

Ordinance No. 2510

ORDINANCE TO APPROVE A ZONING MAP AMENDMENT,
TO AUTHORIZE A CHANGE IN ZONING DISTRICT FOR A PARCEL OF LAND
FROM ITS PRESENT ZONING DISTRICT CLASSIFICATION OF
NB NEIGHBORHOOD BUSINESS TO RB REGIONAL BUSINESS
FOR LAND IDENTIFIED AS 13100 HUDSON KROHN ROAD

WHEREAS, on Thursday February 16, 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. 23-016-PC, a request for a Zoning Map Amendment, for property identified as 13100 Hudson Krohn Road; and

WHEREAS, the Planning Commission members were apprised of the particulars of this case, being made cognizant of the fact that Roger Adam Bullion on behalf of MissTenn, LLC, had submitted this request for a Zoning Map Amendment, to authorize a change in zoning district classification for a parcel of land measuring approximately two (2) acres (more or less) in size, from its present zoning district classification of NB Neighborhood Business to RB Regional Business, in order to construct an RV & Boat Self-Storage Facility, for a parcel of land presently identified as 13100 Hudson Krohn Road (re: Tax Parcel No. 1207P-01-006.001); and

WHEREAS, on February 16, 2023, the Biloxi Planning Commission, after some discussion, and upon careful reflection of the particulars of this case, voted 12-1-0, to recommend approval for this Zoning Map Amendment, to authorize a change in zoning district classification for a parcel of land measuring approximately two (2) acres (more or less) in size, from its present zoning district classification of NB Neighborhood Business to RB Regional Business, for land presently identified as 13100 Hudson Krohn Road having determined that a Change in the Character of the Neighborhood was of evidence in this area of the City of Biloxi; and

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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 authorize a change in zoning district classification for a parcel of land measuring approximately two (2) acres (more or less) in size, from its present zoning district classification of NB Neighborhood Business to RB Regional Business, in order to construct an RV & Boat Self-Storage Facility, for land identified as 13100 Hudson Krohn Road (re: Tax Parcel No. 1207P-01-006.001), Case No. 23-016-PC, Roger Adam Bullion on behalf of MissTenn, LLC, is appropriate.

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

SECTION ONE: That the boundaries of the Geographical Information System Format Zoning District Map of the City of Biloxi, Mississippi, be hereby amended by a change in zoning district classification from NB Neighborhood Business to RB Regional Business, for land presently identified 13100 Hudson Krohn Road, and described as follows:

A parcel of land situated in the Southeast Quarter of the Southeast Quarter (SE 1/4 of the SE 1/4) of Section 36, Township 6 South, Range 10 West, Harrison County, Mississippi; being more particularly described as follows: Commencing at a concrete monument found at the Southeast corner of said Section 36; thence along the East line of said Section 36, North 00 degrees 09 minutes 22 seconds East 862.96 feet to an iron rod; thence North 89 degrees 43 minutes 36 seconds West 396.71 feet to an iron rod set at the Point of Beginning; thence continue North 89 degrees 43 minutes 36 seconds West 401,80 feet to the East margin of Hudson-Krohn Road; thence along said East margin North 03 degrees 34 minutes 31 seconds East 221.10 feet to an iron rod set; thence South 89 degrees 41 minutes 16 seconds East 388.02 feet to an iron rod set; thence South 220.47 feet to the Point of Beginning.

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Said parcel contains 2.000 acres, more or less, and further described as land most nearly bounded by the following streets: to the North of Old Highway 67; to the South of Mason Road; to the East of and fronting upon Hudson Krohn Road; and to the West of Paradise Lane.

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

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

YEAS:	Lawrence Newman Deming	Glavan Barrett	NAYS:	None
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ABSENT:	Tisdale Gines
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The Vice-President then declared the Ordinance adopted this the 4th day of April, 2023.



ATTEST:

APPROVED:

Kei Campbell
CLERK OF THE COUNCIL

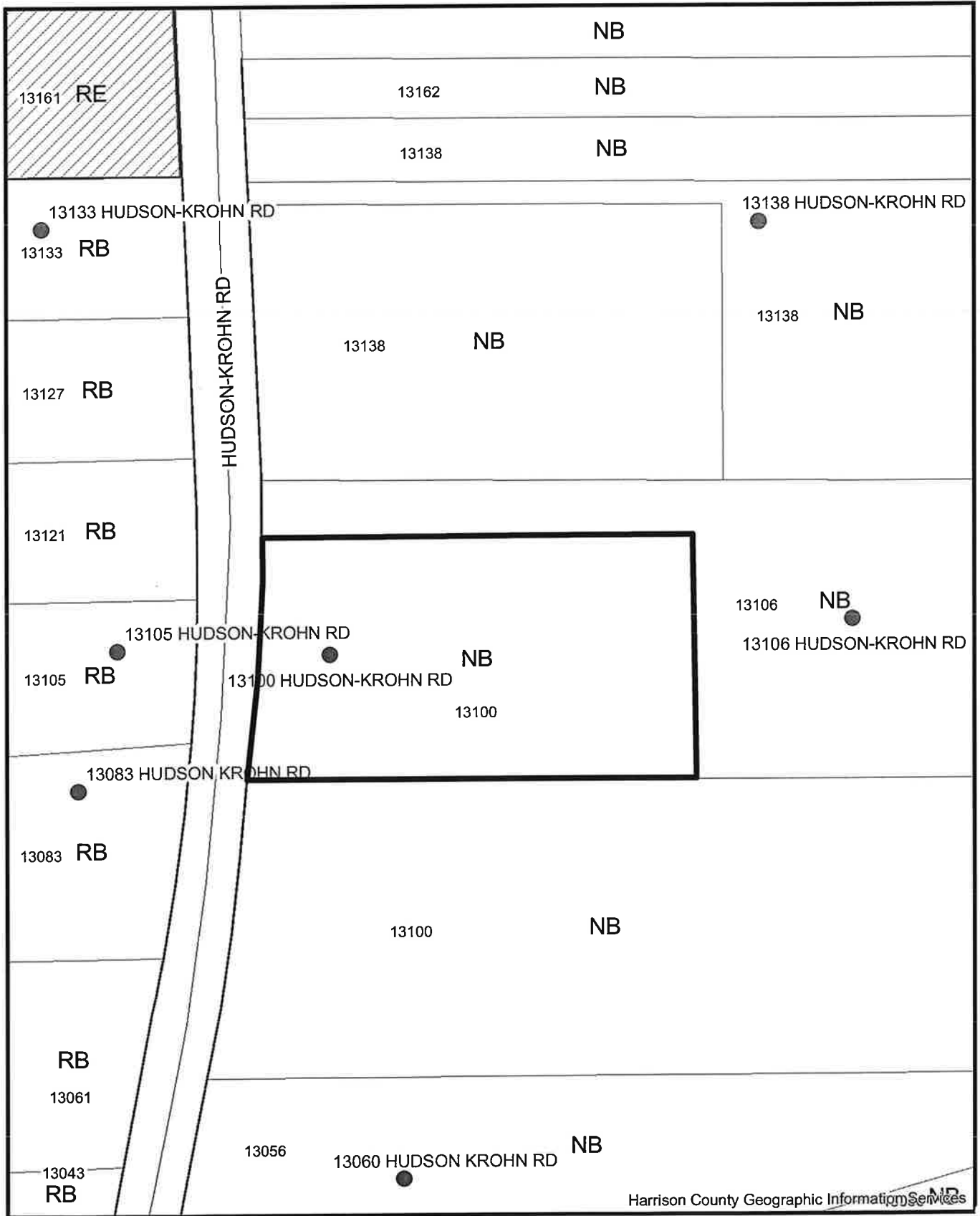
[Signature]
VICE-PRESIDENT OF THE COUNCIL

