

Ordinance No. 2545

ORDINANCE TO APPROVE A ZONING MAP AMENDMENT, TO AUTHORIZE A CHANGE IN ZONING DISTRICT CLASSIFICATION FOR SEVENTY-THREE (73) PARCELS OF LAND, FROM THEIR PRESENT ZONING DISTRICT CLASSIFICATION OF A-AGRICULTURAL AND RB-REGIONAL BUSINESS TO LB-LIMITED BUSINESS, A-AGRICULTURAL, AND AR- AGRICULTURAL RESTRICTED

WHEREAS, on Thursday, July 6, 2023, the Biloxi Planning Commission held a public hearing in the Auditorium of the Dr. Martin Luther King, Jr., Municipal Building, 676 Dr. Martin Luther King, Jr. Boulevard, Biloxi, Mississippi, to hear Case No. 23-052-PC, City of Biloxi, a request for Zoning Map Amendment, for seventy-three (73) parcels of land along Old Highway 67; and

WHEREAS, the Planning Commission members were apprised of the particulars of this case, being made cognizant of the fact that the City of Biloxi, had submitted this request for Zoning Map Amendment, to authorize a change in zoning district classification for seventy-three (73) parcels of land, approximately four-hundred and sixteen (416) acres (more or less) from their present zoning district classifications of A-Agricultural and RB-Regional Business to NB-Neighborhood Business, for properties along Old Highway 67; and

WHEREAS, on July 6, 2023, the Biloxi Planning Commission, after much discussion, input from neighbors, and careful reflection upon the particulars of this case, voted to table this matter, pending an explanation of drainage in that area from the City of Biloxi Engineering Department; and

WHEREAS, on Thursday, December 7, 2023, Christy Lebatard, City of Biloxi Engineering Director, attended the Planning Commission meeting and identified the drainage in the area, pointing out wetland areas, and large drainage basins: and

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WHEREAS, on Thursday, January 18, 2024, the Biloxi Planning Commission held a second public hearing in the Auditorium of the Dr. Martin Luther King, Jr., Municipal Building, 676 Dr. Martin Luther King, Jr. Boulevard, Biloxi, Mississippi, to revisit Case No. 23-052-PC; and

WHEREAS, on January 18, 2024, the Biloxi Planning Commission, after much discussion concerning drainage, and input from neighbors, a recommendation was made to rezone parcels west of Paradise Lane to Jake Husley Road from A-Agricultural and RB-Regional Business to LB Limited Business (a less intense commercial zone than NB), and all parcels east of Paradise Lane recommended to be rezoned from A-Agricultural to AR Agricultural Restricted, this motion failed with a vote of 2-8-1; and

WHEREAS, on January 18, 2024, the Biloxi Planning Commission, voted 6-5-1 to recommend denial of this request for Zoning Map Amendment, having determined that no mistake in original zoning was found, and that no significant change in the character of the neighborhood had been established at these locations; and

WHEREAS, the Biloxi City Council, after consideration of all facts presented, hereby rejects the report and findings of the Biloxi Planning Commission, and in so doing, determines that approval of this Zoning Map Amendment to the lesser zoning classification of LB-Limited Business, AR-Agricultural Restricted, and to retain A-Agricultural zoning on certain parcels, is appropriate for seventy-three (73) parcels of land, Case No. 23-052-PC, City of Biloxi, as detailed below:

The following parcels shall be rezoned from A and RB to LB-Limited Business: 1308D-02-019.000; 1308D-02-017.000; 1308D-02-020.000; 1308D-02-017.001; 1308D-02-016.001; 1308D-02-015.000; 1308D-02-018.000; 1308D-02-011.000; 1308D-02-013.001; 1308D-02-013.000;

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1308D-02-012.000; 1308D-02-003.000; 1308D-02-004.000; 1308D-02-014.000; 1308D-02-015.001; 1308D-02-009.000; 1308D-02-010.000; 1308D-02-015.002; 1308D-02-016.000; 1308D-02-006.001; 1308D-02-006.000; 1308D-02-005.000; 1308D-01-001.002; 1308D-01-005.002; 1308D-01-001.001; 1308D-01-002.000; 1308D-01-005.000; 1308D-01-006.000; 1308D-01-005.001; 1308D-01-007.000; 1308D-01-008.001; 1308D-01-009.001; 1308D-01-004.001; 1308D-01-004.002; 1308D-01-002.004; 1308D-01-004.000; 1308D-01-008.000; 1308D-01-003.001; 1308D-01-003.000; 1308D-01-002.003; 1308D-01-002.002; 1308D-01-002.001; and

The following parcels will retain their current zoning of A-Agricultural: 1308C-02-001.000; 1308C-01-008.000; 1308C-02-001.003; 1308C-01-011.002; 1308C-01-012.001; 1308C-01-009.000; 1308C-02-001.005; 1308C-01-003.001; 1308C-01-005.001; 1308C-01-005.000; 1308C-01-012.000; 1308C-02-001.004; 1308C-01-005.002; 1308C-01-010.000; 1308C-01-003.000; 1308C-01-011.000; 1308C-02-001.002; 1308D-01-001.000; 1308C-02-001.001; 1308C-02-001.006; 1308C-01-013.000; 1308C-01-013.001; 1308D-01-001.003; and

The following parcels shall be rezoned from A to AR- Agricultural Restricted: 1308C-02-002.000; 1308C-01-001.000; 1308C-02-003.000; 1308B-03-001.000; 1308D-02-001.000; 1308D-02-002.000; 1308B-01-001.000; 1308B-02-001.000.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BILOXI, MISSISSIPPI, REJECTS THE PLANNING COMMISSION RECOMMENDATION, AND APPROVED THIS REQUEST BASED UPON A DETERMINATION THAT A CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD IN THIS AREA OF THE CITY OF BILOXI, COUPLED WITH A VALID COMMUNITY NEED

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FOR CONSIDERATION OF ADDITIONAL USES AT THESE LOCATIONS HAS BEEN ESTABLISHED, 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, be hereby further amended by a change in zoning district classifications from A-Agricultural and RB-Regional Business to LB-Limited Business, AR-Agricultural Restricted, and to retain A-Agricultural for land presently identified as seventy-three (73) parcels of land along Old Highway 67, and described as follows:

The following parcels shall be rezoned from A and RB to LB-Limited Business: 1308D-02-019.000; 1308D-02-017.000; 1308D-02-020.000; 1308D-02-017.001; 1308D-02-016.001; 1308D-02-015.000; 1308D-02-018.000; 1308D-02-011.000; 1308D-02-013.001; 1308D-02-013.000; 1308D-02-012.000; 1308D-02-003.000; 1308D-02-004.000; 1308D-02-014.000; 1308D-02-015.001; 1308D-02-009.000; 1308D-02-010.000; 1308D-02-015.002; 1308D-02-016.000; 1308D-02-006.001; 1308D-02-006.000; 1308D-02-005.000; 1308D-01-001.002; 1308D-01-005.002; 1308D-01-001.001; 1308D-01-002.000; 1308D-01-005.000; 1308D-01-006.000; 1308D-01-005.001; 1308D-01-007.000; 1308D-01-008.001; 1308D-01-009.001; 1308D-01-004.001; 1308D-01-004.002; 1308D-01-002.004; 1308D-01-004.000; 1308D-01-008.000; 1308D-01-003.001; 1308D-01-003.000; 1308D-01-002.003; 1308D-01-002.002; 1308D-01-002.001; and

The following parcels will retain their current zoning of A-Agricultural: 1308C-02-001.000; 1308C-01-008.000; 1308C-02-001.003; 1308C-01-011.002; 1308C-01-012.001; 1308C-01-009.000; 1308C-02-001.005; 1308C-01-003.001; 1308C-01-005.001; 1308C-01-005.000; 1308C-01-012.000; 1308C-02-001.004; 1308C-01-005.002; 1308C-01-010.000; 1308C-01-003.000; 1308C-

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01-011.000; 1308C-02-001.002; 1308D-01-001.000; 1308C-02-001.001; 1308C-02-001.006;
1308C-01-013.000; 1308C-01-013.001; 1308D-01-001.003; and

The following parcels shall be rezoned from A to AR- Agricultural Restricted: 1308C-02-002.000;
1308C-01-001.000; 1308C-02-003.000; 1308B-03-001.000; 1308D-02-001.000; 1308D-02-
002.000; 1308B-01-001.000; 1308B-02-001.000.

Parcels of land situated in Sections 6, Township 7, Range 9 West and also within Section 5,
Township 7, Range 9 West, Harrison County, Mississippi, and further described as land most
nearly bounded by the following streets: to the North and South of and fronting to Old Highway
67; to the East of Hudson Krohn Road; and to the West of Highway 67.

SECTION TWO: Upon unanimous vote of the members of the City Council, this ordinance
shall be in full force and effect from and after passage, because it serves the public peace, health,
and safety of the citizens of Biloxi, and good cause exists for same. If not a unanimous vote this
Ordinance shall become effective as soon thereafter as is signed, certified, and as is otherwise
provided by law.

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

YEAS:	Lawrence	Deming	NAYS:	None
	Gines	Tisdale		
	Newman	Glavan		

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The President then declared the Ordinance adopted this the 5th day of March, 2024.



ATTEST:

APPROVED:

Keii Campbell
CLERK OF THE COUNCIL

Steve Allen
PRESIDENT OF THE COUNCIL

Submitted to and approved by the Mayor, this the 11th day of March, 2024.

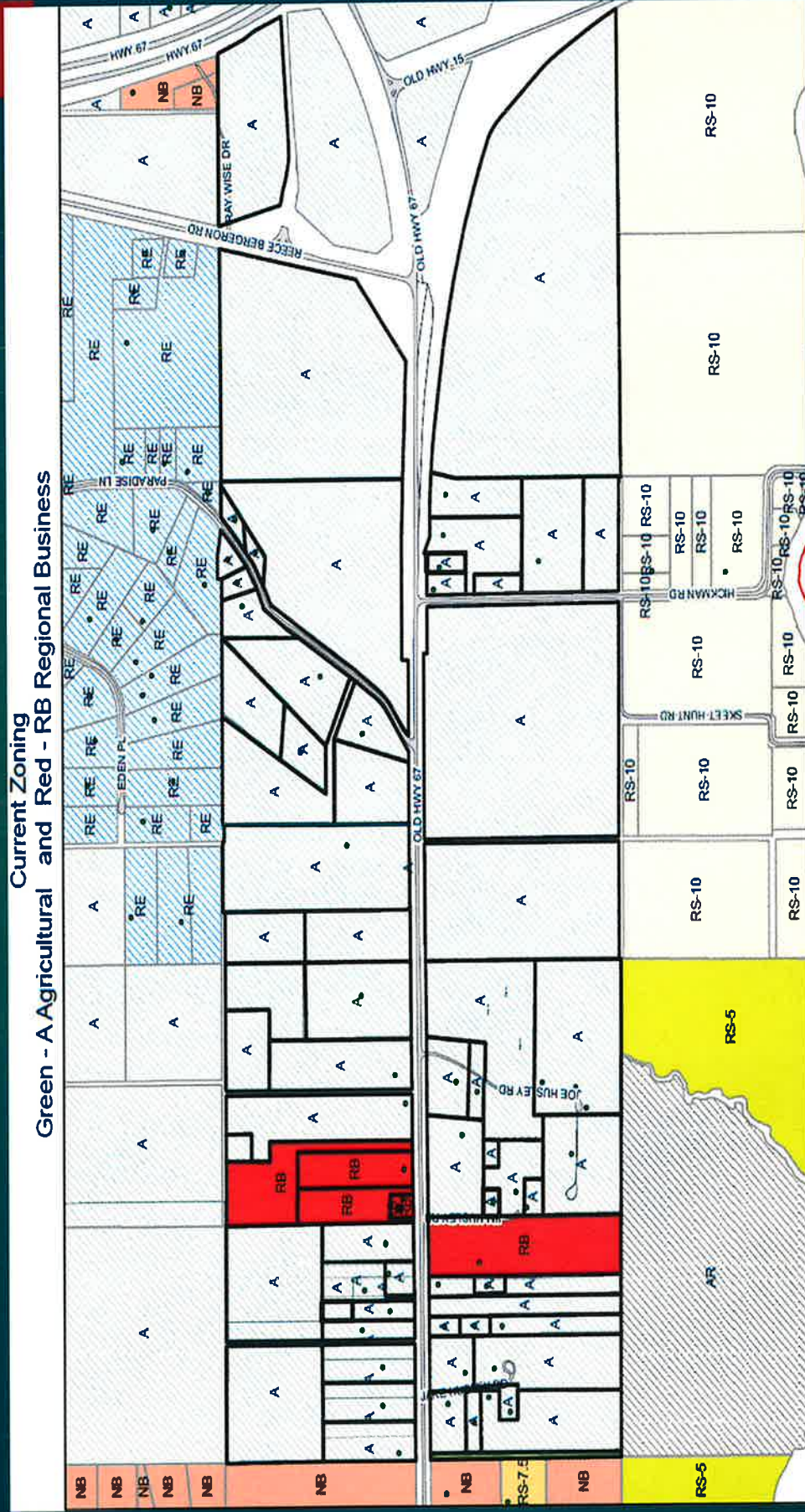
APPROVED:

