

Ordinance No. 2525

ORDINANCE TO APPROVE A ZONING MAP AMENDMENT, TO AUTHORIZE  
A CHANGE IN ZONING DISTRICT CLASSIFICATION FOR EIGHTEEN (18)  
PARCELS OF LAND, FROM THEIR PRESENT ZONING DISTRICT  
CLASSIFICATION OF I-INDUSTRIAL TO DT-DOWNTOWN

WHEREAS, on Thursday, August 3, 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. 23-063-PC, City of Biloxi, a request for a Zoning Map Amendment, for eighteen (18) parcels presently identified as 207 Elmer Street , 686 Esters Boulevard, 730 Esters Boulevard, 209 Main Street, 210 Main Street, 212 Main Street, 221 Main Street, 0 Lameuse Street, 208 Lameuse Street, 210 Lameuse Street, and 220 Lameuse Street, and seven (7) unaddressed parcels fronting to Elmer Street, Esters Boulevard, Lameuse Street and Main Street (re: Tax Parcel Nos. 1410F-02-065.000, 1410F-02-066.000, 1410F-02-067.000, 1410F-02-075.000, 1410F-02-076.000, 1410F-02-077.000, 1410F-02-078.000, 1410F-02-079.000, 1410F-02-080.000, 1410F-03-022.000, 1410F-03-023.000, 1410F-03-024.000, 1410F-03-061.000, 1410F-03-062.000, 1410F-03-062.001, 1410F-03-062.002, 1410F-03-062.003, 1410F-03-062.004); and

WHEREAS, the Planning Commission members were apprised of the particulars of this case, being made cognizant of the fact that City of Biloxi had submitted the request for Zoning Map Amendment, for eighteen (18) parcels presently identified as 207 Elmer Street , 686 Esters Boulevard, 730 Esters Boulevard, 209 Main Street, 210 Main Street, 212 Main Street, 221 Main Street, 0 Lameuse Street, 208 Lameuse Street, 210 Lameuse Street, and 220 Lameuse Street, and seven unaddressed parcels fronting to Elmer Street, Esters Boulevard, Lameuse Street and Main Street (re: Tax Parcel Nos. 1410F-02-065.000, 1410F-02-066.000, 1410F-02-067.000, 1410F-02-075.000, 1410F-02-076.000, 1410F-02-077.000, 1410F-02-078.000, 1410F-02-079.000, 1410F-

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02-080.000, 1410F-03-022.000, 1410F-03-023.000, 1410F-03-024.000, 1410F-03-061.000, 1410F-03-062.000, 1410F-03-062.001, 1410F-03-062.002, 1410F-03-062.003, 1410F-03-062.004); and

WHEREAS, August 3, 2023, the Biloxi Planning Commission, after hearing from a representative of 200 Lameuse Street (Tax parcel No. 1410F-03-062.000) which requested to be removed from this zoning change, voted (14-0), to recommend approval for this Zoning Map Amendment, excluding 200 Lameuse Street, to authorize a change in zoning district classification for seventeen (17) parcels of land from their present zoning district classifications of I-Industrial to DT-Downtown, and presently identified as 207 Elmer Street, 686 Esters Boulevard, 730 Esters Boulevard, 209 Main Street, 210 Main Street, 212 Main Street, 221 Main Street, 0 Lameuse Street, 208 Lameuse Street, 210 Lameuse Street, and 220 Lameuse Street, and six (6) unaddressed parcels fronting to Elmer Street, Esters Boulevard, Lameuse Street and Main Street, 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 properties as related in Case No. 23-063-PC, City of Biloxi, 207 Elmer Street, 686 Esters Boulevard, 730 Esters Boulevard, 209 Main Street, 210 Main Street, 212 Main Street, 221 Main Street, 208 Lameuse Street, 210 Lameuse Street, and 220 Lameuse Street, and seven unaddressed parcels fronting to Elmer Street, Esters Boulevard, Lameuse Street and Main Street.

