

Ordinance No. 2512

ORDINANCE TO APPROVE A ZONING MAP AMENDMENT, TO AUTHORIZE
A CHANGE IN ZONING DISTRICT CLASSIFICATION FOR TWO PARCELS OF LAND
FROM THEIR PRESENT ZONING DISTRICT CLASSIFICATION OF
NB NEIGHBORHOOD BUSINESS TO CB COMMUNITY BUSINESS PRESENTLY
IDENTIFIED AS 2694 BEACH BOULEVARD, AND 136 GATEWAY DRIVE

WHEREAS, on Thursday, April 6, 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. 23-028-PC, Island Entertainment, Inc., (owner) and Deepak Kumal Patel (applicant), a request for a Zoning Map Amendment, for properties identified as 2694 Beach Boulevard, and 136 Gateway Drive (re: Tax Parcel Nos. 1110M-01-010.000 & 1110M-01-010.001); and

WHEREAS, the Planning Commission members were apprised of the particulars of this case, being made cognizant of the fact that Island Entertainment, Inc., (owner) and Deepak Kumal Patel (applicant), had submitted the request for Zoning Map Amendment, to authorize a change in zoning district classification for two parcels of land measuring approximately four (4) acres (more or less) in size, from their present zoning district classification of NB Neighborhood Business to CB Community Business presently identified as 2694 Beach Boulevard, and 136 Gateway Drive (re: Tax Parcel Nos. 1110M-01-010.000 & 1110M-01-010.001); and

WHEREAS, April 6, 2023, the Biloxi Planning Commission, after some discussion, and upon careful reflection of the particulars of this case, voted (11-0), to recommend approval for the Zoning Map Amendment, to authorize a change in zoning district classification for two parcels of land measuring approximately four (4) acres (more or less) in size, from their present zoning district classification of NB Neighborhood Business to CB Community Business presently identified as 2694 Beach Boulevard, and 136 Gateway Drive, having determined that a

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Change in the Character of the Neighborhood, as of evidence in this area of the City of Biloxi; and

WHEREAS, the Biloxi City Council, after consideration of all facts presented, hereby adopts the report and findings of the Biloxi Planning Commission, and in so doing, determines that approval of the Zoning Map Amendment, is appropriate for the property as related in Case No. 23-028-PC, Island Entertainment, Inc., (owner) and Deepak Kumal Patel (applicant), 2694 Beach Boulevard, and 136 Gateway Drive.

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, BASED UPON A DETERMINATION THAT A CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD IN THIS AREA OF THE CITY OF BILOXI IS OF NOTE, 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 further amended by a change in zoning district classification from NB Neighborhood Business to CB Community Business, for the properties identified as 2694 Beach Boulevard, and 136 Gateway Drive, more fully described as follows:

A The certain property located in Second Judicial District of Harrison County, State of Mississippi, described as follows, co-wit.

A parcel of land situated and being located in a part of Lots 53 and 54 of the L. A. Frederick Survey of Section 33, Township 7 South, Range 10 West, City of Biloxi, Second Judicial District of Harrison County, Mississippi and being more particularly described as follows, to-wit; Beginning at the intersection of the Northerly margin of the U.S. Highway 90 Service Road with the East margin of Gateway Boulevard; thence from said Point of Beginning, North 00 degrees 49 minutes 06 seconds West 768.74 feet along the Easterly margin of Gateway Boulevard; thence run South 89 degrees 59 minutes 00 seconds East 224.73 feet along the South line of

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property formerly leased to South Central Bell and the South line of property of Bailey to the West line of property of Holt; thence run South 00 degrees 52 minutes 32 seconds East 776.50 feet along the West line of Holt and the West line of property formerly of Patout as established by Chancery Decree (Cause No. 11620) to a point on the Northerly margin of the U.S. Highway 90 Service Road; thence run North 88 degrees 01 minutes 00 seconds West 225.75 feet along the Northerly margin of the U.S. Highway 90 Service Road to the Point of Beginning, and

The certain property located in Second Judicial District of Harrison County, State of Mississippi, described as follows, to-wit:

A parcel of land situated and being located in a part of Lots 33 and 54 of the L. A. Frederick Survey of Section 33, Township 7 South, Range 10 West, City of Biloxi, Second Judicial District of Harrison County, Mississippi and being more particularly described as follows, to wit; Beginning at the intersection of the Northerly margin of the U.S. Highway 50 Service Road with the Best margin of Gateway Boulevard; thence from said Point of Beginning, North 00 degrees 49 minutes 06 seconds West 768.74 foot along the Easterly margin of Gateway Boulevard; thence run South 89 degrees 59 minutes 00 seconds best 224.73 feet along the South line of property formerly leased to South Central Bell and the South line of property of Belley to the West line of property of Holt; thence run South 00 degrees 52 minutes 32 seconds best 776.50 fast along the West line of Holt and the West line of property formerly of Patout as established by Chancery Decree (Cause No. 11620) to a point on the Northerly margin of the U.S. Highway 90 Service Road; thence run North 88 degrees 01 minutes 00 seconds West 225.75 West along the Northerly margin of the US. Highway 90 Service Road to the Point of Beginning.

