Ordinance No. 2504

ORDINANCE TO APPROVE A **ZONING MAP AMENDMENT**, TO AUTHORIZE A CHANGE IN ZONING DISTRICT CLASSIFICATION FOR SIX PARCELS OF LAND FROM THEIR PRESENT ZONING DISTRICT CLASSIFICATION OF **NB NEIGHBORHOOD BUSINESS** AND **SAND BEACH** TO **WF WATERFRONT** FOR PROPERTIES IDENTIFIED AS 360 BEACH BOULEVARD

WHEREAS, on Thursday, January 5, 2023, 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. 23-001-PC, a request for a **Zoning Map Amendment**, for properties identified as 360 Beach Boulevard; and

WHEREAS, the Planning Commission members were apprised of the particulars of this case, being made cognizant of the fact that the City of Biloxi (Owner) and Tullis Gardens Hotel, LLC (applicant), had submitted this request for a **Zoning Map Amendment**, to authorize a change in zoning district classification for six parcels of land measuring approximately eleven and fifteen one-hundredths (11.15) acres (more or less) in size, from their present zoning district classification of **NB Neighborhood Business** and **Sand Beach** to **WF Waterfront** for land presently identified as 360 Beach Boulevard, which includes four unaddressed parcels fronting upon Beach Boulevard, and two unaddressed parcels fronting upon Howard Avenue (re: Tax Parcel Nos. 1410I-03-009.000, 1410I-04-030.000, 1410I-04-031.000, 1410I-04-079.000, 1410I-04-080.000, and 1410I-04-081.000); 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 and applicant to proceed with the application to the Planning Commission and City Council to obtain the requested **Zoning Map Amendment**; and

WHEREAS, on January 5, 2023, the Biloxi Planning Commission, after some discussion, and upon careful reflection of the particulars of this case, voted 15-0, to recommend approval for the **Zoning Map Amendment**, to authorize a change in zoning district classification for six parcels of land measuring approximately eleven and fifteen one-hundredths (11.15) acres (more or less) in size, from their present zoning district classification of **NB Neighborhood Business** and **Sand Beach** to **WF Waterfront** for land presently identified as 360 Beach Boulevard, which includes four unaddressed parcels fronting upon Beach Boulevard, and two unaddressed parcels fronting upon Howard Avenue, having determined that a Change in the Character of the Neighborhood in this area of the City of Biloxi has occurred to the extent to justify rezoning, with an established Community and Public Need for said rezoning at this site; 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 **WF WaterFront** is appropriate for land presently identified as 360 Beach Boulevard, which includes four unaddressed parcels fronting upon Beach Boulevard, and two unaddressed parcels fronting upon Howard Avenue (re: Tax Parcel Nos. 1410I-03-009.000, 1410I-04-030.000, 1410I-04-031.000, 1410I-04-079.000, 1410I-04-080.000, and 1410I-04-081.000), Case No. 23-001-PC, City of Biloxi (Owner) and Tullis Gardens Hotel, LLC (applicant).

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

OCCURRED AND HAS BEEN ESTABLISHED TO THE EXTENT TO JUSTIFY REZONING, AND THAT AN ESTABLISHED COMMUNITY AND PUBLIC NEED EXISTS FOR SAID REZONING AT THIS SITE, 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 **NB Neighborhood Business** and **Sand Beach** to **WF WaterFront**, for land presently identified as 360 Beach Boulevard, which includes four unaddressed parcels fronting upon Beach Boulevard, and two unaddressed parcels fronting upon Howard Avenue, and described as follows:

A Parcel of Land Situated in Section 34, Township 7 South, Range 9 West, Second Judicial District, City of Biloxi, Harrison County, Mississippi, And Being More Particularly Described as Follows:

Commencing At A 1/2" Iron Rod Found Lying At The Northwest Intersection Of Oak Street And Beach Boulevard (Aka U.S. Highway 90); Thence Along The North Margin Of Beach Boulevard, N83°16'57"W 525.96 Feet To A 2.5" Iron Pipe Found In Concrete At The Point Of Beginning, Said Point Also Being The Southwest Corner Of The Property Now Or Formerly Of Grand Biloxi LLC, Per Deed Instrument 2017-0001816-D-J2; Thence Along The West Line Of Said Grand Biloxi LLC Property, N00°37'48"W 549.63 Feet To A 1/2" Iron Rod Found Lying On The South Line Of The Property Now Or Formerly Of Grand Biloxi LLC, Per Deed Instrument 2017-0002361-D-J2; Thence Along The South Line Of Said Grand Biloxi LLC Property, S88°28'44"W 54.29 Feet To A 3/8" Iron Rod Found At The Southwest Corner Of Said Grand Biloxi LLC Property; Thence Along The West Line Of Said Grand Biloxi LLC Property, N00°29'15"W 339.59 Feet To A Found 1/2" Iron Rod With Cap Stamped "Crosby" At The Southwest Corner Of The Property Now Or Formerly Of Taylor, Per Deed Instrument 2012-0000091-D-J2; Thence Along The West Line Of Said Taylor Property, N00°39'20"W 105.57 Feet To A Found 1/2" Iron Rod With Cap Stamped "Liles Pls 3174" Lying On The South Margin Of East Howard Avenue; Thence Along The South Margin Of East Howard Avenue, S88°20'02"W 260.11 Feet To A Found 1/2" Iron Rod With Cap Stamped "Liles Pls 3174" At The Northeast Corner Of The Property Now Or Formerly Of Mumley, Per Deed Instrument 2013-0000402-D-J2; Thence Along The East Line Of Said Mumley Property, S00°32'04"E 473.36 Feet To A 1/2" Iron Rod Found Lying On The South Margin Of Meaut Street (Formerly Water Street); Thence Along The South Margin Of Meaut Street, S89°31'20"W 192.50 Feet To A 1/2" Iron Rod Found At The Northeast Corner Of The Property Now Or Formerly Of City Of Biloxi, Per Deed Book 358 At Page 81; Thence Along The East Line Of Said City Of Biloxi Property, S00°35'15"E 450.14 Feet To A 1/2" Iron Rod Found Lying On The North Margin Of Beach Boulevard; Thence Continue Along The East Line Of Said City Of Biloxi Property,

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S00°35'15"E 375.4 Feet, More Or Less, To The Meandering North Shoreline Of Mississippi Sound (Aka Gulf Of Mexico); Thence Along The Meandering North Shoreline Of Mississippi Sound, In A Northeasterly Direction For 384.8 Feet, More Or Less, To A Point Which Is N80°02'28"E 378.0 Feet, More Or Less, From The Last Aforementioned Point; Thence Leaving The Meandering North Shoreline Of Mississippi Sound, N00°39'38"W 264.5 Feet, More Or Less, To A 1/2" Iron Rod Found Lying On The North Margin Of Beach Boulevard; Thence Along The North Margin Of Beach Boulevard, S83°35'09"E 135.62 Feet To The Point Of Beginning. Said Parcel Contains 11.15 Acres, More Or Less. Reference Meridian for Bearings Based On Geodetic North By Gps Observation (Nad83; Cors96), All Lines Relative To.

and further described as land most nearly bounded by the following streets: to the North of and fronting to Beach Boulevard; to the South of Howard Avenue; to the East of Kuhn Street; and to the West of Oak Street

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 Lawrence, seconded by Councilmember Glavan, and was adopted by the following vote:

YEAS:	Gines	Tisdale	NAYS:	Lawrence
	Newman	Glavan		
	Deming	Barrett		

The President then declared the Ordinance adopted this the 24th day of January, 2023.

STATE OF MISSISSIPPI CITY OF BILOXI HARRISON COUNTY

ATTEST: APPROVED:

Kei Campbell
CLERK OF THE COUNCIL

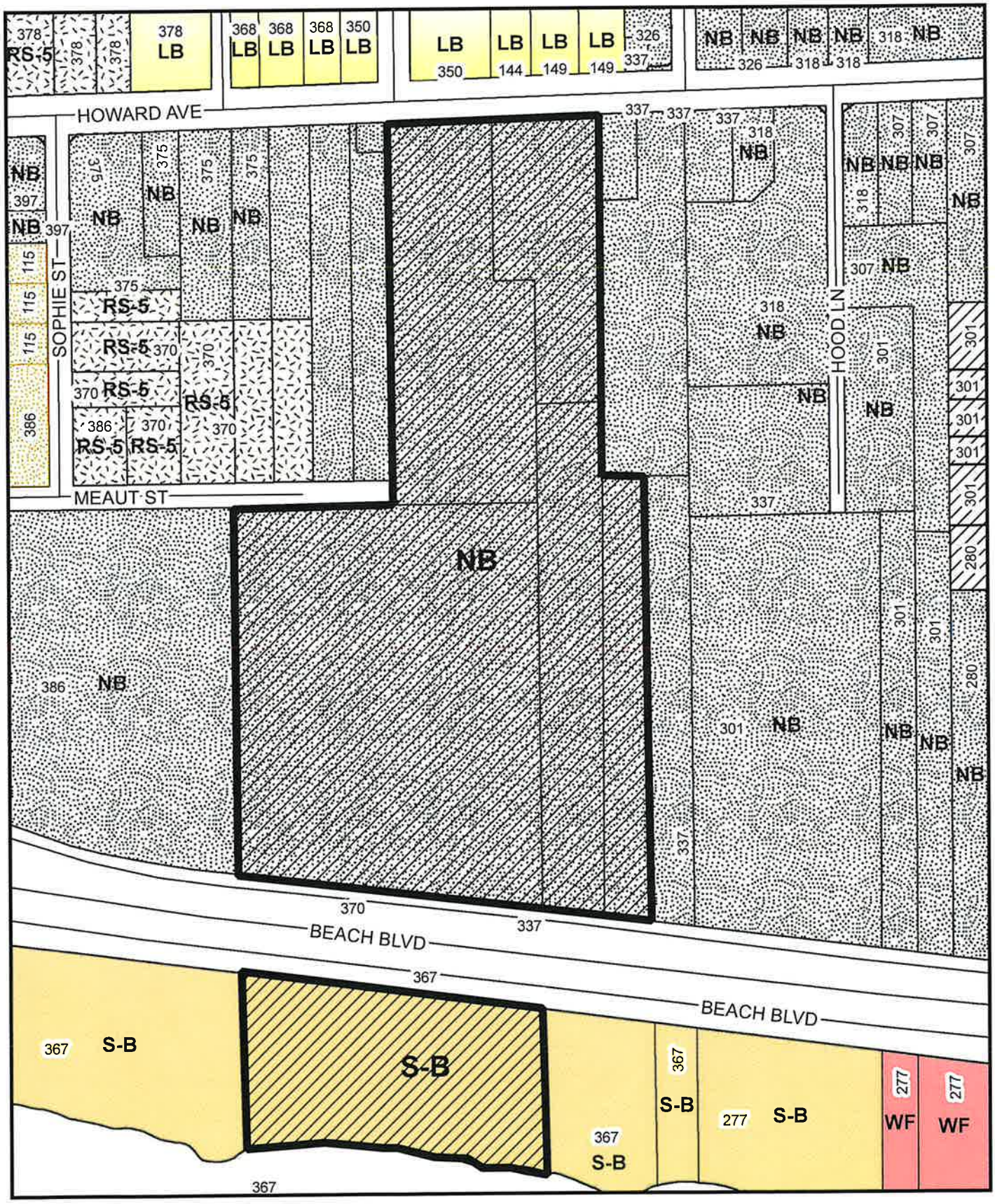
PRESIDENT OF THE COUNCIL

Submitted to and approved by the Mayor, this the 24th day of January, 2023.

APPROVED:

MAYOR

Case No. 23-001-PC
Tullis Gardens Hotel, LLC
360 Beach Boulevard
Zoning Map Amendment request to change NB and SB to WF



Scheduled for:
January 5, 2023
PC Meeting

City of Biloxi & Tullis Gardens Hotel, LLC
Case No. 23-001-PC
Zoning Map Amendment
NB to WF

Planning Commission
Case Fact Sheet

Case No.:	23-001-PC
Applicant/Owner:	City of Biloxi (Owner) Tullis Gardens Hotel LLC (applicant)
Address of Property:	360 Beach Blvd.
Tax Parcel/Ward:	1410I-04-079.000; 1410I-04-031.000; 1410I-04-030.000; 1410I-04-080.000; 1410I-04-081.000 and 1410I-03-009.000/Ward 1
Request:	Zoning Map Amendment
Purpose of Request:	An application for a **Zoning Map Amendment**, to authorize a change in zoning district classification for six parcels of land measuring approximately eleven and fifteen one-hundredths (11.15) acres (more or less) in size, from their present zoning district classification of **NB Neighborhood Business** and **Sand Beach** to **WF Waterfront** for land presently identified as 360 Beach Boulevard, four unaddressed parcels fronting upon Beach Boulevard, and two unaddressed parcels fronting upon Howard Avenue (re: Tax Parcel Nos. 1410I-03-009.000, 1410I-04-030.000, 1410I-04-031.000, 1410I-04-079.000, 1410I-04-080.000, and 1410I-04-081.000).
Size of Property:	11.5 acres (More or Less)
Present Zoning:	**NB Neighborhood Business** and **Sand Beach**
Present Use:	Vacant land
Most Nearly Bounded By (streets):	To the North of and fronting to Beach Boulevard; to the South of Howard Avenue; to the East of Kuhn Street; and to the West of Oak Street.
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, would allow the applicant to construct a new Hotel site.

Letters or Concerns stated: The Planning Division Office has not received any letters or other written communications relative to this case, as of December 29, 2022.

Comments/ Recommendations: City of Biloxi (Owner) and Tullis Gardens Hotel, LLC (applicant) have requested a **Zoning Map Amendment**, to authorize a change in zoning district classification for a parcel of land measuring approximately eleven and fifteen one-hundredths (11.15) acres (more or less) in size, from its present zoning district classification of **NB Neighborhood Business and Sand Beach** to **WF WaterFront** for a parcel of land presently identified as identified as 360 Beach Boulevard, four unaddressed parcels fronting upon Beach Boulevard, and two unaddressed parcels fronting upon Howard Avenue (re: Tax Parcel Nos. 1410I-03-009.000, 1410I-04-030.000, 1410I-04-031.000, 1410I-04-079.000, 1410I-04-080.000, and 1410I-04-081.000).

The applicant, Tullis Gardens Hotel, LLC, requested this **Map Amendment** to obtain a higher-level zoning (i.e., **WF Water Front**) needed to allow for the establishment of a new Hotel Site with ancillary buildings.

It must be noted, these properties are located within the East Central Historic District which requires all construction to be approved by AHRC, also these properties are in a flood zone so FEMA requirements must be met.

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 11.15 acres (more or less), from their present zoning district classifications **NB Neighborhood Business** and **Sand Beach** to **WF Waterfront,** 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.

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. 23-001-PC

To Be Completed by Owner/Applicant	Date: December 1, 2022
Name of Rightful Owner(s): The City of Biloxi, Mississippi	Name of Applicant: (if different than Owner) Tullis Gardens Hotel, LLC
Property Address: 360 Beach Blvd., Biloxi, MS	Ward Number 1
Tax Parcel Identification Number(s): (example: 0000L-00-000.000) 1410I-04-079.000; 1410I-04-031.000; 1410I-04-030.000; 1410I-04-080.000; 1410I-04-081.000 1410I-03-009.000	
Mailing Address of Property Owner: 140 Lameuse Street	Mailing Address of Applicant (if different than Owner): 2355 Pass Road
City: Biloxi	City: Biloxi
State: MS	State: MS
Zip: 39530	Zip: 39531
County Harrison	County Harrison
Telephone: (228)435-6254	Telephone: (228)388-7441
Property Size (please give in acres or by dimension) 11.15 +/-	
Present Zoning Classification: NB and SB	
Is the property located within an AHRC District? Yes X No __ If so, which District? East Central Historic District	Flood Zone(s) of Property: AE-18 and others

	North	South	East	West
Property is most nearly bounded by what streets?	Hwy 90 & Howard Ave.	Hwy 90	Oak	Meaut
If property directly fronts or is adjacent one of the streets above please indicate with a ✓.	X	X		X

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

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

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 (Seal)	Notary Signature (Seal)
Signature of Rightful Owner	Signature of Applicant
Notary Signature (Seal)	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:

Robert T. Schwartz, Esq. , Schwartz, Orgler & Jordan, PLLC, 2355 Pass Road, Biloxi, MS 39531; robert@sojlaw.net

Gerald Blessey., Esq., 2577 Chatham Court, Biloxi, MS 39531; blesseylaw@me.com

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:* December 1, 2022
Shaded Areas for Staff Only	

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

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

	Existing	**New**
I am requesting a zoning change from this *zone* to this *zone*:	NB & SB	WF

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: See attached narrative.		
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: See attached narrative.		

Biloxi
established 1699

PLANNING COMMISSION SUPPLEMENT

Map Amendment

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

Criteria *(continued)*	✓ Yes	✓ No
3. Is the property suitable for uses permitted in the present zoning district?		X
Please explain: See attached narrative		
4. Is the property suitable for uses permitted in the proposed zoning district?	X	
Please explain: See attached narrative.		
5. Has there been a change in the character of the neighborhood?	X	
Please explain: See attached narrative.		
6. Is there an established community need for uses permitted in the proposed zoning district?	X	
Please explain: See attached narrative.		
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: See attached narrative		

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

Planning Commission Supplement
Map Amendment

The City of Biloxi, Mississippi-Owner
Tullis Gardens Hotel, LLC, -Applicant

Introduction:

The Owner and Applicant request a Map Amendment for the subject property in order to change the zoning from Neighborhood Business ("NB") and Sand Beach ("SB") to Waterfront ("WF"). The Applicant desires to develop the Tullis Gardens Hotel on a portion of the subject property located North of U.S. Highway 90, with mixed use commercial development and related uses approaching East Howard Ave, and to reconstruct the historic Tullis Manor. Public necessity, convenience, general welfare, and appropriate land use practices justify the requested amendment and change. Furthermore, there is a public need for the proposed change in zoning, there are changed conditions in the neighborhood at issue and an established community need which necessitates the requested change. In addition, the requested change in zoning classification is compatible with existing and proposed uses of surrounding lands. The Applicant reserves the right to put on additional information, studies, reports and data regarding the application at the time of hearing.

1. Is the proposed map amendment consistent with the Comprehensive Plan?

Yes. The proposed amendment is consistent with the City's comprehensive plan. The plan states, "the strongest sectors of the economy are hospitality, government, and retail... The Biloxi area has traditionally been a destination for people seeking an affordable vacation... Investment in new visitor facilities, transportation infrastructure, and recreation attractions will support the City's efforts to be a premiere destination." The plan explains "to effectively grow Biloxi's economy, it is important for the City's public and private investors to focus on strongly established sectors in the region's economy and build on this base through strategically targeted initiatives. The tourism/casino industry, another key economic anchor for the City, should be supported through public/private partnerships and investments in visitor amenities. The key to Biloxi's future growth as a premiere destination will be continued investment in transportation infrastructure, visitor facilities and amenities (e.g., the Convention Center expansion), and a wider range of entertainment/recreation options. Increasing amenities that encourage current visitors to extend their stay in the region and/or attract new visitors with more money to spend (e.g., heritage and eco-tourists) should be a priority in order to "grow" Biloxi's tourism industry."

The Plan includes the following specific objectives related to the same:

A. Objective 8-2 Grow the visitor industry by increasing the range of activities and attractions for individuals and families.
   - Action 8-2-1 Promote destination retail and supporting commercial

services (e.g., hotels) around Biloxi's visitor facilities to generate visitor spending and economic activity; ...

- Action 8-2-4 Create a variety of new tourist attractions based on Biloxi's unique setting.

2. Is the proposed map amendment compatible with present zoning and conforming uses of nearby property and with the character of the neighborhood?

Yes. The proposed map amendment is compatible with the present zoning and uses of nearby properties and is consistent with the character of the neighborhood. To the east of the subject property is Harrah's Gulf Coast, a hotel and casino development. Furthermore, the Generalized Future Land Use map under the City's comprehensive plan shows most waterfront properties in East Biloxi were ultimately to be zoned WF. Additionally, this property is on, or near, a Mixed-Use Corridor, as identified by the Generalized Future Land Use. Harrah's resort and casino is located directly to the East of the subject property, and therefore, this amendment and zoning change would result in a logical and orderly development pattern.

3. Is the property suitable for uses permitted in the present zoning district?

No. The property has been vacant since Hurricane Katrina. Its vacancy for the last 17 years is direct evidence that the property is not suitable for development under the current zoning classification, the majority of which is NB. One of the stated purposes of the Neighborhood/Community Business zoning is to serve "the daily retail and service needs of Biloxi's residents." One issue with the current zoning for the subject property being, since Hurricane Katrina, East Biloxi has very few residents with needs to serve. The number of residents who live around the subject property doesn't support the types of development allowed under the current NB zoning classification. The comprehensive plan recognized certain development concerns with properties in this area: "Hurricane Katrina devastated much of the housing stock in East Biloxi and other areas of the Biloxi Peninsula. Rebuilding has been slowed by factors such as construction costs, expensive insurance, speculative land values, and the ongoing risk of storm damage. In addition, the City has adopted new Flood Insurance Rate Maps with higher base flood elevations as required by FEMA, making reconstruction in designated flood areas more expensive."

4. Is the property suitable for uses permitted in the proposed zoning district?

Yes. The property is suitable for uses permitted in the proposed zoning district. The comprehensive plan explains, the WF land use category "covers a variety of land uses, including tourism and entertainment-based businesses, working waterfront uses..., marinas, museums, theaters, high-density residential, recreation, general retail and personal services, and restaurant." WF would allow for the Applicants proposed uses of the property. As stated above, the Generalized Future Land Use map under the City's comprehensive plan shows most waterfront properties in East Biloxi were ultimately to be zoned WF.

Additionally, this property is on, or near, a Mixed-Use Corridor, as identified by the Generalized Future Land Use.

5. Has there been a change in the character of the neighborhood?

Yes. This area of Biloxi was historically used for various businesses related to the Seafood Industry. Since the 1990's the area was transformed into a tourism destination which is now one of the main the economic drivers of the City (and the State of Mississippi). During Hurricane Katrina, the Grand Casino Biloxi barge washed onto the subject property, crushing the Museum/Visitor Center/Historical Site known as Tullis Manor which existed before Katrina. Since 2005 and following the adoption of land based gaming legislation, some the surrounding casinos (most notably Harrah's (formerly Grand Casino Biloxi) directly to the East of the subject property) shifted their operations to more land based facilities. More recently, the Margaritaville Resort and the Blind Tiger Biloxi have been developed South and East of the subject property.

6. Is there an established community need for uses permitted in the proposed zoning district?

Yes. There is current existing demand for high quality lodging options in the City of Biloxi and a current need for more uses permitted in the proposed WF zoning district in this area of Biloxi. The comprehensive plan states "additional hotels rooms are needed to support increased visitation." Seventeen (17) years following Hurricane Katrina, the existing hotel room inventory in the City of Biloxi remains below Pre-Katrina levels as set forth on the attached study conducted by the Mississippi Hotel & Lodging Association, which reflects the need for additional quality accommodations. The Applicant reserves the right to put on additional information regarding the application at the time of hearing.

7. Was there a mistake in the original zoning of the property?

No.

8. Are utilities and infrastructure sufficient to address the impacts associated with allowed uses in the proposed district?

Yes. The utilities and infrastructure in this area of Biloxi currently supports several hotel resorts and casinos and are sufficient to support the proposed development. The Applicant has already been through the DRC process and there were no significant comments as to any perceived infrastructure impediments to the site.

TGH

SITE AREA:
365,326 sf (8.387 acres)
Site area and property lines are from tax maps, not from a survey

IMPERVIOUS LOT COVERAGE:
130,560 sf (35.7% of total site) inclusive of building footprints
68,460 sf (18.7% of total site) exclusive of buildings

PERVIOUS LOT COVERAGE:
42,300 sf (11.6% of total site)

FAR:
1.25

DENSITY:
200 Key hotel
23.8 units/acre

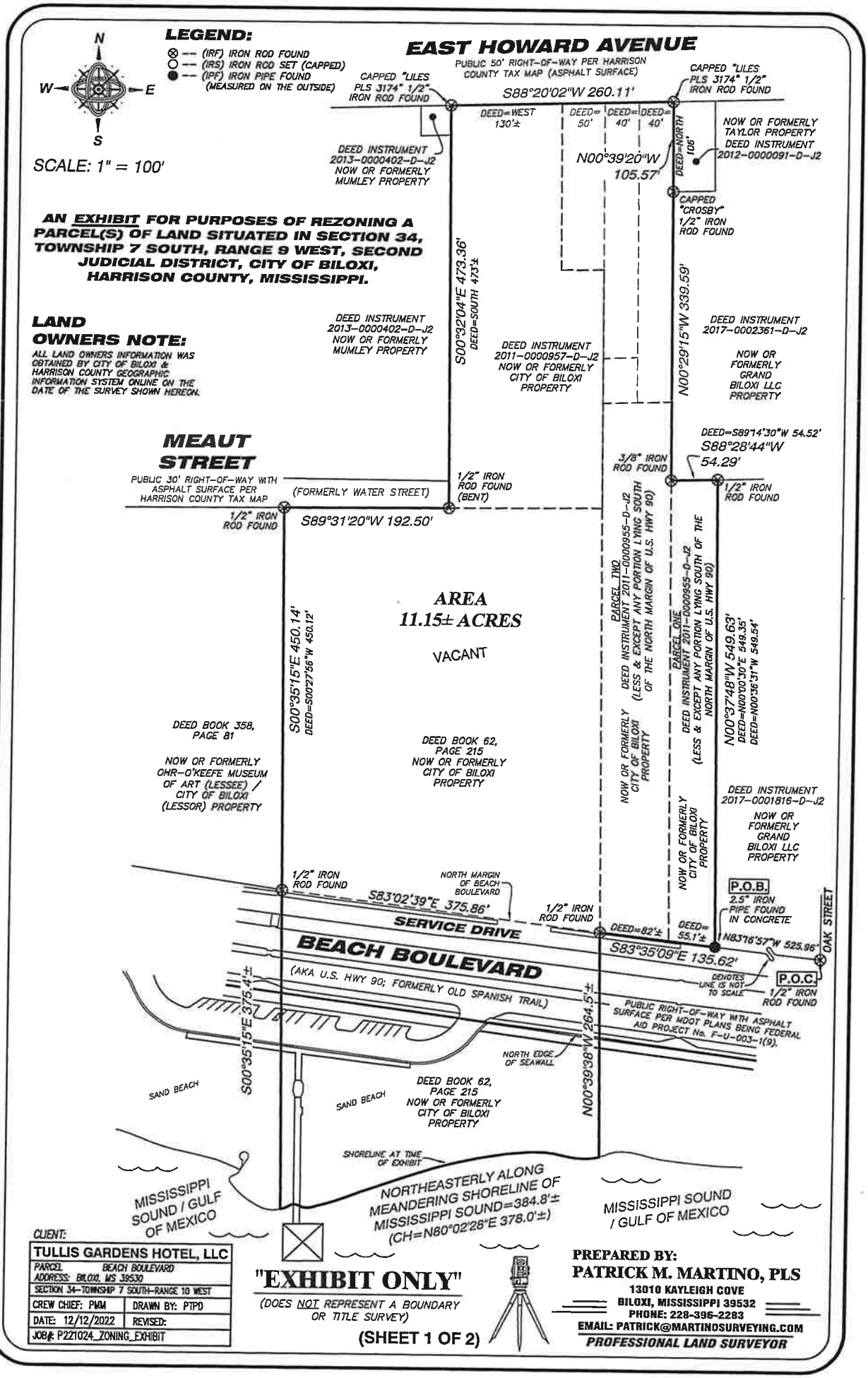
REQUIRED PARKING:
410
-8% (33) for tree preservation incentive reduction
377 total required parking