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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 I-Industrial to DT-Downtown, for the properties identified as 207 Elmer Street , 686 Esters Boulevard, 730 Esters Boulevard, 209 Main Street, 210 Main Street, 212 Main Street, 221 Main Street, 208 Lameuse Street, 210 Lameuse Street, and 220 Lameuse Street, and seven unaddressed parcels fronting to Elmer Street, Esters Boulevard, Lameuse Street and Main Street (re: Tax Parcel Nos. 1410F-02-065.000, 1410F-02-066.000, 1410F-02-067.000, 1410F-02-075.000, 1410F-02-076.000, 1410F-02-077.000, 1410F-02-078.000, 1410F-02-079.000, 1410F-02-080.000, 1410F-03-022.000, 1410F-03-023.000, 1410F-03-024.000, 1410F-03-061.000, 1410F-03-062.001, 1410F-03-062.002, 1410F-03-062.003, 1410F-03-062.004), more fully described as follows:

Parcels of land situated in Section 28, Township 7, Range 9 West, Harrison County, Mississippi, and being more particularly described as follows: Beginning at an iron rod found at the Northeast corner of Lameuse Street and Esters Boulevard Right-of-way, also known as the southwest corner of Parcel 1410F-03-062.000 IN Section 28, Township 7, Range 9 West, Harrison County, Mississippi and said point being the Point of Beginning. Thence N 0°40'54" W, 313.91' to a point on the east right-of-way line of Lameuse Street; thence S 89°49'19" E, 432.82' to a point on the west right-of-way line of Main Street; thence S 48°29'41"E, 61.92' to a point on the east right-of-way line of Main Street also being known as the Northwest corner of Parcel 1410F-02-080.000; thence S 89°26'07' E, 75.09'; thence N 88°30'36" E, 47.94' to a point on the west right-of-way line of Elmer Street; thence S 0°59'05" E, 258.28' to a point being the northwest

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corner of Elmer Street and Esters Boulevard right-of-way; thence S 88°41'26" W, 603.06' back to the point of beginning. Less and except parcel 1410F-03-062.000, identified as 200 Lameuse Street, further described as land most nearly bounded by the following streets: to the North of and adjacent to Esters Boulevard; to the South of Division Street; to the West of and fronting to Elmer Street; and to the East of and fronting to Lameuse Street.

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

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

YEAS:	Lawrence	Deming	NAYS:	None
	Gines	Tisdale		
	Newman	Glavan		

ABSENT: Barrett-\*

(\*-Absent from the room during discussion and voting only)

The Vice-President then declared the Ordinance adopted this the 5<sup>th</sup> day of September, 2023.



ATTEST:

APPROVED:

  
CLERK OF THE COUNCIL

  
VICE-PRESIDENT OF THE COUNCIL

Submitted to and approved by the Mayor, this the 12<sup>th</sup> day of September, 2023.

APPROVED:

  
MAYOR

Scheduled for:  
August 3, 2023  
PC Meeting

City of Biloxi  
Case No. 23-063-PC  
**Zoning Map Amendment  
Industrial to Downtown**



**Planning Commission  
Case Fact Sheet**

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**Case No.:** 23-063-PC  
**Applicant/Owner:** City of Biloxi  
**Address of Property:** 18 properties along Esters Boulevard, Lameuse Street, and Main Street  
**Tax Parcel/Ward:** 1410F-02-065.000, 1410F-02-066.000, 1410F-02-067.000, 1410F-02-075.000, 1410F-02-076.000, 1410F-02-077.000, 1410F-02-078.000, 1410F-02-079.000, 1410F-02-080.000, 1410F-03-022.000, 1410F-03-023.000, 1410F-03-024.000, 1410F-03-061.000, 1410F-03-062.000, 1410F-03-062.001, 1410F-03-062.002, 1410F-03-062.003, 1410F-03-062.004  
Ward 2

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**Request:** Zoning Map Amendment  
**Purpose of Request:** An application for a **Zoning Map Amendment**, to authorize a change in zoning district classification for eighteen (18) parcels of land, from their present zoning district classification of **I-Industrial** to **DT-Downtown**.  
**Size of Property:** 4.09 acres (More or Less)  
**Present Zoning:** **I-Industrial**  
**Present Use:** Vacant land, Single Family Residential, & Commercial  
**Most Nearly Bounded By (streets):** To the North of and adjacent to Esters Boulevard; to the South of Division Street; to the West of and fronting upon Elmer Street; and to the East of Lameuse Street.

**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 consistent and in harmony with uses found upon adjacent or nearby properties, and represents the least zoning change needed to accommodate the community.

**Letters or Concerns stated:** The Planning Division Office has not received any letters or other written communications relative to this case, as of July 27, 2023.

**Comments/ Recommendations:** The City of Biloxi has requested a **Zoning Map Amendment**, to authorize a change in zoning district classification for eighteen (18) parcels of land, from their present zoning district classification of **I-Industrial** to **DT-Downtown**.