Submitted to and approved by the Mayor, this the 11th day of April, 2023.

APPROVED:

[Signature]
MAYOR

Case No. 23-016-PC
 MissTenn LLC/Roger Adam Bullion
 13100 Hudson Krohn Rd
 Map Amendment NB to CB



Scheduled for:
February 16, 2023
PC Meeting

Roger Adam Bullion on behalf of MissTenn, LLC
Case No. 23-016-PC
Zoning Map Amendment
NB to RB



**Planning Commission
Case Fact Sheet**

Case No.: 23-016-PC
Name of Applicant: Roger Adam Bullion on behalf of MissTenn, LLC
Address of Property: 13100 Hudson Krohn Road
Tax Parcel/Ward: 1207P-01-006.001/Ward 6

Request: **Zoning Map Amendment**

Purpose of Request: An application for a **Zoning Map Amendment**, to authorize a change in zoning district classification for a parcel of land measuring approximately two (2) acres (more or less) in size, from its present zoning district classification of **NB Neighborhood Business** to **RB Regional Business**, in order to construct an RV & Boat Self-Storage Facility, for a parcel of land presently identified as 13100 Hudson Krohn Road (re: Tax Parcel No. 1207P-01-006.001).

Size of Property: 2 acres (More or Less)

Present Zoning: **NB Neighborhood Business**

Present Use: Vacant land

Most Nearly Bounded By (streets): To the North of Old Highway 67; to the South of Mason Road; to the East of and fronting upon Hudson Krohn Road; and to the West of Paradise Lane.

Adverse Influences: A Zoning Map Amendment should only be authorized when conditions clearly suggest that a change in zoning is warranted, and that the change proposed is consistent with uses found upon adjacent or nearby properties.

Positive Influences: This rezoning, if approved, would allow the applicant to construct an RV & Boat Self-Storage Facility.

Letters or

Concerns stated:

The Planning Division Office has not received any letters or other written communications relative to this case, as of February 9, 2023.

Comments/

Recommendations:

Roger Adam Bullion on behalf of MissTenn, has requested a **Zoning Map Amendment**, to authorize a change in zoning district classification for a parcel of land measuring approximately two (2) acres (more or less) in size, from its present zoning district classification of **NB Neighborhood Business** to **RB Regional Business**, in order to construct an RV & Boat Self-Storage Facility, for a parcel of land presently identified as 13100 Hudson Krohn Road (re: Tax Parcel No. 1207P-01-006.001).

The applicant has stated he would like to use his property as an RV & Boat Storage facility. He has state there will be no buildings at this time, it will be an open storage yard with a fence surrounding the property, and a 10' landscape buffer around the perimeter.

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

- 1) Consistency (or lack thereof) with the Comprehensive Plan;
- 2) Compatibility with the present zoning and conforming uses of nearby property and with 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**, to authorize a change in zoning district classification for a parcel of land measuring two (2) acres (more or less) in size, from its present zoning district classification of **NB Neighborhood Business** to **RB Regional Business**, having determined that a Change in the Character of the Neighborhood is of evidence, and that this zoning change will better address the proposed use of the property currently located within the NB Neighborhood zone.
2. Recommend denial of this **Zoning Map Amendment**, having determined that insufficient evidence has been provided to warrant a Change in the Character of the Neighborhood, or that a Community Need exists to warrant the level of zoning change proposed for these parcels of land under consideration for zoning change.

Feb. 16 -



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. 23-014-PC

To Be Completed by Owner/Applicant		Date: <u>12/27/2022</u>		
Name of Rightful Owner(s): <u>MissTenn LLC</u>		Name of Applicant: (if different than Owner) <u>Roger Adam Bullion</u>		
Property Address: <u>13100 Hudson Krohn Rd. Biloxi MS 39532</u>				Ward Number
Tax Parcel Identification Number(s): (example: 0000L-00-000.000) <u>1207P-01-006.001</u>				
Mailing Address of Property Owner: <u>429 Vourray Cr.</u>		Mailing Address of Applicant (if different than Owner):		
City: <u>Biloxi</u>		City:		
State: <u>MS</u>		State:		
Zip: <u>39531</u>		Zip:		
County: <u>Harrison</u>		County:		
Telephone: <u>(615) 542-8488</u>		Telephone: ()		
Property Size (please give in acres or by dimension): <u>2.01</u>				
Present Zoning Classification: <u>NB</u>				
Is the property located within an AHRC District? Yes ___ No <input checked="" type="checkbox"/>		Flood Zone(s) of Property:		
If so, which District?		<u>5X</u>		
	North	South	East	West
Property is most nearly bounded by what streets?	<u>Old Hwy 67</u>	<u>North Bond Dr</u>	<u>Hudson Krohn Rd</u>	<u>South Sandy Creek Rd</u>
If property directly fronts or is adjacent one of the streets above please indicate with a <input checked="" type="checkbox"/> .			<input checked="" type="checkbox"/>	
REQUESTED ACTION BY THE PLANNING COMMISSION (A separate supplement form is required for each): <input checked="" type="checkbox"/>				
<input checked="" type="checkbox"/>	Text Amendment			
<input checked="" type="checkbox"/>	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			
	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.

