

Ordinance No. 2551

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 AND RM-30 HIGH-DENSITY MULTI-FAMILY
RESIDENTIAL TO RM-30 HIGH-DENSITY MULTI-FAMILY RESIDENTIAL
PRESENTLY IDENTIFIED AS 308 & 309 MOFFETT 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. 24-011-PC, Chris Rains, a request for a Zoning Map Amendment; and

WHEREAS, the Planning Commission members were apprised of the particulars of the case, being made cognizant of the fact that the Chris Rains, had submitted this application for Zoning Map Amendment, to authorize a change in zoning district classification for a parcel of land measuring 0.60 acres and 1.55 acres (more or less) in size, from their present zoning district classification of NB Neighborhood Business and RM-30 High-Density Multi-Family Residential to RM-30 High-Density Multi-Family Residential; and

WHEREAS, the Biloxi Planning Commission, after some discussion, voted (12-0-0) to approve the request for a change in zoning district classification for two parcels of land measuring 0.60 acres and 1.55 acres (more or less) in size, from their present zoning district classification of NB Neighborhood Business and RM-30 High-Density Multi-Family Residential to RM-30 High-Density Multi-Family Residential 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

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approval of the Zoning Map Amendment, is appropriate for the property as related in Case No. 24-011-PC, Chris Rains, 308 & 309 Moffett Road.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILOXI, MISSISSIPPI, THAT AS PER THE FINDINGS OF THE PLANNING COMMISSION, AND BASED UPON SAID DETERMINATIONS, THAT THE FOLLOWING SHALL BE AUTHORIZED:

SECTION ONE: That the boundaries of the Geographical Information System Format Zoning District Map of the City of Biloxi, Mississippi, be hereby further amended by a change in zoning district classification NB Neighborhood Business and RM-30 High-Density Multi-Family Residential to RM-30 High-Density Multi-Family Residential, for parcels of land identified as 308 & 309 Moffett Road (re: Tax Parcel Nos. 1110H-01-035.000 & 1110H-01-036.000), more fully described as follows:

That certain parcel of land situated in Section 27, Township 7 South, Range 10 West and part of Lot 8, Block 20, Beauvoir Truck Farm Subdivision, City of Biloxi, Harrison County, Mississippi, more particularly described as follows, to-wit:

Beginning at and iron rod located at the Southwest corner of Lot 8, Block 20, Beauvoir Truck Farm Subdivision, said point being on the East margin of Moffett Road and located N 00°27'11" W 153.55 feet from the North margin of Pass Road, thence S 89°19'56" E 124.95 feet to an iron rod, thence N 00°27'11" W 100.00 feet, thence S 89°19'56" W 277.94 feet, thence S 00°33'52" E 206.40 feet to an iron pipe, thence N 70°32'49" E 124.35 feet to an iron rod, thence N 00°00'00" E 100.00 feet to the Point of Beginning. Said parcel contains 39069 square feet,

Further described as land most nearly bounded by the following streets: to the North of Pass Road; to the South of Atkinson Road; to the East of Nelson Road; and West of Agincourt Avenue.

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

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

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

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



ATTEST:

Kei Campbell

 CLERK OF THE COUNCIL

APPROVED:

Debra Lee

 PRESIDENT OF THE COUNCIL

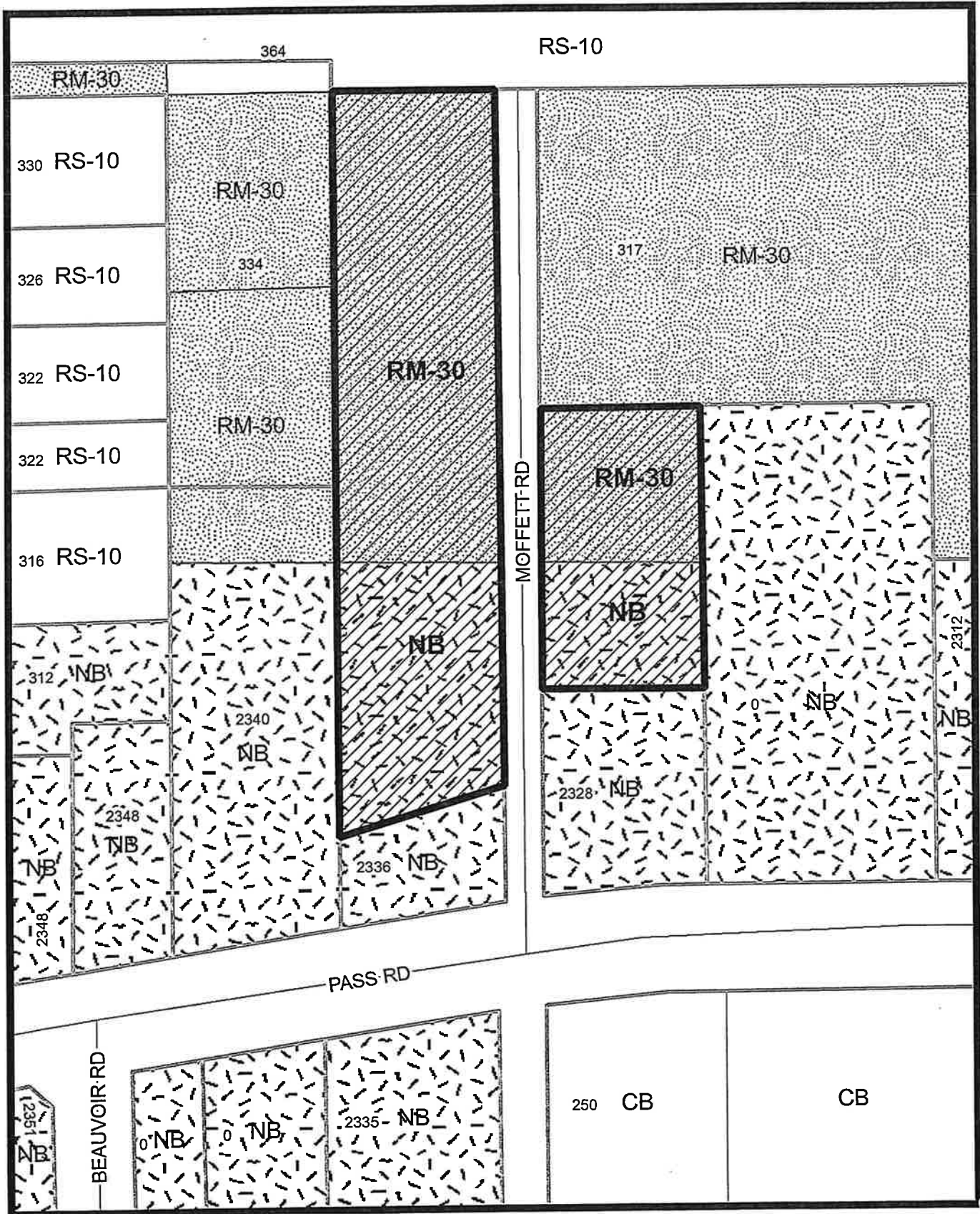
Submitted to and approved by the Mayor, this the 5th day of April, 2024.

APPROVED:

[Signature]

 MAYOR

Case No. 24-011-PC
 Chris Rains
 308 & 309 Moffett Road
 Map Amendment - NB & RM-30 to RM-30



Scheduled for
March 7, 2024
PC Meeting

Chris Rains
Case No. 24-011-PC
Zoning Map Amendment
NB & RM-30 to RM-30



**Planning Commission
Case Fact Sheet**

Case No.: 24-011-PC
Names of Owner: Chris Rains
Address of Properties: 308 & 309 Moffett Road
Tax Parcel/Ward: 1110H-01-035.000 & 1110H-01-036.000 /Ward 3

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 that are currently split-zoned, from their present zoning district classifications of **NB Neighborhood Business** and **RM-30 High-Density Multi-Family Residential** to **RM-30 High-Density Multi-Family Residential**, for parcels of land identified as 308 & 309 Moffett Road (re: Tax Parcel Nos. 1110H-01-035.000 & 1110H-01-036.000).

Size of Property: 0.60 acres and 1.55 acres (More or Less)

Present Zoning: **NB and RM-30**

Flood Zone: X

Present Use: Vacant

Most Nearly Bounded By (streets): To the North of Pass Road; to the South of Atkinson Road; to the East of Nelson Road; and West of Agincourt Avenue.

Adverse Influences: A **Zoning Map Amendment** should only be authorized when conditions suggest that a change in zoning is warranted, that a change in 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 properties to be consistent with the current zoning pattern and to be in compliance with the Land Development Ordinance, making two split-zoned properties consistent with one zoning.

Concerns stated: The Planning Division Office has not received any letters or other written communications relative to this case, as of February 29, 2024.

**Comments/
Recommendations:** Chris Rains has submitted a **Zoning Map Amendment**, to authorize a change in zoning district classification for two parcels of land that are currently split-zoned, from their present zoning district classifications of **NB Neighborhood Business** and **RM-30 High-Density Multi-Family Residential** to **RM-30 High-Density Multi-Family Residential**, for parcels of land identified as 308 & 309 Moffett Road (re: Tax Parcel Nos. 1110H-01-035.000 & 1110H-01-036.000).

The applicant explained that he would like to develop the vacant land into forty-seven (47) multi-family cottage homes. The requested zoning change will allow the two parcels to be consistent in zoning.

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 split-zoned district classifications of **NB Neighborhood Business** and **RM-30 High-Density Multi-Family Residential** to **RM-30 High-Density Multi-Family Residential**, having determined that a Change in the Character of the Neighborhood is of evidence and that this zoning change will authorize 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-D11-PC

To Be Completed by Owner/Applicant Chris Rains Date: 1-4-24

Name of Rightful Owner(s): Chris Rains Name of Applicant: (if different than Owner) Chris Rains

Property Address: 308 / 309 Moffett Rd Ward Number 3

Tax Parcel Identification Number(s):

1	1	1	0	4	-	0	3	5	.	0	0	0								
1	1	1	0	4	-	0	3	6	.	0	0	0								
					-				.											

Mailing Address of Property Owner: 611 Rue Dauphine Mailing Address of Applicant (if different than Owner): Same

City: Ocean Springs City: Same

State: MS State: MS

Zip: 39564 Zip: 39564

County: Jackson County: Jackson

Telephone: 228 324 3356 Telephone: ()

Property Size (please give in acres or by dimension): 308 moffett is .64 acres

Present Zoning Classification: multi-family 309 moffett is 1.53 acres

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? Pass Road N/A Pass Rd N/A N/A

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.

 Signature of Rightful Owner

 Notary Signature
 (Seal)

 Signature of Rightful Owner

 Notary Signature
 (Seal)



 Signature of Rightful Owner

 Notary Signature
 (Seal)

 Signature of Applicant

 Notary Signature
 (Seal)

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

NOTES:

NOTE: Please see attached instructions for details on documents required for a complete application.



PLANNING COMMISSION SUPPLEMENT

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: 1-4-24

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 multifamily New Rm-30

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:

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

Yes No

✓

Please explain: The reason for Rm-30 is to build a Cottage neighborhood with approx 48 rental (long term) homes

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

✓

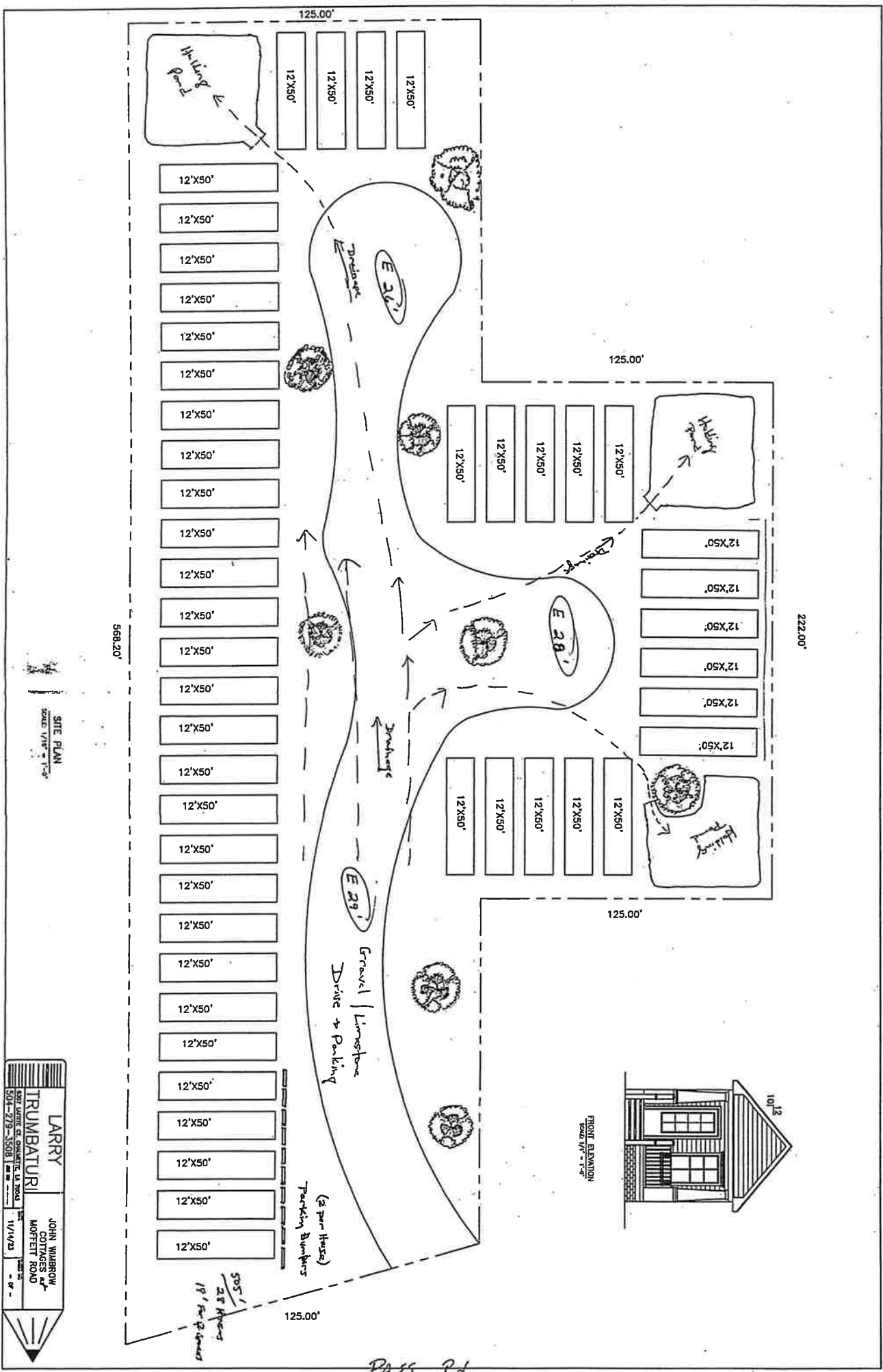
Please explain: Need to change from multifamily to Rm-30



PLANNING COMMISSION SUPPLEMENT Map Amendment

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

Criteria (continued)		✓	
	Yes	No	
3. Is the property suitable for uses permitted in the present zoning district?			✓
Please explain:			
To build 47 rental cottages will need to change zoning from multifamily to Rm-30			
4. Is the property suitable for uses permitted in the proposed zoning district?			✓
Please explain: Rm-30 allows us to build up to 30 units per acre. We have 2.25 acres to develop.			
5. Has there been a change in the character of the neighborhood?			✓
Please explain: multifamily block homes that existed 20 yrs ago have been removed and now just raw land.			
6. Is there an established community need for uses permitted in the proposed zoning district?			✓
Please explain: There are only small number of homes in the area available to rent and most all Apartments and MF homes are filled. There is definitely a need for rental homes in this area.			
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: New utilities will be brought in underground to service the properties			
Site Plan attached: (please circle): Yes		Case No. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> - <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> - <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
No			



SITE PLAN
SCALE: 1/8" = 1'-0"

LARRY TRUMBATURI	JOHN HANROW MORFETT ROAD
501 LAUREL ST. SUITE 100 MOBILE, AL 36688	11/14/23

PASS RD

505'
25' Area
18' for 12' stalls

Community Development Director
Jerry Creel



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

To: Biloxi Planning Commission
From: Jerry Creel, Development Review Committee Chair
Date: February 29, 2024
Re: Chris Rains
308 & 309 Moffett Road
1110H-01-035.000 & 1110H-01-036.000
DRC Case No. 2023-093

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

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

Yours truly,

Jerry Creel

Jerry Creel, Chair

1 BILOXI PLANNING COMMISSION MEETING 1
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.

8
9 PLANNING COMMISSION MEMBERS PRESENT:
10 David Washer, Chairman
11 Ronnie Bogard
12 Kyle Carron
13 Steve Delahousey
14 Charlie Dellenger
15 Dr. Larry Drawdy
16 Joe King
17 Gary Lechner
18 Debora Magee
19 August Parker
20 Shante' Shaw
21 John Snow
22 Michael Todaro
23
24 ALSO PRESENT:
25 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

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

1 2
2 C-O-N-T-E-N-T-S
3
4 CONTINUED PUBLIC HEARING(S) : PAGE:
5 24-008-PC 5
6 NEW PUBLIC HEARING(S) :
7 24-011-PC 10
8 24-012-PC 41
9 24-013-PC 11
10 TREE HEARING(S) :
11 (None) --

1 CHAIRMAN WASHER: 3
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

1 with us today. We'd ask that anyone that desires 4
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 Popp's 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

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

7

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

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

13

1 own the property to the west and I own part of the
2 property to the east. And then, of course, the
3 power company owns the part in the back that's the
4 white area, and so it really doesn't serve a lot
5 of purpose for anyone to traverse that road to get
6 to anywhere. So that's one of the things that I'm
7 asking, is for the partial vacation of the road.
8 And also, I wanted to bring Bobby, my
9 engineer -- architect up here to discuss the
10 rezone of the property.
11 CHAIRMAN WASHER:
12 Thank you. Bobby.
13 MR. HEINRICH:
14 So we're going to talk about both of
15 them. Bobby Heinrich, 1806 23rd Avenue in
16 Gulfport, and I'm here to speak for the project.
17 As Chris was saying, that right-of-way
18 is a 30-foot-wide right-of-way, so it doesn't meet
19 the current requirements for a public right-of-way
20 as it is. Plus, with the oak trees, the entrance
21 there at Moffett Road, you can see two large oak
22 trees right there that we'd have to -- that right
23 now, you'd have to swing -- the driveway swings
24 around those to miss those. We don't want to cut
25 any of that. We want to preserve all the oak

15

1 to the DRC about this and, you know, we can get,
2 you know, a maximum of this. It may not be this
3 many. We show 42 right now. We talked to the
4 different departments about, you know, fire safety
5 and things like that, so we have, you know,
6 provisions for that.
7 But anyway, this is our plan to preserve
8 the trees, utilize the right-of-way for parking
9 and hopefully to bring y'all a nice project here
10 at the City of Biloxi. And I'm here to answer any
11 questions that you might have.
12 CHAIRMAN WASHER:
13 You said 42 units?
14 MR. HEINRICH:
15 Forty-two, yeah. Yes, sir.
16 CHAIRMAN WASHER:
17 Is that what you're going wind up with
18 to save the trees?
19 MR. HEINRICH:
20 Yes, sir.
21 CHAIRMAN WASHER:
22 Because your application said 47.
23 DR. RAINS:
24 It's between 42 and 47. This is not a
25 final, you know. It's -- this is one of the

14

1 trees, because they're -- as you saw on the video,
2 they're very beautiful.
3 So just not to repeat what Chris was
4 saying, I think it's agreeable to have this
5 right-of-way vacated so that we can, you know, use
6 it for what our future project is going to be.
7 I can talk about that now if you want
8 to.
9 CHAIRMAN WASHER:
10 Yes, sir. That's the first one up.
11 MR. HEINRICH:
12 Okay. So what we're trying to do is --
13 is there a rezone map or is there another drawing
14 that shows the zoning, the current zoning? Yes.
15 So you can see the property is split
16 zoned right now, RM-30, which allows 30 units per
17 acre, and it's -- the other bottom half of it is
18 Neighborhood Business. We want to extend that
19 RM-30 down to take in that NB to make it all
20 conforming. Same thing with half of this property
21 on the east side of Moffett, so those two pieces
22 are what we're asking for to rezone to RM-30.
23 So if that happens, we get the vacated
24 right-of-way and get the rezone, then I have a
25 preliminary sketch here. We have already talked

16

1 sketches that we have done to be able to do the
2 project like we want, so it could be anywhere from
3 42 to 47 houses -- or cottages.
4 MR. DELAHOUSEY:
5 First of all, we appreciate your efforts
6 to preserve the trees that are there.
7 MR. HEINRICH:
8 Yes, sir.
9 MR. DELAHOUSEY:
10 Can you describe for us a little bit
11 what the cottages that you propose building, the
12 size?
13 MR. HEINRICH:
14 Yes, sir.
15 DR. RAINS:
16 There are actually some photos, I think,
17 I had sent. Just for -- you know, we're going to
18 build these. These are not going to be
19 manufactured trailers or manufactured FEMA homes.
20 These are actually going to be built, but they're
21 going to be around 700-, 750-square-foot homes,
22 you know, two-bedroom, some three-bedroom, some
23 one-story, some two-story.
24 And so basically it's going to be for
25 rent. You know, we want to be able to rent these

17
1 houses because there's so many people in Biloxi
2 that can't afford to buy a house, you know. And
3 all the apartments are full and they're expensive,
4 you know, \$1,600 for a one-bedroom apartment.
5 So we're trying to give the people
6 around to be able to at least live in their own
7 little private space, you know, through a -- you
8 know, less, so that's what we're trying to
9 accomplish on this property I have owned for 20
10 years and decided this was the best thing I could
11 think of for the property, is for -- to give the
12 City of Biloxi, you know, a really nice place for
13 people to live, to afford to live.
14 MR. HEINRICH:
15 So if we went in there and did a
16 full-blown apartment complex, I just don't think
17 that would fit in this neighborhood with all these
18 trees, so that's why he wanted to do the little
19 single-family -- not a single-family, but a single
20 cottage for a family to come in and stay the
21 weekend and, you know -- again, you know, all the
22 activities that we have here on the Coast. This
23 would fit right in, tucked away around those
24 trees.
25 And so once we get, you know, more into

19
1 DR. RAINS:
2 Yes. That's what we're --
3 DR. DRAWDY:
4 I just want it on the record. That's
5 all I'm saying.
6 DR. RAINS:
7 There are -- I have already met with
8 Ben, who is an arborist, and he's already plotted
9 the trees out there and we have been over which
10 ones that are viable. There are a few that are
11 not good and diseased and need to be probably
12 taken, but that's just only like one or two of the
13 trees we're talking about. The majority of the
14 live oaks, they're going to remain.
15 DR. DRAWDY:
16 When I visited the property today, I saw
17 there was a lot of pink ribbons around a number of
18 the oaks, which many of the oaks are very, very
19 large. So in other words, the trees become a big
20 talking point in this commission a lot and we just
21 don't need to have any problems.
22 DR. RAINS:
23 Yeah. Those trees are going to be
24 saved. I just went on myself and just put ribbons
25 around the trees that I want to save. And, of

18
1 it, we get past these two -- I call it cleaning up
2 the property, get the rezone and vacate the
3 right-of-way, then we can be more creative. But
4 this is -- the 47 units would be the max, I guess
5 I wanted to say.
6 CHAIRMAN WASHER:
7 Come forward, if you would, Dr. Rains,
8 please.
9 DR. RAINS:
10 I wanted to be clear that this is not
11 going to be short-term rental. These are going to
12 be long-term rental homes for people to live, so
13 this is not going to be a short-term turnover
14 thing. So I just wanted to add that.
15 DR. DRAWDY:
16 David, question.
17 CHAIRMAN WASHER:
18 Dr. Drawdy.
19 DR. DRAWDY:
20 I have heard both of you state
21 throughout the presentation that there are a lot
22 of live oaks on this property. Are your plans to
23 develop far enough in advance that you will not
24 come back to this Commission to ask to take any of
25 the live oaks down?

20
1 course, I ran out of ribbon, so there was a few of
2 them I didn't get around to. But trust me, the
3 next-door development that I built, the office
4 complex, I built that complex around those four
5 huge oak trees, and so I'm -- that's one of the
6 things I want to do, is try to save as many as I
7 can.
8 And the way I want to develop The
9 right-of-way and the grounds is not concrete and
10 asphalt. I want to do a permeable asphalt or
11 permeable rock, limestone-type where, you know, we
12 won't have to go in and kill some of those trees
13 as well, so...
14 DR. DRAWDY:
15 And in your construction, you'll make
16 sure that you have a good boundary around all the
17 trees that are there so we won't have a problem?
18 DR. RAINS:
19 Absolutely.
20 MR. DELAHOUSEY:
21 Dr. Rains, will Pass Road be the only
22 entrance and exit?
23 DR. RAINS:
24 Right now, it is. I'm in -- I'm
25 consulting Mississippi Power. I feel like I'm

21

1 about 95 percent sure that they're going to give
2 us a partial right-of-way on their property, which
3 is adjacent to the back of my property to the next
4 street over and you could probably see that on the
5 video.
6 MR. CREEL:
7 Agincourt.
8 DR. RAINS:
9 Okay. That's it. And so if they would
10 give us their right-of-way just for fire trucks if
11 we needed it, it would be for fire truck safety
12 only. It wouldn't be another access road, so the
13 only access road for the actual tenants would be
14 from Pass Road, yeah.
15 MR. CARRON:
16 I have got a question. Looking at that
17 diagram there, I know you're going to have to make
18 some changes because as it stands looking at that,
19 you have got to have cul-de-sacs in there for the
20 fire trucks to turn around, which require a
21 96-foot cul-de-sac and you only have 125 foot of
22 width back there. And there is other requirements
23 that, I believe, you're going to have to go back
24 to DRC and work out.
25 DR. RAINS:

23

1 know, we get past, you know, the property.
2 MR. CARRON:
3 Additionally, Bobby, I notice you
4 showing these units as being 12 feet wide.
5 MR. HEINRICH:
6 Yes, sir.
7 MR. CARRON:
8 And the spacing in between them is how
9 far?
10 MR. HEINRICH:
11 They're about -- I think they're five
12 feet, but, again, they're all firewalled and
13 sprinklered.
14 MR. CARRON:
15 I understand that, and I think there was
16 a possibility depending on if you don't get your
17 access road that there is going -- due to the
18 500-foot restriction back in there that they would
19 all have to be sprinklered.
20 MR. HEINRICH:
21 Yes, sir.
22 DR. RAINS:
23 Right.
24 MR. CARRON:
25 And additionally, the 50-foot depth in

22

1 We understand that.
2 MR. CARRON:
3 And like I say, as it stands right now,
4 that diagram will not work. Maybe Bobby can
5 address that.
6 MR. HEINRICH:
7 Yeah. So what he was explaining about
8 the Mississippi Power, we're anticipating that
9 secondary exit out.
10 MR. CARRON:
11 And additionally, you know, if you're
12 going with the rock pavers, it's going to have to
13 meet a compaction requirement. Are you aware of
14 that?
15 DR. RAINS:
16 Absolutely.
17 MR. HEINRICH:
18 And I know all about the turnaround for
19 the fire trucks and that kind of thing, but
20 we're -- and I think we're all pretty close to
21 having that secondary exit.
22 And then on top of that, you know, to
23 get this -- you know, the RM-30, to get some units
24 like this, we will have to provide sprinkling for
25 these buildings, but all that comes after, you

24

1 the width of the road, you're showing that you're
2 going to have two parking spots per unit and, I
3 mean, that's pretty tight if they're 12 foot wide
4 and five foot of space. That's seventeen-feet for
5 cars, but you need nine-foot widths to park them,
6 so that's 18 feet. So, I mean, you're going to
7 have a row of cars, and I don't know how close
8 that's going to be to that road. You see what I'm
9 saying? Cars are roughly 20 feet long. They're
10 going to be butted up into the road.
11 CHAIRMAN WASHER:
12 We've kind of talked about what they're
13 proposing to do or thinking about doing, but right
14 now, today, we're just here for the zoning change.
15 So as you get further in the planning of the
16 actual project, then we'll talk about those kinds
17 of things.
18 MR. CARRON:
19 Well, I understand that and I agree with
20 that, but they're presenting a picture to us right
21 now what's going on.
22 MR. HEINRICH:
23 Can I show him something real quick, if
24 that's all right?
25 MR. CARRON:

25

1 Yeah.

2 MR. HEINRICH:

3 This is all colored, but this is the

4 vacated area, so you have got 19 feet. Where

5 Biloxi allows 23 feet, I've got 25, and then you

6 have got another row of parking on the other side,

7 which is why we needed that.

8 MR. CARRON:

9 All right. It's --

10 MR. HEINRICH:

11 There is a double row of parking here

12 along this drive.

13 MR. CARRON:

14 As far as the width of the road?

15 MR. HEINRICH:

16 Was 25 feet.

17 MR. CARRON:

18 Twenty-five feet. And if you don't get

19 the access from another source --

20 MR. HEINRICH:

21 Then we're going to have to do a

22 turnaround.

23 MR. CARRON:

24 Okay. So that's going to eliminate

25 several more. And how about this area here?

27

1 fire safety and that kind of thing is all handled.

2 Thank you.

3 CHAIRMAN WASHER:

4 Anything else you want to add?

5 MR. DELLENGER:

6 Yeah. Does Dr. Rains own -- is that

7 Lot 1 and Lot 4?

8 MR. HEINRICH:

9 Right here?

10 MR. DELLENGER:

11 Yes.

12 MR. HEINRICH:

13 No. This is the power company, and

14 we're discussing getting an easement down through

15 here for that secondary exit, if needed.

16 MR. DELLENGER:

17 Because, I mean, I guess, when the road

18 is vacated, Mississippi Power is going to

19 incorporate half of that and y'all will get half

20 of that.

21 MR. HEINRICH:

22 Yes, sir.

23 DR. RAINS:

24 Right. Right.

25 MR. HEINRICH:

26

1 MR. HEINRICH:

2 Now, this -- we're getting into design,

3 but that's called a hammerhead, but they'll be

4 able to get in there and maneuver.

5 MR. CARRON:

6 Hammerhead is supposed to be like 130

7 feet or something.

8 MR. HEINRICH:

9 125 feet.

10 MR. CARRON:

11 125 feet.

12 MR. HEINRICH:

13 Yes, sir.

14 MR. CARRON:

15 All right.

16 MR. HEINRICH:

17 But, yes, sir, we'll be following all

18 the City of Biloxi requirements and guidelines,

19 ordinances and all that for this project.

20 We're not going to ask for --

21 MR. CARRON:

22 All right. I appreciate that.

23 MR. HEINRICH:

24 No variances will be asked for for the

25 design, so we'll make 100 percent sure that the

28

1 That's the way it works.

2 MR. DELLENGER:

3 I didn't know if y'all needed that full

4 vacated area.

5 DR. RAINS:

6 The vacating is two reasons, because

7 it's not really a traversed road. It's not even

8 really a built road. Second of all, it would give

9 us a little more area to be able to make the

10 neighborhood work for us basically.

11 MR. DELLENGER:

12 I like it. It's much better than

13 apartments if somebody wants to live there and

14 they can't afford a house.

15 MR. HEINRICH:

16 You see a big, long apartment complex

17 back there, you wouldn't be able to get that back

18 there and it would not be usable for that.

19 DR. DRAWDY:

20 David, one other question.

21 Did you say how large the houses were

22 going to be? I know you said one- to two-story,

23 but square footage?

24 DR. RAINS:

25 700 to 750, 800.

29

1 MR. HEINRICH:
2 Apartment size, pretty much. This is
3 multi-family, RM-30, so apartment-sized units, but
4 more homey, I guess you want to say.
5 MR. BOGARD:
6 Will they all have a second floor?
7 MR. HEINRICH:
8 Not all of them, no, sir.
9 DR. RAINS:
10 Some will be single stories. Some will
11 be two-story.
12 MR. BOGARD:
13 So that on here, 12 by 50, is not really
14 accurate? That's only 600 square feet.
15 DR. RAINS:
16 It could be.
17 MR. BOGARD:
18 So really down as low as 600 square feet
19 and up to 750?
20 DR. RAINS:
21 It could, right. I mean, there might be
22 areas that we -- that we want to shorten the
23 house, but we want to go up. And there might be
24 an area where we will build, you know, just a
25 second floor above that 12 by 50 and have -- make

31

1 DR. RAINS:
2 Right.
3 MR. CARRON:
4 All right. Thank you.
5 CHAIRMAN WASHER:
6 Anyone to speak in favor? No one
7 speaking in favor.
8 Anyone speaking in opposition? Yes,
9 sir.
10 MR. VANHORN:
11 My name is Robert VanHorn, and I
12 represent 2328 Pass Road, which is the adjoining
13 property.
14 And this property that they're
15 presenting to you to develop is right behind and
16 to the side of 2328 Pass Road. It's a commercial
17 property. It's a retail property, and I have
18 owned it for 30 years.
19 My problem with -- I'm totally against
20 the rezoning of the neighborhood business to
21 massive housing, and essentially, what they want
22 to build is really Katrina cottages. Okay? I
23 don't care what they say. They're going to be
24 about the size of a mobile home. They're going to
25 be long and narrow. They're going to be for low

30

1 it three bedrooms.
2 MR. BOGARD:
3 Okay.
4 CHAIRMAN WASHER:
5 All right. Is there anyone in the
6 audience that wants to speak in favor of the
7 request to change the zoning --
8 MR. CARRON:
9 I have an additional question.
10 CHAIRMAN WASHER:
11 -- or to vacate the unimproved roadway?
12 MR. CARRON:
13 I have an additional question. On that
14 right-of-way, Jerry, when they vacate it, does
15 that go all the way to the north end? On your
16 diagram where the white part is, Bobby, usually
17 when they vacate a right-of-way, it splits up to
18 two different owners. Has that been figured into
19 it?
20 MR. CREEL:
21 That's correct. And what they're
22 doing -- because half of it will go to the power
23 company, that's included in their negotiations
24 with the power company about the easement that
25 they will have to get to Agincourt.

32

1 income.
2 On the sketch that Mr. Heinrich showed,
3 it showed three live oak trees on the sketch. I
4 believe there's at least seven or eight, so
5 that's -- planning that they showed, there is a
6 lot more oak trees that need to be put in there.
7 But we're against it. We don't want
8 low-income housing coming right back up here. It
9 should stay at the Neighborhood Business zoning.
10 There is no reason to change it. It's been like
11 that forever. I don't see any special purpose why
12 it should be changed.
13 There are plenty of other properties in
14 the area that can be developed like this. And I
15 really don't think that everybody here would like
16 to own a piece of property and then next to it
17 have Katrina cottages built everywhere around the
18 property. And that's all I have to say.
19 CHAIRMAN WASHER:
20 What property is yours, Mr. VanHorn?
21 MR. VANHORN:
22 2328 Pass Road, Tobacco and Beer
23 Discount House.
24 CHAIRMAN WASHER:
25 Is there anyone else to speak in

33

1 opposition? All right. No one else to speak in
2 opposition.

3 Any rebuttal, Mr. Heinrich?

4 MR. HEINRICH:

5 Yeah. I would just like to comment. So
6 the property is split zoned. It's not conforming,
7 you know, for -- you know, as a parcel of land.
8 So what we're doing is we're extending that RM-30
9 down and taking in the NB and making it all RM-30
10 obviously. So.

11 I just don't that think it would be
12 lucrative for a business to go in behind these two
13 businesses and start another business. It's just
14 not -- the parcels are created -- right now, that
15 wouldn't work for a business to be right there.
16 So making it all RM-30 and making a project for
17 what we're trying to do, I think, is more
18 lucrative than trying to put two businesses behind
19 there.

20 So anyway, I just wanted to say that.
21 You know, we own those two parcels of land and
22 it's split zoned right now. We want to make them
23 all the same zoning.

24 CHAIRMAN WASHER:

25 And there is RM-30 to the west of your

35

1 MS. SULLIVAN:

2 Can I present a question?

3 CHAIRMAN WASHER:

4 Yes, ma'am. Give us your name and
5 address, please.

6 MS. SULLIVAN:

7 Cynthia Sullivan, and I'm here for 214
8 Howard.

9 But regarding this, my question is: Why
10 so many houses? I mean, that's a lot for a small
11 space there. I can understand his concerns. But
12 if -- I understand looking for growth, but why 42
13 to 47 in that space? Could they not be maybe a
14 little larger or maybe spread out, more spread
15 out? That's all I was saying.

16 CHAIRMAN WASHER:

17 They may have gone based on what's
18 allowed in an RM-30 for apartments.

19 MS. SULLIVAN:

20 Well, that's just why I was just asking.

21 CHAIRMAN WASHER:

22 Thirty units an acre.

23 MR. CREEL:

24 It's RM-30, so they're allowed to do 30
25 units per acre in that zoning district.

34

1 property already?

2 MR. HEINRICH:

3 Yes, sir. It will all be contiguous
4 with what's already surrounding it. We're not
5 spot zoning or anything like that. It's just
6 continuing the zoning that's already -- currently
7 there.

8 DR. RAINS:

9 And I wanted to make a comment that
10 these are not Katrina cottages. This is going to
11 be a built home. It might have the size of a
12 Katrina cottage, but they're -- not every home can
13 be 2,000 square feet. Not everybody can afford a
14 house like that.

15 And so -- and another thing is, is for
16 the business owners that are there around this
17 neighborhood, wouldn't it help those businesses
18 with another 47 or 50 or 60 people or 70 people in
19 this area to be able to do business at their
20 establishment? It just seems like that's logical,
21 so thank you.

22 CHAIRMAN WASHER:

23 Thank you, Dr. Rains.

24 All right. No other comments, we will
25 consider those hearings closed.

36

1 MS. SULLIVAN:

2 That's just all I had. Thank you.

3 CHAIRMAN WASHER:

4 Okay. No other comments in regard to
5 either one of those cases, as we said previously,
6 we're going to vote on them separately. I will
7 let Mr. Creel go on and address them.

8 MR. CREEL:

9 Okay. As it's already been stated, the
10 majority of this property is already zone RM-30.
11 They're basically just taking split-zoned pieces
12 of property and making them solidly zoned
13 properties, RM-30.

14 Concerning the question about the use on
15 the property, you know, Dr. Rains could go in
16 right now and do an apartment complex or cottages
17 on the property that's already zoned RM-30, so all
18 this is doing is just bringing it a little closer
19 to Pass Road. You have RM-30 to the east and to
20 the west of this.

21 It will have to go back to DRC for
22 additional review. They only presented us with a
23 very preliminary drawing, but they understand that
24 they have to go back and go through that, so we
25 believe the request is reasonable and we recommend

37

1 approval.

2 MR. DELAHOUSEY:

3 Move that we approve.

4 CHAIRMAN WASHER:

5 All right. This is in regard to Case

6 Number 24-011-PC for the change in zoning. Motion

7 by Mr. Delahousey recommending approval.

8 MR. DELLENGER:

9 Second.

10 CHAIRMAN WASHER:

11 Second by Mr. Dellenger.

12 Any discussion on that?

13 (No response.)

14 CHAIRMAN WASHER:

15 We'll ask all those in favor of

16 approval, raise your hand.

17 Mr. Lechner, Mr. Parker, Mr. Todaro,

18 Ms. Magee, Mr. Bogard, Mr. Dellenger, Dr. Drawdy,

19 Mr. Carron, Mr. King, Mr. Snow, Mr. Delahousey;

20 myself, David Washer. We'll let the record show

21 that's unanimous.

22 All right. Now in regard to Case Number

23 24-013, the vacation.

24 MR. CREEL:

25 Okay. This is a vacation of what we

39

1 Any discussion on that?

2 (No response.)

3 CHAIRMAN WASHER:

4 All those in favor, raise your hand,

5 please.

6 Mr. Lechner, Mr. Parker, Mr. Todaro,

7 Ms. Magee, Mr. Bogard, Mr. Dellenger, Dr. Drawdy,

8 Mr. Carron, Mr. King, Mr. Snow, Mr. Delahousey;

9 myself, David Washer. We'll let the record show

10 that's unanimous.

11 DR. DRAWDY:

12 David, one comment. I approved it, and

13 I think that that's important. But also, too, by

14 their own presentation, they have come and said

15 they would protect these live oaks, and we've been

16 through enough of that up here, listening to that.

17 So in other words, all I want to make sure is we

18 clearly understood that they said that they would

19 protect all the live oaks.

20 CHAIRMAN WASHER:

21 I think he did mention that there's some

22 that's got some diseases and all.

23 Have you had a chance to look at those,

24 Zach?

25 MR. HARRIS:

38

1 call a dedicated but unimproved right-of-way.

2 It's not being used by anyone right now. One of

3 the things that we look for in the vacations is to

4 make sure that the utilities have no objection to

5 it, and they don't. We received the letters. But

6 also to make sure that by vacating the

7 right-of-way that they're not land locking any

8 other properties.

9 The one concern would have been the

10 power company property there, but it has frontage

11 on Agincourt, so it would not be landlocked. And

12 if Dr. Rains can work out the easement to get

13 through, then it would comply with the fire

14 department regulations for having two separate

15 ingresses and egresses. So the staff has no

16 objection and would recommend approval.

17 CHAIRMAN WASHER:

18 All right. Thank you.

19 MR. DELLENGER:

20 So moved.

21 MR. DELAHOUSEY:

22 Second.

23 CHAIRMAN WASHER:

24 Motion by Mr. Dellenger recommending

25 approval; seconded by Mr. Delahousey.

40

1 Yes, sir.

2 CHAIRMAN WASHER:

3 And what's your thoughts on it?

4 MR. HARRIS:

5 There are a few trees in there, as

6 stated by Mr. Rains, that I would not suggest

7 building around in terms of their root dieback,

8 have obvious fractures, they're old and wouldn't

9 suggest building a new structure underneath them.

10 The suggestion for a pervious pavement,

11 Mr. Rains was kind enough to look at that for the

12 entirety of the roadway, as well as root

13 compaction. And he also spoke with me about

14 developing foundations for the structure that are

15 more of a piered foundation and not a slab

16 foundation so that would allow the roots to

17 breathe, water to percolate and all that kind of

18 stuff, so I didn't necessarily have an issue.

19 They have also only come before DRC one

20 time, so we're kind of operating on one series of

21 comments at this stage of the process.

22 CHAIRMAN WASHER:

23 Okay. Thank you.

24 MR. CREEL:

25 And Dr. Rains, did I hear y'all say

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1 y'all have engaged an arborist to look at this?
2 DR. RAINS:
3 Yes. Yes.
4 MR. CREEL:
5 And you said that will work with Zach?
6 DR. RAINS:
7 Exactly.
8 MR. DELLENGER:
9 But if you look at his other project
10 that he did, which is just to the east of that, it
11 looks like he kept the oak trees in -- within that
12 as well, so I think he has done a pretty good job
13 in keeping these large oak trees intact and alive
14 around the development.
15 CHAIRMAN WASHER:
16 All right. Our next case today,
17 24-012-PC, the Venus Group, LLC, owners, Anna
18 Venus Martin, applicant, it's an application for a
19 zoning map amendment to authorize a change in
20 district classification for a parcel of land
21 measuring 76.05 feet by 198.85 feet from the
22 present zoning district classification of RS-5,
23 high density, single-family residential to NB,
24 Neighborhood Business, for a parcel of land
25 identified as 278 Irqouis Street, being Municipal

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1 day-to-day process, if it's approved, there will
2 be no trailers. There will be no, you know,
3 excavators, tractors, nothing like that.
4 It's strictly administrative, meet with
5 a few clients, to that end.
6 MS. MARTIN:
7 It says Neighborhood Business on there.
8 I believe Mr. Creel suggested Limited Business,
9 which we are okay with that as well. Just
10 anything so we can use it as an office space.
11 CHAIRMAN WASHER:
12 One office?
13 MS. MARTIN:
14 It will be one office.
15 CHAIRMAN WASHER:
16 It wouldn't be two offices?
17 MS. MARTIN:
18 It will be one office, just multiple
19 businesses ran out of it, which real estate is
20 just -- I mean, it's the same desk that I'm going
21 to sit at. We just have separate businesses.
22 CHAIRMAN WASHER:
23 Parking for those? Parking for the
24 business?
25 MS. MARTIN:

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1 Tax Parcel Number 1410E-06-038.000. This case was
2 advertised on February 15th, February 22nd and
3 February 29th. Mr. Lambert. Oh, he moved. He
4 left.
5 MR. CREEL:
6 Ms. Serpas took over.
7 MS. SERPAS:
8 (Video played.)
9 Okay.
10 CHAIRMAN WASHER:
11 Ms. Martin or her representative. Yes,
12 ma'am.
13 MS. MARTIN:
14 Anna Martin. This is Jared Martin, my
15 husband.
16 We purchased 287 Iroquois in November of
17 last year with the hopes to turn it into an
18 office. I'm a realtor in Mississippi. He's a
19 professional engineer. We also have a
20 construction company.
21 MR. MARTIN:
22 Our intention for the office is strictly
23 administrative. There will be no construction
24 equipment. There will be no -- outside of when
25 we're doing our renovations. But during the

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1 Parking?
2 CHAIRMAN WASHER:
3 Parking.
4 MS. MARTIN:
5 We actually own that other parcel as
6 well, so we have plenty of room to go as far as we
7 need to. But the plan is -- we've already gone
8 through the historic committee and got approval to
9 remove the additional structures behind the house,
10 so the parking will be back there.
11 MR. MARTIN:
12 It's in our presentation that's still on
13 the home screen there.
14 MR. CREEL:
15 Those will be demolished that you're
16 looking at now.
17 CHAIRMAN WASHER:
18 The lean-to as well as the little shed?
19 MR. MARTIN:
20 Yes, sir.
21 CHAIRMAN WASHER:
22 All right. Any questions from the
23 members of the Commission?
24 MR. DELLENGER:
25 You guys live there now?