Ordinance No. 2556

ORDINANCE TO APPROVE A ZONING MAP AMENDMENT, TO AUTHORIZE A CHANGE IN ZONING DISTRICT CLASSIFICATION FOR A PARCEL OF LAND FROM ITS PRESENT ZONING DISTRICT CLASSIFICATION OF RS-5 HIGH-DENSITY SINGLE-FAMILY RESIDENTIAL TO RM-20 MEDIUM–DENSITY MULTI–FAMILY RESIDENTIAL, IDENTIFIED AS 12105 CEDAR LAKE ROAD

WHEREAS, on Thursday, June 6, 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. 24-030-PC, Tchouta 1, LLC (owner) and Eddy Cochran (applicant), 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 Tchouta 1, LLC (owner) and Eddy Cochran (applicant), had submitted this application for Zoning Map Amendment, to authorize a change in zoning district classification for a parcel of land measuring approximately twenty-nine hundredths (.29) of an acre (more or less) in size, from its present zoning district classification of RS-5 High-Density Single-Family Residential to RM-20 Medium–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 a parcel of land measuring .29 acres (more or less) in size, from its present zoning district classification of RS-5 High-Density Single-Family Residential to RM-20 Medium–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 approval of the Zoning Map Amendment, is appropriate for the property as related in Case No. 24-030-PC, Tchouta 1, LLC (owner) and Eddy Cochran (applicant), 12105 Cedar Lake 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, 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 RS-5 High-Density Single-Family Residential to RM-20 Medium–Density Multi–Family Residential, for a parcel of land identified as 12105 Cedar Lake Road (re: Tax Parcel No. 1208H-01-003.001), more fully described as follows:

A parcel of land situated and being located in the SW 1/4 of the SE 1/4 of Section 1, Township 7 South, Kange 10 West, Second Judicial District of Harrison County, Mississippi and being more particularly described as follows: Commence at the Northeast corner of the SW 1/4 of the SE 1/4 of said Section I; thence N 89 degrees 55 Minutes W 205.25 feet along the North line of said SW 1/4 of the SE 1/4; thence S 00 degrees 17 minutes 30 seconds E 129.8 feet parallel with the East line of said SW 1/4 of the SE 1/4 to the Point of Beginning, said point being on the West Right-of-Way of Cedar Lake Road and being located N 84 degrees 35 minutes 51 seconds W 35.0 feet along a radial line from the centerline station 8+85.28; thence Southerly 198.20 feet, More or less, along the West Right-of-Way of said Cedar Lake Road to a point on the North Shoreline of the Tchoutacabouffa River; thence S 67 degrees 45 minutes W 67.35 feet, more or less, along said North shoreline to a point; thence N 17 degrees 13 minutes W 73.0 feet, more or less, to a point; thence N 01 degrees 18 minutes E 60.08 feet to a point; thence N 41 degrees,

Further described as land most nearly bounded by the following streets: to the North of Tchoutacabouffa River; South of Old Highway 67; West of and adjacent to Cedar Lake Road; and to the East of Howard Creek/I-10.

SECTION TWO: Upon unanimous vote of the members of the City Council, this ordinance shall be in full force and effect from and after passage, because it serves the public peace, health

and safety of the citizens of Biloxi, and good cause exists for same. If not a unanimous vote this Ordinance shall become effective as soon thereafter as is signed, certified, and as is otherwise provided by law.

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

YEAS:	Gines	Glavan	NAYS:	Lawrence
	Newman	Shoemaker		Tisdale

The President then declared the Ordinance adopted this the 16th day of July, 2024.

STATE OF MISSISSIPPI CITY OF BILOXI HARRISON COUNTY

ATTEST: APPROVED:

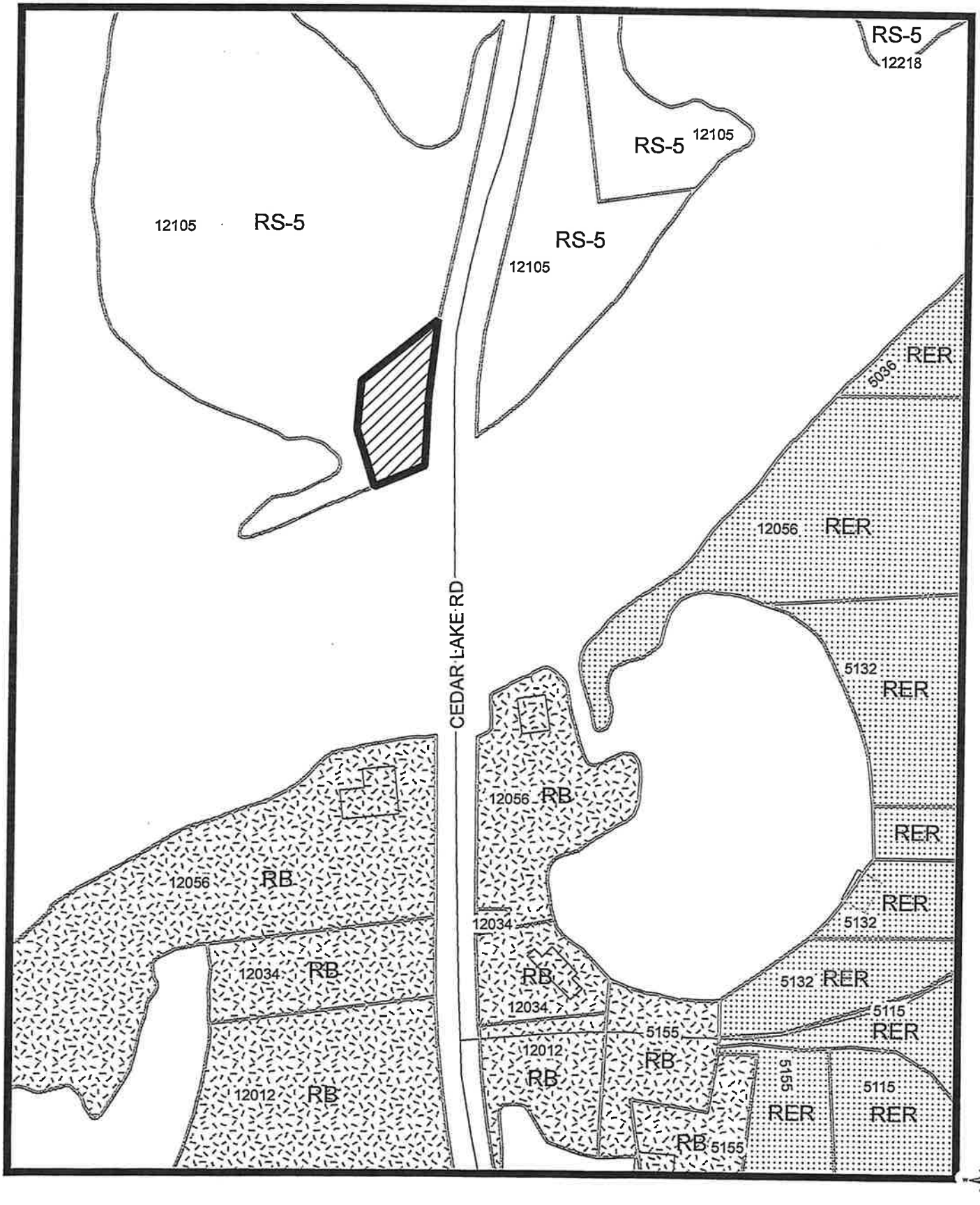
CLERK OF THE COUNCIL PRESIDENT OF THE COUNCIL

Submitted to and approved by the Mayor, this the 17th day of July, 2024.

APPROVED:

MAYOR

Case No. 24-030-PC
Tchouta 1, LLC (owner) Eddy Cochran (applicant)
12105 Cedar Lake Rd
Map Amendment - RS-5 to RM-20



Scheduled for:
June 6, 2024
PC Meeting

Tchouta 1, LLC (owner)
Eddy Cochran (applicant)
Case No. 24-030-PC
Zoning Map Amendment

Planning Commission
Case Fact Sheet

Case No.:	24-030-PC
Name of Owner:	Tchouta 1, LLC (owner)
Applicant:	Eddy Cochran (applicant)
Address of Property:	12105 Cedar Lake Road
Tax Parcels/Ward:	1208H-01-003.001/Ward 7
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 approximately twenty-nine hundredths (.29) of an acre (more or less) in size, from its present zoning district classification of **RS-5 High-Density Single-Family Residential** to **RM-20 Medium–Density Multi–Family Residential**, identified as 12105 Cedar Lake Road (re: Tax Parcel No. 1208H-01-003.001).
Size of Property:	.29 acres (More or Less)
Present Zoning:	**RS-5 High-Density Single Family Residential**
Present Use:	Single Family Residence
Most Nearly Bounded By (streets):	To the North of Tchoutacabouffa River; South of Old Highway 67; West of and adjacent to Cedar Lake Road; and to the East of Howard Creek/I-10.
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 property will be considered transitional zoning, if

approved. The property adjacent is zoned RB and just north is RS-5, making the proposed RM-20 a good fit.

Letters or Concerns stated:

The Planning Division Office has received one letter of written communication relative to this case, as of May 30, 2024.

Comments/ Recommendations:

Tchouta 1, LLC (owner) and Eddy Cochran (applicant) have requested a **Zoning Map Amendment**, to authorize a change in zoning district classification for a parcel of land measuring approximately twenty-nine hundredths (.29) of an acre (more or less) in size, from its present zoning district classification of **RS-5 High-Density Single-Family Residential** to **RM-20 Medium–Density Multi–Family Residential**, identified as 12105 Cedar Lake Road (re: Tax Parcel No. 1208H-01-003.001).