<p><i>Roger...</i> _____ Signature of Rightful Owner</p>	<p>_____ Signature of Rightful Owner</p>
<p><i>Felicia Serpas</i> _____ Signature of Rightful Owner</p>	<p>_____ Notary Signature (Seal)</p>
<p>_____ Signature of Rightful Owner</p>	<p>_____ Signature of Applicant</p>
<p>_____ Notary Signature (Seal)</p>	<p>_____ Notary Signature (Seal)</p>



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.



PLANNING COMMISSION SUPPLEMENT

Map Amendment
(Master Plan update)

City of Biloxi Planning Division

Mailing Address: P.O. Box 508, Blvd., Biloxi, MS 39530

Office Location: 676 Dr. MLK Blvd.,

Planning (228) 435-6266 Fax (228) 435-6188

TO BE COMPLETED BY APPLICANT

DATE: 12/27/2022

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.

I am requesting a zoning change from this zone to this zone: Existing NB New IRB

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:

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:

Currently there is a self storage business located directly



PLANNING COMMISSION SUPPLEMENT

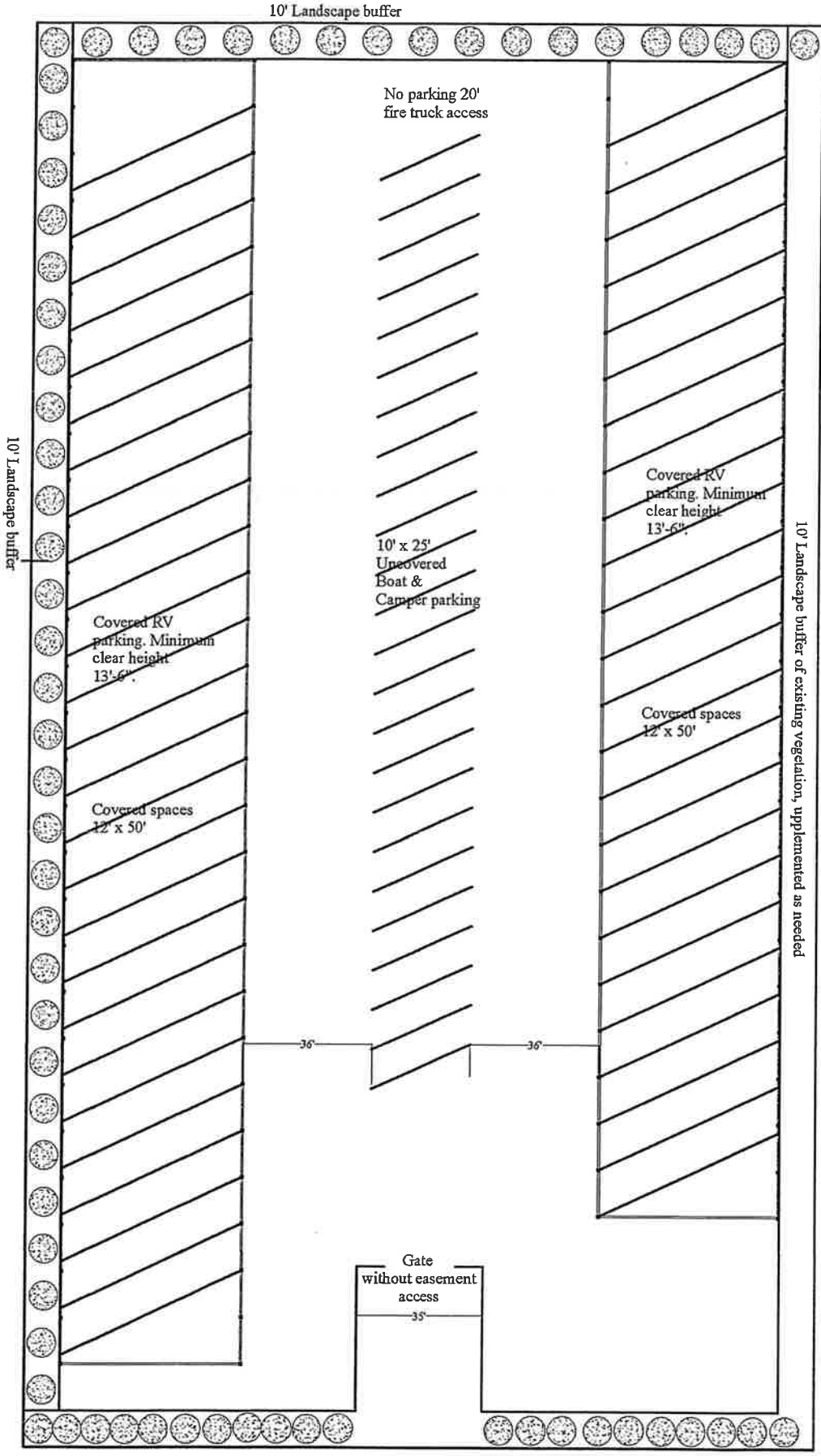
Map Amendment

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

Criteria (continued)
across the street
3. Is the property suitable for uses permitted in the present zoning district?
Please explain:
4. Is the property suitable for uses permitted in the proposed zoning district?
Please explain:
5. Has there been a change in the character of the neighborhood?
Please explain:
6. Is there an established community need for uses permitted in the proposed zoning district?
Please explain: There are newly constructed as well as under construction neighborhoods nearby with small lots not large enough to accommodate boat or camper storage in personal driveways.
7. Was there a mistake in the original zoning of the property?
Please explain:
8. Are utilities and infrastructure sufficient to address the impacts associated with allowed uses in the proposed district?
Please explain: All present utilities are sufficient for this business
Site Plan attached: (please circle): Yes No Case No. []-[]-[]-[]-[]

Statement of Support

The proposed business will consist of primarily covered parking for RVs and Boats. The property will be fully fenced in and secured with 10 foot buffer zones around the perimeter. Currently there is a self storage business located directly across the street which does not have parking storage. A few miles North on Hudson Krohn Rd there are newly developed neighborhoods as well as more under construction. The lot sizes and driveways cannot accommodate boat or RV parking. We feel that the community could benefit from having a parking available nearby. One of the greatest benefits of living on the coast is to be able to go and enjoy the water and nature parks it has to offer. Fishing and camping are integral parts of this community's culture. We feel that providing the community with a parking amenity will allow for more people to be able to purchase and keep a boat or an RV as well as make boat and RV owners more likely to enjoy all that the Gulf Coast has to offer.