The administration has requested this **Map Amendment** to ensure the area is compatible with existing and proposed uses surrounding the subject land and to establish a logical and orderly development pattern, noting a change in the character of the neighborhood exist.

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;

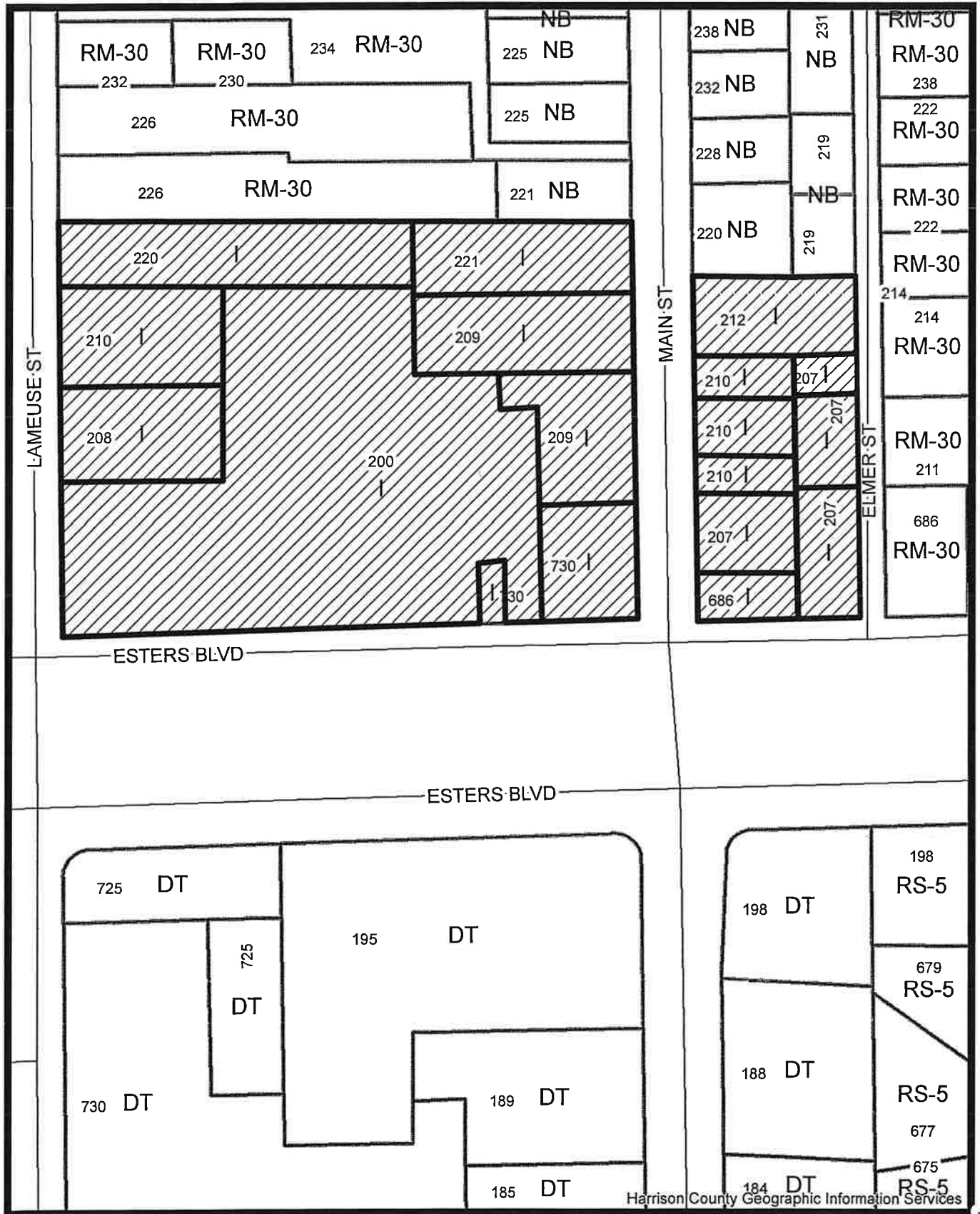
City of Biloxi  
Case No. 23-063-PC  
**Zoning Map Amendment**  
**Industrial to Downtown**

- 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 eighteen (18) parcels of land from their present zoning district classifications of **I-Industrial** to **DT-Downtown**, 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.

