

Ordinance No. 2538

ORDINANCE TO GRANT THE ESTABLISHMENT OF A PD-C: PLANNED DEVELOPMENT
COMMERCIAL MASTER PLAN OVERLAY DISTRICT-EXTENDING AUTHORIZATION
FOR A THREE PHASE COMMERCIAL DEVELOPMENT TO BE KNOWN AS
TOMASTON MEDICAL PARK

WHEREAS, the Biloxi Planning Commission conducted a public hearing on November 16, 2023, to hear the application of Best Holdings, LLC (owner) and Marty Hardy (applicant), Case No. 23-098-PC, to consider an application to establishment a PD-C: Planned Development – Commercial Master Plan Overlay District, under the working title: Tomaston Medical Park, upon seventeen and seventy-nine one-hundredths acre (17.79) (more or less) in size, presently zoned RB-Regional Business, and identified as 12290 North Oaklawn Lane and an unaddressed parcel fronting Shriners Boulevard (re: Tax Parcel Nos. 1108H-04-001.000 & 1108H-04-002.000); and

WHEREAS, it was noted that the Development Review Committee (DRC) had reviewed this request to authorize the establishment of a PD-C: Planned Development – Commercial Master Plan Overlay District, 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 Overlay District approval, as herein requested; and

WHEREAS, on November 16, the Biloxi Planning Commission, upon conducting this public hearing, and after careful reflection of the particulars of this case, voted (11-0) to recommend approval of this PD-C: Planned Development – Commercial Master Plan Overlay District, under the working title: Tomaston Medical Park, upon seventeen and seventy-nine one-hundredths acre (17.79) (more or less) in size, presently zoned RB-Regional Business, and identified as 12290 North Oaklawn Lane and an unaddressed parcel fronting Shriners Boulevard

Ord. No. 2538

(re: Tax Parcel Nos. 1108H-04-001.000 & 1108H-04-002.000), having determined that this PD-C: Planned Development – Commercial Master Plan Overlay District requested would provide a variety of much needed medical facilities within this area 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 Overlay District, as submitted, is appropriate for the properties presently identified as 12290 North Oaklawn Lane and an unaddressed parcel fronting Shriners Boulevard, having concurred that an established community need for this PD-C Master Plan and the medical uses proposed are appropriate for this location.

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 THOSE 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, as amended, are hereby further amended by adding an overlay – PD-C: Planned Development – Commercial Master Plan Overlay District for properties presently identified as 12290 North Oaklawn Lane and an unaddressed parcel fronting Shriners Boulevard (re: Tax Parcel No. 1108H-04-001.000 & 1108H-04-002.000) and described as follows:

Ord. No. 2538

Beginning at an iron rod found at the northeast corner of the northwest 1/4 of the southeast 1/4 of section 3; thence along the north line of said northwest 1/4 of the southeast 1/4, south 87 degrees 22 minutes 20 seconds west 495.28' to an iron rod; thence south 00 degrees 00 minutes 27 seconds east 264.39' to an iron rod found; thence south 00 degrees 04 minutes 00 seconds east 851.49' to an iron rod found on the north margin of Oaklawn Lane; thence along said north margin, north 66 degrees 34 minutes 09 seconds east 548.27' to a concrete monument found; thence along a curve to the left of said north margin, having an arc length of 136.61' and a radius of 180.0', to a concrete monument being north 44 degrees 50 minutes 50 seconds east 133.36', thence further along said north margin, north 23 degrees 10 minutes 19 seconds east 123.09' to an iron rod found; thence further along a curve to the right of said north margin, having an arc length of 233.66' and a radius of 200.0', to a concrete monument being north 56 degrees 18 minutes 02 seconds east 200.60', thence further along said north margin, north 88 degrees 56 minutes 47 seconds east 28.84' to a concrete right-of-way monument found on the west margin of highway 67; thence along said west margin, north 00 degrees 10 minutes 25 seconds east 57.71' to an iron rod found; run thence north 00 degrees 01 minutes east along said row 283 feet to a concrete monument, run thence north 08 degrees 37 minutes 23 seconds east 101.21 feet to a right-of-way marker, run thence north 00 degrees 01 minutes 12 seconds east along said right-of-way 153 feet, more or less, to the north lie of said ne of se, run thence south 89 degrees 07 minutes 19 seconds west 380 feet to the point of beginning, and further described as land most nearly bounded by the following streets: situated North of and fronting to Oaklawn Lane; South of Short-Cut Road; East of North Oaklawn Lane; and West of and adjacent to Shriners Boulevard.

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

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

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

Ord. No. 2538

The President then declared the Ordinance adopted this the 12th day of December, 2023.



ATTEST:

Kei Campbell
CLERK OF THE COUNCIL

APPROVED:

Nathan Bault
PRESIDENT OF THE COUNCIL

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

APPROVED:

[Signature]
MAYOR

Scheduled for:
November 16, 2023
PC Meeting

Best Holding, LLC (owner) and Marty Hardy (applicant)
Case No. **23-098-PC**
PD-C



**Planning Commission
Case Fact Sheet**

Case No.: 23-098-PC
Name of Owner: Best Holding, LLC (owner) and Marty Hardy (applicant)
Address of Properties: 12290 North Oaklawn Lane
Tax Parcels/Ward: 1108H-04-002.000, 1108H-04-001.000

Request: **Zoning Map Amendment - PD-C**

Purpose of Request: To consider an application for a **PD-C: Planned Development – Commercial District Master Plan**, under the working title: Tomaston Medical Park, upon seventeen and seventy-nine one-hundredths acre (17.79) (more or less) in size, presently zoned **RB-Regional Business**, and identified as 12290 North Oaklawn Lane and an unaddressed parcel fronting Shriners Boulevard (re: Tax Parcel Nos. 1108H-04-001.000 & 1108H-04-002.000).

Size of Property: 17.79 acres (More or Less)

Present Zoning: **RB Regional Business**

Flood Zones: X, SX

Present Use: Vacant Commercial Land

Most Nearly Bounded By (streets): To the North of and fronting to North Oaklawn Lane; South of Short-Cut Road; East of North Oaklawn Lane; and West of and adjacent to Shriners Boulevard.

Adverse Influences: None apparent

Positive Influences: The proposed PD-C will establish a 17.79-acre development that will provide facilities for medical care on currently 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 November 09, 2023.