Community Development Director
Jerry Creel



676 Dr. Martin Luther King Jr. Blvd.
P.O. Box 508
Biloxi, Mississippi 39533
Office: 228.435.6280
Fax: 228.435.6188
www.biloxi.ms.us

To: Biloxi Planning Commission

From: Jerry Creel, Development Review Committee Chair

Date: February 9, 2023

Re: Roger Adam Bullion/MissTenn, LLC
429 Vouvray Dr
Biloxi, MS 39531

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.

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, Chair

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1 BILOXI PLANNING COMMISSION MEETING
 2 FEBRUARY 16, 2023
 3 COMMUNITY DEVELOPMENT,
 4 DR. MARTIN LUTHER KING JR. MUNICIPAL BUILDING,
 5 676 DR. MARTIN LUTHER KING JR. BOULEVARD,
 6 BILOXI, MISSISSIPPI,
 7 BEGINNING AT 2:00 P.M.

9 **PLANNING COMMISSION MEMBERS PRESENT:**
 10 David Washer, Chairman
 11 Ronnie Bogard
 12 Kyle Carron
 13 Steve Delahousey
 14 Charlie Dellenger
 15 Dr. Larry Drawdy
 16 Joe King
 17 Gary Lechner
 18 Debora Magee
 19 August Parker
 20 Jimmy Poulos
 21 John Snow
 22 David Stanovich
 23 Cheryl Thompson
 24 Michael Todaro

19 **ALSO PRESENT:**
 20 Jerry Creel, Director of Community Development
 21 Felicia Serpas, Senior Planner
 22 Caryle Lena, Planner I
 23 Tim Cipolla, Code Inspector
 24 Dr. Paul Tisdale, Councilman Ward 5

24 **REPORTED BY**
 25 Melissa Burdine-Rodolfich
 Simpson Burdine & Miguez

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

PAGE

CONTINUED PUBLIC HEARING(S):
 (None) --

NEW PUBLIC HEARING(S):

23-016-PC	5
23-017-PC	34
23-018-PC	40

TREE HEARING(S):
 (None) --

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1 **CHAIRMAN WASHER:**
 2 Let us call the Planning Commission
 3 meeting to order, please.
 4 We'll record the members present.
 5 Mr. Lechner, Mr. Parker, Mr. Todaro, Ms. Magee,
 6 Mr. Bogard, Mr. Dellenger, Mr. Poulos, Dr. Drawdy,
 7 Mr. Carron, Mr. King, Mr. Snow, Mr. Delahousey;
 8 myself, David Washer; Jerry Creel, Director of
 9 Community Development; Felicia Serpas, Senior
 10 Planner; Caryle Lena, Planner. On the table -- at
 11 the projector now is Tim Cipolla, our Planning
 12 Inspector, and our court reporter today is Melissa
 13 Rodolfich.
 14 Ask Mr. Delahousey to, please, open the
 15 meeting with a moment of prayer.
 16 (Moment of prayer.)
 17 **CHAIRMAN WASHER:**
 18 Mr. Snow, the pledge, please.
 19 (Pledge of allegiance.)
 20 **CHAIRMAN WASHER:**
 21 Let me also recognize Dr. Paul Tisdale,
 22 in the audience, Councilman Ward 5.
 23 We would like to welcome you all here
 24 with us today. We would ask that anyone that
 25 desires to speak, please come to the podium, give

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1 us your name and address for the record and also
 2 please sign at the pad provided.
 3 Ask if all members of the Commission
 4 received a copy of the minutes from the last
 5 meeting.
 6 **MR. DELAHOUSEY:**
 7 Move to approve.
 8 **MR. SNOW:**
 9 Second.
 10 **CHAIRMAN WASHER:**
 11 Motion by Mr. Delahousey recommending
 12 approval; seconded by Mr. Snow.
 13 All those in favor, say "aye."
 14 (All in favor.)
 15 **CHAIRMAN WASHER:**
 16 Any opposed?
 17 (None opposed.)
 18 **CHAIRMAN WASHER:**
 19 Thank you.
 20 Mr. Creel.
 21 **MR. CREEL:**
 22 I'll have to do the building department
 23 report in the next meeting, the second meeting.
 24 **CHAIRMAN WASHER:**
 25 No continued public hearings today.

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1 New public hearing, Case Number
2 23-016-PC, Roger Adam Bullion on behalf of
3 MissTenn, LLC. It's to consider an application
4 for a zoning map amendment to authorize a change
5 in zoning district classification for a parcel of
6 land measuring approximately two acres, more or
7 less, in size from its present zoning
8 classification of NB, neighborhood business, to
9 RB, regional business, in order to construct an RV
10 and boat storage facility for a parcel of land
11 presently identified as 13100 Hudson Krohn Road
12 being Municipal Tax Parcel Number
13 1207P-01-006.001. This case was advertised on
14 January 2nd, February 2nd and February 9th -- I'm
15 sorry, January 26th, February 2nd and
16 February 9th.
17 Mr. Cipolla, view the video, please,
18 sir.
19 MR. CIPOLLA:
20 This is Hudson Krohn going to the north.
21 This is the property itself. Jerry, you wanted to
22 see the trees that were down right there.
23 That's going all the way over to the
24 corner lot over there. This is looking back
25 toward -- back down towards Old Highway 67, Pee

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1 the DRC meeting, we have already learned it's
2 going to have -- there's going to have to be
3 barriers so it won't be visible. There's already
4 storage places across the street. They're clearly
5 visible, so what we're going to be building is
6 going to be nicer looking than what's already
7 existing across the street.
8 It's a lot near neighborhoods in that
9 area, so we feel it's a good need for boat parking
10 and storage and things like that in the area
11 because they don't really have a lot over there
12 right now. There is new neighborhoods being
13 built, so we think -- we're hopefully fulfilling a
14 need.
15 CHAIRMAN WASHER:
16 Do we have any questions, members of the
17 Commission, for Mr. Bullion?
18 MR. DELAHOUSEY:
19 I have a question. I don't know if it's
20 for him or maybe Mr. Creel. The map we have put
21 in our packet, we usually have what the zoning is
22 for the properties adjacent to this.
23 MR. CREEL:
24 Yes, sir. I went over that with Caryle
25 this morning, and the property across the street

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1 Wee's across the street. Going out towards
2 Highway 67 and it starts where that road comes in,
3 comes all the way over to right here.
4 CHAIRMAN WASHER:
5 Okay.
6 MR. CIPOLLA:
7 That's pretty much what it looked like
8 prior, Jerry.
9 CHAIRMAN WASHER:
10 Is the applicant or their representative
11 here, please?
12 MR. BULLION:
13 Yes, sir.
14 CHAIRMAN WASHER:
15 If you would, please, come forward. For
16 the record your name and address, please, sir.
17 MR. BULLION:
18 Roger Adam Bullion. I go by Adam. It's
19 429 Vouvray Place, Biloxi.
20 CHAIRMAN WASHER:
21 All right. And if you would, just
22 briefly tell us what you're asking for.
23 MR. BULLION:
24 Just trying to get this rezoned so that
25 we can do parking for RVs and campers. Through

