing 1.00 acres or 43,560.0 square feet more or less, and

A portion of Lot 2, Block 24, Paradise Found Fruit and Truck Farms Subdivision, situated in the SW Quarter of Section 32, Township 6 South, Range 9 West, Harrison County, Mississippi, and being more particularly described as follows:
Commencing at an iron pipe at the southeast corner of said Southwest quarter of Section 32, thence North 00 degrees 08 minutes 08 seconds West a distance of 12.60 feet to the Southeast corner of said Lot 2; thence North 89 degrees 57 minutes 49 seconds West a distance of 336.75 feet to an iron rod and the Point of Beginning; thence further along said South line of Lot 2, North 89 degrees 57 minutes 49 seconds West a distance of 99.75 feet to an iron rod; thence North 17 degrees 22 minutes 03 seconds West a distance of 294.88 feet to an iron rod; thence West a distance of 111.14 feet to an iron rod; thence North 00 degrees 08 minutes 08 seconds West a distance of 362.73 feet to an iron rod; thence South 89 degrees 57 minutes 49 seconds East a distance of 122.00 feet to a Point; thence concave Easterly along the circumference of a circle having a radius of 4084.65 feet, 668.98 feet along said curve and having a chord bearing of South 15 degrees 25 minutes 42 seconds East with a chord distance of 668.23 feet to the Point of Beginning; containing 1.97 acres or 85,668.82 square feet more or less

ROADWAY EASEMENT:
A ROW and perpetual easement for ROADWAY purposes for Wise Road on and over the hereinafter-described land situated in Harrison Co., MS, to-wit:
Commence at the intersection of the East ROW of HWY 15 and the North line of the NW 1/4 of Section 5 - 7 - 9, Harrison Co., MS; Thence S 11^10' 54" W along said East ROW a distance of 67.4 ft. to a point on the centerline of existing Wise Road and the Point of Beginning:

Thence N 88^12'54" E a distance of 373.1 ft. to a point; Thence N 83^51'54" E a distance of 88.9 ft. to a point; Thence N 65^07'54" E a distance of 104.2 ft. to a point on the North line of said 1/4. This ROW shall be 25.0 ft. in width being 12.5 ft. on either side of the above-described centerline and containing 0.32 acres, more or less, and being situated in Section 5-7-9, Harrison Co., MS,
and further described as land most nearly bounded by the following streets: to the North of and fronting to Ray Wise Drive (a private Road); to the South of Victoria Lane; to the East of Reece Bergeron Road; and to the West of and adjacent Highway 67.

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

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

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

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:

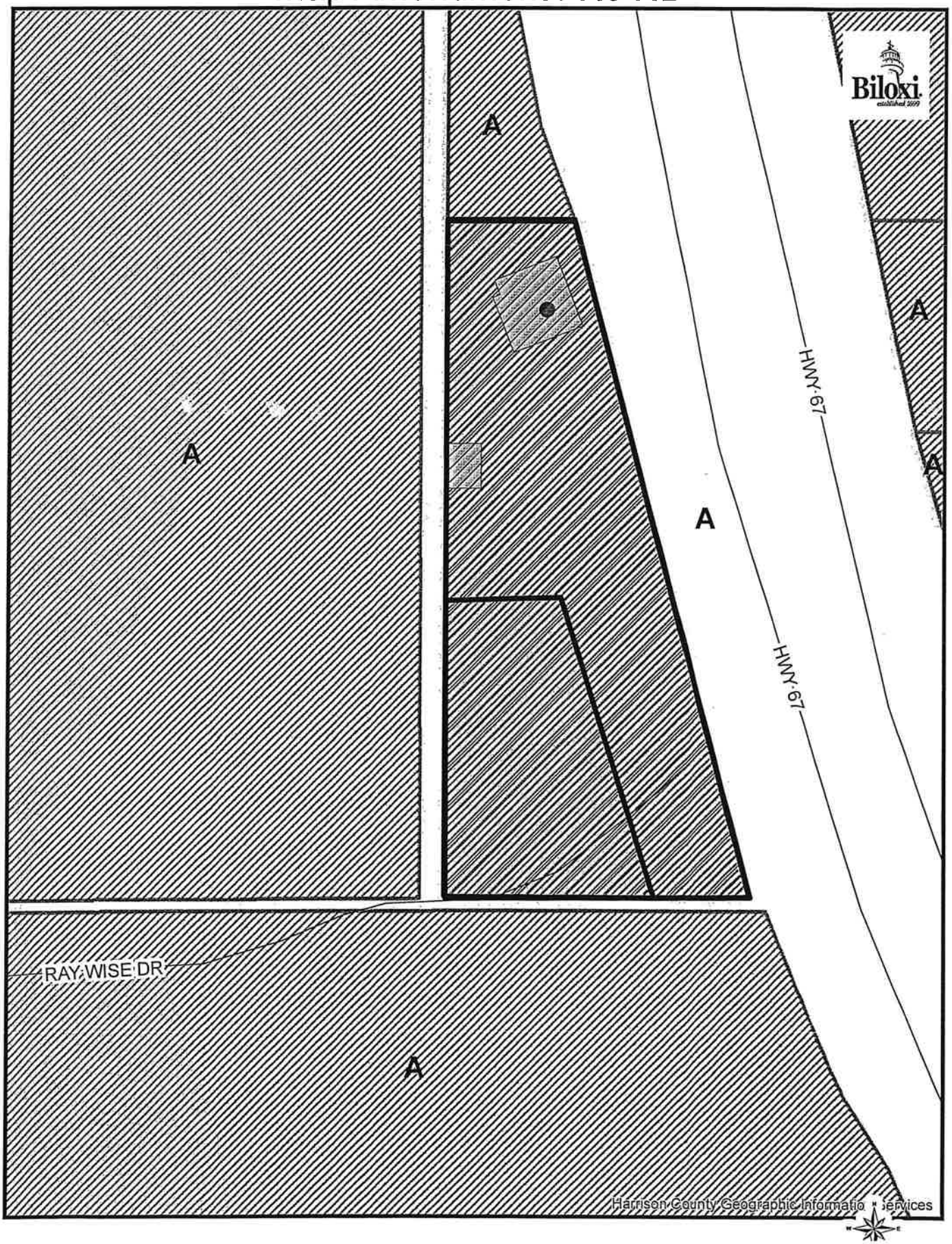
PRESIDENT OF THE COUNCIL

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

APPROVED:

MAYOR

Case No. 22-098-PC
Steven & Dianna Gallagher
4267 Ray Wise Dr & 0 Ray Wise Dr
Map Amendment-A to NB



Scheduled for:
December 1, 2022
PC Meeting

Steven & Dianna Gallagher
Case No. 22-098-PC
Zoning Map Amendment
A to **NB**

Biloxi
established 1699

Planning Commission
Case Fact Sheet

Case No.:	22-098-PC
Name of Owner:	Steven & Dianna Gallagher
Address of Property:	4267 Ray Wise Drive and an unaddressed parcel fronting Ray Wise Drive
Tax Parcel/Ward:	1307O-01-011.001 & 1307O-01-011.003/Ward 6
Request:	**Zoning Map Amendment**
Purpose of Request:	An application for a **Zoning Map Amendment**, to authorize a change in zoning district classification for two parcels of land measuring three (3) acres (more or less), from their present zoning district classification of **A Agricultural** to **NB Neighborhood Business**, for land presently identified as 4267 Ray Wise Drive and an unaddressed parcel fronting Ray Wise Drive (re: Tax Parcel Nos. 1307O-01-011.001 & 1307O-01-011.003).
Size of Property:	3 acres (More or Less)
Present Zoning:	**A Agricultural**
Flood Zone:	X, SX, & AE-14
Present Use:	Single-Family Residence & Vacant land
Most Nearly Bounded By (streets):	To the North of and fronting to Ray Wise Drive (a private Road); to the South of Victoria Lane; to the East of Reece Bergeron Road; and to the West of and adjacent Highway 67.
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 build a new commercial building to move his existing business to Biloxi.

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: Steven & Dianna Gallagher have requested a **Zoning Map Amendment**, to authorize a change in zoning district classification for two parcels of land measuring three (3) acres (more or less), from their present zoning district classification of **A Agricultural** to **NB Neighborhood Business**, for land presently identified as 4267 Ray Wise Drive and an unaddressed parcel fronting Ray Wise Drive (re: Tax Parcel Nos. 1307O-01-011.001 & 1307O-01-011.003) in order to move their existing business to Biloxi.

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

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

Options:

1. Recommend approval of this request for **Zoning Map Amendment**, from **A Agricultural to NB Neighborhood Business**, for two parcels of land measuring 3 acres (more or less) in size, having determined that a Change in the Character of the Neighborhood is of evidence, a classification of zoning which would allow for this proposed use.

2. Recommend denial of this **Zoning Map Amendment**, having determined that insufficient evidence has not been provided to warrant that a Change in the Character of the Neighborhood has been determined, or that an established Community Need has been identified to warrant the level of zoning change herein proposed for the parcel of land under consideration for zoning change.

