

Ordinance No. 2530

ORDINANCE TO APPROVE A ZONING MAP AMENDMENT, TO AUTHORIZE A CHANGE IN ZONING DISTRICT CLASSIFICATION FOR A PARCEL OF LAND APPROXIMATELY FORTY-SEVEN ONE-HUNDREDTHS (.47) OF AN ACRE (MORE OR LESS) IN SIZE, FROM ITS PRESENT ZONING DISTRICT CLASSIFICATION OF R S-5 HIGH-DENSITY SINGLE-FAMILY RESIDENTIAL TO RM-10 LOW-DENSITY MULTI-FAMILY RESIDENTIAL, FOR A PROPERTY SITE IDENTIFIED AS 321 NELSON ROAD

WHEREAS, on Thursday, September 7, 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. 23-075-PC, Windy Swetman on behalf of Secure Properties, LLC, a request for a Zoning Map Amendment; and

WHEREAS, the Planning Commission members were apprised of the particulars of the case, being made cognizant of the fact that the Windy Swetman on behalf of Secure Properties, LLC, has submitted this application for Zoning Map Amendment, to authorize a change in zoning district classification for a parcel of land measuring forty-seven one-hundredths (.47) of an acre (more or less) in size, from its present zoning district classification of RS-5 High-Density Single-Family Residential to RM-10 Low-Density Multi-Family Residential; and

WHEREAS, it was explained to the Commission members that this parcel of land submitted for rezoning has been vacant since Hurricane Katrina and that the applicant is proposing the zoning change to allow for construction of two duplexes; and

WHEREAS, the Biloxi Planning Commission, after some discussion, voted (14-0-0) to approve the request for a change in zoning district classification for a parcel of land measuring forty-seven one-hundredths (.47) of an acre (more or less) in size, from its present zoning district classification of RS-5 High-Density Single-Family Residential to RM-10 Low-Density Multi-Family Residential; and

Ord. No. 2530

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. 23-075-PC, Windy Swetman on behalf of Secure Properties, LLC, 321 Nelson Road.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILOXI, MISSISSIPPI, THAT AS PER THE FINDINGS OF THE PLANNING COMMISSION, AND BASED UPON SAID DETERMINATIONS, 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 RS-5 High-Density Single-Family Residential to RM-10 Low-Density Multi-Family Residential, for the property identified as 321 Nelson Road (re: Tax Parcel No. 1110H-02-004.000), more fully described as follows:

*Lots P, Q and R, of Peters Subdivision, a subdivision according to the official map or plat thereof on file and of record in the office of the Chancery Clerk of the Second Judicial District of Harrison County, Mississippi, in Plat Book 20 at Page 6 thereof, reference to which is hereby made in aid of and as a part of this description,*

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

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

Ord. No. 2530

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

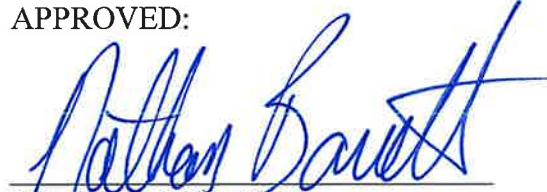
The President then declared the Ordinance adopted this the 17<sup>th</sup> day of October, 2023.



ATTEST:

APPROVED:

  
CLERK OF THE COUNCIL

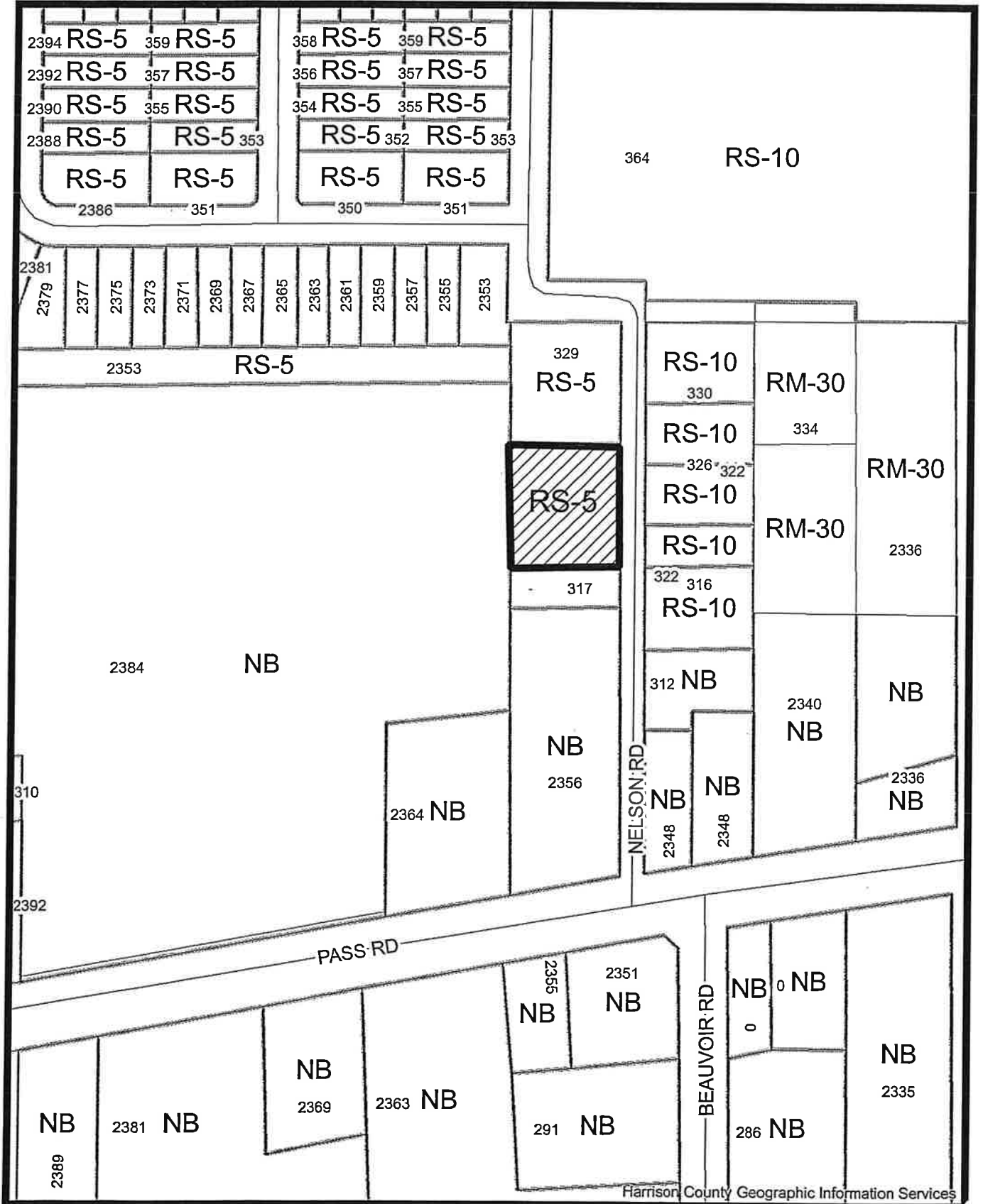
  
PRESIDENT OF THE COUNCIL

Submitted to and approved by the Mayor, this the 20<sup>th</sup> day of October, 2023.

APPROVED:

  
MAYOR

Case No. 23-075-PC  
 Windy Swetman on behalf of Secure Properties  
 321 Nelson Street  
 Map Amendment - RS-5 to RM-10



Scheduled for:  
September 7, 2023  
PC Meeting

Windy Swetman on behalf of Secure Properties, LLC  
Case No. 23-075-PC  
**Zoning Map Amendment RS-5 to RM-10**



**Planning Commission  
Case Fact Sheet**

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**Case No.:** 23-075-PC  
**Applicant/Owner:** Windy Swetman on behalf of Secure Properties, LLC  
**Address of Property:** 321 Nelson Road  
**Tax Parcel/Ward:** 1110H-02-004.000/ Ward 4

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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 a parcel of land measuring forty-seven one-hundredths (.47) of an acre (more or less) in size, from its present zoning district classification of **RS-5 High-Density Single-Family Residential** to **RM-10 Low-Density Multi-Family Residential**, for a parcel of land identified as 321 Nelson Road (re: Tax Parcel No. 1110H-02-004.000).

**Size of Property:** .47 acres (More or Less)

**Present Zoning:** **RS-5 High-Density Single-Family Residential**

**Present Use:** Single Family Residential

**Most Nearly Bounded By (streets):** To the North Pass Road; to the South of Grants Ferry Drive; to the East Popp's Ferry Road; and to the West of and fronting to Nelson 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 consistent and in harmony with uses found upon adjacent or nearby properties, and

**Zoning Map Amendment RS-5 to RM-10**

represents the least zoning change needed to accommodate the community.

**Letters or**

**Concerns stated:**

The Planning Division Office has received one (1) letter or other written communication relative to this case, as of September 01, 2023.

**Comments/**

**Recommendations:**

Windy Swetman on behalf of Secure Properties, LLC, has requested, to authorize a change in zoning district classification for a parcel of land measuring forty-seven one-hundredths (.47) of an acre (more or less) in size, from its present zoning district classification of **RS-5 High-Density Single-Family Residential** to **RM-10 Low-Density Multi-Family Residential**, for a parcel of land identified as 321 Nelson Road (re: Tax Parcel No. 1110H-02-004.000).

The applicant has requested the above Zoning Change in order to submit an application to construct a quadruplex with 10 parking spaces and detailed drainage plans to serve a neighborhood that is in need of residential rental homes.

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
- 7) Mistake in the original zoning.

**Zoning Map Amendment RS-5 to RM-10**

**Options:**

1. Recommend approval of this request for a **Zoning Map Amendment**, to authorize a change in zoning district classification for a parcel of land measuring forty-seven one-hundredths (.47) of an acre (more or less) in size, from its present zoning district classification of **RS-5 High-Density Single-Family Residential** to **RM-10 Low-Density Multi-Family Residential**, having determined that a Change in the Character of the Neighborhood is of evidence and that this zoning change will authorize the use proposed for this property.
2. Recommend denial of this **Zoning Map Amendment**, having determined that insufficient evidence has been provided to establish that a mistake in original zoning is of evidence, or a Change in the Character of the Neighborhood, coupled with no valid Community need to warrant the level of zoning change, herein proposed for the parcels of land under consideration for zoning change.

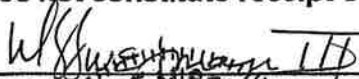



**Planning Commission Application**  
**City of Biloxi Planning Division**  
**Mailing Address: P.O. Box 508, Blvd., Biloxi, MS 39530**  
**Office Location: 676 Dr. MLK Blvd.,**  
**Building (228) 435-6270 Planning (228) 435-6266 Fax (228) 435-6188**  
**Case No. 23-075-PC**

To Be Completed by Owner/Applicant		Date:																																																	
Name of Rightful Owner(s): <i>Secure Properties</i>		Name of Applicant: (if different than Owner) <i>Windy Sweetman</i>																																																	
Property Address: <i>321 Nelson Rd.</i>		Ward Number <i>4</i>																																																	
Tax Parcel Identification Number(s): <table border="1" style="width:100%; text-align: center;"> <tr> <td>1</td><td>1</td><td>1</td><td>0</td><td>4</td><td>-</td><td>0</td><td>2</td><td>-</td><td>0</td><td>0</td><td>4</td><td>.</td><td>0</td><td>0</td><td>0</td> </tr> <tr> <td> </td><td> </td><td> </td><td> </td><td> </td><td>-</td><td> </td><td> </td><td>-</td><td> </td><td> </td><td> </td><td>.</td><td> </td><td> </td><td> </td> </tr> <tr> <td> </td><td> </td><td> </td><td> </td><td> </td><td>-</td><td> </td><td> </td><td>-</td><td> </td><td> </td><td> </td><td>.</td><td> </td><td> </td><td> </td> </tr> </table>				1	1	1	0	4	-	0	2	-	0	0	4	.	0	0	0						-			-				.									-			-				.			
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Mailing Address of Property Owner: <i>180 Delaney St.</i>		Mailing Address of Applicant (if different than Owner):																																																	
City: <i>Biloxi</i>		City:																																																	
State: <i>MS</i>		State:																																																	
Zip: <i>39530</i>		Zip:																																																	
County: <i>Harrison</i>		County:																																																	
Telephone: <i>(228) 374-4528</i>		Telephone: ( )																																																	
Property Size (please give in acres or by dimension): <i>0.47 Acres (136' x 152')</i>																																																			
Present Zoning Classification: <i>RS-5</i>																																																			
Is the property located within an AHRC District? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		Flood Zone(s) of Property:																																																	
If so, which District?		<i>X</i>																																																	
	North	South	East																																																
Property is most nearly bounded by what streets?	<i>Grants Ferry Dr</i>	<i>Pass Rd</i>	<i>Moffett Rd</i>																																																
			West																																																
If property directly fronts or is adjacent one of the streets above please indicate with a <input checked="" type="checkbox"/> .																																																			
<b>REQUESTED ACTION BY THE PLANNING COMMISSION (A separate supplement form is required for each): <input checked="" type="checkbox"/></b>																																																			
<input type="checkbox"/>	Text Amendment																																																		
<input checked="" type="checkbox"/>	Zoning Map Amendment – must include zone classification change in narrative																																																		
<input type="checkbox"/>	Planned Unit Development																																																		
<input type="checkbox"/>	Conditional Use																																																		
<input type="checkbox"/>	Preliminary Subdivision Review																																																		
<input type="checkbox"/>	Hospitality																																																		
<input type="checkbox"/>	Gaming																																																		
<input type="checkbox"/>	Master Plan/Update																																																		
<input type="checkbox"/>	Tree Removal																																																		
<input type="checkbox"/>	Public ROW Vacation																																																		
<input type="checkbox"/>	Street Name Change																																																		
<input type="checkbox"/>	Variance																																																		
<input type="checkbox"/>	Appeal																																																		
<input type="checkbox"/>	Administrative Appeal																																																		



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

	
_____ 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:**

*Jason Gibson, P.E.*

*1979 Bayside Dr.*

*Biloxi, MS 39532*

*The owner wants to rezone the property from an RS-5 to an RM-20 to allow for the construction of multifamily development.*

**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  
 676 Martin Luther King Jr., Boulevard  
 Biloxi, MS 39530 (228)435-6266 Fax(228)435-6188

TO BE COMPLETED BY APPLICANT | DATE: 7/31/2023

**Shaded Areas for Staff Only**

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

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

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

I am requesting a zoning change from this zone to this zone: Existing RS-5 New RM-10

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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Please explain: Neighborhood is mixed use. Commercial, multi-family and residential.



PLANNING COMMISSION SUPPLEMENT

# Map Amendment

City of Biloxi Planning Division  
676 Martin Luther King Jr., Boulevard Biloxi, MS 39530  
(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: duplexes to be built.	✓	
4. Is the property suitable for uses permitted in the proposed zoning district? Please explain: Multi family at end of street	✓	
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: Lack of rental property in City of Biloxi	✓	
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: There is existing utilities and infrastructure.	✓	
Site Plan attached: (please circle): Yes No	Case No. □□-□□□-□□□	

August 1, 2023

Biloxi Planning Commission  
Biloxi, MS 39530

Dear Ladies and Gentlemen:

Secure Properties, LLC is requesting a zoning change ~~and conditional use~~ for the property located at 321 Nelson Rd.

This property has been sitting vacant for several years with a slab on it that is an eyesore to the neighborhood. We are asking to be able to build a quadraplex on this property that would generate tax revenue and be an improvement to the area.

The area consists of mix use properties at the time. Said property is bordered by Commercial properties, at the end of the street is an apartment complex along with single family residential also in the area.

Also, there currently is a shortage of residential rentals available within the City of Biloxi. This would be a small help with this shortage.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,



W.S. Swetman III

DATE	DESCRIPTION

Sheet Title  
**SITE & UTILITY PLAN**

Project Name  
**SECURE PROPERTIES**  
 321 NELSON DR.  
 BLOXI, MS 39531



Advanced Construction & Development  
 970 TOWNLEY BLVD DR., SUITE 10  
 BLOXI, MS 39532  
 (601) 737-7333  
 WWW.ACAD-MS.COM

Sheet  
**C3**  
 Project No.  
 03-23E

**LEGEND**

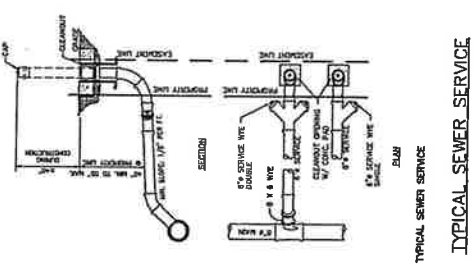
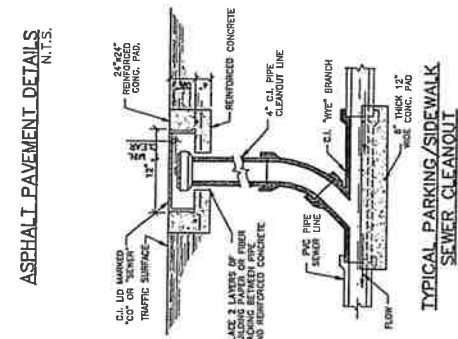
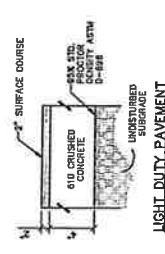
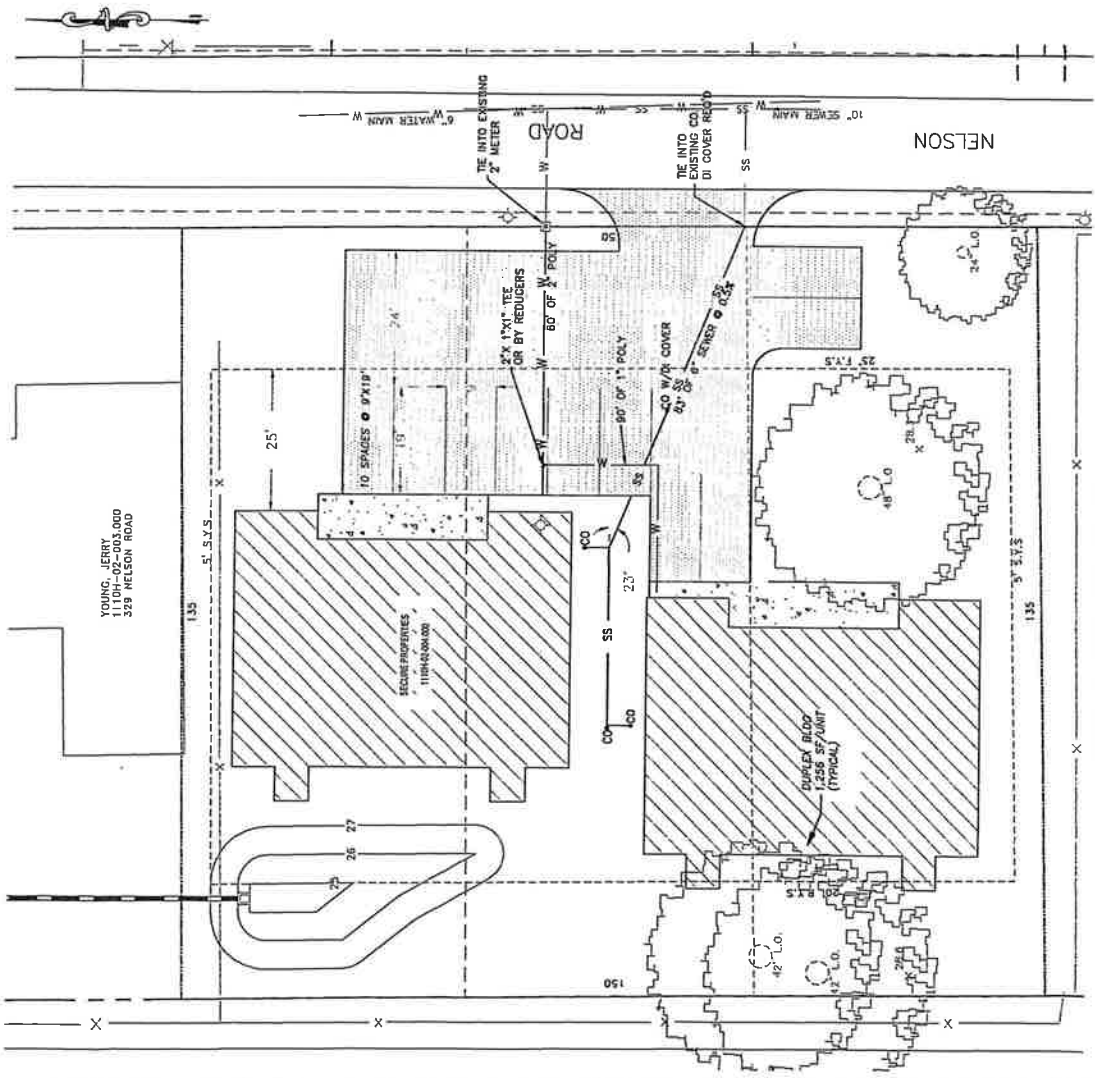
PROPOSED	EXISTING
WATER MAIN	WATER MAIN
SEWER LINE	SEWER LINE
GAS LINE	GAS LINE
FORCE MAIN	FORCE MAIN
CABLE OPTIC	CABLE OPTIC
CABLE	CABLE
POWER POLE	POWER POLE
CLEAN-OUT	CLEAN-OUT
MANHOLE	MANHOLE
WATER VALVE	WATER VALVE
FIRE HYDRANT	FIRE HYDRANT
WATER METER	WATER METER
GAS VALVE	GAS VALVE

**SITE LEGEND**

2" ASPHALT SURFACE COURSE & 4" 610 BASE CRUSHED CONCRETE
PROP. BUILDINGS
LANDSCAPED AREA

**SITE INFORMATION**

ZONING	RS-5
ACREAGE	0.47 AC
SETBACKS	FRONT YARD 25 FT
	REAR YARD 20 FT
	REAR YARD 20 FT
BUFFER ZONE	0 FT
MIN. ROAD WIDTH	24 FT
LANE WIDTH	12 FT
PARKING SPACES REQ'D	6 EA
PARKING SPACES PROVIDED	6 EA
IMPERVIOUS COVER	4.5% SF
	3,050 SF
	4" SW
	570 SF
PERVIOUS COVER	57%
	11,685 SF



**SITE & UTILITY PLAN**  
 SCALE: 1" = 10'

Community Development Director  
Jerry Creel



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

To: Biloxi Planning Commission  
From: Jerry Creel, Development Review Committee Chair  
Date: August 30, 2023  
Re: Nelson Drive Quadruplex  
321 (tentative) Nelson Dr  
1110H-02-004.000  
DRC Case No. 2023-056

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

The City will require further review and approval by DRC prior to permitting because of the nature of this project. Building Permits shall be issued when construction documents are approved by the Building Division.

Yours truly,

*Jerry Creel*

Jerry Creel, Chair

## Caryle Lena

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**From:** Felicia Serpas  
**Sent:** Tuesday, August 29, 2023 2:11 PM  
**To:** Caryle Lena  
**Subject:** FW: Attn: Ms. Felicia Serpas Fw: new construction next door problem  
**Attachments:** Lake 1.JPG; Lake 2.JPG; Lake 3.JPG

STAMP THIS AND PUT THIS IN THE CASE PLEASE

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**From:** jerry young <danemaster2003@yahoo.com>  
**Sent:** Tuesday, August 29, 2023 2:03 PM  
**To:** Planning <planning@biloxi.ms.us>  
**Subject:** Attn: Ms. Felicia Serpas Fw: new construction next door problem

*The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.*

Hi Ms. Serpas,

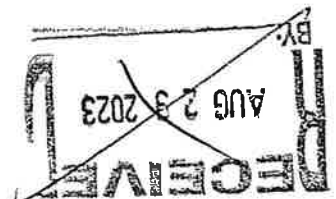
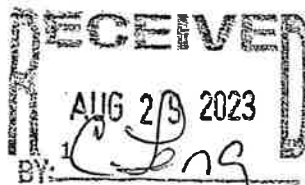
Got you notice today about the rezoning next door. Likely will be unable to attend the meeting, but hope that my concerns to you will be of value. Have met Mr Swetman and he understand the problem with Lake Nelson. Have also met his engineer who seems concerned.

My concerns are 2 fold. One is that I do not want to see our single family neighborhood turned into another Section 8 slum. Our family has built two of our homes on this street when it had only an oyster shell road, the first in the late 50s, and the second in the early 60s. North of us was mostly swamp.

Secondly, Lake Nelson did not, and could not exist at the time we built our homes. The engineer has told me one of his ideas to address the problem. This is worse to us than the 3 others I can think of.

Previous attempts of mine to find a solution have not been acknowledged, hopefully it may this time.

Sincerely,



Jerry Young

Forwarded Message -----

**From:** jerry young <[danemaster2003@yahoo.com](mailto:danemaster2003@yahoo.com)>  
**To:** "mayor@biloxi.ms.us" <[mayor@biloxi.ms.us](mailto:mayor@biloxi.ms.us)>  
**Sent:** Tuesday, June 20, 2023 at 01:31:03 PM CDT  
**Subject:** Fw: new construction next door problem

----- Forwarded Message -----

**From:** jerry young <[danemaster2003@yahoo.com](mailto:danemaster2003@yahoo.com)>  
**To:** "mayor@biloxi.ms.us" <[mayor@biloxi.ms.us](mailto:mayor@biloxi.ms.us)>  
**Sent:** Tuesday, June 20, 2023 at 01:19:31 PM CDT  
**Subject:** Fw: new construction next door problem

Hi,

Am forwarding this to your office, since am not sure I sent it to the appropriate party. Am sure that you do and hope someone can prevent/solve this predicted problem. Dixie did not address the issue.

Thankfully,  
jerry young

----- Forwarded Message -----

**From:** jerry young <[danemaster2003@yahoo.com](mailto:danemaster2003@yahoo.com)>  
**To:** "[codeenforcement@biloxi.ms.us](mailto:codeenforcement@biloxi.ms.us)" <[codeenforcement@biloxi.ms.us](mailto:codeenforcement@biloxi.ms.us)>; "[codeenforcement@biloxi.ms.us](mailto:codeenforcement@biloxi.ms.us)" <[codeenforcement@biloxi.ms.us](mailto:codeenforcement@biloxi.ms.us)>  
**Sent:** Tuesday, June 20, 2023 at 12:57:02 PM CDT  
**Subject:** Fw: new construction next door

Hi,  
me again, found the pictures that i sent to Dixie a coupla years ago, attached.

----- Forwarded Message -----

**From:** jerry young <[danemaster2003@yahoo.com](mailto:danemaster2003@yahoo.com)>  
**To:** [codeenforcement@biloxi.ms.us](mailto:codeenforcement@biloxi.ms.us) <[codeenforcement@biloxi.ms.us](mailto:codeenforcement@biloxi.ms.us)>  
**Sent:** Tuesday, June 20, 2023 at 12:18:13 PM CDT  
**Subject:** new construction next door

Hi,

Maybe you can assist with a rumored problem that could occur on the lot next to us. That vacant lot has been so for many years. During heavy rains, 1/3 of it are underwater. This problem was created 60 years ago by construction of the Popps Ferry Shopping Center. The fill dirt to elevate part of it blocked the previous natural drainage. Both our house and the adjacent lot are impacted.

Rumor has it that the buyer will build 2 rentals, and bring in fill dirt which will flood our place.

We requested that our Representative address the drainage problem, even sending her pictures as proof. She has not.

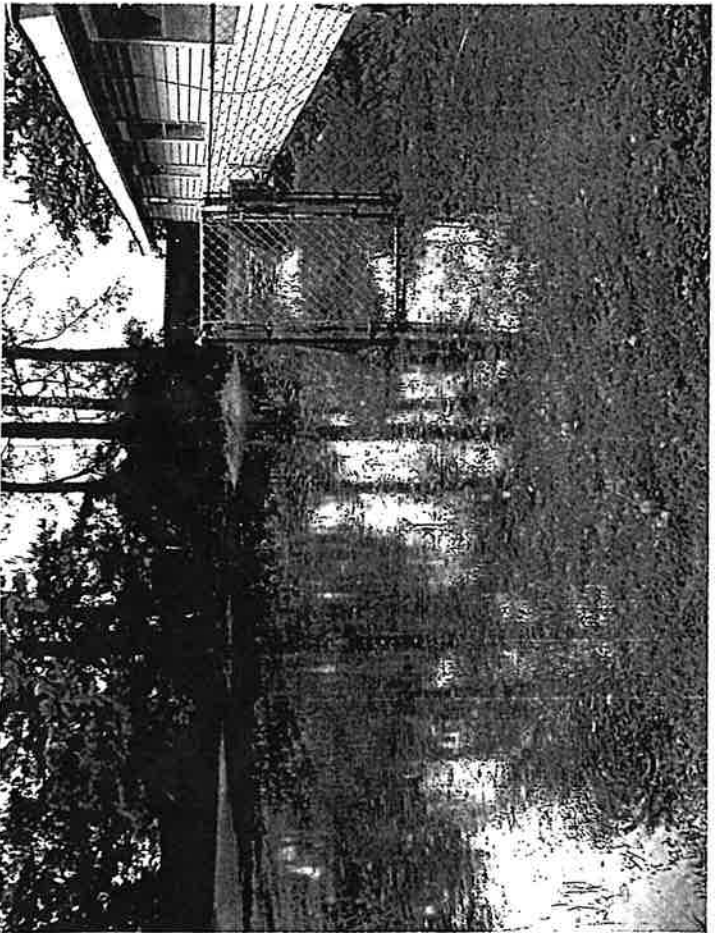
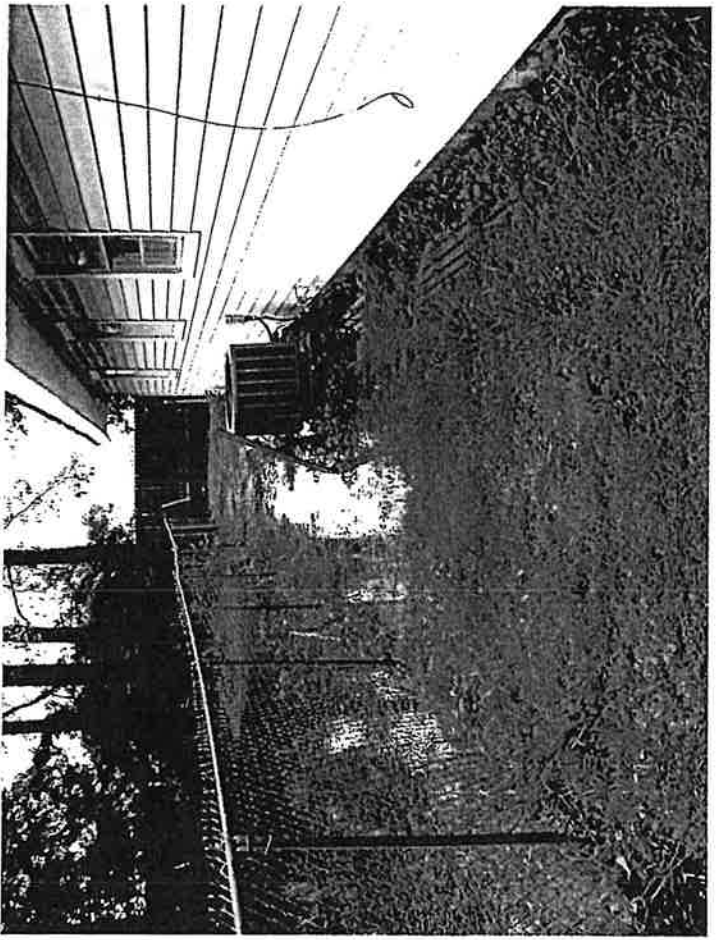


Can you help? One solution is to put a drain into the low part for drainage to sewer. I have seen that done successfully in Gulfport. The other is to prohibit filling the Lake Nelson as we call it.

Maybe the only solution is lawsuit after the fact? <hope not>

Sincerely,

Jerry Young  
327 Nelson Rd  
Biloxi, MS 39531  
228-234-4570



1

**BILOXI PLANNING COMMISSION MEETING**  
**SEPTEMBER 7, 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  
 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

3	<b>CONTINUED PUBLIC HEARING(S):</b>	<b>PAGE:</b>
4	(None)	--
5	<b>NEW PUBLIC HEARING(S):</b>	
6	23-074-PC	3
7	23-075-PC	71
8	23-076-PC	3
9	23-077-PC	87
10	23-078-PC	110
11	<b>TREE HEARING(S):</b>	
12	(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.  
 Mr. Stanovich, Mr. Bogard, Mr. Dellenger,  
 Mr. Poulos, Dr. Drawdy, Mr. Carron, Mr. King,  
 Mr. Snow; myself, David Washer; Jerry Creel,  
 Director of Community Development; Felicia Serpas,  
 Senior Planner; Caryle Lena, Planner. At the  
 front table there is Jon Lambert, City Inspector,  
 and Melissa Rodolfich, our court reporter today.  
 I would also like to recognize Dr. Paul Tisdale in  
 the audience, Councilman Ward 5.  
 Mr. Parker, can I call on you today,  
 please, sir, to open it up with a prayer?  
 (Moment of prayer.)  
**CHAIRMAN WASHER:**  
 Mr. Stanovich, the pledge, please, sir.  
 (Pledge of allegiance.)  
**CHAIRMAN WASHER:**  
 We welcome everyone here with us today.  
 We would ask that anyone that desires to speak,  
 please come to the podium when your case is  
 called, give us your name and addresses for the

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record. Please sign in at the pad provided, if  
 you haven't already done so.  
 Just to remind everyone, we're going to  
 have four minutes for your presentation or  
 comments, so be mindful of the clock at the end of  
 the table when you speak.  
 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? If not, we will entertain a motion  
 to accept the minutes as presented.  
**MR. SNOW:**  
 Motion.  
**MR. POULOS:**  
 Second.  
**CHAIRMAN WASHER:**  
 Motion by Mr. Snow; seconded by  
 Mr. Poulos.  
 All those in favor, say "aye."  
 (All in favor.)  
**CHAIRMAN WASHER:**  
 Any opposed?  
 (None opposed.)  
**CHAIRMAN WASHER:**  
 Thank you.

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1 THE COURT REPORTER:  
 2 There was talking in the audience and I  
 3 didn't hear anything you said.  
 4 MR. CREEL:  
 5 Start over, David.  
 6 CHAIRMAN WASHER:  
 7 If everyone will be quiet, we'll proceed  
 8 and get everybody heard.  
 9 Currently, we have a motion by  
 10 Mr. Delahousey, seconded by Mr. Parker,  
 11 recommending approval.  
 12 All those in favor of approval of the  
 13 zoning RM-10, raise your hand. Mr. Lechner,  
 14 Mr. Parker, Mr. Todaro, Ms. Magee. Mr. Stanovich,  
 15 Mr. Bogard, Mr. Dellenger, Mr. Poulos, Dr. Drawdy,  
 16 Mr. Carron, Mr. King, Mr. Snow, Mr. Delahousey;  
 17 myself, David Washer. We will let the record show  
 18 that's unanimous.  
 19 Now, we'll go back and now that we've  
 20 got that approved, of course, it's still subject  
 21 to City Council approval, we can hear the case --  
 22 or vote on the case, 23-076-PC, for the  
 23 conditional use for the bed and breakfast.  
 24 MR. DELAHOUSEY:  
 25 Move to approve.

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1 All right. We're going to go ahead and  
 2 proceed. Our next case today is 23-075-PC, Windy  
 3 Swetman on behalf of Secure Properties, LLC. This  
 4 is a request for a zoning map amendment to  
 5 authorize a change in zoning district  
 6 classification on a parcel of land measuring .47  
 7 of an acre more or less in size from its present  
 8 zoning district classification of RS-5  
 9 high-density, single-family residential to RM-10,  
 10 low-density multifamily residential for a parcel  
 11 of land identified as 321 Nelson Road, being  
 12 Municipal Tax Parcel Number 110H-02-004.000. This  
 13 case also advertised on August 10th, August 17th,  
 14 August 23rd.  
 15 Jon.  
 16 MR. LAMBERT:  
 17 Yes, sir. This is looking up north  
 18 towards Nelson, towards Popp's Ferry Elementary  
 19 and back south towards Pass Road.  
 20 That's it.  
 21 CHAIRMAN WASHER:  
 22 Mr. Gipson or Mr. Swetman.  
 23 MR. GIPSON:  
 24 Howdy.  
 25 CHAIRMAN WASHER:

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1 MS. MAGEE:  
 2 Second.  
 3 CHAIRMAN WASHER:  
 4 Motion by Mr. Delahousey recommending  
 5 approval; seconded by Ms. Magee.  
 6 Any discussion on that?  
 7 (No response.)  
 8 CHAIRMAN WASHER:  
 9 We'd ask that all those in favor of  
 10 approval of the bed and breakfast conditional  
 11 use -- Mr. Lechner, Mr. Parker, Mr. Todaro,  
 12 Ms. Magee. 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 will let the record show that's  
 16 unanimous.  
 17 Anyone that wants to stay as we continue  
 18 the other cases, you're welcome to. If not, if  
 19 you want to leave, please do so quietly, and we're  
 20 going to proceed.  
 21 MR. HOYE:  
 22 Thank you, ladies and gentlemen.  
 23 MS. HOYE:  
 24 Thank you.  
 25 CHAIRMAN WASHER:

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1 Name and address.  
 2 MR. GIPSON:  
 3 Oh, sorry. Jason Gipson, 1979 Bayside  
 4 Drive. I apologize.  
 5 CHAIRMAN WASHER:  
 6 If you will kindly tell us why you're  
 7 here and what you need.  
 8 MR. GIPSON:  
 9 My client wants to build two duplexes on  
 10 the property and it's going to require a zoning  
 11 change to do that, so we're here to request that  
 12 change.  
 13 CHAIRMAN WASHER:  
 14 Can you give us a little description of  
 15 the surrounding properties?  
 16 MR. GIPSON:  
 17 It's mainly single-family residential.  
 18 There is multi-family, I think, just north of  
 19 there, and there is the school. Just to the west  
 20 of it, it's commercial, the old Winn Dixie parking  
 21 lot and Subway and all that.  
 22 Really, the type of structures that  
 23 we're building, you're not going to see that --  
 24 really any difference between what we're building  
 25 and what's there, except it's just a newer look

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1 instead of, say, something that was built back in  
2 the '60s.  
3 They're 2,500-square-foot structures, so  
4 it's really not -- and that's the duplex itself,  
5 so it's not really bigger than your standard home  
6 other than having two front doors. That's it.  
7 CHAIRMAN WASHER:  
8 So a total of about 5,000 square feet?  
9 MR. GIPSON:  
10 Between both structures.  
11 CHAIRMAN WASHER:  
12 And you're going to accommodate or  
13 propose to accommodate parking for how many cars?  
14 MR. GIPSON:  
15 I have the drawing here.  
16 MS. HANDLER:  
17 Ten parking spaces.  
18 MR. GIPSON:  
19 Ten parking.  
20 MS. HANDLER:  
21 Two and a half per door.  
22 MR. GIPSON:  
23 There's also a drainage issue. I know  
24 the neighbor to the south has complained about it.  
25 While I was out there doing a site visit, he

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1 MR. TODARO:  
2 It will be.  
3 MR. GIPSON:  
4 It will be. Yes, Rouses, I suppose.  
5 CHAIRMAN WASHER:  
6 All right. Are there any other  
7 questions from the members of the Commission?  
8 MR. CARRON:  
9 I want to address the drainage issue. I  
10 think that's a major concern for people in that  
11 area. Is that pond what I'm seeing in your  
12 drawing here on the northwest corner?  
13 MR. GIPSON:  
14 Yes, sir.  
15 MR. CARRON:  
16 Is that going to be -- like a detention  
17 pond that's going to drain into a culvert or  
18 something?  
19 MR. GIPSON:  
20 Yes, sir.  
21 MR. CARRON:  
22 Okay. There is a culvert down there.  
23 MR. GIPSON:  
24 There is. So in talking with the  
25 neighbor to fix both of our problems, he's going

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1 approached me. We discussed it. The drainage  
2 plan that I designed fixes his problem, so I don't  
3 know. I noticed that there was a letter in the  
4 package.  
5 CHAIRMAN WASHER:  
6 It looks like there is pretty good fall  
7 on that property from south to north.  
8 MR. GIPSON:  
9 What happens is the water kind of runs  
10 off the Winn Dixie parking lot. The neighbor to  
11 the south is higher, so it's just a bowl. The  
12 water just accumulates until it perks or dries  
13 out. The detention pond we're proposing is a  
14 small pond, very shallow slope, so the water can  
15 get in and out, presenting no hazards to, you  
16 know, children or anything and such. But that  
17 pond is actually where it's the low spot where the  
18 drain is going to be put in and that will fix both  
19 of our issues.  
20 CHAIRMAN WASHER:  
21 When you're referring to the Winn Dixie  
22 parking lot, you're talking about the Rouses  
23 parking lot.  
24 MR. GIPSON:  
25 Is it Rouses?

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1 to allow me to lay a drain across his property.  
2 There is a large swale and a big pipe network  
3 behind the new Rouses building, so we're just  
4 going to run across his property and turn right --  
5 west and discharge right to that system.  
6 MR. CARRON:  
7 Thank you.  
8 CHAIRMAN WASHER:  
9 Any other questions?  
10 (No response.)  
11 CHAIRMAN WASHER:  
12 Anything else you want to add,  
13 Mr. Gipson?  
14 MS. GIPSON:  
15 I don't have anything else, unless you  
16 have any questions for me.  
17 CHAIRMAN WASHER:  
18 Thank you.  
19 MR. GIPSON:  
20 Thank you.  
21 CHAIRMAN WASHER:  
22 Ask if there is anyone in the audience  
23 that wants to speak in favor in the applicant's  
24 request. Anyone speaking in favor? No speaking  
25 in favor.

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1           Anyone speaking in opposition? Yes,  
2     sir.  
3     MR. CHATAGNIER:  
4           Hello. My name is Elijah Chatagnier,  
5     and I've lived on Nelson road for 60 years. All  
6     right?  
7           This is a single-family residential  
8     neighborhood and has been. I bought the house  
9     next door to the house I grew up in because it's  
10    such a good neighborhood.  
11          I don't see a lot of good coming out of  
12    this. He wants to fill in the property to do the  
13    two duplexes, and it's flooding the neighbor. My  
14    friend, Jerry, who lives across the street, his  
15    house floods when it rains because the runoff from  
16    that property. He wants to fill in and all that  
17    stuff and build two duplexes. I don't understand  
18    this. All right. Thank you.  
19    CHAIRMAN WASHER:  
20          Thank you, sir. Anyone else speaking in  
21    opposition? Yes, ma'am.  
22    DR. M. ZELENAK:  
23          Hello. I'm Dr. Mary Zelenak. I work at  
24    the VA hospital. We've been residents of the  
25    neighborhood in the Popp's Ferry Place

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1     I just think that some of the concerns may be  
2     having people coming in and out and maybe not -- I  
3     shouldn't say invest in the neighborhood because  
4     they are all going to be buyers, but I think they  
5     are going to have to contribute to the upkeep of  
6     the neighborhood and the congestion and the  
7     proximity to the school. And now we're worried  
8     about retention ponds and everything. I just  
9     think that it's a little bit much.  
10          And that picture makes it look like it's  
11    10 football fields, but it's really like one  
12    football field or so that you're putting this.  
13    It's not as big as it looks if anybody ever rode  
14    back there. And that's my concerns. Why not  
15    choose single-dwelling homes as opposed to multi.  
16    That's all.  
17    CHAIRMAN WASHER:  
18          Thank you. Anyone else?  
19    DR. B. ZELENAK:  
20          Dr. Bob Zelenak. I grew up in  
21    Pittsburgh, small borough, residential.  
22          Twenty years in Louisiana, ran the  
23    trauma center at Charity, small community.  
24          We came down here and been here for  
25    14 years. Stayed at Keesler Air Force Base, found

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1     neighborhood there for about 14 years.  
2           We live at 350 Bells Ferry Drive, and we  
3     have five rentals in that immediate neighborhood,  
4     which is on Grants Ferry Road and Trafalgar.  
5           The neighborhood as it's set now, as you  
6     know, is single-family homes. We have no issues  
7     with additional single-family homes. We have  
8     concern about two duplexes.  
9           The road which leads to the school right  
10    past Dr. Gruich's office and right on Nelson is so  
11    small, a school bus has a difficult time getting  
12    through with an SUV. Okay? So there is a lot of  
13    traffic congestion there.  
14          My concern is that, you know, you add  
15    four duplex homes, which is equal to maybe eight  
16    or 10 cars extra, I don't know, I just don't  
17    think, besides the drainage and everything else,  
18    that that's the optimal space. And I have no  
19    problems with single-family homes because most  
20    homes probably have two cars, but when you get two  
21    duplexes, you probably have eight cars at least,  
22    so that was my concern.  
23          I think the neighborhood is very good  
24    and safe. It's a multi-social, average, middle  
25    income neighborhood and we really like it there.

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1     a nice residential community near the Popp's Ferry  
2     school. We lived in the one of our rentals  
3     that -- we have since moved to 350. It's a little  
4     bigger. We plan on retiring here. We come down  
5     once a month as veterans. We work at the  
6     emergency department at the VA here to help the  
7     veterans.  
8           But the character of this community,  
9     it's nice, close-knit. We take care of everybody.  
10    We use a real estate agent when we rent our homes.  
11    We take care of all the lawn care, appliances,  
12    washer and dryer. We help neighbors that can't  
13    afford to build a fence. We know everybody.  
14          When they say multi-family north, if you  
15    go up Nelson, go all the way, there is no  
16    entrance. There's no multi-family homes entrance  
17    on Atkinson. There's no multi-family in this  
18    area. It would really change this area, and we  
19    would like to keep it a nice residential  
20    single-family community. Thanks for your time.  
21    CHAIRMAN WASHER:  
22          Thank you, sir.  
23          Anyone else to speak in opposition?  
24    Anyone with any questions? All right.  
25    MR. THARPE:

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1           Yeah. My name is Dennis Tharpe, and I  
 2 live in the area, along with my wife and also, my  
 3 daughter and granddaughters live in the same  
 4 neighborhood on Grants Ferry.  
 5           We have been there for almost 20 years  
 6 and just seeing this happen in this area here --  
 7 as it is, Nelson is such a narrow road. It's even  
 8 got signs that says "no trucks allowed," but  
 9 still, buses have to go down it. And you're going  
 10 to put this multi-residential apartment in this  
 11 area and it's just going to make more congestion.  
 12 I just feel like it's a bad move, and that's about  
 13 all I want to say. Thank you.  
 14 CHAIRMAN WASHER:  
 15           Thank you. Anyone else?  
 16 MS. HANDLER:  
 17           I'm not speaking in opposition, but can  
 18 I speak?  
 19 CHAIRMAN WASHER:  
 20           Yes. We can give y'all, Mr. Gipson, a  
 21 few more minutes for any additional comments you  
 22 want to make.  
 23 MS. HANDLER:  
 24           I'm Carolyn Handler. I'm actually  
 25 representing Mr. Swetman. He is out of town on

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1           that is kind of who we are projecting to rent to,  
 2 very low key, very quiet, to keep it consistent  
 3 with the neighborhood.  
 4           So you have traffic down that street  
 5 anyway. There is a school on that street. You're  
 6 going to have traffic, so -- but I cut through  
 7 there pretty often. And I don't have -- see a  
 8 whole lot of traffic that's going through there.  
 9 School time, yes. This the rest of the day, no.  
 10 There is not any traffic that goes through there.  
 11 You've got Pass Road that's right there, which is,  
 12 you know, a major thoroughfare.  
 13           So I would ask you to vote in favor of  
 14 this. I actually, myself, I am looking to sell my  
 15 home and I was actually going to move in one of  
 16 these myself. But it's in District 1 and not  
 17 District 5 and I have to represent District 5, so  
 18 I can't move in there. So sorry, but I couldn't.  
 19           But I ask you to please approve this  
 20 project. I think it would be a great project, and  
 21 so thank you for letting me speak.  
 22 CHAIRMAN WASHER:  
 23           Mr. Gipson, anything else?  
 24 MR. GIPSON:  
 25           I just wanted to say one thing. You

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1           business.  
 2           I'm his property manager, and so I have  
 3 worked closely with Jason on this property. And  
 4 so I can understand the concerns, but we have  
 5 talked with Jason, especially about the drainage  
 6 and to make sure that we -- we don't want our  
 7 residents to have a drainage problem either. So  
 8 we are going to make sure that we are taking care  
 9 of that drainage problem.  
 10           Also, Nelson, this property is really in  
 11 a unique area because it's surrounded by all types  
 12 of different zoning. So you have neighborhood  
 13 business zoning. You have commercial zoning. You  
 14 have multi-family residential. Right at the end  
 15 of the street is a huge apartment complex. So it  
 16 is just kind of fitting in with the neighborhood.  
 17 It is a duplex, but from the outside it's going to  
 18 look like two single-family houses just with two  
 19 doors for each structure.  
 20           So they're going to be two-bedroom,  
 21 one-bath. To tell you the truth, I've already --  
 22 if this is approved, I have already got two folks  
 23 that are signed up and on the list that they want  
 24 to rent. It's two single-family older ladies, no  
 25 kids, no pets, no nothing, so -- with one car. So

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1           know, we're talking two doors. We're not talking  
 2 about a 30-door or 40-door complex. You know, we  
 3 could build two houses on there or we can put four  
 4 doors however we'd like. We're only requesting  
 5 two more doors.  
 6           And additionally, this is going to fix  
 7 the neighbor's drainage issue that's going on now.  
 8 With the construction of the project, it's  
 9 actually going to fix his issue. That's it.  
 10 Thanks.  
 11 CHAIRMAN WASHER:  
 12           Thank you. We will consider that  
 13 hearing closed.  
 14           Mr. Creel.  
 15 MR. CREEL:  
 16           Well, if you look at this property, a  
 17 map of the property that shows the zoning around  
 18 it, you have got just kind of a hodgepodge around  
 19 there. If you look immediately to the west, you  
 20 have got the parking lot.  
 21           I went out to this property and looked  
 22 at it and when you look to the west from Nelson,  
 23 you see the parking lot through there of Winn  
 24 Dixie and the shopping center. All that property  
 25 is zoned NB. So you've got NB zoning to the west,

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1 NB zoning to the south. You do have that stretch  
2 of RS-10 there on the east side of Nelson, and  
3 then you will immediately go back into RM-30.  
4 This particular piece of property meets  
5 what we would call transitional zoning, where you  
6 go from the NB to the RM-10 that he is asking for  
7 and then down to the single-family zoning. It  
8 also would provide transitional zoning from the  
9 parking lot of where Rouses is going to go, from  
10 there down to RM-10 before you get to the RS-10 on  
11 the east side, so it provides transitional zoning  
12 from two different directions.  
13 We believe that the -- it's been through  
14 DRC. It will go back to DRC if the zoning is  
15 changed. If the City Council and the Planning  
16 Commission approve the zoning, it will go back to  
17 DRC for final signatures. But believe -- the fact  
18 that there is an engineering study being performed  
19 on this also is going to solve drainage problems,  
20 not just for this property, but for some other  
21 properties in the neighborhood. And with that  
22 staff, can support approval.  
23 CHAIRMAN WASHER:  
24 Okay. Thank you.  
25 MR. PARKER:

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1 MR. CARRON:  
2 And that's what I was going for. Thank  
3 you.  
4 CHAIRMAN WASHER:  
5 Any other discussion?  
6 (No response.)  
7 CHAIRMAN WASHER:  
8 All right. We've got a motion and a  
9 second on the floor recommending approval.  
10 All those in favor, raise your hand  
11 please. Mr. Lechner, Mr. Parker, Mr. Todaro,  
12 Ms. Magee, 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, 23-077-PC, 2496  
18 Pass Road, LLC. This is a request for a  
19 conditional use approval to authorize a portion of  
20 an existing commercial building situated upon a  
21 parcel of land approximately .26 of an acre more  
22 or less in size to be utilized as a retail sales  
23 establishment for an existing non-profit  
24 organization for property located within an LB,  
25 limited business, for a parcel of land identified

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1 Recommend approval.  
2 MR. SNOW:  
3 Second.  
4 CHAIRMAN WASHER:  
5 Motion by Mr. Parker recommending  
6 approval; seconded by Mr. Snow.  
7 Any discussion?  
8 MR. CARRON:  
9 I have a question for Jerry. If that  
10 remained RS-5, potentially how many lots could  
11 they put on there?  
12 MR. CREEL:  
13 RS-5 allows a duplex, so they could put  
14 one duplex on there now. If they get RM-10, they  
15 can put two duplexes on there.  
16 MR. CARRON:  
17 I know, but I mean, as it --  
18 MR. CREEL:  
19 The total number of units?  
20 MR. CARRON:  
21 Right.  
22 MR. CREEL:  
23 The total number of units that he can  
24 build on there would be four with the amount of  
25 land that they have.

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1 as 2496 Pass Road, being Municipal Tax Parcel  
2 Number 1110G-03-023.000. This case was advertised  
3 on August 17th and August 23rd.  
4 Mr. Lambert.  
5 MR. LAMBERT:  
6 Yes, sir. This property is on the  
7 corner of Pass Road and MacArthur. This is  
8 looking back east towards Popp's Ferry and north  
9 up MacArthur here, and you have got the Donal  
10 Snyder Center just behind these houses here.  
11 CHAIRMAN WASHER:  
12 That's it?  
13 MR. LAMBERT:  
14 Yes, sir.  
15 CHAIRMAN WASHER:  
16 Is the applicant or their representative  
17 here?  
18 MS. WILLIAMS:  
19 Hello. I am Nikki Williams, and the  
20 address is 2496 Pass Road. I am the president,  
21 executive director and one of the original  
22 founders of Elijah's Closet.  
23 We started renting this location on  
24 July 4th. We were originally located in north  
25 Gulfport, and we are excited to be in this



1 location. 89  
2 We provide free tangible goods to foster  
3 children and children potentially going into  
4 foster care, so we partner very closely with CPS,  
5 CASA, Southern Christian Services, Canopy  
6 Solutions, Youth Villages, any kind of  
7 organization that works with children and families  
8 in need.  
9 We work through a referral process, so  
10 they refer families to us and by appointment only.  
11 So we provide them clothing, shoes, beds are our  
12 biggest request, really anything. We will go so  
13 far as to help furnish the biological family's  
14 homes for prevention and reunification cases.  
15 Everything we get is completely donated  
16 by the community, so either it's purchased with  
17 funds donated by the community or they're actual  
18 physical tangible donations donated by the  
19 community.  
20 We become a 501(c)(3) in 2018. To  
21 date -- actually, the numbers are heightened since  
22 I've included this letter -- we have actually  
23 assisted 2,200 children approximately to date  
24 since we started. From 2023, this -- just this  
25 year alone to date, we have assisted over 500

1 double doors in the back will continue to be the 91  
2 loading area for social workers and families. So  
3 it would be -- the store really would just  
4 function as a way to cover our lease, our bills  
5 and to provide the families that we help with  
6 long-term solutions to purchase the low-income  
7 items for their children.  
8 CHAIRMAN WASHER:  
9 What are your proposed hours of  
10 operation?  
11 MS. WILLIAMS:  
12 So we haven't got that far yet. I have  
13 to kind of take things step by step, and my first  
14 step was to get approval because we all work full  
15 time. We're all volunteers, and my goal the past  
16 few months has been getting us moved and pickups  
17 back up and going. As of now, it would be only  
18 weekends. We do know that.  
19 CHAIRMAN WASHER:  
20 Weekends?  
21 MS. WILLIAMS:  
22 Correct. Yes. We would like to expand  
23 that, though. It's just we have to start out just  
24 like we have historically. We started out in a  
25 single storage unit and worked our way up to a

1 children this year. 90  
2 This location is going to give us the  
3 ability be more present in the community because  
4 where we were located originally, it was more out  
5 in Orange Grove, which will allow us also to  
6 hopefully increase our reach. We're already  
7 seeing an increase in the number of children that  
8 we are assisting.  
9 So what we're asking for, to maintain  
10 our overhead, in combination with also being able  
11 to continue to provide low-income tangible goods  
12 to families, especially single-parenthood  
13 families -- because we only assist one time when  
14 they are referred to us -- we would like to have a  
15 small thrift store on the side of the building.  
16 It will not be the entire building. It will only  
17 be a small portion of it.  
18 If you look at the picture of the layout  
19 of the building. And we're actually already  
20 completely moved in and we're already functioning  
21 out of it. We have already started pickups again  
22 for social workers and families.  
23 So if you look at the actual floor plan  
24 on the store area to the left, there would only be  
25 that one entrance coming from MacArthur. And the

1 building and now we're on Pass Road. So the goal 92  
2 would be start out small, weekends and then  
3 hopefully, Lord willing, work our way up.  
4 CHAIRMAN WASHER:  
5 All your work was just on weekends in  
6 north Gulfport.  
7 MS. WILLIAMS:  
8 We -- actually, no. We are completely  
9 moved out of north Gulfport.  
10 CHAIRMAN WASHER:  
11 Did you operate just on weekends only or  
12 what were your hours up there?  
13 MS. WILLIAMS:  
14 No, we didn't. We have never operated a  
15 thrift store before. This will be brand new for  
16 us. We have always just been a resource center.  
17 But the amount of donations that we take in, we  
18 have actually been passing everything to Youth for  
19 Christ and we will likely continue passing things  
20 to them. But there is so much that it's silly for  
21 us not to retain some of it and sell it to cover  
22 our expenses.  
23 CHAIRMAN WASHER:  
24 All right. If you're just going to  
25 operate on weekends for the thrift store and all,

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1 are you open every day on certain hours of the day  
2 for taking in donations?  
3 MS. WILLIAMS:  
4 So donations are always -- you guys saw  
5 it. There was a shed on the property already. So  
6 we actually have a donation shed. Anyone is  
7 always welcome to drop off any donations. We  
8 operated the same way in north Gulfport. We  
9 already do that actually, have been doing that for  
10 a month now, so we still -- we're already  
11 operating the resource center out of there.  
12 CHAIRMAN WASHER:  
13 Will someone be monitoring that shed to  
14 make certain that it doesn't get overflowed and a  
15 lot of stuff sitting outside?  
16 MS. WILLIAMS:  
17 I'm there early every morning and  
18 evening and we are there throughout the week and  
19 we have volunteers during weekday hours while I'm  
20 working. Uh-huh. Yeah, so we're very careful  
21 about making sure that we get things that -- we  
22 have to be very careful.  
23 CHAIRMAN WASHER:  
24 Okay. We will open the floor for any  
25 other Commissioners that want to ask questions.

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1 I believe, you know, you can see it on  
2 overhead or maybe on video. Your video showed it,  
3 Jon.  
4 MR. LAMBERT:  
5 Yeah.  
6 CHAIRMAN WASHER:  
7 There is no fence back there now.  
8 MR. CARRON:  
9 Huh?  
10 CHAIRMAN WASHER:  
11 There is no fence back there now?  
12 MR. CARRON:  
13 It doesn't go all the way past that  
14 residence. You will see it in these -- right  
15 there. I think that's it. Yes.  
16 MS. WILLIAMS:  
17 Yeah. If we had to -- you're asking if  
18 we would be willing to lengthen it to the end of  
19 drive of the parking?  
20 MR. CARRON:  
21 It's not that far. It's about four  
22 parking spots exposed to that home there.  
23 MR. CREEL:  
24 That would be my recommendation too.  
25 MR. CARRON:

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1 MR. CARRON:  
2 I've got a question for you.  
3 MS. WILLIAMS:  
4 Yes.  
5 MR. CARRON:  
6 I know you're working on limited  
7 funding, but the house directly behind you -- you  
8 have got parking going right up in the property  
9 line there.  
10 MS. WILLIAMS:  
11 Yes.  
12 MR. CARRON:  
13 It's partially fenced, but part of it is  
14 exposed to that house. Do you think those people  
15 have any issues with that or if so, could y'all at  
16 least put a fence up there to kind of isolate your  
17 business away from that residence?  
18 MS. WILLIAMS:  
19 I have not had an opportunity to speak  
20 with them. We keep missing each other. There's  
21 actually construction going on in that home in the  
22 back. I mean, if they have a concern, we are more  
23 than always willing to work with our neighbors,  
24 absolutely.  
25 MR. CARRON:

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1 And I know you're talking about dressing  
2 up the eastern side of the building, but I don't  
3 think that's a big issue because that's, you know,  
4 right up to another business. So now, maybe for  
5 security some time on down the road you may want  
6 to, but I don't think we have an issue with that.  
7 CHAIRMAN WASHER:  
8 Any other questions, members of the  
9 Commission? No other questions.  
10 Anything else you want to add?  
11 MS. WILLIAMS:  
12 No. Just support us. We take donations  
13 anytime you want to drop off. Go through your  
14 closets.  
15 CHAIRMAN WASHER:  
16 Thank you. We'll ask if there is anyone  
17 in the audience that wants to speak in favor of  
18 the applicant's request? Anyone speaking in  
19 favor? No one speaking in favor.  
20 Anyone speaking in opposition?  
21 MR. BOUDREAUX, III:  
22 Good evening. I'm Paul Boudreaux, 2486  
23 Pass Road. I own Southern Property United.  
24 I'm a business there three doors down.  
25 I'm not necessarily as opposed, but I want some

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1 clarification on the intended use of the property.  
2 There is a portable building that's been put  
3 there. Whether it's there, whether it's not, I  
4 just found out today that it's a donation shelter.  
5 My property, I have cameras all around  
6 it. We are an investment company. We have  
7 sensitive documents there. You know, we have  
8 motion sensors. People come and lay around our  
9 property, homeless. We have a homeless problem  
10 within the city. Obviously, if people know that  
11 it's a donation spot, they're going to come,  
12 vagrant their property, so that's a concern of  
13 mine. That's, you know, an opposition that I  
14 have.  
15 Also the building, you know, as long as  
16 I have owned it, as long as those have been  
17 residential -- or businesses, it's been a  
18 thoroughfare. Well, I guess since the new owners  
19 have moved in, I don't know if that building has  
20 been permitted to be put there or allowed or if  
21 they just did it on their own.  
22 I know that the middle building between  
23 us has now been purchased and is now going to be  
24 an accounting firm. So I know that they are  
25 out-of-state owners as well. They're not able to

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1 adjoining drive in between the properties.  
2 MR. BOUDREAUX, III:  
3 Right. So we were all under the  
4 understanding that there is an easement, so there  
5 is a driveway, like from my office that wraps all  
6 the way around from all the existing businesses  
7 that we can drive and hit MacArthur.  
8 If you look -- if you can go to the  
9 video, from that drive, you can access all the way  
10 through. Do you see where they put the building?  
11 You can drive all the way through my office, but  
12 since they have established the building there,  
13 you can't anymore. And prior to the new owners  
14 that bought the building, you know, all the  
15 owners, all the occupants, the tenants, we all  
16 used the drive just because of the traffic from  
17 Pass Road.  
18 CHAIRMAN WASHER:  
19 Did you say you brought the property  
20 where you're at now?  
21 MR. BOUDREAUX, III:  
22 Correct.  
23 CHAIRMAN WASHER:  
24 Was there anything in the covenants --  
25 or not so much covenants, but were there any

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1 be here today. They asked if I would speak on  
2 their behalf as well. The feel in the same  
3 capacity that I do, that they are not so hip on  
4 the fact of the donation shed just because of the  
5 types of businesses that we have brought into the  
6 area that we know that the donation shed is going  
7 to be bringing the vagrants, the homeless and  
8 whatnot to attract to that type of area, because  
9 we're trying to bring Pass Road up, right?  
10 CHAIRMAN WASHER:  
11 Mr. Boudreaux, they're requesting a  
12 conditional use for this property and if there is  
13 a problem, we can address that or even revoke the  
14 opportunity to use their property.  
15 MR. BOUDREAUX, III:  
16 Okay.  
17 CHAIRMAN WASHER:  
18 So maybe that gives you some comfort.  
19 MR. CARRON:  
20 Is your business just to the east of  
21 them?  
22 MR. BOUDREAUX, III:  
23 Correct.  
24 MR. CARRON:  
25 It looks like there is almost an

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1 easements and granted?  
2 MR. BOUDREAUX, III:  
3 I couldn't tell you, sir. I talked to  
4 the property owners and he said that was just  
5 something -- you know, they owned it for 30 years  
6 prior to when I owned it and, you know, there was  
7 never any problems. It's all just something that  
8 was said. So thank you.  
9 CHAIRMAN WASHER:  
10 Thank you, sir.  
11 MS. WILLIAMS:  
12 Can I say something?  
13 CHAIRMAN WASHER:  
14 Hold on just a minute.  
15 Anyone else to speak in opposition or  
16 any questions?  
17 MR. BOUDREAUX, JR.:  
18 I am Paul Boudreaux, Jr. That's The  
19 Third back there.  
20 And I'm up here speaking on behalf of my  
21 son and my mother-in-law, elderly mother-in-law  
22 that does live in Bay Vista.  
23 And by the way my wife is a  
24 schoolteacher in the Gulfport School District, and  
25 we try as much as we can to try to mentor some of

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1 these kids that are in foster care when we're able  
2 to, so we have absolutely nothing against foster  
3 children.  
4           However, there are some facts you can't  
5 escape. First of all, there is a presumption of  
6 approval with the placement of this shed, that is  
7 -- I don't know -- eight by eight, eight by 10 or  
8 whatever it is. It's not going to take very long  
9 for that to fill up based on what you see behind  
10 places like Goodwill and America's Thrift that  
11 take in donations.  
12           If you look at those buildings on a  
13 Sunday evening or Monday morning, they are an  
14 absolutely wreck. People go there. They dump --  
15 they put what they think are good items to donate,  
16 which in a lot of cases are -- they can't be used  
17 and they wind up going in a dumpster, which brings  
18 to another thing. There's going to have to be a  
19 sizable dumpster put there for the things that are  
20 going to get dropped off and being unusable.  
21           But these sites without question, I'd  
22 invite any one of you to go to any of these  
23 businesses along the entire Coast, not just  
24 Biloxi, that takes in donations and see what kind  
25 of condition these places are in. People drop

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1 questions?  
2           (No response.)  
3 CHAIRMAN WASHER:  
4           Anything you want to add, please, ma'am?  
5 MS. WILLIAMS:  
6           So that is a shed, and it's just like a  
7 shed you would put in your backyard. And I'm not  
8 sure if the owner had any conversations with you  
9 guys. I was actually instructed to utilize that  
10 space for the shed because she had already someone  
11 look at their property line and she -- the owner  
12 had clarified to me that even though past years  
13 they had used it as, I guess, a drive-through, she  
14 actually wanted it to stop.  
15           So I don't know -- I don't know why. I  
16 just know that she had -- I wasn't really -- I  
17 didn't really care so much about where the shed  
18 would be placed because we could always put it to  
19 the side, but that is -- so that that's why.  
20 CHAIRMAN WASHER:  
21           One thing, you might get the owner of  
22 the property to check the legal on that, see if  
23 any easements have granted for cross --  
24 MS. WILLIAMS:  
25           Yeah. And we can. I can totally talk

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1 good stuff off as well. And throughout the night  
2 homeless people -- maybe not homeless people,  
3 vagrants, they go through there and they sift  
4 through this stuff and it looks like a war zone by  
5 the time the business opens the next day.  
6           Let's see. Got the dumpster.  
7           Another thing is going to be parking.  
8 If that's a retail space, A, how much -- is there  
9 enough parking for the square footage of retail  
10 space that's going to be there, first of all?  
11 Second of all, is it going to encroach all the way  
12 down to where my son's office is? And I don't  
13 work for him, but I do assist him in his business.  
14 Again, my mother-in-law lives in Bay Vista on  
15 Meadow Road, and those are some things that are of  
16 concern, you know.  
17           This is in Ward 5, Mr. Tisdale's ward  
18 and I hope that he is listening and paying  
19 attention to the comments. You know, there is a  
20 place for businesses like this, but that is not  
21 the place, so -- I only used three minutes.  
22           Any questions for me?  
23 CHAIRMAN WASHER:  
24           No, sir. Thank you. Anyone else to  
25 speak in opposition? Anyone else with any

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1 to her. We can talk about that.  
2 MR. BOUDREAUX, JR.:  
3           Where would a dumpster be put on that  
4 property? And as, you know, dumpsters seem to  
5 attract other people in the neighborhood dumping  
6 their stuff, some of which don't smell very good.  
7 They put household garbage in there, so what's to  
8 prevent them from doing that.  
9 MS. WILLIAMS:  
10           Yeah. Absolutely. No, I completely  
11 understand.  
12 MR. BOUDREAUX, III:  
13           We're not opposed to --  
14 CHAIRMAN WASHER:  
15           All right. This is comments for her  
16 only.  
17 MS. WILLIAMS:  
18           I completely understand where they're  
19 coming from. We have been doing this for quite a  
20 few years now. We do not operate the level of  
21 Goodwill. We do not. The -- yes, we do take in  
22 sizable amount of donations, but Youth for Christ  
23 immediately comes and picks them up for us.  
24           If we do run into a situation -- because  
25 I'm not oblivious, I'm not ignorant. I know that

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1 there is a new operation for us -- we could  
2 potentially run into some problems. And we are  
3 completely ready and willing to address those  
4 because and we don't want to see that either. We  
5 are very proud to be part of Bay Vista, very  
6 proud, and so we are more than willing, if any  
7 problems come up, to work with you guys,  
8 absolutely.

9 CHAIRMAN WASHER:  
10 Is that it?

11 MS. WILLIAMS:  
12 Yes. Yes, sir.

13 MR. STANOVICH:  
14 You're going to use that shed for  
15 outside donations?

16 MS. WILLIAMS:  
17 We've been doing it for a month now,  
18 yes.

19 MR. STANOVICH:  
20 At that location?

21 MS. WILLIAMS:  
22 Yes, sir.

23 MR. STANOVICH:  
24 And your donations, first, I understood  
25 you talked about furniture. You take clothing

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1 any other outside storage of any other type of  
2 materials?

3 MS. WILLIAMS:  
4 We were thinking about doing another  
5 locked storage for mail deliveries because  
6 sometimes we do order mattresses and that way, the  
7 postman has a way to put them in there for us and  
8 lock it, but outside of that, no, sir.

9 MR. STANOVICH:  
10 Okay.

11 CHAIRMAN WASHER:  
12 Any other questions?

13 MR. TODARO:  
14 Yeah, I have a question. It seems as  
15 the owner is not interested in that being a  
16 drive-through --

17 MS. WILLIAMS:  
18 Correct.

19 MR. TODARO:  
20 -- and if there is no official easement  
21 or right-of-way, a fence right behind that storage  
22 unit would protect the neighbors having people go  
23 through their property to get to this scavenge.

24 MS. WILLIAMS:  
25 Correct.

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1 too?

2 MS. WILLIAMS:  
3 So furniture is only dropped off when  
4 we're available. That is scheduled, it is,  
5 because we don't have space to do that. That is  
6 more for like bags of clothes. So a lot of people  
7 come and drop off their trash bags of clothes  
8 after going through their closets and then we turn  
9 around and pull it into the building into our  
10 little area where all the new donations come in  
11 and then we start going through everything.

12 MR. STANOVICH:  
13 You said you were also going to have a  
14 dumpster at this location?

15 MS. WILLIAMS:  
16 Well, I think he was concerned about us  
17 needing a dumpster because of the amount of  
18 donations we may be getting and the fact that  
19 people to like to include garbage sometimes. We  
20 have yet to find that to be a problem for us, but  
21 I'm not saying it won't ever will be again. But  
22 again, we're more than willing to address it at  
23 that time.

24 MR. STANOVICH:  
25 Other than that shed, are you planning

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1 MR. TODARO:  
2 It may be an option. Would you -- your  
3 owner consider that, you think?

4 MS. WILLIAMS:  
5 Well, I'm wondering if that's why she  
6 suggested putting the shed there, so she didn't  
7 have to do a fence possibly. I think that maybe  
8 was utilizing that as a barrier rather than that  
9 putting up a fence, but it's completely something  
10 I can approach with her.

11 MR. TODARO:  
12 Well, the fence would alleviate their  
13 concern about people going through.

14 MS. WILLIAMS:  
15 Yeah. Absolutely. Absolutely. I could  
16 definitely address that with her, uh-huh.

17 CHAIRMAN WASHER:  
18 Okay. If nothing else you want to add,  
19 then we're going to consider that hearing closed.

20 Mr. Creel.

21 MR. CREEL:  
22 Well, this property is zoned LB, which  
23 is considered professional district. It was set  
24 up for like law offices and professional offices,  
25 accounting, those kind of things, but it does

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1 allow retail as a conditional use.  
2 What I would recommend -- this project  
3 has not been to DRC. What I recommend is that the  
4 conditional use be approved with the understanding  
5 that it goes to DRC so that we can address where  
6 the fences need to be, where the storage building  
7 needs to be, whether or not that is a recorded  
8 easement on that property that would allow those  
9 people to go through, and we'll make sure that  
10 it's done right.  
11 We do have problems with dropoff  
12 locations. I know that the applicant mentioned  
13 rules about dropping off furniture and other  
14 things. Lots of people clean out their garage and  
15 their backyards and they don't know what to do  
16 with it, so they take it and drop it off at the  
17 donation box whether people are there or not just  
18 let them sort through. We don't want to create an  
19 eyesore on Pass Road or MacArthur with this.  
20 I do agree the fence being extended  
21 there on the rear. When you have parking on that  
22 side, a lot times, if someone is parking there,  
23 especially at night and their lights are on, then  
24 it shines over into the neighbor's yard. And it  
25 needs to be some kind of a screen there to prevent

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1 identified as 1177 Judge Sekul Avenue, Unit A,  
2 being Municipal Tax Parcel  
3 Number 1310H-03-059.000. This case was also  
4 advertised on August 17th and August 23rd.  
5 Mr. Lambert.  
6 MR. LAMBERT:  
7 Yes, sir.  
8 This is looking back east towards Porter  
9 Avenue down here, Tuxedo back there, along with  
10 one of the old Keesler gates. That's all.  
11 CHAIRMAN WASHER:  
12 All right. Yes, sir.  
13 MR. JOHNSON:  
14 Good afternoon. Vernon Johnson,  
15 president of All Ash Cigar Club.  
16 What I'm looking for at 1177 Judge Sekul  
17 is approval for a conditional use permit to have a  
18 cigar -- spot to smoke cigars. Just like you have  
19 a motorcycle club. I'm not looking to change no  
20 structures, not looking to sell alcohol, not  
21 looking to sell tobacco. Just in the club, we  
22 have 16 other members, as well as myself, and  
23 we're just looking for somewhere that we can come  
24 and sit down, smoke a cigar, you know, watch of  
25 the game, maybe drink a beer or two. And if we

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1 that from happening. But with that, staff would  
2 recommend approval with the understanding that it  
3 goes back to DRC.  
4 MR. TODARO:  
5 I move for the approval.  
6 MR. CARRON:  
7 Second.  
8 CHAIRMAN WASHER:  
9 All right. Motion by Mr. Todaro,  
10 seconded by Mr. Carron, subject to going back to  
11 DRC for determining the conditions to be attached  
12 to it.  
13 All those in favor of approval, raise  
14 your hand. Mr. Lechner, Mr. Parker, Mr. Todaro,  
15 Ms. Magee. Mr. Stanovich, Mr. Bogard,  
16 Mr. Dellenger, Mr. Poulos, Dr. Drawdy, Mr. Carron,  
17 Mr. King, Mr. Snow, Mr. Delahousey; myself, David  
18 Washer. We will let the record show that's  
19 unanimous.  
20 Our next case today is 23-078-PC,  
21 LeMart, LLC, owner; Vernon M. Johnson, applicant.  
22 This is a question for a conditional use to  
23 authorize an existing commercial building to be  
24 utilized as a private club/lodge for property  
25 located within a NB, neighborhood business, and

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1 have any other things that we need to talk about,  
2 we will do it there.  
3 And other than that, it's really not  
4 nothing big to talk about unless you have any  
5 questions.  
6 CHAIRMAN WASHER:  
7 Proposed hours of operation that it  
8 would be available for members only?  
9 MR. JOHNSON:  
10 Yes, because it's private. It's just  
11 for the members unless one of the members come  
12 with a member -- a guest, nobody from the outside  
13 would be coming. And "private" would be on the  
14 door and the only people that will have access  
15 would be the members.  
16 And right now, we're taking on any new  
17 members. We have 17. So it's in the talks to go  
18 up to 20, but not go past 20 because that was my  
19 recommendation. We don't need to go past it. We  
20 started it in June with some fellows and whatnot  
21 that we was traveling around to other places to  
22 cigar events. We went to Dallas, Texas. There  
23 was some ladies that were called the Classy Stixx  
24 Ladies Cigar Society, so we decided, hey, you  
25 know, we always going around. Let's do it