8

1 directly to the west of this is already zoned RB.
2 That's one of the reasons that we went with the RB
3 recommendation.
4 MR. DELAHOUSEY:
5 What about the ones to the north and
6 south? Do you know what those are?
7 MR. CREEL:
8 To the north of this property, there is
9 still a couple of lots -- there it is right there.
10 MR. DELAHOUSEY:
11 Okay.
12 MR. BULLION:
13 They showed it in the video, some of the
14 storage place across the street.
15 MR. CREEL:
16 You can see that it's RB across the
17 street and this is surrounded by NB already.
18 MR. DELAHOUSEY:
19 All right. That's all I had.
20 MR. CARRON:
21 I have a question. On your 10-foot
22 buffer that you were putting in there, what type
23 of buffer is that going to be?
24 MR. BULLION:
25 I was told that typically landscaping,

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1 such as trees or something that would grow tall
2 enough to be around it. There is a natural buffer
3 on the right-hand side of the property. There is
4 a forest that can't be cleared. Nothing can be
5 done with that. Can't build on it.
6 MR. CARRON:
7 Are you also going to have associated
8 fencing involved on that?
9 MR. BULLION:
10 Yes, there is going to be a fence.
11 CHAIRMAN WASHER:
12 Mr. Bullion, about how many spaces are
13 you anticipating on getting in there?
14 MR. BULLION:
15 We're thinking maybe 70 or 80. We're
16 going to have an engineer do the layout of the
17 property.
18 We have already been told in the DRC
19 meetings there's a lot of guidelines in this.
20 We're going to follow all those. We're going to
21 have the engineer do all the drawings. The soil,
22 drainage, all this is going to be handled properly
23 according to city codes.
24 CHAIRMAN WASHER:
25 Individuals renting the spot will have

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1 How high will your fence be?
2 MR. BULLION:
3 It's going to be at least six feet, so
4 whatever is required. There is already trees and
5 things there that -- we're going to add some more.
6 DR. DRAWDY:
7 Okay.
8 CHAIRMAN WASHER:
9 Any other questions?
10 (No response.)
11 CHAIRMAN WASHER:
12 Anything else you want to add, sir?
13 MR. BULLION:
14 You said something about not having any
15 plans. The DRC did approve what was drawn, so I
16 did have some AutoCAD drawings done. The engineer
17 is going to go beyond that.
18 CHAIRMAN WASHER:
19 All right. Thank you, sir.
20 MR. CARRON:
21 One more question. And a lot of these
22 cases we find that they put washdown stations and
23 stuff like that for the vehicles or campers or
24 boats. Are you going to have that there? And if
25 so, is there adequate drainage facilities for it?

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1 24/7 access?
2 MR. BULLION:
3 I'm sorry?
4 CHAIRMAN WASHER:
5 Individuals renting the spot there for
6 their RV or their boat trailer have 24/7 access.
7 MR. BULLION:
8 That's depending. Probably not. I know
9 most -- we own a camper ourselves, and I think the
10 cutoff time is usually 10:00. So whatever the
11 City requires for that. That way, we don't have
12 people coming in at night with bright lights and
13 things disturbing anybody.
14 CHAIRMAN WASHER:
15 Okay. And not seeing your plans yet,
16 are you going to have a big enough turning apron
17 to get in and out of there without getting in the
18 ditch?
19 MR. BULLION:
20 Yes. Yes. Definitely that's part of
21 what the engineer is going to be helping with.
22 CHAIRMAN WASHER:
23 Any other questions, members of the
24 Commission?
25 DR. DRAWDY:

12

1 MR. BULLION:
2 That's part of what the engineer is
3 going to be designing, is a drainage plan for the
4 property, make sure everything drains like it
5 should.
6 MR. CARRON:
7 All right. Thank you.
8 MR. DELAHOUSEY:
9 So to answer his question, you are going
10 to have wash capabilities for like boats and stuff
11 on the property.
12 MR. BULLION:
13 Yeah. We will have water on the site,
14 yes.
15 CHAIRMAN WASHER:
16 No dump station for the RVs?
17 MR. BULLION:
18 No.
19 CHAIRMAN WASHER:
20 Again, if there's no other questions and
21 if you have nothing else to add, then I will ask
22 if there is anyone in the audience that wants to
23 speak in favor of the applicant's request?
24 Is there anyone speaking in favor? No
25 one speaking in favor.

13

1 Is there anyone speaking in opposition?
2 MR. THOMPSON:
3 I do.
4 My name is Henry Thompson, 13124 South
5 Sandy Creek Road.
6 I had some letters here and I just found
7 yesterday evening that I wanted to get in ahead of
8 time, but was not able.
9 But anyway, this is dealing with the
10 same thing right across the road 14 years ago, and
11 they haven't finished their storage facility yet.
12 I have got three letters here, ever who
13 wants to look at it. The way I thought about it
14 then and I still feel that way now.
15 MS. LENA:
16 I will go make copies of them.
17 MR. THOMPSON:
18 And most of the time, does people
19 already start clearing before they get the
20 go-ahead to do this, because I've been seeing
21 clearing and clearing all this year, weeks before?
22 Now I get a letter saying they're going to be
23 opening up the site.
24 CHAIRMAN WASHER:
25 You want to address that, Mr. Creel?