Planning Commission Application

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

Case No. 22-098-PC

TO BE COMPLETED BY APPLICANT | Date: 10-26-2022

Name of Rightful Owner(s):	Name of Applicant: (if different than Owner)
Steven and Dianna Gallagher	
Property Address: 4267 Ray Wise DR.	**Ward Number** 6

Tax Parcel Identification Number(s):
1307O-01-011.001
1307O-01-011.003

Mailing Address of Property Owner	Mailing Address of Applicant (if different than Owner):
1816 Seashore Ave	
City: Ocean Springs	City:
State: MS	State:
Zip: 39564	Zip:
County Jackson	County
Telephone: (228) 341-0488	Telephone: ( )

Property Size (please give in acres or by dimension): 1Ac and 2Ac (3Ac TOTAL)

Present Zoning Classification: A

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

Flood Zone(s) of Property: AE-14, X, +S X

	North	South	East	West
Property is most nearly bounded by what streets?		Ray Wise DR.	Hwy 67	Reece Bergeron Rd.
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

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 # 103340 MELISSA NELL CEASAR Commission Expires Sept. 4, 2024 JACKSON COUNTY

Signature of Rightful Owner

Notary Signature

(Seal)

Signature of Rightful Owner

Notary Signature

(Seal)

STATE OF MISSISSIPPI NOTARY PUBLIC ID # 103340 MELISSA NELL CEASAR Commission Expires Sept. 4, 2024 JACKSON COUNTY

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:
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*:	A	NB

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 1600~~ ~~Comprehensive Plan~~

	Yes	No
1. Is the proposed map amendment consistent with the Comprehensive Plan?	✓	

Please explain: According to the Vision 2020 Comprehensive Plan the Greater Biloxi Planning Area which my property is a part of, the City can consider land use and trends. The new Highway 67 has been developed since the 2008 Comprehensive Plan.

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: There are several NB designations in the Area.

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: The proposed property updates would require the Zoning to be changed to Neighborhood Business.		
4. Is the property suitable for uses permitted in the proposed zoning district?	✓	
Please explain: NB Zoning allows for Professional Service Type Business		
5. Has there been a change in the character of the neighborhood?	✓	
Please explain: New connection (highway 67)		
6. Is there an established community need for uses permitted in the proposed zoning district?	✓	
Please explain: Building office space for service oriented businesses for the surrounding neighborhood area		
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: According to HCUA, water is available at Reece Bergeron Rd.		

