

Ordinance No. 2526

ORDINANCE TO GRANT A ZONING MAP AMENDMENT, THE APPROVAL OF WHICH WOULD PROVIDE FOR THE ESTABLISHMENT OF A PD-C: PLANNED DEVELOPMENT COMMERCIAL MASTER PLAN – EXTENDING AUTHORIZATION FOR A RESIDENTIAL DEVELOPMENT TO BE KNOWN AS THE CURRENT AND IDENTIFIED AS 2068 BEACH BOULEVARD

WHEREAS, the Biloxi Planning Commission conducted a public hearing on August 17, 2023, to hear the application of The Thrash Group LLC (owner) and Tracey Ross (applicant), Case No. 23-067-PC, to consider an application for a Zoning Map Amendment, the approval of which would provide for the establishment of a PD-C: Planned Development – Commercial Master Plan – extending authorization for a residential development to be known as The Current, for a parcel of land presently zoned CB Community Business, and identified as 2068 Beach Boulevard; and

WHEREAS, the Planning Commission members were apprised of the particulars of this case, being made cognizant of the fact that the PD-C: Planned Development – Commercial Master Plan allows the owners to construct a little closer to property lines than normally allowed for the construction of one-hundred forty-four (144) apartments within twelve (12) 3-story buildings, a clubhouse, office, and pool; and

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

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WHEREAS, on August 17, 2023, the Biloxi Planning Commission, upon conducting this public hearing, and after careful reflection of the particulars of this case, voted (12-0) to recommend approval for this Zoning Map Amendment, the approval of which would provide for the establishment of a PD-C: Planned Development – Commercial Master Plan – extending authorization for the construction of one-hundred forty-four (144) apartments within twelve (12) 3-story buildings, a clubhouse, office, and pool, under the working title: The Current, and identified as 2068 Beach Boulevard (re: Tax Parcel No. 1210L-02-050.000), having determined that the PD-C: Planned Development – Commercial Master Plan requested would provide needed residential dwellings within this area of Biloxi, noting further that the proposed residential uses requested within this Master Plan are consistent with uses previously of notice in this section of Biloxi; and

WHEREAS, the Biloxi City Council, after consideration of all facts presented, hereby adopts the report and findings of the Biloxi Planning Commission, and in so doing, determines that approval of this PD-C: Planned Development – Commercial Master Plan, as submitted, is appropriate for the property presently identified as 2068 Beach Boulevard, having concurred that an established community need for this PD-C Master Plan and the use proposed are appropriate for this location.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BILOXI, MISSISSIPPI, THAT AS PER THE FINDINGS OF THE PLANNING COMMISSION, AND BASED UPON THOSE DETERMINATIONS, THAT THE FOLLOWING SHALL BE AUTHORIZED:

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SECTION ONE: That the boundaries of the Geographical Information System Format Zoning District Map of the City of Biloxi, Mississippi, as amended, are hereby further amended by adding the overlay PD-C: Planned Development – Commercial Master Plan, identified as 2068 Beach Boulevard (re: Tax Parcel No. 1210L-02-050.000); and described as follows:

A parcel of land situated and being located in a part of U.S. lots 2 and 3 and in part of lot 13, L.A. Frederick survey, fractional section 35, township 7 south, range 10 west, city of Biloxi, second judicial district, Harrison County, Mississippi and being more particularly described as follows, to-wit:

Beginning at the northwest corner of lot 13, L.A. Frederick survey; thence run from said point of beginning, n 89°33'32" w 275.00 feet along the south line of Greater Biloxi Subdivision to the northeast corner of Southern Memorial Park (plat book 9, pages 21-28); thence run s 00°24'00" w 1142.76 feet along the east line of southern memorial park to a point on a curve concave to the north having a radius of 2062.76 feet; thence run easterly 112.97 feet along said curve and through an angle of 03°08'16" to a point being n 85°28'26" e 112.95 feet from the aforementioned point and on a curve concave to the north having a radius of 3685.36 feet; thence run easterly 284.26 feet along said curve and through an angle of 04°25'10" to a point being n 81°41'43" e 284.19 feet from the aforementioned point; thence run s 00°24'00" w 25.46 feet to the northerly right-of-way of U.S. Highway 90 and a curve concave to the north having a radius of 3710.36 feet; thence run easterly 10.18 feet along the northerly right-of-way of U.S. highway 90 and said curve through an angle of 00°09'26" to a point being n 79°28'53" e 10.18 feet from the aforementioned point and on the east line of the East 128.45 feet of said lot 13; thence run n 00°24'00" e 229.90 feet along the east line of the west 128.45 feet of said lot 13; thence run n 89°36'00" w 18.45 feet to the east line of the west 110.00 feet of said lot 13; thence run n 00°24'00" e 883.40 feet along the east line of the west 110.00 feet of said lot 13 to the north line of said lot 13 and the south line of Greater Biloxi Subdivision; thence run n 89°33'32" w 110.00 feet along the north line of said lot 13 and the south line of Greater Biloxi Subdivision the point of beginning, parcel contains 10.00 acres.

Less except the following property, which is the site of phase 1 of the Ocean Club-Baymont Tower

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A parcel of land situated and being located in a part of U.S. lots 2 and 3 and in part of lot 13, L.A. Frederick survey, fractional section 35, township 7 south, range 10 west, city of Biloxi, second judicial district, Harrison County, Mississippi and being more particularly described as follows, to wit:

Commencing at the northwest corner of lot 13, L.A. Frederick survey; thence run s 89°33'32" e 110.00 feet along the north line of said lot 13 and the south line of Greater Biloxi Subdivision; thence run s 00°24'00" w 833.64 feet along the east line of property formerly of president Broadwater Hotel, LLC; thence run n 89°36'02" w 4.77 feet to the point of beginning of the parcel herein described; thence run from said point of beginning the following course and distances: s 00°23'58" w 36.82 feet; s 89°36'02" e 5.95 feet; s 00°23'58" w 174.44 feet; s 61°59'22" e 0.73 feet; s 00°23'58" w 0.67 feet; n 89°36'02" w 89.46 feet; s 00°23'58" w 8.66 feet; n 89°36'02" w 19.67 feet; n 00°23'58" e 8.66 feet; n 89°36'02" w 8.29 feet; n 00°23'58" e 169.50 feet; s 89°36'02" e 46.82 feet; n 00°23'58" e 42.76 feet; s 89°36'02" e 64.00 feet to the point of beginning. Containing 22,735 square feet or 0.52 acres,

Legal description: easement area, but only to the extent such easements described below affect parcel 1 or parcel 2.

A parcel of land situated and being located in a part of U.S. lots 2 and 3 and part of lot 13, L.A. Frederick survey, fractional section 35, township 7 south, range 10 west, city of Biloxi, Second Judicial District, Harrison County, Mississippi and being more particularly described as follows, to-wit:

Commencing at the northwest corner of lot 13, L.A. Frederick survey; thence run n 89°33'32" w 275.00 feet along the south line of Greater Biloxi Subdivision to the northeast corner of southern memorial park (plat book 9, pages 21-28); thence run s 00°24'00" w 1142.76 feet along the east line of said southern memorial park to the point of beginning of the parcel herein described, said point being on a curve concave to the north having a radius of 2062.76 feet; thence run easterly 112.97 feet along said curve and through an angle of 03°08'16" to a point being n 85°28'26" e 112.95 feet from the aforementioned point and on a curve concave to the north having a radius of 3685.36 feet; thence run easterly 284.26 feet along said curve and through an angle of 04°25'10" to a point being n 81°41'43" e 284.19 feet from the aforementioned point; thence run s 00°24'00" w 25.46 feet to the northerly right-of-way of U.S. highway 90 and a curve concave to the north having a radius of 3710.36 feet; thence run westerly 281.37 feet along the northerly right-of-way of U.S. highway 90 and said curve through an angle of 04°20'42" to a point being s 81°43'57" w 281.30 feet from the aforementioned point and

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a curve concave to the north having a radius of 2087.76 feet; thence run westerly 115.80 feet along the northerly right-of-way of U.S. highway 90 and said curve through an angle of 03°10'41" to a point being s 852938 w 115.79 feet from the aforementioned point, said point being the southeast corner of southern memorial park; thence run n 002400 e 25.04 feet along the east line of southern memorial park to the point of beginning, parcel contains 0.23 acres.

Legal description: right of passage easement

A parcel of land situated, and being located in a part of U.S. lots 2 and 3 and in part of lot 13, L.A. Frederick survey, fractional section 35, township 7 south, range 10 west, city of Biloxi, Second Judicial District, Harrison County, Mississippi and being more particularly described as follows, to-wit:

Commencing at the northwest corner of lot 13, L.A. Frederick survey; thence run s 89°33'32" e 110.00 feet along the north line of said lot 13 and the south line of Greater Biloxi Subdivision to the east line of the west 110.00 feet of said lot 13, thence run s 00°24'00" w 79.26 feet along the east line of the west 110.00 feet of said lot 13 to the point of beginning of the parcel herein described; thence continue from said point of beginning, s 00°24'00" w 24.00 feet along the east line of the west 110.00 feet of said lot 13; thence run n 89°36'02" w 15.96 feet to a point on a curve concave to the southeast having a radius of 7.50 feet; thence run southwesterly 11.78 feet along said curve through an angle of 89°59'44" to a point being s 45°24'06" w 10.61 feet from the aforementioned point; thence run s 00°24'14" w 610.63 feet to a point on a curve concave to the west having a radius of 101.50 feet; thence run southerly 21.43 feet along said curve and through an angle of 12°05'42" to a point being s 06°27'05" w 21.39 feet from the aforementioned point, said point being on a curve concave to the northeast having a radius of 5.00 feet; thence run southeasterly 8.91 feet along said curve and through an angle of 102°03'08" to a point being south 38°31'37" e 7.77 feet from the aforementioned point; thence run s 89°33'11" seconds east 20.87 feet to the east line of the west 110.00 feet of said lot 13; thence run s 00°24'00" w 24.00 feet along the east line of the west 110.00 feet of said lot 13; thence run n 89°33'11" w 29.20 feet to a point on a curve concave to the southeast having a radius of 15.00 feet; thence run southwesterly 14.49 feet along said curve through an angle of 55°21'00" to a point being s 62°46'19" w 13.93 feet from the aforementioned point, said point being on a curve concave to the northwest having a radius of 101.50 feet; thence run southwesterly 32.04 feet along said curve through an angle of 15°06'27" to a point being s 42°04'38" w 31.94 feet from the aforementioned point, said point being on a curve concave to the southeast having a

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radius of 49.50 feet; thence run southwesterly 25.30 feet along said curve through an angle of 29°17'20" to a point being s 19°52'44" w 25.03 feet from the aforementioned point, said point being on a curve concave to the east having a radius of 538.18 feet; thence run southerly 146.87 feet along said curve through an angle of 15°38'09" to a point being s 02°35'00" east 146.41 feet from the aforementioned point; thence run s 09°08'22" e 70.92 feet to a point on a curve concave to the north having a radius of 3685.36 feet; thence run westerly 35.00 feet along said curve through an angle of 00°32'39" to a point being s 81°44'09" w 35.00 feet from the aforementioned point; thence run n 09°08'22" w 69.22 feet to a point on a curve concave to the west having a radius of 224.50 feet; thence run northerly 32.67 feet along said curve through an angle of 08°20'19" to a point being n 13°18'32" w 32.64 feet from the aforementioned point, said point being on a curve concave to the east having a radius of 138.23 feet; thence run northerly 32.42 feet along said curve through an angle of 13°26'10" to a point being n 10°45'36" w 32.34 feet from the aforementioned point, said point being on a curve concave to the east having a radius of 687.55 feet; thence run northerly 13.47 feet along said curve through an angle of 01°07'21" to a point being n 02°03'03" w 13.47 feet from the aforementioned point; thence run n 00°58'18" e 46.86 feet to a point on a curve concave to the southeast having a radius of 173.87 feet; thence run northeasterly 107.91 feet along said curve through an angle of 35°33'18" to a point being n 28°07'25" e 106.19 feet from the aforementioned point; thence run n 44°37'03" e 80.38 feet to a point on a curve concave to the northwest having a radius of 74.50 feet; thence run northeasterly 57.49 feet along said curve through an angle of 44°12'49" to a point being n 22°30'38" e 56.07 feet from the aforementioned point; thence run n 00°24'14" e 642.13 feet; thence run s 89°36'02" e 50.45 feet to the point of beginning'

and further described as land most nearly bounded by the following streets: to the North of and fronting to Beach Boulevard; South of Southern Avenue; East of Sadler Beach Drive; and West of Camelia 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 Newman, 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 12th day of September, 2023.



ATTEST:

APPROVED:



CLERK OF THE COUNCIL



PRESIDENT OF THE COUNCIL

Submitted to and approved by the Mayor, this the 14th day of September, 2023.

APPROVED:



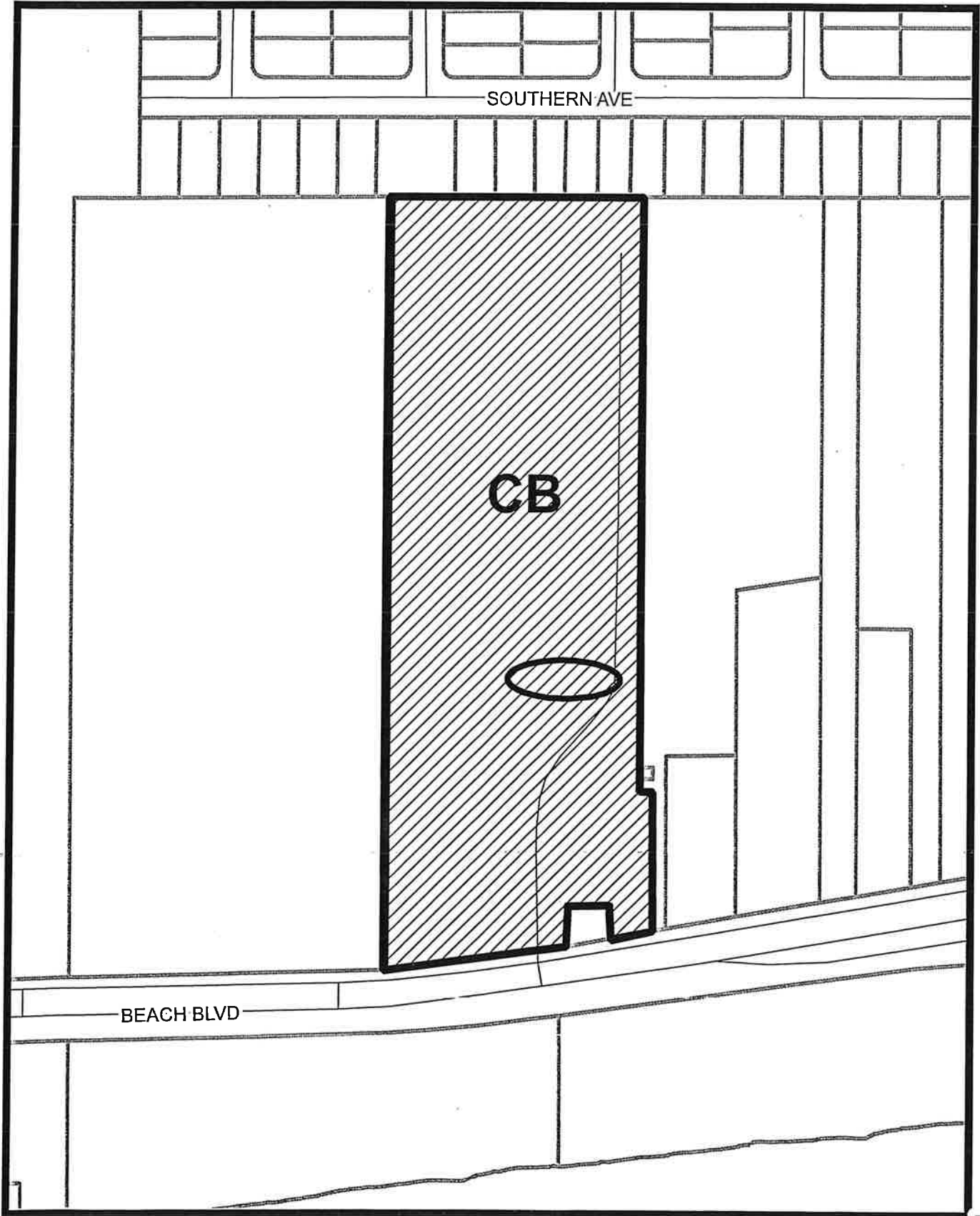
MAYOR

Case No. 23-067-PC

The Thrash Group (owners) Tracey Ross (applicant)

2068 Beach Boulevard

Map Amendment - CB to PD-C



Scheduled for:
August 17, 2023
PC Meeting

The Thrash Group LLC (owner)
Tracey Ross (applicant)
Case No. **23-067-PC**
Zoning Map Amendment Overlay District
PD-C -Planned Development Commercial



**Planning Commission
Case Fact Sheet**

Case No.:	23-067-PC
Name of Owner/ applicant:	The Thrash Group LLC (owner) Tracey Ross (applicant)
Address of Property:	2068 Beach Boulevard
Tax Parcels/Ward:	1210L-02-050.000/Ward 3

Request: **Zoning Map Amendment**

Purpose of Request: To consider a request for an **Overlay Zoning Map Amendment** the approval of which would provide for the establishment of a **PD-C Planned Development – Commercial Master Plan** – extending authorization for the construction of one-hundred forty-four (144) apartments within twelve (12) 3-story buildings, a clubhouse, office, and pool, under the working title: The Current, and identified as 2068 Beach Boulevard (re: Tax Parcel No. 1210L-02-050.000).

Size of Property: 8.55 acres (More or Less)

Present Zoning: **CB Community Business**

Flood Zones: SX, AE-18, AE-19, VE-20

Present Use: Vacant Land

Most Nearly Bounded By (streets): To the North of and fronting to Beach Boulevard; South of Southern Avenue; East of Sadler Beach Drive; and West of Camelia Street

Adverse Influences: None apparent

Positive Influences: This Master Plan, if approved, would allow the applicant to construct one-hundred forty-four (144) apartments within twelve (12) 3-story buildings, a clubhouse, an office, and a pool to create luxury apartments on vacant land.

Letters or Concerns stated: The Planning Division Office has not received any letters or other written communications relative to this case, as of August 11, 2023.

Comments/ Recommendations: The Thrash Group, LLC (owner) and Tracey Ross (applicant) have requested an **Overlay Zoning Map Amendment** the approval of which would provide for the establishment of a **PD-C Planned Development – Commercial Master Plan** – extending authorization for the construction of one-hundred forty-four (144) apartments within twelve (12) 3-story buildings, a clubhouse, office, and pool, under the working title: The Current, and identified as 2068 Beach Boulevard (re: Tax Parcel No. 1210L-02-050.000).

The proposed request would allow for the developer to reduce setbacks along the existing access easement and existing surface parking and locate buildings to minimize the impact on existing hardwood trees.

The proposed Master Plan (PD-C) is offering the following setback measurements:

- Minimum Front Setback = 25 ft
- Minimum West Side Setback = 25 feet
- Minimum East Side Setbacks Adjacent to the Existing Access Easement = 10 ft
- Minimum East Side Setbacks Adjacent to the Deeded Parking Lots = 5 ft (Specifically Adjacent to Properties 1210L-02-050.000 & 1210K-03-125.000)
- Minimum Rear Setback = 20 ft (5 ft for Accessory Buildings)

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

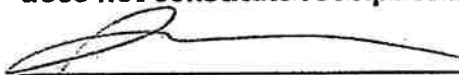

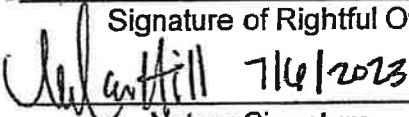
- 1) Consistency (or lack thereof) with the Comprehensive Plan;
- 2) Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood;
- 3) Suitability of the property affected by the amendment for uses permitted by the present district;
- 4) Suitability of the property affected by the amendment for uses permitted by the proposed amendment;
- 5) Change in the character of the neighborhood and established community need for uses permitted by the district applicable to the property at the time of the proposed amendment;
- 6) Availability of utilities and infrastructure sufficient to address the impacts associated with the allowed uses in the proposed district; and
- 7) Mistake in the original zoning.

The Development Review Committee (DRC) reviewed this request for PD-C overlay zoning and offered no objections to this proposal to proceed to the Planning Commission and City Council for further review and disposition.

Options:

1. Recommend approval of this request for a **Zoning Map Amendment** to authorize an overlay zoning district for a parcel of land measuring approximately 8.55 acres in size (more or less) for the establishment of a **PD-C: Planned Development Commercial District Master Plan**, having determined that the proposed change, would appropriately serve the interests of the neighborhood and the City of Biloxi and that a change has occurred in the circumstances and conditions of the neighborhood and areas surrounding the petitioned property, and further, that an established community need for said zoning and uses allowed, is apparent at this location.
2. Recommend denial of this **Zoning Map Amendment**, having determined that insufficient evidence has been provided to warrant a Change in the Character of the Neighborhood, or that a Community Need exists to warrant the level of zoning change proposed for these parcels of land under consideration for zoning change.

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)	

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

NOTES: Tracey Ross 228-238-4302 traceyross777@gmail.com

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



PLANNING COMMISSION SUPPLEMENT Planned Development – Master Plan

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: 7-13-2023

Planned Development – The Planned Development (PD) districts are established and intended to encourage innovative land planning and site design concepts that support a high quality of life and achieve a high quality of development, environmental sensitivity, energy efficiency, and other city goals and objectives by:

- a. Reducing or diminishing the inflexibility or uniform design that sometimes results from strict application of zoning and development standards designed primarily for individual lots;
- b. Allowing greater freedom in selecting the means of providing access, open space, and design amenities;
- c. Allowing greater freedom in providing a well-integrated mix of residential and nonresidential land uses in the same development, including a mix of housing types, lot sizes, and densities;
- d. Providing for efficient use of land resulting in smaller networks of utilities and streets and thereby lowering development and housing costs; and
- e. Promoting quality design and environmentally sensitive development that respects surrounding established land use character and respects and takes advantage of a site's natural and man-made features, such as trees, streams, hillsides, floodplains, and historic features.

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 Zone	Proposed New-PD
<u>Q5</u>	<u>PDC</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.) to be emailed
See Narrative

- Criteria:**
- Include a statement of planning objectives for the district.
 - 1 Identify the general location of individual development areas, identified by land use(s) and/or development density or intensity.
 - 2. Identify for the entire PD district and each development area the acreage, types and mix of land uses, number of residential units (by use type), nonresidential floor area (by use type), residential density, and nonresidential intensity.



PLANNING COMMISSION SUPPLEMENT
Planned Development –
Master Plan

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

3. Identify the general location, amount, and type (whether designated for active or passive recreation) of open space.
4. Identify the location of environmentally sensitive lands, wildlife habitat, and stream corridors.
5. Identify the on-site transportation circulation system, including the general location of all public and private streets, existing or projected transit corridors, and pedestrian and bicycle pathways, and how they will connect with existing and planned city systems
6. Identify the general location of on-site potable water and wastewater facilities, and how they will connect to city systems
7. Identify the general location of on-site stormwater management facilities, and how they will connect to city systems.
8. Identify the general location of all other on-site public facilities serving the development, including but not limited to parks, schools, and facilities for fire protection, police protection, EMS, stormwater management, and solid waste management.

PLEASE INCLUDE A DIMENSIONAL STANDARDS TABLE FOR THE PROPOSED PD

SEE SECTION 23-3-4 PD ZONING DISTRICTS

The dimensional standards applicable in each development area of a PD district shall be as established in the PD Master Plan, and shall be consistent with the purpose of the particular type of PD district. The PD Master Plan shall include at least the following types of dimensional standards, unless the PD Master Plan expressly states otherwise:

- a. Maximum dwelling units per acre and/or maximum floor area ratio;
- b. Minimum lot area;
- c. Minimum lot width;
- d. Maximum impervious surface area;
- e. Maximum building height;
- f. Maximum individual building size;
- g. Minimum and maximum setbacks; and
- h. Minimum setbacks from adjoining residential development or residential zoning districts.

All development in a PD district shall comply with the development standards of Article 23-6: Development Standards, or any modifications of those standards established in the PD Master Plan as consistent with city plans, the objective of the particular type of development standard, the purpose of the particular PD district, and any additional limitations or requirements set forth in Sections 23-3-4(C)—23-3-4(H) for the particular type of PD district.

**RE: PLANNED DEVELOPMENT STANDARDS
THE CURRENT
2068 BEACH BOULEVARD
BILOXI, MISSISSIPPI 39531**

PROPERTY ID 1210L-02-050.000

The Current is a Planned Development - Commercial District Master Plan (PD-C) sited on 10.0 acres located along the north right-of-way of Beach Boulevard (U.S. Highway 90). The subject property is located at 2068 Beach Boulevard in Biloxi, Mississippi. The property is presently zoned CB, Community Business. There is an existing access easement granted to western multi-family developments and deeded parking lots traversing south-to-north through existing paved parking and drives near the eastern property line.

Adjacent properties are a multi-family development to the east, single-family residential lots to the north, a cemetery to the west, and public beach to the south.

The proposed development shall be a multi-family development (apartment complex). Current zoning would require conditional approval by The City of Biloxi for the desired multi-family use. The Planned Development - Commercial District Master Plan (PD-C) application would allow the developer to define the desired multi-family use to be "by right." Further, a PD-C for the property would allow for the developer to reduce setbacks along the existing access easement and existing surface parking and locate buildings to minimize impact to existing hardwood trees.

The proposed overlay of PD-C is to be similar to City of Biloxi Zoning District RM-20, Medium Density Multi-Family Residential. Noted Development Standards are as follows:

Dwellings Units per Acre = Maximum 20 per Acre

Minimum Lot Width = 50 ft

Minimum Lot Width = 100 ft

Impervious Surface Area = Maximum 60% of Lot Area

Maximum Building Eave Height = 50 ft ¹⁶/₁₈ ft for Accessory Buildings)

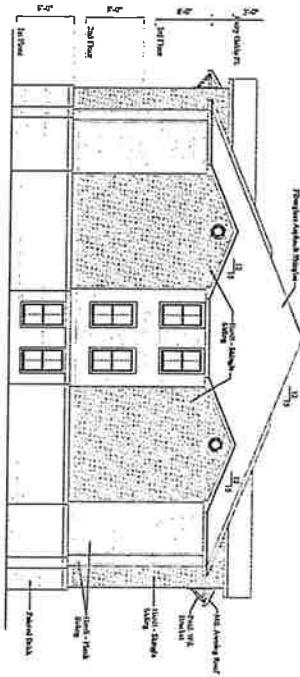
Minimum Front Setback = 25 ft

Minimum West Side Setback = 25 feet

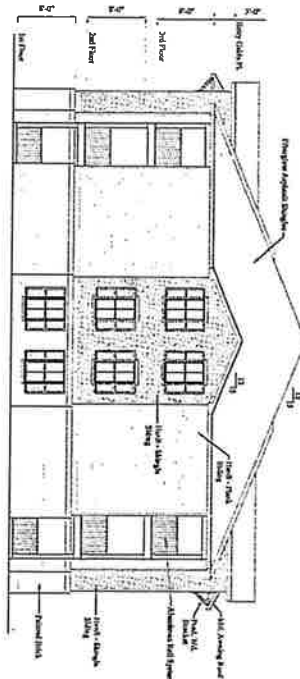
Minimum East Side Setbacks Adjacent to the Existing Access Easement = 10 ft

Minimum East Side Setbacks Adjacent to the Deeded Parking Lots = 5 ft
(Specifically Adjacent to Properties 210L-02-050.000 & 1210K-03-125.000)

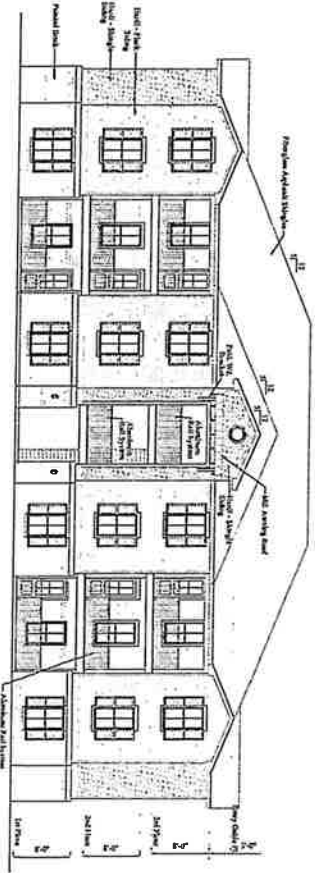
Minimum Rear Setback = 20 ft (5 ft for Accessory Buildings)



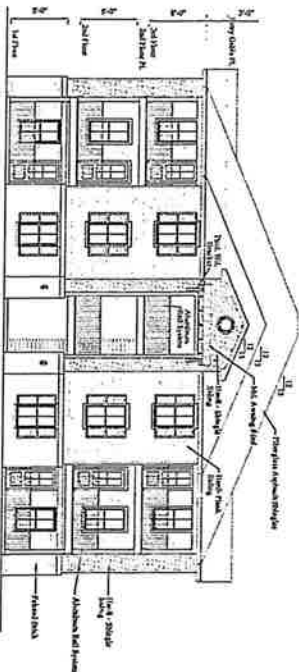
4 3 BDRM BLDG. - SIDE ELEVATION
1/8" = 1'-0"



2 1 BDRM BLDG. - SIDE ELEVATION
1/8" = 1'-0"



3 3 BDRM BLDG. - FRONT & REAR ELEVATION
1/8" = 1'-0"



1 1 BDRM BLDG. - FRONT & REAR ELEVATION
1/8" = 1'-0"

COWART ARCHITECTS, PC

206 ASHLEY PLACE
OCEAN SPRINGS, MS 39564
(228) 872-1801
COWARTARCHITECTS@GMAIL.COM

THE CURRENT
Luxury Residential Apartment Units
2068 Beach Blvd. Biloxi, MS

DATE: 07/12/2013
TRC/N: 152486
DRAWN: JLR/DJC
CHECKED: JMC

SHEET NO.

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BILOXI PLANNING COMMISSION MEETING
 AUGUST 17, 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
 August Parker
 Jimmy Poulos
 John Snow
 David Stanovich
 Michael Todaro

ALSO PRESENT:

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

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):	
23-064-PC	5
23-065-PC	52
23-066-PC	58
23-067-PC	64
23-068-PC	75
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. Parker, Mr. Todaro, Mr. Stanovich, Mr. Bogard, Mr. Dellenger, Mr. Poulos, Dr. Drawdy, Mr. Carron, Mr. King, Mr. Snow, Mr. Delahousey; myself, David Washer. Next to me is Jerry Creel, Director of Community Development; Felicia Serpas, Senior Planner; Caryle Lena, Planner. At the desk in the LSU shirt is Jon Lambert, City Arborist (sic), and our court reporter today is Melissa Rodolfich.

I'll also recognize Dr. Paul Tisdale in the audience there, Councilman Ward 5. And then Zach Harris, City Arborist; Jon Lambert, Inspector.

Ask Mr. Delahousey to open the meeting with a moment of prayer.

(Moment of prayer.)

CHAIRMAN WASHER:

Mr. Todaro, the pledge, please.

(Pledge of allegiance.)

CHAIRMAN WASHER:

We welcome everyone here with us today.

We would ask that anyone that desires to speak,

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please come to the podium when your case is called, and if you would, sign at the pad provided. We would ask that any comments that you've got, be mindful of the clock on the corner here. You've got four minutes max.

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. POULOS:

Second.

CHAIRMAN WASHER:

Motion by Mr. Delahousey recommending approval; seconded by Mr. Poulos.

All those in favor, say "aye."

(All in favor.)

CHAIRMAN WASHER:

Any opposed?

(None opposed.)

CHAIRMAN WASHER:

Thank you. Mr. Creel, committee reports?

MR. CREEL:

1 Yes, sir. Mr. Chairman and members of
2 the Commission, over the past two weeks, the
3 department has issued 126 building permits with a
4 total construction valuation of \$1.6 million. We
5 have collected \$13,000 in permit fees, issued 14
6 certificates of occupancy, 11 of those were for
7 short-term rental. Of the major projects issued
8 permits, one was for Peoples Bank remodel at
9 750 Howard Avenue and six new single-family
10 houses.

11 CHAIRMAN WASHER:

12 Thank you.

13 All right. Our first case to come
14 before us today is 23-064-PC, Ramiro Rodriguez.

15 We'd ask -- for the members of the
16 Commission, there is a letter in opposition that's
17 attached to the next case, 23-065. So if you'd
18 pull that off and put it after this one, I would
19 appreciate it.

20 This is a request for a conditional use
21 to authorize an existing single-family residence
22 situated upon a parcel of land approximately
23 77 feet by 117.5 feet to be utilized as a
24 short-term rental for a property located in an
25 RM-30, high-density, multifamily residential zone

1 and identified by municipal address 116 Acacia
2 Avenue, being Municipal Tax Parcel
3 1310L-04-052.001. This case was advertised on
4 August 3rd and August 10th. Mr. Lambert.

5 MR. LAMBERT:

6 Yes, sir.

7 This is looking back north towards Irish
8 Hill and Miramar Park across the street and, of
9 course, back again south towards Highway 90.

10 That's it.

11 CHAIRMAN WASHER:

12 Okay. Thank you.

13 MR. LAMBERT:

14 Yes, sir.

15 CHAIRMAN WASHER:

16 Is the applicant or their representative
17 here, please? Yes, sir.

18 MR. RODRIGUEZ:

19 Good afternoon. My first time doing one
20 of these things, so I wrote a letter to kind of
21 guide me through it and tell you guys a little bit
22 of who I am and why I'm seeking this application.

23 My name is Ramiro Rodriguez. I first
24 came across Biloxi five years ago while working in
25 Hattiesburg, Mississippi. My wife and I and three

1 kids fell in love with the area and we decided to
2 purchase a lot back then.

3 We recently finished our beach home, but
4 we're unable to move here because my work duties
5 have extended for another couple of years.

6 Respectfully, we would like to request
7 permission from the City to do short-term rental
8 in our Biloxi beach house. Our property zoning is
9 RM-30, as I understand, which that is why we are
10 asking for a conditional use.

11 Our intentions are not to impact the
12 community in a negative way, but on the other
13 hand, give other families the opportunity to
14 discover and experience our beautiful city and its
15 surroundings.

16 We would manage the property ourselves
17 with very strict rules to avoid any type of
18 unwanted disturbance. We have a security
19 monitoring system throughout the property, and
20 direct connections with all of our next door
21 neighbors.

22 I do want to add me and my family are
23 fully invested in Biloxi and its surrounding
24 areas, as we intend to retire here. We have
25 roughly 30,000 square foot of commercial

1 properties, which we rent to lawyers, doctors,
2 Memorial Hospital and other regional and local
3 businesses.

4 Although we will manage the property
5 remotely, we can -- with local employees in our
6 payroll that would be available for any unforeseen
7 circumstances, we're fully committed to meet all
8 city regulations while also making sure that our
9 neighborhood maintains its peaceful atmosphere.

10 So at this point, I would like to open
11 it up for questions.

12 CHAIRMAN WASHER:

13 Okay. Thank you.

14 Any questions?

15 MR. CARRON:

16 Yes, I have got one.

17 Mr. Rodriguez, the people that you have
18 that are going to be able to go to the property in
19 any emergencies or any problems, how close are
20 they?

21 MR. RODRIGUEZ:

22 Shannon Cavanaugh, she lives in Biloxi
23 just right across the lake -- the bridge area.

24 Her address is 2526 South Shore Drive.

25 And then we also have William Purple.

1 MR. CHEVALIER:
 2 Yes, sir. The guy behind me with the
 3 trailer park, he doesn't -- he didn't think it
 4 would work out. He said, I don't think it will
 5 work, but whatever. He doesn't care. Then the
 6 barbershop, they come and saw it. They loved it.
 7 They're are, like, cool and nobody really cares.
 8 DR. DRAWDY:
 9 Well, it's a huge home, no question
 10 about it.
 11 MR. CHEVALIER:
 12 Yeah. It's small.
 13 CHAIRMAN WASHER:
 14 Do you have enough parking there for it?
 15 MR. CHEVALIER:
 16 Yeah. There's three. There is actually
 17 three parking places right up front. Minimal.
 18 I'm on the minimal scale. It's easier to watch
 19 and manage for me.
 20 CHAIRMAN WASHER:
 21 All right. Thank you, sir.
 22 MR. CARRON:
 23 Are you going to manage the --
 24 MR. CHEVALIER:
 25 I'm sorry?

1 And you know, this is in the area that
 2 we're going to be coming back with an overlay
 3 district, part of the overlay district for
 4 Keesler. We had a meeting with Keesler last week
 5 and one of things that they suggested is that in
 6 these overlay districts that there be some
 7 provision in there for people who are coming to
 8 the base who -- not necessarily on the base but
 9 need a place to stay outside, so hotels and other
 10 things like that that would accommodate those
 11 people that are coming here for base purposes.
 12 Staff has no objection and would recommend
 13 approval.
 14 MR. TODARO:
 15 David, based on the fact this is clearly
 16 a commercial area, I would like to move we approve
 17 this.
 18 DR. DRAWDY:
 19 I will second.
 20 CHAIRMAN WASHER:
 21 All right. Motion by Mr. Todaro;
 22 seconded by Dr. Drawdy.
 23 Any discussion on that?
 24 (No response.)
 25 CHAIRMAN WASHER:

1 MR. CARRON:
 2 Are you going to manage it yourself?
 3 MR. CHEVALIER:
 4 Yes, sir. I manage five other
 5 properties for other people and I own, like, I
 6 think, 14 total.
 7 MR. CARRON:
 8 Okay. How far away do you live from
 9 here?
 10 MR. CHEVALIER:
 11 Nine minutes, 10 minutes, something like
 12 that.
 13 CHAIRMAN WASHER:
 14 Is there anyone in the audience that
 15 wants to speak in favor of the applicant's
 16 request? No one speaking in favor?
 17 Anyone speaking in opposition? If
 18 there's no one speaking in opposition, we will
 19 consider that hearing closed.
 20 MR. CREEL:
 21 Well, the property is currently zoned
 22 NB. As you can see, there is a lot of empty
 23 buildings around here. We have no objection. I
 24 mean, he did put a lot of money into it to improve
 25 it.

1 All those in favor, raise your hand.
 2 Mr. Parker, Mr. Todaro, Mr. Stanovich, Mr. Bogard,
 3 Mr. Dellenger, Mr. Poulos, Dr. Drawdy, Mr. Carron,
 4 Mr. King, Mr. Snow, Mr. Delahousey; myself, David
 5 Washer. We'll let the record show that's
 6 unanimous.
 7 Our next case, 23-067-PC, the Thrash
 8 Group LLC, owners, and Tracey Ross, applicant.
 9 It's a request for an overlay zoning map
 10 amendment, the approval of which would provide for
 11 the establishment of a PD-C, Planned
 12 Development-Commercial Master Plan, extending
 13 authorization for the construction of 144
 14 apartments within 12 three-story buildings, a
 15 clubhouse, office and pool under the working
 16 title, The Current, and identified as 2068 Beach
 17 Boulevard, being Municipal Tax Parcel Number
 18 120L-02-05.000. The case was advertised on
 19 August 3rd, August 10th. Mr. Lambert.
 20 MR. LAMBERT:
 21 Looking back east towards Treasure Bay
 22 down here and the cemetery right next door and
 23 back west towards the Coliseum and the mall.
 24 That's it.
 25 CHAIRMAN WASHER:

1 Is the applicant or their representative 65
2 here, please?
3 MS. ROSS:
4 Good afternoon. I'm Tracey Ross with
5 The Thrash Group, and we're requesting that this,
6 you know, come to pass.
7 We are excited about bringing some
8 rental housing into the Biloxi market, which we
9 know there is definitely a shortage of, especially
10 with interest rates right now and a lot of people
11 with income -- shorter -- smaller incomes having
12 trouble finding places to live. The rental market
13 is booming right now, and everything online is
14 shortage of housing for rental people for sure.
15 So it's one-, two- and three-bedrooms
16 that we have there. And we do own the whole piece
17 with a lot of less and excepts there, so -- and we
18 would use the entrance at the light and another
19 entrance, too, so we would have two ways in and
20 out of this property.
21 Any questions?
22 CHAIRMAN WASHER:
23 All on the front, no access from the
24 rear?
25 MS. ROSS:

1 MR. HARRIS: 67
2 So they have been working with the
3 Fulgham's, Inc. tree preservation to do a value
4 assessment, as well as a tree inventory, overall
5 health assessment and everything.
6 From the survey that I have, we have 18
7 protected trees that would be removed, with an
8 additional eight or so that are going to stay on
9 the site.
10 But the majority of trees in the middle
11 of that area for the parking, as well as the
12 apartment development, I assume to be -- or
13 they're proposed to be removed.
14 CHAIRMAN WASHER:
15 Proposing to be removed?
16 MR. HARRIS:
17 Yes, sir.
18 MR. CARRON:
19 How many are going to be removed?
20 MR. HARRIS:
21 Eighteen.
22 MR. CARRON:
23 Eighteen protected trees?
24 MR. HARRIS:
25 And all of those are live oaks, with one

1 No, no access from the rear. From 66
2 two -- two options from Highway 90 or Beach
3 Boulevard. One where Ocean Club is and then one
4 next to the cemetery.
5 CHAIRMAN WASHER:
6 Thank you.
7 Any questions from the members of the
8 Commission?
9 MR. CARRON:
10 Actually, kind of a question for Jerry.
11 Should there be a tree site plan on here before we
12 even look at this? There is quite a few live oaks
13 on that property.
14 MR. CREEL:
15 There are some live oaks on the
16 property. There are also a lot of water oaks and
17 some other things on there. I would defer to Zach
18 in the audience. He's -- I'm sure he has probably
19 driven the property, but --
20 MS. ROSS:
21 We did do one.
22 MR. HARRIS:
23 Do you want me to talk?
24 MR. CREEL:
25 Yeah.

1 bald cypress, so 17 live oaks, one bald cypress. 68
2 MR. CARRON:
3 Okay. I'm noticing one rather large one
4 down there.
5 MR. HARRIS:
6 Yes, sir. I believe the large one that
7 is close to the Ocean Club, that's already in a --
8 like kind of a retaining wall. That one is
9 scheduled to stay.
10 MR. CARRON:
11 That one with will stay?
12 MR. HARRIS:
13 Correct.
14 CHAIRMAN WASHER:
15 Is there anything you can add on the
16 trees?
17 MR. WOOTEN:
18 I just -- I'm Jason Wooten. I represent
19 the developer's engineer.
20 The live oak you were asking about,
21 that's a 62-inch live oak. Toward the bottom of
22 the page there, you see the building that's just
23 at the bottom of the page on the east side, the
24 parking right above that, that's where the 62-inch
25 is. We have moved things around to preserve that

1 tree specifically.
 2 And we're going to work with the
 3 arborist to make sure we don't get into the
 4 structural plate of the root zone. We may have to
 5 modify the paving structure to make sure it's
 6 porous enough, so our full intent is to protect
 7 that tree specifically because of its size.
 8 MR. CARRON:
 9 I'm just kind of confused why we're not
 10 having a tree hearing on this.
 11 CHAIRMAN WASHER:
 12 We have what?
 13 MR. CARRON:
 14 Why we're not having a tree hearing on
 15 this.
 16 CHAIRMAN WASHER:
 17 Well, we'll have to come back and have a
 18 tree hearing before we can -- before they can get
 19 the building permit.
 20 MR. CREEL:
 21 That's correct. A tree hearing will be
 22 required before they can move forward with this.
 23 MR. CARRON:
 24 Okay.
 25 CHAIRMAN WASHER:

1 I just wanted to know how far from the
 2 north property line are the buildings and all
 3 going to be? How much of a gap is there?
 4 MR. WOOTEN:
 5 At least 30 feet.
 6 MR. MOLDRUM:
 7 Thirty feet? That's all?
 8 MR. WOOTEN:
 9 That's the building setback.
 10 MR. MOLDRUM:
 11 And how tall are these?
 12 MR. WOOTEN:
 13 They're three-story.
 14 MR. MOLDRUM:
 15 I was hoping they wouldn't be that
 16 close.
 17 What are you doing for trash?
 18 MR. WOOTEN:
 19 There is a dumpster on the north end of
 20 our parking which is near the existing manhole,
 21 near our north line. And then there is a dumpster
 22 pad kind of in the middle west in the parking
 23 between buildings.
 24 UNIDENTIFIED SPEAKER:
 25 So right behind your property.

1 Anything else you want to add, Ms. Ross?
 2 MS. ROSS:
 3 No.
 4 CHAIRMAN WASHER:
 5 No other questions, members of the
 6 Commission?
 7 We will ask if there is anyone in the
 8 audience that wants to speak in favor of the
 9 applicant's request? Anyone speaking in favor?
 10 No one speaking in favor.
 11 Is there anyone speaking in opposition?
 12 MR. MOLDRUM:
 13 I have no opposition, but I would like
 14 to ask a question or two if I can.
 15 CHAIRMAN WASHER:
 16 I'm sorry.
 17 MR. MOLDRUM:
 18 I said I would like to ask a question or
 19 two if I could.
 20 CHAIRMAN WASHER:
 21 Sure. Come up to the podium and give us
 22 your name and address.
 23 MR. MOLDRUM:
 24 Steve Moldrum, 2071 Southern Avenue. I
 25 live on the north side of the property.

1 MS. ROSS:
 2 They will be enclosed.
 3 MR. WOOTEN:
 4 They're enclosed and have to have a roof
 5 structure.
 6 UNIDENTIFIED SPEAKER:
 7 But are they going to stay enclosed,
 8 because I live right by him too?
 9 CHAIRMAN WASHER:
 10 Any other questions? No other
 11 questions. We'll consider that hearing closed.
 12 MR. CREEL:
 13 The hearing today is just for -- to
 14 approve the PD -- or to consider the PD-C Planned
 15 Development Commercial Overlay District. The
 16 reason that they went with the PD-C is because
 17 they needed the flexibility of having some setback
 18 flexibility against the Villas at Ocean Club, so a
 19 PD-C, this was tailor-made for something like.
 20 They will have to come back for a tree
 21 hearing where those will be addressed by the
 22 Planning Commission.
 23 They have been very good to work with.
 24 This adds some residential to be Beach Boulevard
 25 which we desperately need some rental property

1 right now.

2 The City Council just voted Tuesday to

3 separate -- if you're looking at the drawing, the

4 property down at the bottom, there is a

5 29,000-square-foot lot there that was just

6 approved for subdivision from the rest the

7 property. And my understanding was, is that the

8 insurance company or the finance company wanted

9 that separated from the rest of the property

10 because it's in the velocity zone.

11 MS. ROSS:

12 Correct. They didn't want any of the

13 property that the multi-family is on to be in the

14 flood zone, so we took all of the X -- or all of

15 the -- from X back is where the property will be.

16 MR. CREEL:

17 And that will remain green space or --

18 MS. ROSS:

19 Yeah. We don't have any plans for it.

20 You know, we talked about maybe doing a little --

21 just park up there for people to sit and look out

22 at the beach, but nothing -- no structures, no,

23 you know, nothing like that.

24 MR. CREEL:

25 Aside from that, everything else

1 flexibility to make certain administrative

2 adjustments. So if we get in there and we see

3 that a tree can be saved by moving a building to

4 the east or west or whatever, we have the ability

5 to do that rather than deal with rigid lot lines

6 and rigid setbacks.

7 MR. CARRON:

8 Thank you, Jerry.

9 CHAIRMAN WASHER:

10 All right. All those in favor of

11 approval, raise your hand, please. Mr. Parker,

12 Mr. Todaro, Mr. Stanovich, Mr. Bogard,

13 Mr. Dellenger, Mr. Poulos, Dr. Drawdy, Mr. Carron,

14 Mr. King, Mr. Snow, Mr. Delahousey; myself, David

15 Washer. We'll let the record show, that's

16 unanimous.

17 Our next case today, 23-068-PC, Dreux

18 Seghers on behalf of 755, LLC. It's a request for

19 a conditional use to authorize an existing

20 single-family residence situated upon a parcel of

21 land approximately 50 feet by 55 feet to be

22 utilized as a short-term rental for property

23 located within a NB, Neighborhood Business, zone

24 and identified by municipal address, 140 Comfort

25 Place, being Municipal Tax Parcel Number

1 complies. The density complies. They have

2 adequate parking, so the staff has no objection

3 and would recommend approval.

4 CHAIRMAN WASHER:

5 Thank you.

6 MR. DELLENGER:

7 Move we approve.

8 MR. PARKER:

9 So moved.

10 CHAIRMAN WASHER:

11 All right. We have a motion by

12 Mr. Dellenger recommending approval --

13 MR. PARKER:

14 Second.

15 CHAIRMAN WASHER:

16 -- seconded by Mr. Parker.

17 Any discussion?

18 MR. CARRON:

19 Just again, I don't want to dwell on the

20 trees, but I was just wondering if there's any way

21 they could alter some things to save -- they're

22 talking about taking out 18 live oaks trees.

23 MR. CREEL:

24 With the PD-C, if it's approved, it does

25 provide them with the flexibility and me with the

1 1410J-07-003.001. This case was advertised on

2 August 3rd and August 10th. Mr. Lambert.

3 MR. LAMBERT:

4 Yes, sir. This house is on the corner

5 of Comfort and Jenkins. That's looking back south

6 towards the beach here, and you have Howard Avenue

7 and the community center/library here. That's it.

8 CHAIRMAN WASHER:

9 Okay. Thank you. Mr. Seghers.

10 MR. SEGHERS:

11 Yes. Dreux Seghers. I live at 1102

12 I'berville in Ocean Springs. My Office is right

13 behind this building, though, at 166 Nixon Street.

14 This is -- it's a one-bedroom. I've had

15 this for, I think, around 10 years. I have had it

16 long-term rental the whole time.

17 The house or the building due south of

18 me was an old Baptist Church. It was converted

19 into long-term rental initially, and now it's

20 currently short-term rental. The long-term rental

21 gave me fits. And I have had long-term rental.

22 My long-term rental has been fine. It's a

23 one-bedroom.

24 I think that the property itself --

25 lends itself to a lot of short-term rental. I've