Further described as land most nearly bounded by the following streets: to the North of and fronting to Beach Boulevard; to the South of C.T. Switzer Sr. Drive; to the East of and adjacent to Gateway Drive; and to the West of Walmart 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 Tisdale, seconded by Councilmember Glavan, and was adopted by the following vote:

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

The President then declared the Ordinance adopted this the 2nd day of May, 2023.

ATTEST:

APPROVED:



Michelle C. Peterson
DEPUTY CLERK OF THE COUNCIL

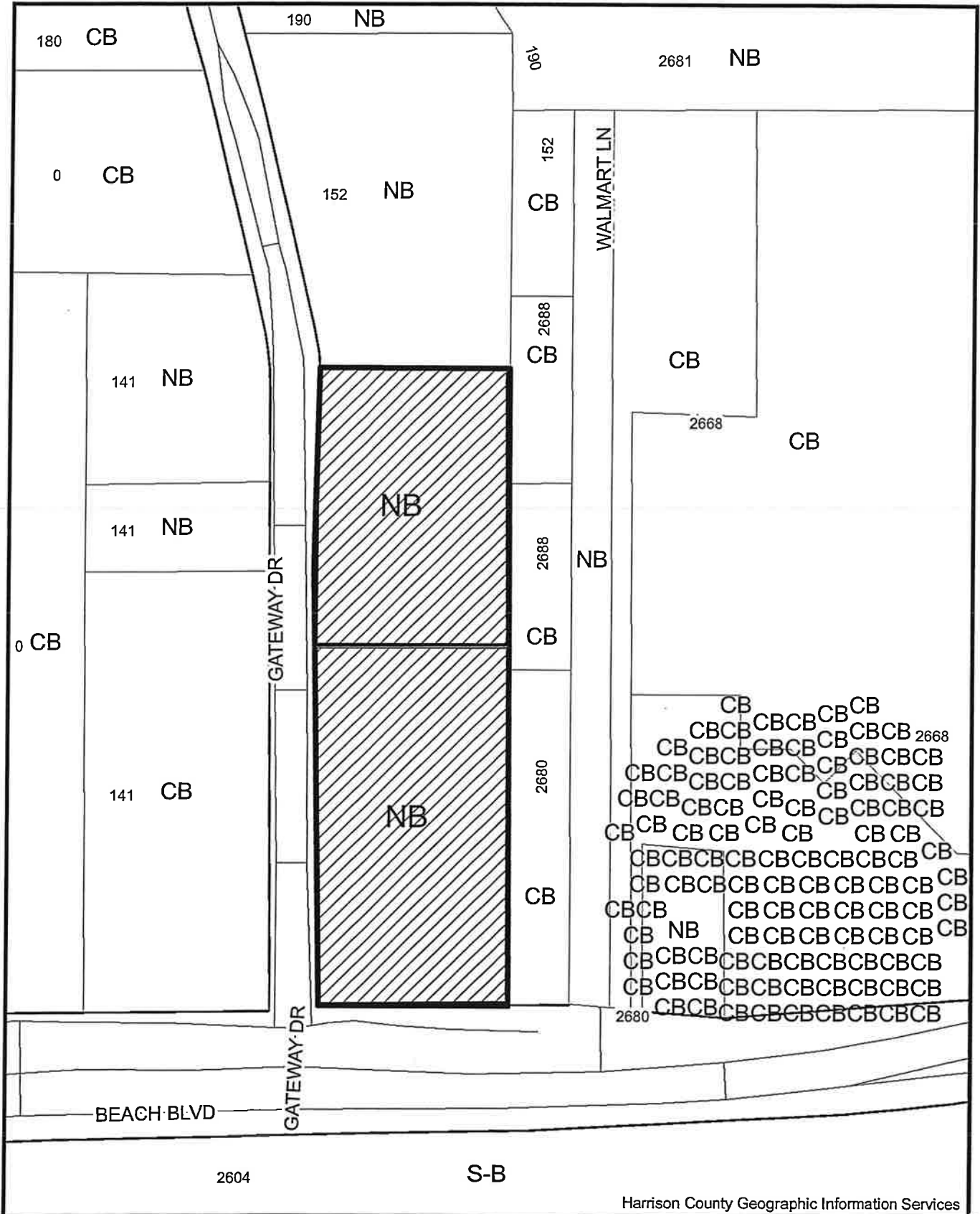
[Signature]
PRESIDENT OF THE COUNCIL

Submitted to and approved by the Mayor, this the 5th day of May, 2023.

APPROVED:

[Signature]
MAYOR

Case No. 23-028-PC
Island Entertainment/Deepak Patel
2694 Beach Blvd/136 Gateway Dr.
Map Amendment - NB to CB



Scheduled for:
April 6, 2023
PC Meeting

Island Entertainment, Inc., (owner)
Deepak Kumal Patel (applicant)
Case No. 23-028-PC
Zoning Map Amendment
NB to CB



**Planning Commission
Case Fact Sheet**

Case No.: 23-028-PC

Applicant/Owner: Island Entertainment, Inc., (owner) and
Deepak Kumal Patel (applicant)

Address of Property: 2694 Beach Boulevard, and 136 Gateway Drive

Tax Parcels/Ward: 1110M-01-010.000 & 1110M-01-010.001/Ward 5

Request: Zoning Map Amendment

Purpose of Request: An application for a **Zoning Map Amendment**, to authorize a change in zoning district classification for two parcels of land measuring approximately four (4) acres (more or less) in size, from their present zoning district classification of **NB Neighborhood Business** to **CB Community Business** presently identified as 2694 Beach Boulevard, and 136 Gateway Drive (re: Tax Parcel Nos. 1110M-01-010.000 & 1110M-01-010.001).

Size of Property: 4 acres (More or Less)

Present Zoning: **NB Neighborhood Business**

Present Use: Vacant

Most Nearly Bounded By (streets): To the North of and fronting to Beach Boulevard; to the South of C.T. Switzer Sr. Drive; to the East of and adjacent to Gateway Drive; and to the West of Walmart Lane.

Adverse Influences: A **Zoning Map Amendment** should only be authorized when conditions clearly suggest that a mistake in the original zoning or a Change in the Character of the Neighborhood, is apparent – with an established community need for the use being requested is determined, and that the zoning change proposed

is consistent and in harmony with uses found upon adjacent or nearby properties, and represents the least zoning change needed to accomplish the specific use proposed for this site.

Positive Influences: This rezoning, if approved, would allow the applicant to construct a new Hotel site.

Letters or Concerns stated: The Planning Division Office has not received any letters or other written communications relative to this case, as of March 30, 2023.

Comments/ Recommendations: Island Entertainment, Inc., (owner) and Deepak Kumal Patel (applicant) have requested a **Zoning Map Amendment**, to authorize a change in zoning district classification for two parcels of land measuring approximately four (4) acres (more or less) in size, from their present zoning district classification of **NB Neighborhood Business** to **CB Community Business** presently identified as 2694 Beach Boulevard, and 136 Gateway Drive (re: Tax Parcel Nos. 1110M-01-010.000 & 1110M-01-010.001).

The applicant, Deepak Kumal Patel, requested this **Map Amendment** to obtain a higher-level zoning (i.e., **CB Community Business**) needed to allow for the establishment of a new Hotel Site.

It should be noted, CB zoning is on the east and west side of these properties, so changing these two properties will just be a continuation of requested zoning.

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

- 1) Consistency (or lack thereof) with the Comprehensive Plan;
- 2) Compatibility with the present zoning and conforming uses of nearby property and to the character of the neighborhood;
- 3) Suitability of the property affected by the amendment for uses permitted by the present district;
- 4) Suitability of the property affected by the amendment for uses permitted by the proposed amendment;

- 5) Change in the character of the neighborhood and established community need for uses permitted by the district applicable to the property at the time of the proposed amendment;
- 6) Availability of utilities and infrastructure sufficient to address the impacts associated with the allowed uses in the proposed district; and
- 7) Mistake in the original zoning.

Options:

1. Recommend approval of this request for **Zoning Map Amendment**, for two parcels of land measuring 4 acres (more or less), from their present zoning district classifications **NB Neighborhood Business** to **CB Community Business**, having determined that a Change in the Character of the Neighborhood is of evidence, and that this zoning change will authorize the use proposed for this property.
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. 23-028-PC