[Signature]
MAYOR

Aerial of Properties



Current Zoning



Hatching Overlay

Proposed Zoning

Pink Hatching - LB Limited Business

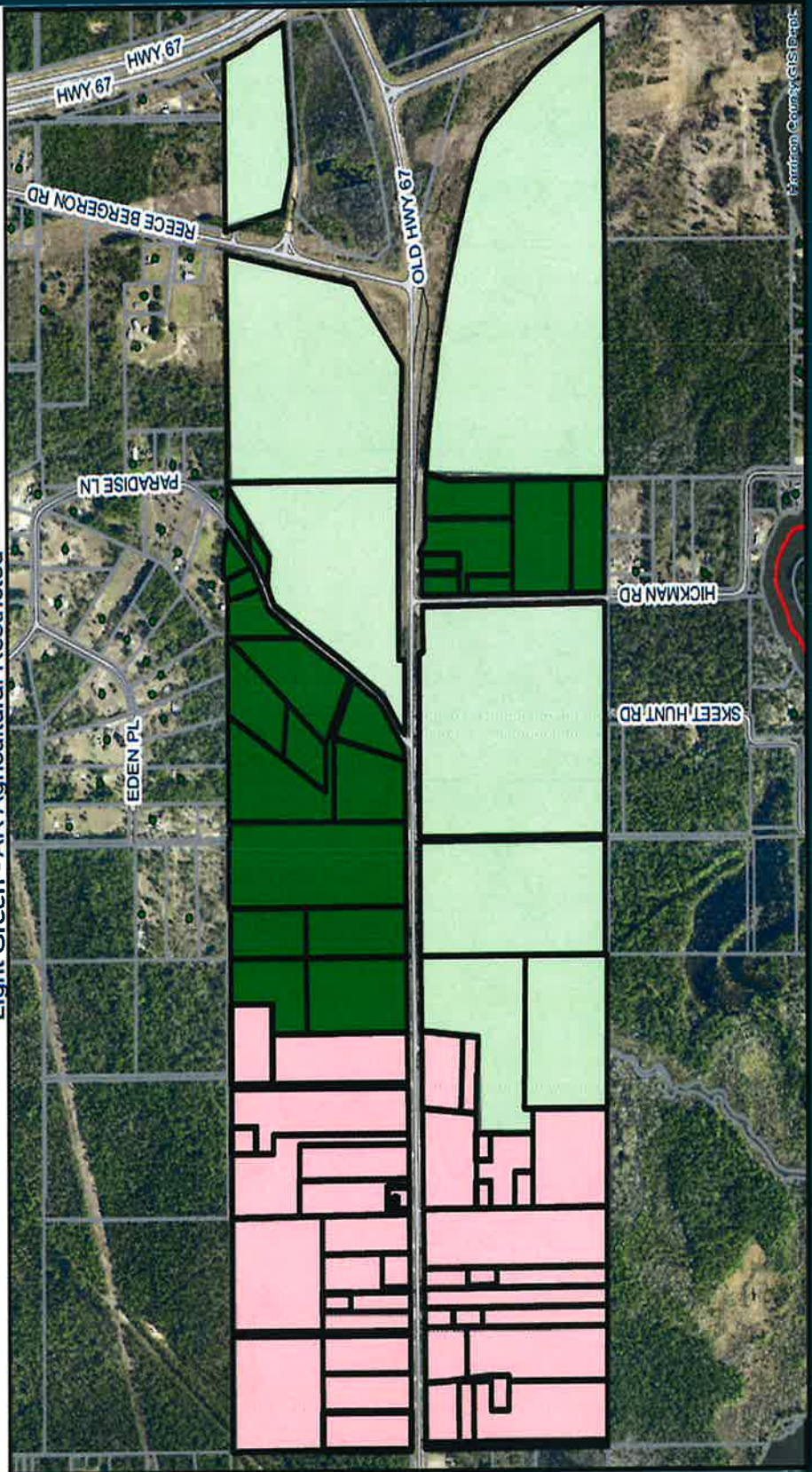
White Hatching - Agricultural

Light Green Hatching - AR Agricultural Restricted



Proposed Zoning

- Proposed Zoning
- Pink - LB Limited Business
- Dark Green - Agricultural
- Light Green - AR Agricultural Restricted



Scheduled for:
January 18, 2024
PC Meeting

City of Biloxi
Case No. 23-052-PC
Zoning Map Amendment

Agricultural and Regional Business to Neighborhood Business



**Planning Commission
Case Fact Sheet**

Case No.:	23-052-PC
Applicant/Owner:	City of Biloxi
Address of Property:	73 properties along Old Hwy 67
Tax Parcel/Ward:	A list of properties is attached Ward 6

Request:	Zoning Map Amendment
Purpose of Request:	An application for a Zoning Map Amendment , to authorize a change in zoning district classification for seventy-three (73) parcels of land, from their present zoning district classification of A-Agricultural and RB-Regional Business to NB-Neighborhood Business .
Size of Property:	416 acres (More or Less)
Present Zoning:	A-Agricultural and RB- Regional Business
Present Use:	Vacant land, Single Family Residential, & Commercial
Most Nearly Bounded By (streets):	To the North and South of and fronting to Old Highway 67; to the East of Hudson Krohn Road; and to the West of Highway 67
Adverse Influences:	A Zoning Map Amendment should only be authorized when conditions clearly suggest there is a mistake in the original zoning or a change in the character of the neighborhood is apparent.
Positive Influences:	The zoning change proposed is consistent and in harmony with uses found upon adjacent or nearby properties, and represents the least zoning change needed to accommodate the community.

City of Biloxi
Case No. 23-052-PC
Zoning Map Amendment
Agricultural and Regional Business to Neighborhood Business

**Letters or
Concerns stated:**

The Planning Division Office has not received any letters or other written communications relative to this case, as of January 11, 2024.

**Comments/
Recommendations:**

The City of Biloxi has requested a **Zoning Map Amendment**, to authorize a change in zoning district classification for seventy-three (73) parcels of land, from their present zoning district classification of **A-Agricultural** and **RB-Regional Business** to **NB-Neighborhood Business**.

The applicant has requested this **Map Amendment** to ensure the area is compatible with existing and proposed uses surrounding the subject land and to establish a logical and orderly development pattern.

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.

City of Biloxi
Case No. 23-052-PC
Zoning Map Amendment
Agricultural and Regional Business to Neighborhood Business

Options:

1. Recommend approval of this request for **Zoning Map Amendment**, for seventy-three (73) parcels of land from their present zoning district classifications of **A-Agricultural** and **RB-Regional Business** to **NB-Neighborhood Business**, having determined that a Change in the Character of the Neighborhood is of evidence, and that this zoning change will authorize a consistent development pattern.
2. Recommend denial of this **Zoning Map Amendment**, having determined that insufficient evidence has been provided to establish that a mistake in original zoning is of evidence, or a Change in the Character of the Neighborhood, coupled with no valid Community need to warrant the level of zoning change, herein proposed for the parcels of land under consideration for zoning change.

001.000		
1308C-02-001.002	11415 OLD HWY 67	SMM GULF COAST LLC
1308C-02-001.001	11433 OLD HWY 67	HICKMAN SARAH
1308C-02-001.005	11453 OLD HWY 67	SOUTHERN RECYCLING & DEMOLITION INC
1308C-02-001.006	11471 OLD HWY 67	COAST FIREWORKS INC
1308C-02-002.000	0 OLD HWY 67	COMMUNITY BANK COAST
1308C-01-012.001	11606 OLD HWY 67	WILLIAMS RECYCLING LLC
1308C-01-013.000	0 OLD HWY 67	WILLIAMS RECYCLING LLC
1308C-02-003.000	0 OLD HWY 67	STECKLER JUDITH S
1308D-01-001.000	11696 OLD HWY 67	WILLIAMS RECYCLING LLC
1308D-01-001.001	11728 OLD HWY 67	MOORE ANDREA L
1308D-01-002.000	0 OLD HWY 67	CHILDERS & CHILDERS PROP LLC ETAL
1308D-02-006.001	0 OLD HWY 67	HUSLEY MATHIEU ZOLA
1308D-02-011.000	11767 OLD HWY 67	VOLKING OGEAN - TRUSTEE-
1308D-01-002.001	0 OLD HWY 67	CFG PROPERTIES LLC
1308D-01-002.002	11800 OLD HWY 67	CFG PROPERTIES LLC
1308D-01-002.003	0 OLD HWY 67	CFG PROPERTIES LLC
1308D-01-003.000	11806 OLD HWY 67	HOOD RONNIE
1308D-01-003.001	11806-B OLD HWY 67	HOOD RONNIE
1308D-02-012.000	11811 OLD HWY 67	CORLEE LLC
1308D-01-002.004	11826-LS OLD HWY 67	HARRISON CO UTILITY AUTH
1308D-01-004.000	11826 OLD HWY 67	SKAGGS ANGELINE M
1308D-01-004.002	11848 HWY 67	STRAYHAM ANDREW N & LUCILLE POULOS
1308D-02-013.000	11849 OLD HWY 67	KROHN LEONA F H H - EST-
1308D-01-004.001	11850 OLD HWY 67	STRAYHAM STEPHEN G
1308D-01-005.002	11866 OLD HWY 67	NEWMAN JOHN & BERNADETTE
1308D-02-014.000	0 OLD HWY 67	NGUYEN DONG T
1308D-02-015.001	11873 OLD HWY 67	PRATT KEVIN W
1308D-02-015.002	11875 OLD HWY 67	PRATT THERAN J
1308D-01-005.000	0 OLD HWY 67	NEWMAN JOHN T & BERNADETTE
1308D-01-005.001	11876 OLD HWY 67	STRAYHAM ANDREW & LUCILLE P
1308D-01-006.000	0 OLD HWY 67	SIMON PROPERTIES INC
1308D-01-007.000	0 OLD HWY 67	SIMON PROPERTIES INC
1308D-02-015.000	11877 HWY 67	PRATT THERAN JAY
1308D-01-008.000	11890 HWY 67	PICKARD BERT ET AL
1308D-01-008.001	11900 OLD HWY 67	COTTEN CURTIS & LINA
1308D-02-013.001	11919 OLD HWY 67	TILLMAN CANDACE & TERRY E

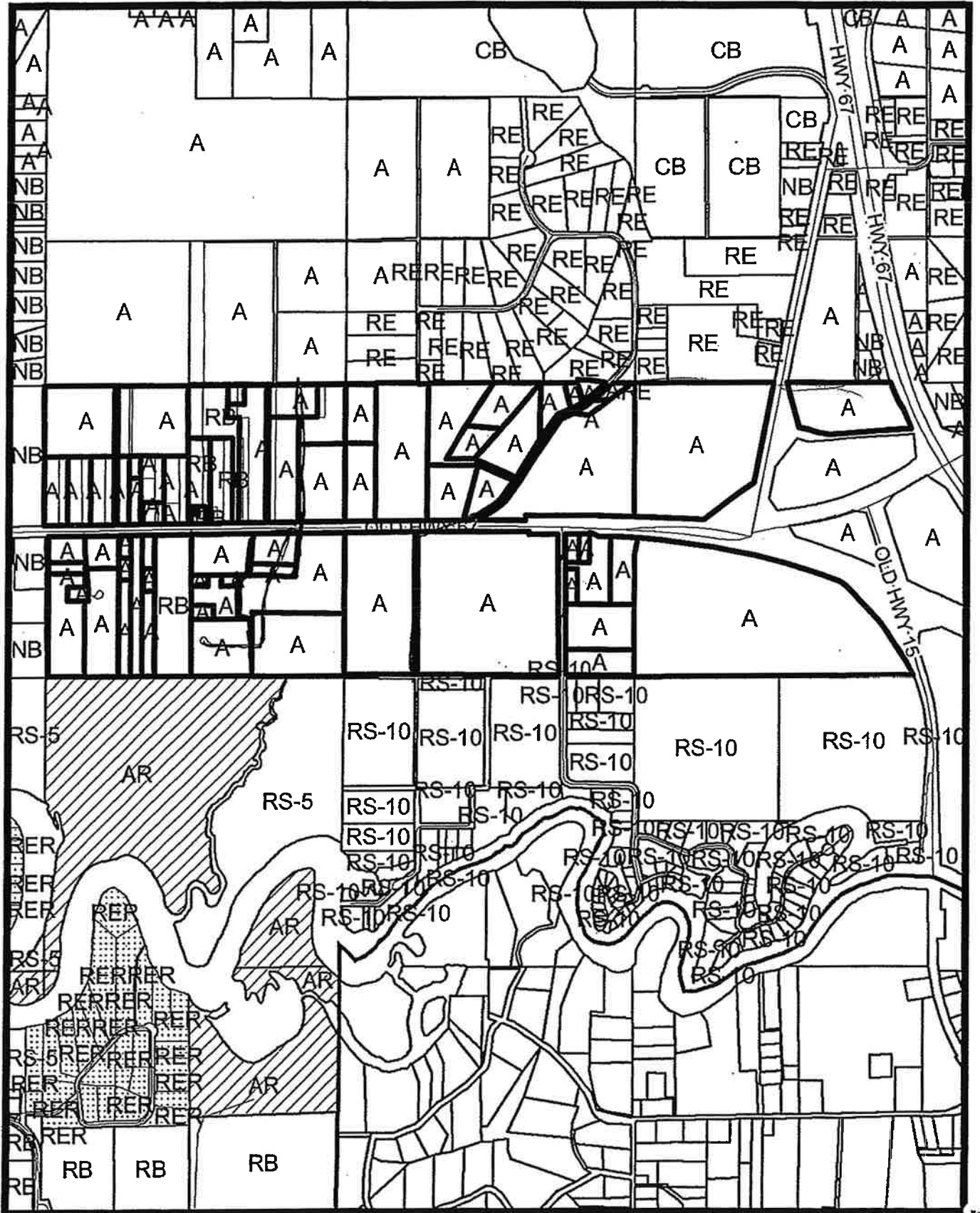
009.001		MELTANIC JOHN W & CATHY A
1308D-02-020.000	12007 OLD HWY 67	BYRD JERRY DALTON & LINDA RUTH
1308C-02-001.003	12304 HICKMAN RD	HICKMAN DAVID
1308D-02-003.000	12331 JOE HUSLEY RD	OLIVER REBECCA LYNN
1308D-02-004.000	12338 JIM HUSLEY RD	HUSLEY GERALD C
1308D-02-006.000	12346 JIM HUSLEY RD	HUSLEY BARBARA A
1308D-02-002.000	12344 JOE HUSLEY RD	HUDSON WILLIAM T - L/E-
1308C-02-001.000	12360 HICKMAN RD	HICKMAN DAVID
1308C-02-001.004	12360 HICKMAN RD	HICKMAN DAVID
1308D-02-005.000	12360 JIM HUSLEY RD	WILL ANNA & JONES SUSAN
1308D-02-018.000	12361 JAKE HUSLEY RD	HUSLEY ANTHONY D & IVY FRANCENE
1308D-02-016.000	12364 JAKE HUSLEY RD	HUSLEY KATHERINE I - L/E-
1308D-02-017.000	12369 JAKE HUSLEY RD	BYRD JERRY D & LINDA R
1308D-02-017.001	12385 JAKE HUSLEY RD	BYRD JOEL D & RITA
1308D-02-001.000	0 JOE HUSLEY RD	HUSLEY KEITH E
1308D-02-009.000	12387 JOE HUSLEY RD	HUSLEY KEITH E
1308D-02-016.001	12390 JAKE HUSLEY RD	KING MARGARAET LUCILLE HUSLEY
1308D-02-019.000	12397 JAKE HUSLEY RD	BYRD J D & LINDA R
1308D-02-010.000	12405 JOE HUSLEY RD	OLIVER REBECCA LYNN
1308C-01-009.000	12843 PARADISE LN	TONCREY JAMES M SR & CAROLYN J
1308C-01-010.000	0 PARADISE LN	WILLIAMS RECYCLING LLC
1308C-01-011.000	12849 PARADISE LN	CHATAGNIER SUSAN M
1308C-01-011.002	0 PARADISE LN	WILLIAMS RECYCLING LLC
1308C-01-012.000	12849 PARADISE LN	WILLIAMS RECYCLING LLC
1308C-01-008.000	12861 PARADISE LN	CROWELL WILLIAM S & ALMA MAXINE
1308C-01-005.000	12867 PARADISE LN	SEYMOUR MORGAN J & JOYCE M
1308C-01-003.000	12870 PARADISE LN	MORGAN JOHN D
1308C-01-005.001	12871 PARADISE LN	MORGAN JAMES G
1308C-01-005.002	12875 PARADISE LN	MORGAN RALPH S & LEAH A
1308C-01-001.000	0 PARADISE LN	LIU CHOUNG PROPRIETIES LLC
1308C-01-003.001	12876 PARADISE LN	MORGAN MARY DELL - L/E-
1308B-03-001.000	12895 PARADISE LN	SIMON PROPERTIES INC
1308B-01-001.000	13023 HWY 15	SIMON PROPERTIES INC
1308C-01-013.001	0 OLD HWY 67	WILLIAMS RECYCLING LLC
1308D-01-001.002	0 OLD HWY-67	CHILDERS & CHILDERS PROPERTIES LLC
1308D-01-001.003	0 OLD HWY 67	WILLIAMS RECYCLING LLC

Case No. 23-052-PC

City of Biloxi

73 properties along Old Highway 67

Map Amendment A & RB to NB





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. 23-052-PG

To Be Completed by Owner/Applicant Date: _____

Name of Rightful Owner(s): _____ Name of Applicant: (if different than Owner)
City of Biloxi

Property Address: Old Hwy 67 Ward Number _____

Tax Parcel Identification Number(s):

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Mailing Address of Property Owner: _____ Mailing Address of Applicant (if different than Owner): 076 MLK Jr. Blvd

City: _____ City: Biloxi

State: _____ State: MS

Zip: _____ Zip: 39530

County: _____ County: Harrison

Telephone: () _____ Telephone: () 430-6280

Property Size (please give in acres or by dimension): _____

Present Zoning Classification: _____

Is the property located within an AHRC District? Yes ___ No Flood Zone(s) of Property:

If so, which District? _____

	North	South	East	West
Property is most nearly bounded by what streets?				
If property directly fronts or is adjacent one of the streets above please indicate with a ✓.				

REQUESTED ACTION BY THE PLANNING COMMISSION (A separate supplement form is required for each):

- Text Amendment
- Zoning Map Amendment – must include zone classification change in narrative
- Planned Unit Development
- Conditional Use
- Preliminary Subdivision Review
- Hospitality
- Gaming
- Master Plan/Update
- Tree Removal
- Public ROW Vacation
- Street Name Change
- Variance
- Appeal
- 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)

Jerry Creel - Director
Walter D. Long



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

Map Amendment
(Master Plan update)

City of Biloxi Planning Division
Mailing Address: P.O. Box 508, Blvd., Biloxi, MS 39530
 Office Location: 676 Dr. MLK Blvd.,
 Planning (228) 435-6266 Fax (228) 435-6188

TO BE COMPLETED BY APPLICANT	DATE:
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Shaded Areas for Staff Only	
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MAP AMENDMENT – When the public necessity, convenience, general welfare or appropriate land use practices justify such action, and after the required review, public notice and report by the Planning Commission, the City Council may undertake the necessary steps to amend the Zoning District Map.
Please note that no application for the same parcel(s) requesting the same change may be made more often than once every 24 months.

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

I am requesting a zoning change from this zone to this zone:	Existing	New
	A + RB	NB

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: <i>This application came as a check from the City Council to conduct a Public Hearing to consider whether a change in character</i>	Yes	No
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1. Is the proposed map amendment consistent with the Comprehensive Plan?		
--	--	--

Please explain: *Has Occurred.*

--	--	--

2. Is the proposed map amendment compatible with present zoning and conforming uses of nearby property and with the character of the neighborhood?		
--	--	--

Please explain:

1

1 BILOXI PLANNING COMMISSION MEETING
 2 JANUARY 18, 2024
 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. Drawdy
 16 Joe King
 17 Gary Lechner
 18 Jimmy Poulos
 19 John Snow
 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
 Jon Lambert, Code Inspector
 Mandy Hornsby, Historic Administrator
 Dr. Paul Tisdale, Councilman Ward 5
 Kenny Glavan, Councilman Ward 6

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

2

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

1 CONTINUED PUBLIC HEARING(S): PAGE:
 2 23-052-PC 5
 3 NEW PUBLIC HEARING(S):
 4 (None) --
 5 TREE HEARING(S):
 6 (None) --
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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. Stanovich, Mr. Bogard,
 6 Mr. Dellenger, Mr. Poulos, Dr. Drawdy, Mr. Carron,
 7 Mr. King, Mr. Snow, Mr. Delahousey; myself, David
 8 Washer. Next to me is Jerry Creel, Director of
 9 Community Development; Felicia Serpas, Senior
 10 Planner; Zach Harris, City Arborist. Next will be
 11 Caryle Lena, Planner. Sitting on the front there
 12 is Jon Lambert, City Inspector. Next to him is
 13 Melissa Rodolfich, our court reporter for today,
 14 and the next row is Mandy Hornsby, Historic
 15 Administrator
 16 We'd like to welcome you all here with us
 17 today.
 18 In the audience, we have Dr. Paul Tisdale
 19 and Kenny Glavan over on the other side there, Ward
 20 6 and Ward 5.
 21 Mr. Delahousey, open the meeting with a
 22 moment of prayer.
 23 MR. DELAHOUSEY:
 24 Certainly.
 25 (Moment of prayer.)

4

1 CHAIRMAN WASHER:
 2 Mr. Dellenger, the pledge, please, sir.
 3 (Pledge of Allegiance.)
 4 CHAIRMAN WASHER:
 5 We'd ask if any there's any cell phones
 6 in the audience, either kindly mute them or turn
 7 them off.
 8 If you would like to speak today, we'd
 9 ask that when your case comes up, if you'd come to
 10 the podium, give us your name and address for the
 11 record and also, please sign in at the pad
 12 provided.
 13 Ask if everyone received a copy of the
 14 minutes of the last meeting and if there's
 15 additions or corrections?
 16 MR. DELAHOUSEY:
 17 Move to approve.
 18 MR. POULOS:
 19 So moved.
 20 CHAIRMAN WASHER:
 21 Motion by Mr. Delahousey recommending
 22 approval; seconded by Mr. Poulos.
 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, Mr. Creel.
6 MR. CREEL:
7 Yes, sir. Mr. Chairman and members of
8 the Commission, over of the -- from December 21st,
9 which was the last meeting of the Planning
10 Commission, through today, the department has
11 issued 165 building permits with a construction
12 valuation right at \$16.6 million. We have
13 collected \$68,000 in permit fees, issued licenses
14 for 13 new businesses and 67 renewals. We have
15 also issued 18 certificates of occupancy; 14 of
16 those were for short-term rental. Of the projects
17 issued permits, three -- well, I'm sorry, two were
18 for casino improvements, renovations to Beau
19 Rivage for a new seafood restaurant, renovations
20 to IP casino. We also issued a permit for the
21 addition to the White House Hotel and three new
22 single-family houses.
23 CHAIRMAN WASHER:
24 Thank you.
25 Continued public hearing, Case Number

7

1 MR. CREEL:
2 Yes, sir. You'll recall that originally
3 the neighbors were concerned about some of the
4 development that was happening along Old
5 Highway 67 between new 67 and Hudson Krohn Road.
6 Near Hudson Krohn Road and Cedar Lake Road, we
7 have a new single-family subdivision there. We
8 also have a new fire station there.
9 But in between, we had had some requests
10 to go to RB zoning, and neighbors had concerns
11 that this was not the direction that the property
12 needed to go because RB kind of opens the door for
13 some heavy commercial or quasi industrial-type of
14 development there. So one of the things that we
15 had recommended in bringing this case forward was
16 that we -- rather than sit back and sporadically
17 let property owners come in here and ask for
18 whatever zoning that they wanted to, maybe we
19 needed to set the vision for what could be
20 developed along this corridor there, so we
21 recommended NB.
22 We advertised NB, and it was with the
23 understanding that if the Planning Commission and
24 the Council felt that NB was too intensive, then
25 we could always reduce it down to a lesser

6

1 23-052-PC, City of Biloxi. This is a request for
2 a zoning map amendment to authorize a change in
3 zoning district classification for 73 parcels of
4 land from their present zoning district
5 classification of A, Agricultural, and RB,
6 Regional Business, to NB, Neighborhood Business.
7 This case was originally advertised on
8 June 15th, '23, June 22nd, '23 and June 29th of
9 '23.
10 MR. CREEL:
11 That's correct.
12 CHAIRMAN WASHER:
13 You want to go ahead and show us the
14 video on that, Jon, please, sir?
15 MR. LAMBERT:
16 It's the same video from last time, but
17 I did put new signs out.
18 CHAIRMAN WASHER:
19 Okay.
20 MR. LAMBERT:
21 I'm going to skip through a little of it
22 because it's a long video. That's it.
23 CHAIRMAN WASHER:
24 Okay. All right. Mr. Creel, you want
25 to help on this one?

8

1 intensive zoning than LB and some others, and I
2 will get into that a little later.
3 So when it came before us, there was
4 some opposition to even going to the NB, which is
5 Neighborhood Business, which is the zoning that
6 actually works next to single-family
7 neighborhoods. There's also concerns about the
8 drainage, and so the project was tabled pending a
9 report by the city engineer to come in and talk
10 about the drainage and how properties would be
11 affected by the drainage if the development were
12 allowed to go into this area.
13 So we had that report from the city
14 engineer last month. She came in and identified
15 the properties where there is significant
16 drainage, and so there was discussion about, well,
17 maybe we should consider leaving those drainage
18 properties alone, leaving them where they are and
19 only considering rezoning the property to the --
20 further to the west along this corridor.
21 So I've got something that I'm going to
22 read, I think, that will answer a lot of the
23 questions, so if you'll bear with me and then we
24 will answer whatever questions.
25 This request originated with concerns

9

1 from neighboring property owners about recent
2 zoning changes that had been approved for
3 intensive commercial or quasi industrial uses
4 along the Old Highway 67. The recent changes in
5 zoning to RB, Regional Business, raised concern
6 that these approvals may open the door for former
7 non-conforming uses, like Hickman's, to either
8 re-establish or seek a zoning change to re-open.
9 The recent changes to RB for a property
10 formerly owned by the Gollotts and for the
11 property owned by the Corlee Construction
12 operation could be used as an argument for a
13 change in the character of the neighborhood that
14 could open the door for a business like Hickman's
15 to apply for industrial zoning, which is only one
16 step up from RB.
17 In considering a way to head this off
18 and after discussion with some of the neighbors
19 and the councilman for this area, it seemed that
20 the best solution would be to consider changing
21 the parcels to a zoning that would be more
22 compatible with the surrounding residential
23 properties, a zoning that would provide uses that
24 would actually support the neighborhood, rather
25 than adversely impacting their residential nature.

11

1 have to have at least five acres in order to --
2 even to develop one single-family house on it, so
3 the AR zoning is the most restricted zoning that
4 we have. And not only that, but in going to AR,
5 it gives us some additional points for our CRS
6 flood insurance program, which helps people with
7 their flood insurance premiums.
8 Now, some owners have suggested that we
9 simply do nothing and leave the zoning as it is
10 and certainly, we can do that. But if we do
11 nothing, again, what will happen is we leave the
12 door open for individual owners and developers to
13 apply for the intensive zoning, such as RB and
14 possibly industrial, and to use the two previous
15 approvals of RB as an argument for their case in
16 change in character.
17 I spoke with Christy LeBatard this
18 morning and wanted to get some kind of a defining
19 line for where we need to consider where the
20 zoning needed to be changed to business and maybe
21 where we needed to consider changing it to AR, and
22 what we agreed to -- I suggested and she agreed to
23 is that Paradise Lane, that anything east of
24 Paradise Lane should either be left as is or
25 changed to AR, which would be a reduction in the

10

1 Essentially, what's being considered
2 here is a decision to set the vision for the uses
3 to be developed along Old Highway 67. We
4 suggested and advertised NB, Neighborhood
5 Business, which allows retail, restaurants, banks,
6 medical facilities, drug stores, et cetera,
7 businesses that actually you expect to find next
8 to a neighborhood; but we also suggested NB so
9 that if the Planning Commission or City Council
10 felt that these uses -- or these zonings were
11 somewhat intensive, we can always -- they have the
12 right to reduce the request to LB, Limited
13 Business, or any other zoning that would be less
14 intensive than those and would limit the uses to a
15 more professional nature such as law offices and
16 personal service establishments.
17 Now, the lots and parcels that are
18 closer to new 67, as we learned from the engineer,
19 are essentially drainage areas or detention ponds
20 and probably should not be considered for the
21 change to one of the commercial zones, but could
22 be considered for AR zoning, which is Agricultural
23 Redistricted, which essentially prohibits
24 development unless you have extremely large lots.
25 I believe that we talked about, it would

12

1 zoning change request, and then everything to the
2 west be considered for going to the commercial
3 zoning.
4 Again, we advertised NB. NB is
5 Neighborhood Business. The Planning Commission
6 and the City Council have the right to reduce that
7 to LB if they want to, again, which is a -- much
8 more limited and more professional types of uses
9 that would go along there.
10 So that's kind of where we are today, is
11 the Planning Commission brought this back off the
12 table. We went and re-advertised the properties
13 out there. I read a letter here that said that we
14 were talking about changing to it to RB. That's
15 incorrect. The sign -- if you look at the sign,
16 it says, from Agricultural and RB to NB. That's
17 what was advertised, and that's what's on the
18 signs out there. That's just to clarify that
19 point.
20 So with that, we'll move to the next
21 step, Mr. Chairman.
22 MR. DELAHOUSEY:
23 I have a question.
24 Mr. Creel, during the December 7th
25 minutes when we moved to table this issue, we

13

1 voted unanimously to hear the issue today and to
2 have the engineering department present to the
3 group the same presentation that we saw a couple
4 of weeks ago and that we also would have code
5 enforcement give us a report as to whether there
6 are any current violations.

7 Do we have engineering here today?

8 MR. CREEL:

9 Engineering is not here today. Christy
10 was not available this afternoon. That's why I
11 called her on the phone today, was to get the
12 information. Now, I do have my flood people here
13 who -- we talked about this property, especially
14 that property to the east of Paradise Lane, this
15 morning, and all of the properties on that side
16 seem to be detention ponds or major drainage areas
17 that come through there. And that was one of the
18 reasons that we suggested maybe changing those
19 zonings to AR restricted.

20 Now, as far as code violations go, I can
21 tell you that we have Hickman's going through the
22 court process. We also have Corlee's property
23 going through the court process. If you'll
24 recall, Mr. Corlee got a zoning change on that
25 property to RB to build a construction office on

15

1 when we started on it, so...

2 MR. DELAHOUSEY:

3 And I have a couple of other questions
4 if that's okay.

5 CHAIRMAN WASHER:

6 Sure.

7 MR. DELAHOUSEY:

8 On the original application that was
9 filed, I notice in the area that asks for flood
10 zones, that was left blank and obviously, there
11 are some areas out there in the flood zone. And
12 it also said that this request came from the City
13 Council, and I couldn't find anything in the
14 minutes of the City Council and talking to some of
15 the City Council members that they had charged us
16 with this case.

17 So can you explain that?

18 MR. CREEL:

19 Well, I'm the one that actually came up
20 with the recommendation for this, and I did
21 discuss it with Councilman Glavan. Now, he didn't
22 charge us with doing it. I really just ran it by
23 him to make sure that he didn't have any objection
24 to this, and so we moved forward. So it actually
25 should say from the administration.

14

1 the property, and what he should have done is come
2 back to DRC. That's what the protocol calls for.
3 Instead, he went out there and put a fence up
4 around the property and just started business
5 without any type of a building -- a business
6 license or anything. So those two cases are in
7 court right now.

8 MR. DELAHOUSEY:

9 When you say "in court," what is the
10 City asking for by taking it to court?

11 MR. CREEL:

12 Well, we're asking Mr. Corlee to comply
13 with what he originally presented to the City
14 Council to get approval.

15 MR. DELAHOUSEY:

16 And if he does not, what are the options
17 of the Court?

18 MR. CREEL:

19 We'll just have to check. David Wheeler
20 is handling the case for Corlee. And then we're
21 handling the other case which actually, Hickman's
22 has removed a number of the pieces of equipment
23 that were out there. I went out there this
24 morning. There is still three track hoes facing
25 Old 67. But it looks a lot better than it did

16

1 MR. DELAHOUSEY:

2 Okay. That's all I have for now.

3 CHAIRMAN WASHER:

4 All right. Thank you.

5 We're going to go ahead and open the
6 floor for any comments. We'll ask first for those
7 speaking in support of the change to NB,
8 Neighborhood Business. If you'll come to the
9 podium, give us your name and address and sign in
10 and give us your comments, please.

11 Anyone speaking in support? No one
12 speaking in support.

13 Anyone speaking in opposition?

14 MR. COLLINS:

15 My name is Donald Collins. I've lived
16 on Skeet Hunt, which is just south of this
17 property, for 30 years, and I own property on
18 Skeet Hunt still.

19 I have got like three issues with this
20 whole thing. The area that you're talking about
21 is all Elevation 6 and 8 and in there, and the
22 area from -- it's actually from Joe Husley Road,
23 not Paradise Lane. The area to the west of
24 Paradise Lane floods -- still floods and keeps
25 flooding now all the way up to Joe Husley Road on

17

1 the south side.

2 So the line is -- the line you've drawn

3 is good, except it's just too far east. It needs

4 to be west -- it needs to go west of -- I don't

5 know how far it is. The rest of that up there is

6 pretty high ground. That whole area is a

7 retention pond, and I have seen it flood I don't

8 know how many times. You can tell when it's

9 fixing to flood on the river because it all builds

10 up right there and flows out.

11 Elevation 6 and 8 means that -- a couple

12 things. If you do anything there, you're going to

13 have to build up. When you're building up, you're

14 going to be building it up in a retention pond,

15 which is reducing the retention of it. It doesn't

16 need to change because that retention pond -- as

17 soon as you start doing that, Paradise Lane and

18 all those houses up in there, they're going to get

19 flooded a lot worse than they do now. They've got

20 issues back in there getting out of there after a

21 hard, hard rain just because Paradise Lane starts

22 to flood.

23 Not only that, but this area that you're

24 talking about has no water and sewer, so they will

25 have to sink a well. They'd have to put in a

19

1 in that whole area and it's going to cause

2 additional flooding on that.

3 Now, on the west end of it, that's all

4 high enough and they still have the issue of no

5 water and sewer in that area.

6 The third thing is, is that I don't see

7 really what's changed. You talked about some of

8 the changes that has happened in there. Well, you

9 have made some conditions on a couple of them, but

10 this area right down there, they have requested

11 zoning changes. I think this may be the third

12 time that different parcels in that area have

13 requested zoning changes, and they have all been

14 turned down. So you've set a precedence, in that

15 you're not going to change the zoning, that it

16 wasn't an error in the original zoning, that it

17 hasn't changed to reinforce a change in the

18 zoning.

19 The area just south of 67 on the corner

20 of Hickman Road and all, that has come up, I

21 think, three times for zoning changes and was

22 turned down every time, so things have not changed

23 there. Things are still the same. This still

24 remains -- just needs to remain just like it is in

25 agricultural, and I'm opposed to any changes to

18

1 septic tank. That land at Elevation, you know,

2 6 and 8 -- and some of it's a little 10 in

3 there -- doesn't perc very well. I don't know

4 that you could put a sewage lagoon in there -- I

5 mean, a sewage treatment facility in there because

6 it's just too low. There's no saturation in

7 there. And it's in a flood zone, so I don't know

8 what they're going to do about that because there

9 is no water and sewer there. There is a water

10 line that runs down there, but it belongs to the

11 Utility District, and I don't think -- I think

12 some people are still trying to get water from it

13 on there that's back farther. And I don't think

14 they can get it yet. Can you?

15 UNIDENTIFIED SPEAKER:

16 Well, we have a fire hydrant sitting

17 right up --

18 THE REPORTER:

19 We can't have the talking back and forth

20 because I'll need to get her name.

21 MR. COLLINS:

22 Got ya. Okay.

23 All right. But if you do that, that's

24 going to -- you know, that's going to present

25 issues with water and sewer, issues with drainage

20

1 it. Okay?

2 MR. DELAHOUSEY:

3 So sir, I have a question. So the

4 zoning now is Agricultural and Regional Business.

5 And as Mr. Creel has explained, the RB, Regional

6 Business, gives a lot of latitude for things that

7 may not be advantageous to that area.

8 So do you have any recommendations on

9 what the zoning should be?

10 MR. COLLINS:

11 I think it needs to remain agricultural

12 just the way it is.

13 MR. DELAHOUSEY:

14 But it's -- part of it is agricultural.

15 MR. COLLINS:

16 Well, I see an A there. I don't see an

17 RB. I see an RB back over here in a couple of

18 places to the west of that area. I'm primarily

19 concerned about where -- from Joe Husley Road to

20 the east from that road.

21 MR. DELAHOUSEY:

22 And you think Joe Husley should be the

23 dividing line, rather than Paradise Lane?

24 MR. COLLINS:

25 I think -- yes, I think the dividing

21

1 lines needs to go further west.
2 MR. CARRON:
3 Could you show us on that map where that
4 actually is because it doesn't actually show --
5 MR. LAMBERT:
6 Should be right around in here.
7 MR. COLLINS:
8 Somewhere right in there. Because if
9 you look at the contours, if you look -- and I
10 don't know if you have anything with contours on
11 it, that whole area there is just extremely low.
12 You know, when it floods, that's where it starts
13 flooding at.
14 MR. DELAHOUSEY:
15 We can do an aerial view if that helps.
16 MR. COLLINS:
17 Well, on the GIS map, it shows it. You
18 can see the contours there.
19 MS. ROCKCO:
20 We have a map that might be helpful.
21 JUDGE STECKLER:
22 This ought to help you a lot.
23 MR. LAMBERT:
24 Is this the flood plain, Sandy?
25 JUDGE STECKLER:

23

1 properties to RB, one on the north side of Old 67
2 and the one on the south side, that a developer
3 coming in here could use that as the basis of his
4 argument. Well, you have already set the
5 precedent here. Y'all have already changed it to
6 RB, so why are you not going to change my property
7 to RB, you know.
8 MR. CARRON:
9 Did you say the Council changed that or
10 did this body have the authority to change it?
11 MR. CREEL:
12 No. It went through the Planning
13 Commission and Council to get those two zonings
14 changed.
15 CHAIRMAN WASHER:
16 All right. Mr. Collins.
17 MR. COLLINS:
18 This is --
19 MR. LAMBERT:
20 It's touch-screen.
21 MR. COLLINS:
22 Touch-screen. Come on back. This is
23 where everything drains to, coming out of here.
24 This area up here is the area we're talking about.
25 Can you zoom it back out?

22

1 Yeah, they can have that.
2 MR. COLLINS:
3 This is the flood plain.
4 MR. DELAHOUSEY:
5 Yeah. That's what Ms. LeBatard
6 showed --
7 THE REPORTER:
8 Wait. Mr. Delahousey, I can't hear you.
9 MR. DELAHOUSEY:
10 Ms. Lebatard at the last meeting had
11 some good presentations on -- of the flood plains
12 and everything, and that's why I was hoping she
13 would be here today so that y'all could see what
14 her analysis was.
15 MR. CARRON:
16 Jerry, the properties zoned RB, are they
17 basically the ones that were grandfathered in?
18 MR. CREEL:
19 No.
20 MR. CARRON:
21 They're not?
22 MR. CREEL:
23 That was part of the argument that I was
24 trying to make, is that because the Planning
25 Commission and the Council have changed those

24

1 MR. LAMBERT:
2 I got ya. Hold on.
3 MR. COLLINS:
4 But right here, you can see, this is
5 where everything comes underneath this road. All
6 of this water from all of this little area up
7 here, including all the way back -- here's Joe
8 Husley Road. All this area back through here all
9 drains primarily -- this is the primary drainage.
10 If you go through, look at this after a real hard
11 rain, it's a big box culvert and you can see it
12 sucking water underneath that thing. It's slap
13 full. You know, even after these rains we had the
14 last couple of weeks ago, this whole area right
15 here was full of water backing up, coming out of
16 here. This all comes out and drains down -- Skeet
17 Hunt is right down here.
18 But this whole area up here, this road
19 floods, you know, pretty regular after a hard rain
20 because it always comes down through to this
21 point. But you start building up in here, all of
22 this area back in here is going to start impacting
23 it. All of this is real low lands. This is
24 not -- this is all six- and eight-foot -- some of
25 it may have 10-foot elevations in it. It's all

25

1 real low. It can't take -- you know, it is the
2 retention area. It is the retention pond for that
3 whole area, and it has to come through right here.
4 So if you start reducing the size of this
5 retention pond here, you're forcing water back up
6 on these people up here and you're just causing a
7 different problem.
8 MR. DELAHOUSEY:
9 Thank you.
10 MR. COLLINS:
11 Okay.
12 CHAIRMAN WASHER:
13 Anyone else want to voice their
14 opposition?
15 JUDGE STECKLER:
16 Hello. My name is Sandy Steckler. I
17 live at 12148 Skeet Hunt Road, which is in the
18 area just -- well, it's just past the area that's
19 included, but I do have a 40-acre tract, which
20 backs up to Highway -- Old 67, which is within the
21 area included there.
22 In the letter that I got from you all or
23 from the director, I guess, or someone with the
24 Planning Commission, it said that I could write a
25 letter. That would save time for you and for me,

27

1 says from A to RB, Regional Business. That's the
2 sign that was posted that I looked at.
3 MR. CREEL:
4 We just showed the signs up there and
5 all of those said from A and RB to the NB.
6 JUDGE STECKLER:
7 It's the same handwriting as what's on
8 those, so this is just an error. I just want to
9 get that put to bed, that that's an error. It's
10 behind us. We're not going to be trying to change
11 it to Regional Business.
12 MR. CREEL:
13 No, and that's never been suggested.
14 JUDGE STECKLER:
15 Okay. Good. Thank you.
16 With that being behind us, what
17 Mr. Collins was just talking about, the water
18 that's on the side of the road and backs up into
19 all that area and where that drainage is, here's a
20 picture of that after we had that little rain last
21 week.
22 Keep in mind, we're in still in a
23 drought. I mean, still aren't up to full water
24 yet. And yet, on the side of the road, you can
25 see that the roadway is elevated. That's the

26

1 so I did hope -- I did write a letter.
2 MR. DELAHOUSEY:
3 We have a copy.
4 JUDGE STECKLER:
5 You all have a copy of that?
6 MR. DELAHOUSEY:
7 Yes, sir.
8 JUDGE STECKLER:
9 Great. Thank you so much.
10 Also, to help you and give you some
11 graphics to show what we have been talking about,
12 I have some pictures. Could I leave those here
13 for you all to look at?
14 MR. TODARO:
15 Yeah.
16 JUDGE STECKLER:
17 The first thing that I wanted to ask
18 about -- I know what we've been -- what I just
19 heard was we're talking about changing from
20 Agricultural or Regional Business to NB,
21 Neighborhood Business, right?
22 MR. CREEL:
23 That's correct, yes, sir.
24 JUDGE STECKLER:
25 But the sign that was posted that I saw

28

1 brown you're looking at here. That's the shoulder
2 of the road, Highway 67. All of that behind there
3 and going into those woods is water.
4 And I have another picture of it,
5 just -- the same thing. Just shows the water that
6 goes out from both sides of Highway 67. That's a
7 low area. It's an area that certainly doesn't
8 need to be turned into business.
9 You know and I know that if someone owns
10 a piece of property in there and they are going to
11 put in a business, the first thing they're going
12 to start doing is hauling in dirt to try to get a
13 little elevation, get them out of the mud and
14 then, of course, they'll get flooded anyway later
15 on.
16 But they will have things outside. As
17 soon as the flood comes, then all of the stuff
18 they have outside will be in everybody else's yard
19 and in the ditches and in the river and all of
20 that. Just like now. All of my 40 acres is
21 littered with stuff from the junkyard -- from
22 Hickman's junkyard, and so -- I can't even get it
23 out of there. It's all between the trees and all
24 that kind of stuff.
25 You remember, Mr. Collins talked once

29

1 before about a drone that was almost as big as his
2 house made it almost down to his house in the
3 flood. And that's the kind of things that we've
4 been having to put up with, and it's scary and
5 it's certainly nothing any of us should have to
6 deal with.

7 You all know that there is a
8 Comprehensive Plan for the City of Biloxi. A
9 Comprehensive Plan -- or the part of it that I
10 looked at had to do with the area they call
11 Woolmarket, but they just labeled it that. The
12 fact is it includes all the way down there around
13 Cedar Lake and all of our area. It's only about
14 four pages.

15 I have included a copy of that for you
16 all in the documents that I have given to you.
17 The reason is I'm seeing that you all have some
18 really good tools in your toolbox to work with to
19 come up with a zoning plan that works. Don't put
20 business in the swamp. Put it in an area that's
21 high enough for it to be safe for the owner and
22 for the City.

23 This blue map that you -- that you saw a
24 little while ago, the only part that's within what
25 you all looked at or that's in your target area

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1 specifically for our area. It talks about where
2 you have a flood -- people have been damaged by
3 floods, you have losses there, you have wetlands,
4 all of that. It mentions that, and it says that's
5 what ought to be zoned -- how it ought to be zoned
6 in there.

7 And so you have got the Comprehensive
8 Zoning Plan. You have got the Agricultural
9 Restricted district. Both of those coupled
10 together read like hand and glove.

11 Then you've also got your flood maps,
12 which show your elevation and your flood maps.
13 All you have got to do is follow those and you're
14 going to be set to go. Just don't put the
15 flood -- the business in the swamp.

16 Now, one of the things that I put in
17 there -- and I know we're here for a zoning issue,
18 not for a -- correcting of a zoning problem. And
19 so I don't want to take time dealing with that,
20 except that to the extent that it has already been
21 addressed by Mr. Creel.

22 I put pictures in there, and the
23 first -- beginning on Number 5, these are the
24 kinds of things that we have been living with.
25 There is Number 5. Page 6, here's a whole pile of

30

1 that is out of the floodway is this part where you
2 have the roads that are the Husley Roads and down
3 that way. If you want to put business there, I
4 don't have any big problem with that, except
5 that -- I didn't recommend it for the reason that
6 I don't think it's fair for me to say, I don't
7 want it in my neighborhood, but it's okay to go in
8 somebody else's neighborhood. I think that you
9 all need to look very carefully at where it would
10 be appropriate to put it, but it certainly doesn't
11 need to be in the swamp and that's my whole point
12 there.

13 So you have got the Comprehensive Zoning
14 Plan. Another thing that I put in my little blue
15 packet for you all is a copy of the regional -- I
16 mean, Agricultural Restricted area district. When
17 you read the text for that -- and the reason -- I
18 made enough copies for all of you. It's in that
19 blue folder.

20 MR. DELAHOUSEY:
21 We have copies of that.

22 JUDGE STECKLER:
23 Okay.

24 The reason I did that is because when
25 you read that text, it looks like it was written

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1 stuff that they had that was -- looks like
2 scaffolding that they brought in that was -- it
3 looked brand new, but it was there for storage.
4 Here's another truck going in. I could have given
5 you 50 of these, but I've only selected a couple.
6 Here's another one. These are the trucks that --
7 all of these I have sent to Mr. Creel over the
8 last year or so.

9 Here's another one. Now they have --
10 this is their old building that they're using that
11 hasn't been cleaned up. Nothing has been done
12 about it. There is the building right there.

13 MR. CREEL:
14 Judge Steckler, that has nothing to do
15 with the zoning change that we're talking about
16 today.

17 JUDGE STECKLER:
18 I understand. You brought it up,
19 Mr. Creel. I want to address it.

20 MR. CREEL:
21 Yes, sir. I think I made it clear that
22 those were --

23 JUDGE STECKLER:
24 Now, you said that they have cleaned up
25 that, right?

33

1 MR. CREEL:
 2 I said that it looks a lot better now
 3 than when we started.
 4 JUDGE STECKLER:
 5 Okay. Here's what it looks like as of
 6 last week, all of that stuff.
 7 Now, this is what I call the "concrete
 8 mountain." They have a mountain of concrete
 9 that's I don't know how many feet long or deep,
 10 but it stretches probably 40, 50 yards and I don't
 11 know how deep from front to back, but it's high.
 12 And all of that is restricting the water flow.
 13 All of that is heavy lime that would be in an area
 14 that's normally acidic.
 15 Now, these three -- these two excavation
 16 machines are sitting in front of some green stuff.
 17 That's some kind of cane that grows on that
 18 concrete mountain, and so that's just the other
 19 end of the same thing that I just showed you here.
 20 There is a lot.
 21 Now, as of -- what they have done now is
 22 to hide the building with these great big boxes
 23 that they have got. They're there today, so that
 24 hasn't been cleaned up. And, of course, here's
 25 out on the street, the big excavation machines.

35

1 What we did is we'd tell them to clean
 2 it up. If they don't do it, they come right back
 3 in and then pretty soon, I'd put them in jail and
 4 them they're going to stay in jail until it's
 5 cleaned up. And guess what, they can get it
 6 cleaned up in a week.
 7 And that's what happens in the real
 8 world. Never Biloxi, but that's the way the other
 9 cities do it and so that's what Biloxi could do.
 10 And here's the copy of the statute. It's in your
 11 packet as well.
 12 So I appreciate your time. I appreciate
 13 all that you all are doing for us, but I'd like to
 14 ask you to please help us. It doesn't help at all
 15 to change the zoning to anything you want to
 16 change it to if you don't enforce it, and it
 17 hasn't been enforced in all this time. It's still
 18 going on year after year. It's there. I showed
 19 you pictures. Thank you very much.
 20 MR. DELAHOUSEY:
 21 Judge Steckler, I have a question.
 22 So currently, it's Agricultural and
 23 Regional Business.
 24 JUDGE STECKLER:
 25 Agricultural and I'm sorry, what?

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1 They're all there.
 2 Now, I also put in your packet just one
 3 little sheet that is the Mississippi Code Section
 4 17-1-19. It's a 1995 statute, and also following
 5 it is non-conforming uses. And what it says, just
 6 in a nutshell, you all normally deal with the
 7 administrative process first, try to get people to
 8 do right. Then you write them letters. Then you
 9 threaten. You take them to your own kind of court
 10 and try to get them to do right. When that
 11 doesn't work, they do something else and something
 12 else. You're paying lawyers to go on and on and
 13 on with this stuff that never, ever gets anywhere.
 14 It never gets the job done.
 15 I told you where I live and what my name
 16 is. What I didn't tell you is I'm a judge, and I
 17 sat on the bench for 17 years hearing cases
 18 wherein what we did when people didn't do what
 19 they were supposed to do, the City -- never Biloxi
 20 but other communities along the Coast -- would
 21 file a complaint in Chancery Court asking for an
 22 injunction. And you can get your injunction
 23 within about five days, maybe 10. The longest it
 24 would be may be 30 days before you get your
 25 injunction.

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1 MR. DELAHOUSEY:
 2 Agricultural and Regional Business.
 3 That's what the current zoning is.
 4 JUDGE STECKLER:
 5 Yes.
 6 MR. DELAHOUSEY:
 7 Part of it's Agricultural and part of
 8 it's Regional Business.
 9 If we were -- the Commission were to
 10 consider changing it to Agricultural Restricted
 11 and the other part being Limited Business as
 12 Mr. Creel said, do you think that would improve
 13 the situation?
 14 JUDGE STECKLER:
 15 I think it would. I do. I think it
 16 would be a good idea to do that, but not in the --
 17 not in the swamp. Up there on the land where
 18 those -- where the Regional Business is and where
 19 the other businesses are up there, some of them
 20 are not desirable businesses. There's just --
 21 it's not a business. Somebody is just storing
 22 their junk there. If it was something that was
 23 going to produce taxes or income for the City and
 24 it was going to help any kind of way, that would
 25 be fine. They're not businesses. They're just

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1 storing their trash there.
2 And that's, I think, hurting the
3 neighborhood. It hurts -- that's a main entrance
4 into the City of Biloxi from the north. There is
5 a lot of population there. Everybody that comes
6 through there has to look at all that stuff.
7 That's what they see when they hit Biloxi city
8 limits, and I think it's sad for the City.
9 And all it would take is enforcing
10 existing statutes to clean that up. Even if they
11 had a right to have it there, it has to be
12 screened off from view, and it's not. And so all
13 you have to do is get them to follow the tools in
14 your toolbox.
15 MR. DELLENGER:
16 I have got a question.
17 So you own -- you said you own 40 acres,
18 I guess, in between 67 and the road you live on;
19 is that correct?
20 JUDGE STECKLER:
21 Say that again. I'm sorry.
22 MR. DELLENGER:
23 You said you own 40 acres between 67 and
24 Skeet Hunt; is that right?
25 JUDGE STECKLER:

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1 and you're going to see a lot of areas where
2 there's waterlilies growing and dead trees in the
3 middle of it. And what that is, is where the
4 topography has changed. It is now holding water,
5 and that's happening to a lot of our land around
6 there.
7 It needs to stay green space. It needs
8 to be good drainage. It needs to do the job that
9 it's supposed to do as natural wetlands.
10 MR. DELLENGER:
11 I understand that, and I appreciate
12 that. I just -- you know, everybody else that
13 owns property around there that is currently zoned
14 Agricultural may or may not agree with you. I
15 mean, they may want to sell their property at some
16 time and try to get something for it instead of
17 just saying it's worthless and being okay with
18 that.
19 JUDGE STECKLER:
20 And that's the reason I'm saying if you
21 want to leave it Agricultural, just leave it,
22 because -- you know, because also, in Restricted
23 Agricultural, it provides for being able to live
24 there. You can have parks, playgrounds, a number
25 of things that you can do in there, botanical

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1 Yes, sir. I will show you mine.
2 MR. DELLENGER:
3 So which one of those squares is yours?
4 JUDGE STECKLER:
5 Here I am right here.
6 MR. DELLENGER:
7 Okay. So if that remains A and we
8 didn't -- let's just say we didn't do anything to
9 any of it and left it all like it is and that
10 remained A and -- like it is. Are you concerned
11 at all with your property and any surrounding
12 property owners that that property essentially
13 could be worthless?
14 JUDGE STECKLER:
15 It already is worthless. What it does,
16 it holds the rest of the world together. What it
17 does, it is a green area. Green space has value.
18 Mine is forested, except that with the change in
19 the topography in the area from what Hickman has
20 done and some other people, where they have been
21 filling, now areas of my property are turning
22 brown or getting wet and holding water, and the
23 trees that are there are dead.
24 If you just drive on up to that area,
25 dead off of Old Highway 67, drive around that area

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1 gardens. It gives a laundry list of things that
2 you can do in that zoning category. And you
3 shouldn't do anything else. If you want to sell
4 it, you need to sell it to somebody who is willing
5 to do what belongs in that kind of environment.
6 MR. DELLENGER:
7 So say you did AR on your 40 acres --
8 JUDGE STECKLER:
9 Yeah, right.
10 MR. DELLENGER:
11 -- and somebody came in there and
12 developed it to put -- living on there, they're
13 still going to have to bring in dirt. They're
14 still going to have to build it up. They're still
15 going to have to have all those things.
16 JUDGE STECKLER:
17 And they better not do that because that
18 would ruin the environment. It would ruin the
19 drainage for the area, and I shouldn't sell it to
20 them to do that.
21 Now, the Land Trust for the Mississippi
22 Coastal Plain -- Land Trust for the Mississippi
23 Coastal Plain buys land and they pay fair market
24 value. And they get qualified appraisers that are
25 government-certified appraisers to come in and

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1 value the land and then they buy it at fair market
2 value to leave it natural. So, I mean, there is a
3 lot of opportunity for people who own that kind of
4 land to sell if they want to.
5 CHAIRMAN WASHER:
6 All right. We're going to go ahead and
7 move on.
8 Is there anybody else in the audience
9 that wants to speak in opposition to the proposed
10 change?
11 JUDGE STECKLER:
12 And I'm sorry for taking up so much of
13 your time.
14 CHAIRMAN WASHER:
15 Thank you, sir.
16 MS. ROCKCO:
17 Good morning -- or afternoon, huh? It's
18 afternoon already. Well, I've been retired for
19 16 days, so there you go.
20 And I want to thank you first for
21 serving on this position. I know it's hard. You
22 have a lot of responsibility. You have the
23 opportunity, too, to make Biloxi, I mean, what it
24 is. Your availability to seeing the facts and how
25 people live really gives you a blank sheet in some

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1 storms. Woolmarket, at the fringe of the city and
2 De Soto National Park on the north part, is a
3 greenbelt and it should be developed only as the
4 edge of a development, and helps maintain the
5 quality of water.
6 You know, we have a problem with water
7 encroachment in other states, saltwater intrusion.
8 We need wetlands in order to make sure that our
9 water is safe and clean and drinkable.
10 So the third strategy that y'all had is
11 restrict development and limit disturbance of
12 waterways, wetlands, natural habitat, floodplains
13 and other environmentally sensitive areas,
14 especially those south of I-10 -- well, there is a
15 lot north of I-10 as well -- address open space
16 and the benefits provided by green infrastructure
17 as a part of Woolmarket's land use and development
18 pattern north of I-10. Encourage sustainability,
19 low impact -- this is your document -- site design
20 and stormwater best management practices as you
21 develop Woolmarket.
22 For instance, the new storage shed that
23 you just took care of, I think you just rezoned
24 for the corner of the Woolmarket and Cedar Lake.
25 My church is right there so I happen to see it

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1 cases, especially in Woolmarket not to put two
2 dollar stores across the street from each other in
3 a, you know, pecan orchard, but to maybe take a
4 good look at what you have because you have a
5 great responsibility and great opportunity. I
6 just wanted to thank you for that because it's not
7 an easy job, what you do.
8 But I do want to address some of the
9 standing water that we have. And I also found a
10 City Comprehensive Plan. Have y'all seen this,
11 the City Comprehensive Plan? I know a couple of
12 you may have. It's very important to have a plan
13 and then maybe follow the plan.
14 But there are key issues in here that,
15 you, yourself, have passed and they are
16 development -- development that takes the
17 pressures and the -- we don't -- you don't want
18 the results of Woolmarket location having
19 environmental problems with their area. You
20 looked at Cedar Lake and D'Iberville.
21 And some of the other key issues and the
22 ones that you really pointed out in this study
23 that you passed is continued to develop in --
24 continued development in flood hazard areas
25 increases Woolmarket's vulnerability to future

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1 quite often. It was a low area. I don't know if
2 it was wetlands and I don't know if anyone asked
3 if it was wetlands or if anyone was permitted for
4 wetlands. But when you go by there, the water is
5 standing all the way around it. I know there is
6 an easement that goes underneath it, but silt
7 fences are not put up properly -- and they were
8 not obviously and have fallen down -- then your
9 drainage is going to be filled in.
10 And if you don't camera it before you
11 make sure that you accept it, Biloxi, Mississippi
12 will be responsible for that drainage, and the
13 drainage there is pretty bad. It's been built up.
14 There is no flow-through. And most of the houses
15 that live there we all have -- because of the
16 NFIP, we have flow-through under. So when the
17 water comes and floods us, it goes through. We
18 have a mess to clean up, but we love it and we
19 chose it because that's where we live.
20 What has caused some of the problems,
21 standing on Mr. -- my neighbor over there --
22 what's your name again, Judge -- his land -- if I
23 may, first of all, your pictures didn't show all
24 the standing water, which is a problem. Can I go
25 this way to see the pictures?

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1 MR. LAMBERT:
2 You can drag it.
3 MS. ROCKCO:
4 Oh, I love this. We didn't have this in
5 the County. Maybe we had it and I didn't use it.
6 No, I mean, down. Do we have the
7 pictures of the land? You've got to start filming
8 that water, son, when you go by there. You missed
9 that.
10 MR. LAMBERT:
11 I don't have any pictures. I mean, I
12 can go back to the video.
13 MS. ROCKCO:
14 Go back to the part -- Google Earth.
15 MR. LAMBERT:
16 Oh, yeah, yeah. I'm sorry.
17 MS. ROCKCO:
18 I'm sorry.
19 Okay. And I can do this? You're doing
20 it for me.
21 Well, this area here was all wetlands
22 and all wooded. This area was a 15-acre area
23 where they had a recycling center for rocks. Two
24 trucks, two small trucks. It was grandfathered in
25 by the County. However, none of this, to my

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1 fine, so all of this has also been filled and it
2 was wetlands. So that is creating more issues
3 for -- when it's gravel -- can I go back this way?
4 Sorry, y'all. I feel like I'm coming
5 down with a cold, not COVID.
6 But see, these areas here that have all
7 been cleaned -- or cleared? That has an effect on
8 this. It pushes more water faster and across that
9 street and that's why his land is becoming more
10 worthless.
11 I don't know -- this here, I have asked
12 for the permits for filling in wetlands in
13 Mr. Williams' property through Mr. Creel, but I
14 never received a copy of the permit.
15 Do you have it?
16 MR. CREEL:
17 I'm sorry. What?
18 MS. ROCKCO:
19 A copy of the permit from the DEQ or the
20 EPA for this filling.
21 MR. CREEL:
22 On which side?
23 MS. ROCKCO:
24 I'm sorry?
25 MR. CREEL:

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1 opinion -- none of this was. I had -- this is my
2 10 acres right here.
3 So this water was all -- don't be
4 getting on my property. He is right next to it.
5 But all of this was woods. It had
6 been -- every once in a while, the timber company
7 would come in and cut the trees. And by the way,
8 one tree takes in, it sucks up 40,000 gallons of
9 water per year. So every tree that's cut, all
10 this now, the water runs straight through.
11 There is no retention ponds, which there
12 used to be down here, but it's slowly getting
13 filled in. There was also a trailer that was
14 sitting in some location right here. All of
15 this -- all of this was trees, except for
16 15 acres, which is right here.
17 Now, I don't know if there was a permit
18 for wetlands, but I do know that this is wetlands
19 and most of it's wetlands that had pitcher plants
20 on it.
21 This area also was wetlands. It
22 belonged to a Nick Ladner at one time and he
23 filled it in. And when he filled it in, he was
24 fined a tremendous amount of money. A roofing
25 company bought it. They had to end up paying the

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1 You talking about Mr. Williams' place up
2 there?
3 MS. ROCKCO:
4 Yes, sir.
5 MR. CREEL:
6 And we called the Corps of Engineers
7 about that. They came out and inspected it and
8 they said there was no violations there.
9 MS. ROCKCO:
10 That's because it was already filled in.
11 Did you get a permit? Dig you get a picture of
12 the permit?
13 MR. CREEL:
14 That would be -- I mean, they're who we
15 go to whenever we feel like there's a violation
16 and they said there were no violations there.
17 MS. ROCKCO:
18 But you did that after it was filled in,
19 correct?
20 MR. CREEL:
21 After it was cleared.
22 MS. ROCKCO:
23 We'll check into that. That's another
24 issue, but we'll check into that. Thank you,
25 though.

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1 But you see the issue of the delicate
2 land. And then I go back to -- that's some of the
3 reasons that he has had his problem.
4 But then I go back to the plan that you
5 have and the plan and key issues, again, is to
6 continue to develop -- continued development in
7 flood hazard areas will increase Woolmarket's
8 vulnerability to future storms.
9 So you passed this. I don't know if any
10 of -- all of you -- you know, I don't know about
11 y'all, but when I was working, I had to go back
12 and review stuff, because I would forget it.
13 So I'm not against development. I think
14 it's necessary, but when you look at the
15 development that has taken place -- I mean, it's a
16 perfect area for something besides a car wash, a
17 dollar store. We have five dollar stores now in
18 Woolmarket. I think we're pretty well covered.
19 Y'all think so?
20 UNIDENTIFIED SPEAKER:
21 I don't want any more gas stations.
22 MS. ROCKCO:
23 We all abide by the NFIP by raising our
24 houses on stilts. We can't fill in the bottom.
25 We have to use roll-up doors, more expensive, but

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1 time.
2 CHAIRMAN WASHER:
3 Thank you, Ms. Rockco.
4 Anyone else want to speak in opposition?
5 No one else want to speak in opposition?
6 DR. CHENG:
7 Hello. My name is Dr. Nancy Cheng. I'm
8 a recent transplant from Houston, Texas.
9 It may interest you to know that
10 Houston -- having lived there for over two
11 decades, Houston has no zoning laws, which means
12 having been built on a swamp, I just want to tell
13 you guys maybe you can learn about the mistakes
14 that Houston has made.
15 When Hurricane Harvey hit Houston,
16 Houston had already had in place five detention
17 ponds that they had built far to the west of the
18 city in order to accommodate floods. So, I mean,
19 Houston has the detention ponds. New Orleans has
20 their levees. Every city has a different method
21 in dealing with floods.
22 The 500-million gallon detention ponds
23 were overflowed, causing over 125 billion in
24 damages to Houston and that was because --
25 partially because the zoning laws were

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1 we like it there and we love it.
2 The Tchoutacabouffa is becoming a
3 drainage ditch for everyone, including
4 D'Iberville, with the -- between the wastewater
5 treatment plant that's going in there, all of the
6 Promenade and all of Sangani Boulevard. One of
7 our greatest natural resources, our
8 Tchoutacabouffa River, which goes into the Gulf of
9 Mexico, is becoming contaminated today.
10 Now, I sure thank y'all for letting me
11 have this much time. And like I said, I'm a
12 little emotional about it because it's my home for
13 34 years. And I wasn't born in Biloxi, but I got
14 here as soon as I could. And I served the county
15 for 36 years and I really learned a lot about our
16 area and where we live and how beautiful it can
17 be.
18 And if we ride to other areas -- and
19 we're a tourist -- and we take them down, do we
20 want to take them down Highway 67 to see our dirt
21 pits and our storage units and our dollar stores
22 or do we want them to see something beautiful.
23 And we want development that we can be proud off
24 on our way home when we pass it every day.
25 So anyway, thank you so much for your

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1 non-existent and people would fill in and build
2 their businesses and et cetera, et cetera.
3 I suppose what I'm going to say -- I'm
4 so sorry. I forgot to say where I live. I live
5 at 3534 Brandon James Drive, okay, just off the --
6 just the north side of the Promenade. There is a
7 little neighborhood that's located there and
8 that's where I live.
9 Last time it flooded, it got so bad that
10 I could not get home from call in the hospital, so
11 I stayed at the hospital for longer than I should
12 have. It makes it inaccessible to get there.
13 Should that worsen, I just don't know what I would
14 do or where I would go to relocate because I
15 learned to really appreciate Mississippi and, you
16 know, my neighborhood and I really like that.
17 I just caution you guys to consider
18 carefully whether or not you want to build
19 detention ponds, where you might build those in
20 order to offset drainage areas that may be, A,
21 eroding because of already poor practices in the
22 area or, B, from development that, you know, might
23 be necessary. But you might also consider that
24 they're filling it in, and once you fill a bathtub
25 X high, the Archimedes' principle demands that you

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1 put another body in there, then the bathtub will
2 overflow. Okay?