Comments/

Recommendations:

Best Holding, LLC (owner) and Marty Hardy (applicant) have requested a **PD-C: Planned Development – Commercial District Master Plan**, under the working title: Tomaston Medical Park, upon seventeen and seventy-nine one-hundredths acre (17.79) (more or less) in size, presently zoned **RB-Regional Business**, and identified as 12290 North Oaklawn Lane and an unaddressed parcel fronting Shriners Boulevard (re: Tax Parcel Nos. 1108H-04-001.000 & 1108H-04-002.000).

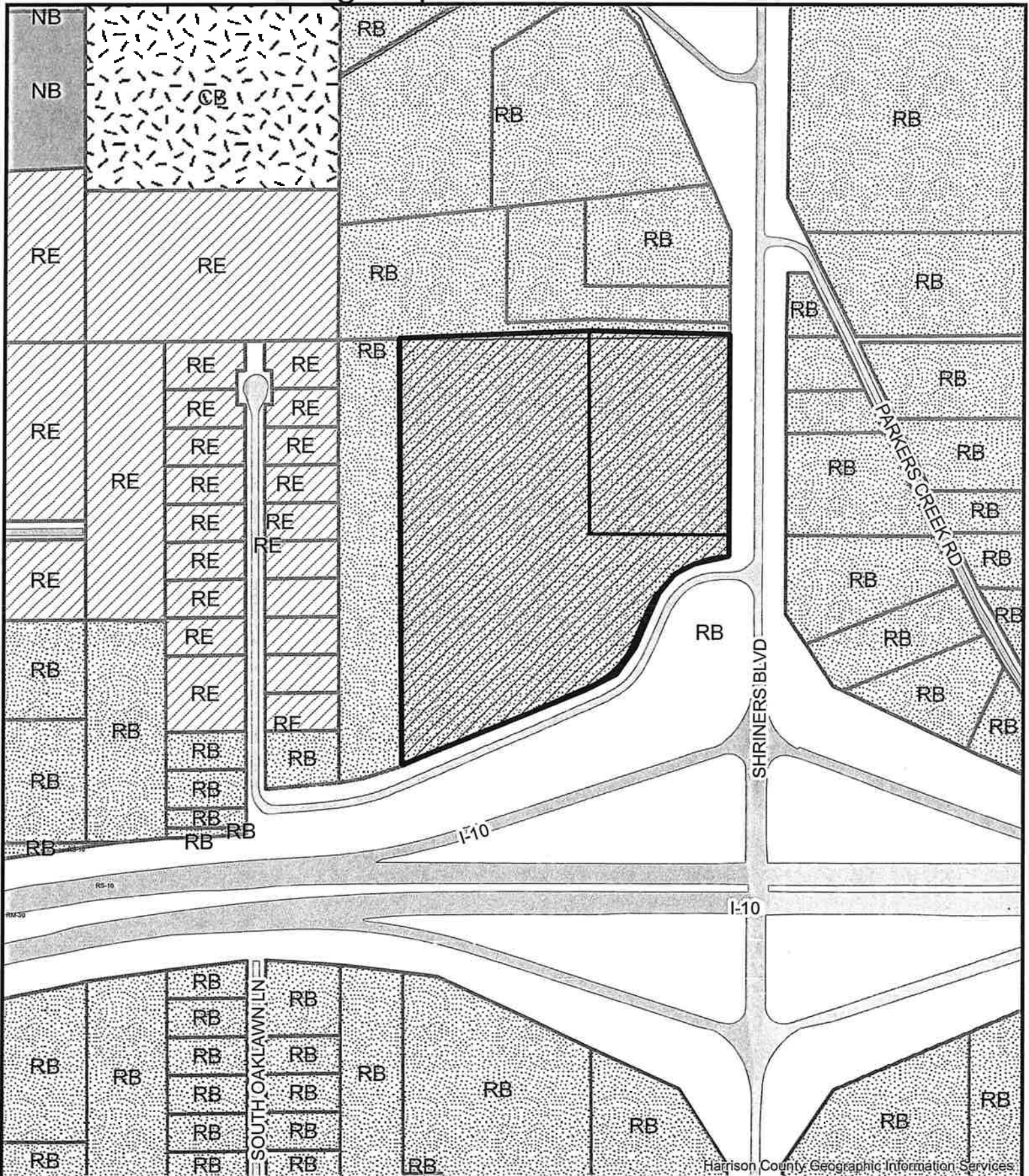
The requested **PD-C: Planned Development – Commercial District Master Plan**, proposes two (2) vacant commercial lots to be redeveloped into a medical park providing medical care facilities, specialty clinics, and supporting spaces for patients and their families. The development will be divided into (4) phases and developed as follows: The first phase will consist of two medical buildings, parking, and storm drainage. The second phase will consist of a restaurant, drug store, and parking. The third phase will be support offices, parking, and an overnight facility. The final phase will be two medical buildings, an office building, parking, and a commissary.

It should be noted that The Development Review Committee has reviewed this project and authorized the applicant to apply to the Planning Commission for **PD-C: Planned Development – Commercial District Master Plan** Approval. Should this matter be approved, all city regulations must be fully addressed.

Options:

1. Recommend approval of this request for a **PD-C: Planned Development – Commercial District Master Plan**, under the working title: Tomaston Medical Park, having determined that said commercial park, as proposed, will serve the interests of the neighborhood and the City of Biloxi, will follow all requirements of the Land Development Ordinance.
2. Recommend denial of this requested **PD-C: Planned Development – Commercial District Master Plan**, having determined that said Master Plan, as offered, has not been found to comply with all requirements of the Land Development Ordinance, as presented.

Case No. 23-098-PC
Best Holding LLC/Marty Hardy
12290 North Oaklawn Ln
Zoning Map Amendment - PD-C





Planning Commission Application
 City of Biloxi Planning Division
 Mailing Address: P.O. Box 508, Biloxi, MS 39530
 Office Location: 676 Dr. MLK Blvd.,
 Building (228) 435-6270 Planning (228) 435-6266 Fax (228) 435-6188
 Case No. 23-098-PC

To Be Completed by Owner/Applicant		Date: <u>10-11-2023</u>	
Name of Rightful Owner(s): <u>Best Holdings, LLC</u>		Name of Applicant: (if different than Owner) <u>Marty Hardy, in care of Best Holdings, LLC</u>	
Property Address: <u>12290 Oaklawn Lane, Biloxi, MS 39532</u>		Ward Number <u>7</u>	
Tax Parcel Identification Number(s):			
<u>1108H-04-002.0000</u>			
<u>1108H-04-001.0000</u>			
Mailing Address of Property Owner: <u>11513 Carondelet St.</u>		Mailing Address of Applicant (if different than Owner): <u>15260 Big John Rd.</u>	
City: <u>Gulfport</u>		City: <u>Biloxi</u>	
State: <u>MS</u>		State: <u>MS</u>	
Zip: <u>39503</u>		Zip: <u>39532</u>	
County <u>Harrison</u>		County <u>Harrison</u>	
Telephone: <u>(228) 547-8375</u>		Telephone: <u>(228) 215-1851</u>	
Property Size (please give in acres or by dimension): <u>17.79 Acres</u>			
Present Zoning Classification: <u>RB</u>			
Is the property located within an AHRC District? Yes ___ No <u>X</u>		Flood Zone(s) of Property: <u>X</u>	
If so, which District?			
	North	South	East
Property is most nearly bounded by what streets?	<u>Shortcut Rd</u>	<u>N. Oaklawn Lane</u>	<u>Shriners Blvd</u>
		<u>West</u>	<u>N. Oaklawn Lane</u>
If property directly fronts or is adjacent one of the streets above please indicate with a ✓.		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
REQUESTED ACTION BY THE PLANNING COMMISSION (A separate supplement form is required for each): <input checked="" type="checkbox"/>			
<input type="checkbox"/>	Text Amendment		
<input type="checkbox"/>	Zoning Map Amendment – must include zone classification change in narrative		
<input checked="" 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



 Notary Signature
 (Seal)

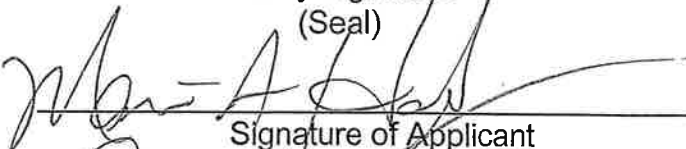
 Signature of Rightful Owner

 Notary Signature
 (Seal)


 Signature of Rightful Owner



 Notary Signature
 (Seal)



 Signature of Applicant



 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:

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, Biloxi, MS 39530
Office Location: 676 Dr. MLK Blvd.,
 Planning (228) 435-6266 Fax (228) 435-6188

TO BE COMPLETED BY APPLICANT	DATE:
------------------------------	-------

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>RB</u>	<u>PD-C</u>

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

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

- Criteria:**
- 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.



HARDY and Associates/ Architect

Healthcare

Educational

Commercial

PLLC

mailing Address:
5260 Big John Road,
 Suite A
 Biloxi, MS 39532

Phone: 228-215-1851
Cell: 601-941-9366

Web:
www.hardyarchitect.com

Planning Department
City of Biloxi
676 Dr. Martin Luther King Blvd.
Biloxi, MS 39530

Re: Tomaston Medical Park
Tomaston Ambulatory Surgery Center (phase 1A of Tomaston Medical
Park)
HA/A Project Number 023-005

Project Narrative:

This project shall consist of 17.79-acre development to provide facilities for medical care on currently vacant land. The project will provide medical offices, specialty clinics, surgical and supporting spaces for patients and their families.

This project will create approximately 120 jobs, and add additional work opportunities for existing groundskeeping, cleaning crews, and maintenance businesses. It will generate retail and services revenue on a property that is currently not producing any income. It will increase property values of this site and adjacent sites. We estimate this project will generate a revenue of over \$150,000,000 worth of site improvements (construction costs). The project will also provide local residents with another convenient opportunity to receive medical services (without adding additional congestion to existing medical parks nearby).

Utilities:

Utilities will be accessed on via Shriners Blvd to the East and N Oaklawn Lane to the South.

Master Plan Dimensional Standards:

Maximum dwelling units/acre: not applicable – this area will be for commercial development, not residential.

Minimum lot area: 25,000 sf. (no minimum lot area is defined for CB District)

Minimum lot width: 130 feet (50 ft allowed for CB District)

Impervious surface maximum: 70% (60% allowed for CB District)

Maximum building height: 80 feet (60 ft allowed for CB District)

Maximum individual building size: 80,000 sf (no maximum building size is defined for CB District)





Minimum building setback: 5 ft (10 ft allowed for CB District)

Maximum building setback: none – buildings will be located based on aesthetics, traffic and utilities.

Minimum setback from residential development or residential zoning district: 25'-0"




 TOMASTON MEDICAL CENTER
 BILBO, HARRISON COUNTY, MS
 SCALE: 1" = 40'-0"

- Legend**
-  Phase 1
 -  Phase 2
 -  Phase 3
 -  Phase 4

Sheet Number
A100

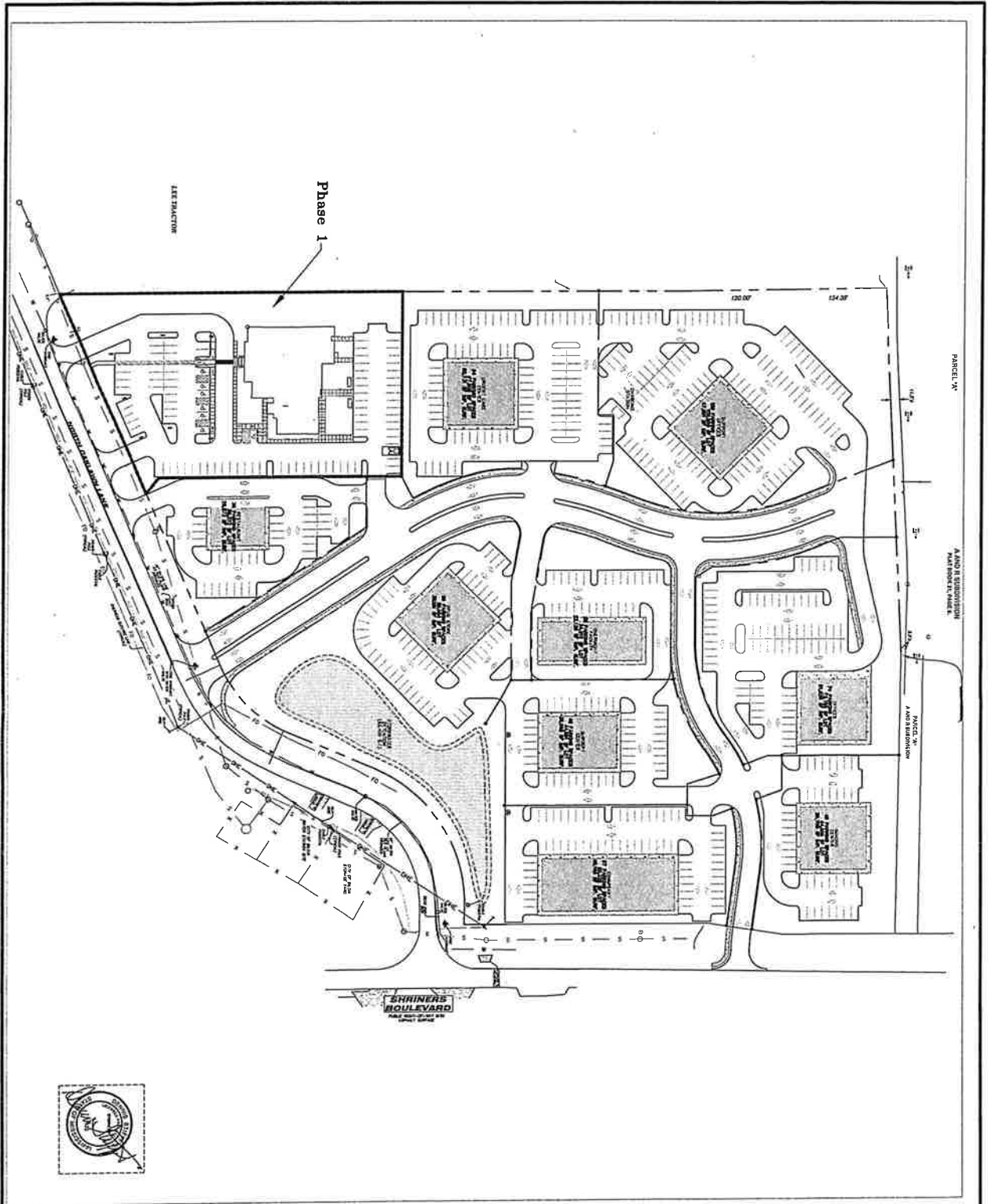
BEST HOLDINGS, LLC
 TOMASTON MEDICAL PARK
 OAKLAWN LANE
 WOOLMARKET, MISSISSIPPI

Project No: 033-005
 Date: MAY 2013
 Drawn: RDJ, JOL
 Checked: MAH

Revisions


HARDY and Associates/Architect
 HEALTHCARE EDUCATIONAL COMMERCIAL PLLC

1000 BILBO RD, SUITE A, BILOXI, MS 39202 PHONE (228) 235-1001 FAX (228) 235-990



PROJECT NO. 0774 SHEET 1		13061 Shriners Blvd., SUITE C Biloxi, Mississippi 39532 Office (228) 392-1636 Fax (228) 392-1679	PROJECT NAME Oaklawn Medical Park City of Biloxi, MISSISSIPPI	SHEET TITLE Overall Site Plan
			DATE 10/1/00	DRAWN BY DSA

Community Development Director
Jerry Creel



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

To: Biloxi Planning Commission
From: Jerry Creel, Development Review Committee Chair
Date: November 9, 2023
Re: Tomaston Medical Park
Ambulatory Surgery Center
N Oaklawn Lane
1108H-04-002.000, 1108H-04-001.000

The Development Review Committee (DRC) has reviewed the above-referenced project and has authorized the applicant to apply to the Planning Commission and the Biloxi City Council for a Zoning Map Amendment from RB to PD-C: Planned Development – Commercial District Master Plan.

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

1

1 BILOXI PLANNING COMMISSION MEETING
 2 NOVEMBER 16, 2023
 3 COMMUNITY DEVELOPMENT,
 4 DR. MARTIN LUTHER KING JR. MUNICIPAL BUILDING,
 5 676 DR. MARTIN LUTHER KING JR. BOULEVARD,
 6 BILOXI, MISSISSIPPI,
 7 BEGINNING AT 2:00 P.M.

8
 9 PLANNING COMMISSION MEMBERS PRESENT:
 10 David washer, Chairman
 11 Ronnie Bogard
 12 Kyle Carron
 13 Steve Delahousey
 14 Charlie Dellenger
 15 Dr. Larry Drawdy
 16 Joe King
 17 Gary Lechner
 18 August Parker
 19 Jimmy Poulos
 20 David Stanovich
 21 Michael Todaro

22 ALSO PRESENT:
 23 Jerry Creel, Director of Community Development
 24 Felicia Serpas, Senior Planner
 25 Caryle Lena, Planner I
 Zach Harris, City Arborist
 Mandy Hornsby, Historic Administrator

26 REPORTED BY:
 27 Melissa Burdine-Rodolfich
 28 Simpson Burdine & Migues

2

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

1 CONTINUED PUBLIC HEARING(S) PAGE:
 2 (None) --
 3
 4 NEW PUBLIC HEARING(S):
 5 23-095-PC 6
 6 23-098-PC 15
 7 23-099-PC 29
 8
 9 TREE HEARING(S):
 10 (None) --
 11
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25

3

1 CHAIRMAN WASHER:
 2 Let us call the Planning Commission
 3 meeting to order, please.
 4 We'll record the members present.
 5 Mr. Lechner, Mr. Todaro, Mr. Parker, Mr. Bogard,
 6 Mr. Stanovich, Mr. Dellenger, Mr. Poulos,
 7 Dr. Drawdy, Mr. Carron, Mr. King, Mr. Delahousey,
 8 myself, David Washer; Jerry Creel, Director of
 9 Community Development; Caryle Lena, Planner. On
 10 the table at the front there is Felicia Serpas,
 11 Senior Planner, and Melissa Rodolfich, court
 12 reporter today. Behind them is Zach Harris, City
 13 Arborist, and also new face today is Mandy
 14 Hornsby, Architectural Administrator.
 15 MR. CREEL:
 16 Historic.
 17 CHAIRMAN WASHER:
 18 Historic.
 19 Ask Mr. Delahousey to please open the
 20 meeting with a moment of prayer.
 21 (Moment of prayer.)
 22 CHAIRMAN WASHER:
 23 Dr. Drawdy, would you lead us in the
 24 pledge, please, sir?
 25 (Pledge of Allegiance.)

4

1 CHAIRMAN WASHER:
 2 We welcome everyone here with us today.
 3 We would ask that anyone that desires to speak,
 4 please come to the podium when your case is
 5 called. If you would, please sign in at the pad
 6 provided and also give us your name and address
 7 for the record.
 8 Also, let me recognize Dr. Paul Tisdale,
 9 Councilman Ward 5, in the audience with us.
 10 Any cell phones, we ask that you either
 11 mute them or turn them off.
 12 Ask if all members of the Commission
 13 received a copy of the minutes from the last
 14 meeting, and if there's any additions or
 15 corrections.
 16 MR. DELAHOUSEY:
 17 I move that we approve.
 18 MR. CARRON:
 19 Second.
 20 CHAIRMAN WASHER:
 21 Motion by Mr. Delahousey recommending
 22 approval; seconded by Mr. Carron.
 23 All those in favor, say "aye."
 24 (All in favor.)
 25 CHAIRMAN WASHER:

5

1 Any opposed?
2 (None opposed.)
3 CHAIRMAN WASHER:
4 Thank you.
5 Committee reports today?
6 MR. CREEL:
7 Yes. Mr. Chairman and members of the
8 Commission, over the two weeks, the department has
9 issued 126 building permits. We had a total
10 construction valuation of \$1.1 million. We
11 collected \$21,000 in permit fees. We have issued
12 15 certificates of occupancy; four of those were
13 for short-term rental. And other permits issued,
14 three of those were actually the sub-permits for
15 the new Rouse's. They pulled their plumbing,
16 mechanical and their electrical permit. That was
17 a total of a little over \$3 million, but because
18 they're sub-permits, they don't show up on our
19 total report. Only the new construction permits
20 show up. Also, we issued a permit for The
21 Sanctuary, which is the church that's on Camellia
22 Street just behind the Waffle House there across
23 from Treasure Bay Casino, and three new
24 single-family houses.
25 CHAIRMAN WASHER:

7

1 Planning Commission has the right to consider --
2 approve this or not to approve it. If they feel
3 that the number is too high, they can reduce that
4 number down to something they feel like -- they
5 feel is more realistic, but that's basically the
6 part of the request.
7 We have so much opposition to a lot of
8 these, especially in the areas that are zoned
9 RM-20 and RM-30 where they abut single-family
10 zoning, and we have had a number of neighbors to
11 come out. We understand that some of the cities
12 around us have limits on the number that they're
13 allowing, and so the recommendation that came to
14 us from the Council was to limit the total number
15 to not more than 125.
16 CHAIRMAN WASHER:
17 Okay. Thank you.
18 Mr. Delahousey.
19 MR. DELAHOUSEY:
20 I had a question. I did a good bit of
21 research on this and it sounds like cities
22 certainly have the authority to regulate the
23 number of short-term rentals.
24 My concern is what if this passes and
25 someone with a lot of money decides to come before

6

1 Thank you.
2 No continued public hearings.
3 New public hearing, Case Number
4 23-095-PC, City of Biloxi. This is a text
5 amendment to the Land Development Ordinance to
6 consider a charge extended by the City of Biloxi
7 Administration to consider a text amendment to the
8 Land Development Ordinance related to Section
9 23-4-3-(D)(10)e concerning short-term rentals.
10 This was advertised on November 2nd and
11 November 9th.
12 Jerry, anything you want to say?
13 MR. CREEL:
14 Yes, sir. I'll do that.
15 Okay. What this is, this came as a
16 request from the City Council. You know, we have
17 had a number of cases where short-term rental --
18 or requests for short-term conditional use in
19 RM-20 and RM-30. This is not a challenge to any
20 of the ones that are going in the zones where it's
21 allowed as a use-by-right but only to those that
22 are being considered for conditional use.
23 We currently have 57 that are existing,
24 and the recommendation is that we put a ceiling on
25 the number that we would issue of 125. The

8

1 us and gobble up a bunch of the 125 short-term
2 rentals and they just sit vacant? Have you had
3 any experience where there has been a condition
4 placed on this type of restriction that if there
5 has been no occupancy, say for six months or more,
6 that it reverts back to conditional use?
7 MR. CREEL:
8 We haven't been faced with that yet,
9 that type of a situation yet. You know, is that
10 possible? It's possible, yeah, but we would still
11 have to deal with the properties through code
12 enforcement. I mean, if someone buys up a number
13 of these properties that are in these multi-family
14 zones and some of them even in some of the lower
15 business zones where it would require a
16 conditional use, we can't stop them from
17 purchasing the property. But if the properties
18 are unkempt, we just have to address it through
19 code enforcement.
20 MR. DELLENGER:
21 Where did the 125 come from?
22 MR. CREEL:
23 That was just a recommendation that came
24 from one of the council members that --
25 MR. DELLENGER:

13

1 MR. CREEL:
 2 We can do that, yes.
 3 MR. DELLENGER:
 4 What happens if somebody comes in --
 5 let's just say we hit the 125 cap. Somebody comes
 6 in in January and you say, I have to deny this;
 7 we're at the 125 cap. All of a sudden that frees
 8 up the next month. Somebody closes theirs or
 9 whatever, one frees up.
 10 Am I supposed to just come in every
 11 month and check on that or is there a check and
 12 balance to say, okay, you're on a waiting list?
 13 CHAIRMAN WASHER:
 14 No. We could keep copies of those
 15 applications in order, the order that they were
 16 received. And if for whatever reason somebody
 17 just decides to stop doing short-term rental, then
 18 we can notify that next person in line, that, you
 19 know, because one has stepped aside, we're back
 20 down to 124 and you can now apply for it.
 21 MR. DELLENGER:
 22 I mean, is that a procedure that you
 23 guys are planning on putting in place, or was that
 24 just kind of, well, we could do that?
 25 MR. CREEL:

15

1 Mr. Lechner, Mr. Todaro, Mr. Parker,
 2 Mr. Bogard, Mr. Stanovich, Mr. Dellenger,
 3 Mr. Poulos, Dr. Drawdy, Mr. Carron, Mr. King,
 4 Mr. Delahousey; myself, David Washer. We'll let
 5 the record show that's unanimous.
 6 Our next case is 23-098-PC, Best
 7 Holding, LLC, Owner; Marty Hardy, applicant. It's
 8 an application for a PD-C, Planned
 9 Development-Commercial District Master Plan, under
 10 the working title Tomaston Medical Park on 17.79
 11 acres, more or less, in size, presently zoned, RB,
 12 Regional Business, and identified as 12290 North
 13 Oaklawn Road and an unaddressed parcel fronting
 14 Shriner's Boulevard. This is Municipal Tax Parcel
 15 Number 1108H-04-001.000 and 1108H-04-002.000.
 16 This case was also advertised on November 2nd and
 17 November 9th.
 18 Got the video on that, Felicia?
 19 MS. SERPAS:
 20 Yes, sir. That's Shriner off the top
 21 right of the screen. That's looking back to the
 22 west and I-10 right there.
 23 CHAIRMAN WASHER:
 24 Thank you.
 25 Mr. Hardy, are you presenting this case?

14

1 No. We can do that. I mean, we haven't
 2 talked about it in that depth yet, but certainly,
 3 that's reasonable and that will work within the
 4 ordinance.
 5 MR. CARRON:
 6 There would have to be some wording put
 7 in there, too, that these people should have a
 8 time limit that they have to respond back to you
 9 saying yay or nay, you know, whether they are
 10 going to do it.
 11 MR. STANOVICH:
 12 I'm pretty sure Ocean Springs had a
 13 waiting list like you're talking about. I think
 14 that's a good idea. Let somebody know they can
 15 get in line. If somebody drops off, they would be
 16 next up.
 17 CHAIRMAN WASHER:
 18 All right. Any other discussion?
 19 (No response.)
 20 CHAIRMAN WASHER:
 21 All right. We have got a motion and
 22 second on the floor recommending approval to put a
 23 cap on at 125.
 24 All those in favor, raise your hand,
 25 please.

16

1 MR. HARDY:
 2 Yes. Well, I'll let Mr. Bart --
 3 CHAIRMAN WASHER:
 4 All right, sir.
 5 DR. EDMISTON:
 6 Thank you. So my name is Bart Edmiston.
 7 I'm one of the anesthesiologists with my partner
 8 Samir Tomajian, who -- we take care of Merit
 9 Hospital and we're also the chiefs at Memorial
 10 Hospital.
 11 What we're doing is -- and I wish we had
 12 a drone to show you, because we do have some good
 13 pictures to show you what we want to do. So what
 14 we want to do is we want to take Merit Hospital,
 15 Memorial Hospital, ourselves and some of the best
 16 physicians in each representative specialty, such
 17 as plastic surgery, oncology, neurosurgery,
 18 gastroenterology, and we want to put it all
 19 together in a complex. Right now, we don't have
 20 enough space at Memorial or Merit to put everyone
 21 in a place.
 22 So we have gotten the endorsement of
 23 Memorial Hospital, of Merit Hospital, both CEOs
 24 and the administration. And we want to combine it
 25 because this property sits kind of equal distance

17

1 between Memorial and Merit, so to speak, and put
2 the first of a three-phase project. But the first
3 phase that we're here to speak about is, you know,
4 we want to put a surgery center that will
5 encompass gastroenterology, neurosurgery,
6 interventional spine, which is Samir,
7 interventional anesthesiologist and dermatology
8 with the ability to expand into an oncology
9 facility that specializes in breast cancer, so
10 Paul Mace, one of the general surgeons who we're
11 close with, Michael Diaz, Allison Wall, Pam Tuli.

12 You know, on the Coast, what's
13 happening, we're losing patients going west and
14 east. Mississippi patients are going out and for
15 the reason of, we don't have a comprehensive
16 system to do this, so we want to create that so we
17 can keep patients in Mississippi who are from
18 Mississippi and want to be treated here in
19 Mississippi. And that's our primary goal here.

20 And so I will speak to the second phase
21 and the third phase too. So the vision is we want
22 to put facilities that will allow patients who
23 otherwise have to go to Texas to receive their
24 care to -- their families won't be displaced.
25 We'll have the ability to care for them here, put

19

1 inpatients as well?

2 DR. EDMISTON:
3 Primarily outpatient, unless -- you
4 know, there's a CON issue with inpatient beds, as
5 you're well aware.

6 MR. DELAHOUSEY:
7 Right.

8 DR. EDMISTON:
9 We have had some conversations with our
10 Governor and Lieutenant Governor, and a lot of the
11 representatives here on the Coast about that CON.
12 We will see what happens in this session, but if
13 we could get to the point where we have the
14 ability to create a small inpatient facility that
15 can, you know, pass the CON standards and get some
16 egos and some hospitals to work together and not
17 against one another, then I think we can do it.

18 MR. DELAHOUSEY:
19 I don't know if you have been following
20 the actions of this Commission, but in the last
21 couple years, we have approved a lot of
22 developments, really nice developments,
23 subdivisions and all out in that area, and it
24 seems like there is a lack of healthcare
25 facilities for those people.

18

1 in a facility that will provide 23-hour
2 observation or, you know, allow them to convalesce
3 near where the surgeries are done, around the
4 specialist and creating, you know, an atmosphere
5 where rising tide floats all boats between both
6 Memorial, Merit and Hancock and Harrison counties,
7 okay, and also, you know, Jackson County as well.

8 So a multi-specialty medical office
9 building, imaging center, housing there
10 potentially, depending on, you know, what the need
11 is and how this takes traction. Additionally,
12 another thing down the line is, you know, a lot of
13 patients who are, you know, injured here in the
14 workers' comp system or -- as well as in the --
15 you know, the attorney-covered privilege system --
16 which you're in an accident, you need a surgery --
17 well, what's happening is you have physicians
18 coming in from out of state, seeing them over here
19 and doing some surgeries over here, but a lot them
20 are being done in Louisiana. They're being taken
21 out, and we want to address that and keep people
22 here.

23 MR. DELAHOUSEY:
24 Is this -- do you find this being an
25 outpatient center or will it accommodate

20

1 DR. EDMISTON:
2 Absolutely. To your point, Samir and I
3 had dinner with Scott DeLano recently. And I'm
4 not sure if any of you are aware, but, you know,
5 the State of Mississippi has five pilot spot
6 programs for outpatient, ER facilities, satellite
7 emergency rooms.

8 If you go up 65, you'll see the first
9 one right there on your left in Saraland. If you
10 go west towards Pensacola, you'll ride off to
11 Loxley and the Fairhope exit, and Providence and
12 USA have put an outpatient. If you go down toward
13 where I trained, Gainesville, Florida -- they are
14 everywhere.

15 We don't have that here. We have a lot
16 of urgent cares, but the acuity that they provide
17 is much different. It's much needed. You know,
18 I'm 49 years old. I have a history of heart
19 disease. I just had a heart stent, you know, five
20 weeks ago. Had I had a heart attack, you know, if
21 you go to an urgent care, it could have cost me my
22 life.

23 However, if you look at the amount of
24 cars passing this exit, right at 100,000 cars a
25 day, why we don't have the ability to provide

21

1 immediate access to a facility that could, you
2 know, provide higher acuity care is just beyond
3 me. And I brought this up with Travis Sisson, the
4 CEO of Merit; Kent Nicaud, the CEO of Memorial,
5 and Tate Reeves recently. And there are three
6 pilot ER programs that are all above Hattiesburg,
7 Mississippi. We don't have one on the Coast.
8 Yet, this is where the largest growth is, and it's
9 sitting exactly in the middle of the border of
10 Alabama and Mississippi and Louisiana and
11 Mississippi. We need it.
12 MR. CARRON:
13 Will there be any 24-hour --
14 DR. EDMISTON:
15 I'm sorry, sir?
16 MR. CARRON:
17 Is there any 24-hour in the initial
18 phase?
19 DR. EDMISTON:
20 No. We don't have it, I mean, other
21 than driving all the way to Memorial or Merit or
22 to Ocean Springs or Garden Park, but Garden Park
23 doesn't even have a labor and delivery floor
24 anymore or service line.
25 MR. KING:

23

1 already been paid for. We have got it in hand, so
2 we're clear for the first phase. It should be
3 February, March whenever we get cleared hopefully
4 from the Corps of Engineers and MDEQ on the rest
5 of the 17 acres, so that should fall right into
6 where then we're going to pick up with the rest of
7 the site. So hopefully that kind of gives you an
8 idea from a time frame standpoint.
9 DR. EDMISTON:
10 And I probably should add one more
11 thing. So the whole purpose of this is to create
12 something that doesn't exist here. When I trained
13 at Dartmouth, you know, we had a lot of
14 cutting-edge programs like the Functional
15 Restoration Program that took people who otherwise
16 had no recourse in treatment, who had -- kind of,
17 you know, are at the tier of what's available and
18 they took these great minds and put them all
19 together and you -- the innovation that comes from
20 putting people who are, you know, the pointy edge
21 of the sword, if you will, in their specialty, you
22 know, is profound.
23 So that's what we want to do. We want
24 to create something that doesn't exist here by
25 putting, not just one specialty, but multiple

22

1 What's your timeline?
2 DR. EDMISTON:
3 We hope to be building in the next
4 month, start building, yes, sir.
5 MR. HARDY:
6 What we've got right now, on Phase 1 --
7 I'm sorry. I'm Marty Hardy. My address is 1510
8 John Road, Biloxi, Mississippi.
9 What we have got is Phase 1 of this
10 project. We have got it in contractors' hands
11 right now for pricing, and so bids are going to be
12 due for the dirt work part of the project on the
13 30th of November. And so our intent is to start
14 dirt work as soon as possible. As soon as we get
15 the bids in and we approve them and Mr. Creel
16 allows us to come get a permit, we're going to
17 start dirt work in December, and so that part of
18 it is going to move pretty quick.
19 Construction for the building should
20 start probably March -- February, March of next
21 year for the first building. And then the next
22 part of the phase, we're waiting on mitigation
23 information to come back. We've already got our
24 first permit for Phase 1, which is a nationwide
25 permit for wetlands mitigation. We've -- it's

24

1 specialties, the best of the best together and
2 allow them to kind of move forward.
3 So we've actually partnered with the
4 City of Biloxi on putting, you know, alternative
5 energy, you know, electric vehicle charging
6 stations here. The amount of people -- you know,
7 whether we like it or not, it's coming. They're
8 pushing it on us, so, you know, we can either be
9 part of the solution or part of the, you know,
10 problem. But we're going to be part of the
11 solution, and we're going to do stuff that's
12 innovative and transformative and that's what
13 we're going to do here.
14 CHAIRMAN WASHER:
15 Any other questions, members of the
16 Commission?
17 MR. CARRON:
18 Just looking at some of the master plan
19 stuff, are they going to require any kind of
20 variances, like for the impervious surface and
21 stuff like that since it's a master plan?
22 MR. CREEL:
23 No. That would all be addressed within
24 the PD. Essentially -- let me just go ahead and
25 address everything, you know, because it will

25

1 cover a lot of that.
2 This is a request for a piece of
3 property that's almost 18 acres in size. The
4 request before you today is to do a PD-C, which is
5 a Planned Development-Commercial, which would
6 allow this type of a medical facility to go into
7 it.
8 The first phase, they're ready to move
9 on. The property is already zoned RB, so they are
10 not required to get a zoning change. They asked
11 if they could move forward with Phase 1, but we
12 made them aware that as long as Phase 1 can fit
13 within itself, in other words, if it meets all the
14 parking and all the other requirements, they can
15 move forward with it. But the rest of the project
16 will be a phased development as they negotiate
17 with these other people about what to put in.
18 With a PD, you basically write your own
19 reasonable rules about it. In other words, you
20 don't necessarily take each one of these buildings
21 and hold them to the stringent parking
22 requirements that are -- or setback requirements
23 on that piece of property. They basically do the
24 calculations to determine what they need, and
25 there's a situation here where they could provide

27

1 MR. HARDY:
2 You will see the site plan over here on
3 the right. That entire blue area, that is going
4 to be our detention pond.
5 CHAIRMAN WASHER:
6 Okay.
7 MR. HARDY:
8 So we -- you know, Dennis has been
9 working on all the calculations on that and sized
10 the detention pond to fit the property and the
11 amount of development that we're going to have on
12 the property.
13 CHAIRMAN WASHER:
14 Appreciate it. Anything else you want
15 to add, sir?
16 DR. EDMISTON:
17 No. Thank you, guys. I appreciate it.
18 Thank you for your time.
19 CHAIRMAN WASHER:
20 Thank you.
21 Ask if there is anyone in the audience
22 that wants to speak in favor of applicant's
23 request? Yes, sir?
24 MR. HARDIN:
25 Hello, everyone. My name is Jim Hardin,

26

1 shared parking between two or something like that.
2 But working very closely with Mr. Hardy
3 and Dennis Stieffel and the two doctors that are
4 moving this forward, we believe that this is a
5 great project in a great location. We think that
6 it's perfectly set up for it. Because this RB,
7 it's possible that we could get something there
8 that would be less desirable, and certainly, this
9 is a desirable project to go in this location. So
10 from the staff's standpoint, we fully support
11 this.
12 And we'll -- we've already gone through
13 the DRC. It meets all the criteria required, so
14 once the building plans or architectural plans are
15 approved, we can issue a permit to them and move
16 forward with that. And as the other phases come
17 in, we will update the Planning Commission that we
18 received the next phases.
19 CHAIRMAN WASHER:
20 As this thing is developed, where is the
21 water ultimately going to run to?
22 DR. EDMISTON:
23 That's a great question. I will defer
24 to Marty or Dennis on that. I know where it goes
25 in our body, but --

28

1 2330 Beau Chene Drive, Biloxi, Mississippi. I
2 also own Aladdin Construction, and our property is
3 directly north of this site.
4 And there is nothing I can add that
5 Marty hasn't already shared with everybody or
6 Jerry, but we are supportive of it.
7 CHAIRMAN WASHER:
8 Thank you, Mr. Hardin.
9 Anyone else to speak in favor? No one
10 speaking in favor.
11 Anyone speaking in opposition? No one
12 speaking in opposition.
13 We will consider that hearing closed.
14 Mr. Creel.
15 MR. CREEL:
16 Well, you have heard the summary of what
17 they're proposing here. You know, in addition to
18 all the medical facilities they're going to be
19 putting in, they're also going to be putting in
20 charging stations for the electric vehicles on
21 there as well. And right there on the highway, we
22 just believe that this is a great location, very
23 accessible. They have gotten some good designers
24 to put this together that we're very familiar with
25 and work with all the time. For the PD, the staff

29

1 would recommend approval.
2 CHAIRMAN WASHER:
3 Mr. Delahousey.
4 MR. DELAHOUSEY:
5 As an emergency nurse, I certainly
6 recommend approval of this project.
7 MR. PARKER:
8 Second.
9 CHAIRMAN WASHER:
10 All right. Motion by Mr. Delahousey
11 recommending approval; seconded by Mr. Parker.
12 We'd ask that all those in favor of
13 approval, raise your hand.
14 Mr. Lechner, Mr. Todaro, Mr. Parker,
15 Mr. Bogard, Mr. Stanovich, Mr. Poulos, Dr. Drawdy,
16 Mr. Carron, Mr. King, Mr. Delahousey; myself,
17 David Washer.
18 Any opposed?
19 (None opposed.)
20 CHAIRMAN WASHER:
21 Any abstentions? Mr. Dellenger
22 abstains.
23 Motion carries.
24 Our next case today is 23-099-PC. It's
25 an application requesting conditional use approval

31

1 turn it into a short-term rental.
2 What I can offer someone to come in --
3 you know, a family, even traveling nurses, to come
4 in this house, it has five bedrooms, three full
5 baths, large area to park in where they won't be
6 disturbing the neighbors, as far as parking in
7 their driveway, along the road or anywhere else.
8 I don't see a problem with that.
9 CHAIRMAN WASHER:
10 All right, sir.
11 MR. ODOM:
12 It's a fairly quiet street. I spent
13 many, many years here, you know. And I enjoy
14 coming here. And I think I can offer that to
15 families and also traveling, working people.
16 CHAIRMAN WASHER:
17 Have you talked to anyone here locally
18 regarding the management of the property?
19 MR. ODOM:
20 I have talked to someone, but in Ocean
21 Springs, is where they reside.
22 CHAIRMAN WASHER:
23 That's fine.
24 MR. ODOM:
25 Yes, sir.

30

1 to authorize an existing single-family residence
2 situated upon a parcel of land approximately 98
3 feet by 81.5 feet to be utilized as a short-term
4 rental for property located within an RM-30
5 high-density, multi-family residential zone and
6 identified by municipal address 276 Magnolia
7 Street, being Municipal Tax Parcel Number
8 1410F-06-042.000. This case was also advertised
9 on November 2nd and November 9th.
10 Felicia, if you have got the video on
11 that, please.
12 MS. SERPAS:
13 Yes, sir, I do.
14 That's it.
15 CHAIRMAN WASHER:
16 All right. Mr. Odom.
17 MR. ODOM:
18 Yes, sir. My name is Joseph Odom, 1716
19 Kings Road in Slidell.
20 I own this home at 276 Magnolia Street.
21 I'm in Slidell right now because my career took me
22 over there in 1990, but I was born and raised here
23 in Mississippi. That was my grandfather's house.
24 It's a family home. This is my second time to
25 remodel it after Katrina. And then I'm looking to

32

1 CHAIRMAN WASHER:
2 Any other questions from the members of
3 the Commission? No other questions.
4 Anything else you want to add, Mr. Odom?
5 MR. ODOM:
6 No, sir, that's it. Thank you.
7 CHAIRMAN WASHER:
8 Okay. We'll ask if there is anyone in
9 the audience that wants to speak in favor of the
10 applicant's request.
11 MR. RANKIN:
12 My name is Don Rankin, 283 Magnolia
13 Street, across the street from this property. His
14 grandfather is my godfather, deceased.
15 And I was there from the start to now.
16 Well, I was there 67 years ago. And he has
17 brought that house around to a whole 'nother
18 dimension, and there's no -- the money that he's
19 invested, the pride that he has took in it,
20 whatever he do is better for the community. My
21 property is right across the street. My grandma
22 bought it in '41. So everything that he is doing
23 there is just improving the whole neighborhood.
24 And that's it.
25 CHAIRMAN WASHER: