Ordinance No. 2507

ORDINANCE TO GRANT ZONING MAP AMENDMENT, TO AUTHORIZE A CHANGE IN ZONING DISTRICT CLASSIFICATION FOR A PARCEL OF LAND FROM ITS PRESENT ZONING DISTRICT CLASSIFICATION OF RM-30 MULTIFAMILY HIGH DENSITY TO PD-I: PLANNED DEVELOPMENT – INFILL DISTRICT MASTER PLAN FOR AN UNADDRESSED PARCEL OF LAND FRONTING UPON MAPLE STREET

WHEREAS, the Biloxi Planning Commission conducted a public hearing on January 19, 2023, to hear the application of Elliott Rentals QOZB, LLC (owners) and Josh Fleming (applicant), Case No. 23-008-PC, to consider an application for a Zoning Map Amendment, to authorize the establishment of a PD-I: Planned Development – Infill District and Master Plan, for a residential development to be known as Maple Street Townhomes Subdivision, which application had been submitted to effectuate a Planned Development – Infill District, as provided within Section 23-3-4(H) of the Land Development Ordinance, to modify the zoning and dimensions for parcels of land presently zoned RM-30 Multifamily High Density; and

WHEREAS, the Planning Commission members were apprised of the particulars of this case, being made cognizant of the fact that the PD-I: Planned Development – Infill Master Plan allows the owners to construct a little closer to property lines than normally allowed for the construction of twenty-seven (27) townhomes; and

WHEREAS, it was noted that the Development Review Committee (DRC) had reviewed this request for a Zoning Map Amendment, to authorize the establishment of a PD-I: Planned Development – Infill District Master Plan, and had found it to be in conformance with the rules and regulations of the City of Biloxi, and authorized the applicant to proceed to the Planning Commission and City Council to apply for a PD-I: Planned Development – Infill District Master Plan approval, as herein requested; and

WHEREAS, on January 19, 2023, the Biloxi Planning Commission, upon conducting this public hearing, and after careful reflection of the particulars of this case, voted (13-1-0) to recommend approval for this Zoning Map Amendment, to authorize the establishment of a PD-I: Planned Development – Infill District Master Plan, for a residential development to be known as Maple Street Townhomes, said application being submitted as a Planned Development – Infill District, as authorized within Section 23-3-4(H) of the Land Development Ordinance, for property presently identified as an unaddressed parcel of land fronting upon Maple Street (re: Tax Parcel No. 1510L-01-019.000), having determined that the PD-I: Planned Development – Infill District Master Plan requested would provide needed residential dwellings within this area of Biloxi, noting further that the proposed residential uses requested within this Master Plan are consistent with uses previously of notice in this section 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 so doing, determines that approval of this Maple Street Townhomes PD-I: Planned Development – Infill District Master Plan, as submitted, is appropriate for the properties presently identified as an unaddressed parcel of land fronting upon Maple Street, having concurred that a change has occurred in the Character of this Neighborhood, and further, that an established Community Need for this PD-I zoning district classification and the uses outlined within this Master Plan proposed are appropriate for this location.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILOXI, MISSISSIPPI, THAT AS PER THE FINDINGS OF THE PLANNING COMMISSION,

AND BASED UPON THOSE DETERMINATIONS, THAT THE FOLLOWING SHALL BE AUTHORIZED:

SECTION ONE: The Biloxi City Council hereby adopts the report and findings of the Biloxi Planning Commission, and in so doing, determines that approval of the Maple Street Townhomes PD-I: Planned Development – Infill District Master Plan, as presented, is appropriate for the property presently identified as an unaddressed parcel of land fronting upon Maple Street, having determined that a Change has occurred in the Character of this Neighborhood and the areas surrounding this property site, and further, that an established Community Need for this Planned Development Zoning district classification, and the residential uses proposed within this Master Plan are in concert with this neighborhood.

SECTION TWO: That the boundaries of the Geographical Information System Format Zoning District Map of the City of Biloxi, Mississippi, as amended, are hereby further amended by a Change in Zoning District Classification from RM-30 Multifamily High Density to PD-I: Planned Development – Infill District Master Plan for an unaddressed parcel of land fronting upon Maple Street (re: Tax Parcel No. 1510L-01-019.000) and described as follows:

Lots 13, 14, 15, 16, and a portion of the reserved lot in block 17, revised subdivision of blocks 9, 11, 12, 13,17, 18 and 19 of Summerville Subdivision, City of Biloxi as recorded in copy plat book 1, page 26, Second Judicial District of Harrison County, Mississippi and being more particularly described as follows with the bearings based on state plane grid North (MS East Zone 2301):

Commencing at a ½" iron rod found at the Northeast corner of said block 17, said point lying on the West margin of Pine Street; Thence along said West Margin, S0005'04"E 70.43' to a ½" iron rod with cap at the point of beginning; Thence further along said West margin of Pine Street, S0005'04"E 127.27' to a ½" iron rod with cap set at the Northeast corner of lot 11, block 17 of said subdivision; Thence S8939'11"W 238.74' to a ½" iron rod with cap set at the Northeast corner of lot 13, Block 17 of said subdivision;

Thence S0019'07" E 179.77' to a ½" iron rod with cap set at the Southeast corner of lot 13, said point lying on the North Margin of Tchula Street; Thence along said North Margin of Tchula Street, S8937'14" W 238.96' to a ½" iron rod with cap set on the East margin of Maple Street; Thence along said East Margin of Maple Street, N0018'20" W 307.09' to a ½" iron rod with cap set; Thence N8938'35" E 478.15' to the point of beginning, containing 2.382 Acres. Herein described property being designated as county parcel number 1510L-01-019.000 and being that same property described as the "and also" parcel in deed 2004-2481-D-J2 in the land records of the Second Judicial District of Harrison County, Mississippi,

and further described as land most nearly bounded by the following streets: to the North of Tchula Street; South of 5th Street; East and adjacent to Maple Street and West of Pine Street.

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

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

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

The President then declared the Ordinance adopted this the 14th day of February, 2023.

