

Ordinance No. 2546

ORDINANCE TO APPROVE A ZONING MAP AMENDMENT, TO AUTHORIZE A CHANGE IN ZONING DISTRICT CLASSIFICATION FOR A PARCEL OF LAND, FROM ITS PRESENT ZONING DISTRICT CLASSIFICATION OF RB REGIONAL BUSINESS TO DT DOWNTOWN FOR LAND IDENTIFIED AS 156 NIXON STREET AVENUE

WHEREAS, on Thursday, February 15, 2024, 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. 24-007-PC, Jennifer & Drew Weber on behalf of Magnolia on Nixon, LLC, a request for a Zoning Map Amendment, to authorize a change in zoning district classification for a parcel of land measuring 51.6' x 205.85', from its present zoning district classification of RB Regional Business to DT Downtown, for a parcel of land identified as 156 Nixon Street Avenue; and

WHEREAS, the Planning Commission members were apprised of the particulars of this case, being made cognizant of the fact that Jennifer & Drew Weber on behalf of Magnolia on Nixon, LLC had submitted the request for Zoning Map Amendment, to authorize a change in zoning district classification for a parcel of land measuring 51.6' x 205.85', from its present zoning district classification of RB Regional Business to DT Downtown, for a parcel of land identified as 156 Nixon Street Avenue (re: Tax Parcel No. 1410K-01-031.000); and

WHEREAS, February 15, 2024, the Biloxi Planning Commission, after some discussion, voted 12-0, to recommend approval for this Zoning Map Amendment, to authorize a change in zoning district classification for a parcel of land measuring 51.6' x 205.85', from its present zoning district classification of RB Regional Business to DT Downtown, for a parcel of land identified as 156 Nixon Street Avenue, having determined that a Change in the Character of the Neighborhood is of notice in this area of the City of Biloxi; and

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WHEREAS, the Biloxi City Council, after consideration of all facts presented, hereby adopts the report and findings of the Biloxi Planning Commission, and in so doing, determines that approval of the Zoning Map Amendment, is appropriate for the properties as related in Case No. 24-007-PC, 156 Nixon Street Avenue.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BILOXI, MISSISSIPPI THAT AS PER THE FINDINGS OF THE PLANNING COMMISSION, BASED UPON A DETERMINATION THAT A CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD IN THIS AREA OF THE CITY OF BILOXI IS OF NOTICE, THAT THE FOLLOWING SHALL BE AUTHORIZED:

SECTION ONE: That the boundaries of the Geographical Information System Format Zoning District Map of the City of Biloxi, Mississippi, be hereby further amended by a change in zoning district classification from RB Regional Business to DT Downtown, for the properties identified as 156 Nixon (re: Tax Parcel No. 1410K-01-031.000), more fully described as follows:

One lot together with all improvements thereon and bounded on the South by Howard Avenue, on the East by the property of McPike, on the West by Nixon Street, and on the North by Copp Street; having a frontage on Howard Avenue of Fifty-seven (57) feet and running back North between parallel lines a distance of Two Hundred Eleven (211) feet, to Copp Street.

Less and except:

Description of a 304.8 square foot tract of land located in City of Biloxi Block 82, and being a part of the Clearwater, LLC tract described in Deed Book 413, on Page 538, of the records on file in the office of the Chancery Clerk of Harrison County, in Biloxi, Mississippi.

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Begin at a 1/2 inch iron pipe found on the Southeast corner of said Clearwater tract, said iron pipe also marking the Point of Beginning of the tract herein described, from said Point of Beginning proceed along the existing north margin of Howard Avenue South 83 degrees SS minutes SS seconds West a distance of 56.17 feet to the Southwest corner of said Clearwater tract, thence North 01 degrees 23 minutes 05 seconds West along the East margin of Nixon Street a distance of 27.02 feet to a point, thence South 21 degrees 24 minutes 40 seconds East a distance of 22.73 feet to a point, thence North 86 degrees 59 minutes 14 seconds East a distance of 48.19 feet to a point on the East boundary of said Clearwater tract, thence South 01 degrees 59 minutes 29 seconds East along East boundary of said tract a distance of 2.45 feet to the Point of Beginning. Bearings in this description are Mississippi East Zone State Plane Grid.

Further described as land most nearly bounded by the following streets: to the North of and adjacent to Howard Avenue; to the South of and adjacent to Copp Street; to the East of and fronting to Nixon Street; and to West of Bellman Steet.

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 Gines, seconded by Councilmember Glavan, and was adopted by the following vote:

YEAS:	Gines	Glavan	NAYS:	Lawrence
	Newman	Shoemaker		Tisdale
	Deming			

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The President then declared the Ordinance adopted this the 19th day of March, 2024.



ATTEST:

APPROVED:

Heidi Campbell Dylan...
 CLERK OF THE COUNCIL PRESIDENT OF THE COUNCIL

Submitted to and approved by the Mayor, this the 22nd day of March, 2024.

APPROVED:

[Signature]
 MAYOR

Case No. 24-007-PC
Jennifer & Drew Weber on behalf
of Magnolia on Nixon, LLC
156 Nixon Street
Map Amendment - RB to DT



Scheduled for
February 15, 2024
PC Meeting

Jennifer & Drew Weber on behalf of Magnolia on Nixon, LLC
Case No. 24-007-PC
Zoning Map Amendment
RB to DT



**Planning Commission
Case Fact Sheet**

Case No.:	24-007-PC
Names of Owners:	Jennifer & Drew Weber on behalf of Magnolia on Nixon, LLC
Address of Property:	156 Nixon Street
Tax Parcel/Ward:	1410K-01-031.000/ Ward 2

Request: **Zoning Map Amendment**

Purpose of Request: To consider an application for a **Zoning Map Amendment**, to authorize a change in zoning district classification for a parcel of land measuring 51.6' x 205.85', from its present zoning district classification of **RB Regional Business** to **DT Downtown**, for a parcel of land identified as 156 Nixon Street Avenue (re: Tax Parcel No. 1410K-01-031.000).

Size of Property: 51.6' X 205.85' (More or Less)

Present Zoning: **RB**

Flood Zone: **SX**

Present Use: Commercial Unit

Most Nearly Bounded By (streets): To the North of and adjacent to Howard Avenue; to the South of and adjacent to Copp Street; to the East of and fronting to Nixon Street; and to West of Bellman Steet.

Adverse Influences: A **Zoning Map Amendment** should only be authorized when conditions clearly suggest that a change in zoning is warranted, that a change of the character of the neighborhood is of evidence, coupled with a community need to address this change and that the change proposed is consistent with uses found upon adjacent or nearby properties.

Positive Influences: This rezoning, if approved, will allow the property to be consistent with the current zoning pattern and to be in compliance with the Land Development Ordinance.

Concerns stated: The Planning Division Office has not received any letters or other written communications relative to this case, as of February 8, 2024.

**Comments/
Recommendations:** Jennifer & Drew Weber on behalf of Magnolia on Nixon, LLC have submitted a **Zoning Map Amendment**, to authorize a change in zoning district classification for a parcel of land measuring 51.6' x 205.85', from its present zoning district classification of **RB Regional Business** to **DT Downtown**, for a parcel of land identified as 156 Nixon Street Avenue (re: Tax Parcel No. 1410K-01-031.000).

The applicant explained that they currently operate a wellness spa and realty office at 156 Nixon Street and would like to request a zoning change to be consistent with the neighboring properties.

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

Options:

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



Planning Commission Application
 City of Biloxi Planning Division
 Mailing Address: P.O. Box 508, Biloxi, MS 39530

Office Location: 676 Dr. MLK Blvd.,
 Building (228) 435-6270 Planning (228) 435-6266 Fax (228) 435-6188

Case No. 24-007-PC

To Be Completed by Owner/Applicant Date:

Name of Rightful Owner(s): Jennifer Weber + Drew Weber Name of Applicant: (if different than Owner) magnolia on Nixon, LLC

Property Address: 156 Nixon St, 39530 Ward Number 1

Tax Parcel Identification Number(s):

1410K-01-031.000			

Mailing Address of Property Owner: Jennifer Weber Mailing Address of Applicant (if different than Owner):

City: 1057 Bayview Ave, Biloxi City:

State: MS State:

Zip: 39530 Zip:

County: Harrison County:

Telephone: (601) 516 3442 Telephone: ()

Property Size (please give in acres or by dimension): 51.6' x 205.85'

Present Zoning Classification: RB

Is the property located within an AHRC District? Yes No If so, which District?

Is this property a Historic Landmark? Yes No

Flood Zone(s) of Property:	North	South	East	West
Property is most nearly bounded by what streets?	<u>Copp St</u>	<u>Howard Ave</u>	<u>Bellman St</u>	<u>Nixon St</u>

If property directly fronts or is adjacent one of the streets above, please indicate with a ✓.	✓	✓		✓
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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 Development
- Master Plan/Update
- Preliminary Subdivision Review
- Conditional Use
- Public ROW Vacation
- Street Name Change
- Variance
- Appeal
- Tree Removal

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.

<p>_____ Signature of Rightful Owner</p> <p>_____ Notary Signature (Seal)</p>	<p>_____ Signature of Rightful Owner</p> <p>_____ Notary Signature (Seal)</p>
<p>_____ Signature of Rightful Owner</p> <p>_____ Notary Signature (Seal)</p>	<p>_____ Signature of Applicant</p> <p>_____ Notary Signature (Seal)</p>

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

TO BE COMPLETED BY APPLICANT

DATE: 1/10/2024

Shaded Areas for Staff Only

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

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

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

I am requesting a zoning change from this zone to this zone: Existing RB New DT

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

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

Criteria:

Yes	No
✓	

1. Is the proposed map amendment consistent with the Comprehensive Plan?

✓

Please explain: Please see attached narrative.

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: Please see attached narrative.



PLANNING COMMISSION SUPPLEMENT

Map Amendment

City of Biloxi Planning Division
676 Martin Luther King Jr., Boulevard Biloxi, MS 39530
(228)435-6266 Fax(228)435-6188

Criteria (continued)

Yes No
[checkmarks]

3. Is the property suitable for uses permitted in the present zoning district?

Please explain:

Please see attached narrative.

4. Is the property suitable for uses permitted in the proposed zoning district?

Please explain:

Please see attached narrative.

5. Has there been a change in the character of the neighborhood?

Please explain:

6. Is there an established community need for uses permitted in the proposed zoning district?

Please explain:

7. Was there a mistake in the original zoning of the property?

Please explain:

8. Are utilities and infrastructure sufficient to address the impacts associated with allowed uses in the proposed district?

Please explain:

Site Plan attached: (please circle): Yes No

Case No. [grid]

Drew and Jennifer Weber

1057 Bayview Ave

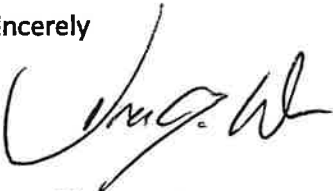
Biloxi, MS 39530

615-516-3442

For zoning consideration of our property at 156 Nixon St, Biloxi, 39530:

We recently purchased this property and will have two suites within the building. The first business is Magnolia Aesthetics and Wellness, LLC, a medical spa and wellness clinic. We are hoping to provide a luxury destination for patients to visit the Biloxi downtown area. The second business is Coldwell Reality. Our building is just outside/on the border of the downtown zone and we are asking for your consideration to include our business within the downtown zoning so that we can display business signage on our existing black iron fencing. We would submit plans to frame signage using Balius Welding in a professional and traditional manner to fit with the general aesthetics of Biloxi's downtown, and attach/incorporate that signage into our fence. Another option we would consider is a traditional brick wall incorporated into our fencing that will match other nearby downtown businesses. The current 10ft signage restrictions would prevent us from placing any signage close to our property line and we would have to place signage in the middle of our parking lot or attach large displays on the side of our business wall. We are worried those signs will not have the best downtown feel or aesthetics compared to signage incorporated into our fence on the corner of Nixon St. and Howard Ave. We are excited for the growing business opportunities on Howard Ave and want thank you for considering our request.

Sincerely

A handwritten signature in black ink, appearing to read 'Drew Weber', written in a cursive style.

Drew Weber, MD

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BILOXI PLANNING COMMISSION MEETING
 FEBRUARY 15, 2024
 COMMUNITY DEVELOPMENT,
 DR. MARTIN LUTHER KING JR. MUNICIPAL BUILDING,
 676 DR. MARTIN LUTHER KING JR. BOULEVARD,
 BILOXI, MISSISSIPPI,
 BEGINNING AT 2:00 P.M.

PLANNING COMMISSION MEMBERS PRESENT:
 Ronnie Bogard
 Kyle Carron
 Steve Delahousey
 Charlie Dellenger
 Dr. Larry Drawdy
 Joe King
 Debora Magee
 August Parker
 Jimmy Poulos
 John Snow
 David Stanovich
 Michael Todaro

ALSO PRESENT:
 Jerry Creel, Director of Community Development
 Felicia Serpas, Senior Planner
 Caryle Lena, Planner I
 Zach Harris, City Arborist
 Jon Lambert, Code Inspector
 Mandy Hornsby, Historic Administrator
 Dr. Paul Tisdale, Councilman Ward 5
 Peter Abide, Attorney

REPORTED BY:
 Melissa Burdine-Rodolfich
 Simpson Burdine & Migues

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

1		
2		
3	CONTINUED PUBLIC HEARING(S):	PAGE:
4	(None)	--
5	NEW PUBLIC HEARING(S):	
6	24-006-PC	7
7	24-007-PC	46
8	24-008-PC (Tabled)	--
9	24-009-PC	58
10	24-010-PC	65
11	TREE HEARING(S):	
12	24-TR-001	71
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1 MR. DELAHOUSEY:
 2 I would like to call the Planning
 3 Commission meeting to order, February 15th, 2024.
 4 My name is Steve Delahousey. I will be
 5 chairing the meeting today.
 6 We'll record the Planning Commission
 7 members present. Mr. Parker, Mr. Todaro, Ms.
 8 Magee, Mr. Stanovich, Mr. Bogard, Mr. Dellenger,
 9 Mr. Poulos, Dr. Drawdy, Mr. Carron, Mr. King,
 10 Mr. Snow; myself, Steve Delahousey.
 11 Planning Development staff present:
 12 Jerry Creel, Director; Felicia Serpas, Senior
 13 Planner; Caryle Lena, Planner Level 1; Zach Harris,
 14 City Arborist. Peter Abide, City Attorney, is with
 15 us today.
 16 In the front, we have Jon Lambert, Code
 17 Enforcement; Mandy Hornsby, Historic Administrator;
 18 Melissa Burdine-Rodolfich, Court Reporter. In the
 19 audience, we also have Dr. Paul Tisdale
 20 Mr. Dellenger, would you open the
 21 meeting with a moment of prayer, please?
 22 MR. DELLENGER:
 23 Yes.
 24 (Moment of prayer.)
 25 MR. DELAHOUSEY:

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1 Mr. Carron, lead us in the pledge.
 2 (Pledge of Allegiance.)
 3 MR. DELAHOUSEY:
 4 We have quite a few items on the agenda
 5 today. For those of you who have not attended a
 6 Planning Commission meeting before, I'd like to go
 7 over a few procedural things so that you
 8 understand.
 9 When your case is called, you'll come to
 10 the podium. Sign in. You can sign in in advance,
 11 if you want. Sign in and give us your name and
 12 address and tell us a little bit about what it is
 13 you're wanting to present to the Planning
 14 Commission. You'll have a few minutes to do that.
 15 Then we'll ask the audience if there is
 16 anybody in support of what you're recommending and
 17 if anybody is in opposition or if anybody just has
 18 any questions. After we hear those comments, the
 19 applicant will be given a few more minutes to have
 20 a rebuttal, if you would like.
 21 Also, we would like to make sure -- we
 22 have a court reporter and she doesn't just take
 23 minutes. She records everything that you say, so
 24 we ask that you only speak if you're called upon.
 25 Please don't communicate amongst each other. When

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1 you come to the podium, speak into the microphone.
2 If you have a question, raise your hand,
3 and you must be recognized by the chair or a
4 member of the Commission before you can speak, so
5 don't speak directly to the person at the podium.
6 Raise your hand. Direct your questions to us, and
7 we'll make sure that your question gets answered.
8 That's important in order for her to keep up with
9 everything that's going on.
10 Again, once your case is called -- we
11 have quite a few cases -- you can exit, if you
12 would like. Please be quiet when you exit because
13 we're going to continue the meeting while you're
14 leaving the room.
15 Commission members, also, I ask that --
16 let's try not to talk over each other, if you can.
17 If you have a question, raise your hand, and we'll
18 make sure that you have an opportunity to speak.
19 After we hear your case, we will close
20 the hearing, and then we'll have a vote
21 immediately afterwards. The Commission will vote.
22 After a motion is made, we'll open the
23 floor for discussion. That discussion is just
24 among the Planning Commission members, so your
25 part is over at that point. So Planning

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1 MR. DELAHOUSEY:
2 Motion carries.
3 Let's see. Mr. Creel, I think next is
4 planning staff and committee reports.
5 MR. CREEL:
6 Yes, sir.
7 Mr. Chairman and members of the
8 Commission, over the past two weeks, the
9 department has issued 142 building permits, with a
10 construction valuation of \$2.3 million. We have
11 collected right at \$17,000 in permit fees, issued
12 licenses for seven new businesses and 18 renewals.
13 We have also issued 15 certificates of occupancy.
14 Seven of those were for short-term rental. And
15 out of the permits issued, the main thing was 10
16 new single-family houses.
17 MR. DELAHOUSEY:
18 Thank you.
19 Continued public hearings today, there
20 are none today.
21 We have the tree hearing. That comes
22 later in the meeting, so that is going to be
23 heard, but it's not a Planning Commission hearing.
24 Okay. We will go into the new public
25 hearings. First case, Number 24-006-PC, Devco,

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1 Commission members, if you have questions, you can
2 ask them at that time.
3 Does anybody have any questions about
4 the format and procedure that we're going to be
5 using today?
6 (No response.)
7 MR. DELAHOUSEY:
8 Excellent.
9 Okay. I think everybody has received
10 the minutes of the February 1st Planning
11 Commission meeting.
12 If there are no amendments, I will
13 entertain a motion.
14 MR. TODARO:
15 I move they be accepted as written.
16 MR. BOGARD:
17 Second.
18 MR. DELAHOUSEY:
19 Motion made by Mr. Todaro; second by
20 Mr. Bogard.
21 Any discussion?
22 (No response.)
23 MR. DELAHOUSEY:
24 All in favor, "aye."
25 (Unanimous vote.)

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1 Incorporated, owner; Donna Tindall on behalf of
2 Rock Solid Property, the applicant, an application
3 for zoning map amendment to authorize a change in
4 the zoning district classification for two parcels
5 of land measuring .98 acres, more or less, from
6 their present zoning district classification of
7 LB, Limited Business, to NB, Neighborhood
8 Business, for parcels of land identified as 0 and
9 1896 Popp's Ferry Road, Tax Parcels Numbers
10 1209B-01-005.000 and 1209B-01-006.000 and
11 1209B-01-007.000. Parcels were recently
12 reconfigured, creating two larger parcels from
13 three. This case was advertised January 25th,
14 February 1st and February 8th.
15 Mr. Lambert, do you have a video for us?
16 MR. LAMBERT:
17 I do, yes, sir.
18 These properties are located on the
19 corner of Campbell Drive and Popp's Ferry Road
20 across from the Pentecostal church.
21 That's it.
22 MR. DELAHOUSEY:
23 Is the applicant or their representative
24 here? Please come forward, give us your name,
25 address, sign in. And we have your application,

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1 Mr. Stanovich.
2 MR. STANOVICH:
3 Yeah. And my other concern is this plot
4 here is surrounded on three sides by residential.
5 Sure, there is a higher classification across the
6 street, but it's residential all the way around
7 it.
8 And one of the things we're supposed to
9 look at, has there been a change in the character
10 of the neighborhood. Those houses have been there
11 forever. I don't see any change in the character
12 of the neighborhood, so that's why I'm going to
13 oppose.
14 MR. DELAHOUSEY:
15 I know I'm supposed to remain objective.
16 I have a comment. And we're not supposed to --
17 HOAs don't have a say on what we do here.
18 However, it's proven that communities that have
19 HOAs are better regulated, better monitored. And
20 I think the fact that the HOA was involved in this
21 and they are concerned, I think that's something
22 to consider, although it is not a deciding factor
23 on how we vote today.
24 Any other discussion?
25 (No response.)

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1 case advertised was on January 25th, February 1st
2 and February 8th.
3 Mr. Lambert.
4 MR. LAMBERT:
5 Yes, sir.
6 This property is located just behind us
7 here on Nixon and the corner of Howard Avenue.
8 That's it.
9 MR. DELAHOUSEY:
10 Okay.
11 Give us your name and address and tell
12 us what you're wanting to do.
13 MS. WEBER:
14 Okay. My name is Jennifer Weber. Our
15 home address is 1057 Bayview Avenue. My husband
16 is Drew Weber.
17 We bought the Compton Engineering
18 building right behind the City Planning building
19 in August, and we failed to look at the zoning and
20 how -- where the street signage could be. We just
21 didn't think about it at the time.
22 However, once we got in and started
23 thinking about putting a sign at the corner lot,
24 we realized we're the Historic District, which has
25 a lot of different rules about where you can place

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1 MR. DELAHOUSEY:
2 The motion is on the floor that we deny
3 the request.
4 All in favor, raise your hand.
5 Mr. Todaro, Mr. Stanovich, Mr. Dellenger,
6 Dr. Drawdy, Mr. Carron, Ms. Magee, Mr. King.
7 Myself, Steve Delahousey, I oppose also.
8 All opposed, raise your hand.
9 Mr. Bogard, Mr. Porlos, Mr. Snow.
10 Any abstained? Mr. Parker abstains.
11 Do you have a count on that?
12 MS. LENA:
13 I've got 8/3/1.
14 MR. DELAHOUSEY:
15 Okay. Motion fails -- I mean, motion
16 passes. The application is denied.
17 Okay. Moving on, next case, Number
18 24-007-PC, Jennifer and Drew Weber on behalf of
19 Magnolia on Nixon, LLC, an application for zoning
20 map amendment to authorize a change in zoning
21 district classification for a parcel of land
22 measuring 51.6 feet by 205.85 feet from its
23 present zoning district classification of RB to DT
24 for a parcel of land identified as 156 Nixon
25 Street. Tax Parcel Number 1410K-01-031.000. The

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1 your sign. And currently, from my understanding,
2 based on the historic district, our sign would
3 have to be 10 to 15 feet off the road which puts
4 us right in the middle of the parking lot on the
5 south side.
6 So what we're asking for is -- you know,
7 the Downtown District ends exactly at our property
8 line or the Planning office here. We hope to draw
9 up, you know, more significant business to this
10 area. We own a high-end -- or we're trying to
11 develop a high-end medical spa. We have -- that
12 building was one building under Compton
13 Engineering. We've made a Suite A and Suite B.
14 The Suite B, we're leasing to Coldwell Alfonso
15 Realty group. And you can see their signage at
16 least driving down the road, but you can't see
17 ours at all.
18 So we're just hoping to have it rezoned
19 to Downtown, so you know, we can put a sign right
20 here, maybe incorporate into the fencing some
21 somehow in a classy way that would draw more
22 attention to the type of business that we are so
23 that we can draw, you know, more people to it, so,
24 you know, that's kind of what we're looking for.
25 It's an aesthetics business down here,

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1 and we're going to offer some services that, you
2 know, aren't currently offered on the Coast and
3 that's what we're hoping for.
4 MR. DELAHOUSEY:
5 Questions from the members of the
6 Commission?
7 MR. STANOVICH:
8 Can you point out exactly where the sign
9 is going to go?
10 MS. WEBER:
11 Yes, sir.
12 MR. DELAHOUSEY:
13 What was your question, David?
14 MR. STANOVICH:
15 I wanted her to point out exactly where
16 the sign was going to go.
17 MS. WEBER:
18 We're -- so there's not any -- we looked
19 with Mr. Creel on several options. We had thought
20 initially that we were going to put like a
21 standing sign kind of similar to Mr. Gill's sign
22 next door to us, but here closer to the road
23 where, you know, traffic going, you know, both
24 ways could see it. However, that wasn't an
25 option.

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1 12 feet, so each sign would be probably three feet
2 each.
3 MR. DELAHOUSEY:
4 Did that answer your question,
5 Mr. Stanovich?
6 MS. WEBER:
7 We didn't bring a design. I didn't know
8 that that would be --
9 MR. CARRON:
10 Did you ask to possibly do a variance
11 instead of a zoning change? Could she do a
12 variance?
13 MR. CREEL:
14 We talked about the variance, and there
15 were some other things that the Downtown zoning
16 gets them to -- this is actually a downgrade in
17 zoning because RB is the most intensive zoned
18 district that we have. And the property that
19 we're on right now is Downtown. This property
20 right here.
21 So one of the things that we discussed
22 is, you know, you can either ask for a variance or
23 you can ask for a zoning change. And since it's
24 already Downtown right across the street, you
25 know, it just would be considered an extension of

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1 So I'm thinking because we're on a
2 corner lot and it has to be less than four feet,
3 we would somehow work with Balius Welding, their
4 company, to incorporate a sign here on this part
5 of this. So at least driving down this side of
6 Howard, which is where most of the traffic comes,
7 you could see, you know, Suite A is a medical spa
8 and this is Coldwell Banker's. But we would
9 incorporate it somehow in the fence.
10 Our initial plan was we wanted to build,
11 you know, two brick pillars with signage in the
12 middle of that. But once we found out it couldn't
13 be higher than four feet, we thought we'd
14 incorporate it into the fence itself and make it
15 look classy and at least give us -- draw more
16 attention to the building for what the businesses
17 are.
18 MR. STANOVICH:
19 What size would the sign size be?
20 MS. WEBER:
21 Well, we haven't gotten into any of the
22 details. I thought that would be the next step,
23 but it would fit into one of these. I mean, you
24 would have to have two signs that would fit into
25 one of these. I want to say we measured -- that's

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1 a zoning that already exists.
2 MR. CARRON:
3 I actually kind of went through there
4 and looked at the differences, and that's a list
5 that you can put in Downtown compared to leaving
6 it what it is.
7 MR. CREEL:
8 Yeah. And did you look at what's
9 allowed in RB?
10 MR. CARRON:
11 They're pretty close to the same, but, I
12 mean, this would allow them to actually have a bar
13 here and open carry drinks.
14 MR. CREEL:
15 And RB allows all that too. I mean, you
16 wouldn't able to carry drinks out because it's not
17 in the Leisure District. That's only allowed in
18 the Leisure District, which is along the
19 beachfront.
20 But they already have tenants in here.
21 They have a medical facility in one end, and they
22 have got a Coldwell Banker office in this front
23 end right here. And because -- you know, a lot of
24 these buildings along there would actually not
25 even comply with the RB setbacks and those kind of

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1 things. If you look at Rusty Gill's office, if he
2 were to build that now, he wouldn't be able to
3 build that where his office is now because it
4 wouldn't be able to meet the setbacks for RB. And
5 if you look at the side of this building and how
6 close it already is to the property line on this
7 side, it wouldn't meet the side setbacks for RB.
8 So what this does is kind of bring the
9 property into -- if the zoning change is approved,
10 it would bring the property into compliance with
11 the Downtown zoning and not be what we consider a
12 non-conforming structure.
13 MR. CARRON:
14 I was just looking at what they were
15 asking for as far as their hardship and it was
16 basically signage. And I just thought the
17 variation would get a -- not such a drastic
18 change. Just give them a variance for signage.
19 MR. CREEL:
20 We did talk about that. We talked about
21 a variance. I guess the decision was to go with
22 the zoning change. That would allow them to do
23 what they want to do with the sign there on the
24 corner.
25 MR. DELAHOUSEY:

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1 signs. I mean, we hope to do the same.
2 MR. DELAHOUSEY:
3 Where is that compared to where we are
4 now?
5 MR. CREEL:
6 Right across the street, the side
7 street.
8 MS. WEBER:
9 Yeah.
10 MR. CREEL:
11 And they have already done a lot to fix
12 the building up. And, of course, the signage,
13 because this is a landmark, has to go through AHRC
14 for approval, so -- and Mandy is very aware of
15 that. She and I both met with the owners on the
16 same day over there to talk about it.
17 MR. DELAHOUSEY:
18 Any other questions from members of the
19 Commission?
20 (No response.)
21 MR. DELAHOUSEY:
22 We will consider that hearing closed.
23 Mr. Creel.
24 MR. CREEL:
25 You know, I know that a variance would

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1 So, ma'am, if I'm understanding you, the
2 only physical changes to the property would be the
3 signage; is that correct?
4 MS. WEBER:
5 Yes, sir. Any other questions from
6 members of the Commission?
7 (No response.)
8 MR. DELAHOUSEY:
9 Anyone in the audience want to speak in
10 favor of the applicant's request? Anyone to speak
11 in favor?
12 (No response.)
13 MR. DELAHOUSEY:
14 Anyone to speak against? Anyone to
15 speak against?
16 (No response.)
17 MR. DELAHOUSEY:
18 Do you have any additional comments that
19 you have?
20 MS. WEBER:
21 No, sir. Nuh-uh. No. We just hope to
22 make this block beautiful. I mean, I don't think
23 we're going to put a sign there that's going to
24 take away from, you know, what everyone else has
25 been -- all the other signs are there. Classy

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1 seem to be the simpler choice on this, but one of
2 the things that we -- we talked about options.
3 And we don't see any downside to the Downtown
4 zoning, especially since our property here is
5 already zoned Downtown and this is right across
6 the street. So staff has no objection and would
7 recommend approval.
8 MR. PARKER:
9 So moved.
10 MR. KING:
11 Second.
12 MR. DELAHOUSEY:
13 Mr. Parker has recommended approval;
14 Mr. King has seconded it.
15 Discussion? Mr. Todaro.
16 MR. TODARO:
17 Yeah. The way our city continues -- the
18 downtown is growing both east and west. There is
19 no -- this is downtown. This is just a downtown
20 business area, so to me DT is appropriate.
21 MR. DELAHOUSEY:
22 Any other discussion?
23 (No response.)
24 MR. DELAHOUSEY:
25 All in favor of the applicant's request,

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1 raise your hand.
2 (In favor: Mr. Parker, Mr. Todaro,
3 Ms. Magee, Mr. Stanovich, Mr. Bogard,
4 Mr. Dellenger, Mr. Poulos, Dr. Drawdy, Mr. Carron,
5 Mr. King, Mr. Snow, Mr. Delahousey.)
6 Melissa, let the record show that's
7 unanimous. Motion carries.
8 MR. DELAHOUSEY:
9 Okay. The next case that we have has
10 been tabled.
11 MR. CREEL:
12 Yeah. At the request of the owners, the
13 zoning change request for Debuys and Highway 90
14 has been tabled until the next meeting.
15 MR. DELAHOUSEY:
16 I'll entertain a motion to table that
17 hearing until the next meeting.
18 MR. PARKER:
19 So moved.
20 MR. SNOW:
21 Second.
22 MR. DELAHOUSEY:
23 Mr. Parker moves; second by Mr. Snow.
24 Any discussion?
25 MR. DELLENGER:

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1 Yes, sir.
2 This is the old Barq's building just
3 south of Howard Avenue on Keller.
4 MR. DELAHOUSEY:
5 Okay. Give us your name and address and
6 tell us what you're asking for.
7 MS. DARROW:
8 Tanya Darrow, 416 East Pass Road,
9 Gulfport.
10 And we're asking to use it as a vacation
11 rental. As you know, it's the old Barq's
12 building, so the owners have given us permission
13 to kind of make it a little museum. So I'm
14 thinking interest, a point of interest for guests
15 when they come in. They can learn about Biloxi,
16 how the Barq's, you know, Rootbeer was made here.
17 And we're going to have a lot of memorabilia in
18 there. It's going to be decorated with artifacts.
19 We actually did a dig around there.
20 That was pretty fun. Got to go under the house a
21 little bit and find different things to put in the
22 house so we just want to make it kind of a Barq's
23 Biloxi museum/vacation rental. It's going to be
24 cool. That's it.
25 MR. DELAHOUSEY:

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1 What is the reason for them tabling it?
2 MR. CREEL:
3 There's still a couple of things that
4 they're working on that they haven't completely
5 worked out in their presentation.
6 MR. DELAHOUSEY:
7 All in favor say, "aye."
8 (Unanimous vote.)
9 MR. DELAHOUSEY:
10 Opposed? No opposition. Motion
11 carries.
12 Okay. The next case, 24-009-PC,
13 Birthplace, LLC, owner and Tanya Darrow,
14 applicant. It's an application for conditional
15 use approval to authorize an existing
16 single-family residence situated upon a parcel of
17 land approximately .15 acres, more or less, to be
18 utilized as a short-term rental for property
19 located within a Neighborhood Business zone and
20 identified by municipal address, 142 Keller
21 Avenue, Tax Parcel Number 1410J-04-006.002. This
22 case was advertised on February 1st and
23 February 8th.
24 Mr. Lambert, the video, please.
25 MR. LAMBERT:

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1 All right. Anyone in the audience want
2 to speak in favor of the applicant's request?
3 Anyone to speak in favor?
4 (No response.)
5 MR. DELAHOUSEY:
6 Anyone to speak in opposition? Anyone
7 in opposition?
8 (No response.)
9 MR. DELAHOUSEY:
10 Any additional comments you want to
11 make?
12 MS. DARROW:
13 I've been a property manager here for
14 many years. I haven't seen you guys in a long
15 time -- but, you know, they're doing really well
16 and we're proud to have this in our inventory
17 hopefully if everybody is in agreeance.
18 MR. DELAHOUSEY:
19 Mr. Creel, what are the adjacent
20 properties zoned as?
21 MR. CREEL:
22 Well, you can see on the map that right
23 across the street is an NB. This property we're
24 talking about is NB, and the properties to the
25 south are RM-20.