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 .29 acres (more or less), from its present zoning district classification of **RS-5 High-Density Single-Family Residential** to **RM-20 Medium–Density Multi–Family Residential**, 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, Blvd., Biloxi, MS 39530

Office Location: 676 Dr. MLK Blvd.,

Building (228) 435-6270 Planning (228) 435-6266 Fax (228) 435-6188

Case No. 24-030-PC

To Be Completed by Owner/Applicant	Date: April 17, 2024
Name of Rightful Owner(s): Tchouta 1, LLC	Name of Applicant: (if different than Owner) Eddy Cochran (a.k.a. Shane Cochran)
Property Address: 12105 Cedar Lake Road, Biloxi, Mississippi 39532	Ward Number 7
Tax Parcel Identification Number(s): 1208H-01-0003.001	
Mailing Address of Property Owner: 11072 Sweetgum Street	Mailing Address of Applicant (if different than Owner): 304 Hiller Drive
City: Gulfport	City: Biloxi
State: Mississippi	State: Mississippi
Zip: 39503	Zip: 39531
County Harrison	County Harrison
Telephone: (228) 229-7963	Telephone: (228) 669-1057
Property Size (please give in acres or by dimension): (124.9' x 107.4') (185' x 133')	
Present Zoning Classification: RS5	
Is the property located within an AHRC District? Yes __ No ✓ If so, which District?	Flood Zone(s) of Property: AE-16

	North	South	East	West
Property is most nearly bounded by what streets?	Old Hwy 67	Road 538	N/A	Cedar Lake Road
If property directly fronts or is adjacent one of the streets above please indicate with a ✓.				✓

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

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

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

Signature of Rightful Owner

Signature of Rightful Owner

Notary Signature (Seal)

Notary Signature (Seal)

Signature of Rightful Owner

Signature of Applicant

Notary Signature (Seal)

Notary Signature (Seal)

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

NOTES:

Carlee Dymond, Esq. Schwartz, Ogden & Jordan, PLLC
12206 Highway 49, Gulfport, Mississippi 39503
carlee@sojlaw.net
(228) 832-8550

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

PLANNING COMMISSION SUPPLEMENT

Map Amendment

(Master Plan update)

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

TO BE COMPLETED BY APPLICANT	DATE: April 17, 2024
Shaded Areas for Staff Only	

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

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

	Existing	New
I am requesting a zoning change from this *zone* to this *zone*:	RSS	RM20

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

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

Criteria:	Yes	No
1. Is the proposed map amendment consistent with the Comprehensive Plan?	✓	
Please explain: Please see Attached supplement for all explanations.		
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:		

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:		
6. Is there an established community need for uses permitted in the proposed zoning district?	✓	
Please explain:		
7. Was there a mistake in the original zoning of the property?		✓
Please explain:		
8. Are utilities and infrastructure sufficient to address the impacts associated with allowed uses in the proposed district?	✓	
Please explain:		

Site Plan attached: (please circle): Yes No	Case No. ☐☐-☐☐☐-☐☐☐

Application
Supplemental Application

Tchouta 1, LLC, a Mississippi limited liability company (hereinafter "Owner"), together with Schwartz, Orgler, Jordan, & Williams, PLLC, as the applicant, hereby request that the real property commonly described as Harrison County Ad Valorem Tax Parcel No. 1208H-01-003.001 (12105 Cedar Lake Road, Biloxi, Mississippi 39532) (hereinafter "subject property"), be re-zoned from its current classification of RS5 to RM-20, with a conditional use approval to allow for a short term rental. Short-term rentals are not allowed under the properties' current RS5 zoning. However, the proposed amendment would be consistent with all city-adopted plans and codes that are applicable.

If approved, all current improvements on the subject property will be utilized as is described on the site plan attached hereto. The owner and applicant includes with this application several documents for your review and consideration. The documents are cumulatively attached as Exhibit "A" to this supplement, and include: the current deed, Harrison County Tax Map Info Sheet, the site plan, floor plan and maps.

There exists public need and a change in the character of the community to support the rezoning. The City of Biloxi's population has increased from an estimated 44,054 in 2010 to 49,118 in 2022.[1] During that 12 year period, the City of Biloxi had a 11.54% increase in population. Further, the population of Harrison County at large is also increasing. According to usafacts.org, "the population of Harrison County, Mississippi in 2021 was 209,396, 11.5% up from the 187,868 who lived there in 2010. For comparison, the US population grew 7.3% and Mississippi's population shrank 0.7% during that period."[2] Furthermore, the post-pandemic trends suggest that communities like Biloxi, Mississippi could be the beneficiary of a migration away from more expensive, metropolitan areas. "On the whole it is clear that people are moving from more expensive places to less expensive places, which was true before the shock of COVID, but accelerated post-pandemic and became a clearer broad trend."[3] "Different sets of factors appear to explain growth in areas that saw faster population growth. One theory is that vacation towns have seen significant growth in demand, as remote work allows year-round living in places with desirable amenities but fewer skilled job opportunities." Id. The increase in overall population leads to increase demand and need for RM-20 zoned properties.