15

1 a developer wants to know that they have the
2 zoning approved before they turn it over to the
3 engineer to do all the storm studies and
4 everything else.
5 So what will happen, if this was
6 approved by the Planning Commission and approved
7 by the City Council, the project will go back to
8 the Development Review Committee who will require
9 that all of those things be addressed.
10 He is not required to solve drainage on
11 other pieces of property, but he is required to
12 make sure that his after-development runoff does
13 not exceed his pre-development runoff.
14 MR. THOMPSON:
15 Well, this has been going on for at
16 least 35 years, going across the road, right in
17 front of the grocery store.
18 Now, I have one that -- like I say, this
19 one is 14 years ago and like I say, he ain't
20 finished making his storage for the boat and RV.
21 He is doing everything else, but that. They have
22 got somebody there every day making racket,
23 raising hell bringing stuff in there, storage and
24 equipment that he rents out. And it don't say
25 nothing about the equipment that he's renting on

14

1 MR. THOMPSON:
2 I thought you shouldn't be clearing
3 ahead of time. That's counting your chickens
4 before they hatch.
5 MR. CREEL:
6 Yes, sir. You're actually supposed to
7 have a clearing permit before you got out and do
8 any clearing. It looks like from the drawing,
9 though, a lot of this was already cleared. Tim
10 has got the before and after pictures there. And
11 it does look like they removed a tree or two on
12 the property --
13 MR. THOMPSON:
14 A tree or two? That's a whole bunch of
15 them.
16 MR. CREEL:
17 -- material trees on the property.
18 MR. THOMPSON:
19 Another thing, too, out in front of that
20 property, we have always had problems on water
21 rushing right across it, going across the road and
22 we got to run over that every time we go outside.
23 Is he going to do something about that?
24 MR. CREEL:
25 Well, the way that it works is typically

16

1 the sign there.
2 And like I say, he has not completed the
3 storage facility part of it for the boat and RV.
4 And they are building different items to sell,
5 renting out heavy equipment, like I say, doing
6 a -- they're making a lawnmower -- and it's not
7 finished yet.
8 And one other thing I would like to
9 bring up, if I could. He's got a light that's
10 about this big (indicating) that shines on
11 people's property and it shines on the road out
12 there every night. And he's got another one down
13 at his other facility where he reworks on vehicles
14 that get in wrecks and stuff, and he's got a light
15 down there too.
16 And this store has got a light just as
17 big and all that is blasting out toward my house.
18 MR. CREEL:
19 Okay.
20 MR. THOMPSON:
21 I mean, I have been wanting to get in
22 here and say something about all this, but it's a
23 bad, bad lighting.
24 I wish you could do something on that
25 too.

17

1 MR. CREEL:
2 This is the first complaint we have
3 received about this. I'll send somebody out there
4 to investigate and we'll check on it.
5 MR. THOMPSON:
6 I sure would appreciate it. I think
7 last time I called about it, they said take
8 pictures and send it to them. If you can't see it
9 your own self, you won't realize what all that's
10 going --
11 MR. CREEL:
12 No. I'll make sure that we send --
13 MR. THOMPSON:
14 But the people that go down on the road
15 also is getting part of that light blinding them
16 every night.
17 MR. CREEL:
18 But the property you're talking about is
19 owned by someone else, though, not the applicant
20 today. Is that right?
21 MR. THOMPSON:
22 Right. No so far. I don't know if he's
23 going to be doing big lights or not.
24 MR. CIPOLLA:
25 Jerry, Pee Wee's has been addressed.

19

1 MR. CREEL:
2 Okay.
3 MR. DELAHOUSEY:
4 Can you show us -- Tim, if you could, go
5 back to the different properties. Can you show us
6 where your --
7 MR. THOMPSON:
8 Right next to the store right there.
9 MR. DELAHOUSEY:
10 Wait till he brings it back up.
11 MR. THOMPSON:
12 South of the store, the one I'm talking
13 about. And he is at 13061 Hudson Krohn.
14 MR. CIPOLLA:
15 If I'm correct, you live down here,
16 right?
17 MR. THOMPSON:
18 Right.
19 MR. CIPOLLA:
20 D&L is down past the apartment complex
21 where 67 meets, but also the trailer park that's
22 right in here is owned by the same people, Danny
23 and Larry Jones.
24 Pee Wee's is owned by Mr. Stratos. This
25 is owned by --

18

1 Mr. Stratos has adjusted his lights. I don't know
2 if they are the -- correct, but Mr. Stratos did.
3 At one time, D&L, which is the same owners down at
4 the body -- I don't know about them.
5 MR. CREEL:
6 Okay.
7 MR. THOMPSON:
8 But I got with the power company. They
9 said they can't do nothing about it.
10 MR. CREEL:
11 On a new development like this, the
12 lighting, the parking lot lighting all has to be
13 shielded so it comes straight down. It's not
14 supposed to encroach in the neighbor's property.
15 MR. THOMPSON:
16 That's all I wanted the power company to
17 do. They've got (descriptive sound) like that.
18 They can shoot it down to the ground and I won't
19 have to worry with it.
20 MR. CREEL:
21 We'll check on that, sir.
22 MR. THOMPSON:
23 And the one on the end down there at
24 Hudson Krohn and 67, his other shop is down there
25 and he's got one blasting out too.

20

1 UNIDENTIFIED SPEAKER:
2 They actually are putting that up for
3 sale, the storage buildings there.
4 MR. CIPOLLA:
5 Handler, it used to be owned by Handler.
6 MR. THOMPSON:
7 Used to be owned by Handler, but I don't
8 know who it is now. That's another sore subject,
9 too. Why do they have four trailers in the back
10 of that mini-storage?
11 MR. CIPOLLA:
12 They're authorized because they were
13 there prior to annexation.
14 MR. CREEL:
15 Annexation.
16 MR. THOMPSON:
17 And they raise hell all the time.
18 MR. CIPOLLA:
19 If it's loud noise, you can call the
20 police department on them.
21 MR. THOMPSON:
22 I have to call the police every so often
23 to straighten them up.
24 MR. DELAHOUSEY:
25 So Mr. Creel is correct, the City does

21

1 have some pretty good ordinances on lighting and
2 if the lighting affects neighbors. So, you know,
3 again they don't know about it unless someone
4 calls it to their attention.
5 MR. THOMPSON:
6 Well, I hope something does get done on
7 that, then.
8 CHAIRMAN WASHER:
9 All right. Thank you, Mr. Thompson.
10 MR. THOMPSON:
11 All right. Good day, now.
12 CHAIRMAN WASHER:
13 Anyone else speak in opposition?
14 MS. COLE:
15 My name is Crystal Cole, Fred Cole. We
16 actually live at the property 13106 Hudson Krohn
17 Road, which is the property directly behind the
18 property in question.
19 MR. COLE:
20 The road -- well, it's not a road. It's
21 our driveway.
22 CHAIRMAN WASHER:
23 Your name, sir, please?
24 MR. COLE:
25 Sir?