TO BE COMPLETED BY APPLICANT		Date:	
Name of Rightful Owner(s): <u>LCHLN, INC + ISLAND ENTERTAINMENT, INC.</u>		Name of Applicant: (if different than Owner) <u>Deepak Kumar Patel</u>	
Property Address: <u>2694 BEACH BLVD., BILOXI, MS + 130 Gateway Dr.</u>		Ward Number <u>5</u>	
Tax Parcel Identification Number(s):			
<u>1110M-01-010.000</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>1110M-01-010.001</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mailing Address of Property Owner <u>1510 W Loop S</u>		Mailing Address of Applicant (if different than Owner): <u>134, Bridge way Crossing Deepak Kumar Patel</u>	
City: <u>HOUSTON</u>		City: <u>Ridge land.</u>	
State: <u>TEXAS</u>		State: <u>MS</u>	
Zip: <u>77027</u>		Zip: <u>39157</u>	
County: <u>HARRIS</u>		County: <u>USA</u>	
Telephone: <u>(713) 386-7082</u>		Telephone: <u>(601) 983-7764</u>	
Property Size (please give in acres or by dimension): <u>4 ACRES</u>			
Present Zoning Classification: <u>NB NEIGHBORHOOD BUSINESS</u>			
Is the property located within an AHRC District? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		Flood Zone(s) of Property: <u>AE 19</u>	
If so, which District?			
Property is most nearly bounded by what streets?		North	South
		<u>CT SWITZER ROAD</u>	<u>BEACH BLVD.</u>
			<u>WALNUT DRIVE</u>
			<u>GATEWAY Drive</u>
If property directly fronts or is adjacent one of the streets above please indicate with a ✓			<u>BEACH BLVD SVC. ROAD</u>
REQUESTED ACTION BY THE PLANNING COMMISSION (A separate supplement form is required for each):			
<input checked="" type="checkbox"/>	Preliminary Subdivision Review		
<input checked="" type="checkbox"/>	Map Amendment – must include zone classification change in narrative		
<input type="checkbox"/>	Conditional Use		
<input type="checkbox"/>	Master Plan		
<input type="checkbox"/>	Gaming		
<input type="checkbox"/>	Hospitality		
<input type="checkbox"/>	Text Amendment		
<input type="checkbox"/>	Planned Unit Development		
<input type="checkbox"/>	Tree Removal		
<input type="checkbox"/>	Public ROW Vacation		
<input type="checkbox"/>	Administrative Appeal		
<input type="checkbox"/>	Variance		
<input type="checkbox"/>	Appeal		
<input type="checkbox"/>	Street Name Change		

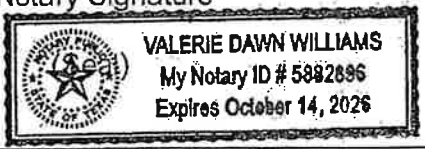
GENERAL INFORMATION, READ BEFORE EXECUTING. Attendance by the applicant(s) at the public hearing is mandatory; however, the applicant may designate a representative to attend the public hearing on his/her behalf, provided said representative has been properly designated to speak on the applicant's behalf either by written permission or oral designation by the applicant at the Public Hearing. If a continuance is to be granted, the applicant must request same in writing a minimum of seven (7) days in advance of the scheduled public hearing. The applicant acknowledges that, in signing this application, all conditions and requirements inherent in the application process have been fully explained and understood, including the timetable for processing of the application; the applicant has further received the following appropriate handouts: Application Processing Timetable; Instructions for Application Completion, Procedures for a Conditional Use or Community Unit Plan; and Variance Procedures. The completed application must be returned to the Planning Office not later than the first or third Thursday of any month in order that a public hearing may be held on the first or third Thursday of the following month. Receipt of fee(s) does not constitute receipt of a completed application.

ISLAND ENTERTAINMENT, INC.
 By: [Signature] V.P.
 Signature of Rightful Owner (L.S.)

 Signature of Rightful Owner

[Signature]
 Notary Signature

 Notary Signature



(Seal)

 Signature of Rightful Owner

 Signature of Applicant

 Notary Signature

 Notary Signature

(Seal)

(Seal)

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

NOTES: BRIAN P. BOLIS, AGENT
1801 23^{RD.} AVE.
GULFPORT, MS 39501
228-233-6720

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

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

[Handwritten Signature]
Signature of Rightful Owner *Deepak Patel Applicant*

Notary Signature
(Seal)

Notary Signature
(Seal)



Signature of Rightful Owner

Signature of Applicant

Notary Signature
(Seal)

Notary Signature
(Seal)

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

NOTES:	<i>BRIAN P. BOLIS, AGENT</i>	<i>NASH: AHMED (DOO)</i>
	<i>1801 23RD. AVE.</i>	<i>Phone: 573 253 1998</i>
	<i>GULFPORT, MS 39501</i>	<i>228 380 3222</i>
	<i>228-233-6720</i>	

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:

Shaded Areas for Staff Only

MAP AMENDMENT – When the public necessity, convenience, general welfare or appropriate land use practices justify such action, and after the required review, public notice and report by the Planning Commission, the City Council may undertake the necessary steps to amend the Zoning District Map.

Please note that no application for the same parcel(s) requesting the same change may be made more often than once every 24 months.

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

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

If zoning change request includes more than one parcel, you must provide a wraparound legal description.

Detailed Site Plan Attached (If no site plan is attached, this application is considered incomplete and will not be accepted.)