3 So that's just what I want to caution
4 you guys against and just to think about other
5 ways that you might want to consider tackling the
6 flooding problem.

7 Okay. Thank y'all.

8 CHAIRMAN WASHER:

9 All right. If no one else with any
10 comments, I'm going to recommend that we go on and
11 close this hearing for today, but I totally -- let
12 us look at this thing further and see if we can
13 come up with some other -- I didn't make the
14 meeting when Ms. LeBatard was here in regard to
15 hers. I don't know if there's anything more she
16 can add now or, Jerry, what do you think?

17 MR. CREEL:

18 I mean, we can go back and get with her.
19 You have a number of options here. You know, you
20 can consider the recommendation as it is. Like we
21 have said, you can consider changing some of it to
22 AR zoning, which is the most restricted zoning
23 that we have. You can move the line wherever you
24 feel like it's necessary to move it.

25 You know, we have heard some comments

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1 to try and develop their property. We have no
2 applications before us right now for any type of
3 development down through there, but, you know, if
4 somebody came in and wanted to build something
5 along there, they would have to go through the
6 normal process. They would have to mitigate
7 wetlands and have to make sure that they have
8 adequate detention just like any other project
9 development would go.

10 Now, I heard somebody say that all that
11 property is in a floodway, and that's not true.
12 It's in the flood zone, except for the area right
13 along the river down there and that is floodway,
14 which is much, much more restricted. But the
15 areas there just to the west of the new 67 are
16 just flood zones, meaning that, you know, you just
17 have to meet elevation requirements.

18 But Planning Commission and the Council
19 have a number of options here. You can leave it
20 the way it is, again, which will open the door for
21 anybody to come in here and request a zoning
22 change to whatever zoning that they want to. You
23 can reduce the zoning being requested or you can
24 move the boundary line wherever you think is
25 appropriate.

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1 here today about property that's not -- the owners
2 don't want to have anything built on it. They can
3 always donate that property to the Land Trust, you
4 know. That way nothing will ever be built on it.

5 MS. ROCKCO:

6 They sell it to them.

7 MR. CREEL:

8 We're just -- you have several options
9 here. You can reduce the zoning request to
10 whatever you want to. We recommended LB -- NB,
11 you know, because it seemed appropriate next to
12 residential property. But we did that with the
13 understanding that if we got in here and somebody
14 said, well, why did y'all suggest LB, you know,
15 why didn't you go to NB, we can always go down,
16 but we can't go up without going back and having
17 to re-advertise it.

18 But they are correct. The area on the
19 other side of Paradise Lane, on the east side, is
20 essentially a large detention area and I can't
21 imagine anything ever being built in there, and
22 that's what we were recommending definitely to go
23 to AR on.

24 The area to the west of there, it is a
25 low area. Property owners, though, have a right

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1 So those are the things that you can --

2 MR. DELLENGER:

3 What if we just left it as it is and on
4 an as-needed basis hear it if anybody ever wants
5 to do anything with it?

6 MR. CREEL:

7 You can do that. You can handle that on
8 a case-by-case basis.

9 MR. DELAHOUSEY:

10 Mr. Washer, I certainly have gotten an
11 education here today, especially with the
12 Comprehensive Plan the City has. And we have
13 already postponed this once. We have a large
14 crowd here today. I'm willing to make a motion.

15 Mr. Creel, you might have to help me
16 with this.

17 MR. CREEL:

18 Okay. Let me mention something about
19 the Comprehensive Plan. The Comprehensive Plan is
20 not a rigid document like the Land Development
21 Ordinance is. It is a vision document, and the
22 language never says, does this comply with the
23 Comprehensive Plan? It says, is it consistent
24 with the Comprehensive Plan, which offers language
25 that provides some flexibility.

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1 So you need to take that into
2 consideration when you look at the Comprehensive
3 Plans, that Comprehensive Plans are a document
4 that creates a vision for a period of five -- for
5 a period of 10 to 20 years, and that document can
6 be changed. It can be changed, updated, can be
7 made flexible. So we don't look at that the way
8 we look at the Land Development Ordinance which
9 clearly has boundaries for what you can and can't
10 do.
11 MR. DELAHOUSEY:
12 And I will refer to Land Development
13 Ordinance Article 23-3(B-1) AR, Agricultural
14 Restricted District, and I would move that we --
15 THE REPORTER:
16 Mr. Delahousey, I'm sorry. I need you
17 to speak up.
18 MR. DELAHOUSEY:
19 Okay. I'm sorry.
20 THE REPORTER:
21 I can't hear up there when y'all are
22 talking.
23 MR. DELAHOUSEY:
24 I would move that we approve and modify
25 the application to change it to Agricultural

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1 property, a lot of it. So I agree with you,
2 Steve.
3 I just don't see any landmarks on here
4 that show me where that area is.
5 CHAIRMAN WASHER:
6 We've got a motion and a second on the
7 floor. Go to any discussion.
8 MR. STANOVICH:
9 Were all 73 owners notified of a
10 possible zoning change?
11 MR. CREEL:
12 Yes.
13 MR. STANOVICH:
14 They were?
15 MR. CREEL:
16 Yes. We have to, yes.
17 THE REPORTER:
18 What was the number you said?
19 MR. STANOVICH:
20 73.
21 THE REPORTER:
22 Thank you. I'm just having a hard time
23 hearing because...
24 MR. DELLENGER:
25 I mean, I would rather just leave it as

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1 Restricted business and LB and we use Joe Husley
2 Road as the dividing line.
3 Is that appropriate language?
4 MR. CREEL:
5 That was recommended by one of the
6 people that came in here and we certainly have no
7 objection to it, and I can run that by Christy
8 again.
9 MR. DELAHOUSEY:
10 That would be my motion.
11 CHAIRMAN WASHER:
12 All right. Do I hear a second to that?
13 MR. CARRON:
14 I will second it.
15 I just think we need to -- I
16 really can't see any landmarks when I'm looking at
17 this. This doesn't show where Joe Husley Road is
18 and how it's going to impact the area. But I
19 agree with the direction you're heading in, Steve.
20 But, I mean, if we already -- look at
21 this. We've got the AR down here. I mean, I like
22 the idea of we're still looking at -- I mean, that
23 whole area north of Old Highway 67 drains into
24 this area here that's absolutely -- to use
25 Mr. Steckler's words, it's basically useless

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1 it is, to be honest, instead of trying to go in
2 there and change it to a restricted and then
3 changing everything else to LB instead of leaving
4 it as it is. I mean, I think we're worrying about
5 something that we may not ever -- may not ever
6 happen without somebody coming in here trying to
7 develop property that's under water. I mean, you
8 know, my guess is nobody is ever going to come in
9 here and try to develop property that's under
10 water. Nobody in the right business mind is going
11 to do that.
12 MR. DELAHOUSEY:
13 Yeah. I didn't know about AR until
14 today and --
15 MR. DELLENGER:
16 But they have got people in that area
17 right now that have RB zoning that want to keep it
18 RB, and you're going to limit them on what they
19 may have planned with their property that they got
20 zoned for and you're going to now change them
21 because you just want to change it all.
22 MR. DELAHOUSEY:
23 Well, that -- I don't disagree with
24 that. By having it Regional Business, it's wide
25 open for a lot of -- a lot of businesses that, I

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1 think, these -- the majority of these people would
2 be against and they live there, so I think by
3 limiting it to LB would satisfy that situation.
4 MR. DELLENGER:
5 They might be against the pig farm going
6 next to them, too, but that's by right. I mean,
7 they could go in there right now and do that by
8 right, you know.
9 MR. DELAHOUSEY:
10 That's true.
11 MR. DELLENGER:
12 I mean, you know, I just think we're
13 worrying about things that potentially could never
14 happen. I mean, you know, if they have to come to
15 us, we would have to approve it.
16 MR. DELAHOUSEY:
17 They are worried about it.
18 MR. DELLENGER:
19 Well, do you think they're not going to
20 show up if somebody comes to do something and let
21 us know that they're happy or not happy about at
22 it? I mean, I have a feeling they would.
23 DR. DRAWDY:
24 David.
25 CHAIRMAN WASHER:

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1 wanted to, and they have a right to build in
2 there.
3 But you don't need to come in there and
4 start filling it in and start buying it up through
5 the Corps and everything else and buying up more,
6 you know, for credits and things like this because
7 some large developer could come in and say, we've
8 got the money to do it and we want to do it.
9 And Charlie is right about one thing. I
10 like the idea of letting each person come in and
11 deal with their own thing one at a time and then
12 we can evaluate that and determine whether it is
13 really a good thing or not.
14 That's the first time -- like Steve said
15 today, that's the first I have heard about
16 Agricultural Restricted. I really like that and
17 to me, that ought to be thrown into all of the
18 watershed. It's Agricultural Restricted or
19 whatever we want to call it and -- so that nobody
20 can alter or change it, because if you remember
21 the commercials back many years on TV, you don't
22 mess with Mother Nature. Well, you just don't
23 mess with her and you don't mess with that water
24 because anybody that lives in that area
25 understands what that thing can do in a flood

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1 Any other comments? Dr. Drawdy.
2 DR. DRAWDY:
3 I have listened intently to all of this,
4 and one thing that seems to permeate out of
5 everything else is the watershed, taking care of
6 the watershed, and making sure that we do nothing
7 at all that will alter that watershed or that
8 drainage or anything in that area because it
9 affects so many homes, people and everything else
10 like that.
11 Whatever our recommendation is that's
12 forthcoming, my part would be that we protect the
13 entire area of watershed, whether it's that part
14 that's, you know, deep in the part right next to
15 Licksillet Road or if it comes down or not, if
16 it's part of that watershed and part of that flood
17 zone, it needs to be protected because it's going
18 to impact so many people.
19 And I kind of look at it this way: I
20 don't want to do anything to anybody -- do
21 something that I wouldn't want done to me, so in
22 other words, we need to protect the people that
23 live there because that's important. And there's
24 a lot of people that live there. And they say,
25 well, why did they build in there? Well, they

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1 area.
2 So that's part of my thoughts and
3 process of looking at all of this, that it needs
4 to be taken care of, that we need to take care of
5 everything that's in there now and really clean up
6 some of the ones that need to be cleaned up now,
7 whether it's more court or fines, whatever we need
8 to do. That's it. Thank you.
9 MR. LECHNER:
10 So Jerry, if we approve this, the motion
11 that's on the floor and someone comes and wants to
12 develop, with that new zoning, how are they able
13 to maintain the water on their property? I mean,
14 is that even going to be feasible, that they could
15 maintain water on their property?
16 MR. CREEL:
17 Well, that's their responsibility to
18 work out with their engineer, that their
19 post-development runoff doesn't exceed their
20 predevelopment runoff. You know, they have to
21 retain it on their property.
22 MR. LECHNER:
23 But is that feasible?
24 MR. CREEL:
25 Just like any other development that

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1 came in, they would have to show that they've got
2 the necessary permits and everything else with DEQ
3 just like any development.
4 My concern is this -- and, of course you
5 know, whatever the Planning Commission decides is
6 fine with us. But you have somebody coming next
7 to, let's say, where Corlee got that RB zone and
8 he said, well, I want to change my property to RB
9 too -- RB also. And well, no, we're not going to
10 do that because -- well, why not? You changed it
11 for the neighbor right next door and you're not
12 going to change it for me.
13 It just -- it opens the door for -- a
14 precedent has been set, both on the south side and
15 on the north side. And I'm not talking about the
16 drainage properties and all. I actually agree
17 with that, but I think all those drainage
18 properties clearly need to be AR so that we don't
19 have to worry about anybody developing on those
20 for now.
21 But there are some properties going to
22 the west that can be developed. And, you know,
23 will they be an engineering challenge? Yes, some
24 of them will. But the zoning question, though,
25 since there is already property on the north side

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1 We pulled the satellite pictures of it, and what
2 had happened was -- he bought it. Over the years,
3 some growth had come back over that property, and
4 he went back in and removed the growth up to the
5 boundary line of what was original.
6 MS. ROCKCO:
7 That's not true.
8 MR. DELLENGER:
9 But what's run out of there?
10 MR. CREEL:
11 He's got a recycling thing, landscape
12 supplies, like rock and mulch and --
13 MR. DELLENGER:
14 So he's zoned Agricultural?
15 MR. CREEL:
16 No. It was grandfathered in. The
17 license was there when it came in from the County
18 through annexation. And whenever we annex an area
19 and the owner has a legitimate license from the
20 County for that use, we have to accept that use in
21 as grandfathered in. We can't shut them down just
22 because we want to.
23 MS. ROCKCO:
24 That's not true. I'm sorry.
25 MR. CREEL:

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1 and the south side that's zoned RB, I think that's
2 going to open the door.
3 Remember that what initiated all of
4 this, every bit of this was complaints from
5 neighbors about certain things that were being
6 done on there. The Corlee property, you know, we
7 don't want that development on there that he's
8 doing. Those phone calls came in. So we were
9 trying to figure out a way, well, how can we stop
10 it now, you know, so that we don't have another
11 request for RB again, you know, and that's kind of
12 what led us down this path to where we are today.
13 MR. DELLENGER:
14 So Jerry, what is -- is that a concrete
15 plant or whatever that's just to the right of all
16 of that?
17 MR. CREEL:
18 Are you talking about Williams'
19 property?
20 MR. DELLENGER:
21 Yeah.
22 MR. CREEL:
23 What Williams did is he went in and
24 re-established the boundary lines for the original
25 development that was there. That's what happened.

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1 Okay.
2 MR. CARRON:
3 Jerry, the north three parcels, north of
4 67 that are zoned RB. Is there businesses on that
5 property now?
6 MR. CREEL:
7 No. What it is, they have got some
8 equipment stored on there. That's what --
9 MR. CARRON:
10 That wasn't grandfathered in, though?
11 MR. CREEL:
12 No. Both of those, the one on the north
13 side and the one on the south side were actually
14 zoning changes that went through the Planning
15 Commission and the City Council.
16 And look, in fairness to the Planning
17 Commission, when Mr. Lee came in with that
18 proposal on the south side, he presented some nice
19 pictures of this construction office that he was
20 going to build there and the fence that he was
21 going to put up and everything else. And so, you
22 know, you come in and you get the necessary
23 approvals based upon your presentation and your
24 arguments.
25 And then when you get the Planning

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1 Commission approval and City Council, the next
2 step is to come back to DRC so we can look at the
3 building, the drainage and the parking and
4 everything else before we sign off on it. DRC
5 does sign off on it and we can't sign off on it
6 until City Council officially approves the zoning
7 change.

8 Mr. Lee went out there and just put a
9 fence up around the property and parked a bunch of
10 equipment in there and started operating. And
11 see, there is no building there. We can't give
12 him a CO. We can't give him a building license or
13 anything else.

14 And, you know, we have had him back
15 before Planning Commission, you know, to go over
16 this. And so the only way that we can pursue it
17 was to take it to court and that's what we have
18 done.

19 MR. LEE:

20 May I speak since you brought me up
21 several times?

22 CHAIRMAN WASHER:

23 Hold up. You're out of order.

24 MR. LEE:

25 Sir?

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1 keep in mind that the property south of them is
2 part of that drainage area.

3 CHAIRMAN WASHER:

4 Do y'all want to look at this further or
5 do y'all want to go ahead and make a decision
6 today, be it AR or whatever and move on from
7 there? That's a little contrary to the motion you
8 have, which was from AR --

9 MR. DELAHOUSEY:

10 I call for the question. I call for the
11 question and ask for a vote.

12 CHAIRMAN WASHER:

13 All right. We're to go ahead and vote.
14 I'll ask you to restate your motion with the
15 amendment of Mr. Carron.

16 MR. KING:

17 I've got a question. Your motion calls
18 for Joe Husley Road and you recommended Paradise
19 Lane?

20 MR. DELAHOUSEY:

21 Correct. Yes.

22 MR. KING:

23 What's between those two that's --

24 MR. CREEL:

25 Well, on the north side, again, it is

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1 CHAIRMAN WASHER:

2 You are out of order.

3 MR. LEE:

4 That's why I asked.

5 MR. CARRON:

6 I think that in hindsight, that maybe
7 there is a mistake in changing the zoning out
8 there. And on our side of it, it's a lot because
9 we never really knew the impact of the problem
10 that was up there, and I could see where that
11 oversight was made. So I really think there was a
12 mistake in the zoning there.

13 MR. LECHNER:

14 I just don't know how a developer,
15 whatever they want to build on any of this
16 property, is going to be able to retain their
17 water. I mean, I know they're supposed to.

18 MR. CREEL:

19 It is a low area, yes.

20 MR. LECHNER:

21 I mean, I just don't understand where
22 the water is going to go.

23 MR. CARRON:

24 The property to the west that they are
25 talking about is fairly high, but we have got to

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1 low. I mean, the road is high and the property is
2 low. But when I talked to Christy this morning, I
3 said, based on your presentation that you made
4 last time and going out there and actually looking
5 at the property, it looks like that maybe Paradise
6 Lane would be kind of the boundary line between
7 the two. I said, do you agree with that or not
8 agree with that? She said, yes, I agree with
9 that, so that's where that came from.

10 MR. DELAHOUSEY:

11 Could we ask Mr. Collins again to
12 explain why he recommended Joe Husley Road?

13 MR. COLLINS:

14 From Joe Husley Road going north --

15 CHAIRMAN WASHER:

16 Come up here so we can pick you up,
17 please, sir.

18 MR. COLLINS:

19 From Joe Husley Road, if you look at
20 it -- if you go out there and look at it, you can
21 see the water -- the land starting to fall off.
22 Joe Husley Road going west is higher ground. It's
23 a lot higher ground. It doesn't have the water
24 flow issues and retainage like the other thing. .
25 And that would be -- even going all the way north,

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1 straight north from there, I would say -- because
2 Williams' property, it's in that low area and he's
3 got -- I'm pretty sure he's got flooding problems
4 after really hard rains and stuff. He's got
5 issues there, too, so he -- I mean, that needs to
6 all remain just as it is and be protected as
7 watershed for that whole area.

8 Because I don't know if there is anybody
9 here from Paradise Lane or up in that subdivision
10 that can tell you how often they get flooded out
11 because they do get flooded out. They get flooded
12 out regularly just like we did living on the
13 river. But, you know, I say Joe Husley Road going
14 north to the west is what needs to remain in the
15 watershed -- be considered the watershed for that
16 area and remain protected, you know.

17 The other area, the west -- to the west
18 of that, that's high enough where, you know, you
19 could do something with that. That is -- it's
20 feasible to do some things with it. It's still
21 got issues because it had no water and sewer and
22 stuff like that through there, but still, it's
23 high enough ground that it's not going to present
24 the problems that this other area would.

25 Does that answer you?

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1 now, I can't do anything with that property? It's
2 essentially worthless?

3 MR. CREEL:
4 No. I mean, there are some other things
5 in there. We mentioned botanical gardens and some
6 other things that could go in there. But as far
7 as building a structure on it, that wouldn't --

8 MR. DELLENGER:
9 You're going to deem somebody's property
10 worthless, then.

11 CHAIRMAN WASHER:
12 All right. Steve, you want to go ahead
13 and restate your motion?

14 MR. DELAHOUSEY:
15 Yes.

16 MR. CARRON:
17 Before you do, Steve, I went to Google
18 Earth and if you look on this map here, you can
19 actually see a little line in here. That's Joe
20 Husley Road and it's just above what would be the
21 northeast corner of that AR property. So that
22 kind of isolates it pretty good.

23 MR. DELAHOUSEY:
24 I recommend that we approve the zoning
25 map amendment and modify it to change the zoning

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1 MR. DELAHOUSEY:
2 Thank you. Yes.

3 MR. DELLENGER:
4 Jerry, I have got a question. If you
5 did a portion of it to AR and it's a five-acre
6 minimum, what if property size is less than
7 five acres?

8 MR. CREEL:
9 They wouldn't be able to build on it.

10 MR. DELLENGER:
11 So your property is deemed worthless?

12 MR. CREEL:
13 The five acre is one of those things
14 where -- AR does allow one single-family house,
15 but you have to have five acres minimum size in
16 order to build that house.

17 But there is another part of this, too,
18 if we change it to AR, then we present it to FEMA
19 that we have changed it to AR and from that point
20 forward, we have to answer for whatever goes on
21 that property. And even though FEMA will not tell
22 you this, regulations are written in these
23 high-risk areas to prohibit development, you know.

24 MR. DELLENGER:
25 So if I had four acres and it's zoned AR

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1 district classification for 73 parcels of land
2 from their present zoning district classification
3 of Agricultural and Regional Business to
4 Agricultural Restrict Business and LB with the
5 dividing line being Joe Husley Road.

6 CHAIRMAN WASHER:
7 Dividing line for LB?

8 MR. DELAHOUSEY:
9 Yes.

10 MR. DELLENGER:
11 So everything west of Joe Husley is LB
12 instead of AR?

13 MR. DELAHOUSEY:
14 Yes.

15 DR. DRAWDY:
16 You talking about all 73 acres of land?

17 MR. CREEL:
18 It would be split. Everything to the
19 east of Joe Husley would be AR, the Agricultural
20 Restricted, and then the properties to the west
21 back over where it is developed would be LB.
22 That's what he is recommending.

23 DR. DRAWDY:
24 Limited business?

25 MR. CREEL:

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1 Yes, sir.

2 CHAIRMAN WASHER:

3 Okay. We'll call for the vote. All

4 those in favor of same, raise your hand, please.

5 Mr. Carron and Mr. Delahousey.

6 Any opposed? Mr. Lechner,

7 Mr. Stanovich, Mr. Bogard, Mr. Dellenger,

8 Mr. Poulos, Dr. Drawdy, Mr. King, Mr. Snow;

9 myself, David Washer.

10 Any abstentions? Mr. Todaro abstains.

11 That didn't pass.

12 MS. LENA:

13 That didn't pass.

14 MR. CARRON:

15 We need to have another motion.

16 MR. DELLENGER:

17 That just died for lack of a motion.

18 MR. CREEL:

19 No. That was denied. So somebody can

20 make another recommendation if they want to or

21 y'all can vote to continue it if you want to get

22 more information.

23 MR. DELLENGER:

24 Or recommend we leave it as is?

25 MR. CREEL:

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1 We had one abstain?

2 CHAIRMAN WASHER:

3 Yes.

4 MR. TODARO:

5 And the reason I'm abstaining, I have

6 family represented on some of these properties.

7 MS. LENA:

8 Six to five to leave it alone. So the

9 zoning map amendment would be denied. Is that how

10 we would write that?

11 CHAIRMAN WASHER:

12 Okay. That's the end of the continued

13 public hearings.

14 There are no new public hearings.

15 No tree hearings.

16 City Council Action?

17 MR. CREEL:

18 There were two cases that were heard

19 this past week.

20 Item D on the agenda -- I'm sorry.

21 Item C on the agenda was a request for a

22 conditional use to authorize two existing duplexes

23 as short-term rentals, 238 A and B and 242 A and B

24 Rodenberg Avenue. That vote was three to three.

25 It failed for lack of a majority.

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1 You can make that motion.

2 MR. DELLENGER:

3 I'll make a motion that we leave it as

4 it stands.

5 MR. STANOVICH:

6 I'll second that.

7 CHAIRMAN WASHER:

8 Mr. Dellenger recommended leaving it as

9 it is, no changes to be made; seconded by

10 Mr. Stanovich.

11 Any discussion on that?

12 (No discussion.)

13 CHAIRMAN WASHER:

14 All those in favor, raise your hand,

15 please.

16 Mr. Lechner, Mr. Stanovich,

17 Mr. Dellenger, Mr. Poulos, Dr. Drawdy; myself,

18 David Washer.

19 Any opposed? Mr. Bogard, Mr. Carron,

20 Mr. King, Mr. Snow, Mr. Delahousey.

21 MR. CREEL:

22 Six to five.

23 MR. TODARO:

24 You didn't ask for abstentions.

25 MS. LENA:

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1 You know that we only have six council

2 members now until the special election in

3 February.

4 Okay. And then the next item was a

5 minor subdivision plat approval for 127 and 133

6 Iberville. That's where originally this property

7 had three parcels on it. At some point, they had

8 converted it to two parcels and then the new owner

9 wanted to convert it back to three parcels. And

10 it is zoned single-family residential, and that

11 case was approved five to one.

12 CHAIRMAN WASHER:

13 Thank you. Any old business to come

14 before us today? Any new business?

15 (No response.)

16 CHAIRMAN WASHER:

17 We'll open the floor for any citizens'

18 comments. Any comments?

19 (No response.)

20 CHAIRMAN WASHER:

21 Just a reminder, our next meeting for

22 the Planning Commission will be here on Thursday,

23 February 1st. If nothing else to come before the

24 Planning Commission, we're going to adjourn.

25 (Adjourned at 3:37 p.m.)

CERTIFICATE OF COURT REPORTER

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I, MELISSA BURDINE-RODOLFICH, Court Reporter and Notary Public, in and for the County of Harrison, State of Mississippi, hereby certify that the foregoing pages, and including this page, contain a true and correct copy of my stenotype notes and/or electronic tape recording of the public hearing(s) of the witness, as taken by me at the time and place heretofore stated, to the best of my skill and ability.

I further certify that I am not in the employ of, or related to, any counsel or party in this matter, and have no interest, monetary or otherwise, in the final outcome of the proceedings.

Witness my signature and seal, this the _____ day of _____, 2024.

Melissa Burdine-Rodolfich
My Commission Expires 4/28/24