Additionally, the area immediately across the river (approximately 300 feet) is being currently developed as the Camp David RV River Resort. Across the street from the RV Resort is Your Mama'z House restaurant and bar. Immediately to the south of the RV resort is Cedar Lake Church and Cedar Lake Christian Academy. This neighborhood is now zoned RB, and the

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[1]https://www.census.gov/quickfacts/fact/table/biloxicitymississippi/PST045222

[2]https://usafacts.org/data/topics/people-society/population-and-demographics/our-changing-population/state/mississippi/county/harrison-county/

[3]https://eig.org/how-remote-work-is-shifting-population-growth-across-the-u-s/

commercial development in this area has resulted in a change in the character of the neighborhood. The change in the character of the neighborhood and the increase in the RB zoned development, leads to an increased need for RM-20 zoned properties in this neighborhood.

Rezoning the subject property to a RM-20 zone would be compatible with existing and proposed uses surrounding the subject land, and is the appropriate zoning district for the land. The subject property is on the Tchoutacabouffa River and is on the West side of cedar lake immediately to the north of the Cedar Lake Road bridge. The property is directly across from the RB district which includes Your Mama'z House and the Camp David RV resort. As you will see from an aerial overview, the subject property is on the peninsula of what is, in essence, an island. Due to the low nature of the subject area, there is very little development. RM-20 is an appropriate zone for the subject property, as RM-20 zones are intended to "accommodate principally multifamily dwellings at moderate urban densities, **as well as a variety of other dwelling types**..., plus limited nonresidential uses that complement and serve urban residential neighborhoods. **RM-20 zoning is appropriate for established medium density multifamily developments and areas near and conveniently accessible to regional business areas**..." (Citing City of Biloxi, Mississippi Development Ordinance Chapter 23). The area directly across the river is zoned RB, and therefore, the subject property is a good fit for the RM-20 zoning classification. The proposed zone is consistent with the City of Biloxi Comprehensive Plan as the subject property is approximately .5 miles from an area identified as a Regional Activity Center on the City's comprehensive plan. The property is currently zoned RS-5. This is not an economically viable zone for this area. With the cost of building structures to code in low lying areas and the rising cost of insurance, development for primary residence occupation in areas such as this is mathematically difficult to justify, which is why this property, and similar properties, have remained undeveloped for some time.

Rezoning in the instant case would not: (1) encourage premature development, (2) result in strip or ribbon commercial development, (3) result in the creation of an isolated zoning district unrelated to adjacent and surrounding lands, (4) result in significant adverse impacts on the property values of surrounding lands, and/or (5) result in adverse impacts on the natural environment in any way. Additionally, rezoning the subject property will not result in any meaningful additional traffic to the surrounding roadways, but it would increase economic value from a tourism perspective to the surrounding businesses.

The Biloxi community was significantly impacted by Hurricane Katrina. Due to longstanding insurance issues (and more recently, rate hikes), among other factors, the area was slow to develop following Hurricane Katrina. In more recent years, there has been a major increase in the commercial development in areas surrounding the subject property. While the property could be used for primary residential purposes (while mathematically impractical), its highest and best use is the proposed RM-20 zoning. This area acts as a major corridor through Cedar Lake Road and is less suitable for primary residence residential development than a RM-20 zoned space. The proposed conditional use as a short term rental is necessary to promote public interest as is described above. The operation of the same will be in a manner that will protect public health safety, and welfare. The proposed use will not cause injury to the other properties in the neighborhood. The proposed use will conform to all district regulations of the applicable zoning district.

Letter in Support of Re-Zoning Application
Tchouta 1, LLC

We, the undersigned, are the current owners of the real property in Harrison County, Mississippi commonly described as Tax Parcel Numbers 1208A-03-010.000 (12269 Cedar Lake Road, Biloxi, Mississippi 39532) and 1208H-01-002.002 (12251 Cedar Lake Road, Biloxi, MS 39532). Please allow this letter to serve as a formal notification of our support in the potential re-zoning of the property owned by Tchouta 1, LLC.

We have been made aware that Tchouta 1, LLC, a Mississippi limited liability company (hereinafter "Owner"), together with Schwartz, Orgler, Jordan, & Williams, PLLC, as the applicant, are requesting that the real property commonly described as Harrison County Ad Valorem Tax Parcel No. 1208H-01-003.001 (12105 Cedar Lake Road, Biloxi, Mississippi 39532) (hereinafter "subject property"), be re-zoned from its current classification of RS5 to RM-20, with a conditional use approval to allow for a short term rental. Further, we believe the proposed amendment would be consistent with all city-adopted plans and codes that are applicable.

The subject property, as well as our properties, nears the Camp David RV River Resort and Your Mama'z House restaurant and bar. Because of our unique location within the City of Biloxi, we fully support Tchouta's request to the City of Biloxi in rezoning the property.

If you have any questions regarding our support, please do not hesitate to contact me.

JASON E. WALKER

CATRINA WALKER

JEFFREY D. POWELL

RECEIVED
APR 25 2024
BY: C. Lena

BILOXI PLANNING COMMISSION MEETING
JUNE 6th, 2024
COMMUNITY DEVELOPMENT,
DR. MARTIN LUTHER KING JR. MUNICIPAL BUILDING,
676 DR. MARTIN LUTHER KING JR. BOULEVARD,
BILOXI, MISSISSIPPI,
BEGINNING AT 2:00 P.M.

PLANNING COMMISSION MEMBERS PRESENT:

David Washer, Chairman
Ronnie Bogard
Kyle Carron
Charlie Dellenger
Dr. Larry Drawdy
Gary Lechner
Debora Magee
August Parker
Jimmy Poulos
Shante Shaw
John Snow
Michael Todaro

ALSO PRESENT:

Jerry Creel, Director of Community Development
Felicia Serpas, Senior Planner
Caryle Lena, Planner
Zach Harris, City Arborist
Jon Lambert, Code Inspector
Dr. Paul Tisdale, Councilman Ward 5

REPORTED BY:

Melissa Burdine-Rodolfich
Simpson Burdine & Migues

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

	PAGE:
CONTINUED PUBLIC HEARING(S):	
(None)	--
NEW PUBLIC HEARING(S):	
24-030-PC	5
24-031-PC	6
24-033-PC	23
TREE HEARING(S):	
(None)	--

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. Shaw, Mr. Bogard, Mr. Dellenger, Mr. Poulos, Dr. Drawdy, Mr. Carron, Mr. Snow; myself, David Washer; Jerry Creel, Director of Community Development; Felicia Serpas, Senior Planner; Zach Harris, Arborist; Caryle Lena, Planner.
On the front table there is Jon Lambert, Inspector, and Melissa Burdine, court reporter.
In the audience, we have Dr. Paul Tisdale with us, Councilman Ward 5.
Mr. Parker, can you open us with a brief prayer, please, sir?
(Moment of prayer.)
CHAIRMAN WASHER:
Mr. Bogard, the pledge, please, sir.
(Pledge of Allegiance.)
CHAIRMAN WASHER:
We welcome everyone here with us today. We would ask that anyone that desires to speak, please come to the podium when your case is called, sign in at the pad provided and give us

your name and address for the record.
We'll also note that Ms. Magee is currently in attendance.
We'll ask if everyone received a copy of the minutes of the last meeting and if there's any additions or corrections? If not, we'll entertain a motion.
MR. SNOW:
Motion.
MR. BOGARD:
Second.
CHAIRMAN WASHER:
Motion by Mr. Snow; seconded by Mr. Bogard.
All those in favor, say "aye."
(Unanimous vote.)
CHAIRMAN WASHER:
Any opposed?
(None opposed.)
CHAIRMAN WASHER:
Thank you.
Mr. Creel, committee reports.
MR. CREEL:
Yes, sir. Mr. Chairman and members of the Commission, over the past four weeks, since

our last meeting, the department has issued 263 building permits with a construction valuation of $6.9 million. We've collected $41,000 in permit fees, issued licenses for 15 new businesses. We have also issued certificates of occupancy for 27 structures. Five of those were for short-term rental. Out of the permits issued, one was issued for the restaurant, Catch 110, which is going in the old Sal and Mookie's location, and also 28 new single-family houses.

CHAIRMAN WASHER:

We have no continued public hearings.

New public hearing today, Case Number 24-030-PC, Tchouta 1, LLC, owners, Eddy Cochran, applicant. This is a request for a zoning amendment to authorize a change in zoning district classification for a parcel of land measuring approximately 29 hundredths of an acre, more or less, in size from its present zoning district classification of RS-5, high-density, single family residential, to RM-20, medium-density multi-family residential, identified as 12105 Cedar Lake Road, being Municipal Tax Parcel Number 1208H-01-003.001. This case was advertised on May 15th, May 22nd and May 29th.

In conjunction with this case, we're also going to hear Case Number 24-031-PC. We'll hear them together. We'll vote on that separately.

Tchouta 1, LLC, owner; Eddy Cochran, applicant. It's a request for conditional use approval to authorize an existing single-family residence situated upon a parcel of land approximately 29 hundredths of an acre, more or less, in size to be utilized as a short-term rental for property located within a proposed RM-20, medium-density, multi-family residential zone, and identified as 12105 Cedar Lake Road, being Municipal Tax Parcel Number 1208H-01-003.001. This case was advertised on May 22nd and May 29th.

Will the applicant or their representative come forward, please?

MS. DYMOND:

Hey, my name is Carlee Dymond, and I'm here on behalf of Tchouta 1, LLC, which is a limited liability company owned by Eddy and Margaret. They're mother and son duo, and they're going to come up and introduce themselves when I'm finished. But I work for Schwartz Orgler and

Jordan in Gulfport --

CHAIRMAN WASHER:

Before you start, let me go ahead and show the video on that, please.

MS. DYMOND:

Okay. I'll sign -- y'all told me to sign in, right?

MR. CREEL:

Yes, please sign in.

MR. LAMBERT:

(Video played.) There you go.

CHAIRMAN WASHER:

Ms. Dymond.

MS. DYMOND:

Okay. Ready? Can y'all hear me?

CHAIRMAN WASHER:

Uh-huh.

MS. DYMOND:

Okay. So you know the address. You already said it. It's 12105 Cedar Lake Road in Biloxi, Mississippi 39532, and it's currently zoned RS-5. And we are requesting it be changed to RM-20 with a conditional use approval for a short-term rental application, you know, which we believe all the current improvements like you saw

in the video are, you know, of code and he's gone through all of that already. And I think you have an attached site plan, a floor plan for that and he is going to come up here and answer any questions he's related to the actual improvements on the property.

But I want to talk about two things mainly, but, one, the public need for the zoning amendment and then the change in character in that community to support the rezoning. First of all, the City of Biloxi, just in 12 years, has had an increase in population of 11.54 percent, and then in Harrison County, you know, there has also been an increase in the population, but I'm not going to read all the statistics to you. Everybody knows that part. That happened before COVID and after COVID.

We do, in my office, mainly real estate closings, and the amount of people moving here just from Louisiana alone is wild to me. They do the math on the difference in insurance, and that's enough to justify moving states for them. So the increase in demand and a need for a change, this -- in this property specifically to RM-20 would be appropriate.

This is kind of a unique spot, you know. We know that Biloxi has a lot of amenities to offer, and we don't want anybody taking away from that, but this spot in Cedar Lake right by the bridge -- and it's across from Your Mama'z House, the bar and restaurant, and it's right next to a $3 million commercial property, the Camp David RV Resort. It's right across the river from that. And then south of that is the Cedar Lake Church and the Christian Academy. All that of is RB, and so it's surrounded by a lot of commercial development and that would result in that change of character that I referred to. And so I think everybody could agree on that part, you know.

We think the RM-20 would be compatible with everything existing. There are -- pretty far north there is neighbors, and those addresses I'm going to read to you later. And I have got a signed letter that -- if y'all need a copy of it -- Shane's got it. He will bring it up here and read out their names. He's knocked on all the doors and they are good with it. He has got three signatures. There is not many residential houses up there, but there are a couple and they are all in support of it.

I did want to note that rezoning would not do a couple of things, and it would encourage the premature development. It would not result in any ribbon commercial development. It wouldn't result in an isolated zoning district that's unrelated to anything in its surrounding areas. It would not result in adverse impacts on the natural environment in any way, and it wouldn't result in any meaningful additional traffic. Again, it's just kind of in a different spot than what you're used to seeing for, you know, conditional uses as far as the short-term rentals go.

It's not walking distance from the casinos, and that's not what we're trying to do, you know. It's far from that. And we're concerned about that area because of all the insurance prices. And post-Katrina, that spot just hasn't been developed and it's been a while. And so we're happy to see some people putting in meaningful things right there, including the RV park and the bar and restaurant, and we just think it makes sense to have something like this right there.

So let's see. As far as the short-term

rentals, he's aware of everything, you know, he's got to do for that. I'm going to help him with the guest register and getting all that to you guys. He knows about the annual application fee and the CO and the privilege tax license, the limit card that he would need from the city.

There's four bedrooms in the house and he's going to make sure there is four parking spots that match a residential kind of look on the parking. He lives here and Margaret lives here, too, so, you know, any kind of emergency, they would be in town and they're willing to work with everybody on that. And the neighbors are too.

And so he has gone through any kind of restrictions or anything that would limit it. The goal is the short-term rental, but, you know, we need to get to that RM-20 zoning, and we do -- you know, we do believe in the public need and the change in characteristic. You know, that zoning is intended -- it says, to accommodate multi-family dwellings to modern urban densities, as well as a variety of other dwelling types, plus limited non-residential uses that complement and serve urban and residential neighborhoods.

So, you know, with that being said, we

think it's -- it could go from what it's currently zoned to RM-20 and it would be viable for that area. So if y'all have any questions for the owners, Margaret or Eddy, they would be happy to answer any of them.

CHAIRMAN WASHER:

Could we get a copy of letter that you got from the neighbors?

MS. DYMOND:

Yes. And I should have made -- if you would like me to, I will go ahead and read you the addresses. 12269 Cedar Lake Road, Biloxi, Mississippi and 12251 Cedar Lake Road in Biloxi. It's Jason and Katrina Walker and Jeffrey D. Powell.

