

Ordinance No. 2518

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 CLASSIFICATIONS OF NB NEIGHBORHOOD BUSINESS AND RER RESIDENTIAL ESTATE RESTRICTED TO RB REGIONAL BUSINESS, PRESENTLY IDENTIFIED AS 13041 LORRAINE ROAD, AND AN UNADDRESSED PARCEL SITUATED BEHIND ABOVE-MENTIONED PARCEL

WHEREAS, on Thursday, July 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. 23-056-PC, Toxey G. Collins, a request for a Zoning Map Amendment, for a parcel presently identified as 13041 Lorraine Road, and an unaddressed parcel situated behind above-mentioned parcel (re: Tax Parcel No. 1107 -33-044.000 & 1107 -33-042.003); and

WHEREAS, the Planning Commission members were apprised of the particulars of this case, being made cognizant of the fact that Toxey G. Collins had submitted the request for Zoning Map Amendment, to authorize a change in zoning district classification for two parcels of land from their present zoning district classifications of NB Neighborhood Business and RER Residential Estate Restricted to RB Regional Business, for a parcel presently identified as 13041 Lorraine Road, and an unaddressed parcel situated behind above-mentioned parcel (re: Tax Parcel No. 1107 -33-044.000 & 1107 -33-042.003); and

WHEREAS, July 6, 2023, the Biloxi Planning Commission, after some discussion, and upon careful reflection of the particulars of this case, voted (13-0), to recommend approval for the Zoning Map Amendment, to authorize a change in zoning district classification for two parcels of land from their present zoning district classifications of NB Neighborhood Business and RER Residential Estate Restricted to RB Regional Business, for a parcel presently identified as 13041 Lorraine Road, and an unaddressed parcel situated behind above-mentioned parcel,

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having determined that a Change in the Character of the Neighborhood is of notice 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. 23-056-PC, Toxey G. Collins, 13041 Lorraine Road, and an unaddressed parcel situated behind above-mentioned parcel.

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 NOTICE, 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 and RER Residential Estate Restricted to RB Regional Business, for the properties identified as 13041 Lorraine Road, and an unaddressed parcel situated behind above-mentioned parcel (identified as Parcel No. 1107 -33-042.003), more fully described as follows:

Description for parcels described within inst.#2020-04408-d-j2, inst.#2020-03792-d-j2, and inst.# 2022-04450-d-j2, containing 3.981 acres overall A parcel of land situated in the southeast 1/4 of the southwest 1/4 and the southwest 1/4 of the southeast 1/4 of section 33, township 6 south, range 10 west, City of Biloxi, Harrison County, Mississippi, as per this survey by Gene Paul Stenum, dated January 9, 2023, with the survey based on the Mississippi State plane coordinate system (east zone, nad83) being more particularly described with the following bearings derived by true grid north by G.P.S. observation,

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Trimble V.R.S. network, nad 83(2011) (Epoch:2010.0000), with a convergence angle of (-)0°04'52. 174087' (determined at point of beginning of property) and using grid distances with a combined factor of scale-factor: 0.99995291 (determined at point of beginning of property) and described as follows:

Beginning at an iron pipe found the northeast corner of lot 6, "replat" of brady place subdivision (miss. State plane coordinates: n:354090.49 e: 933835.39); thence along the north line of said brady place subdivision, n86°36'28"w 456.21' to an iron rod found at the northwest corner of lot 5, lying on the east line of the property now or formerly of knight-abbey commercial printers, inc., described in instrument #2006-00383-d-j2; thence along the east line of said knight-abbey commercial printers, inc. Property, n00°12'41"e 83.85' to an iron rod found; thence s86°38'48"e 484 74' to an iron rod found at the northwest corner of the property now or formerly of Toxey Gerald Collins, described in instrument #2020-03792-d-j1, lying on the east line of the southeast 1/4 of the southwest 1/4 of section 33; thence along the north line of said Collin's property, s86°38'48"e 556.80' to an iron rod found on the west margin of a 60' right-of-way for Lorraine Road; thence along said west margin, s29°24'53"w 93.34' to 1/2" iron rod found at the northeast corner of the property now or formerly of Peter and Pamela Morrison, described in instrument #2004-000976-d-j2; thence further along said west margin, s29°24'53"w 189.00' to spike found at the northeast corner of lot 1 of the Woolmarket Central Plaza Subdivision; thence along the north line of said lot 1, s 89°59'36"w 442.79' to an iron rod found on the east line of lot 7 of the "replat" of brady place subdivision. Thence along said east line of the "replat" of brady place subdivision, n00°56'06"™w 196.11' to the point of beginning, containing 3.981 acres. Said property being all the properties described within inst #2020-04408-d-j2, inst.#2020-03792-d-j2, and inst.# 2022-04450-d-j2,

Further described as land most nearly bounded by the following streets: to the North of Woolmarket Road; to the South of Natures Trail; to the East of Wash Fayard Rd; and to the West of and fronting upon Lorraine Road.