23

1 concerned if their child is suddenly walked down
2 24/7 access to people that are not normally there.
3 We purchased that home for that reason.
4 The other thing that I noticed was that
5 it said that it was a high-density -- you know,
6 we're talking about building up. It does -- it's
7 waterlogged. As of right now our property doesn't
8 have water.
9 You start building up on the property in
10 front of our property, how would that affect the
11 drainage of our property and our home.
12 MR. COLE:
13 Correct. We brought in -- when I bought
14 that house, I brought in over 100 loads of dirt.
15 MS. COLE:
16 And rock.
17 MR. COLE:
18 And rock.
19 The dump truck that's in the picture,
20 that's mine. All of my property -- as you see,
21 the pond is in the back. When I bought that
22 property all that flooded. I had to bring it all
23 up. That driveway that runs down beside their
24 property, it's a foot higher than that property.
25 There is still eight inches of water

22

1 CHAIRMAN WASHER:
2 Your name?
3 MR. COLE:
4 Fred Cole.
5 CHAIRMAN WASHER:
6 Okay.
7 MS. COLE:
8 I can't pretend to know anything about
9 ordinances, so I don't know about this whole
10 regional business thing. And some things kind of
11 stuck out to me that are concerning to me as the
12 homeowner and a mother, too, that is directly
13 behind this property.
14 Number 1, it says regional business has
15 high -- it's a high intensity business. There
16 will be increased traffic, things of that nature.
17 We have two children that walk individually to
18 separate schools down that long driveway to the
19 side of that property. In the wintertime, it is
20 dark when they drive down there. We will have
21 increased people coming and going.
22 I know that it said that it would be
23 24/7. He also said that it's according to what
24 they mandate, so it could be 24/7. I have no way
25 of knowing. Any parent, I feel like, should be

24

1 sitting on that property right now from when it
2 rained the other day. It fills up like a bowl
3 basically and then it runs across the front of my
4 yard into the ditches beside my property. So if
5 they fill it up, my property is going to be
6 flooded 24/7.
7 And, you know, the high flow and stuff
8 like that, I have micro Bullies. And when -- they
9 cleared more than a few trees. They cleared
10 probably 30 trees.
11 MS. COLE:
12 And a fence.
13 MR. COLE:
14 They took out the entire length of my
15 fence, 40 feet long on the north, right side of
16 the property -- well, actually that would be the
17 south side. Actually, right where that red dot
18 is, where they cleared all them woods. I had an
19 eight-foot fence across there all the way to my
20 driveway, which is now missing a big section,
21 which our albino micro Bully decided to walk to
22 the road and got run over after they cleared that
23 and tore the fence down, which was three foot past
24 their property line.
25 MS. COLE:

25

1 So in essence, we have a few concerns.

2 I don't know how any of this will affect us, if it

3 will effect us negatively. There is no way for us

4 to know, but at this point we foresee some

5 negative possibilities on our end.

6 **CHAIRMAN WASHER:**

7 All right. Thank you.

8 **MR. THOMPSON:**

9 Can I say one other thing? I wondered

10 if you could get somebody out to find out why they

11 haven't completed theirs on that site of 13061

12 Hudson Krohn Road.

13 **MR. CREEL:**

14 I have got that listed. I wrote that

15 down.

16 **MR. THOMPSON:**

17 Okay. You've got it. Just wanted to

18 make sure. Thank you, now.

19 **CHAIRMAN WASHER:**

20 All right. Thank you, sir.

21 Anyone speaking in opposition? Anyone

22 else with any concerns? No one else.

23 Mr. Bullion, you want to make any

24 further comments, particularly regarding your

25 neighbor there?

27

1 So the only access is going to be Hudson

2 Krohn?

3 **MR. COLE:**

4 That side road is not a road. It's

5 actually my property. It's my driveway.

6 **CHAIRMAN WASHER:**

7 Anything you say from back there is not

8 going to get on the record. You need to come

9 forward.

10 **MR. TODARO:**

11 I just needed to know that it was just

12 Hudson Krohn.

13 **MR. DELAHOUSEY:**

14 Do you have any additional comments on

15 what they're talking about on the drainage issues?

16 **MR. BULLION:**

17 That's part of what the engineer is

18 going to be taking care of. The City requires --

19 I believe he mentioned that, sir, that they

20 require it doesn't make the situation any worse

21 than it is. City is going to have to approve

22 whatever our engineer comes up with. If they

23 don't approve the modifications, I have to go

24 back. The City has their own engineer that

25 attends all the meetings, so there is going to be

26

1 **MR. BULLION:**

2 I don't have any particular comments.

3 There was a survey done before, so it's been done.

4 We stayed in the survey boundary lines. That's

5 all I have to say.

6 **MR. TODARO:**

7 I have a question, David.

8 **CHAIRMAN WASHER:**

9 Mr. Todaro.

10 **MR. TODARO:**

11 Your only access is going to be through

12 Hudson Krohn Road; is that correct?

13 **MR. BULLION:**

14 Correct. We're not going to be using

15 that side road.

16 **MR. TODARO:**

17 So everything on that side road that

18 they spoke of where the kids go to school and all,

19 there will be a buffer and that's where you're

20 talking about?

21 **MR. BULLION:**

22 There's going to be a fence, buffer.

23 Kids won't be able to get there. People won't be

24 able to get out.

25 **MR. TODARO:**

28

1 a knowledgeable person there, who is going to

2 understand everything our engineer draws.

3 **MR. TODARO:**

4 Did either your workers or

5 representatives take down a part of their fence or

6 damage a part of their fence that wasn't yours?

7 **MR. BULLION:**

8 Not that I'm aware of. Everything was

9 done inside the survey boundary lines. There was

10 a survey done when we purchased it. The flags

11 were there.

12 **MR. TODARO:**

13 So the fence -- you did have to remove a

14 portion of the fence.

15 **MR. BULLION:**

16 There was some -- I believe it may have

17 been some fence torn up.

18 **MR. TODARO:**

19 But it was within your survey, within

20 your boundaries?

21 **MR. BULLION:**

22 Yes. We didn't touch anything outside

23 of our boundary. Unless somebody has removed the

24 flags, they're still there.