# Case No. 23-063-PC City of Biloxi Map Amendment- I to DT



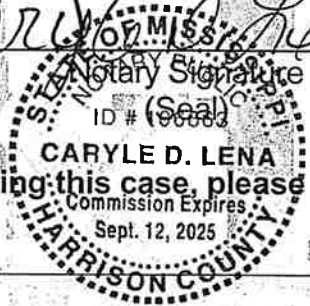


**GENERAL INFORMATION, READ BEFORE EXECUTING.** Attendance by the applicant(s) at the public hearing is mandatory; however, the applicant may designate a representative to attend the public hearing on his/her behalf, provided said representative has been properly designated to speak on the applicant's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

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

Jerry Creel 7/11/23

Caryle D. Lena



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

**NOTES:**

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**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:
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Shaded Areas for Staff Only	
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**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:	<u>I</u>	<u>DT</u>

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?	✓	
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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?	✓	
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Please explain:



# 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? 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:	✓	
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:	✓	
Site Plan attached: (please circle): Yes No	Case No. <input type="checkbox"/> <input type="checkbox"/> - <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> - <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	

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BILOXI PLANNING COMMISSION MEETING  
 AUGUST 3, 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.

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PLANNING COMMISSION MEMBERS PRESENT:

David Washer, Chairman  
 Ronnie Bogard  
 Kyle Carron  
 Steve Delahousey  
 Charlie Dellenger  
 Dr. Larry Drawdy  
 Joe King  
 Gary Lechner  
 Debora Magee  
 August Parker  
 Jimmy Poulos  
 John Snow  
 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 Glavan, Councilman Ward 6

Tere Steele, 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:  
 (None)    --

NEW PUBLIC HEARING(S):  
 23-062-PC (withdrawn by applicant)                      --  
 23-063-PC    5

TREE HEARING(S):  
 (None)    --

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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. Magee, Ms. Thompson, Mr. Bogard, Mr. Dellenger, Mr. Poulos, Dr. Drawdy, Mr. Carron, Mr. King, Mr. Snow, Mr. Delahousey; myself, David Washer. To my right is Jerry Creel, Director of Community Development; Felicia Serpas, Senior Planner; Caryle Lena, Planner. At the table in the front there is Jon Lambert, Inspector, and next to him is Melissa Rodolfich, our court reporter today.  
 In the audience, let me recognize today Dr. Paul Tisdale, Councilman Ward 5; Kenny Glavan, Councilman Ward 6, and City of Biloxi attorney, they represent the City of Biloxi today, Tere Steele, with Page, Mannino and Peresich.  
 Mr. Delahousey, if you would, open the meeting with a moment of prayer.  
 (Moment of prayer.)  
 CHAIRMAN WASHER:  
 Mr. Snow, the pledge, please, sir.  
 (Pledge of allegiance.)  
 CHAIRMAN WASHER:

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We would like to welcome everyone here with us today. We would ask that anyone that desires to speak, if you would, come to the podium, give us your name and address for the record and also please sign in at the pad provided.  
 Just as a matter of information, the first case that was advertised, Brodie Wells, LLC, that case has been withdrawn. So if you're here in regard to that, we will not hear anything on that today.  
 Ask if all members of the Commission received a copy of the minutes from the 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:

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1 Any opposed?  
2 (None opposed.)  
3 CHAIRMAN WASHER:  
4 Thank you.  
5 Mr. Creel, committee reports.  
6 MR. CREEL:  
7 Yes, sir. Mr. Chairman and members of  
8 the Commission, over the past two weeks, the  
9 department has issued 130 building permits. We  
10 had a total construction valuation of  
11 \$1.8 million. We have collected \$16,000 in permit  
12 fees. We issued 17 COs, three of those were for  
13 short-term rental. And of those permits, there  
14 were permits issued for seven new single-family  
15 houses.  
16 CHAIRMAN WASHER:  
17 Thank you. We have no continued public  
18 hearings today.  
19 New public hearing, Case Number 23-063,  
20 City of Biloxi. This is a request to authorize a  
21 change in zoning district classification for 18  
22 parcels of land from their present zoning district  
23 classification of I, Industrial, to DT, Downtown,  
24 situated to the north of and adjacent to Esters  
25 Boulevard, to the south of Division Street, to the