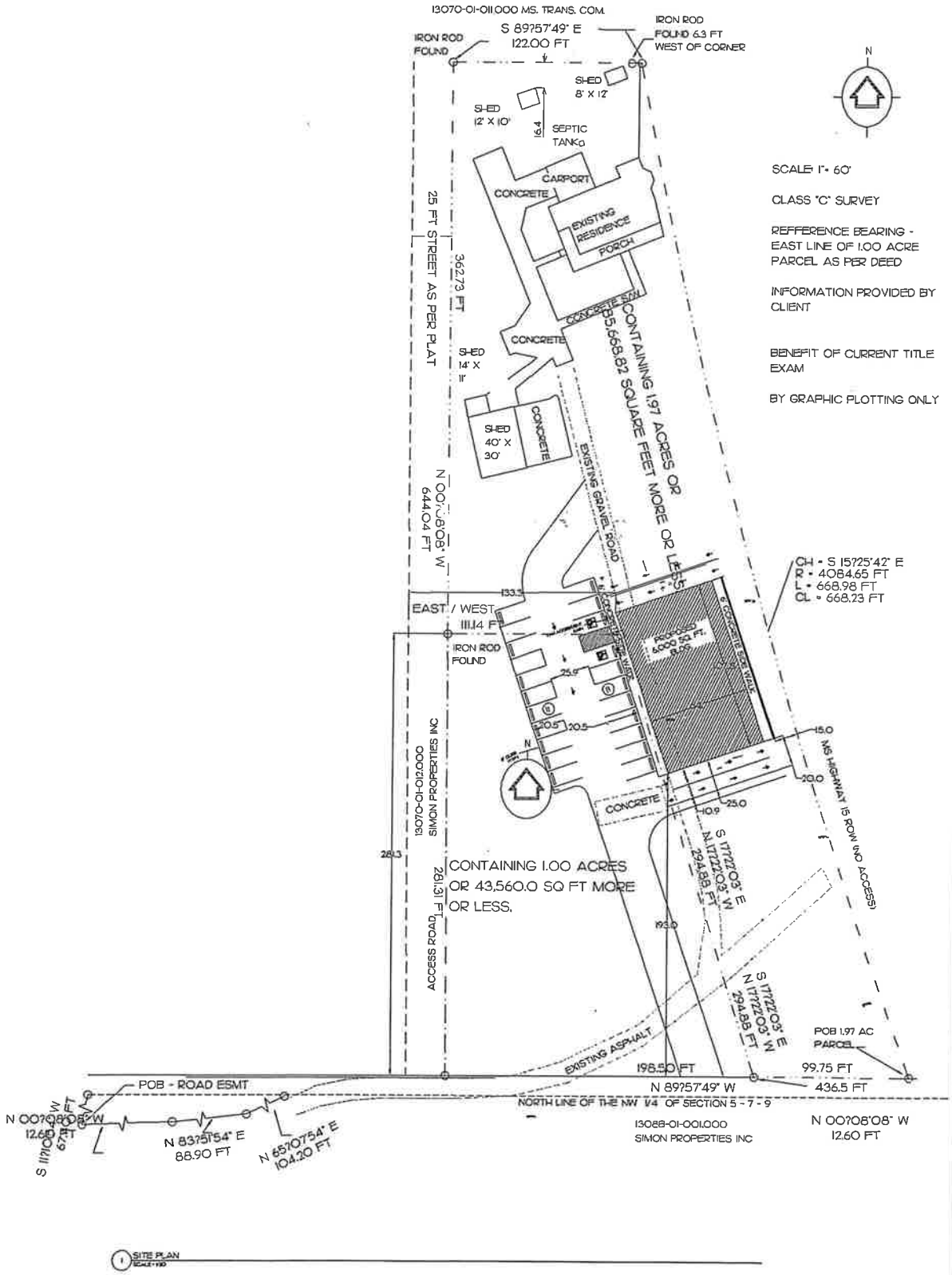
Site Plan attached: (please circle): Yes No	Case No. ☐☐-☐☐☐-☐☐☐

Purpose

Purpose of Request to zone neighborhood business (NB)

My wife and I are requesting a zoning change of our property located at 4360 and 4267 Ray Wise Drive, Biloxi from Agriculture (A) to Neighborhood Business (NB). The purpose is to build a 6,000 sq foot commercial building and relocate our Computer Business from Gulfport to Biloxi. Our business, Digital Network Solutions, LLC (DNS) has been in providing remote and on-site computer and networking support since 1995. Ninety-five percent (95%) of DNS business is served remotely or at the client's office. Currently, DNS has 13 employees.

SITE PLAN



SHEET: C1	DRAWN BY: JLB CHECK BY: DGM PARKER REVISION DATE: DATE: 10/20/2022	SHEET TITLE: Site Plan		I.T. Building For: Gallahger 4267 Ray Wise Dr. Biloxi, MS 39532

SDS
STRUCTURAL DESIGN SOLUTIONS
8195C WOOLMARKET ROAD
BILOXI MS, 39532

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

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

and why you're asking for it, please, ma'am.
MS. GALLAGHER:
Yes. So bear with me just a little bit. I actually -- my name is Dianna, but I go by Deedy. And as he said, that's Steve.
I'm a Fountain from Back Bay Biloxi, and I met my husband at Hiller Park 31 years ago before he separated from the Air Force in 1991. Steve and I started our business, Digital Network Solutions, DNS, 27 years ago, and he ran it while I was teaching it Biloxi Public Schools until I retired in May of 2016.
Two days after retiring, I went to work full time with him, and he has done an amazing job building our company. He has built the company from just himself to 15 employees plus us. We have outgrown our current office in Gulfport and we opened a satellite office in Ocean Springs. Since I started working with Steve, we have been talking about building something to house our employees because we are growing out of the space that we're actually in.
The majority of our clients are located in Harrison and Jackson County, and Steve and I feel that an office in Biloxi close to the

interstate will be perfect for us. Because of the Highway 67 interconnect, along with Sangani Boulevard and Promenade developments, the neighborhood characteristics of the area is evolving from agriculture, which our property is currently zoned, to a business area.
We purchased the two parcels totaling three acres just off of Ray Wise Road, which you just saw, because we see the growth evolving as Biloxi is moving north of the interstate and up Highway 67. Steve and I want to be a part of that growth.
We know there is a property to the southeast of ours in 2009 that was granted rezoning from agriculture to neighborhood business. And just up the road on 67, there is some property that's zoned commercial. The potential for growth is starting and as I said, we want to be a part of your growth. In order to do that, we ask that you please rezone our three acres from agriculture to neighborhood business. Our intention is to build an office for DNS so that we can move our employees from Gulfport and Ocean Springs to the one location in Biloxi.
99.99 percent of our workers and our

work is outside of the office, so we have our -- as far as traffic, it's going to be a low traffic workflow in that area because our business goes out into offices and does computer work there.
So thank you for your time, and my husband is happy to answer any of your questions.
MR. GALLAGHER:
How y'all doing?
CHAIRMAN WASHER:
Do we have any questions from the members of Commission?
MR. DELLENGER:
The house that was just shown behind, is that going to -- are y'all building the building in front of that? Explain how the property -- I'm trying to figure out exactly how it's laid out. You know, there is a house behind it, but is that on the property?
MS. GALLAGHER:
Yes.
MR. GALLAGHER:
Yes.
MR. DELLENGER:
Okay. So you own the house and everything behind it?

MR. GALLAGHER:
Correct.
MR. DELLENGER:
Do y'all live in that house?
MS. GALLAGHER:
No.
MR. GALLAGHER:
No. The lady that once owned all of the tract of the land, her and her husband, the one that was dissected by Highway 67's growth, we bought it from her and we have an arrangement with her to stay there as long as she wants.
MS. GALLAGHER:
So she lives there.
MR. CREEL:
Let me just say, the house that they showed that looked like it's off in the distance, I don't know if you noticed it, but running right beside it is new Highway 67. This house is right up on new 67. You were just looking at the front of it. And when you drive up 67, you see the back of it there, so it is right on the interstate. It's not in a residential neighborhood or anything.
MS. GALLAGHER:

Right. It's just off of 67, so the property backs up to it and she will stay there as long as she wants to stay there.

MR. DELLENGER:

I mean, not that it matters, but she didn't have any objection to y'all putting y'all's office there?

MR. GALLAGHER:

She's known our plan the entire time.

MS. GALLAGHER:

No. She's excited.

MR. DELLENGER:

She doesn't own the property, so I guess it doesn't matter.

MS. GALLAGHER:

We talked to her before we bought it to make sure that she was okay with it and she is definitely good with it.

MR. GALLAGHER:

And she lives there and she goes back and forth to Florida.

MS. GALLAGHER:

Yeah, with her son.

MR. GALLAGHER:

She knows what we're trying to do.

CHAIRMAN WASHER:

Anything else y'all want to add?

MR. GALLAGHER:

Just appreciate your time. Hopefully you guys vote our way. Thank you very much.

MS. GALLAGHER:

Yes.

CHAIRMAN WASHER:

Thank you.

I see Dr. Paul Tisdale is in the audience now, Councilman Ward 5.

Anyone in the audience want to speak in favor of the applicant's request? No one speaking in favor.

Anybody speaking in opposition? No one speaking in opposition.

We'll consider that hearing closed.

Mr. Creel.

MR. CREEL:

Yes, sir. Members of the Commission, we looked at this application and certainly being right on the new Highway 67, we believe that NB is very reasonable for what they're proposing. It is a computer business. It's not something where they're going to have a lot of people coming and

going, but we believe that that property along Highway 67 should be at least NB. We've already rezoned property north of here to CB, but in this particular area since it backs up to agricultural, we believe that NB is a very reasonable request and would recommend approval.

MR. TODARO:

I move that we accept the recommendation.

MS. MAGEE:

Second.

CHAIRMAN WASHER:

Motion by Mr. Todaro recommending approval; seconded by Ms. Magee.

Any discussion?

(No discussion.)

CHAIRMAN WASHER:

We'd ask that all those in favor of approval, 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:

Thank you for bringing business to

Biloxi.

MR. DELLENGER:

Let me ask y'all, what kind of building will it be, just a metal building?

MR. GALLAGHER:

We're still trying to figure it all out. This is new. But either a metal building with the great facade or possibly a wooden building that looks really, really nice.

MS. GALLAGHER:

I wanted it to be, like, super nice, but then when we started talking budget, we're leaning towards metal with a really nice facade.

MR. DELLENGER:

I understand.

CHAIRMAN WASHER:

All right. Our next Case today, 22-100-PC, Kenneth Finnegan, it's to consider a request for vacation of a portion of an unapproved public right-of-way approximately 70 feet in length and 24 feet, more or less, in width, identified as a unapproved section of Tullier Court and presently situated immediately adjacent to two properties identified as 163 Jackson Place and 152 Benachi Avenue. This case was advertised