STATE OF MISSISSIPPI ★ CITY OF BILOXI ★ HARRISON COUNTY

ATTEST: APPROVED

Keri Campbell

CLERK OF THE COUNCIL PRESIDENT OF THE COUNCIL

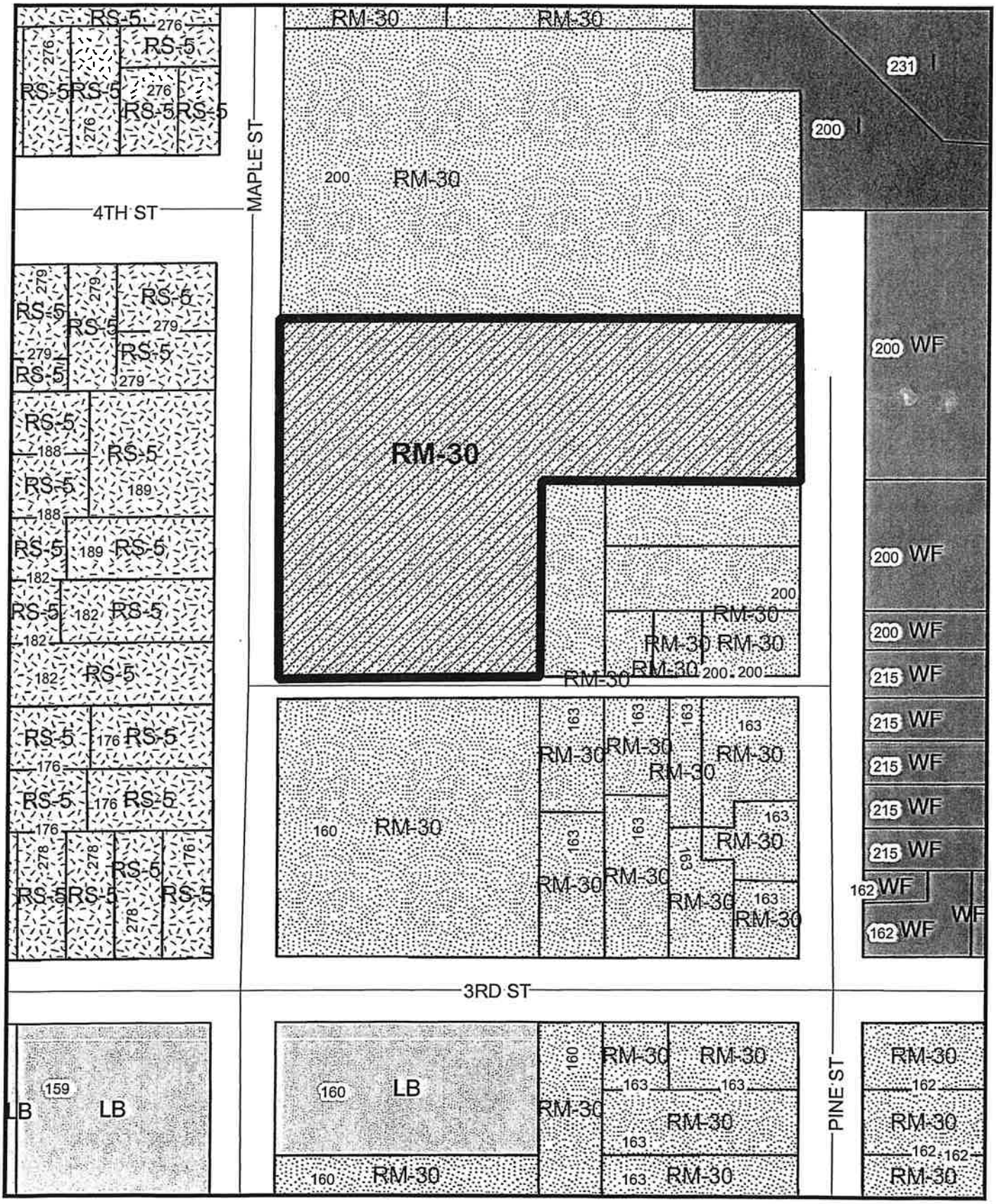
Ord. No. 2507

Submitted to and approved by the Mayor, this the 22nd day of February, 2023.

APPROVED:

MAYOR

Case No. 23-008-PC
Elliott Rentals QOZB, LLC (Owner) Josh Fleming (Applicant)
Tax Parcel 1510L-01-019.000
Zoning Map Amendment- RM-30 to PD-R


RS-5
RM-30
RM-30
231
200
200
RM-30
MAPLE ST
4TH ST
200 WF
RM-30
200 WF
200 WF
215 WF
215 WF
215 WF
215 WF
215 WF
162 WF
162 WF
WF
RM-30
RM-30
RM-30

Scheduled for:
January 19, 2023
PC Meeting

Elliott Rentals QOZB, LLC (Owners)
Josh Fleming (Applicant)
Case No. **23-008-PC**
Zoning Map Amendment
RM-30 to **PD-R**

Planning Commission
Case Fact Sheet

Case No.:	23-008-PC
Applicant/Owner:	Elliott Rentals QOZB, LLC (Owners) Josh Fleming (Applicant)
Address of Property:	unaddressed parcel of land fronting upon Maple Street
Tax Parcel/Ward:	1510L-01-019.000/ 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 a parcel of land measuring approximately two and six-tenths (2.6) acres (more or less) in size, from its present zoning district classification of **RM-30 Multifamily High Density** to **PD-R: Planned Development – Residential District** for an unaddressed parcel of land fronting upon Maple Street (re: Tax Parcel No. 1510L-01-019.000).
Size of Property:	2.6 acres (More or Less)
Present Zoning:	**RM-30 Multifamily High Density**
Present Use:	Vacant Land
Most Nearly Bounded By (streets):	North of Tchula Street; South of 5th Street; East and adjacent to Maple Street and West of Pine 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 twenty-seven (27) townhome units on 2.6 acres of land.

Concerns stated: The Planning Division Office has not received any letters or other written communications relative to this case, as of January 12, 2023.

Comments/ Recommendations: Elliott Rentals QOZB, LLC (owners) and Josh Fleming (applicant) have requested a **Zoning Map Amendment**, to authorize a change in zoning district classification for a parcel of land measuring approximately two and six-tenths (2.6) acres (more or less) in size, from its present zoning district classification of **RM-30 Multifamily High Density** to **PD-R: Planned Development – Residential District** for an unaddressed parcel of land fronting upon Maple Street (re: Tax Parcel No. 1510L-01-019.000).

The applicant is requesting **PD-R: Planned Residential District** Zoning in order to minimize variance requests, reduce setbacks to protect "Live Oaks", and develop 2.6 acres of land into twenty-seven (27) residential townhome units.

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** classification for a parcel of land measuring approximately two and six-tenths (2.6) acres (more or less) in size, from its present zoning district classification of **RM-30 Multifamily High Density** to **PD-R: Planned Development – Residential District,** 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. 23-008-PC

To Be Completed by Owner/Applicant	Date:
Name of Rightful Owner(s): ELLIOTT RENTALS QOZB, LLC	Name of Applicant: (if different than Owner) JOSH FLEMING
Property Address: MAPLE STREET, BILOXI, MS	Ward Number 1
Tax Parcel Identification Number(s): (example: 0000L-00-000.000)	
1510L-01-019.000	
Mailing Address of Property Owner: 1402 PASS ROAD	Mailing Address of Applicant (if different than Owner):
City: GULFPORT	City:
State: MS	State:
Zip: 39501	Zip:
County HARRISON COUNTY	County
Telephone: (941) 468-1058	Telephone: ( )
Property Size (please give in acres or by dimension): 2.6 ACRES	
Present Zoning Classification: RM-30 MULTI-FAMILY	
Is the property located within an AHRC District? Yes __ No X If so, which District?	Flood Zone(s) of Property: AE &VE FLOOD ZONE

	North	South	East	West
Property is most nearly bounded by what streets?	N/A	TCHULA ST	PINE ST	MAPLE ST
If property directly fronts or is adjacent one of the streets above please indicate with a ✓.				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

Notary Signature
(Seal)

DIANE WHITSON
NOTARY PUBLIC
ID No. 290704
Commission Expires
Apr 26, 2025
STATE OF MISSISSIPPI
HARRISON COUNTY

Signature of Rightful Owner

Notary Signature
(Seal)

Signature of Rightful Owner

Notary Signature
(Seal)

Signature of Applicant

Notary Signature
(Seal)

DIANE WHITSON
NOTARY PUBLIC
ID No. 290704
Commission Expires
Apr 26, 2025
STATE OF MISSISSIPPI
HARRISON COUNTY

If someone other than the applicant needs to be notified concerning this case, please note name(s) and address(es) below:

NOTES:

NOTE: Please see attached instructions for details on documents required for a complete application.

Biloxi
established 1699

PLANNING COMMISSION SUPPLEMENT

Map Amendment

(Master Plan update)

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

TO BE COMPLETED BY APPLICANT	*DATE:* DECEMBER 14, 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*:	RM-30	PD-R

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?	✓	

Please explain:
THE CURRENT ZONING IS HIGH DENSITY RESIDENTIAL. THE PD-R ZONING WILL ALLOW HIGH DENSITY ON THE SPECIFIC PROPERTY

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

Please explain: THE SURROUNDING AREA MATCHES THE PROPOSED USE OF

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)* OF THE PROPERTY. THE SURROUNDING ZONING IS RS-5, RM-30, AND WF	✓ Yes	No
3. Is the property suitable for uses permitted in the present zoning district?	✓	
Please explain: THE NARROW SIZE OF THE PROPERTY AND LARGE DRAINAGE EASEMENT ON THE NORTH PORTION PREVENT HIGH DENSITY DEVELOPMENT		
4. Is the property suitable for uses permitted in the proposed zoning district?	✓	
Please explain: PD-R ZONING WILL ALLOW THE DEVELOPER TO BUILD WITHIN THE UNIQUE CHALLENGES OF THE PROPERTY		
5. Has there been a change in the character of the neighborhood?	✓	
Please explain: THIS AREA WAS LARGELY DESTROYED DURING KATRINA. THE GOAL OF THIS DEVELOPMENT IS TO REBUILD IN THIS UNDERDEVELOPED PART OF BILOXI		
6. Is there an established community need for uses permitted in the proposed zoning district?	✓	
Please explain: EAST BILOXI HAS BEEN SLOW TO REBUILD AFTER KATRINA. THERE IS AN ESTABLISHED NEED FOR HOUSING ACROSS THIS AREA		
7. Was there a mistake in the original zoning of the property?		✓
Please explain: NA		
8. Are utilities and infrastructure sufficient to address the impacts associated with allowed uses in the proposed district?	✓	
Please explain: THERE IS EXISTING WATER AND SEWER UTILITIES TO CONNECT TO		

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

ELLIOTT
HOMES

Maple Street Townhomes

January 9th, 2023
Josh Fleming
Narrative

In many circumstances the zoning requirements make it challenging for developers and builders to get things approved. It creates a lot more unnecessary work for the city and takes time away from everyone. I would imagine that asking for multiple variances instead of one can create a lot of red flags and produces many unnecessary questions. It seems the most common assumption when a builder asks for variances is: They only want a variance so they can obtain the highest density for profit. The truth however is, we have 27-28-Units when "By Right" we can get 30-Units (packed density is not our goal) under the current zoning. We are asking for this one variance so that we don't need multiple variances, also to save multiple Live Oaks on the property. We are asking for only ONE variance to the acreage requirement for PD-R zoning, and not have to ask for multiple variances under the current zoning. We appreciate and value all the hard work that Planning, the Board Members, and everyone behind the scenes that make the city a success.

Our Request:

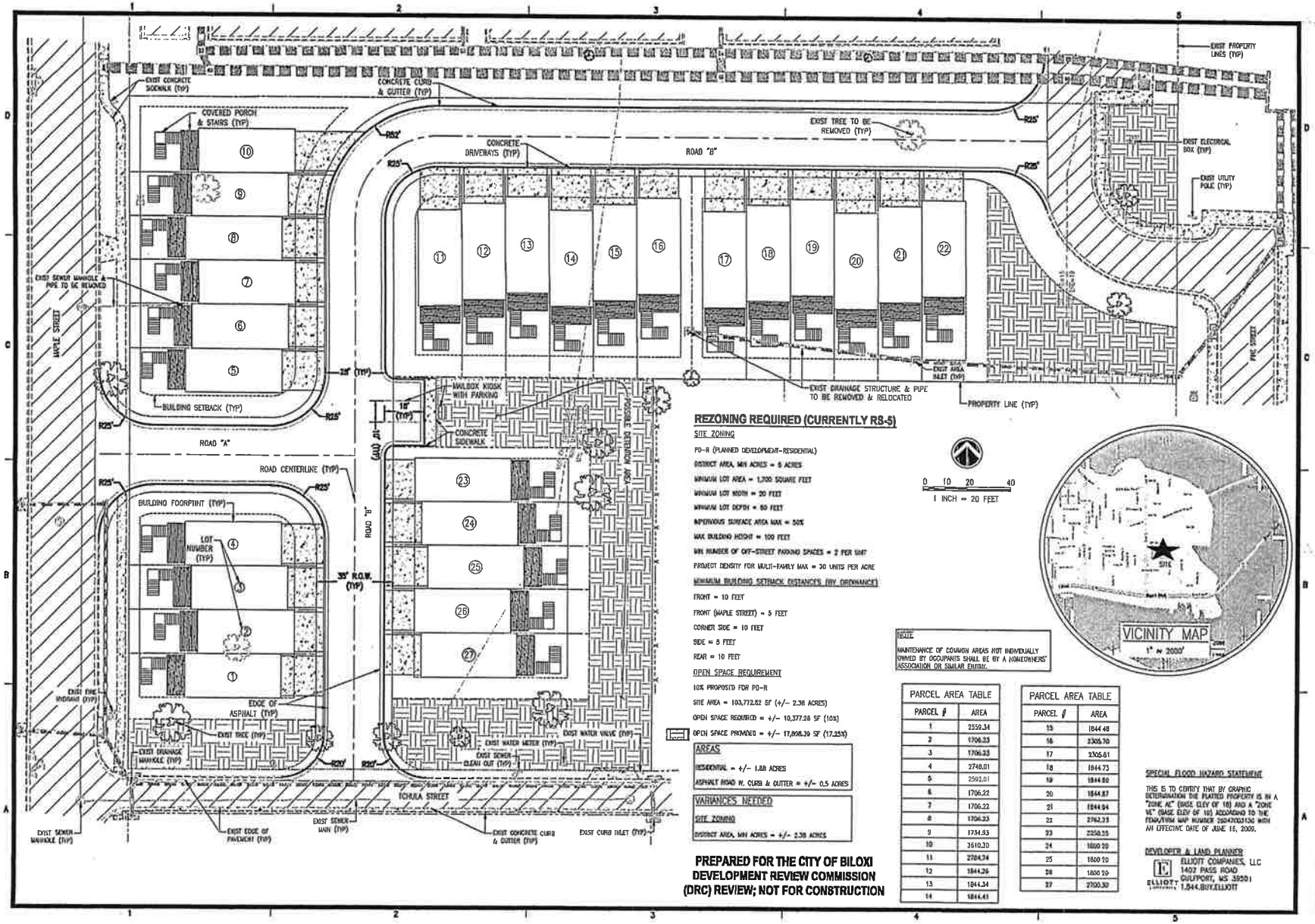
We are here to ask for a variance for a rezone from RM-30 to PD-R. The variance is for the minimum requirement for PD-R Zoning of 5 acres. The minimum requirement for PD-R zoning is 5 acres. The property we would like to rezone is 2.6 acres (was once 5.45 acres before all the city easements and before it was split). We are asking for the rezone to reduce the setback from 20'feet (current zoning) to 15'feet (PD-R zoning) and with only one variance opposed to multiple.

Our Objective:

- Reduce the setbacks to protect "Live Oaks" on the property.
- Allow enough space for fire department to help serve community.
- Develop more treescape on the property and within the setbacks.
- More walkability throughout the community.
- Less impact to the environment by utilizing the existing drainage easement and not having to create more.
- One variance instead of multiple during the building and permitting process.

I appreciate and value everyone's time and dedication that you bring to the City of Biloxi. We want to help and assist in as many avenues possible for this great city.

Thanks,



REZONING REQUIRED (CURRENTLY RS-5)

SITE ZONING

PD-R (PLANNED DEVELOPMENT-RESIDENTIAL)

DISTRICT AREA, MIN ACRES = 5 ACRES

MINIMUM LOT AREA = 1,700 SQUARE FEET

MINIMUM LOT WIDTH = 20 FEET

MINIMUM LOT DEPTH = 80 FEET

IMPERVIOUS SURFACE AREA MAX = 50%

MAX BUILDING HEIGHT = 100 FEET

MIN NUMBER OF OFF-STREET PARKING SPACES = 2 PER UNIT

PROJECT DENSITY FOR MULTI-FAMILY MAX = 30 UNITS PER ACRE

MINIMUM BUILDING SETBACK DISTANCES (BY DRIVEWAYS)

FRONT = 10 FEET

FRONT (MAPLE STREET) = 5 FEET

CORNER SIDE = 10 FEET

SIDE = 5 FEET

REAR = 10 FEET

OPEN SPACE REQUIREMENT

10% PROPOSED FOR PD-R

SITE AREA = 103,772.82 SF (+/- 2.38 ACRES)

OPEN SPACE REQUIRED = +/- 10,377.28 SF (10%)

OPEN SPACE PROVIDED = +/- 17,898.30 SF (17.25%)

AREAS

RESIDENTIAL = +/- 1.88 ACRES

ASPHALT ROAD W. CURB & GUTTER = +/- 0.5 ACRES

VARIANCES NEEDED

SITE ZONING

DISTRICT AREA, MIN ACRES = +/- 2.38 ACRES

NOTE

MAINTENANCE OF COMMON AREAS NOT INDIVIDUALLY OWNED BY OCCUPANTS SHALL BE BY A HOMEOWNERS' ASSOCIATION OR SIMILAR ENTITY.

PARCEL AREA TABLE	
PARCEL #	AREA
1	2559.34
2	1706.33
3	1706.33
4	2748.01
5	2593.01
6	1706.22
7	1706.22
8	1706.33
9	1734.93
10	3610.30
11	2704.34
12	1844.26
13	1844.34
14	1844.41

PARCEL AREA TABLE	
PARCEL #	AREA
15	1844.48
16	2305.70
17	2305.61
18	1844.73
19	1844.80
20	1844.87
21	1844.94
22	2762.33
23	2250.55
24	1800.20
25	1800.20
26	1800.20
27	2700.30

SPECIAL FLOOD HAZARD STATEMENT

THIS IS TO CERTIFY THAT BY GRAPHIC DETERMINATION THE PLATTED PROPERTY IS IN A "ZONE AE" (BASE ELEV OF 10) AND A "ZONE VE" (BASE ELEV OF 10) ACCORDING TO THE FEMA/FIRM MAP NUMBER 28047C0315G WITH AN EFFECTIVE DATE OF JUNE 16, 2009.

DEVELOPER & LAND PLANNER

ELLIOTT COMPANIES, LLC
1402 PASS ROAD
GULFPORT, MS 39501
1.844.BUY.ELLIOTT

PREPARED FOR THE CITY OF BILOXI DEVELOPMENT REVIEW COMMISSION (DRC) REVIEW; NOT FOR CONSTRUCTION

REVISIONS:

PROJECT #:	257005.24
DATE:	AUGUST 2022
DRAWN BY:	MSF
DESIGNER:	MSF
CHECKED BY:	CRW

Pickering

Pickering Firm, Inc.
Architecture · Engineering
Planning · Surveying

MAPLE STREET TOWN HOMES

BILOXI, HARRISON COUNTY, MS

ELLIOTT COMPANIES

SEAL:

PRELIMINARY - NOT FOR CONSTRUCTION

SHEET NUMBER:

1 OF 1

DESCRIPTION:
SITE PLAN

BILOXI PLANNING COMMISSION MEETING
January 19, 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
Michael Todaro

ALSO PRESENT:

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

REPORTED BY

Melissa Burdine-Rodolfich
Simpson Burdine & Migues

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

	PAGE
CONTINUED PUBLIC HEARING(S): (None)	
NEW PUBLIC HEARING:	
23-007-PC	5
23-008-PC	16
23-009-PC	5
23-010-PC	34
TREE HEARINGS: (None)	

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, Mr. Stanovich, Mr. Bogard, Mr. Dellenger, Mr. Poulos, Dr. Drawdy, Mr. Carron, Mr. King, Mr. Snow, Mr. Delahousey; myself, David Washer; Jerry Creel, Director of Community Development, Felicia Serpas, Senior Planner; Caryle Lena, Planner. On the table in the front there is Tim Cipolla, Planning Inspector, and our court reporter, Melissa Rodolfich.
I will ask Mr. Delahousey to please open the meeting with a moment of prayer.
(Moment of prayer.)
CHAIRMAN WASHER:
Ms. Magee, the pledge, please.
(Pledge of allegiance.)
CHAIRMAN WASHER:
Let me also recognize Dr. Paul Tisdale in the audience, Councilman Ward 5.
We welcome each of you here today. We would ask that anyone that desires to speak, please come the podium when your case is called,

give us your name and address for the record and please sign at the pad provided. We would ask that any cell phones in the audience, if you'd kindly mute them or turn them off.
Ask if all members of the Commission received a copy of the minutes from the last meeting and if there's any additions, corrections?
MR. DELAHOUSEY:
Move to approve.
MR. SNOW:
Second.
CHAIRMAN WASHER:
Motion by Mr. Delahousey recommending approval; seconded by Mr. Snow.
All those in favor, say "aye."
(All in favor.)
CHAIRMAN WASHER:
Any opposed?
(None opposed.)
CHAIRMAN WASHER:
Mr. Creel, committee reports?
MR. CREEL:
Yes, sir. Mr. Chairman and members of the Commission, over the past two weeks, the department has issued 155 building permits. We

had a total construction valuation of $4.1 million. We issued 17 business licenses for new businesses, and we had 28 renewals. We also issued 21 certificates of occupancy. None of those were for cannabis. Two of those were for short-term rental. And of the permits issued, there were two major renovation projects and three new single-family houses.

CHAIRMAN WASHER:

Thank you.

No continued public hearings.

New public hearing today, first case, 23-007-PC, Lou-Mac, LLC, owner; Sidney Lloyd, Jr., it's to consider an application for a zoning map amendment to authorize a change in zoning district classification for three parcels of land measuring approximately 2.25 acres, more or less, in size from their present zoning district classification of NB, neighborhood business, to CB, community business, and identified as 226 Tuxedo Street. This case was advertised on January 3rd, 10th and 17th.

In conjunction with that case, we're going to also hear Case Number 23-009-PC, Lou-Mac, LLC, owner; and Sidney Lloyd, Jr., applicant.

It's to consider a request for conditional use approval to authorize the establishment of a cannabis cultivation facility in an existing warehouse upon a parcel of land measuring approximately 1.7 acres, more or less, in overall size situated within a proposed CB, community business zoning district and identified as 226 Tuxedo Street. This case was advertised January 5th and January 12th.

Although we're going to hear these cases together, we're going to vote on them separately.

Mr. Cipolla, view the video, please, sir.

MR. CIPOLLA:

I'm down at the end of Judge Sekul, where the old Keesler gate used to be. This is an extension of Tuxedo, which you will see when it comes back around. That's looking back up towards Porter Avenue. This is Tuxedo Street right here.

Bear with me. I'm about to drive down the extension that comes around the back of the warehouse, goes all the way down here. That's the cemetery. There's one warehouse on each side. The road goes right in between them. That's one warehouse; that is another. Goes clean through

and then there is a drive that drives back out on the opposite side of the cleaners, between the apartments and the cleaners.

We made about a half loop and it will take you back -- out right there is Judge Sekul again, the apartments on the east side. This is the cleaning building. Of course, to the south, you have a cemetery, and the two warehouses. That's probably the best.

CHAIRMAN WASHER:

Is the applicant or their representative here, please?

Yes, sir.

MR. LLOYD:

Good afternoon. I'm Sid Lloyd.

MR. CIPOLLA:

Could you sign in please, sir?

MR. LLOYD:

I have signed in.

What we're trying to do is get a rezoning for this building for a cultivation facility. We previously thought about building one on my property up on 67, but we have negated that. We found the perfect location. It's just not zoned quite properly.

Minimal impact to the community, but would help the downtown area of Biloxi grow, put business and jobs in there. And this warehouse has been vacant for five years. We could go in at minimal cost to us to retrofit this and put it into a growing facility and bring jobs back into the Biloxi district.

CHAIRMAN WASHER:

All right. Would you give us an address, please, Mr. Lloyd?

MR. LLOYD:

It's 226 Tuxedo.

CHAIRMAN WASHER:

Your address.

MR. LLOYD:

My address is 35 53rd Street, Gulfport.

CHAIRMAN WASHER:

All right. Do we have any questions of Mr. Lloyd for his proposed request for the rezoning?

MR. CARRON:

There has been some kind of question from the general public as far as security around all these places. Could you go into a little depth on that?

Thank you.
CHAIRMAN WASHER:
Ask if there's anyone in the audience that wants to speak in favor of the applicant's request? Anyone speaking in favor? No one speaking in favor.
Anyone speaking in opposition? No one speaking in opposition.
Any questions?
(No response.)
CHAIRMAN WASHER:
We will consider those hearings closed.
Mr. Creel.
MR. CREEL:
The staff has taken a look at this. It did go through the Development Review Committee, so the fire department was aware of the request for this. One of the good things about this piece of property is that it's isolated. It's not really right next to any other types of facilities from Judge Sekul Road. Unless you drove back down [illegible], you would never even know that they were back there. They do back up to the cemetery on the south side, so there is no opposition coming from that direction or we hope there wouldn't be

anyway.
CB is the lowest zoning that they could ask for that would accomplish what they're requesting, so the staff has no objection and would recommend approval.
CHAIRMAN WASHER:
Okay. Now, this is in regard to the zoning map amendment, NB to the CB, community business.
MR. DELAHOUSEY:
Move to approve.
MR. PARKER:
Second.
CHAIRMAN WASHER:
Motion by Mr. Delahousey recommending approval; seconded by Mr. Parker.
Any discussion?
(No response.)
CHAIRMAN WASHER:
We would ask that all those in favor of approval, raise your hand, please. Mr. Lechner, Mr. Parker, Mr. Todaro, Ms. Magee, 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 show

that's unanimous.
Now, regarding Case 23-009-PC, the conditional use in the facility.
MR. CREEL:
Well, the one condition that we would recommend would be the fence to close it off from any other type of operation. This building is essentially built like a fort back there, but it does need to be isolated from the apartments and from the Loaves and Fishes that's going to be moving in on that area. And what we would ask is that the developer put in a fence of adequate height to keep people out, which they have agreed to do. So with that, we can recommend approval.
CHAIRMAN WASHER:
All right. Thank you.
MR. CARRON:
Jerry, what's the highest they can go without a variance?
MR. CREEL:
For a warehouse, they can actually go eight feet in height.
MR. CARRON:
Maybe we should add that to the -- I make a motion that we approve with the stipulation

that they put in an eight-foot fence around it.
MR. DELLENGER:
Second.
CHAIRMAN WASHER:
Seconded by Mr. Dellenger.
Any discussion on that?
(No response.)
CHAIRMAN WASHER:
We'd ask that all those in favor of approval, subject to the fence being at least eight feet in height, raise your hand.
Mr. Lechner, Mr. Parker, Mr. Todaro, Ms. Magee, 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 show that's unanimous.
Our next case to come before us is 23-008-PC, Elliott Rentals, QOZB, LLC, owners; and Josh Fleming, applicant. It's an application for a zoning map amendment to authorize a change in zoning district classification for a parcel of land measuring approximately 2.6 acres, more or less, in size from its present zoning district classification of RM-30, multifamily, high-density, to PDI, planned development infill,

for an unaddressed parcel of land fronting upon Maple Street. We had originally stated on that PDR. That was incorrect. Is should be PDI, which will be an infill development. This case was advertised on January 3rd, January 10th and January 17th.

Being a PDI, that also negates the need for the case advertised, 23-011, at the Board of Zoning Adjustments following the Planning Commission.

View the video on that, please, sir.

MR. CIPOLLA:

This is Tchula Street right here. Pine Street is right here. Maple is over here. Looking back towards the back of Harrah's, the living center to the north, which I will drive through there. This is Pine Street, and it's the back way in the senior living center also. This right here is Maple Street and it also goes all the way back to the back of Harrah's. This is Tchula right here, and it's one block from the Slavic Center.

MR. FLEMING:

All right, guys. Thank you. I hope everyone is having a great day today.

So basically, what we're trying to do is rezone --

CHAIRMAN WASHER:

Your name and address, please.

MR. FLEMING:

My apologies. I got a little excited.

Josh Fleming with Elliott Homes, 1402 Pass Road, Gulfport, Mississippi.

CHAIRMAN WASHER:

Thank you.

MR. FLEMING:

Yeah. So we would like to rezone this property. Since the hurricane, it seems there hasn't been a lot of improvement in this area, and basically what we want to do is come in and rezone the property so that way we could reduce some of the setbacks so we can save the majority of the oak trees, which you probably noticed there are quite a few large live oaks on the property. And based off the City's recommendation, this was an alternate option so that way, we could abide by the fire department rules and regulations, as well as abide by the city code.

And I just want to say the reason for this zoning is not to pack in units. It's to

create more open space and walkability through the development itself.

CHAIRMAN WASHER:

And you're proposing 27 to 28 units; whereas, the ordinance would allow you to put 30 units?

MR. FLEMING:

Correct. Yeah. Right now we're looking at 27.

CHAIRMAN WASHER:

And the reason for your PDI is for?

MR. CREEL:

I can answer that. When Elliott Homes first came in -- when Josh and the engineers came in, I recommended to them that because of the property that they're using that they should ask for an overlay district to PDI. And it's listed as PDR today. It's still a PD, so there's no reason to go back and advertise it again.

The reason I recommended PDI is because planned development infill is the overlay district that is actually designed for East Biloxi on the peninsula because it takes into consideration that there are not very large pieces of property there that you can go in and build on. The PD, the

planned development, actually creates flexibility with things like setbacks and density and those type of things, and so they needed some flexibility on the setbacks in order to make this project work.

So the property seemed to be tailormade for a PD, and the infill, the "I" part of that, is to utilize the property that they have without having to ask for a lot of variances.

So it was my fault. I should have caught the fact that it was advertised as a PDR. It should have been a PDI, which eliminates the need for that variance request that we would have been hearing in the BZA case. So that's the reason they asked for it.

CHAIRMAN WASHER:

Thank you, Jerry.

Anything else you want to add, Mr. Fleming?

MR. FLEMING:

No.

CHAIRMAN WASHER:

Okay. Thank you.

MR. FLEMING:

Thank you.

MR. CARRON:
I have some questions, just a few questions. These structures are going to be elevated, correct?
MR. TODARO:
Yes.
MR. CARRON:
Parking underneath?
MR. TODARO:
Yes, sir.
MR. CARRON:
Is there plans to put sidewalks in?
MR. FLEMING:
The development, it's an option, yes. We get the variance, it will be an option for us to have the ability to fit them in there, the spaces.
MR. CARRON:
I mean, with that many units in there, it would be probably advantageous to have them so that people could walk around.
Is there any plans -- or I probably need to ask Jerry this. In a PDI, can they have short-term rentals in there?
MR. CREEL:

The zoning for -- the underlying zoning for this property is multi-family, so if they decided to do short-term rental, they would have to come back to the Planning Commission and City Council and ask for a conditional use approval for that. But as it is right now with just the PD, no, they cannot do short-term rental.
MR. CARRON:
Is there more than one means of ingress and egress to those? I mean, we have two sets of the stairs going in each complex?
MR. FLEMING:
Yeah, we will.
Yeah, it's going to be long-term rentals, actually, to answer your question.
MR. CARRON:
Because that would be a requirement if you do go -- come in to request short-term rental.
MR. TODARO:
Right.
CHAIRMAN WASHER:
Dr. Drawdy.
DR. DRAWDY:
You mentioned protected trees. How many are you going to take down?

MR. FLEMING:
I believe all we're taking down is one.
DR. DRAWDY:
One. And how large?
MR. FLEMING:
That, I'm not sure.
MR. CREEL:
There's three. They're on here. Three.
MR. FLEMING:
My apologies. Three.
DR. DRAWDY:
I went out and looked at the property yesterday, so I saw a lot of live oaks. There's very large live oaks in that entire area.
MR. FLEMING:
Yeah. Our goal is -- so saving -- this is one of our biggest priorities, to save, I think, two or three massive oaks here, as well as these ones along the road.
I believe the ones we're taking down would be this one, that one and another one over here to fit a unit.
DR. DRAWDY:
So you're going to save the ones on the south side, I'm sure?

MR. FLEMING:
Yes.
DR. DRAWDY:
And the ones going up that other side, the big ones?
MR. FLEMING:
Yeah. There is just one in here that would conflict with the road, the ingress and egress to Tchula and this one looked pretty -- looked pretty dead to us already and then this one for us to get the egress for that existing curb cut and the drive.
MR. CARRON:
I could only find two. I believe it's the Unit Number 9 and also on the road going out. Those are the only two I noticed.
MR. CREEL:
Well, the one between Lot 1 and Lot 2 is coming out as well. It's in the footprint of the building. Those are the three.
CHAIRMAN WASHER:
Any other questions, members of the Commission?
MR. STANOVICH:
Are these all rentals or are you selling

them?
MR. FLEMING:
No, they're going to be long-term rentals for us. And we're actually going to keep the property itself, professional landscaping and walkability and all that. It's going to be maintained through us.
CHAIRMAN WASHER:
Any other questions?
MR. DELLENGER:
How big are the units going to be, size-wise, square footage?
MR. FLEMING:
So square footage, it's going to be a three-story with the drive underneath. I believe these are about 1,200 square feet, I want to say, total, with the living floor and upstairs.
CHAIRMAN WASHER:
If there is no other questions from the members of the Commission, we'll 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? Anyone with any questions?

Yes, ma'am.
MS. KEYES:
Good afternoon. My name is Claudia Keyes, and I live at 1319 2nd Street in Gulfport.
So this is the map. These four lots were not included in that entire block. I represent Captain Pete and Mrs. Skrmetta. This is their lot.
So your PDR, PDI, they had enough space. They could have -- they don't have to be jammed in there. They could actually have the space if they had just taken in those four lots that had belonged to Biloxi family members for years and years, and now those lots are going to be devalued.
I'm a Realtor as well. They are going to be devalued. And the drive is going to come right past on Pine Street, so I would ask you to reconsider this and -- maybe so we will have time to talk to Elliott Homes and see if they could not just go ahead and take these four lots as well.
CHAIRMAN WASHER:
Well, they've got enough -- they've got more than enough space to handle 27, 28 units they're going to build.

MS. KEYES:
Well, they should have taken the whole block.
CHAIRMAN WASHER:
Beg your pardon?
MS. KEYES:
They should have taken the whole block. You can't -- this is going to devalue these family homes -- these family properties. I would like for you to think about that. And I'm sure there is other people here.
CHAIRMAN WASHER:
Thank you.
Anyone else to speak in opposition? Anyone else with any questions?
MR. SKRMETTA:
Good afternoon. I'm Louis Skrmetta. I live at 520 Beach Boulevard, East Biloxi, short distance from here.
I'm here today before the Commission on behalf of my father, Captain Pete Skrmetta, and my mother, Jackie Skrmetta, owners of one of the lots adjacent to the applicant's property on Pine Street.
My family has owned the lot on Pine

Street for over 100 years. As you know, this area suffered major damage following Katrina. The City of Biloxi has done a remarkable job recently rebuilding the streets and restoring the land around the northern end of Maple and Pine Streets.
The area now is quite beautiful and ready for potential new home construction. Property values on Pine Street have increased significantly. For this reason, my parents decided to finally list the property after owning it for so many years.
We oppose the requested zoning change on the applicant's classification from RM-30 to PDI multifamily, high-density. A large townhouse or apartment development built next to my parents' property could devalue the land and make selling the property to a prospective homebuilder very, very difficult.
I respectfully ask the Commission to deny the application for the zoning amendment. Thank you for your time today.
CHAIRMAN WASHER:
Thank you, sir.
DR. DRAWDY:
Question. Could we ask the man from

Elliott Homes to come back up? I have got a question for him.

Since you do have some opposition with those four houses or four lots, or whatever they are, like this, would Elliott Homes consider looking at the possibility of purchasing those lots?

MR. FLEMING:

I mean, it's definitely a possibility. At this moment, not right now. The elevation that we'd have to build to is a lot higher than what we are prepared to build homes due to topo, the topography of those lots. Right now our main focus is just that property.

DR. DRAWDY:

Is there any way to mitigate the construction of this facility and still help these four people -- four lots of these people that have had these lots for years and years in Biloxi?

MR. FLEMING:

When you say "mitigate," what are you proposing?

DR. DRAWDY:

Negotiate with them.

MR. FLEMING:

Negotiate with them?

DR. DRAWDY:

Now.

MR. FLEMING:

I mean, that's not out of the question. I mean, I would imagine their concern for building on a piece of land that's been vacant and the devaluing of their property. However, considering the fact that, you know, the height requirement that FEMA has put on the area, I mean, it's quite challenging to build on those lots already.

But as far as the negotiating the purchase of lots, I don't foresee it.

DR. DRAWDY:

It looks like to me, just looking at that, that if you had a full square, you would be able to build a better situation, build your sidewalks that you have already mentioned and do things better within your entire facility than having that as an L shape. Just a thought.

MR. FLEMING:

I completely agree. I know that we are working with our existing drainage that's there, which will have to be brought up again and redone, which separates that. So there is already

drainage on the property that separates these lots and that line that already goes through there.

So, I mean, I really don't foresee if we do the proper irrigation and watershed that it's going to affect those lots in any way, shape or form. And I would imagine that making it a PDI with a little bit higher density with higher-end rentals would only increase the value of those lots.

DR. DRAWDY:

Is that an assumption, though?

MR. FLEMING:

Not assumption.

DR. DRAWDY:

Just a thought.

MR. FLEMING:

Sure. Absolutely.

DR. DRAWDY:

I'm looking at trying to help everybody out. And when the project hasn't even been approved yet, it's still time, to me, for negotiations.

MR. FLEMING:

Absolutely. I completely agree. Right now, we're just going for the zoning change and

not necessarily negotiating with the surrounding homeowners, is our thought at the moment.

DR. DRAWDY:

Thank you for listening.

MR. FLEMING:

Thank you.

CHAIRMAN WASHER:

Anyone else want to speak? No one else wants to speak.

I trust you had nothing else to say, Josh?

MR. FLEMING:

No.

CHAIRMAN WASHER:

If there is no one else speaking, then we will consider that hearing closed.

Mr. Creel.

MR. CREEL:

The staff has looked at this project. They went along with the recommendation that we made about the type of property. Approving this would in no way interfere with negotiations going on between the neighbors. You know, if Elliott Homes decided that they wanted that property, they could still continue with negotiations on it.

But they have designed a nice project. They have shown us the architectural renderings for what they're building. Anyone that is familiar with Elliott Homes' construction knows that they build a quality product, and the fact that they intend to own these and manage these shows that they will be well maintained.

This will be the first residential development -- multifamily residential development in East Biloxi since Hurricane Katrina. And the staff has looked at it. They will be required to put in sidewalks and that's actually what that line shows that's on the drawing, if you will take a look at it.

But we have looked at the project, and staff would recommend approval for the PDI.

MR. PARKER:

Recommend approval.

MR. LECHNER:

Second.

CHAIRMAN WASHER:

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

Any discussion?

(No response.)

MR. CARRON:

Jerry, you did say they are required to have sidewalks?

MR. CREEL:

They are required. Any new development is required to put in sidewalks, yes.

MR. CARRON:

All right. Thank you.

CHAIRMAN WASHER:

No discussion.

We'd ask that all those in favor of approval, raise your hand, please. Mr. Lechner, Mr. Parker, Mr. Todaro, Ms. Magee, Mr. Stanovich, Mr. Bogard, Mr. Dellenger, Mr. Poulos, Mr. Carron, Mr. King, Mr. Snow, Mr. Delahousey; myself, David Washer.

Any opposed? Dr. Drawdy opposes.

Motion carries.

MS. KEYES:

Excuse me, is there an appeals process?

CHAIRMAN WASHER:

Our next case, 23-010-PC, Chris and Dixie Bellman, owners; and Joseph Pepe, applicant. It's to consider a request for conditional use to authorize the establishment of a medical cannabis

dispensary upon a parcel of land measuring .21 of an acre, more or less, in size currently situated within a WF, waterfront zoning district, located at 941 Diaz Avenue, formerly 941 Bayview Avenue. This case was advertised on December 22nd, December 29th. Mr. Cipolla, view the video, please.

MR. CIPOLLA:

This property is on the corner of Diaz and Bayview, directly across from the old Bayview Pawn. That actually continues around down to Keegan's Bayou. That's old Bayview Pawn there, down the ramp from I-110, IP. That is the front from -- what you would see from Bayview Avenue. I walk down there around the back also to show you where Keegan's Bayou comes in.

This is the east side of the building. The backyard comes all the way down to this fence line. Keegan's Bayou starts right back there. We have a concrete pad all the way up the driveway up to the street and the two-story building.

MR. PEPE:

Good afternoon. I'm Joseph Pepe, 941 Diaz Avenue in Biloxi.

And we're proposing to turn this into a

professional medical-grade cannabis dispensary. This isn't to be confused with a corner store. This is going to be, you know, medical-grade professional facility, and we're hoping to bring value to the area.

I mean, when you look at this particular road on Diaz, the future of it is going to be commercial. There's only two active people living on the block, which both of whom agreed that this is a good idea. So we're seeking your approval on this.

CHAIRMAN WASHER:

Any questions, members of the Commission of Mr. Pepe?

MR. DELLENGER:

Will there be any plans in place if, say a storm comes, to take your product, secure your product somehow? Because if not, that area floods, I would think, pretty easily. Would there be any plan in place to combat that or facilitate that?

MR. PEPE:

Absolutely. You know, everything that gets done with this license is overseen by the beverage administration, so it goes through a