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 Barrett, 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 1st day of August, 2023.



ATTEST:

APPROVED:


CLERK OF THE COUNCIL


PRESIDENT OF THE COUNCIL

Submitted to and approved by the Mayor, this the 1st day of August, 2023.

APPROVED:


MAYOR

Scheduled for:
July 06, 2023
PC Meeting

Toxey G. Collins (owner)
Case No. 23-056-PC
Zoning Map Amendment
NB and RER to RB



Planning Commission
Case Fact Sheet

Case No.: 23-056-PC
Applicant/Owner: Toxey G. Collins
Address of Property: 13041 Lorraine Road
Tax Parcel/Ward: 1107 -33-044.000, 1107 -33-042.003/ Ward 7

Request: Zoning Map Amendment

Purpose of Request: An application for a **Zoning Map Amendment**, to authorize a change in zoning district classification for two parcels of land from their present zoning district classifications of **NB Neighborhood Business** and **RER Residential Estate Restricted** to **RB Regional Business**, for a parcel presently identified as 13041 Lorraine Road, and an unaddressed parcel situated behind above-mentioned parcel (re: Tax Parcel No. 1107 -33-044.000 & 1107 -33-042.003).

Size of Property: 3.981 acres (More or Less)

Present Zoning: **NB- Neighborhood Business and RER- Residential Estate Restricted**

Present Use: Commercial RV & Boat Storage and Vacant Land

Most Nearly Bounded By (streets): To the North of Woolmarket Road; to the South of Natures Trail; to the East of Wash Fayard Rd; and to the West of and fronting upon Lorraine Road.

Adverse Influences: A **Zoning Map Amendment** should only be authorized when conditions clearly suggest there is a mistake in the original zoning or a change in the character of the neighborhood is apparent.

Positive Influences: The zoning change proposed is compatible with existing uses surrounding the subject land and is the appropriate zoning

Amendment

NB and RER to RB

district to accommodate the use of a storage facility for Boats & Recreational Vehicles.

**Letters or
Concerns stated:**

The Planning Division Office has not received any letters or other written communications relative to this case, as of June 29, 2023.

**Comments/
Recommendations:**

Toxey G. Collins (owner) has requested a **Zoning Map Amendment**, to authorize a change in zoning district classification for two parcels of land from their present zoning district classifications of **NB Neighborhood Business** and **RER Residential Estate Restricted** to **RB Regional Business**, for a parcel presently identified as 13041 Lorraine Road, and an unaddressed parcel situated behind above-mentioned parcel (re: Tax Parcel No. 1107 - 33-044.000 & 1107 -33-042.003).

The applicant has requested this **Map Amendment** to address the public need for an RV and Boat open storage in the area and to ensure the proposed use falls within the appropriate zoning district for the land.

As with all requests for **Zoning Map Amendment**, discussion points should focus on 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

Amendment

NB and RER to RB

7) Mistake in the original zoning.

Options:

1. Recommend approval of this request for **Zoning Map Amendment**, for two parcels of land from their present zoning district classifications of **NB Neighborhood Business** and **RER Residential Estate Restricted** to **RB Regional Business**, having determined that a Change in the Character of the Neighborhood is of evidence and that this zoning change will authorize a consistent development pattern.
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 parcels of land under consideration for zoning change.

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BILOXI PLANNING COMMISSION MEETING
 JULY 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
 Gary Lechner
 August Parker
 Jimmy Poulos
 John Snow
 Cheryl Thompson
 Michael Todaro

ALSO PRESENT:

Jerry Creel, Director of Community Development
 Felicia Serpas, Senior Planner
 Caryle Lena, Planner
 Jon Lambert, Inspector
 Zach Harris, Arborist
 Dr. Paul Tisdale, Councilman Ward 5
 Kenny Giavan, Councilman Ward 6

REPORTED BY

Melissa Burdine-Rodolfich
 Simpson Burdine & Migues

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

CONTINUED PUBLIC HEARING(S):	PAGE:
(None)	--
NEW PUBLIC HEARING(S):	
23-039-PC	6
23-052-PC	13
<u>23-056-PC</u>	<u>60</u>
23-057-PC	64
23-058-PC	65
TREE HEARING(S):	
TR-23-004	96

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CHAIRMAN WASHER:

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

We'll record the members present. Mr. Lechner, Mr. Parker, Mr. Todaro, Ms. Thompson, Mr. Bogard, Mr. Dellenger, Mr. Poulos, Dr. Larry Drawdy, Mr. Carron, Mr. King, Mr. Snow, Mr. Delahousey; myself, David Washer; Jerry Creel, Director of Community Development; Felicia Serpas, Senior Planner; Caryle Lena, Planner. At the table is Melissa Rodolfich, our court reporter today. Next to her is Jon Lambert, Inspector. On the front row, is Zach Harris, City Arborist.