25 **CHAIRMAN WASHER:**

29

1 If there's nothing else, Mr. Bullion,
2 we're going to go ahead and close this hearing.
3 Mr. Creel.
4 MR. CREEL:
5 Well, with everything that was said,
6 this is still a simple zoning case. That's what
7 we're here to consider, for the Planning
8 Commission to consider voting on. So the question
9 is: Is there anything that justifies the zoning
10 change? Well, the argument could be made that you
11 already have RB zoning right across the street and
12 this is just an extension of zoning that already
13 exists.
14 However, on this side of the property,
15 it's NB zoning. It does about a residential
16 property. Arguments could be made either way. My
17 argument is it -- because that property across the
18 street is RB, there is a change in the character
19 of the neighborhood, and so the staff would
20 recommend approval.
21 The other issues, a lot of those issues
22 there were brought up don't even involve this
23 piece of property. It involves others'
24 properties, and we will investigate those. But
25 the ones that do involve this property, like the

31

1 pre-development runoff.
2 Now, what happens a lot of times with
3 undeveloped property is the reason that there is
4 flooding there is because that property has never
5 been studied by an engineer. And typically what
6 will happen is that we find out that once an
7 engineer goes in there and studies the area, the
8 drainage is actually better.
9 You know, we went through this with the
10 subdivision on Brasher Road recently where the
11 people were talking about the flooding running
12 across the property. Well, that's because that
13 flooding was -- had never been disciplined by an
14 engineering study.
15 And so before it gets out of DRC, it
16 will be their project engineer's responsibility to
17 make sure that they can show us that this is not
18 going to compound the property and that they're
19 not running off any more after development than
20 they were before development.
21 Now, of course, one step further, if
22 something happens and this does show that the
23 drainage is compounded in some way and the
24 neighbors are damaged in some way, then they would
25 have recourse, you know, whatever the law would

30

1 drainage for example, that all will be addressed
2 when it comes back to DRC if it gets approved by
3 Planning Commission and City Council.
4 MR. PARKER:
5 Recommend approval.
6 MR. BOGARD:
7 Second.
8 CHAIRMAN WASHER:
9 Motion by Mr. Parker recommending
10 approval; seconded by Mr. Bogard.
11 Any further discussion?
12 DR. DRAWDY:
13 One question, Jerry, please. In the
14 event that this is approved and the zoning is
15 changed and it goes through all the steps and
16 everything and then it gets out there and it does
17 flood these other people's properties, what
18 recourse do they have, if any?
19 MR. CREEL:
20 Let me answer it this way: The
21 responsibility of the engineering department, our
22 engineering department and their project engineer
23 is to make sure that the flooding is not
24 compounded. In other words, the -- there again,
25 their after-development runoff cannot exceed their

32

1 allow.
2 CHAIRMAN WASHER:
3 Does that answer your question,
4 Dr. Drawdy?
5 DR. DRAWDY:
6 I think so. I'm just concerned about
7 it. We all know that we live in a lot of
8 low-lying areas. And in the event that that would
9 happen, what recourse would those people have,
10 then if that did happen and it flooded their
11 property and made it worse than what it is now?
12 That was really my question, and I think you tried
13 to answer it.
14 MR. CREEL:
15 I guess the short answer is they could
16 sue, you know.
17 DR. DRAWDY:
18 And then that means it's legal and in
19 court -- in the courts?
20 MR. CREEL:
21 If you feel damaged by something that's
22 happened, you can sue anybody.
23 DR. DRAWDY:
24 I know.
25 MR. CREEL:

33

1 Now, of course, our responsibility is to
2 try to make sure that doesn't happen.
3 DR. DRAWDY:
4 I understand. But, you know, we --
5 sometimes engineers make mistakes, too, and so I'm
6 just trying to maybe look ahead of time and see if
7 making sure that whatever the engineering
8 department from the people's side here, theirs and
9 then ours, that there are no mistakes and that's
10 really what I'm interested in, trying to prevent
11 something instead of trying to cure it afterwards.
12 CHAIRMAN WASHER:
13 All right. Thank you.
14 Yes, sir.
15 MR. BOGARD:
16 How do you determine what the
17 pre-flooding is right now on the property versus
18 when --
19 MR. CREEL:
20 The engineer provides that information
21 to show exactly what the runoff is right now and
22 what would happen -- and we did hear another
23 comment too. You know, we heard the neighbor say
24 he had brought in 100 loads of dirt onto that
25 property, so, you know, the question comes up

35

1 address this.
2 MR. CREEL:
3 What's being proposed here, okay, as
4 you'll recall the processing facility, when
5 cannabis was made legal by the state, we tried to
6 make sure that we put the dispensaries in the
7 areas where pharmacies are already allowed.
8 However, on processing facilities, we
9 had envisioned that processing facilities were
10 very large operations. And we have since found
11 out that, no, they're not very large operations.
12 They're actually small operations, about the size
13 of a kitchen where they basically cook these
14 things into gummies to make their products.
15 Mr. Wolfe is here today, and he was the
16 one that came in and he had requested -- he had
17 asked the Planning Commission at a previous
18 meeting to consider allowing the processing aspect
19 in NB zoning as a conditional use.
20 His applicant has approval for a
21 dispensary on Pass Road there next to Rose's
22 Florist. And in that same building, what they
23 would like to do is have their processing facility
24 on one side right next to the cannabis facility.
25 Now, the state law says that they can be

34

1 about what kind of impact did that have on the
2 surrounding properties? So these are things that
3 the engineering study would determine and provide
4 back to the DRC meeting.
5 CHAIRMAN WASHER:
6 All right. We've got a motion and
7 second on the floor recommending approval.
8 Ask that all those in favor raise your
9 hand, please. Mr. Lechner, Mr. Parker,
10 Mr. Todaro, Ms. Magee, Mr. Bogard, Mr. Dellenger,
11 Mr. Poulos, Dr. Drawdy, Mr. Carron, Mr. King,
12 Mr. Snow; myself, David Washer.
13 Any opposed? Mr. Delahousey opposed.
14 Any abstentions? No abstentions.
15 Motion carries.
16 Our next case, 23-017-PC City of Biloxi,
17 it's to consider an application for a text
18 amendment within the Land Development Ordinance
19 specifically to modify Table 23-4-1(C) Use Table,
20 non-residential and planned development districts
21 to authorize a cannabis processing facility to be
22 permitted with conditional use approval within an
23 NB, neighborhood business zoning district
24 classification.
25 I'll ask Mr. Creel to go ahead and

36

1 in the same building, but they cannot have any
2 connection from one to the other. They have to be
3 totally divided one from the other.
4 So if the Planning Commission would
5 allow Mr. Wolfe to speak to this again.
6 CHAIRMAN WASHER:
7 Let me ask first if there is any
8 questions on behalf of the Commission as to
9 Jerry -- as to what they're proposing to do.
10 MR. DELAHOUSEY:
11 I have one. Did we approve of one that
12 the City Council ultimately denied, a processing
13 facility?
14 MR. CREEL:
15 No. And we do have one that was tabled
16 this week that was actually a cultivation facility
17 where they're going to be growing. And what
18 happened is the Council tabled that until they can
19 have a discussion with Keesler Air Force base and
20 then they're going to bring it back to the agenda
21 and vote on it then.
22 CHAIRMAN WASHER:
23 No other questions.
24 Mr. Wolfe.
25 MR. WOLFE: