Ordinance No. 2503

ORDINANCE TO APPROVE A ZONING MAP AMENDMENT,
TO AUTHORIZE A CHANGE IN ZONING DISTRICT CLASSIFICATION FROM
ITS PRESENT ZONING OF RMH RESIDENTIAL MANUFACTURED HOME AND
RB REGIONAL BUSINESS TO NB NEIGHBORHOOD BUSINESS,
FOR A PARCEL OF LAND PRESENTLY IDENTIFIED AS 12200 OLD HIGHWAY 67

WHEREAS, on Thursday, December 15, 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. 22-102-PC, Country Living Community, LLC, a request for Zoning Map Amendment, for property identified as 12200 Old Highway 67; and

WHEREAS, the Planning Commission members were apprised of the particulars of this case, being made cognizant of the fact that Country Living Community, LLC submitted this request for Zoning Map Amendment, to authorize a change in zoning district classification for a parcel of land measuring 19.01 acres (more or less) in size, from its present multi-zoning classification of RMH Residential Manufactured Home and RB Regional Business to NB Neighborhood Business, for a parcel of land presently identified as 12200 Old Highway 67 (re: Tax Parcel No. 1208A-04-006.000); and

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

WHEREAS, on December 15, 2022, the Biloxi Planning Commission, after some discussion, and upon careful reflection of the particulars of this case, voted 9-0, to recommend

approval for the Zoning Map Amendment, to authorize a change in zoning district classification from its present multi-zoning classification of RMH Residential Manufactured Home and RB Regional Business to NB Neighborhood Business for a parcel of land presently identified as 12200 Old Highway 67, having determined that a Change in the Character of the Neighborhood, coupled with a valid community need at this location, was of evidence in this area of the City of Biloxi; and

WHEREAS, the Biloxi City Council, after consideration of all facts presented, hereby adopts the report and findings of the Biloxi Planning Commission, and in doing so, determines that approval of this Zoning Map Amendment to NB Neighborhood Business is appropriate for land presently identified as 12200 Old Highway 67, Case No. 22-102-PC, Country Living Community, LLC.

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

SECTION ONE: That the boundaries of the Geographical Information System Format Zoning District Map of the City of Biloxi, Mississippi, be hereby amended by a change in zoning district classification from RMH Residential Manufactured Home and RB Regional Business to NB Neighborhood Business for land presently identified as 12200 Old Highway 67, and described as follows:

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A parcel of land situated in the Northeast 1/4 of the Northwest 1/4 and in the Northwest 1/4 of the Northeast 1/4 of Section 1, Township 7 South, Range 10 West, City of Biloxi, Harrison County, Mississippi, and being more particularly described as follows:

Beginning at an iron pipe found at the Northwest corner of the Northwest 1/4 of the Northeast 1/4 of said Section 1, thence along the North line of said Northwest 1/4 of the Northeast 1/4 of Section 1, S 89°38'11" E 1332.03 feet to an axle found at the Northeast corner of said Northwest 1/4 of the Northeast 1/4 of Section 1, thence S 00°59'49" W 690.51 feet to an iron rod, thence West 440.44 feet to an iron rod, thence N 03°30'00" W 171.00 feet to an iron rod, thence West 233.00 feet to an iron rod, thence South 365.00 feet to an iron rod lying on the North margin of Miss. State Highway 67, thence along said North margin N 60°11'49" W 232.77 feet, thence along a curve of said North margin to the right, having a radius of 2872.77 feet and an arc length of 852.04 feet to an iron rod being N 49°20'26" W 848.92 feet, thence North 225.40 feet to an iron rod lying on the North line of the Northeast 1/4 of the Northwest 1/4 of Section 1, thence along said North line S 89°43'00" E 209.87 feet to the Point of Beginning, containing 21.698 acres, and

Less and Except beginning at a concrete monument found at the Northwest corner of the Northeast 1/4 of said Section 1, Township 7 South, Range 10 West, City of Biloxi, Harrison County, Mississippi, thence along the line common to Section 36, Township 6 South, Range 10 West and Section 1, Township 7 South, Range 10 West, N 89°51'14" E 106.66 feet to a 1/2" iron rod found, thence further along said common line, N 89°50'34" E 252.50 feet to a 1/2" iron rod found, thence further along said common line N 89°51'51" E 217.42 feet to a 1/2" iron rod found, thence further along said common line N 89°51'15" E 145.32 feet to a 1/2" iron rod set, lying on the South right of way of a 30' Gas Easement, described in Deed Book 244 at Page 417, thence along said South right of way, S 74°36'35" W 626.15 feet to a 1/2" iron rod set, thence further along said South right of way, S 74°49'31" W 318.10 feet to a 1/2": iron rod set, lying on the East margin of Old Highway 67, thence along said East margin N 43°12'22" W 29.91 feet to a 1/2" iron rod found, thence N 00°09'38" W 225.76 feet to a 1/2" iron rod found, lying on the line common to Section 36, Township 6 South, Range 10 West and Section 1, Township 7 South, Range 10 West, thence along said common line N 89°59'30" E 209.91 feet to the Point of Beginning, containing 2.71 acres. Reference meridian for bearings based on geodetic North by GPS observation. Said parcel being subject to a 30' United Gas Line Easement described in Deed Book 244, Page 417,

and further described as land most nearly bounded by the following streets: to the North of and fronting upon Old Highway 67; to the South of Rocky Mountain Drive; to the East of Woolmarket Road; and to the West of Hudson Krohn Road.

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

Ord. No. 2503

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

YEAS:	Lawrence Newman Deming	Glavan Barrett	NAYS:	Tisdale
ABSENT:	Gines			

The Vice-President then declared the Ordinance adopted this the 17th day of January, 2023.

STATE OF MISSISSIPPI
CITY OF BILOXI
HARRISON COUNTY

ATTEST:

CLERK OF THE COUNCIL

APPROVED:

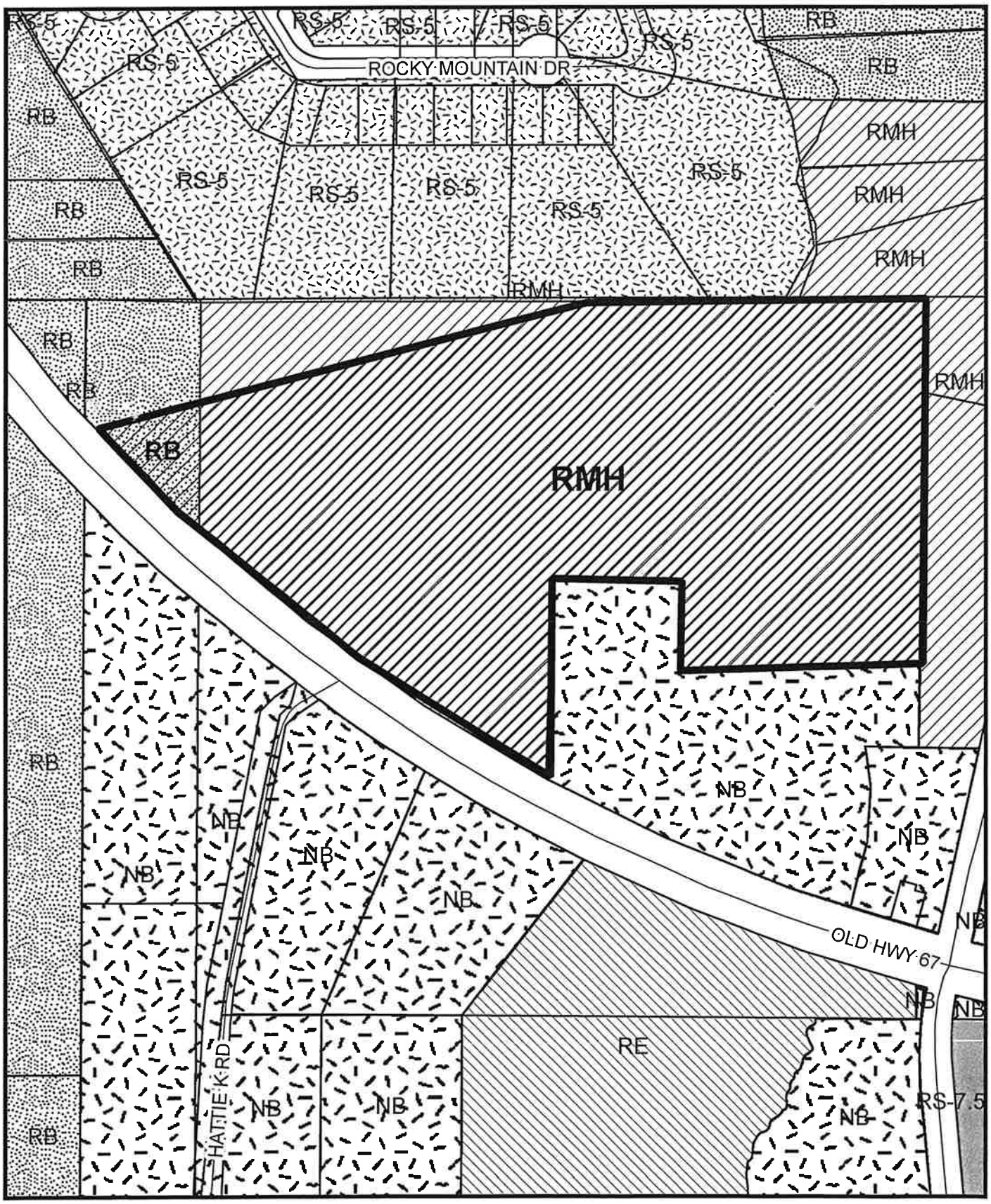
VICE-PRESIDENT OF THE COUNCIL

Submitted to and approved by the Mayor, this the 19th day of January, 2023.

APPROVED:

MAYOR

Case No. 22-102-PC
Country Living Community, LLC
12200 Old Highway 67
Zoning Change request for RMH & RB to NB


RS-5
ROCKY MOUNTAIN DR
RB
RMH
RMH
NB
NB
NB

Scheduled for:
December 15, 2022
PC Meeting

Country Living Community, LLC
Case No. **22-102-PC**
Zoning Map Amendment
RMH/RB to **NB**

Planning Commission
Case Fact Sheet

Case No.:	22-102-PC
Applicant/ Owner:	Country Living Community, LLC
Address of Property:	12200 Old Highway 67
Tax Parcel/Ward:	1208A-04-006.000/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 19.01 acres (more or less) in size, from its present multi-zoning classification of **RMH** Residential Manufactured Homes **and RB** Regional Business to **NB** Neighborhood Business, for a parcel of land presently identified as 12200 Old Highway 67 (re: Tax Parcel No. 1208A-04-006.000).
Size of Property:	19.01 acres (More or Less)
Present Zoning:	**RMH** and **RB**
Present Use:	Residential Manufactured Home Park
Most Nearly Bounded By (streets):	To the North of and fronting upon Old Highway 67; to the South of Rocky Mountain Drive; to the East of Woolmarket Road; and to the West of Hudson Krohn 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 request permission to add an addition of (10) RV Sites and to authorize short-term rentals for the property.

Letters or Concerns stated: The Planning Division Office has not received any letters or other written communications relative to this case, as of December 08, 2022.

Comments/ Recommendations: Country Living Community, LLC has requested a **Zoning Map Amendment**, to authorize a change in zoning district classification for a parcel of land measuring 19.01 acres (more or less) in size, from its present multi-zoning classification of **RMH** Residential Manufactured Homes **and RB** Regional Business to **NB** Neighborhood Business, for a parcel of land presently identified as 12200 Old Highway 67 (re: Tax Parcel No. 1208A-04-006.000).

The applicant requested this **Map Amendment** to obtain a suitable zoning (i.e., **NB- Neighborhood Business**) needed to allow consideration of a separate application request (re: Case No. 22-103-PC) to obtain **Conditional Use** Approval – to add an addition of (10) RV Sites and to authorize short-term rentals throughout the property.

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 19.01 acres (more or less) in size, from its present multi-zoning classification of **RMH** Residential Manufactured Homes **and RB** Regional Business to **NB** Neighborhood 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.

BILOXI PLANNING COMMISSION MEETING
DECEMBER 15, 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
August Parker
John Snow
David Stanovich
Cheryl Thompson
Michael Todaro

ALSO PRESENT:

Jerry Creel, Director of Community Development
Felicia Serpas, Senior Planner
Caryle Lena, Planner I
Dr. Paul Tisdale, Councilman Ward 5
Dr. Larry Drawdy
Ronnie Bogard

REPORTED BY:

Melissa Burdine-Rodolfich
Simpson Burdine & Migues

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

	PAGE
CONTINUED PUBLIC HEARING(S):	
(None)	
NEW PUBLIC HEARING(S):	
22-102-PC	5
22-103-PC	5
22-104-PC	23 and 64
22-105-PC	31
TREE HEARING(S):	
TR-22-011	39

CHAIRMAN WASHER:

Let us call the Planning Commission meeting to order, please. We'll record the members present.

Our two new members that will take office on January 1st will be Ronnie Bogard and Dr. Larry Drawdy. We welcome y'all on the board with us.

Current members, Mr. Todaro, Mr. Parker, Ms. Thompson, Mr. Stanovich, Mr. Dellenger, Mr. King, Mr. Snow, Mr. Delahousey; myself, David Washer; Jerry Creel, Director of Community Development; Felicia Serpas, Senior Planner; Caryle Lena, Planner. On the projector there is Tim Cipolla, Planning Inspector, and our court reporter today is Melissa Rodolfich.

I would also like to recognize Dr. Paul Tisdale, Councilman Ward 5, in the audience.

Mr. Delahousey, would you please open the meeting with a moment of prayer?

MR. DELAHOUSEY:

Okay. I'm blessed to do this every year -- every meeting. And today, Chairman Washer has asked me to come up with something significant for this time of year. It's a little longer than

usual, so please bear with me.

(Moment of prayer.)

CHAIRMAN WASHER:

Mr. Parker, the pledge, please.

(Pledge of Allegiance.)

CHAIRMAN WASHER:

We welcome everyone with us today. We ask that anyone that desires to speak, please come to the podium, give us name and address for the record and also please sign at the pad provided.

Ask if all members of the Commission received a copy of the minutes from the last meeting?

MR. DELAHOUSEY:

Move to approve.

MS. THOMPSON:

Second.

CHAIRMAN WASHER:

Motion recommending approval by Mr. Delahousey; seconded by Ms. Thompson.

All those in favor, say "aye."

(All in favor.)

CHAIRMAN WASHER:

Any opposed?

(None opposed.)

CHAIRMAN WASHER:

Thank you.

Committee reports today, Mr. Creel?

MR. CREEL:

Yes, sir. Mr. Chairman and members of the Commission, over the past two weeks, the department has issued 136 building permits, with a total construction valuation of $1.2 million. We have collected $13,200 in permit fees, issued licenses for 15 new businesses and 52 renewals.

We have also issued 13 certificates of occupancy; five of those were for short-term rentals. And of the permits issued, one was for the remodel of the McDonald's at 970 Cedar Lake Road and five new single-family houses.

CHAIRMAN WASHER:

No continued public hearings today.

New public hearing today, Case Number 22-102-PC, Country Living Community, LLC. It's to consider an application for a zoning map amendment to authorize the change in zoning district classification for a parcel of land measuring approximately 19.01 acres, more or less, in size from its present multizoning classification, RMH residential manufactured homes, and RB, regional

business, to NB neighborhood business for a parcel of land presently identified as 12200 Old Highway 67. This case was advertised on November 24th, December 1st and December 8th.

Also, in conjunction with that case, we're going to hear Case Number 22-103-PC, Country Living Community, LLC. It's to consider an application requesting conditional use approval to authorize short-term rental as a permitted use and add 10 recreational sites within an existing mobile home park, measuring approximately 19.01 acres, more or less, situated within a proposed NB, neighborhood business, zone and identified as 12200 Old Highway 67.

This case we will hear jointly with the other one. We'll vote on them separately.

This case was advertised on December 1st and December 8th.

Mr. Cipolla.

MR. CIPOLLA:

This is Highway 67. You have the Dollar Store down here. This is a trailer park. As you can see in their plans, it's a circle loop. This is Hattie K. It goes all the way around. Woolmarket Road starts right up there and Old 67

continues up through to Shriners.

I don't know exactly what lots they were on, so I will let him describe that when they go.

CHAIRMAN WASHER:

Is the applicant or their representative here, please? Yes, ma'am. Come forward, please. Again, give us your name and address and also sign in.

MR. CIPOLLA:

Just go ahead and explain to him what you would like.

MR. HURD:

We would like to just change the zoning.

CHAIRMAN WASHER:

What is your name, sir, please?

MR. HURD:

Drew Hurd.

CHAIRMAN WASHER:

All right. Your address, Mr. Hurd?

MR. HURD:

I live at 24 Davis Bayou Road, Ocean Springs.

I'm the director of finance at the Home of Grace, which is the owner of -- Home of Grace is the single-member owner of Country Living

Mobile Park.

CHAIRMAN WASHER:

All right.

MR. HURD:

So we would just like to change the zoning from manufactured homes to the new -- what is it?

MS. GRAHAM:

New business.

MR. HURD:

New business. We already have some that are conditional business, right?

MS. GRAHAM:

There is a section.

MR. HURD:

Right. That allow for short-term rentals. So we would like to get the whole park to new business so we can allow for the RVs.

There are already RVs at Camp David, which are kind of on the other side of the bridge at Cedar Lake. So we'd like to allow some of those in the back area of the mobile home park, which we would have to put in infrastructure. We've talked about, utilities for the water, electric hookup. And then also allow for the

shorter rentals as well.

You know, obviously we would have to get permitted for the individual short-term rentals, but we do have -- for the monthly rentals and things of that nature.

CHAIRMAN WASHER:

So we're asking for the entire park to be rezoned neighborhood business?

MR. HURD:

Right.

CHAIRMAN WASHER:

And we're asking for an additional 10 spaces to be designated for RV places?

MR. HURD:

That's correct.

CHAIRMAN WASHER:

And you want only those 10 spaces to be designated for short-term rental?

MR. HURD:

For now. Because most of the mobile home park -- the majority of the mobile home park is the mobile homes and then --

MS. GRAHAM:

So the 10 --

CHAIRMAN WASHER:

Give us your name and address, please.

MS. GRAHAM:

I'm Amanda Graham, 12200 Old Highway 67, Biloxi.

We want to do 10 RV -- designate 10 spots for RVs only, and then throughout the rest of the park we would like to utilize our existing structures that are there or any that are brought in, whether it's long-term rental or short-term rental, that we're able to fluctuate between the two as we see fit of what is, you know, the need -- or the applicant's need of the --

CHAIRMAN WASHER:

And how many spaces are in the park, not counting the 10, you're requesting?

MS. GRAHAM:

Ninety-seven.

CHAIRMAN WASHER:

Ninety-seven. And you're running about 43 percent occupancy during this time?

MR. HURD:

A little higher than that. It's probably about 60.

CHAIRMAN WASHER:

So you're asking for the 10 new spaces

to be designated for RVs and then you're asking for those, as well as the entire 97 spaces, to be approved for short-term rentals?

MS. GRAHAM:

Correct.

CHAIRMAN WASHER:

Are you sure that's what you want?

MS. GRAHAM:

Correct.

MR. DELAHOUSEY:

Mr. Creel, I have a question. So it sounds like the goal is they want to establish short-term rentals. Is that the appropriate rezoning -- excuse me, reclassification, from RB to NB?

MR. CREEL:

They came in and actually met with us to talk about this. And originally the request was just to change those 10 spaces, which was not logical to change the zoning for 10 spaces inside of an RMH. So anytime that you're trying to accomplish a purpose, you always go to the lowest zoning necessary to accomplish that purpose, and the lowest zoning available to get to the short-term rental aspect of this is the NB with a

conditional use.

The NB would be the correct way to do this with the conditional use because you do have houses that are just to the north of this. And if there was a problem, then the Planning Commission and City Council will have the right to have a hearing and revoke that conditional use permitted here.

Now, one thing I can say, since this group took over the mobile home park -- when they took it over, it was a code enforcement disaster.

MR. CIPOLLA:

Yes.

MR. CREEL:

And we had problems out there all the time with sewer spilling out on the ground and everything else. And since they have taken it over, they have really cleaned this place up. It's very well run, very well organized, and we believe that it will continue to be run the right way if this is passed by the Planning Commission and City Council.

MR. DELAHOUSEY:

If it were zoned NB and he wanted to establish a business there instead of a living --

short-term rental, long-term rental, would he have to come back to the Planning Commission to establish the business?

MR. CREEL:

Not if it was within the NB zoned district. Now, if he came in and wanted to build something new there, then it would have to go through the whole process. You know, he'd go through DRC. But if it's something that would be allowed in NB zoning that did not require some type of special approval, then it would go to the DRC committee and then they would submit building plans.

They're right next -- if you look at your map that's in your packet, they have some RB zoning right there next door, regional business zoning. But the reason I didn't recommend going to RB, which would have allowed this as a use by right, is because they are just south of those houses in there. And RB, you know, would have opened the door for a bar or nightclub or all those other kind of undesirable uses that you just don't want to have right next to a neighborhood, residential neighborhood.

MR. DELAHOUSEY:

Is it your desire to have any business there in the future or just keep it as?

MR. HURD:

No, sir. I don't know if you're aware of the Home of Grace, but the Home of Grace is the owner, so it's not an individual. So the proceeds from the mobile home go directly to benefit that nonprofit.

But the RVs will be in the back. And no, sir, we have no plans -- this was an asset that was donated to us, and we really just like the idea of having this right here as it is. We have enough to deal with with the Home of Grace.

MR. DELAHOUSEY:

Thank you.

MR. STANOVICH:

Are all the trailers rented right now? Are any of them owner occupied?

MR. HURD:

There is four that's owner occupied, and then the rest of them pretty much are rented. We're pretty much full with what we have there.

MR. STANOVICH:

Those four owners, are they aware you want to change this over to short-term rentals?

MR. HURD:

They've been notified, haven't they, of the hearing?

MS. GRAHAM:

Yes.

MR. TODARO:

Will there be plans to incorporate this as part of like Home of Grace recovery or healing, some of the --

MR. HURD:

We do. We actually have a mobile home right now that we have a few guys that live in there. We do have our employees that stay -- that live there too. So, I mean, we don't plan to do the whole park like that, but we do use it in that nature as we see fit.

MR. TODARO:

And by doing it short-term, that would give you more flexibility if somebody wanted to rent it as part of the recovery or healing?

MR. HURD:

Right.

MS. GRAHAM:

The short-term mainly -- so the goal is -- the income that comes from the park is going

to the Home of Grace, and the short-term allows us to bring a larger revenue for that purpose. I get travel nurses there. I have workers that come in that are there for, you know, three or four months.

So we have a sliver now that is already short-term. That's Lots 1, 2 and 3, but the rest of the park is not. We're utilizing -- not so much short-term. As long as I rent over the 30 days, then I'm still -- I can rent to somebody two or three months, you know. I just can't do the bookings or the short -- you know, one or two or three days.

So I have about 15 of those that's already set up, ready, that's being utilized, people coming in, like I said, over the 30 days, which is allowed already. So we're just asking that we don't have that limitation, you know, that we are able to put it on different platforms and advertise and bring in different diversity. It's doing really well.

At this time -- no. Do we plan to make the entire park that way? No. It's just that we may have a tenant that moves out and I may convert it. And then later on, there may be something

that comes up and I say, well, let's do this one long-term and we'll switch back. We'll short-term on the other one. And right now I don't have that flexibility and that's what we're looking for.

MR. DELLENGER:

Jerry, will they have to specify what units will be short-term so that the fire department can put -- I mean, can that be done on the trailers, I guess is what they are?

MR. CREEL:

Yeah. Anytime that you're going to use a structure for short-term rental, the building department and fire department have to go out and inspect it and make sure that it meets the requirements for evacuation and those kind of things. And then it's put on the fire department's annual inspection list to go back there each year and re-inspect.

MR. HURD:

And we'll have to get a certificate of occupancy, correct, for each one of those units, right, for short-term?

MR. CREEL:

That's correct.

MR. DELLENGER:

Is there still a secondary, I guess, exit option on that?

MR. CREEL:

That has to do with elevated structures. If they have a second story on them, that kicks in, but if it's a one-story, no.

CHAIRMAN WASHER:

All right. Any other questions, members of the Commission? No other questions.

Anything else y'all would like to add?

MS. GRAHAM:

The RV sites, it's not going to be meant for long-term people coming and living there for a year at a time. It's going to be for our snowbirds and things like that, so, you know, that would deter any, you know, riffraff, I guess you could say, that would be brought in.

So, you know, I just -- it's not, you know -- a lot of the people that long-term usually in an RV, you know, I think we all kind of know where that goes, but that is going to be short-term as well. There will be stipulations on how long that they can stay there.

MR. TODARO:

Do you live on the property?

MS. GRAHAM:

I do not.

MR. TODARO:

How far -- like, we try to know that somebody that's going to manage the short-term is within --

MS. GRAHAM:

So we have staff people there that do live on the site. The maintenance guys do stay on site.

MR. TODARO:

Okay. Thank you.

MR. HURD:

We also have -- I don't know if the security system is fully put in, but we are putting cameras in. We have got that in the works on all parts of the park.

CHAIRMAN WASHER:

All right. Thank y'all.

We'd ask if there is 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'll consider those hearings closed. Mr. Creel, Case Number 22-102.

MR. CREEL:

Well, this is a request for zoning change to move from RMH to NB zoning. In looking at this case, this was the lowest zone that the applicant could seek that allows both short-term rental and an RV park and a conditional use. We just wanted to make sure that the zoning that was allowed in there was a conditional use so that if there were problems there was some oversight over that.

But they have RB zoning right at the front of this property. Matter of fact, one piece of this property out in the front is already zoned RB. You also have some RB north of it and some across the street, which are the most intensive business zonings that we have. So as far as the zoning change goes, the staff feels comfortable with the NB and would recommend approval.

MR. DELAHOUSEY:

So moved.

CHAIRMAN WASHER:

Motion by Mr. Delahousey recommending approval to the change in zoning.

MR. SNOW:
Second.
CHAIRMAN WASHER:
Seconded by Mr. Snow.
Any discussion?
(No response.)
CHAIRMAN WASHER:
We'd ask that all those members that are in attendance that are in favor of approval, raise your hand. Mr. Todaro, Mr. Parker, Ms. Thompson, Mr. Stanovich, Mr. Dellenger, Mr. King, Mr. Snow, Mr. Delahousey; myself, David Washer. We'll let the record show that unanimous.
Regarding Case Number 22-103, the conditional use.
MR. CREEL:
With regard to the conditional use, we are actually recommending that this be conditional use, even though it's already listed as conditional use, but, again, it puts the safeguard in place that if we do run into problems here -- because this is kind of a different type of request that we're asking for, with the conditional use in place, it will give us that safeguard to present it back to the Planning

Commission and Council in the event that there is a problem. The property does meet all the conditions of the conditional use and we would recommend approval.
MR. DELAHOUSEY:
I will move to approve this one.
CHAIRMAN WASHER:
We have a motion by Mr. Delahousey recommending approval.
MR. SNOW:
Second.
CHAIRMAN WASHER:
Seconded by Mr. Snow.
Any discussion on that?
(No response.)
CHAIRMAN WASHER:
Again, we'd ask those in favor of approval, raise your hand. Mr. Todaro, Mr. Parker, Ms. Thompson, Mr. Stanovich, Mr. Dellenger, Mr. King, Mr. Snow, Mr. Delahousey.
Any opposed? I'm to going oppose.
Any abstentions?
(No abstentions.)
CHAIRMAN WASHER:
Motion carries.

Our next case, 22-104, Kelsey Partners, LLC, owner, and Kenny Patel, applicant. It's to consider an application requesting a conditional use approval to authorize construction of a 8,500-square-foot plaza to include a convenience store with gas sales upon a parcel of land measuring approximately 1.9 acres in overall size presented situated in an NB, neighborhood business, and RM-20, medium-density, multifamily, zones and identified as 1951 Popps Ferry Road. This case was also advertised on December 1st and December 8th.
Mr. Cipolla.
MR. CIPOLLA:
This is Popps Ferry. You have the Arbor Place there. This is the property itself. Jam Lane looking back to the north. You have a Family Dollar and the Arbor right there. This is previously where there was a detention pond out here -- sorry, retention. As I said, that's Jam Lane. That goes back around to Tribe Drive. That's pretty much about it.
CHAIRMAN WASHER:
Mr. Creel.
MR. CREEL:

We would like to ask the Planning Commission to continue this case until the next meeting -- on the map it shows a strip of RM-20 included in this and a convenience store would not be allowed in RM-20 -- to give us a chance to go back and recheck this. So with the Planning Commission's approval, we would like for it to be continued till the next meeting.
MR. TODARO:
I move that it be continued to the next meeting.
CHAIRMAN WASHER:
All right. I mean, in all fairness to anybody that's in attendance that wants to speak -- we will go ahead and entertain the motion and get a second, but anyone that can't maybe make it back in two more weeks, maybe we ought to get their comments on the record now. Is that okay, Mr. Todaro?
MR. TODARO:
Yeah. Sure.
MR. DELAHOUSEY:
I'll second the motion.
CHAIRMAN WASHER:
Seconded by Mr. Delahousey in regard to