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

Please explain: **There is nothing in the proposed map amendment that would be contrary to the City's Comprehensive Plan.**

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

Please explain: **Most of the nearby properties are zoned Commercial Business CB.**



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)	✓	
	Yes	No
3. Is the property suitable for uses permitted in the present zoning district?	X	
Please explain: As currently zoned Neighborhood Business NB, suitable uses are permitted but not the highest and best use.		
4. Is the property suitable for uses permitted in the proposed zoning district?	X	
Please explain: The size and location of the subject property are ideal for a hotel.		
5. Has there been a change in the character of the neighborhood?		X
Please explain: The neighborhood has always been commercial or hi-rise residential.		
6. Is there an established community need for uses permitted in the proposed zoning district?	X	
Please explain: The City of Biloxi and the Mississippi Gulf Coast overall are still short of the hotel rooms prior to Katrina.		
7. Was there a mistake in the original zoning of the property?		X
Please explain: A national chain restaurant occupied the property before Katrina and the zoning for it, NB was suitable at the time.		
8. Are utilities and infrastructure sufficient to address the impacts associated with allowed uses in the proposed district?	X	
Please explain: All utilities are on site.		
Site Plan attached: (please circle): Yes	Case No. □□-□□□-□□□□	
No		

SUPPLEMENTAL FORM TO PLANNING COMMISSION APPLICATION
City of Biloxi, MS

The purpose of the Map Amendment is to rezone the subject parcels from Neighborhood Business (NB) to Community Business (CB) to allow a hotel to be built on the subject parcels. Most of the adjacent and surrounding properties are currently zoned Community Business (CB) therefore a rezoning of the subjects would then conform to the majority zoning of most of the neighboring properties.

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: March 30, 2023
Re: Island Entertainment
2694 Beach Blvd & 136 Gateway Dr.
1110M-01-010.000 & 1110M-01-010.001
DRC Case No. 2023-022

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

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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BILOXI PLANNING COMMISSION MEETING
 APRIL 6, 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
 Debora Magee
 Jimmy Poulos
 John Snow
 David Stanovich

ALSO PRESENT:

Jerry Creel, Director of Community Development
 Felicia Serpas, Senior Planner
 Caryle Lena, Planner I
 Tim Cipolla, Code Inspector
 Jon Lambert, Code Inspector
 Zach Harris, City Arborist
 Peter Abide, Esquire

REPORTED BY

Melissa Burdine-Rodolfich
 Simpson Burdine & Miguez

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

CONTINUED PUBLIC HEARING(S)	PAGE:
23-020-PC (Continued to 4/20/23)	--
NEW PUBLIC HEARING(S):	
23-027-PC	7
23-028-PC	12
23-029-PC	19
23-030-PC	27
TREE HEARING(S):	
TR-23-002	72

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CHAIRMAN WASHER:

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

We'll record the members present. Ms. Magee, Mr. Stanovich, Mr. Bogard, Mr. Poulos, Dr. Larry Drawdy, Mr. Carron, Mr. King, Mr. Snow, Mr. Delahousey, myself, David Washer; Jerry Creel, Director of Community Development; also coming in is Charlie Dellenger; Felicia Serpas, Senior Planner; Caryle Lena, Planner. Over at the table in the front at the end is Jon Lambert, Planning Inspector; next to him is Tim Cipolla, Planner Inspector; Zach Harris, new Arborist for the city of Biloxi, and our court reporter today is Melissa Burdine-Rodolfich.

We'd ask all members to bow our heads and ask Mr. Delahousey to open the meeting with a moment of prayer.

MR. DELAHOUSEY:

First I want say I feel a little bit uneasy about doing this, Father. I guess it's my Catholic upbringing. If I do bad, don't report me to the nuns. Let us pray.

(Moment of prayer.)

CHAIRMAN WASHER:

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Dr. Drawdy, the pledge, please.
 (Pledge of allegiance.)

CHAIRMAN WASHER:

Let me recognize Peter Abide, city attorney, in the audience. We appreciate you being here.

We'd ask that anyone that desires to speak today, please give us your name and address for the record, sign in at the pad provided at the podium.

Ask if all members of the Commission received a copy of the minutes from last meeting and if there's any additions or 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.)

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1 CHAIRMAN WASHER:
2 Mr. Creel, committee reports?
3 MR. CREEL:
4 Yes, sir. Mr. Chairman and members of
5 the Commission, over the past two and a half weeks
6 to three weeks the department has issued 197
7 building permits. We had a total construction
8 valuation of \$17.7 million. We have collected
9 62,000 in permit fees, issued licenses for 15 new
10 businesses. We also had 10 renewals. We also
11 issued 24 new certificates of occupancy, four of
12 which were for short-term rentals. Out of the
13 permits issued, there was one for a total remodel
14 of Beauvoir Manor Apartments at 264 Stennis Drive,
15 remodel of the Oceans Behavioral Hospital, 180
16 Debuys Road, a remodel of the Starbucks at the
17 corner of Popp's Ferry and Pass Road, a new
18 gymnasium for Fatima Catholic Church that's on
19 Pass Road, fire repair at 181 Rodenberg Avenue and
20 a 12 new single -- I'm sorry, a remodel -- an
21 interior remodel for Harrah's Gulf Coast at
22 200,000, a new carwash at 2758 Pass Road and 12
23 new single-family houses.
24 CHAIRMAN WASHER:
25 We're going to have a four-minute time