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

MR. DELAHOUSEY:

Certainly. Before we pray today, I would like to acknowledge that Tuesday, July 4th was the 274th birthday of our nation. So Happy Birthday, America.

In a moment, we will recite the Pledge of Allegiance, and we will declare that we are one nation under God. President Ronald Reagan once said, "If we ever forget we are one nation under God, then we will be a nation gone under."

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Now, let us pray.
 (Moment of prayer.)

CHAIRMAN WASHER:
 Mr. Todaro, the pledge, please, sir.
 (Pledge of allegiance.)

CHAIRMAN WASHER:
 Let me also recognize Dr. Paul Tisdale in the audience, Councilman Ward 5.
 We welcome you all with us here today. We would ask that if anyone desires to speak, please come to the podium when your case is called, give us your name and address for the record and please sign at the pad provided if you haven't already done so.
 Ask if all members of the Commission received a copy of the minutes from the last meeting, and if there is any additions or corrections.

MR. DELAHOUSEY:
 Move to approve.

MR. SNOW:
 Second.

CHAIRMAN WASHER:
 Motion by Mr. Delahousey recommending approval; seconded by Mr. Snow.

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1 CHAIRMAN WASHER:
2 All those in favor, say, "aye."
3 (All in favor.)
4 CHAIRMAN WASHER:
5 Any opposed?
6 (None opposed.)
7 CHAIRMAN WASHER:
8 Committee reports, Mr. Creel.
9 MR. CREEL:
10 Yes, sir. Mr. Chairman, members of the
11 Commission, over the past two weeks, the
12 department has issued 140 building permits, with a
13 construction evaluation of \$2.1 million. We have
14 collected \$14,400 in permit fees, issued 15
15 certificates of occupancy; eight of those were for
16 short-term rental. Of the permits issued, there
17 was a duplex renovation at 144 Hopkins Boulevard,
18 also a new duplex at 142 Hopkins Boulevard,
19 Shriner's Boulevard, 12273-B Shriner's Boulevard,
20 a new warehouse, a remodel of the Center Stage
21 building at 2670 Rue Palafox and a new Zaxby's
22 restaurant to be located 2441 Pass Road, also one
23 new single-family house.
24 CHAIRMAN WASHER:
25 Thank you.

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1 families in it. And you can see the area on the
2 list where it's crossed out before, so the
3 indication was, is that it was one building.
4 But we're running into now is that we're
5 getting a number of developments where the owner
6 intends to build multiple units and rent those
7 units and we believe that those should follow
8 under multifamily dwelling.
9 So what we did is we went to the APA
10 Planners dictionary and found a definition that
11 actually would include the previous type of
12 dwelling definition, but also adds to it
13 apartments, group homes, tiny homes and
14 condominiums to make it clear. So that's the
15 first definition that we're proposing as a text
16 amendment change and it comes right out of the APA
17 dictionary.
18 You will recall that recently we had an
19 application for a soup kitchen, but we did not
20 have a definition of soup kitchen in the ordinance
21 so we had to refer to it as a social agency.
22 Well, social service agency opens the door for a
23 lot more things than just a soup kitchen.
24 So what we did, again, is go back to the
25 APA dictionary and pull out the definition of soup

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1 There are no continued public hearings.
2 New public hearing today, Case Number
3 23-039-PC, City of Biloxi. This is a request for
4 a text amendment within the Land Development
5 Ordinance which case specifically addresses the
6 amendment of social services in multifamily
7 dwelling within Article 23-10: Definitions and
8 Interpretations; Table 23-4-1(C), Use Table -
9 Non-residential and Planned Development Districts;
10 Use Standards, Section 23-4-3-(C)(3)c, and Article
11 23-4: Use Standards, Section 23-4-3-(C)(1)b.
12 This case was advertised on June 22nd and June
13 29th.
14 Mr. Creel, you want to brief us on that?
15 MR. CREEL:
16 Yes, sir. As we go through the Land
17 Development Ordinance through the year and we
18 encounter some issues that are not clear or maybe
19 some definitions are not clearly described, what
20 we do is try to go back and address those.
21 And what we have here are three
22 definitions that we wanted to clarify. The first
23 one is multifamily dwelling. The previous
24 definition of a multifamily dwelling limited the
25 definition to one building that had multiple