7  
1 Elmer towards Murray Street. This is one of the  
2 lots I stopped at to do a 360 around. I'm just  
3 going to loop up past Murray Street to go back  
4 over to Main if I can get there. This is one of  
5 the lots on Main Street I stopped at just north of  
6 the tracks. Here's the tracks at Main right  
7 there.  
8 That's about it for that video.  
9 Hopefully the next one won't have any issues.  
10 This is one of lots down on Lameuse.  
11 Looking north towards Division Street and looking  
12 back south towards Esters, and the intersection of  
13 Lameuse and Esters here. And that's just to try  
14 to get a shot of where I was down on Main Street.  
15 You've got the Public Works building right there  
16 looking back towards the west and back north down  
17 Lameuse.  
18 I'm sorry.  
19 CHAIRMAN WASHER:  
20 I'm going to ask Mr. Creel to kind of  
21 bring us up to date about why this application is  
22 before us today.  
23 MR. CREEL:  
24 Okay. If you've been in this area  
25 recently, you probably noticed that the City and

6  
1 west of and fronting upon Elmer Street and to the  
2 east of Lameuse Street. This case was advertised  
3 on July 13th, July 20th and July 27th.  
4 This is another one, too, we have got  
5 a -- we have got a letter from one of the larger  
6 parcels that was advertised requesting that they  
7 be excluded. This is from Saucier Roofing  
8 building, the old Barq's Root Beer building, their  
9 representative.  
10 On behalf on the owner, we formally  
11 request that the parcel be removed from the  
12 proposed amendment, so we're going to go ahead and  
13 do that and proceed with the remaining parcels  
14 that was advertised.  
15 View the video on that, Jon.  
16 MR. LAMBERT:  
17 Yes, sir. I have two of them actually.  
18 I'm standing at the corner of -- well,  
19 it's buffering. I'm sorry. I'm standing at the  
20 corner of Elmer and Esters. I'm not really sure  
21 why it's -- I'm sorry. I guess I will just run  
22 through it like this. I'm sorry. I am not really  
23 sure what the issue is, why it's not playing  
24 smoothly.  
25 This is going northbound towards -- down

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1 the railroad are in the process of repairing the  
2 Main Street crossover where you have the dropoff  
3 and, you know, it's a more gradual transition now.  
4 I had one of the property owners come in  
5 and meet with me and said that even though that's  
6 a great thing what we're doing, that it's  
7 basically rendered his property undevelopable  
8 because his access came in off of Main Street.  
9 And now that the ramp had extended further to the  
10 north, that he didn't have the means of getting  
11 access to his property.  
12 So that opened the door for us to take a  
13 look at the properties around there. This  
14 property is zoned industrial. All the ones that  
15 are highlighted in bold boundaries there are zoned  
16 industrial, and on most of them, even if you  
17 applied the setback requirements for industrial  
18 zoning, which is 40 feet from the front, 20 feet  
19 from the side, it would make a lot of those  
20 properties undevelopable. And the vision that we  
21 have for that property north of the railroad  
22 tracks is that it not redevelop as industrial.  
23 That opens the door for a lot of things that we  
24 really don't want to see happen there.  
25 So in looking at it, you know, the

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1 property south of the railroad track is zoned  
2 Downtown, which doesn't require setback  
3 requirements and exempts parking and some of those  
4 other things, which would open the door for some  
5 of those properties to actually be buildable and  
6 developable. We envision this being a good use.  
7 Anything built on the property would  
8 still have to meet fire and building code  
9 construction requirements. In other words, the  
10 closer to the property line you get with the  
11 building, the more fire resistant that wall on  
12 that side has to be. So all of those would still  
13 apply. All the life safety issues would still  
14 apply, but it would open the door for that  
15 property to be used for other means other than  
16 industrial.  
17 Now, as Mr. Washer mentioned, the large  
18 piece of property there, which is the Saucier  
19 piece of property, Saucier Roofing -- Saucier  
20 (So-see-ay) Roofing, however you pronounce it --  
21 has asked to opt out.  
22 And anytime that we advertise a large  
23 rezoning area, the owners always have the  
24 opportunity to opt out, so we would request that  
25 they be allowed to opt out of this. And we may

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1 that would redevelop as industrial property on  
2 that side of the road where you get uses that are  
3 not compatible with the residential zoning? And  
4 the property just north of this is neighborhood  
5 business. So what this would do is eliminate the  
6 industrial uses on the property and open the door  
7 for Downtown, and there are a number of uses in  
8 Downtown zoning that would seem appropriate for  
9 this area.  
10 MR. DELLENGER:  
11 I mean, like, say -- like you're saying,  
12 it butts up to Neighborhood Business. So could  
13 somebody do something similar to what you could do  
14 in Neighborhood Business with the Downtown zoning?  
15 MR. CREEL:  
16 Yes. There are several businesses.  
17 Neighborhood Business and Downtown zoning have  
18 very similar businesses in both of them, not  
19 exact, but very similar.  
20 MR. DELLENGER:  
21 So why not look at doing Neighborhood  
22 Business instead of Downtown?  
23 MR. CREEL:  
24 Because you essentially would be looking  
25 at some of the same things like setback

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1 hear from other property owners here today that  
2 would like to opt out as well.  
3 But our purpose in requesting this is  
4 that the property would be rezoned to a zone  
5 district that would make the property more useable  
6 and more developable, and that's the purpose  
7 behind this request.  
8 CHAIRMAN WASHER:  
9 Thank you. Any questions from the  
10 members of the Commission?  
11 MR. DELLENGER:  
12 Have we heard from anybody else in the  
13 reference to like Saucier Brothers property?  
14 MR. CREEL:  
15 The only one I'm aware of is the Saucier  
16 Brothers.  
17 MR. DELLENGER:  
18 Does moving this to Downtown limit them  
19 in any way that they can develop their property,  
20 as far as not being able to do certain things?  
21 MR. CREEL:  
22 Well, it would essentially remove any  
23 uses that would require industrial zoning, which  
24 is part of the purpose behind it. I mean, it's --  
25 you know, is it Planning Commission's vision that

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1 requirements and those kind of things that might  
2 still make the property unuseful.  
3 MR. DELAHOUSEY:  
4 Jerry, how many homes are located on  
5 those parcels that are referenced here? Do you  
6 know?  
7 MR. CREEL:  
8 I think only a handful on the property  
9 that's on the east side.  
10 MS. LENA:  
11 I think there is five or six.  
12 MR. DELAHOUSEY:  
13 Other than their ability to use the  
14 property for other uses and the setback variance,  
15 is there any other impact that it would have on  
16 existing homeowners?  
17 MR. CREEL:  
18 No, sir. They would still be allowed to  
19 build houses on those lots. They just wouldn't  
20 have to meet the rigid setback requirements, you  
21 know, for those.  
22 But, you know, if you look at the map,  
23 none of the property on that north side is zoned  
24 single-family residential. It's either zoned  
25 RM-30 or NB, other than the Industrial that we're

13

1 talking about today.

2 Now, we're not addressing anything today

3 west of Lameuse Street. What we thought we would

4 do is start off with this small section here, see

5 what kind of a response we got to it. And then if

6 someone did come in and say that they wanted their

7 property to be included, we would advertise that.

8 But a lot of the uses when you go west

9 of Lameuse Street, some of those are still being

10 used for industrial purposes. They're still some

11 plants and factories.

12 MR. DELLENGER:

13 Does Downtown allow for short-term

14 rental as a conditional use?

15 MR. CREEL:

16 It allows it as a use by right, but if

17 they did come in to do short-term rental, they

18 would have to meet the parking requirements. If

19 they didn't meet the parking, one for each

20 bedroom, then they would not be allowed to do

21 short-term rental.

22 MR. DELLENGER:

23 So the Downtown for that would not come

24 in play where, you know, you're not required for

25 parking, then, because Downtown you're not

15

1 case they're approached by a potential buyer.

2 MS. MAGEE:

3 Okay.

4 CHAIRMAN WASHER:

5 We're going to go ahead and open the

6 floor for anyone that would like to come and speak

7 in favor of the request.

8 Anyone speaking in favor?

9 Yes, sir.

10 MR. PITTMAN:

11 My name is Gregory Pittman.

12 And the piece of property that Jerry was

13 speaking of, I own that piece of property on the

14 corner. And I was in the process of opening up a

15 little fried chicken restaurant-type deal, maybe a

16 little carry-out, but when they put the wall in

17 there, I'm not able to do that because of the

18 requirement and setbacks.

19 But if they change it to Downtown, I

20 will be able to have a little walk-up stand, you

21 know, open up a business, you know, maybe even

22 bring a few jobs to the neighborhood, you know.

23 Because Biloxi is one of the main cities on the

24 coast and everybody wants to be in Biloxi.

25 CHAIRMAN WASHER:

14

1 required for parking?

2 MR. CREEL:

3 Well, many of these lots don't have

4 parking now. Of course, in East Biloxi, you've

5 got properties they don't have enough room for

6 parking. People parking on the street or in the

7 alley behind, you know.

8 MR. DELLENGER:

9 So I guess I'm asking, with it being

10 zoned Downtown, there is no parking requirements?

11 MR. CREEL:

12 No parking requirements unless they ask

13 for short-term rental, and then the parking

14 requirements will kick in.

15 CHAIRMAN WASHER:

16 Any other questions, members of the

17 Commission?

18 MS. MAGEE:

19 What does that mean that they're pulling

20 out the parcel? They just don't want to have

21 anything to do with it or what's --

22 MR. CREEL:

23 I think that they're just not sure what

24 they're going to use the property for right now

25 and want to leave the door open for options in

16

1 All right. Thank you very much, sir.

2 MR. PITTMAN:

3 Thank you.

4 MR. TODARO:

5 Is he right there?

6 MS. MAGEE:

7 It's right there on that corner.

8 Are you on that corner?

9 MR. PITTMAN:

10 Yes, ma'am. Esters and Main.

11 MR. TODARO:

12 On the corner of Main and the railroad

13 track?

14 MS. MAGEE:

15 Right here.

16 MR. PITTMAN:

17 Yes, sir. So when they built the wall,

18 it just --

19 MR. TODARO:

20 I got ya.

21 MR. PITTMAN:

22 And then they want to put some barriers

23 on top of the wall.

24 MS. MAGEE:

25 Don't have access?

17

1 MR. PITTMAN:  
 2 Yes.  
 3 CHAIRMAN WASHER:  
 4 Anyone else want to speak in favor of  
 5 the proposed change? No one speaking in favor.  
 6 Is there anyone speaking in opposition?  
 7 MR. HARRIS:  
 8 Chairman and Director, my name is Adam  
 9 Harris. I represent the owner of the Saucier  
 10 Roofing building, and we have made an application  
 11 and a request that we be carved out and excepted  
 12 from the zoning change that would otherwise affect  
 13 those other buildings.  
 14 If you see, if you look at the map, that  
 15 building is a 42,000-square-foot building. That's  
 16 a warehouse. It's an old warehouse. It's wide  
 17 open. Its uses are rather limited. The owners  
 18 have big plans, big hopes. We're going to be  
 19 great neighbors, but certain restrictions, if  
 20 changed to Downtown, could render it essentially  
 21 unusable in an instant.  
 22 And so what we're asking for is it to be  
 23 kept out and excluded from the board -- or from  
 24 the Commission's recommendation to the City.  
 25 CHAIRMAN WASHER:

19

1 those of you who might be concerned -- and we get  
 2 this question all the time. The question is, if  
 3 the property is rezoned, will my taxes go up? No.  
 4 The taxes are based on the use of the property,  
 5 not on the zoning of the property. So if that's  
 6 your concern, your taxes will not go up just  
 7 because the zoning designation on the property  
 8 changes.  
 9 CHAIRMAN WASHER:  
 10 Again, anyone else to speak in  
 11 opposition?  
 12 (No response.)  
 13 CHAIRMAN WASHER:  
 14 Anyone with any questions?  
 15 DR. DRAWDY:  
 16 David, I have one question.  
 17 CHAIRMAN WASHER:  
 18 Yes.  
 19 DR. DRAWDY:  
 20 In the event that we approve this  
 21 request, could they come back later on -- could  
 22 this come back later on and rezone it again for  
 23 something else later?  
 24 MR. CREEL:  
 25 The owner always has the right to come

18

1 Thank you, Mr. Harris.  
 2 MR. DELAHSOUSEY:  
 3 I have a question. So assuming that we  
 4 accept your client's request and carve out that  
 5 piece, would your client have any objection to  
 6 surrounding properties being zoned for Downtown?  
 7 MR. HARRIS:  
 8 We have no objection to the measure  
 9 otherwise being recommended. The only objection  
 10 we have is the limited carve-out for our single  
 11 parcel.  
 12 MR. DELAHOUSEY:  
 13 I understand.  
 14 MR. DELLENGER:  
 15 So is it a single parcel or is it the  
 16 little square in there?  
 17 MR. HARRIS:  
 18 I had to double-check. That is not part  
 19 of our parcel. That's a separate, wholly-owned  
 20 parcel.  
 21 MR. CREEL:  
 22 That's a textbook case for Downtown  
 23 zoning, that little parcel down there on the  
 24 bottom.  
 25 But what I was going to say is, for