PROVIDED PARKING:
280 space parking garage (4 levels)
97 site surface parking
377 total provided parking

HEIGHT:
Hotel:
11 stories, including 4 story parking garage
158' (166' ASL) to highest point above lowest site grade (exclusive of mast)
14' (22' ASL) to first finish floor above lowest site grade

Retail:
1 story raised above grade
22' (37' ASL) to highest point above highest site grade (highest grade is in retail area)
4' (19' ASL) to first finish floor above highest site grade (highest grade is in retail area)

Tullis House historic reconstruction:
2 stories on grade
Heights to match historic structure



CLIENT:

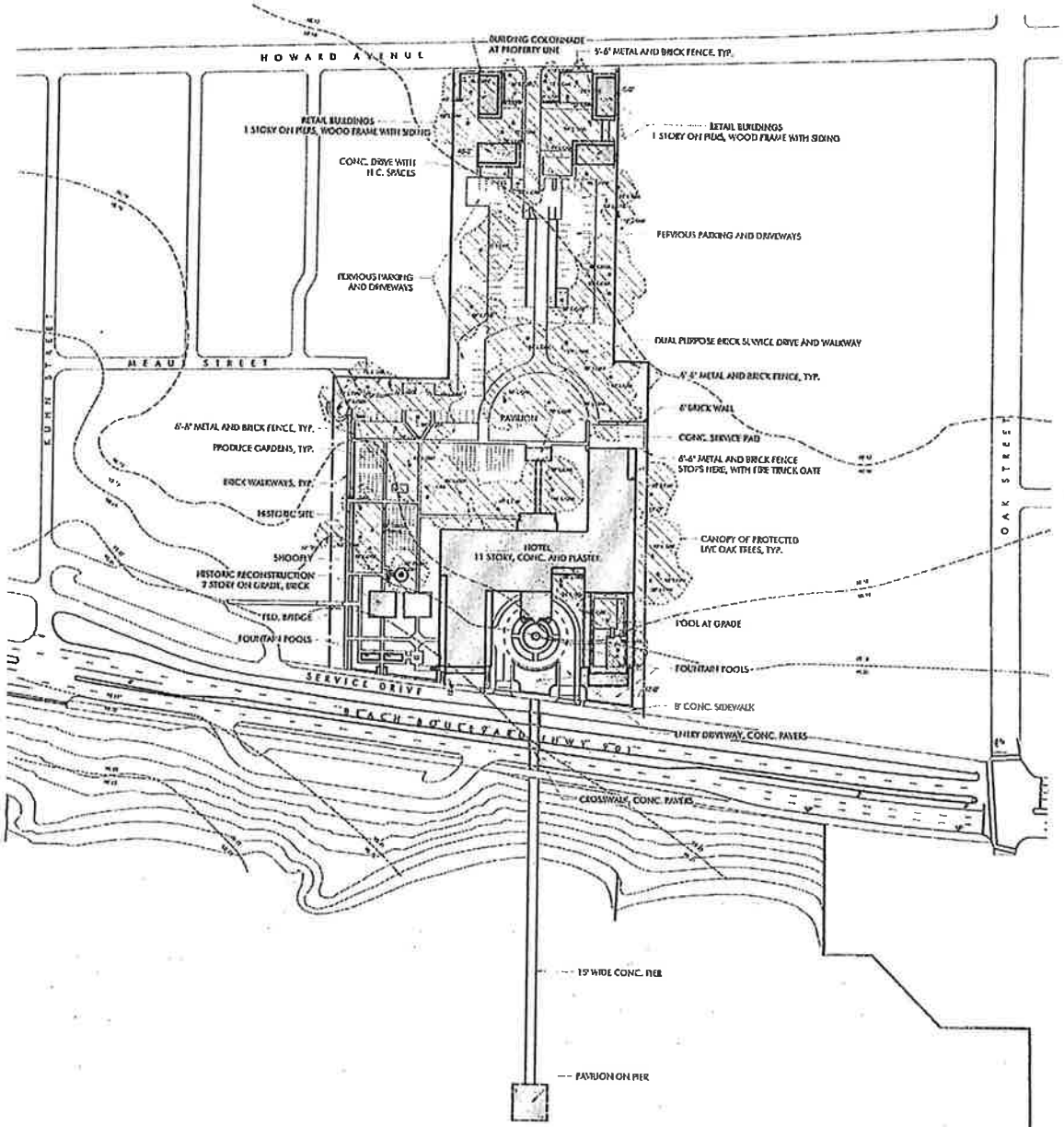
TULLIS GARDENS HOTEL, LLC	
PARCEL ADDRESS: BEACH BOULEVARD BILOXI, MS 39530	
SECTION 34-TOWNSHIP 7 SOUTH-RANGE 10 WEST	
CREW CHIEF: PMM	DRAWN BY: PTPD
DATE: 12/12/2022	REVISED:
JOB#: P221024_ZONING_EXHIBIT	

"EXHIBIT ONLY"

(DOES NOT REPRESENT A BOUNDARY OR TITLE SURVEY)

(SHEET 1 OF 2)

PREPARED BY:
PATRICK M. MARTINO, PLS
13010 KAYLEIGH COVE
BILOXI, MISSISSIPPI 39532
PHONE: 228-396-2283
EMAIL: PATRICK@MARTINOSURVEYING.COM
PROFESSIONAL LAND SURVEYOR



1 SITE PLAN
SCALE: 1" = 60'-0"

GENZER WHLC | ARCHITECTURE

LUKE LENZI, MANAGER

TULLIS GARDENS HOTEL

TULLIS GARDENS HOTEL, LLC

not for construction

1748 Main Street, Suite 200
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To: Biloxi Planning Commission

From: Jerry Creel, Community Development Director

Date: December 7, 2022

Re: Tullis Gardens Hotel, LLC
Frank Genzer
Robert Schwartz
Gerald Blessey
947 Beach Boulevard
DRC Case No. 2022-086

The Development Review Committee (DRC) has reviewed the above-referenced project and has authorized the applicant to apply to Planning Commission and the Biloxi City Council for a Zoning Map Amendment and several Variances.

The City **will** require further review and approval by DRC prior to permitting because of the nature of this project. Building Permits shall be issued when construction documents are approved by the Building Division.

Yours truly,

Jerry Creel

Jerry Creel, Community Development Director

BILOXI PLANNING COMMISSION MEETING
JANUARY 5, 2023
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
Ronnie Bogard
Kyle Carron
Steve Delahousey
Charlie Dellenger
Dr. Larry Drawdy
Joe King
Gary Lechner
Debora Magee
August Parker
Jimmy Poulos
John Snow
David Stanovich
Cheryl Thompson
Michael Todaro

ALSO PRESENT:

Jerry Creel, Director of Community Development
Felicia Serpas, Senior Planner
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

	PAGE
CONTINUED PUBLIC HEARING(S):	
(None)	--
NEW PUBLIC HEARING(S):	
23-001-PC	3
23-002-PC	44
23-003-PC	65
23-004-PC	83
TREE HEARING(S):	
TR-23-001	93

CHAIRMAN WASHER:

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

We'll record the members present. Mr. Lechner, Mr. Parker, Mr. Todaro, Ms. Magee, Ms. Thompson, Mr. Bogard, Mr. Dellenger, Mr. Poulos, Dr. Drawdy, Mr. Carron, coming in the door is Mr. Snow, Mr. Delahousey; myself, David Washer; Jerry Creel, Director of Community Development; Felicia Serpas, Senior Planner. Tim Cipolla at the table, Planning Inspector, and our court reporter today is Melissa Burdine-Rodolfich.

I'm going to ask Mr. Delahousey to please open the meeting with a moment of prayer.

(Moment of prayer.)

CHAIRMAN WASHER:

Mr. Bogard, would you lead us in the pledge, please, sir.

(Pledged of Allegiance was recited.)

CHAIRMAN WASHER:

We'd like to welcome you all here with us today. We would ask if there's anyone that desires to speak, please come the podium when your case is called, give us your name and address for the record and also, please sign at the pad

provided.

I'd also like to recognize Dr. Paul Tisdale in the audience, Councilman Ward 5. And also Mr. Joe King, Commissioner.

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

MR. DELAHOUSEY:

Move to approve.

CHAIRMAN WASHER:

Motion by Mr. Delahousey recommending approval.

Do I have a second?

MR. SNOW:

Second.

CHAIRMAN WASHER:

Seconded by Mr. Snow.

All those favor, say "aye."

(All in favor.)

CHAIRMAN WASHER:

Any opposed?

(None opposed.)

CHAIRMAN WASHER:

Before we get too far long, let me ask that anyone in the audience with a cell phone

kindly mute them or turn them off.

Committee reports, Mr. Creel.

MR. CREEL:

Yes, sir. Mr. Chairman, members of the Commission, over the past four weeks, the department has issued 143 building permits, with a construction valuation of $1.1 million. We have collected $12,400 in permit fees, issued 14 licenses for new businesses and 40 renewals. We have also issued 12 certificates of occupancy, one of those was for a cannabis dispensary, and seven were for short-term rentals.

CHAIRMAN WASHER:

Okay. No continued public hearings.

New public hearing today, Case Number 23-001-PC, City of Biloxi, owner; Tullis Gardens Hotel, LLC, applicant. This is to consider an application for zoning map amendment to authorize the change in zoning district classification of six parcels of land, measuring approximately 11.15 acres, more or less, in size from the present zoning district classification of NB, neighborhood business, and sand beach, to WF, waterfront, for a parcel of land presently identified as 360 Beach Boulevard, four unaddressed parcels fronting upon

Beach Boulevard and two unaddressed parcels fronting upon Howard Avenue.

Also, in conjunction with this, we're going to go ahead and hear the case from the zoning -- from the zoning map -- Board of Zoning Adjustments. We will go ahead and hear this case, but we won't vote on it till we get to that, till that meeting is called, so you've got a total picture of what they're proposing to do.

That Case Number is 23-005-BZA, City of Biloxi, owner; Tullis Gardens, LLC, applicant. It's to consider an application for a nine-foot, six-inch front yard setback variance to authorize construction of an 11-story hotel to be situated 15 feet, six inches from the property line instead of the 25 feet required by ordinance; also, a two-foot, six-inch fence height variance to allow a six-foot, six-inch, metal and brick fence to be constructed along the front and rear property lines and a rear yard setback variance to construct two retail buildings to include a colonnade within the rear yard setback upon Howard Avenue for the properties identified as 360 Beach Boulevard.

Mr. Cipolla, if you have got the video,

please, sir.

This case was December 15th, December 22nd and December 29th.

MR. CIPOLLA:

All right. This is done right in front of the historic marker. Of course, to the west, you can see the museum. Meaut Street comes in off the back of the museum. That's looking back towards the east towards Harrah's. The properties start right down where those bushes are. It goes back to Meaut Street and all the way back to Howard Avenue and comes back forward right down to where I was, beside where the historic marker is.

That's what I have, David.

CHAIRMAN WASHER:

Thank you.

Mr. Blessey, Mr. Schwartz.

MR. SCHWARTZ:

Good afternoon. Robert Schwartz. My address is 2355 Pass Road, Biloxi, Mississippi. I'm here today as counsel for the Tullis Gardens Hotel, LLC, who is the applicant seeking rezoning, which we'll address first, and then, if I understand protocol, Mr. Washer, we can then move into the variance request following that. Is that

correct, sir?

CHAIRMAN WASHER:

Yes, sir.

MR. SCHWARTZ:

Okay. I'm also joined today by Gerald Blessey, who is counsel as well for the developer, and by Frank Genzer, who designed this beautiful project. Mr. Genzer will address some architectural matters to give y'all a better feel for the project when I'm done with my portion.

So I would like to start by focusing on the rezoning aspect. We are here seeking a rezoning of a total of six tax parcels. The property is currently owned by the City of Biloxi. There is two zoning classifications. Right now it's NB for all the property that is north of the highway and sand beach, or SB, for the portion that is south of that area.

The City has joined with us in this application as the owner of the property. My clients have an option to purchase the property from the City and will be doing so in order to build this beautiful project.

We have -- and I will be happy to show it to you -- part of it's attached to our site

plan. And Tim, could we go to just the first page showing the overview.

MR. CIPOLLA:

The slides?

MR. SCHWARTZ:

The slide, yes, I'm sorry.

From the rezoning aspect of this particular proposal, one of the items that you will note is that there has been no development of this property or any of the surrounding properties in this block. This has been sitting vacant since Hurricane Katrina. The City has not been able to obtain any reasonable use of the property, and it's not currently developable for residential uses and for those in its current zoning classification.

There are a number of properties that are located surrounding this, both to the east and to the west. One of the exhibits that we're going to put in, and I'm just going to show it to you now, shows all of the properties that surround us. We're here in the middle. We have properties both west and east, as well as south, that are all in the WF District, which is what we are seeking, which is waterfront. We cannot construct the

hotel in its existing zoning classification. It requires a higher classification, and WF is the proper classification for that.

MR. CARRON:

Mr. Schwartz, I thought on an NB that hotels were permitted -- a permitted use.

MR. SCHWARTZ:

No. They're currently not permitted. We met with the City on that in detail, went through this with Mr. Creel during this process and they are not permitted. And certainly, we can defer to Mr. Creel on that, but that's not a permissible use.

In addition, one of the items that we have set forth -- and this is described in our application -- is some of the requirements as whether or not our proposed use complies with the Comprehensive Plan, and we certainly believe that it does. Specifically, the Comprehensive Plan in Objective 8.2 desires to grow the visitor industry by increasing range of activities and attractions for individuals and families.

That's exactly what we're seeking to do with what will be, in our view, the nicest hotel on the Mississippi Gulf Coast. We're talking

about a 200-room luxury hotel that will be top-notch and that will provide those amenities to guests that are not currently available here.

In addition, your Objective 8.2.1 under the Comprehensive Plan was to promote destination retail and supporting commercial uses, and that's exactly what we have designed here. We have both, the hotel, that you're seeing now on the screen. We will be reconstructing the Tullis Manor as part of this to the west of the property, and then we will have a retail component, which will include the buildings that will be located along Howard Avenue. That's the subject of the minor variances that we're asking for.

And although this is not a tree case, I want to make something clear so that there is no misunderstanding. We're not taking down a single protected tree. Part of why we're having to ask for variances, we designed this entire project so that we would not have to take down a single oak tree, which has cost my clients a great deal of additional money from a design and potential construction standpoint, and we think it's worth it because the trees are beautiful. It's a beautiful historic site, and we want to make

Biloxi proud.

Again, that's not necessarily relevant to our request for the rezoning change, but I want you to know about the project and I want to answer any questions anybody on the commission may have today.

As we all know, the main industry or one of the main industries in Biloxi is tourism of all different varieties. Without tourism, we don't have nearly as much -- wouldn't have as much to offer to the general public. So this brings a new aspect of high-end hotels that have not been present before or at least not in a number of years. We haven't had any grand properties here, you know, in quite some time.

One of the next questions that we have to answer for you is whether the property is suitable for the uses permitted in the present zoning class, and it's not. That's evidenced by the fact that it's been sitting vacant since Hurricane Katrina, for 17 years past Hurricane Katrina. If this was suitable for residential use or other uses in the NB district, in 17 years it would have been accomplished and it has not.

We're all unfortunately aware of the

changes that Katrina and post-Katrina construction has caused, both flood zone related issues, pricing issues, and this is not an area in East Biloxi where there has been a revitalization or a residential rebirth and rebuilding. It's just not happening in this particular block. There are other areas in East Biloxi where that has come back to some level, but this is not that area and it never will be. It's on the beach. It's not suited for those other NB uses.

One of the next questions is whether the property is suitable for uses in the proposed zoning district, being WF, and it absolutely is. The Waterfront District allows specifically for hotels. It allows for the mixed commercial uses that would permit us to build the commercial buildings on the Howard Avenue aspect of our property.

We spent a great deal of time designing this and have gone through a number of variations of the design to try and capture something that would make every one in Biloxi proud. As you know and Frank will address more in detail, some of the components of this hotel, of course, come from some of the great hotels that were here before.

You know, we have got the deck that's going to be there. We have Buena Vista, you know, style construction, things that everyone who is from Biloxi or was here during those relevant time periods remembers fondly. And we think it will be a big attraction for those very reasons. So we certainly believe that all of those are compatible.

There has been a change in the character of this general neighborhood. Part of that is established by the map I was just showing you. You have other hotel uses up and down the beach. You have approved other hotel uses recently up and down the beach. We have a number of new hotels that have been built, and we don't have still enough rooms. We'll go in a moment to the most recent hotel study.

The last hotel study by the Hotel Association, Biloxi was still a little over 80 percent of its pre-Katrina hotel room levels, so we're still not back to even where we were pre-Katrina from the last report. And in addition to having a need for rooms in the Biloxi area, especially East Biloxi where we're going to be doing this, there is a high demand for an

upper-quality, high-end hotel.

We have, of course, lots of different hotel types on the Coast and there is nothing wrong with any of them. Everyone has their particular style or type of hotel that they like to stay in, but this gives a different option to tourists who are visiting the Coast who are looking for an upper-end experience.

One of the other items is whether there was an actual mistake in the original zoning. We have not alleged a mistake in the original zoning of this because the zoning was in place such a long time ago; but with the application of Comprehensive Plan, it's clear that the zoning as it currently sits is not usable and is not feasible, again, as evidenced by the lack of construction.

And then if you look to the properties that surround this, just to the east we have Harrah's Casino, which, of course, is the north side now following Katrina and its devastation. And Harrah's also owns some of the adjoining property between their current casino and us that they're hoping to develop in the future. So all of those are WF-type uses, hotels, high-end

tourism industry.

We have for purposes of the record today some documents that we do want to introduce. We have both an overview of our project. Now, this is the slide presentation that Tim has up now, and I'm going to let Frank go through the individual slides and talk to you about some of that. But I just wanted to explain for purposes of the record what's going to be a part of it. That will be one of our exhibits.

We have the zoning maps reflecting all the WF properties within the surrounding areas. Again, our property is located here in the center, and we have a zoomed-in version of that as well for purposes of the record to show you, again, the close proximity to other WF properties.