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1 Any opposed?
2 (None opposed.)
3 CHAIRMAN WASHER:
4 New public hearing today, Case Number
5 23-027-PC, City of Biloxi. It's to consider a
6 text amendment within the Land Development
7 Ordinance, which case specifically addresses the
8 amendment of text related to cannabis within
9 Section 23-4-1(B) of the Use Table, Residential
10 Districts, Table 23-4-1(C) Use Table,
11 Non-Residential and Planned Development Districts,
12 Article 23-4-3(D)n and Article 23-4-3(D)o. This
13 was advertised on March 21st and March 30th.
14 Mr. Creel, you want to address those?
15 MR. CREEL:
16 Yes, sir.
17 This application actually is based on an
18 administrative request from the city
19 administration. It has to do with cannabis
20 agencies and establishments. What it is, is when
21 the cannabis proposals first came forward, we
22 looked at pharmacies and tried to match up the
23 cannabis establishments with wherever pharmacies
24 were allowed from a zoning standpoint. There were
25 some that were allowed as a use-by-right. There

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1 limit today on any speakers, so if you have a lot
2 to say, try to be concise with the important
3 points of it.
4 We have a hearing that was continued
5 from last meeting. Case Number. 23-020-PC, Greg
6 Knapp and Deborah Bolin. At the request of the
7 applicant this was continued until this meeting
8 today.
9 Applicant is still out of town and
10 requested that we give him until April 20th. So
11 with y'all's blessing with a motion and a second,
12 we will continue that to April 20th. If it's not
13 presented at that time, we will remove it from the
14 agenda and let him start the application process
15 in the future.
16 MR. DELAHOUSEY:
17 I move.
18 DR. DRAWDY:
19 Second.
20 CHAIRMAN WASHER:
21 Motion by Mr. Delahousey; seconded by
22 Dr. Drawdy.
23 All those in favor, say "aye."
24 (All in favor.)
25 CHAIRMAN WASHER:

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1 were some that were allowed as a conditional use.
2 We have been inundated with a number of
3 requests for cannabis establishments, and there
4 are some where they're allowed as a use-by-right
5 and certain members of Administration and Council
6 didn't feel that the location was appropriate.
7 So what you have before you today would
8 take those cannabis establishments and make them
9 conditional use in any of the zones. In other
10 words, we would be removing cannabis as a
11 use-by-right in those zones and be replacing it
12 with conditional use so that each application that
13 we receive would come before the Planning
14 Commission and the City Council and y'all can
15 render your decision on a case-by-case basis.
16 That's essentially what this is.
17 So if you have any questions, I will be
18 happy to try and answer them.
19 CHAIRMAN WASHER:
20 Any questions, members of the
21 Commission?
22 MR. DELLENGER:
23 So does this -- if it's zoned
24 commercial, it will not be use-by-right?
25 MR. CREEL:

1 That's correct, if this passes. If this
2 passes. Now, any that have been approved already
3 are grandfathered in, so, you know, this wouldn't
4 be retroactive and go back on those. But any new
5 applications that come forward would be considered
6 conditional use and would go through the full
7 process.

8 MR. DELLENGER:

9 So why do we want to move it to where we
10 can't -- it can't be a right, use-by-right in the
11 commercial?

12 MR. CREEL:

13 Well, what I just said was that there
14 are some places that are zoned commercial where
15 the Administration and the Council felt like that
16 even though it was zoned as a use-by-right, that
17 there is some things around that area that just
18 didn't make it an appropriate location, so they
19 felt that it was important to be able to look at
20 each application on a case-by-case basis and to
21 look at the surrounding area and see if it meets
22 the nine criteria for meeting the conditional use
23 approval, so that's the reason.

24 MR. DELLENGER:

25 If we're limited to being around

1 schools, churches --

2 THE COURT REPORTER:

3 Mr. Dellenger --

4 MR. CREEL:

5 She said you need to speak up, Charlie.

6 MR. DELLENGER:

7 I mean because you're limited to where
8 you can be around schools, churches and those
9 things anyway, aren't you? I guess that's the
10 reasoning for maybe it not being by right?

11 MR. CREEL:

12 Yeah. The state law does say that it
13 has to be, you know, 1,000 feet from churches,
14 schools, nurseries, those kind of things, but they
15 are allowed to request a waiver or a variance to
16 reduce that distance to 500 feet. They have to
17 apply to the State in order to get that, but there
18 are also places where there are other types of
19 uses on the property around commercial zoning that
20 probably need consideration whenever we receive an
21 application for it.

22 And, you know, we already do conditional
23 use in waterfront. We already do conditional use
24 in downtown zoning, and all this would do really
25 is add the NB, CB and RB to that list.

1 MR. DELAHOUSEY:

2 Mr. Creel, you had mentioned that your
3 office is being inundated by requests, so if this
4 text amendment passes, what's that going to do to
5 the caseload that will be coming before us?

6 MR. CREEL:

7 Well, any application that we have
8 already received that we're in the process of
9 processing would go under the old ordinance, the
10 old section of the ordinance. And even if the
11 ordinance is passed, typically there is a 30-day
12 waiting period before it actually goes in effect,
13 so there will be some time to consider those
14 applications, you know, for approval.

15 MR. DELAHOUSEY:

16 Thank you.

17 CHAIRMAN WASHER:

18 Any other questions for the members of
19 the Commission? None.

20 Is there anyone in the audience that
21 would like to speak in favor of the proposed text
22 ordinance? Anyone speaking in favor? No one
23 speaking in favor.

24 Anyone speaking in opposition? No one
25 speaking in opposition.

1 We will consider that hearing closed.

2 All right. You heard the remarks by

3 Mr. Creel, so we will entertain a motion.

4 MR. DELAHOUSEY:

5 I move to approve the text amendment.

6 MR. KING:

7 Second.

8 CHAIRMAN WASHER:

9 Motion by Mr. Delahousey recommending
10 approval; seconded by Mr. King.

11 We'd ask that all those in favor raise
12 your hand, please. Ms. Magee, Mr. Stanovich,
13 Mr. Bogard, Mr. Dellenger, Mr. Poulos, Dr. Drawdy,
14 Mr. Carron, Mr. King, Mr. Snow, Mr. Delahousey;
15 myself, David Washer. We'll let the record show
16 that's unanimous.

17 Our next hearing today, Case Number
18 23-028-PC, Island Entertainment, Inc., owner, and
19 Deepak Kumal Patel, applicant. It's to consider an
20 application requesting a zoning map amendment, to
21 authorize a change in zoning district
22 classification for two parcels of land measuring
23 approximately four acres, more or less, in size,
24 from their present zoning district classification
25 of NB, neighborhood business, to CB, community

1 business, presently identified as 2694 Beach
 2 Boulevard and 136 Gateway Drive, being Municipal
 3 Tax Parcel Numbers 1110M-01-010.000 and
 4 1110M-01-010.001. This case was advertised on
 5 March 16th, March 23rd and March 30th.
 6 View the video, Mr. Cipolla, please,
 7 sir.
 8 MR. CIPOLLA:
 9 This property is on the location where
 10 Landry's used to be down on the corner of Gateway
 11 and the beach. Runs over here and then over the
 12 Gateway Inn. It goes all the way up behind the
 13 old inn. Got the old hospital up the road.
 14 Totally cleared all the way down to Debuys Road.
 15 As I said, this is -- Landry's used to be here.
 16 Of course, you had the old Gateway portion over
 17 here. It goes all the way back up to about where
 18 the university starts.
 19 CHAIRMAN WASHER:
 20 Thank you.
 21 Is the applicant or their representative
 22 here, please?
 23 MR. AHMED:
 24 Yes.
 25 CHAIRMAN WASHER:

1 a dream that -- we're looking at a wonderful plot
 2 there right next to the mall, so we're looking
 3 forward to going forward to it.
 4 CHAIRMAN WASHER:
 5 It looks like you're almost surrounded
 6 by community business anyway?
 7 MR. KUMAL:
 8 Yes, sir.
 9 CHAIRMAN WASHER:
 10 You're not asking for something that's
 11 not already enjoyed by your neighbors?
 12 MR. KUMAL:
 13 This is the only plot, I think, that is
 14 neighborhood compared to the adjoining and beside
 15 the place. Everything is commercial there.
 16 MR. DELAHOUSEY:
 17 And you said that your plans are to
 18 be -- put a hotel?
 19 MR. KUMAL:
 20 Yes.
 21 MR. DELAHOUSEY:
 22 A strip mall and what --
 23 MR. AHMED:
 24 And a condo.
 25 MR. DELAHOUSEY:

1 Come forward. Name and address for the
 2 record, and then and tell us what you need,
 3 please, sir.
 4 MR. AHMED:
 5 My name is Nash Ahmed.
 6 I represent Mr. Deepak Kumal. I'm
 7 director of operations for his company, so we are
 8 looking forward to have this particular project
 9 coming up because he had a dream of having a hotel
 10 at the beach. So he's looking to build in three
 11 phases, a hotel and a condo and a small strip
 12 mall.
 13 CHAIRMAN WASHER:
 14 The strip mall would be located to the
 15 rear of the property?
 16 MR. KUMAL:
 17 No. The back, yes.
 18 CHAIRMAN WASHER:
 19 Yeah, back of the property?
 20 MR. AHMED:
 21 Yeah.
 22 CHAIRMAN WASHER:
 23 That's all you have to add, sir?
 24 MR. KUMAL:
 25 If you have any questions for me. It's

1 The hotel, how many rooms?
 2 MR. KUMAL:
 3 We're looking at anywhere between 100
 4 and 150 rooms.
 5 MR. DELAHOUSEY:
 6 How many stories?
 7 MR. KUMAL:
 8 Five stories.
 9 CHAIRMAN WASHER:
 10 Any other questions, members of the
 11 Commission, of Mr. Ahmed? No other questions.
 12 Anything else you would like to add,
 13 sir?
 14 MR. KUMAL:
 15 I hope everything is fine, and I'm
 16 looking for a positive vote.
 17 CHAIRMAN WASHER:
 18 All right. Thank you.
 19 MR. AHMED:
 20 Sure. Thank you, sir.
 21 CHAIRMAN WASHER:
 22 Ask if there is anyone else in the
 23 audience that wants to speak in favor of the
 24 application's request? Anyone speaking in favor?
 25 MR. BOLIS:

1 I'm Brian Bolis, commercial broker with
2 NAI Sawyer, 1801 28th Avenue -- 24th Avenue -- we
3 just moved -- Gulfport.

4 To piggyback on what the owner said, all
5 the surrounding property is basically community
6 business, and we think this will conform. This
7 property will conform to the surrounding area.

8 Secondly, as you all know from Katrina,
9 we're still several thousand hotel rooms short on
10 the Coast, so anytime you build a new hotel, I
11 think it's a good thing. And the owner is very
12 well -- very experienced in this business. He
13 owns about four hotels in Gulfport alone, so I
14 would urge you to vote affirmative to this change.
15 Thank you.

16 CHAIRMAN WASHER:

17 Thank you, Mr. Bolis.

18 Anyone else speaking in favor? No one
19 speaking in favor.

20 Anyone speaking in opposition? No one
21 speaking in opposition.

22 We will consider that hearing closed.

23 Mr. Creel.

24 MR. CREEL:

25 This is an application for a three-phase

1 project. The first phase would be the hotel. The
2 property is currently zoned NB. It probably
3 should have been zoned CB when we went through our
4 last planned development ordinance change, but
5 because there was an existing restaurant on the
6 property, I'm sure that's the reason that it was
7 not changed.

8 As you mentioned before, it's already
9 surrounded by CB. Prior to Katrina most of this
10 property in West Biloxi was occupied by hotels, so
11 we're now beginning to see a lot of activity in
12 West Biloxi, and the staff would clearly support
13 the zoning change from NB to CB.

14 CHAIRMAN WASHER:

15 Thank you.

16 Any questions? Any discussion?

17 MR. POULOS:

18 Is that where Landry's was?

19 MR. CREEL:

20 Yes.

21 MR. DELAHOUSEY:

22 I move to approve.

23 MS. MAGEE:

24 Second.

25 CHAIRMAN WASHER:

1 Motion by Mr. Delahousey recommending
2 approval; seconded by Ms. Magee.

3 We'd ask that all those in favor of
4 approval, raise your hand, please.

5 Ms. Magee, Mr. Stanovich, Mr. Bogard,
6 Mr. Dellenger, Mr. Poulos, Dr. Drawdy, Mr. Carron,
7 Mr. King, Mr. Snow, Mr. Delahousey; myself, David
8 Washer. We'll let the record show that's
9 unanimous.

10 Our next case today is 23-029-PC, Alterna
11 Mortgage Income Fund, LLC, owner, and Elliott
12 Homes, LLC, applicant. It's to consider an
13 application requesting conditional use approval to
14 authorize construction of a multi-family complex
15 comprised of 38 detached single-family units,
16 situated upon a parcel of land approximately
17 2.89, more or less, for property located within a
18 CB, community business, zone, and identified by
19 municipal address 1654 Beach Boulevard, being
20 Municipal Tax Parcel Number 1210I-02-064.177.

21 This case was advertised on March 28th --
22 or March 23rd and March 30th. Mr. Cipolla.

23 MR. CIPOLLA:

24 Okay. If you remember when, previously,
25 it was seen and they came, they had to add the

1 turn in here instead of going down through the Oak
2 Shores opening. You have Iberville Drive back
3 here where the old Comfort Inn and Suites was.
4 This previously had apartments on it prior to
5 switching to the condos. You have the hotel next
6 door, the next hotel and then of course, the White
7 Pillars. And then, of course, down looking
8 towards the west, looking back to the east on the
9 beach and their property goes all the way back to
10 where the apartments start. I will stop it when
11 we get to it.

12 This is the road that goes up to Oak
13 Shores, goes all the way back to those
14 apartments -- or sorry, those condos and then the
15 apartments to the east of that and then it comes
16 back up to Comfort Inn and Suites.

17 CHAIRMAN WASHER:

18 Thank you.

19 Is the applicant or their representative
20 here, please? Yes, sir.

21 MR. FLEMING:

22 Josh Fleming with Elliott Homes, 1402
23 Pass Road, Gulfport, Mississippi 39501.

24 So basically -- so all that we did is we
25 got the conditional use for townhomes previously.