20

1 in and ask for their zoning to be changed. So if  
 2 someone comes in and they're not happy with the  
 3 Downtown zoning and they want to rezone it, they  
 4 could make application for it, yes, sir.  
 5 CHAIRMAN WASHER:  
 6 If there's nothing else to come before  
 7 us on that case, we're going to go ahead and close  
 8 that case.  
 9 Jerry, you already made your comments on  
 10 the thing unless someone on the board has any  
 11 questions they want to ask Jerry. If not, we'll  
 12 open the floor for any further discussion or a  
 13 motion.  
 14 MR. TODARO:  
 15 I move that we approve the  
 16 recommendation with the carve-out as recommended.  
 17 MS. MAGEE:  
 18 I second.  
 19 CHAIRMAN WASHER:  
 20 Motion by Mr. Todaro recommending  
 21 approval, with the exception of the Saucier  
 22 property, and seconded by Ms. Magee.  
 23 Did you have something, Ms. Thompson?  
 24 MS. THOMPSON:  
 25 No. I'm making sure you say the right



1 name. 21  
2 CHAIRMAN WASHER:  
3 All right. I'm getting better.  
4 We're going to ask that all those in  
5 favor of approval, raise your hand, please.  
6 Mr. Lechner, Mr. Parker, Mr. Todaro, Ms. Magee,  
7 Ms. Thompson, Mr. Bogard, Mr. Dellenger,  
8 Mr. Poulos, Dr. Drawdy, Mr. Carron, Mr. King,  
9 Mr. Snow, Mr. Delahousey; myself, David Washer.  
10 Let the record show that's unanimous.  
11 That's all the cases today.  
12 Tree Hearings, none.  
13 City Council action? We had several of  
14 them to be voted on the 1st, I believe, were they  
15 not?  
16 MR. CREEL:  
17 Yes, sir. The text amendment for soup  
18 kitchens that added definitions for soup kitchens  
19 in multi-family residential, public service  
20 agencies that got tabled for 30 days.  
21 The zoning change request for  
22 Mr. Collins' property at 13041<sup>1</sup> Lorraine Road to  
23 allow for boat and RV storage as part of the  
24 existing mini-storage warehouse, that was  
25 approved.

1 the Planning Commission, we stand adjourned. 23  
2 (Adjourned at 2:23 p.m.)  
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1 The PDI for the corner of Howard Avenue 22  
2 and Lee was approved by the City Council. And I  
3 understand the -- right before the meeting, the  
4 owner came in and met with me. He has acquired 60  
5 feet of property, and he is going to be coming  
6 back for an amendment to that PDI just to add some  
7 extra units and some breathing room there. And  
8 also the plat for that property was actually  
9 approved, but we'll be revisiting that and coming  
10 back to Planning Commission and Council.  
11 CHAIRMAN WASHER:  
12 Thank you.  
13 Any old business to come before us  
14 today?  
15 (No response.)  
16 CHAIRMAN WASHER:  
17 Any new business?  
18 (No response.)  
19 CHAIRMAN WASHER:  
20 We'll open the floor for any citizens'  
21 comments. Anyone have anything they want to  
22 mention to us? No citizens' comments.  
23 Next meeting will be here on August 17th  
24 at 2:00.  
25 If there's nothing else to come before

1 **CERTIFICATE OF COURT REPORTER** 24  
2 I, MELISSA BURDINE-RODOLFICH, Court Reporter  
3 and Notary Public, in and for the County of  
4 Harrison, State of Mississippi, hereby certify that  
5 the foregoing pages, and including this page,  
6 contain a true and correct copy of my stenotype  
7 notes and/or electronic tape recording of the  
8 testimony of the witness, as taken by me at the  
9 time and place heretofore stated, to the best of my  
10 skill and ability.  
11 I further certify that I am not in the employ  
12 of, or related to, any counsel or party in this  
13 matter, and have no interest, monetary or  
14 otherwise, in the final outcome of the proceedings.  
15 Witness my signature and seal, this the  
16 \_\_\_\_\_ day of \_\_\_\_\_, 2023.  
17  
18 \_\_\_\_\_  
19  
20 Melissa Burdine-Rodolfich  
21 My Commission Expires 4/28/24  
22  
23  
24  
25