This next exhibit will be a color portion of the tax map, all the parcels north of U.S. Highway 90. This rezoning does include the parcel south that's also owned by the City, but for depiction purposes that's not really relevant to what we're trying to show you.

We have an exhibit, which is a survey of the entire property, north and south, with the legal description of the record that was submitted

with the application as required, so that you would know exactly what was being rezoned.

We, likewise, have the Mississippi Hotel and Lodging Association Hotel Inventory Study that I mentioned to you early that breaks down city by city and area by area, including by county pre-Katrina and post-Katrina hotel numbers and reflects the deficiency in Biloxi's hotel numbers to get back to pre-Katrina levels.

We have as the next exhibit the post-Katrina flood mapping which shows the increase in flood area related to the subject property and all of those surrounding it which have made, again, the uses in the NB District less than desirable and no longer feasible for the purposes of development of the subject property.

We have information from City of Biloxi's website. There was an extensive report done for the East Biloxi Convention Center, and that particular study shows that there are 70,000 additional room nights that could be generated by having additional convention and/or conference space. Our hotel will not be a convention center, by any means, but it will have conference space available that will also help to bring in tourists

and additional parties, so we have that.

We, likewise, have the actual convention center report. Now, this is on the City's website and it's part of the City's relevant data, and I'm just going to ask that it marked. We can pull the pages out so we don't have too long of an exhibit, but we want to make sure it's marked for purposes of our record if there are questions related to that.

As I mentioned a moment ago, we have also given you, of course, copies of the actual site plan, which although not necessarily required for the rezoning aspect, we wanted you to see how the hotel is laid out and what's necessary, which will lead us into a couple of the variance requests that we have, which are relatively minor.

As I mentioned earlier, we have designed this project without removing a single protected tree. In order to do that, you will see that we have built buildings around trees. We have had to push sections of the building back north and do some interesting design work so that we don't get too close to the root structure and that we don't damage those trees.

That required us to ask for these, what

I could consider to be, relatively minor variances, and those are set forth in our application. And that includes a 9.6-foot front setback variance, which would make it 15.6 feet instead of the normal 25, and that's being done to push the building forward to avoid destroying the trees that are behind the building base; a 2.6-foot fence height variance to allow a brick and metal fence to be constructed along the front and rear property line, and then the rear yard setback variance that we will need so that when we construct the buildings on Howard we can put them at the same level as the surrounding buildings. There is -- Advanced Marine is correctly back there. It's actually closer to Howard than we would need to be, but we have asked for a slight variance in that regard.

As to all of the variances, we believe that we should be granted those because they promote and protect public safety, health and welfare of the city. We are protecting trees that the city has been protecting for many years. We are going out of our way not to damage anything that is there, and those minor variances will allows us to accomplish exactly what this Board

and the Tree Committee and others have all asked us to do, which is to be responsible developers and try to keep Biloxi in its beautiful, natural state to the extent that we can.

It is my understanding Peter Abide was here with the city earlier. I think he had to leave. My understanding is he has provided a written request or a letter of support on behalf of the City. The Mayor was unable to attend because he had another engagement today, but I represent to you, of course, the Mayor has executed the application with us because the City is on board with the request, both for the variance and for the rezoning.

So to make a very brief recap and then I will try and sit down and let Frank show you the more important and beautiful aspects of the project, we believe that the property as currently zoned cannot continue to be used. We believe that there has been a change in the character of the neighborhood and that is addressed by the fact that you have commercial development located to the west, east, and south of the property that are not consistent with the NB zoning classification.

In addition, the WF classification is

completely compatible with the uses of nearby properties. As reflected on the maps, we have WF property located, again, to the west, to the east and to the south of the subject property. And in fact, throughout most of Biloxi, WF goes down the beaches and circles most of the bodies water. Why it was not done on this particular block when the zoning maps were adopted, I can't tell you.

We think that the proposed use is completely suitable because our hotel project is designated to be allowed in WF. The mixed use component to have the commercial and retail on east Howard is also specifically allowed for in WF.

There, again, has been a change in the character of the neighborhood, and there is an established community need for the uses, including that set forth in WF, as established by both the hotel survey and the construction that all of you are aware of up and down the beach.

We have had a large number of new hotels built for the same reason that my clients want to build one. We have a good tourism industry. We have a market that supports all ranges of hotel accommodations, and we want to build a high-end

product that you will be proud of.

So we, respectfully, request that the zoning amendment be granted and the variance amendments also be granted.

I'm happy to answer questions.

Yes, Mr. Dellenger.

MR. DELLENGER:

The waterfront zoning encompasses everything. Are there future plans to put gaming there?

MR. SCHWARTZ:

This particular project does not have a gaming component, so there are no plans at this point for gaming. It's a 200-room luxury hotel that's currently designed.

Yes, Mr. Delahousey.

MR. DELAHOUSEY:

Will the entrances be in the front or will there with an entrance and exit on Howard Avenue?

MR. SCHWARTZ:

There will be an entrance and exit on Howard Avenue. There will also be entrances on the front. You have both. And Frank can probably address that slightly better, but there is some --

we tried to do both parking and some street structure coming off of Howard, but it's going to be -- we're winding around trees, so we're going to have a lot of pervious surface parking and pervious surface drives in that area.

Now, we will have, of course, hard surface at the front of the property. Most of this property is going to be serviced by valet, you know, and we have designed the project so that it can accommodate valet and then will wind back under the hotel.

Several of the initial levels of the hotel are a parking garage structure so that we are -- we actually have more parking than is required by your code and that is being done so that we can try and self-park as much in the garage so we don't have vehicles out in the -- on the impervious surface -- or pervious surface in the rear.

MR. CARRON:

Mr. Schwartz, why do we need to change the zoning on the sand beach part?

MR. SCHWARTZ:

Because we are going to be -- I'm sorry. I didn't address that. The parcels are actually

all together. They are all owned by the City at this point. We have the option with the City to buy all of those. It includes a portion of the area to the south, which is the SB, or sand beach, area. We intend to construct a pier on that portion that we're acquiring from the City. It's reflected here on the site plan that we have pulled up. It will be one of our amenities and in order to do that, we want the consistent zoning on both parcels of land such that we are able to make construction without having split zoning related to the parcels.

MR. CARRON:

Is that going to impact the Schooner Pier?

MR. SCHWARTZ:

No, sir. It is not, because the way that this is designed we are to the east side of the Schooner Pier. We're not buying the entire sand beach parcel from the City. We are only buying a portion of that, which is located from -- away from the existing pier. We have no intent to interfere with them. We've met with them on a number of occasions, and there will not be an issue related to that.

And the type pier that we're going to be constructing is not -- it's not the same type of pier that the Schooner museum has. Of course, theirs is a much longer pier for a true boating operation. That's not what ours is currently proposed, which is more a walking pier for the purposes of an amenity for guests.

MR. CARRON:

Okay. No plans for any other type of development that might block the view of the island or anything?

MR. SCHWARTZ:

No, sir. At this point, there is no plan for any of that type of development. Now, obviously, you have a large 11-story-plus hotel. I mean, so you may be blocking the view of the parties that were behind you, but, I mean, nothing related to the beachfront. The current proposal is what we have before you.

MR. CARRON:

Okay. Is there going to be public access to that pier?

MR. SCHWARTZ:

There would be access. Now, to be clear, for our pier to be constructed, we have to

comply with all of the requirements of both Harrison County, Mississippi to be able to construct that and the City of Biloxi. So there are requirements for certain levels of public access, but we have not gone into a detailed design on the pier at this point.

It's a little preliminary for us, because until we can first get our zoning approved -- because right now we can't build what we want to build as it's currently zoned, and my clients cannot and will not the buy the property if it can't be rezoned because we'd be buying it without a project to build. But all of those things we will have to deal with, both with the City and with the County related to the sand beach or any access by pier.

MR. CARRON:

Thank you.

MR. SCHWARTZ:

Other questions that I can answer?

MR. STANOVICH:

Any boat slip rental?

MR. SCHWARTZ:

At this point, there is none proposed. Now, to the west, of course, the Schooner Pier has

boat rental now, but that's not our proposal.

MR. STANOVICH:

Not on your pier?

MR. SCHWARTZ:

No, sir. That's not currently proposed. From our standpoint, that's not necessary. That's not the market we're looking for. This is, you know, trying to be just a high-end resort destination and so a slip rental or daily or weekly slip rental is not something that's being proposed.

Other questions by the members of the Commission?

MR. CARRON:

I have just got a question for Jerry because I don't know if it's a misprint or what, but in looking at the LDO, the copy that I have and the one looked at on line, this is actually showing that, in residential business and community business and regional business, hotels are permitted.

MR. CREEL:

I just looked at the book. It could be that yours is not updated, but I just looked in the book. It's not. Hotels are not allowed in

the NB.

MR. SCHWARTZ:

When did that change?

MR. CREEL:

Hotels are allowed in CB and RB, not in NB.

MR. CARRON:

Okay. Well, wouldn't that still be classified as a -- couldn't they still accomplish the same thing by going with a lower zoning than waterfront?

MR. CREEL:

They could, either RB or CB are around this property and you do have water front on the adjacent lots. And this is clearly -- part of the report that I will read, this is clearly in the --

MR. CARRON:

I agree. It's a great project, but I'm just trying to do -- what we normally try to do is zone it to a lower level to meet their requirements. I'm all for the project, but my concern is if we change that zoning, can a stipulation be put in there that if nothing is done that it will revert back to the original zoning?