CHAIRMAN WASHER:

I believe there is a house under construction just up the road. Is that one of those people that signed?

MR. COCHRAN:

Jeffrey Powell.

MS. DYMOND:

Yes, sir. Let's see. I have one with highlight on it, but I will just give you that one.

CHAIRMAN WASHER:
We can make a copy and give it back to you.
MS. DYMOND:
You want to take that and pass it around for me?
MS. LENA:
David, it's in your packet. It's the last thing in your packet. We received that.
MS. DYMOND:
But yeah, he wanted to make sure before he even came to me he had his neighbors on board because there was some residential places. And I told him nobody wants to come in front of y'all and vouch for a short-term rental in Biloxi because we have good amenities that people want to use and we want them to use it for, you know, tourist purposes.
But this spot on the river and it's, you know, on Cedar Lake -- I drove by there and saw the RV park and I thought it makes sense. It's just a different spot. And so he has done a good job building it out right there and we just think it would be compatible with that and Your Mama'z House, so...

CHAIRMAN WASHER:
Any questions from the members of Commission of Ms. Dymond?
MR. CARRON:
I don't know if I didn't hear. Are they going to manage this themselves or is there going to be --
MS. DYMOND:
They're going to manage it themselves on the short-term rental. Is that what you're asking?
MR. CARRON:
Yeah.
MS. DYMOND:
Yeah. They'll manage it. And I told him I would make sure he was within your guidelines with the registry and making sure there is a contract in place and everything that needs to be done on kind of screening people and keeping up with the application fees and things like that, but they were going to manage it.
MR. CARRON:
Is there any provisions for -- is this -- flooding an issue there? I know parts of that road go under.

MR. COCHRAN:
Yes, sir.
MS. DYMOND:
You want to come up here.
MR. COCHRAN:
One of the biggest factors --
CHAIRMAN WASHER:
Give us your name and address, please, sir.
MR. COCHRAN:
Shane Cochran, Eddy Shane Cochran. I'm the owner of the property in question.
I also -- I live in Gulfport at another residence off of Sweetgum Street in Oakleigh Manor, and me and my wife live there.
This lot, when I bought it, started off as a dream, a retirement dream, you know. We were going to buy the lot, give it a few years till we could afford to build on it. And after a few years, the taxes, paying on the lot, I decided I need to either build or I need to sell it. And then, of course, there was a bulkhead and a dock that had to be put in.
So the cost overran my expectations, for one, which we pulled it off, and we're fine with

it. But once the house was complete -- by the time I completed the house, that lot had went under water three times, you know. Nothing major, up to your knees or whatever, but that's still -- if you're living there and you've got a bunch of stuff like we have, boats, ATVs, vehicles, you know, that's moving out and moving them back in.
So we talked about it and instead of selling our other home and moving here, we decided that we would try to do an Airbnb here because the mortgage with insurance and taxes exceeded what I thought it would be. Of course, we sold our other house. We can swing it, but it doesn't really make sense and then have to leave every time a storm comes.
It would just -- and the way it's isolated, if you can -- if you look at it from the air, it's totally isolated by water, except for the road. And then the nearest neighbors are 1,000, 1,500 feet up the road.
So -- and then, you know, across the river, you've got the bar, which has live music every weekend, which I don't mind, but if you were living there, that might get old. I mean, if you're living there full-time and you've got a

party across the river, boats, that kind of environment is fine with me, but it may get old. I don't know. There might be a time in my life when I don't want to hear that or deal with that.

So that being said -- and then the RV park, it just made sense for us to try to bring it to you guys and get it passed as an Airbnb because the insurance and taxes there are crazy. I mean, you guys know what happened after Katrina. We did expect that from the get-go, but, again, with -- when we started building, the materials doubled at that -- you know, if y'all remember, we had that huge spike in material costs. This thing went from what should have been here (indicating) to build to here (indicating), but it was too late. We had already broken ground, went through the permitting process, put in the bulkhead, the dock and developed everything. It was too late, you know. It was, you know, do or die, so we did it.

And once it was all done, like I said, we can swing it -- we can sell our other house and move in it, but it just makes way more sense to us to just do a real nice Airbnb, something -- you know, bring some beauty to the community because we did. We went all out on this thing. For --

you know, for people in our tax bracket, we went all out. And we just feel like it's a beautiful addition to the river, to the city and for anybody coming in from out of town to visit family.

And it's also going to be available to the casinos as a spot for their overflow. If they have a player coming in from out of town and they don't have a suite for him, we're going to put it on their -- have it on their list as a viable place to put their customers. We're not trying to pinch or cause anybody in the business any problems. I'm just trying to figure out how to pull this thing off without having to sell my house and move in it.

And we just think it would make a great Airbnb and a great spot for people to come to visit their family and I think -- I personally think we added some beauty to the Tchoutacabouffa River. I hope we did anyway. That paint wasn't cheap either.

But anyway, that's my case with it. If you guys have any questions, you know, we're an open book. Just let -- you know, feel free to ask.

CHAIRMAN WASHER:

Any questions of Mr. Cochran? None Thank you, sir.

MR. COCHRAN:

You're welcome.

CHAIRMAN WASHER:

We'll ask if there is anyone in the audience that wants to speak in favor of the applicant's request? Anyone speaking in favor? No one speaking in favor.

Is there anyone speaking in opposition? No one speaking in opposition.

We'll consider that hearing closed.

Mr. Creel.

MR. CREEL:

The property is zoned RS-5. Whenever you're asking for a zoning change, the rule is you go to the least-intensive zoning necessary to accomplish the purpose and in this case, it would be RM-20 with a conditional use and that's what they've applied for.

This property is -- the property to the south and south of the river is all zoned high-intensity commercial, RB. That's the highest intense business zoning that we have. As mentioned already, you have Camp David directly

across from this piece of property. You've got Your Mama'z House, the bar and night club, on the opposite corner over there with a boat marina there where boats are coming and going all the time, so it's clearly a tourism area.

The property north of this up at Old 67 and Cedar Lake Road, you know, they're currently building that very large climate-controlled warehouse, also have the Methodist church up there as well. This property is right on the river, clearly a tourism area.

The question was asked about flood elevation. It was built to meet the flood elevation requirements, so he is in compliance there.

Their nearest neighborhood on the north side is on the other side of that bayou or whatever you want to call it, that pond that comes off the river, so they don't have anyone that's right next door. They're isolated from the others. They have already talked about their -- the people who have no opposition have submitted letters.

RM-20 would create what we call transitional zoning going from the RB to the RM-20

to the RS-5 transitional zoning or step-down zoning.

The Planning Commission and the Council have already approved a short-term rental on the south side of Cedar Lake Road on that private road called Road 536. This is obviously a perfect location, perfect design for a short-term rental. They have plenty of parking, and the staff has no objection and would recommend approval.

CHAIRMAN WASHER:

On the zoning change, as well as the conditional use?

MR. CREEL:

Yes, on both.

CHAIRMAN WASHER:

All right. We'll open the floor for any discussion on any of those two cases.

If no discussion, then we'll entertain a motion.

MR. TODARO:

I move the application be approved.

MR. CARRON:

Second.

CHAIRMAN WASHER:

On the zoning map amendment.

All right. Motion by Mr. Todaro; seconded by Mr. Carron.

We would ask that all those in favor of approval of the zoning change, raise your hand, please.

Mr. Lechner, Mr. Parker, Mr. Todaro, Ms. Magee, Ms. Shaw, Mr. Bogard, Mr. Dellenger, Mr. Poulos, Dr. Drawdy, Mr. Carron, Mr. Snow; myself, David Washer. We'll let the record show that's unanimous.

All right. In regard to the short-term rental conditional use, any discussion on that?

(No response.)

CHAIRMAN WASHER:

Get a motion on that one, please?

DR. DRAWDY:

So moved.

MS. MAGEE:

Second.

CHAIRMAN WASHER:

Motion by Dr. Drawdy; seconded by Ms. Magee.

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

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

Ms. Magee, Ms. Shaw, Mr. Bogard, Mr. Dellenger, Mr. Poulos, Dr. Drawdy, Mr. Carron, Mr. Snow; myself, David Washer. We'll let the record show that's unanimous.

Our next case today is Number 24-033-PC, BE and JF Enterprises, LLC, owner and Amanda Crose, applicant. It's a request for a PD-1, Planned Development-Infill District master plan, coupled with a preliminary subdivision under the working title, Coral Breeze, upon 2.89 acres, more or less, in size presently zoned CB, Community Business, and identified as 1654 Beach Boulevard, being Municipal Parcel Number 1201I-02-064.177. This case was also advertised on May 15th, May 22nd and May 29th. Mr. Lambert.

Mr. Cochran, y'all are free to go if you want. If you want to stay, you're welcome to.

MR. COCHRAN:

Thank you.

MS. DYMOND:

Thank you.

MR. COCHRAN:

All the horror stories you hear about the city have been denounced.

MR. CREEL:

It still has to go through the Council.

MR. LAMBERT:

(Video played.)

You want me to bring up the USB?

MR. SCRUGGS:

Sure.

MR. LAMBERT:

First one?

MR. SCRUGGS:

Yes.

MR. LAMBERT:

Just let me know as you want me to go through these.

CHAIRMAN WASHER:

All right. Mr. Scruggs.

MR. SCRUGGS:

Good afternoon. Good you to see you all again. My name is Donovan Scruggs, 317 Pine Drive in Ocean Springs, Mississippi. I'm here to assist BE and JF Enterprises, Brandon Elliott and John Felsher, with this approval.

In case y'all looked at the video and thought it looked familiar, it is. This came before you several months ago and it was approved, I think, unanimously for a Planned Unit