

Ordinance No. 2550

ORDINANCE TO APPROVE A ZONING MAP AMENDMENT, TO AUTHORIZE  
A CHANGE IN ZONING DISTRICT CLASSIFICATION FOR TWO PARCELS OF LAND  
FROM THEIR PRESENT ZONING DISTRICT CLASSIFICATIONS OF  
NB NEIGHBORHOOD BUSINESS TO CB COMMUNITY BUSINESS,  
PRESENTLY IDENTIFIED AS 2790 BEACH BOULEVARD & 126 DEBUYS ROAD

WHEREAS, on Thursday, March 7, 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. 24-008-PC, Reef Express, LLC (owners) and Freddie Fountain (applicant), a request for a Zoning Map Amendment, for a parcel presently identified as 2790 Beach Boulevard & 126 Debuys Road (re: Tax Parcel Nos. 1110M-03-008.000 & 1110M-03-008.002); and

WHEREAS, the Planning Commission members were apprised of the particulars of this case, being made cognizant of the fact that Reef Express, LLC (owners) and Freddie Fountain (applicant) had submitted the request for Zoning Map Amendment, to authorize a change in zoning district classification for two parcels of land from their present zoning district classifications of NB Neighborhood Business to CB Community Business, for a parcel presently identified as 2790 Beach Boulevard & 126 Debuys Road (re: Tax Parcel Nos. 1110M-03-008.000 & 1110M-03-008.002); and

WHEREAS, March 7, 2024, the Biloxi Planning Commission, after some discussion, and upon careful reflection of the particulars of this case, voted (13-0), to recommend approval for the Zoning Map Amendment, to authorize a change in zoning district classification for two parcels of land measuring two and eighty-five one-hundredths (2.85) acres, from their present zoning district classification of NB Neighborhood Business to CB Community Business, for

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parcels of land identified as 2790 Beach Boulevard & 126 Debuys Road, having determined that a Change in the Character of the Neighborhood is of notice in this area of the City of Biloxi; and

WHEREAS, the Biloxi City Council, after consideration of all facts presented, hereby adopts the report and findings of the Biloxi Planning Commission, and in so doing, determines that approval of the Zoning Map Amendment, is appropriate for the property as related in Case No. 24-008-PC, Reef Express, LLC (owners) and Freddie Fountain (applicant), 2790 Beach Boulevard & 126 Debuys Road.

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 NB Neighborhood Business to CB Community Business, for the properties identified as 2790 Beach Boulevard & 126 Debuys Road (re: Tax Parcel Nos. 1110M-03-008.000 & 1110M-03-008.002). more fully described as follows:

*A parcel of land situated in lot 60 of the L.A. Frederick survey in section 33, township 7 south, range 10 west, city of Biloxi, Second Judicial District of Harrison County, Mississippi, and being more particularly described as follows with the bearings based on state plane grid north (MS east zone 2301):*

*Commencing at a 3/8" iron rod found on the east margin of Debuys Road which is 446.24 feet south of the north line of said lot 60 of the L.A. Frederick survey, said line also being referred to as the bisecting line of said section 33 running east and west; thence n89°46'48"e 173.78' to a 3/8" iron rod found; thence s00°13'08"e 354.32' to the point of beginning; thence continue s00°13'08"e 337.89' to a 5/8" iron rod found on the north margin of U.S. highway 90 service road (aka beach*

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*drive); thence along said north margin, 575°37'10"w 144.58'; thence further along said north margin, n00°12'35"w 0.45'; thence further along said north margin, s76°57'27"w 5.00'; thence along a curve of said north margin to the right, having a radius of 22.00', an arc length of 38.31' and a chord bearing and distance of n53°23'49"w 33.65' to the east margin of Debuys Road; thence along said east margin, n03°32'33"w 0.36'; thence further along said east margin, n01°43'52"w 110.04'; thence further along said east margin, n00°06'34"w 244.06'; thence east 174.46' to the point of beginning, containing 1.435 acres, and*

*A parcel of land situated in lot 60 of the L.A. Frederick survey in section 33, township 7 south, range 10 west, City of Biloxi, Second Judicial District of Harrison County, Mississippi, and being more particularly described as follows with the bearings based on state plane grid north (MS east zone 2301):*

*Beginning at a 3/8" iron rod found on the east margin of Debuys Road which is 446.24 feet south of the north line of said lot 60 of the L.A. Frederick survey, said line also being referred to as the bisecting line of said section 33 running east and west; thence n89°46'48"e 173.78' to a 3/8" iron rod found; thence s00°13'08"e 354.32'; thence west 174.46' to the east margin of Debuys Road; thence along said east margin, n00°06'34"w 353.65' to the point of beginning, containing 1.415 acres.*

Further described as land most nearly bounded by the following streets: to the North of and fronting to Beach Boulevard; to the South of C.T. Switzer Sr. Drive; to the East of and adjacent to Debuys Road; and to the West of Gateway Drive.

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 Gines, and was adopted by the following vote:

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YEAS:       Lawrence     Tisdale     NAYS:       None  
              Gines           Glavan  
              Newman       Shoemaker

ABSENT:     Deming-\*


(\*-Absent from the room during discussion and voting only)

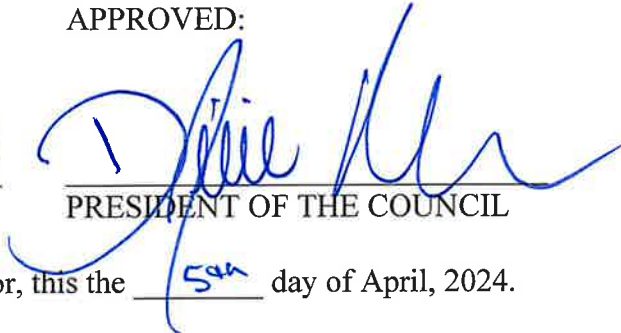
The President then declared the Ordinance adopted this the 2<sup>nd</sup> day of April, 2024.



ATTEST:

APPROVED:

  
CLERK OF THE COUNCIL

  
PRESIDENT OF THE COUNCIL

Submitted to and approved by the Mayor, this the 5<sup>th</sup> day of April, 2024.

APPROVED:

  
MAYOR

Case No. 24-008-PC  
Reef Express, LLC (owner) Freddie Fountain (applicant)  
2790 Beach Blvd & 126 Debuys Road  
Map Amendment - NB to CB



Scheduled for  
February 15, 2023  
PC Meeting

Reef Express, LLC (owner) Freddie Fountain (applicant)  
Case No. 24-008-PC  
Zoning Map Amendment  
NB to CB



**Planning Commission  
Case Fact Sheet**

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<b>Case No.:</b>	24-008-PC
<b>Names of Owner/ Applicant:</b>	Reef Express, LLC (owner) Freddie Fountain (applicant)
<b>Address of Property:</b>	2790 Beach Boulevard and 126 Debuys Road
<b>Tax Parcel/Ward:</b>	1110M-03-008.000 & 1110M-03-008.002 /Ward 5

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**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 two parcels of land measuring two and eighty-five one-hundredths (2.85) acres, from their present zoning district classification of **NB Neighborhood Business** to **CB Community Business**, for parcels of land identified as 2790 Beach Boulevard & 126 Debuys Road (re: Tax Parcel Nos. 1110M-03-008.000 & 1110M-03-008.002).

**Size of Property:** 2.85 acres (More or Less)

**Present Zoning:** **NB- Neighborhood Business**

**Flood Zone:** **SX**

**Present Use:** Vacant & Commercial Convenience Store

**Most Nearly Bounded By (streets):** To the North of and fronting to Beach Boulevard; to the South of C.T. Switzer Sr. Drive; to the East of and adjacent to Debuys Road; and to the West of Gateway Drive.

**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

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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 properties 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:** Reef Express, LLC (owners) and Freddie Fountain (applicant) have submitted a **Zoning Map Amendment**, to authorize a change in zoning district classification for two parcels of land measuring two and eighty-five one-hundredths (2.85) acres, from their present zoning district classification of **NB Neighborhood Business** to **CB Community Business**, for parcels of land identified as 2790 Beach Boulevard & 126 Debuys Road (re: Tax Parcel Nos. 1110M-03-008.000 & 1110M-03-008.002).

The applicant explained that he would like to fill the public need for housing in the proposed location, correct the mistake in the current zoning, and bring it consistent with the current Community Business zoning immediately adjacent to the property.

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 two parcels of land from their present zoning district classifications of **NB Neighborhood Business to CB Community 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.





**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. 24-008-PC

To Be Completed by Owner/Applicant		Date: 1/10/24
Name of Rightful Owner(s): Reef Express LLC	Name of Applicant: (if different than Owner) Freddie Fountain w/Fountain & Associates, LLC	

Property Address: 2790 Beach Drive	Ward Number 5
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Tax Parcel Identification Number(s):	
11110M-03-008.000	□□□□□-□□-□□□.□□□
11110M-03-008.002	□□□□□-□□-□□□.□□□
□□□□□-□□-□□□.□□□	□□□□□-□□-□□□.□□□

Mailing Address of Property Owner: 13334 Seaway Road, Ste.201	Mailing Address of Applicant (if different than Owner): 13334 Seaway Road, Ste. 202
City: Gulfport	City: Gulfport
State: MS	State: MS
Zip: 39503	Zip: 39503
County Harrison	County Harrison
Telephone:(228) 326-7186	Telephone:(228) 861-5209

Property Size (please give in acres or by dimension): 1.415

Present Zoning Classification: NB

Is the property located within an AHRC District? Yes \_\_\_ No X If so, which District?  
 Is this property a Historic Landmark? Yes \_\_\_ No X

Flood Zone(s) of Property:	<u>North</u>	<u>South</u>	<u>East</u>	<u>West</u>
Property is most nearly bounded by what streets?	Gateway Dr	Beach Blvd	Gateway Dr	Debuys Rd
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 Development
	Master Plan/Update
	Preliminary Subdivision Review
	Conditional Use
	Public ROW Vacation
	Street Name Change
	Variance
	Appeal
	Tree Removal

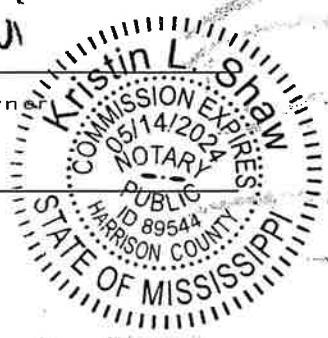
**GENERAL INFORMATION, READ BEFORE EXECUTING.** Attendance by the applicant(s) at the public hearing is mandatory; however, the applicant may designate a representative to attend the public hearing on his/her behalf, provided said representative has been properly designated to speak on the applicant's 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.

*Jennifer Davi*

Signature of Rightful Owner

*Kristin L. Shaw*

Notary Signature  
(Seal)



Signature of Rightful Owner

Notary Signature  
(Seal)

*Michelle Fountain*

Signature of Applicant

Signature of Rightful Owner

*Danielle N. Gill*

Notary Signature  
(Seal)



Notary Signature  
(Seal)

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

**NOTES:**

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**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, Biloxi, MS 39530

Office Location: 676 Dr. MLK Blvd.,

Planning (228) 435-6266 Fax (228) 435-6188

TO BE COMPLETED BY APPLICANT

DATE: 1/10/24

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 New  
NB CB

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: This property is surrounded by property zoned CB.

2. Is the proposed map amendment compatible with present zoning and conforming uses of nearby property and with the character of the neighborhood?	✓	
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Please explain: The property is surrounded by CB zoned property.



**PLANNING COMMISSION SUPPLEMENT**  
**Map Amendment**

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

Criteria (continued)	✓	
	Yes	No
3. Is the property suitable for uses permitted in the present zoning district? Please explain: The property is being developed under the current zoning classification as the intended use that was allowed in the ordinance.	✓	
4. Is the property suitable for uses permitted in the proposed zoning district? Please explain: The proposed zoning district also allows the intended use in the ordinance.	✓	
5. Has there been a change in the character of the neighborhood? Please explain: There has been similar developments approved and constructed in the general vicinity of this property.	✓	
6. Is there an established community need for uses permitted in the proposed zoning district? Please explain: There is a need for low maintenance housing in this area. Young home buyers are looking for places to live that does not require a great deal of effort to maintain.	✓	
7. Was there a mistake in the original zoning of the property? Please explain: This property is surrounded by property that is zoned CB. This parcel should have been zoned CB as well instead of NB.	✓	
8. Are utilities and infrastructure sufficient to address the impacts associated with allowed uses in the proposed district? Please explain: All required infrastructure to support this development is in place. It will be extended to serve the units within the development.	✓	
Site Plan attached: (please circle): Yes No	Case No. □□-□□□-□□□	



## **Narrative for Zoning Map Amendment**

**for**

**Lost Garden Villas Subdivision**

**Parcel #s - 1110M-03-008.000 & 1110M-03-008.001<sup>2</sup>**

This application is requesting a rezone from NB (Neighborhood Business) to CB (Community Business). The reason for this request is due to a mistake in the zoning of this property. All of the surrounding property is zoned CB. This property is spot zoned on the corner of an entire CB zoning district. The intended use of this property is allowed in both NB and CB. This requested amendment is to clean up the spot zoning issue. The proposed project will help fill the public need for low-maintenance housing that the market is in desperate need of in this part of the city. This will be a very high end development with additional tax payers in the City. All of the required infrastructure is in place to support this development.

- 1110M-03-008-000
- 2.850 ACRES
- 2760 BEACH BLVD.



**NOTES:**

- 1) FIELD SURVEY PERFORMED WITH A COMBINATION OF TOPCON ONE SURF RECEIVER AND TOPCON GPT-800A RECEIVER TOTAL STATION.
- 2) ALL POINTS PLACED ON EITHER THE REAR OR FRONT BENCH MARKS WERE SURVEYED BY COMBINATION OF GPS AT STATE OBSERVATION AND LOCAL, LOCAL, AC 975 METHODIC. AND THE BENCH ON GPS CONTROL.
- 3) ELEVATIONS SHOWN ARE BASED ON NAD83, 0000 ZERO.
- 4) THIS SURVEY HAS BEEN PREPARED BY INFORMATION PROVIDED BY CLIENT AND LATEST RECORDS IN COMPLIANCE WITH THE REQUIREMENTS OF A CURRENT TITLE RECORD. THE SURVEYOR HAS NOT MADE ANY EXERCISES TO THE SURVEYING OF RECORDS. SURVEYOR WILL BE AVAILABLE TO ANY REVISIONS TO THIS SURVEY IF A CURRENT TITLE REPORT OR ABSTRACT OF TITLE IS PROVIDED TO HIM BY PROPER AUTHORITY.
- 5) SURVEYOR OTHERWISE WANTS THIS SURVEY TO BE MADE BEFORE ANY DECISION IS MADE ON THE PART OF THE CLIENT AS TO WHETHER TO ACCEPT THE SURVEY.
- 6) SURVEYOR DOES NOT WARRANT THAT THE SURVEY IS FREE FROM ERROR AND IS GUARANTEED TO BE ACCURATE.
- 7) SURVEYOR DOES NOT WARRANT THAT THE SURVEY IS FREE FROM ERROR AND IS GUARANTEED TO BE ACCURATE.

**REFERENCE MATERIALS:**

- 1) CITY OF BALTIMORE DEPARTMENT OF PUBLIC WORKS, PAGE 408.
- 2) MET. NO. 309, 10-1-01-01.
- 3) MET. NO. 309, 10-1-01-01.
- 4) MICHIGAN COUNTY DEEDS AND RECORDS.

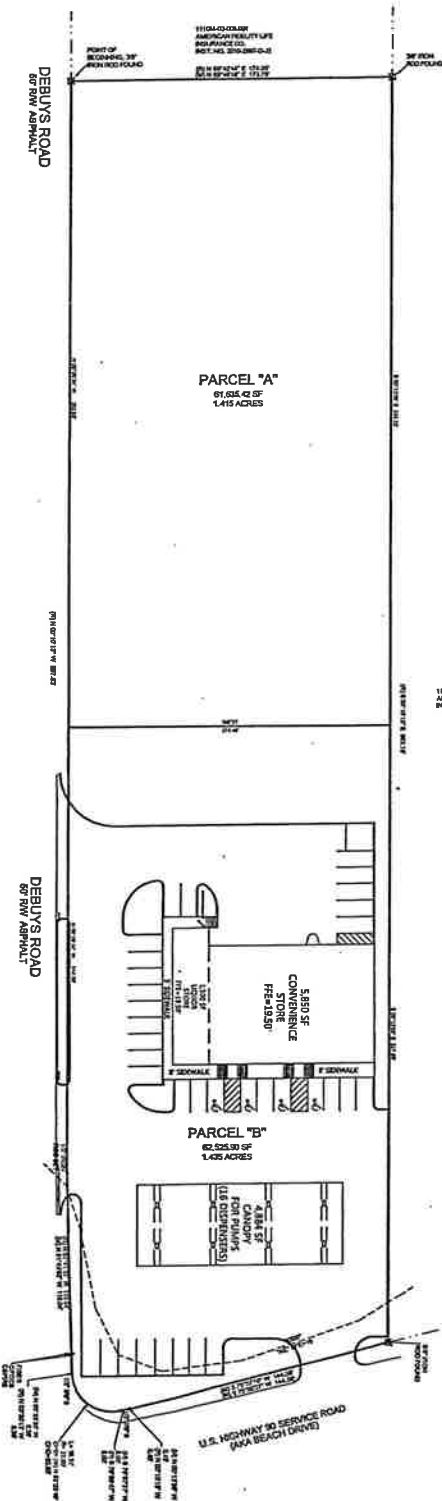
**1110M-03-008-000**  
2.850 ACRES  
2760 BEACH BLVD.

**SURVEY DESCRIPTION FOR PARCEL "A"**

A PARCEL OF LAND SITUATED IN LOT #6 OF THE L.A. FREEDOM SURVEY IN SECTION 21, TOWNSHIP 7 NORTH, RANGE 10 WEST, CITY OF BALTIMORE, SECOND JUDICIAL DISTRICT OF HANCOCK COUNTY, MISSISSIPPI, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS WITH THE BEARING BASED ON THE LINE BEING NORTH 65° 00' 00" EAST 3200.16 FEET. COMMENCING AT A 2" IRON ROD FOUND ON THE EAST MARSH OF DEBUIV'S ROAD WHICH IS 65.83 FEET SOUTH OF THE NORTH LINE OF SAID LOT #6 OF THE L.A. FREEDOM SURVEY, SAID LINE ALSO BEING REFERRED TO AS THE SUBSECTIONAL LINE OF SAID SECTION 21 HANCOCK COUNTY AND MEETING THENCE NORTH 20° 00' 00" EAST 1250.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTHWEST 200.00 FEET TO A 2" IRON ROD FOUND ON THE NORTH MARSH OF U.S. HIGHWAY 90 SERVICE ROAD (AKA BEACH DRIVE); THENCE ALONG SAID EAST MARSH, NORTH 85° 30' 00" WEST TO THE POINT OF BEGINNING, CONTAINING 1.415 ACRES.

**SURVEY DESCRIPTION FOR PARCEL "B"**

A PARCEL OF LAND SITUATED IN LOT #6 OF THE L.A. FREEDOM SURVEY IN SECTION 21, TOWNSHIP 7 NORTH, RANGE 10 WEST, CITY OF BALTIMORE, SECOND JUDICIAL DISTRICT OF HANCOCK COUNTY, MISSISSIPPI, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS WITH THE BEARING BASED ON THE LINE BEING NORTH 65° 00' 00" EAST 3200.16 FEET. COMMENCING AT A 2" IRON ROD FOUND ON THE EAST MARSH OF DEBUIV'S ROAD WHICH IS 65.83 FEET SOUTH OF THE NORTH LINE OF SAID LOT #6 OF THE L.A. FREEDOM SURVEY, SAID LINE ALSO BEING REFERRED TO AS THE SUBSECTIONAL LINE OF SAID SECTION 21 HANCOCK COUNTY AND MEETING THENCE NORTH 20° 00' 00" EAST 1250.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTHWEST 200.00 FEET TO A 2" IRON ROD FOUND ON THE NORTH MARSH OF U.S. HIGHWAY 90 SERVICE ROAD (AKA BEACH DRIVE); THENCE ALONG SAID EAST MARSH, NORTH 85° 30' 00" WEST TO THE POINT OF BEGINNING; THENCE ALONG SAID EAST MARSH, SOUTH 75° 00' 00" WEST 245.00 FEET TO THE POINT OF BEGINNING, CONTAINING 1.425 ACRES.



THIS REPORT IS GIVEN IN FULL PAYMENT FOR THE SERVICES PROVIDED BY THE SURVEYOR TO THE CLIENT.

DATE OF FIELD WORK: 6/17/2022

SURVEY CLASS - "B"	FOR	APPROVED SIGNATURE AND DATE
	FORWARD & ASSOCIATES	
DATE: 7-13-22		

**GROSSBY SURVEYING**  
PROFESSIONAL LAND SURVEYING  
718 LIVE OAK DRIVE  
GLOUCESTER, MISSISSIPPI 39532  
PHONE: 228-334-1649

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1 BILOXI PLANNING COMMISSION MEETING  
 2 MARCH 7, 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.

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9 PLANNING COMMISSION MEMBERS PRESENT:  
 10 David Washer, Chairman  
 11 Ronnie Bogard  
 12 Kyle Carron  
 13 Steve Delahousey  
 14 Charlie Dellenger  
 15 Dr. Larry Drawdy  
 16 Joe King  
 17 Gary Lechner  
 18 Debora Magee  
 19 August Parker  
 20 Shante' Shaw  
 21 John Snow  
 22 Michael Todaro

23 ALSO PRESENT:  
 24 Jerry Creel, Director of Community Development  
 25 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

26 REPORTED BY:  
 27 Melissa Burdine-Rodolfich  
 Simpson Burdine & Miguez

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

CONTINUED PUBLIC HEARING(S):	PAGE:
24-008-PC	5
NEW PUBLIC HEARING(S):	
24-011-PC	10
24-012-PC	41
24-013-PC	11
TREE HEARING(S):	
(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. Mr.  
 5 Lechner, Mr. Parker, Mr. Todaro, Mr. Bogard,  
 6 Mr. Dellenger, Dr. Drawdy, Mr. Carron, Mr. King,  
 7 Mr. Snow, Mr. Delahousey; myself, David Washer;  
 8 Jerry Creel, Director of Community Development;  
 9 Felicia Serpas, Senior Planner; Zach Harris,  
 10 Arborist; Caryle Lena, Planner.  
 11 On the front row at the table is Jon  
 12 Lambert, inspector; Melissa Burdine, Court  
 13 Reporter; and behind her is Mandy Hornsby, Historic  
 14 Administrator. I'd also like to recognize Dr. Paul  
 15 Tisdale in the audience, Councilman Ward 5.  
 16 Mr. Delahousey, you want to open the  
 17 meeting with a moment of prayer?  
 18 (Moment of prayer.)  
 19 CHAIRMAN WASHER:  
 20 Mr. Lechner, the Pledge, please, sir.  
 21 (Pledge of allegiance.)  
 22 CHAIRMAN WASHER:  
 23 Let me also recognize our new  
 24 representative for Ward 2, Shante' Shaw.  
 25 I would like to welcome everyone here

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1 with us today. We'd ask that anyone that desires  
 2 to speak, please come to the podium, give us your  
 3 name and address for the record and please sign in  
 4 on the pad provided.  
 5 Ask if all members of the Commission  
 6 received a copy of the minutes from the last  
 7 meeting; if there's any additions or corrections?  
 8 MR. DELAHOUSEY:  
 9 I move they be approved.  
 10 MR. SNOW:  
 11 Second.  
 12 CHAIRMAN WASHER:  
 13 Motion by Mr. Delahousey recommending  
 14 approval; seconded by Mr. Snow.  
 15 All those in favor, say "aye."  
 16 (Unanimous vote.)  
 17 CHAIRMAN WASHER:  
 18 Any opposed?  
 19 (None opposed.)  
 20 CHAIRMAN WASHER:  
 21 Committee reports.  
 22 MR. CREEL:  
 23 Yes, sir. Mr. Chairman and members of  
 24 the Commission, over the past four weeks, the  
 25 department has issued 233 building permits with a

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1 construction valuation of \$4.3 million. We have  
2 collected \$33,000 in permit fees, issued licenses  
3 for 23 new businesses, also three renewals. We  
4 have also issued 17 certificates of occupancy; 10  
5 of those were for short-term rental.

6 Out of the permits issued, one was  
7 issued for the former Hooter's location for a new  
8 Azteca restaurant to go there, also a new duplex  
9 and 958 Howard Avenue, a new parking lot to the  
10 New Life Church on Popps Ferry Road and 14 new  
11 single-family houses.

12 CHAIRMAN WASHER:  
13 Thank you.  
14 We have one continued public hearing.  
15 Case Number 24-008-PC, Reef Express, LLC, owner,  
16 and Freddie Fountain, applicant. It's an  
17 application for a zoning amendment to authorize a  
18 change in zoning district classification for two  
19 parcels of land measuring 2.85 acres from their  
20 present zoning district classification of NB,  
21 Neighborhood Business, to CB, Community Business,  
22 for parcels of land identified as 2790 Beach  
23 Boulevard and 126 Debuys Road, being Municipal Tax  
24 Parcels Number 1110M-03-008.000 and  
25 1110M-003-008.002. This case was advertised on

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1 conditional use.

2 And this area is pretty much the  
3 southeasternmost point of Biloxi. There hasn't  
4 been a whole lot of growth here in the last  
5 several years. We feel like this project is going  
6 to be an asset to the community.

7 The video that was shown is a little  
8 outdated. Since that video, they've stood some  
9 pilings for the canopy. They've put the stone on  
10 the building. They've poured some of the  
11 driveway. They're working on getting the tanks  
12 installed. They are submitting for the signage --  
13 either today or tomorrow, they'll be submitting  
14 for permitting of the piling sign, so they are  
15 really coming along. It's going to be a real nice  
16 project.

17 We actually did a food tasting at the  
18 office yesterday, and they are putting forth a lot  
19 of effort to select the best food that they can  
20 get. They plan on having certain like pizza,  
21 chicken tenders, those things that are always sold  
22 in gas stations, and then they're going to have  
23 plate lunches daily that the menu will kind of  
24 change.

25 So we think it's going to be a good

6

1 January 25th, February 4th -- February 1st and  
2 February 8th.

3 MR. LAMBERT:  
4 Okay. This property is at the corner of  
5 Highway 90 and Debuys Road on the south end.  
6 That's it.

7 CHAIRMAN WASHER:  
8 Okeydoke.  
9 Mr. Fountain.

10 MR. FOUNTAIN:  
11 Freddie Fountain with Fountain and  
12 Associates, 13334 Seaway Road, Suite 202,  
13 Gulfport, Mississippi.  
14 What we're asking for today is to rezone  
15 this piece of property that was previously  
16 subdivided into two parcels. We want to rezone  
17 both parcels from NB to CB to allow for the gas  
18 station to be a permitted as a use-by-right versus  
19 a conditional use.

20 If you look at the zoning map for this  
21 entire area, this property is completely  
22 surrounded by CB zoning, so what we're wanting to  
23 do is kind of a housekeeping thing and kind of get  
24 rid of the spot zoning issue and create the zoning  
25 to be consistent with a permitted use instead of a

8

1 thing for the city. We think it's going to be a  
2 place for people to eat. They're going to have  
3 non-ethanol gas whenever the cruisers come in  
4 town. And we just think it's a good project and  
5 we're really excited about it.

6 CHAIRMAN WASHER:  
7 Okay. Nothing else?

8 MR. FOUNTAIN:  
9 No, sir.

10 CHAIRMAN WASHER:  
11 Any questions from the members of the  
12 Commission of Mr. Fountain? No questions.  
13 Thank you.  
14 We'll ask if there is anyone the  
15 audience that wants to speak in favor of the  
16 applicant's request? Anyone speaking in favor?  
17 No one speaking in favor.

18 Anyone speaking in opposition? No one  
19 speaking in opposition.  
20 We'll consider that hearing closed.

21 Mr. Creel.  
22 MR. CREEL:  
23 Well, the -- as Mr. Fountain has already  
24 stated, the property is surrounded now by CB  
25 zoning, going west -- going east all the way to



9

1 Gateway. If you'll recall, the City Council,  
 2 Planning Commission just changed a piece of  
 3 property that was NB on the east side of Gateway  
 4 to CB, so the CB runs from west to east pretty  
 5 much down to the IHOP.

6 The request is reasonable. There are no  
 7 houses in the area. A couple of things that  
 8 this -- you know, just want to let you know. This  
 9 would make it a permitted use instead of a  
 10 conditional use, which is what banks like to deal  
 11 with. Banks do not like to -- they don't like  
 12 that conditional label being hung over a project  
 13 whenever they're financing it. So having it a  
 14 permitted use makes the bank feel more comfortable  
 15 and actually cleans up the property.

16 It would also allow them to do  
 17 short-term rental on the townhomes that are being  
 18 done. My understanding is, is that they do not  
 19 want to do short-term rental there. They're going  
 20 to sell the lots and the units that are there, but  
 21 it would open the door for anyone who bought the  
 22 unit to be able to do that.

23 But again, this is an area that's  
 24 isolated away from residential houses and  
 25 apartments, and we don't see that as being a

11

1 multi-family residential to RM-30, high-density  
 2 multiple family residential, for parcels of land  
 3 identified as 308 and 309 Moffett Road, being  
 4 Municipal Tax Parcels Number 1110H-01-035.000 and  
 5 110H-01-036.000.

6 In conjunction with this case, we're  
 7 going to also hear Case Number 24-013. We will  
 8 vote on them separately. Chris Rains, owner, this  
 9 is a request for a vacation of a portion of an  
 10 unimproved right-of-way, Moffett Road, measuring  
 11 approximately 30 by 466 feet, more or less,  
 12 located between Nelson Road and Agincourt Avenue.  
 13 Same parcels referenced on the previous case.  
 14 This was advertised on February 15th, 22nd, 29th.  
 15 The vacation was advertised on February 22nd,  
 16 February 29th.

17 If you've got the video on that,  
 18 Mr. Lambert, please.

19 MR. LAMBERT:  
 20 Yes, sir.

21 Property is located between Nelson Road  
 22 and Agincourt. It's just north of Beauvoir there.

23 CHAIRMAN WASHER:  
 24 Mr. Rains or your representative here?  
 25 DR. RAINS:

10

1 problem here. So the staff has no objection and  
 2 would recommend approval.

3 CHAIRMAN WASHER:  
 4 All right.

5 MR. TODARO:  
 6 I move that we approve.

7 MR. PARKER:  
 8 Second.

9 CHAIRMAN WASHER:  
 10 Motion by Mr. Todaro recommending  
 11 approval; seconded by Mr. Parker.

12 Ask that all those in favor of approval,  
 13 raise your hand, please.

14 Mr. Lechner, Mr. Parker, Mr. Todaro,  
 15 Ms. Magee, who just joined us; Ms. Shaw,  
 16 Mr. Bogard, Mr. Dellenger, Dr. Drawdy, Mr. Carron,  
 17 Mr. King, Mr. Snow, Mr. Delahousey; myself, David  
 18 Washer. We'll let the record show unanimous.

19 New public hearing today, Case Number  
 20 24-011-PC, Chris Rains, owner; it's an application  
 21 for a zoning map amendment to authorize a change  
 22 in zoning district classification for two parcels  
 23 of land that are currently split zoned from their  
 24 present zoning district classification of, NB,  
 25 Neighborhood Business, and RM-30, high-density,

12

1 I am Chris Rains. I live at 611 Rue  
 2 Dauphine in Ocean Springs, Mississippi.

3 Although I was an eye doctor for about  
 4 30 years, adjacent to the property we're  
 5 discussing, I built the office park, Colonial Park  
 6 next to it, so I have owned this property for a  
 7 long time, about 20 years.

8 At one time we decided to almost do  
 9 commercial development and then they were going to  
 10 do storage, and we just decided not to do that.  
 11 And so we decided finally that we wanted to do  
 12 some -- a little cottage neighborhood.

13 And so we're here to ask for a vacate,  
 14 first of all, partial vacate of the road, which is  
 15 colored in purple. And that would -- you know, as  
 16 you can see, when you look through the video,  
 17 there is a lot of live oak trees on this property,  
 18 about 12 oak trees that I'm actually trying to  
 19 save. And so the road, it's really not -- it  
 20 hasn't been a traversed road for as long as I can  
 21 remember, and there's trees growing up -- live oak  
 22 trees growing up in the middle of it, so it's not  
 23 really doing any, I think, good for any -- it  
 24 being a traversed road.

25 In between -- on that traversed road, I