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1 kitchen, which you will see limits those type of
2 uses or occupancy to just a place that can -- to
3 be used to prepare and serve food on a regular
4 basis, either without cost or at a low cost, so
5 that they're not a profit generating type of
6 agency.
7 And then an exemption in there, it says
8 that soup kitchens are not to be considered
9 restaurants. So we -- it would have a social tone
10 to it, but we would have a specific definition of
11 the soup kitchen for any application that we
12 receive in the future.
13 And the last one is actually a social
14 service agency, which we also didn't have a
15 definition of. And what this does is provides
16 language in the text to show a clear definition of
17 what a social service agency is. And essentially,
18 it's to provide training and offering life
19 training skills, substance abuse counseling,
20 housing services, food banks, crisis centers,
21 community health centers, welfare agencies, job
22 centers, just essentially what it says it is,
23 something to help people. When they need it, they
24 would come to the social service agency to get
25 that help.

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1 see, but it goes all the way back here. There is
2 another section behind here as well. Just trying
3 to make sure I incorporate that.
4 MR. CARRON:
5 Jon, I can't hear you.
6 MR. LAMBERT:
7 Okay. Do you need me to repeat what I
8 said?
9 MR. CARRON:
10 Please.
11 MR. LAMBERT:
12 So where I started the sign, there's an
13 area -- where I zoomed in back here, there's a
14 whole 'nother section that he -- that's part of
15 the parcel back there as well, so I just tried to
16 make sure that I zoomed in on that to make sure it
17 was incorporated in the video.
18 This is looking back south towards the
19 Dollar General and Family Dollar just down there.
20 Of course, back north here. That's it.
21 CHAIRMAN WASHER:
22 All right. Thank you.
23 Is the applicant or their representative
24 here, please? Toxey Collins?
25 All right. Not here.

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1 request? Anyone speaking in favor. No one
2 speaking in favor.
3 Is there anyone speaking in opposition?
4 (No response.)
5 CHAIRMAN WASHER:
6 Anyone with any questions? If not, we
7 will consider that hearing closed.
8 MR. CREEL:
9 Okay. The staff has looked at it and we
10 would recommend approval.
11 MR. DELAHOUSEY:
12 Well, I guess -- it's kind of unusual to
13 proceed without a representative here, but given
14 the situation, like Mr. Creel said, it seems
15 pretty cut and dry, so I move to approve.
16 MR. KING:
17 Second.
18 CHAIRMAN WASHER:
19 Motion by Mr. Delahousey recommending
20 approval; seconded by Mr. King.
21 Any discussion?
22 If not, we'll ask that all those in
23 favor of approval, raise your hand, please.
24 Mr. Lechner, Mr. Parker, Mr. Todaro, Ms. Thompson,
25 Mr. Bogard, Mr. Dellenger, Mr. Poulos, Dr. Larry

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1 Mr. Creel said he can go ahead and
2 apprise us with what the request is.
3 MR. CREEL:
4 Okay. I'm not sure why Mr. Collins'
5 representative is not here. But essentially what
6 this is, if you'll look at the map, Mr. Collins
7 bought a mini storage warehouse operation on
8 Lorraine Road. The property was zoned NB, and he
9 would like to do RV and boat storage on the rear
10 of the property, which would require the RB
11 zoning.
12 If you will look at your map, you'll see
13 that Kayleigh Cove coming off of Woolmarket Road
14 is already zoned RB. So just south of this RER
15 property and just west of it is already zoned RB,
16 so this would basically be a continuation of a
17 zoning that already exists.
18 And the staff has looked at it and we
19 have no objection to it, but that's basically what
20 it is.
21 CHAIRMAN WASHER:
22 Any questions, members of the
23 Commission? No questions.
24 Is there anyone in the audience that
25 wants to speak in favor of the applicant's

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1 Drawdy, Mr. Carron, Mr. King, Mr. Snow,
2 Mr. Delahousey; myself, David Washer. We'll let
3 record show that's unanimous.
4 All right. Our next case is 23-057-PC,
5 A&M Properties, owner, Tim Murphy, applicant.
6 It's a request for an overlay zoning map
7 amendment, the approval of which would provide for
8 the establishment of a PD-I, planned
9 development-infill master plan, extending
10 authorization for a residential development to be
11 as known as The Cottages at Howard, which includes
12 a proposed five-lot residential development
13 situated on two unaddressed parcels fronting upon
14 Howard Avenue, Copp Street and Lee Street, being
15 Municipal Tax Parcel Numbers 1410J-05-042.000 and
16 1410J-05.044.00. This case was advertised on
17 June 15th, June 22nd and June 29th. Mr. Lambert.
18 MR. LAMBERT:
19 I was going to say this case and the
20 following case are the same, so it's all on the
21 same video.
22 This is Howard Avenue looking east
23 towards Keller right here, and, of course, south
24 towards the beach. And then looking west at Lee
25 Street here. And this is Copp Street right back