MR. CREEL:

You can't do that. When you change a zoning, state law says that if you are changing the zone because of one of the three criteria involved, change in the character of the neighborhood, mistake in the original zoning, or a public need, if you then put a caveat in there that says, well, if this project doesn't work out, then we will revert back, that would be -- if you did not pass the zoning based on one of those three criteria, you can't do that. It's called contract zoning. That's not allowed.

MR. CARRON:

And I agree. That, again, is kind of my concern. Again, I am on board for the project. But I'm afraid if it should fall through that we've got this piece of the property zoned as waterfront and let's -- you know, if the City decides to do something different with it, can somebody else come in there at some time if they get rid of the property and put something other than -- you know, I mean, there's all kinds of -- I will just hit on a few of them. You know, waterfront zoning says that you can have sexually-oriented cabarets, cinemas, sexually

oriented media stores, liquor stores, drive-ins, restaurants, those type of things.

MR. CREEL:

And all of those are regulated uses and any one of those uses will have to come before the Planning Commission or the City Council before they can be approved.

MR. CARRON:

Well, it's showing here that they're permitted.

MR. CREEL:

Yeah. But they're still regulated uses.

MR. CARRON:

Okay. All right. That's fine.

MR. SCHWARTZ:

And to be clear, if we have a change in a site plan or a use -- we have got to come back if there is a change in what we have provided related to variances and other things, the specific layout and orientation in the site plan. Not to mention that the property is owned by the City, so the City is the one seeking the WF designation with us so that we can develop the project. But if we didn't develop the project for some reason, the City still would own the

property.

MR. CARRON:

But, again, I'm agreeing with you. And I'm just looking at it because we don't know that -- you know, as a Commission who all owned that property. We were just told it was six parcels of land.

MR. SCHWARTZ:

Correct.

MR. CARRON:

So my concern was that possibly some of the properties on Howard Avenue are owned by somebody else, and, you know, if we change the whole zoning and somebody came in there and put a liquor store or a bar, you know, and that's the only reason I'm asking these questions.

MR. SCHWARTZ:

Yes, sir. Understood. And we're happy to answer them. All of the parcels are currently owned by the City. We're buying all of the parcels, all of those to the north and a portion of the sand beach under an existing written agreement we have with the City in order to do that.

So the other problem with some of the

other zoning classifications, they have some other worse uses that can be done in those districts that we don't want. My clients are not going to purchase this type property and spend the amount of money -- we're talking about well over $110 million -- to build a project to have anything other than the finest we can do. So the last thing we want is a low-end use that surrounds, such as some of the -- or lower use, such as some of the CB and other uses that Mr. Creel was discussing earlier.

And again, if we have a change, we're in -- all the due diligence aspects of this, if there's any change, we're going to have to come back before the City for any change related to those items.

MR. CREEL:

That's correct.

MR. SCHWARTZ:

But without a WF zoning classification, our project does not move forward. I will be clear.

MR. CARRON:

Thank you.

CHAIRMAN WASHER:

Any other questions of Mr. Schwartz?
(No response.)
Mr. Genzer, you had some things you wanted so to say, sir.
MR. SCHWARTZ:
Yes, I would like to let Frank take over. I apologize for being long-winded.
MR. GENZER:
I'm Frank Genzer, the architect for this project, along with my partners, WHLC.
And I believe that you all have seen several of the images of it. My clients originally asked me to -- there was several things that we were told. Number 1, they wanted Tullis reconstructed; they wanted us to save the oak trees and the third is to do a luxury hotel property, and then with retail on Howard Avenue is one of the stipulations.
So I'm just going to quickly -- we used the historic images of both the Buena Vista Hotel that they mentioned, the deck, which is on the top of it as well as the Tivoli. So we have -- here we have the images that you see of both the Tivoli and the Buena Vista Hotel and even at that location, the depth that we have repositioned. So

the architecture is historic Biloxi architecture.
We can go to the front, so -- there.
So this is just obviously Tullis. You see the Ohr museum. You see the entry point and you see trees that have been saved with architecture surrounding those trees, so they are protected.
Just a brief -- we went through probably a dozen schemes, some requiring removal of trees. My clients insisted that we not remove trees. So the architecture of the building itself has changed based upon their insistence that we save the trees, so we have.
There is -- you can't tell, but behind Tullis will be an entry point into the building and then you have the courtyard area that will -- and then there will be -- if we can go to a site plan. This site plan, this is an entry point off of Howard. There is a street that's north Ohr-O'Keefe Museum and then you have the entry area here.
And the Tullis Manor building has been located -- had been relocated off its original site about 25 feet to the west, so that it wasn't crowding the new hotel building.

So we can go through just series of images, if you would like, of the -- okay. This is the main entry area. We can just -- this is a swimming pool area that faces Highway 90.
We may need to go in the opposite direction now. We can drop down, so I'm just going to briefly -- this is Tullis with the fencing. There are water gardens in front, as well as some farmer gardens. We are going to be reconstructing the kitchen and there will be cottage gardens around it that the restaurant will use, actually in the preparation of food.
Okay. One thing -- yeah, you can continue.
You will see that we had to remove the windows and the doors on the ground floor because of FEMA's insistence that it's a flow-through, so these will be exhibit spaces and whatever. And then we added a shoo-fly, which was something that wasn't on the site, but we thought was appropriate for East Biloxi.
There is the deck. And you can see the proximity of the Tullis to the hotel itself. And then you have.
And then you have a more bird's-eye view

of the entry area, the swimming pools, Tullis -- where the original Tullis site was located.
This is from the existing piers. You see Tullis, the building with the deck. Pools in the entry area.
This is from the newly constructed pier. And again, from the -- from the -- probably the sand beach area looking back towards to the northwest, there is the -- again, the site plan. This is the street coming off of Howard. This is the street north of the Ohr-O'Keefe and then you have the entry area.
And the developers are wanting this to be a 100 percent valet parking experience, because they feel as if this will be a five star hotel, of which, right now, they consider there are none on the Coast. And this will be by far, I think, one of the finest hotels that we have ever seen.
And that's just a blow-up of that same site plan.
And then, you know, architects love to play with different images that we have and this is just an aerial view of it in a different format, but showing the same architecture.
And that's pretty much the tree survey

that we had to work with.

Are there any architectural questions?

Yes, sir.

MR. DELAHOUSEY:

Mr. Genzer, in the meeting rooms and conference rooms, what's the seating, people capacity for those rooms? Do you know?

MR. GENZER:

I haven't really -- that's a different, but it's 80,000 square foot of space.

MR. DELAHOUSEY:

It would be suitable for like Mardi Gras balls and things like that?

MR. GENZER:

Sure. Right. This will be some major space for conferences to be held.

MR. CREEL:

Any other questions for Mr. Genzer?

None.

Thank you. Very nice.

MR. GENZER:

Thank you.

CHAIRMAN WASHER:

For the record, let me go ahead and note that Commissioner Stanovich has been here shortly

after the beginning of Mr. Schwartz's presentation.

MR. BLESSEY:

Mr. President, Gerald Blessey for the applicant as well.

Just a couple of footnotes on this beautiful design that Frank just mentioned to you. I also just wanted to call your attention, on the site plan, on the grounds, there will be produce gardens actually. This is -- you know, there's almost nine acres here and the hotel is taking up about two acres. So the grounds are going to be lushly landscaped with the gardens, but will also have some produce gardens to do produce of native plants and vegetables for the five star restaurant that we hope to have at the deck. I just wanted to point that out.

Plus, the Tullis Manor, the second floor will be completely furnished, as it's above the flood zone. So the Tullis will be available for rents for weddings or family reunions or special events or a carnival meeting or whatever, as well as the grounds for family reunions. So you don't have to stay at the hotel to be able to rent the Tullis Manor and the grounds for special events.

I just wanted to point that out because it -- many people have come up to us since we started this and said, you know, we had our family reunion, there; we had our wedding there; we had our reception there. So it's just another feature of this to kind of recapture some of authentic old Biloxi flavor for high-end tourism.

And if you have questions, I will answer that.

CHAIRMAN WASHER:

Any questions?

(No response.)

CHAIRMAN WASHER:

Thank you, sir.

All right. If there is nothing else in your presentation, Mr. Schwartz, we're going to ask if there's anyone in the audience that wants to speak in favor of the applicant's request for the rezoning? Anyone speaking in favor?

MR. MUMLEY:

My name is Mark Mumley. I live at 2483 Provence Place in Biloxi, Mississippi. I'm here representing my wife, Nancy Mumley.

Can we have the site map up there please? It's not a video. It's a PDF. Just the

site plan you were showing.

MR. CIPOLLA:

The site plan?

MR. MUMLEY:

Site plan for the project.

Anyway, you probably can understand what I'm going to say anyway. We own the property -- my wife owns the property due west of where they're requesting the new fence line, south of Howard, north of Meaut Street where the water plant -- water well is currently.

And we have no problem whatsoever for a fence being constructed in that area, which is what they're -- one of the items that they're requesting today because it buttresses up against our property line and we hope that you approve it.

CHAIRMAN WASHER:

All right. Thank you, Mr. Mumley.

Anyone else to speak in favor of this zoning change?

MR. KAVANAUGH:

I just have a question. I'm just curious, is there a brand affiliation with this hotel? If not, Ritz Carlton needs to be contacted.

MR. SCHWARTZ:
Well, there is not currently a brand affiliation for our hotel, and that hasn't been determined yet, because we're still at the preliminary stage on the hotel beyond initial design until we get through these steps.
MR. KAVANAUGH:
Right. Okay. No. I think it's fantastic, but I was just curious.
MR. SCHWARTZ:
Absolutely.
MR. KAVANAUGH:
If it's a Marriott brand property that would be even better for me.
CHAIRMAN WASHER:
Anyone else speaking in support? No one speaking in support.
Anyone speaking in opposition?
(No response.)
CHAIRMAN WASHER:
If there is no one speaking in opposition, Mr. Schwartz, is there anything else you want to add to this point?
MR. SCHWARTZ:
No, sir.

CHAIRMAN WASHER:
All right. Mr. Creel.
MR. CREEL:
Well, the staff has looked at this project. The developer, the designers have done a commendable job designing this project to comply with the requirements of the Land Development Ordinance. The only variances they're requesting are necessary, in other words, to protect protected trees on the property.
The variance for the setbacks on Howard Avenue are not necessarily required, because the ordinance already allows any new construction in Old Biloxi to line up with other buildings that already exist on there, which those buildings would.
The additional parking that they've added in the rear is also designed to protect trees.
The zoning request for WF is appropriate and waterfront already exists on the two adjacent lots on this property. The property is clearly in the City of Biloxi tourism entertainment area of the City. Also, it's in the historic district and the project has been designed to capture many of

the architectural features that represent old Biloxi architectural history.
The staff recommends approval. I also have, representing the Administration, this was written by Peter Abide, the city attorney, regarding the Tullis Gardens, application for rezoning: Please let this serve as the Administration's support of the subject application and the Tullis Garden project. Peter Abide, City Attorney.
CHAIRMAN WASHER:
Thank you.
MR. A. PARKER:
Recommend approval.
MR. DELAHOUSEY:
Second.
CHAIRMAN WASHER:
We have a motion by Mr. Parker recommending approval; seconded by Mr. Delahousey.
Any discussion amongst the members of the Commission?
MR. DELAHOUSEY:
I would just like to say I think it's a great project, especially with the Tullis Manor because I was married there in 1982, and many of

you were there.
CHAIRMAN WASHER:
All right. If there is no other discussion, all those in favor of rezoning, raise your hand, please. Mr. Lechner, Mr. Parker, Mr. Todaro, Ms. Magee, Ms. Thompson, Mr. Stanovich, Mr. Bogard, Mr. Dellenger, Mr. Poulos, Dr. Drawdy, Mr. Carron, Mr. King, Mr. Snow, Mr. Delahousey; myself, David Washer. We'll let the record reflect that that's unanimous.
We'll address the variances at the Board of Zoning Adjustments, and that meeting comes up after this one.
Our next case today is 23-002-PC, Coastal Development Group, LLC, owner; and Jason Stearman, applicant. This is to consider an application for a zoning map amendment to authorize a change in zoning district classification of two parcels of land, 156 Camellia Street, .73 acres, plus or minus and 1918 Southern Avenue, .44 acres, plus or minus, from their present zoning district classification of RS-5, single-family residential, high-density to CB, community business, 156 Camelia Street, and

BILOXI BOARD OF ZONING ADJUSTMENTS
JANUARY 5, 2023
COMMUNITY DEVELOPMENT,
DR. MARTIN LUTHER KING JR. MUNICIPAL BUILDING,
676 DR. MARTIN LUTHER KING JR. BOULEVARD,
BILOXI, MISSISSIPPI,
BEGINNING AT 4:41 P.M.

BZA MEMBERS PRESENT:

David Washer, Chairman
Ronnie Bogard
Kyle Carron
Steve Delahousey
Charlie Dellenger
Dr. Larry Drawdy
Joe King
Gary Lechner
Debora Magee
August Parker
Jimmy Poulos
John Snow
David Stanovich
Cheryl Thompson
Michael Todaro

ALSO PRESENT:

Jerry Creel, Director of Community Development
Felicia Serpas, Senior Planner
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

	PAGE:
CONTINUED PUBLIC HEARING(S):	
(None)	--
NEW PUBLIC HEARING(S):	
23-005-BZA (Refer to Page 3 of the Planning Commission Meeting)	--
23-006-BZA	5

CHAIRMAN WASHER:
And we will immediately convene the Board of Zoning Adjustments. We'll let the record reflect that all members that were here for the Planning Commission remain in attendance.
Everyone received a copy of the minutes? Any corrections or additions?
We'll entertain a motion to accept the minutes as presented.
MR. DELAHOUSEY:
So moved.
MR. DELLENGER:
Second.
CHAIRMAN WASHER:
Motion by Mr. Delahousey; by Mr. Dellenger. All those in favor, say "aye."
(All in favor.)
CHAIRMAN WASHER:
Any opposed?
(None opposed.)
CHAIRMAN WASHER:
No committee reports. No continued public hearings.
New public hearing today, Case Number 23-005-BZA, City of Biloxi, owners; Tullis Garden

Hotel, LLC, applicants.
Of course, they already made their presentation.
So anything else y'all want to add, Mr. Schwartz?
MR. SCHWARTZ:
No. Thank you, Mr. Washer.
CHAIRMAN WASHER:
All right, sir. Mr. Creel.
MR. CREEL:
We recommend approval. Again, the variances are necessitated by their willingness to save the trees.
MR. A. PARKER:
So moved.
MS. MAGEE:
Second.
CHAIRMAN WASHER:
Motion by Mr. Parker; seconded by Ms. Magee, recommending approval.
We'll ask that all those in favor, raise your hand, please. Mr. Lechner, Mr. Parker, Mr. Todaro, Ms. Magee, Ms. Thompson, Mr. Stanovich, Mr. Bogard, Mr. Dellenger, Mr. Poulos, Dr. Drawdy, Mr. Carron, Mr. King,

Mr. Snow, Mr. Delahousey; myself, David Washer. We will let the record show that's unanimous.

Our next case, 23-006-BZA, Mississippi Coast Supply Company, Inc.; Beth Moore, Loaves and Fishes, Applicant. This is to consider a parking lot paving material variance, to authorize the use of limestone gravel parking material to allow more parking for an existing commercial property, upon a parcel of land measuring .57 of an acre, more or less, instead of asphalt, concrete, brick, stone, pavers, aligned concrete strips, or an equivalent material, as required by Section 23-6-2(C)(3) of the Land Development Ordinance, for property identified as 1157 Judge Sekul Avenue. This case was advertised on December 22nd, December 29th.

Mr. Henry, you presenting this case?

MR. HENRY:

Yes. My name is Tom Henry, 1734 William Harrison Drive.

This is -- Beth Moore couldn't be here. She's representing Loaves and Fishes, but she had to leave. We got -- picked the wrong day to be up. We're not discussing any trees, so we're good.

This is a building on Judge Sekul.

It's, what, 11 whatever, 1157 Judge Sekul. Here's Judge Sekul. The gate to Keesler, the old gate is up the road here just a little bit, Porter -- not Porter Avenue. Y'all know this road back to the east there.

This is an old business building. It's been used recently by Mississippi Coast Supply, and they have been using it to store some of their stuff in there. It used to be an old auto parts store and motorcycle shop.

Mississippi Coast supply has deeded this property to Loaves and Fishes, which, I think, is a great thing. We all know what Loaves and Fishes does -- and we're going in here on this one half and we're going to put in a kitchen area for them to feed people like they do all the time.

But we're here to ask for variances because of economics. You know, they're a non-profit organization trying to do what they can. We're going to pave a driveway down this west side because the only parking existing is three little spaces on the street, so we need to get some parking there for people that work there and people that come to eat.

But we're going to pave asphalt or

concrete this drive down here. But we're asking for a variance to be able to do this parking lot back here with just a heavy limestone base, strong enough for the fire department to be able to pull a truck in there if they need to.

It's got existing drainage all the way back over here. There is an apartment complex over here that their parking lot abuts up to this.

And so it's just because of economics right now, trying to remodel the building and get in there and getting them operating because they've been operating outside of the mission, whatever. They've been feeding outside.

MR. CIPOLLA:

Back Bay.

MR. HENRY:

Yeah, Back Bay Mission. You can imagine what it was like for them trying to feed at Christmastime this year, trying to feed people. But we're just asking for this variance. And it may be down the road they get some decent -- some good donations from people. They would probably pave it down road some time. But just right now, they just took ownership of the building, I think, a week and a half ago or something like that. So

they're ready to get in there and start -- get a permit and working on the inside and get it all going.

CHAIRMAN WASHER:

All right. So we've got the paved drive down the west side and you're just going to add crushed limestone in the back.

MR. HENRY:

In the back, yes.

CHAIRMAN WASHER:

For mainly workers?

MR. HENRY:

Mainly workers, yeah, and some of the people that are going to come in there to eat. We've got to have some place to put in a parking lot.

CHAIRMAN WASHER:

We would ask if there is anyone to speak in favor?

MR. CARRON:

Is it going to be fenced around the back?

MR. HENRY:

Yes, we're going to put a privacy fence around the backside. That's mainly to keep people