

Ordinance No. 2554

AN ORDINANCE TO APPROVE A ZONING MAP AMENDMENT, TO AUTHORIZE A CHANGE IN ZONING DISTRICT CLASSIFICATION FOR A PARCEL OF LAND MEASURING 1.4 ACRES IN SIZE, FROM ITS PRESENT ZONING DISTRICT CLASSIFICATION OF RE RESIDENTIAL ESTATE TO CB COMMUNITY BUSINESS FOR LAND PRESENTLY IDENTIFIED AS 0 REECE BERGERON ROAD

WHEREAS, on Thursday, April 18, 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. 24-019-PC, Highway 15 Properties, LLC (owner) and Lloyd Hebert (applicant), a request for Zoning Map Amendment, for property identified as 0 Reece Bergeron Road; and

WHEREAS, the Planning Commission members were apprised of the particulars of this case, being made cognizant of the fact that Highway 15 Properties, LLC (owner) and Lloyd Hebert (applicant), have submitted this request for a Zoning Map Amendment, to authorize a change in zoning district classification for a parcel of land measuring 1.4 acres (more or less), from its present zoning district classification of RE Residential Estate to CB Community Business, for an unaddressed parcel fronting to Reece Bergeron Road; and

WHEREAS, April 18, 2024, the Biloxi Planning Commission, after some discussion, voted 14-0, to recommend approval for this Zoning Map Amendment, to authorize a change in zoning district classification of RE Residential Estate to CB Community Business, for an unaddressed parcel fronting to Reece Bergeron Road, having determined that a Change in the Character of the Neighborhood is of notice in this area of the City of Biloxi, and a continuation of the CB zoning is evident; and

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WHEREAS, the Biloxi City Council, after consideration of all facts presented, hereby adopts the report and findings of the Biloxi Planning Commission, and in so doing, determines that approval of this Zoning Map Amendment to CB Community Business is appropriate for land presently identified as 0 Reece Bergeron Road, Case No. 24-019-PC, Highway 15 Properties, LLC (owner) and Lloyd Hebert (applicant).

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 A DETERMINATION THAT A CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD IN THIS AREA OF THE CITY OF BILOXI, COUPLED WITH A CONTINUATION OF CURRENT ZONING AT THIS LOCATION, THAT THE FOLLOWING SHALL BE AUTHORIZED

SECTION ONE: That the boundaries of the Geographical Information System Format Zoning District Map of the City of Biloxi, Mississippi, as amended, be hereby further amended by a change in zoning district classification from RE Residential Estate to CB Community Business, for an unaddressed parcel fronting to Reece Bergeron Road, and described as follows:

*That certain Lot or Parcel of Land described as commencing at a point where the South line of Lot 1, Block 10 of Paradise Found Fruit and Truck Farms intersects the West line of State Highway No. 15; running thence Northerly along the West line of said Highway a distance of 75 feet, more or less, to the Northwest corner of the property conveyed to Bergeron by Rushing by Warranty Deed dated October 26, 1963, recorded in Book 523, at pages 72-73 (Copy Book 183, at pages 388-389, of the Land Deed Records of the Second Judicial District of Harrison County, Mississippi); which point is the Point of Beginning of the parcel herein described; from said Point of Beginning running thence North along the West margin of State Highway No. 15 a distance of 156.05 feet; running thence West a distance of 422 feet, more or less; running thence Southerly a distance of 156.9 feet*

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*to a point; running thence East a distance of 377.5 feet to the Point of Beginning; less and except: That portion of said property conveyed to the State Highway Commission of Mississippi by Warranty Deed dated April 19, 1977, from Hoyt E. Bergeron, recorded in Book 74, at pages 602-603, of the aforesaid records,*

and further described as land most nearly bounded by the following streets: to the North of Ray Wise Road; to the South of Reece Bergeron Road; to the East of Paradise Lane; and to West of and fronting to Reece Bergeron Road.

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

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

YEAS:	Lawrence	Tisdale	NAYS:	None
	Gines	Glavan		
	Newman	Shoemaker		

The President then declared the Ordinance adopted this the 21<sup>st</sup> day of May, 2024.



ATTEST:

*Heidi Campbell*  
 \_\_\_\_\_  
 CLERK OF THE COUNCIL

APPROVED:

*[Signature]*  
 \_\_\_\_\_  
 PRESIDENT OF THE COUNCIL

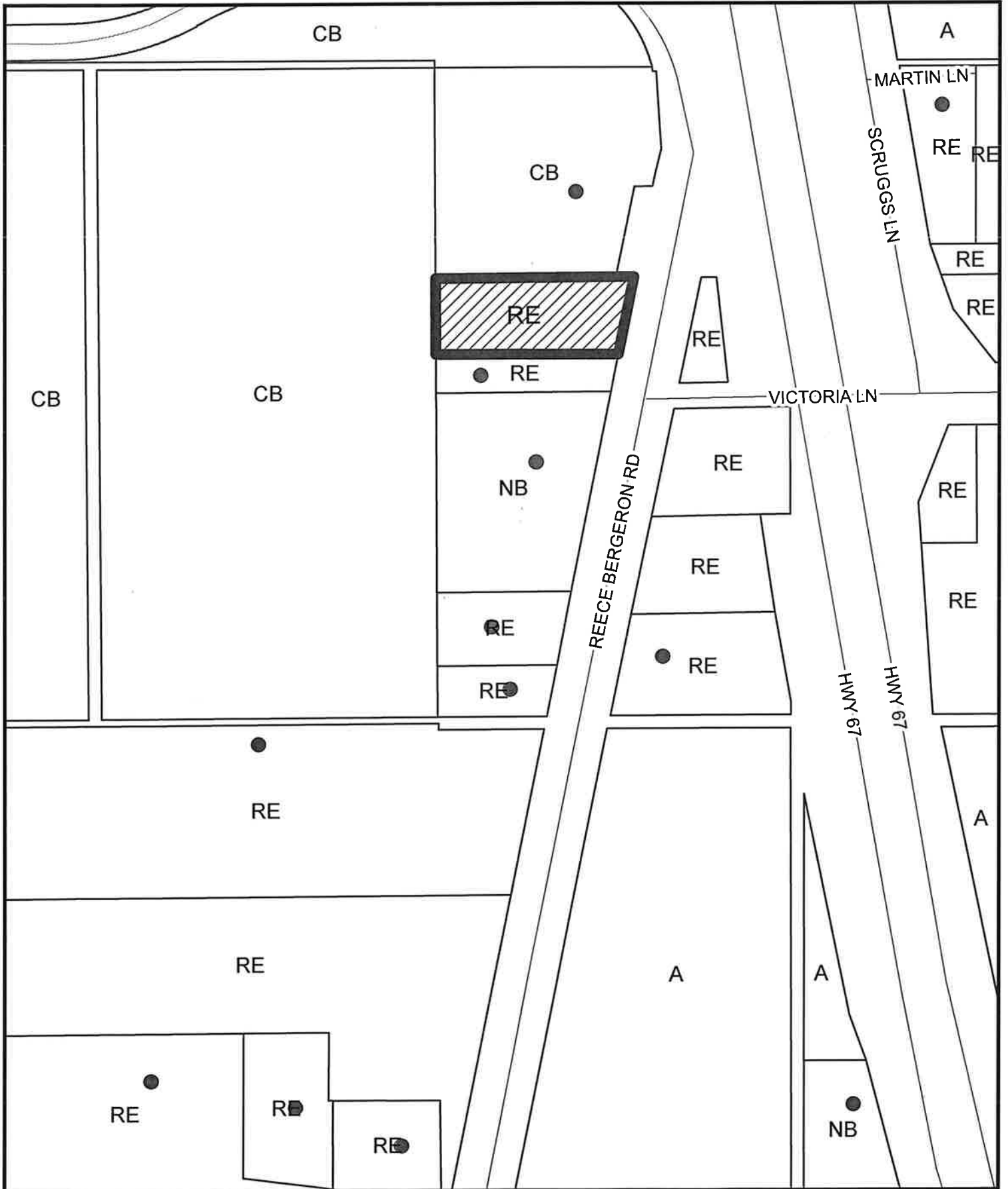
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Submitted to and approved by the Mayor, this the 29<sup>th</sup> day of May, 2024.

APPROVED:

  
MAYOR

Case No. 24-019-PC  
Hwy 15 Prop, LLC/Lloyd Hebert  
0 Reece Bergeron RD  
Zoning Map Amendment RE to CB



Scheduled for:  
April 18, 2024  
PC Meeting

Highway 15 Properties, LLC (owner)  
Lloyd Hebert (applicant)  
**Case No. 24-019-PC**  
**Zoning Map Amendment**



**Planning Commission**  
**Case Fact Sheet**

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**Case No.:** 24-019-PC  
**Name of Owner:** Highway 15 Properties, LLC (owner)  
**Applicant:** Lloyd Hebert (applicant)  
**Address of Property:** Unaddressed parcel fronting Reece Bergeron Road  
**Tax Parcels/Ward:** 1307O-01-016.000/Ward 6

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**Request:** **Zoning Map Amendment**

**Purpose of Request:** An application for a **Zoning Map Amendment**, to authorize a change in zoning district classification for a parcel of land measuring 1.4 acres (more or less), from its present zoning district classification of **RE Residential Estate** to **CB Community Business**, for an unaddressed parcel fronting to Reece Bergeron Road (re: Tax Parcel No. 1307O-01-016.000).

**Size of Property:** 1.4 acres (More or Less)

**Present Zoning:** **RE Residential Estate**

**Present Use:** Vacant land

**Most Nearly Bounded By (streets):** To the North of Ray Wise Road; to the South of Reece Bergeron Road; to the East of Paradise Lane; and to West of and fronting to Reece Bergeron Road.

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

**Positive Influences:** This rezoning, if approved, will allow the property to be consistent with the current zoning pattern and to be in

compliance with the Land Development Ordinance.

**Letters or  
Concerns stated:**

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

**Comments/  
Recommendations:**

Highway 15 Properties, LLC (owner) and Lloyd Hebert (applicant) have requested a **Zoning Map Amendment**, to authorize a change in zoning district classification for a parcel of land measuring 1.4 acres (more or less), from its present zoning district classification of **RE Residential Estate** to **CB Community Business**, for an unaddressed parcel fronting to Reece Bergeron Road (re: Tax Parcel No. 1307O-01-016.000).

The owner/applicant has stated when the property was originally purchased, it was a part of Harrison County's zoning District and at that time they were granted a rezoning to commercial. The property was then incorporated into the City of Biloxi's jurisdiction and changed to Residential Estate. The owner/applicant would like to request a reestablishment back to the commercial zoning for future development.

It should be explained that this request is for Zoning Map Amendment, and as such, discussion points should be focused upon the merits or demerits of this Zoning Change, as follows:

- 1) Consistency (or lack thereof) with the Comprehensive Plan;
- 2) Compatibility with the present zoning and conforming uses of nearby property and with 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 a **Zoning Map Amendment**, to authorize a change in zoning district classification for a parcel of land approximately 1.4 acres (more or less), from its present zoning district classification of **RE Residential Estate** to **CB Community Business**, having determined that this zoning change will authorize a consistent development pattern.
2. Recommend denial of this requested **Zoning Map Amendment**, having determined that insufficient evidence has been provided to warrant that a mistake in original zoning is of notice, or that a change of the character of the neighborhood coupled with an established Community need for this level of Zoning has been documented.





**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. 24-019-PC

To Be Completed by Owner/Applicant Date: 3/13/2024

Name of Rightful Owner(s): Highway 15 Properties, LLC Name of Applicant: (if different than Owner)  
Lloyd Hebert

Property Address: NHN Reece Bergeron Rd Ward Number

Tax Parcel Identification Number(s):  

<u>13070-01-016.000</u>			

Mailing Address of Property Owner: PO Box 1663 Mailing Address of Applicant (if different than Owner):

City: Ocean Springs City:

State: MS State:

Zip: 39566 Zip:

County: Jackson County:

Telephone: (228) 365-3160 Telephone: ( )

Property Size (please give in acres or by dimension): 1.4 Acres ± 385 x 150 ±

Present Zoning Classification: Residential Estates

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

Is this property a Historic Landmark? Yes  No

Flood Zone(s) of Property:	North	South	East	West
Property is most nearly bounded by what streets?			<u>Reece Bergeron Road</u>	

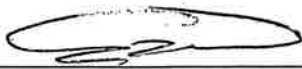
If property directly fronts or is adjacent one of the streets above, please indicate with a ✓.			✓	
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**REQUESTED ACTION BY THE PLANNING COMMISSION (A separate supplement form is required for each):** ✓

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

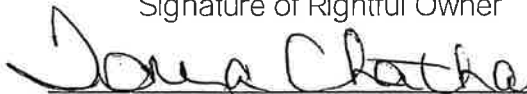
**GENERAL INFORMATION, READ BEFORE EXECUTING.** Attendance by the applicant(s) at the public hearing is mandatory; however, the applicant may designate a representative to attend the public hearing on his/her behalf, provided said representative has been properly designated to speak on the applicant's behalf either by written permission or oral designation by the applicant at the Public Hearing. If a continuance is to be granted, the applicant must request same in writing a minimum of seven (7) days in advance of the scheduled public hearing. The applicant acknowledges that, in signing this application, all conditions and requirements inherent in the application process have been fully explained and understood, including the timetable for processing of the application; the applicant has further received the following appropriate handouts: Application Processing Timetable; Instructions for Application Completion, Procedures for a Conditional Use or Community Unit Plan; and Variance Procedures. The completed application must be returned to the Planning Office not later than the first or third Thursday of any month in order that a public hearing may be held on the first or third Thursday of the following month. Receipt of fee(s) does not constitute receipt of a completed application.

The Planning Commission (PC) is a recommendation board. all cases will go to the Biloxi City Council for a final determination. If any case is denied by the Biloxi City Council, you will have ten (10) days to appeal their decision.



Signature of Rightful Owner

Signature of Rightful Owner



Notary Signature  
(Seal)

Notary Signature  
(Seal)



Signature of Rightful Owner

Signature of Applicant

Notary Signature  
(Seal)

Notary Signature  
(Seal)

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

**NOTES:**

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

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

	<i>Existing</i>	<i>New</i>
<i>I am requesting a zoning change from this zone to this zone:</i>	RE	Community Business

*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:	✓	
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	Yes	No
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1. Is the proposed map amendment consistent with the Comprehensive Plan?		✓
Please explain:		

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:	
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# 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:		✓	
4. Is the property suitable for uses permitted in the proposed zoning district? Please explain:		✓	
5. Has there been a change in the character of the neighborhood? Please explain: <i>a d Business with exception of 1 house since Hwy 67 Construction</i>		✓	.
6. Is there an established community need for uses permitted in the proposed zoning district? Please explain:		✓	
7. Was there a mistake in the original zoning of the property? Please explain:		.	✓
8. Are utilities and infrastructure sufficient to address the impacts associated with allowed uses in the proposed district? Please explain:		✓	
Site Plan attached: (please circle): Yes		Case No. □□-□□□□-□□□□	
No			



March 12, 2024

City of Biloxi  
Planning Division  
676 Dr. MLK Blvd  
Biloxi, MS 39530

To Whom It May Concern:

We are applying today to have the parcel identified as 13070-01-016.000 re-zoned from Residential Estates (RE) to Commercial Business (CB). This parcel comprises roughly 1.37 acres and is 160' +/- X 385' +/- and is at the cross roads of Reece-Bergeron Road and the western extension of Victoria Lane.

**HISTORY:**

When purchased this parcel was in the unincorporated area of Harrison County. At that time we petitioned and were granted a zoning change from E-1 to C-2, as identified by Harrison County at the time. The decision was unanimous by the Board of Supervisors based on the development of new Highway 67.

At some time before now, the property was incorporated into the City of Biloxi and unbeknownst to us the property zoning was changed to Residential Estate (RE).

We are now asking for the rezoning based on business development in the area and to reestablish the commercial zoning similar to the previous zoning that we had established when purchasing the property. The purpose of this zoning is for the future development of the property.

Thank you for your consideration and I ask that you please contact me with any questions or concerns that you may have. We eagerly await your contact.

Sincerely,

Clifton Lloyd Hebert  
Member  
Highway 15 Properties, LLC

**PO Box 1663, Ocean Springs, MS 39566**  
**Ph: 228.365.3160 Email: [lloyd@theheberts.org](mailto:lloyd@theheberts.org)**

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BILOXI PLANNING COMMISSION MEETING  
 APRIL 18th, 2024  
 COMMUNITY DEVELOPMENT,  
 DR. MARTIN LUTHER KING JR. MUNICIPAL BUILDING,  
 676 DR. MARTIN LUTHER KING JR. BOULEVARD,  
 BILOXI, MISSISSIPPI,  
 BEGINNING AT 2:00 P.M.

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PLANNING COMMISSION MEMBERS PRESENT:

David Washer, Chairman  
 Ronnie Bogard  
 Kyle Carron  
 Steve Delahousey  
 Charlie Dellenger  
 Dr. Larry Drawdy  
 Joe King  
 Gary Lechner  
 Debora Magee  
 August Parker  
 Jimmy Poulos  
 John Snow  
 David Stanovich  
 Michael Todaro

ALSO PRESENT:

Jerry Creel, Director of Community Development  
 Zach Harris, City Arborist  
 Mandy Hornsby, Historic Administrator  
 Angel Hutchins, Planner  
 Dr. Paul Tisdale, Councilman Ward 5

**REPORTED BY:**

Melissa Burdine-Rodolfich  
 Simpson Burdine & Miguez

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

CONTINUED PUBLIC HEARING(S):	PAGE:
(None)	--
<b>NEW PUBLIC HEARING(S):</b>	
<u>24-019-PC</u>	<u>5</u>
24-020-PC	13
24-021-PC (Tabled)	--
24-026-PC	21
<b>TREE HEARING(S):</b>	
(None)	--

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CHAIRMAN WASHER:

Let us call the Planning Commission meeting to order, please.

We'll record the members present. Mr. Lechner, Mr. Parker, Mr. Todaro, Ms. Magee, Mr. Stanovich, Mr. Bogard, Mr. Dellenger, Mr. Poulos, Dr. Drawdy, Mr. Carron, Mr. King, Mr. Snow, Mr. Delahousey; myself, David Washer; Jerry Creel, Director of Community Development; Angel Hutchins sitting in for Caryle today.

On the table in the front, Zach Harris sitting in for Jon. Behind him is Mandy Hornsby, Historical Administrator, and our court reporter today is Melissa Rodolfich. Also, in the audience, we have Dr. Paul Tisdale, Councilman for Ward 5. We welcome you all here with us.

Mr. Todaro, would you open the meeting -- let me get Mr. Delahousey to open the meeting with a moment of prayer, and then we'll get you to do the pledge.

(Moment of prayer and Pledge of Allegiance.)

CHAIRMAN WASHER:

We welcome everyone in the audience here with us today. If you would like to speak, we ask

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that you come to the podium when your case is called, give us your name and address for the record and also, please, sign at the pad provided.

Ask if all members of the Commission received a copy of the minutes from the last meeting, if there is any additions or corrections?

MR. DELAHOUSEY:

Move to approve.

MR. SNOW:

(Indicating second.)

CHAIRMAN WASHER:

Motion to approve by Mr. Delahousey; seconded by Mr. Snow.

All those in favor, say "aye."

(Unanimous vote.)

CHAIRMAN WASHER:

Any opposed?

(None opposed.)

CHAIRMAN WASHER:

Thank you.

Committee reports.

MR. CREEL:

Yes, sir. Mr. Chairman and members of the Commission, over the past four weeks, the department has issued 266 building permits, with a

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1 total construction valuation of \$6.4 million. We  
2 have collected \$39,000 in permit fees, issued  
3 licenses for 25 new businesses. We also had 14  
4 renewals. We also issued 53 peddler's licenses  
5 for different events that we were having, and 24  
6 certificates of occupancy. Of the permits issued,  
7 there were 27 permits for new single-family  
8 houses.  
9 CHAIRMAN WASHER:  
10 Thank you.  
11 For anyone in the audience, if you're  
12 here in regard to Case 24-021-PC, TSG Real Estate,  
13 Schwartz, Orgler, Jordan, and Williams, this is  
14 regarding the property on the far end of Pass  
15 Road, and also on the Board of Zoning Adjustments,  
16 Case Number 24-023 regarding the same property,  
17 that missed the advertising dates and that will be  
18 coming up on the next meeting which will be on  
19 May 2nd.  
20 That being said, no continued public  
21 hearings.  
22 New public hearing today, Case  
23 24-019-PC, Highway 15 Properties LLC, owner, and  
24 Lloyd Hebert, applicant. This is an application  
25 for a zoning map amendment to authorize a change

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1 with annexation, our zoning had been changed from  
2 commercial -- we had a commercial zoning back  
3 then -- to residential. So we're here today to  
4 ask for it to go back to the Commercial  
5 Business -- CB, Community Business.  
6 CHAIRMAN WASHER:  
7 It looks like, based on the current map  
8 we've got, your neighbor immediately to the north  
9 is CB and your neighbor behind you with a large  
10 tract of land in there is CB, so it's not like  
11 you're breaking new ice on this one.  
12 MR. HEBERT:  
13 Yes, sir. In fact, when we were in the  
14 incorporated part of the county, we were the first  
15 one to move to commercial. Highway 67 had just  
16 come through. We were still on Old Highway 15  
17 back then. One of the partners in Highway 15 has  
18 since passed away. His name was Gerald Bergeron,  
19 thus Reece Bergeron Road. So the plan, the whole  
20 time since we have owned the property, was to do  
21 something commercial there, never residential.  
22 CHAIRMAN WASHER:  
23 Any questions from the members of the  
24 Commission?  
25 MR. DELAHOUSEY:

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1 in zoning district classification for a parcel of  
2 land measuring 1.4 acres, more or less, from its  
3 present zoning district classification of RE,  
4 Residential Estate to CB, Community Business for  
5 an unaddressed parcel fronting Reece Bergeron  
6 Road, being Municipal Tax Parcel Number  
7 1307O-01-016.00.  
8 Video on that, Zach?  
9 MR. HARRIS:  
10 Yep.  
11 CHAIRMAN WASHER:  
12 That's it.  
13 Is the applicant or their representative  
14 here, please?  
15 MR. HEBERT:  
16 Yes, sir. Lloyd Hebert. Thanks for  
17 having me.  
18 So I wrote up some background on this  
19 property. We purchased this property a long time  
20 ago. In fact, Mr. Bobby Eleuterius was on the  
21 Board of Supervisors. That's how long ago it's  
22 been. Back then, we actually went through this  
23 process with the county. It was in the  
24 incorporated part of Harrison County at that time.  
25 Recently, we discovered that, I guess,

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1 Do you have any plans for establishing a  
2 commercial business there?  
3 MR. HEBERT:  
4 No, sir. We plan on selling it.  
5 CHAIRMAN WASHER:  
6 Any other questions?  
7 Anything else you wanted to add,  
8 Mr. Hebert?  
9 MR. HEBERT:  
10 That's it.  
11 CHAIRMAN WASHER:  
12 All right. Thank you.  
13 MR. HEBERT:  
14 Thank y'all for having me.  
15 You need me to sign in here, right?  
16 CHAIRMAN WASHER:  
17 Please, sir.  
18 Ask if there's anyone in the audience  
19 that wants to speak in favor of the applicant's  
20 request. No one speaking in favor.  
21 Anyone speaking in opposition? No one  
22 speaking in opposition.  
23 We will consider that hearing closed.  
24 Mr. Creel.  
25 MR. CREEL:

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1 This is a request to change the zoning  
2 on a vacant piece of property on Reece Bergeron  
3 Road. As has already been mentioned, the property  
4 to the north, which is the rehab center, is  
5 already zoned CB. The property to the west is  
6 already zoned CB. It is zoned RE right now.  
7 If you will remember, just recently, two  
8 lots down from this piece of property, there was a  
9 zoning change request to change the zoning to NB.  
10 That was the building that looked like the church,  
11 and that building is a part of the rehab center  
12 over on the side.  
13 So the Planning Commission has a couple  
14 of options here. You can look at this as a  
15 continuation of the zoning that already exists and  
16 change it to CB or you can consider reducing the  
17 request down to NB. There is a house on the small  
18 sliver of property between this property in  
19 question and the NB that's still used for  
20 residential purposes. So the City has no  
21 objection to the request since it's a  
22 continuation.  
23 I want to remind the Planning Commission  
24 that the piece of property where the rehab center  
25 is, if you'll recall, that was turned down when

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1 MR. CREEL:  
2 But her property is not included in this  
3 zoning change?  
4 MR. HEBERT:  
5 It is not included in the zoning change,  
6 correct.  
7 MR. CREEL:  
8 Okay.  
9 MR. DELAHOUSEY:  
10 But to the best of your knowledge, they  
11 have no objection for the rezoning?  
12 MR. HEBERT:  
13 No, sir. I'm here on behalf of her.  
14 She is a third partner in Highway 15 Properties.  
15 Yes, sir.  
16 CHAIRMAN WASHER:  
17 Thank you, Mr. Hebert.  
18 All right. If that's all you've got,  
19 anyone want to offer a motion?  
20 MR. DELAHOUSEY:  
21 Move we approve the request.  
22 MR. PARKER:  
23 Second.  
24 CHAIRMAN WASHER:  
25 Motion by Mr. Delahousey recommending

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1 they came in to ask for CB. And after the City  
2 Council had voted to turn it down, it got appealed  
3 to court and the Court overturned the Council's  
4 decision and actually granted them the CB zoning.  
5 MR. TODARO:  
6 So it was CB before, as you mentioned,  
7 when it was just county controlled? At one time  
8 was it CB?  
9 MR. CREEL:  
10 I can't confirm that. Anything I told  
11 you, I wouldn't be genuine with it.  
12 MR. TODARO:  
13 Okay.  
14 MR. CREEL:  
15 We believe that being this close to  
16 Highway 67 and being able to see the property from  
17 there, clearly, it's a commercial piece of  
18 property.  
19 MR. HEBERT:  
20 And Mr. Creel, I'm sorry, if I -- so the  
21 house that you mentioned, that was Gerald  
22 Bergeron's house. His heir, Chris, is a partner  
23 in Highway 15 Properties, just so everyone knows  
24 kind of future -- her intent is to sell her  
25 property as well.

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1 approval; seconded by Mr. Parker.  
2 We'll ask that all those in favor of  
3 approval, raise your hand, please.  
4 Mr. Lechner, Mr. Parker, Mr. Todaro,  
5 Ms. Magee, Mr. Stanovich, Mr. Bogard,  
6 Mr. Dellenger, Mr. Poulos, Dr. Drawdy, Mr. Carron,  
7 Mr. King, Mr. Snow, Mr. Delahousey; myself, David  
8 Washer. We'll let the record show that's  
9 unanimous.  
10 DR. DRAWDY:  
11 We've already voted, but asking Jerry,  
12 am I correct that if it is approved by the City  
13 Council and everything with CB there, then they  
14 can put anything that is allowed within CB?  
15 MR. CREEL:  
16 That's correct.  
17 DR. DRAWDY:  
18 Wide open, then?  
19 CHAIRMAN WASHER:  
20 It won't be wide open.  
21 MR. CREEL:  
22 If it's allowed in CB, it will be  
23 allowed.  
24 DR. DRAWDY:  
25 A lot more things are allowed in CB than



13

1 NB, right?  
2 MR. CREEL:  
3 That's correct, yes, sir.  
4 CHAIRMAN WASHER:  
5 All right. Our next case today is  
6 24-020-PC, Virginia Viator and Sheri Clement,  
7 owners, and Korrean Nobles, applicant. It's an  
8 application requesting a conditional use approval  
9 for two distance variances to authorize the  
10 establishment of a bar/lounge within an existing  
11 structure for a property located within an NB,  
12 neighbor business, located 70 feet from an adult  
13 bookstore, 1,260 feet from an adult theatre  
14 instead of the 1,500 feet required by the  
15 ordinance, identified as 1621 Pass Road, Units A  
16 and B, being Municipal Tax Parcel Number  
17 1210H-02-001.00.  
18 MR. HARRIS:  
19 (Video played.)  
20 MR. DELAHOUSEY:  
21 Is that the parcel right there?  
22 MR. CREEL:  
23 Yes, it is.  
24 CHAIRMAN WASHER:  
25 All right. Is the applicant or their

15

1 anything classified as live entertainment. I know  
2 you've got karaoke.  
3 MS. NOBLES:  
4 Yes, sir, that's correct. Karaoke, open  
5 mic poetry nights. I will have music, but not  
6 live music, if that makes sense.  
7 CHAIRMAN WASHER:  
8 But no --  
9 MS. NOBLES:  
10 Bands.  
11 CHAIRMAN WASHER:  
12 -- adult entertainment?  
13 MS. NOBLES:  
14 No, sir.  
15 CHAIRMAN WASHER:  
16 Do we have any questions from the  
17 members of the Commission?  
18 MR. STANOVICH:  
19 What kind of hours will you have?  
20 MS. NOBLES:  
21 So the hours will be more like in the  
22 evening time. Opening 7:00 p.m. to 12:00 a.m. on  
23 Wednesday, Thursdays. Fridays and Saturdays are  
24 7:00 a.m. to 1:00 a.m., and on Sundays, it's more  
25 like a brunch day, so that will be 12:00 p.m. to

14

1 representative here, please?  
2 MS. NOBLES:  
3 Good afternoon. My name is Korrean  
4 Nobles, and I'm here on behalf of this property  
5 located at 1621 Pass Road.  
6 CHAIRMAN WASHER:  
7 Get you to speak a little bit louder,  
8 please.  
9 MS. NOBLES:  
10 Yes, sir. You want me to repeat?  
11 CHAIRMAN WASHER:  
12 Please.  
13 MS. NOBLES:  
14 My name is Korrean Nobles, and I'm here  
15 on behalf of the property, 1621 Pass Road.  
16 CHAIRMAN WASHER:  
17 And you are needing the distance  
18 variances to open the requested bar/lounge that  
19 you have?  
20 MS. NOBLES:  
21 Yes, sir, that's correct.  
22 CHAIRMAN WASHER:  
23 I noticed on the sheet you mentioned  
24 what you will be using the property as. None of  
25 that will be live entertainment as such, including

16

1 7:00 a.m.  
2 MR. STANOVICH:  
3 Who is going to manage it?  
4 MS. NOBLES:  
5 Me, sir.  
6 MR. STANOVICH:  
7 Are you full time in the Army?  
8 MS. NOBLES:  
9 I am, sir.  
10 MR. STANOVICH:  
11 Where are you stationed?  
12 MS. NOBLES:  
13 CRTC, right behind the airport in  
14 Gulfport.  
15 MR. STANOVICH:  
16 Okay.  
17 MR. CARRON:  
18 And we have to discuss the distance  
19 variances prior -- along with this?  
20 MR. CREEL:  
21 Yes.  
22 CHAIRMAN WASHER:  
23 Any other questions?  
24 MR. TODARO:  
25 Have you spoken with your neighbors in