Ordinance No. 2563

ORDINANCE TO GRANT THE ESTABLISHMENT OF A PD-C: PLANNED DEVELOPMENT - COMMERCIAL DISTRICT MASTER PLAN, COUPLED WITH A PRELIMINARY SUBDIVISION UNDER THE WORKING TITLE "MONARCH VILLAS" AND IDENTIFIED AS 955 MOTSIE ROAD

WHEREAS, the Biloxi Planning Commission conducted a public hearing on August 1, 2024, to hear the application of BE & JF Enterprises, LLC (owner) and Amanda Crose (applicant), Case No. 24-043-PC, to consider an application to establish a PD-C: Planned Development - Commercial District Master Plan, coupled with a Preliminary Subdivision under the working title: Monarch Villas, upon one and fifty-one one-hundredths acre (1.51) (more or less) in size, presently zoned RB-Regional Business, and identified as 955 Motsie Road (re: Tax Parcel No. 1308M-02-002.004); and

WHEREAS, it was noted that the Development Review Committee (DRC) had reviewed this request to authorize the establishment of a PD-C: Planned Development – Commercial Master Plan Overlay District, and had found it to be in conformance with the rules and regulations of the City of Biloxi, and authorized the applicant to proceed to the Planning Commission and City Council to apply for a PD-C: Planned Development – Commercial Master Plan Overlay District approval, as herein requested; and

WHEREAS, on August 1, 2024, the Biloxi Planning Commission, upon conducting this public hearing, and after careful reflection of the particulars of this case, voted (15-0) to recommend approval of this PD-C: Planned Development - Commercial District Master Plan, coupled with a Preliminary Subdivision under the working title: Monarch Villas, upon one and fifty-one one-hundredths acre (1.51) (more or less) in size, presently zoned RB-Regional Business, and identified as 955 Motsie Road (re: Tax Parcel No. 1308M-02-002.004), having

determined that this PD-C: Planned Development – Commercial Master Plan Overlay District requested would provide much-needed housing within this area of Biloxi; and

WHEREAS, the Biloxi City Council, after consideration of all facts presented, hereby adopts the report and findings of the Biloxi Planning Commission, and in so doing, determines that approval of this PD-C: Planned Development – Commercial Master Plan Overlay District, as submitted, is appropriate for the property presently identified as 955 Motsie Road, having concurred that an established community need for this PD-C Master Plan and the housing proposed is appropriate for this location.

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 THOSE 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, as amended, are hereby further amended by adding a PD-C: Planned Development – Commercial Master Plan Overlay District for property presently identified as 955 Motsie Road (re: Tax Parcel No. 1308M-02-002.004) and described as follows:

A tract of land situated in the West half of the Southeast quarter of the Southwest quarter of Section 7, Township 7 South, Range 9 West, City of Biloxi, Harrison County, Mississippi, being more particularly described as follows, to-wit:

Beginning at a mag nail at the intersection of the North margin of Popps Ferry Road and the West margin of Motsie Road, said point having Mississippi State Plane Coordinates of N 342913.83 E 954442.42, thence run S' 89'51'59' W 183.28 feet along said North margin of Popps Ferry Road to an iron rod, thence departing said North margin run N 00'15'15'13" W 366.42 feet to an iron rod, thence N 89'51'59" E 175.42 feet to the West

margin of Motsie Road, thence S 01'28'58" E 366.52 feet to the Point of Beginning. Said parcel contains 65,716 square feet of 1.51 acres. Bearings based on GPS Observation, Mississippi East Zone, convergence angle -0.130449, scale factor 0.999960, per survey of Gary A. Durbin, P.L.S. dated: April 10, 2020,

and further described as situated on the northwest corner of Popp's Ferry Rd and Motsie Rd.

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 Newman, and was adopted by the following vote:

YEAS:	Gines Newman McGilvary	Glavan Shoemaker	NAYS:	Tisdale
ABSENT:	Lawrence			

The President then declared the Ordinance adopted this the 27th day of August, 2024.

STATE OF MISSISSIPPI CITY OF BILOXI HARRISON COUNTY

ATTEST: APPROVED:

Kris Campbell — Paul L. Tisdale

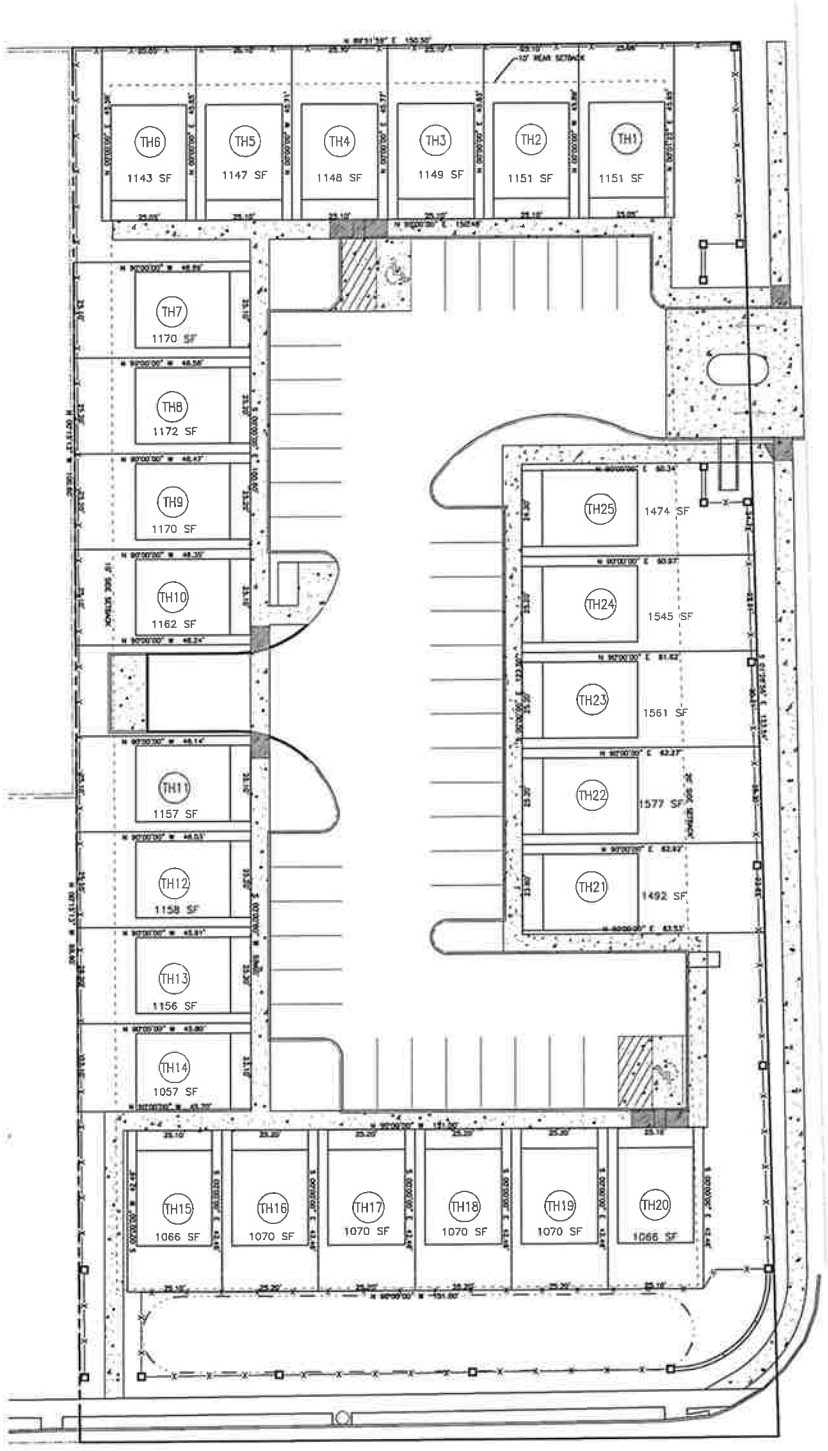
CLERK OF THE COUNCIL PRESIDENT OF THE COUNCIL

Ord. No. 2563

Submitted to and approved by the Mayor, this the 28th day of August, 2024.

APPROVED:

MAYOR



SITE DATA:

MONARCH VILLAS
POPPS FERRY RD. CORNER MOTSIE RD.

ZONING: R-B "REGIONAL-BUSINESS DISTRICTS

FLOOD ZONE: "X"
PANEL: 28047C0283G 06/15/2009

OPEN SPACE REQUIREMENT

MAX IMPERVIOUS SURFACE AREA	70% COVERAGE
SITE AREA	65715 SF
OPEN SPACE REQUIRED	19715 SF (30%)
OPEN SPACE PROVIDED	23350 SF (36%)

SITE DATA

UNITS	25
PARKING TOTAL	42
PARKING ADA	2
DRIVE WIDTH	22' & 23'
SIDEWALK WIDTH	5'

PROPOSED DEVELOPMENT DATA

MAXIMUM DWELLING UNITS PER ACRE: 15

MINIMUM LOT AREA: 1057

MINIMUM LOT WIDTH : 25.05'

MAXIMUM IMPERVIOUS SURFACE AREA: 80%

MAXIMUM BUILDING HEIGHT - 35'

MAXIMUM INDIVIDUAL BUILDING SIZE - 35.25' X 20.00'

MINIMUM SETBACKS -

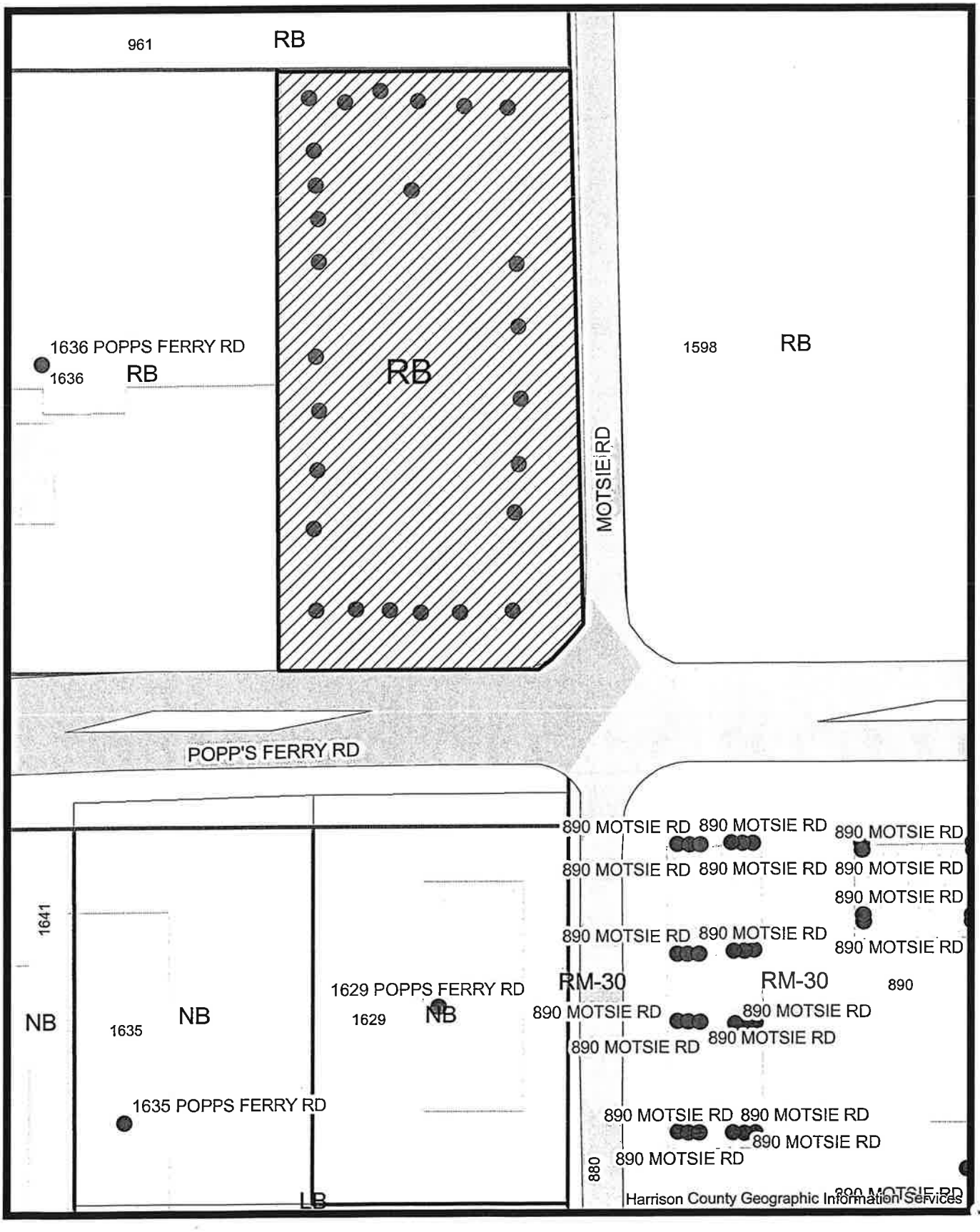
MIN. FRONT: 0'

MIN. REAR: 2.5'

MIN. SIDE: 0'

Registration No. 13700	SHEET 1 OF 1	ENGINEERING SERVICES, LLC. Consulting Engineers	14397 Creosote Road Gulfport, Mississippi 39503 (228) 297-1647	PROJECT NAME MONARCH VILLAS	SHEET TITLE LOT LAYOUT

Case No. 24-043-PC
BE&JF & Enterprises, LLC
955 Motsie Rd
PD-C/Preliminary Sub 25 Lots



Scheduled for:
August 1, 2024
PC Meeting

BE & JF Enterprises, LLC (owner)
Amanda Crose (applicant)
Case No. **24-043-PC**
PD-C and **Preliminary S/D**

Biloxi
established 1699

Planning Commission
Case Fact Sheet

Case No.:	24-043-PC
Name of Owner:	BE & JF Enterprises, LLC (owner)
Applicant:	Amanda Crose (applicant)
Address of Property:	955 Motsie Road
Tax Parcel/Ward:	1308M-02-002.004/Ward 6
Request:	**PD-C** coupled with a **Preliminary Subdivision**
Purpose of Request:	To consider an application for a **PD-C: Planned Development - Commercial District Master Plan**, coupled with a **Preliminary Subdivision** under the working title: Monarch Villas, upon one and fifty-one one-hundredths acre (1.51) (more or less) in size, presently zoned **RB-Regional Business**, and identified as 955 Motsie Road (re: Tax Parcel No. 1308M-02-002.004).
Size of Property:	1.51 acres (More or Less)
Present Zoning:	**RB-Regional Business**
Flood Zones:	X
Present Use:	Commercial Land
Most Nearly Bounded By (streets):	On the North West corner of Popp's Ferry Rd and Motsie Rd.
Adverse Influences:	These houses will be situated two and half feet from each property line and constructing houses five feet apart requires fire separation on the exterior walls of both houses.

Positive Influences:

The proposed PD-C coupled with a Preliminary Subdivision will allow twenty-five (25) detached single-family ~~rental~~ units to be constructed.

Letters or Concerns stated:

The Planning Division Office has not received any letters or other written communications relative to this case, as of July 25, 2024.

Comments/ Recommendations:

BE & JF Enterprises, LLC (owner) and Amanda Crose (applicant) have requested a **PD-C: Planned Development - Commercial District Master Plan**, coupled with a **Preliminary Subdivision** under the working title: Monarch Villas, upon one and fifty-one one-hundredths acre (1.51) (more or less) in size, presently zoned **RB-Regional Business**, and identified as 955 Motsie Road (re: Tax Parcel No. 1308M-02-002.004).

The requested **PD-C: Planned Development - Commercial District Master Plan** coupled with a **Preliminary Subdivision** proposes twenty-five (25) detached single-family units, this property was previously approved for a variance which would allow a PD-C upon 1.51 acres instead of the 5 acres required by ordinance (i.e., Case No. 24-036-PC).

The proposed Master Plan (PD-C) offers the following setback measurements:

- Maximum dwelling units per acre: 16
- Minimum Lot area: 759 sq. ft.
- Minimum Lot Width: 23'
- Maximum Impervious Surface:80%
- Maximum Building Height: 35'
- Maximum Building Size: 20'x30.3'
- Minimum Front Setback: 0'
- Minimum Rear Setback: 2.5'
- Minimum Side Setbacks: 0'

It should be noted that the Development Review Committee has reviewed this project and authorized the applicant to apply to the Planning Commission for **PD-C: Planned**

Development - Commercial District Master Plan coupled

with a **Preliminary Subdivision** for approval. Should this matter be approved, all city regulations must be fully addressed.

Options:

1. Recommend approval of this request for a **PD-C: Planned Development - Commercial District Master Plan** coupled with a **Preliminary Subdivision**, having determined that the proposed subdivision would appropriately serve the interests of the neighborhood and the City of Biloxi and that there is an established community need for individually owned houses in this area of Biloxi.

2. Recommend denial of this requested **PD-C: Planned Development - Commercial District Master Plan** coupled with a **Preliminary Subdivision**, having determined that said Master Plan, as offered, has not been found to comply with all requirements of the Land Development Ordinance, as presented.

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. 24-043-PC

To Be Completed by Owner/Applicant	Date: 6/18/24
Name of Rightful Owner(s): BE & JF ENTERPRISES, LLC	Name of Applicant: (if different than Owner) Amanda Crose
Property Address: 955 Motsie Road	Ward Number 6
Tax Parcel Identification Number(s): 1308M-02-002.004	
Mailing Address of Property Owner: 1402 Pass Road	Mailing Address of Applicant (if different than Owner):
City: GULFPORT MS	City:
State: MS	State:
Zip: 39501	Zip:
County Harrison	County
Telephone:(228) 213.0783	Telephone:( )
Property Size (please give in acres or by dimension): 1.51 acres	
Present Zoning Classification: RB (Regional Business)	
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: X	North	South	East	West
Property is most nearly bounded by what streets?	I-10	Popps Ferry Rd.	Motsie Road	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 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 for BE & JP Enterprises, LLC
Notary Signature (Seal)	Notary Signature (Seal) STATE OF MISSISSIPPI NOTARY PUBLIC ID # 110557 ASHLEY ZIMMERMAN Commission Expires Nov. 7, 2026 HARRISON COUNTY
Signature of Rightful Owner	Signature of Applicant for BE & JP Enterprises, LLC
Notary Signature (Seal)	Notary Signature (Seal) STATE OF MISSISSIPPI NOTARY PUBLIC # 110557 ASHLEY ZIMMERMAN Commission Expires HARRISON COUNTY

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.

Biloxi
established 1699

PLANNING COMMISSION SUPPLEMENT
Planned Development – Master Plan

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: 6/18/24

Planned Development – The Planned Development (PD) districts are established and intended to encourage innovative land planning and site design concepts that support a high quality of life and achieve a high quality of development, environmental sensitivity, energy efficiency, and other city goals and objectives by:

a. Reducing or diminishing the inflexibility or uniform design that sometimes results from strict application of zoning and development standards designed primarily for individual lots;

b. Allowing greater freedom in selecting the means of providing access, open space, and design amenities;

c. Allowing greater freedom in providing a well-integrated mix of residential and nonresidential land uses in the same development, including a mix of housing types, lot sizes, and densities;

d. Providing for efficient use of land resulting in smaller networks of utilities and streets and thereby lowering development and housing costs; and

e. Promoting quality design and environmentally sensitive development that respects surrounding established land use character and respects and takes advantage of a site's natural and man-made features, such as trees, streams, hillsides, floodplains, and historic features.

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 Zone	**Proposed New-PD**
RB	PD-C

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:

Include a statement of planning objectives for the district.

1 Identify the general location of individual development areas, identified by land use(s) and/or development density or intensity.

2. Identify for the entire PD district and each development area the acreage, types and mix of land uses, number of residential units (by use type), nonresidential floor area (by use type), residential density, and nonresidential intensity.

PLANNING COMMISSION SUPPLEMENT

Planned Development – Master Plan

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

3. Identify the general location, amount, and type (whether designated for active or passive recreation) of open space.

4. Identify the location of environmentally sensitive lands, wildlife habitat, and stream corridors.

5. Identify the on-site transportation circulation system, including the general location of all public and private streets, existing or projected transit corridors, and pedestrian and bicycle pathways, and how they will connect with existing and planned city systems

6. Identify the general location of on-site potable water and wastewater facilities, and how they will connect to city systems

7. Identify the general location of on-site stormwater management facilities, and how they will connect to city systems.

8. Identify the general location of all other on-site public facilities serving the development, including but not limited to parks, schools, and facilities for fire protection, police protection, EMS, stormwater management, and solid waste management.

PLEASE INCLUDE A DIMENSIONAL STANDARDS TABLE FOR THE PROPOSED PD

SEE SECTION 23-3-4 PD ZONING DISTRICTS

The dimensional standards applicable in each development area of a PD district shall be as established in the PD Master Plan, and shall be consistent with the purpose of the particular type of PD district. The PD Master Plan shall include at least the following types of dimensional standards, unless the PD Master Plan expressly states otherwise:

a. Maximum dwelling units per acre and/or maximum floor area ratio;
b. Minimum lot area;
c. Minimum lot width;
d. Maximum impervious surface area;
e. Maximum building height;
f. Maximum individual building size;
g. Minimum and maximum setbacks; and
h. Minimum setbacks from adjoining residential development or residential zoning districts.

All development in a PD district shall comply with the development standards of Article 23-6: Development Standards, or any modifications of those standards established in the PD Master Plan as consistent with city plans, the objective of the particular type of development standard, the purpose of the particular PD district, and any additional limitations or requirements set forth in Sections 23-3-4(C)—23-3-4(H) for the particular type of PD district.

PLANNING COMMISSION SUPPLEMENT

Preliminary Subdivision Review

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

Name of Subdivision: Monarch Villas

Ward No. 6

Most nearly bounded by (street names)

To the North by: I-10

To the South by: Poppis Ferry Road

To the East by: Motsie Road

To the West by: Cedar Lake Road

Developer: Elliott Homes, LLC

Address: 1402 Pass Road Gulfport, MS 39501

Phone: 228.213.0783

VICINITY MAP

ATTACH MAP, IF AVAILABLE

DEVELOPMENTAL DATA

	Existing	Proposed
Front Yard Setback	40'	0'
Rear Yard Setback	10'	2.5'
Side Yard Setback	10'	0?
Zoning	RD	PD-C
Minimum Lot Size	5,000	759
Minimum Lot Width	50'	23'
Minimum Lot Depth	100'	32'
Number of Lots	25	25
Total Acres	1.51	1.51
Average Lot Size(s)	25x35	25'x35'
Tax Parcel Number(s)	1308M-02-002.004	

Proposed Street Name(s): N/A. private parking area

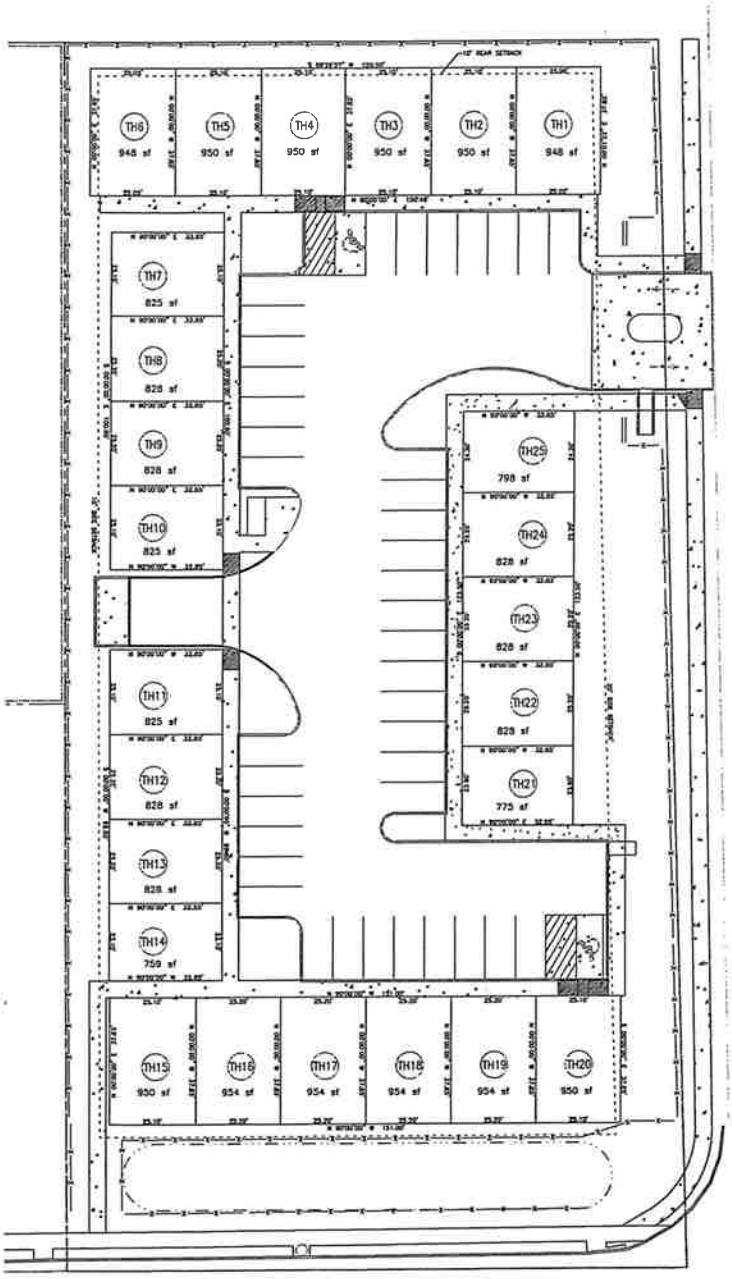
Paved Area, Location and Width of Sidewalks: 5' sidewalks

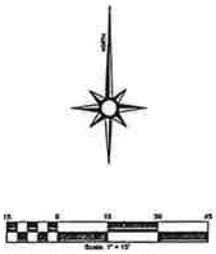
R.O.W. Width:

Is Planned Unit Development (PUD) approval requested? ☑ Yes ☐ No

PUD Application attached? ☑ Yes ☐ No

Case No. PC-24-0☐☐		
Is the Supplement complete?		
- Has Pre-application Conference been held? (please circle) - DRC Case No: ☐☐-☐☐☐ - *DRC Letter and Engineering Letter MUST be attached to schedule PC meeting.*	Yes	No
- Site Plan attached? (please circle)	(Yes)	No
- Is proposed project located in a Historic District? (please circle)	Yes	(No)
- Certificate of Appropriateness, if applicable? (please circle)	Yes	No
The DRC and/or Planning Commission recommend that the City Council impose the following conditions upon the issuance of the Conditional Use Permit?	Yes	No
1.	3.	
2.	4.	
Staff Initials	Date	





SITE DATA:

MONARCH VILLAS
POPPS FERRY RD. CORNER MOTSIE RD.

CURRENT ZONING: B3 - REGIONAL BUSINESS
PROPOSED: PD-C (PLANNED DEVELOPMENT COMMERCIAL)

FLOOD ZONE: "X"
PANEL: 28047C0283G 08/15/2009

SITE DATA

UNITS	25
PARKING TOTAL	42
PARKING ADA	2
DRIVE WIDTH	22' & 23'
SIDEWALK WIDTH	5'

PROPOSED DEVELOPMENT DATA

MAXIMUM DWELLING UNITS PER ACRE: 16
MINIMUM LOT AREA: 759
MINIMUM LOT WIDTH : 25.00'
MAXIMUM IMPERVIOUS SURFACE AREA: 80%
MAXIMUM BUILDING HEIGHT - 35'
MAXIMUM INDIVIDUAL BUILDING SIZE: 29' X 30.7

MINIMUM SETBACKS -

MIN. FRONT: 2.5'
MIN. REAR: 2.5'
MIN. SIDE: 2.5'

PROJECT NO. 1	ENGINEERING SERVICES, LLC. Consulting Engineers	14397 Creosote Road Gulfport, Mississippi 39503 (228) 297-1847	PROJECT NAME MONARCH VILLAS	SHEET TITLE PLANNED DEVELOPMENT – COMMERCIAL	11/17/21	SHEET 1 OF 1

Planning Commission Supplement for

Planned Development – Commercial

The subject property is 1.51 acres and is located at 905 Motsie Road. The current zoning is RB (Regional Business). Monarch Villas Subdivision is located along Popp's Ferry Road and the west side of Motsie Road. The site is located just east of Cedar Lake Road in an area that has a diverse character that includes commercial, multifamily, and single-family residential uses. Along the east side of Motsie is a vacant and undeveloped parcel. To the west of the site is a Singing River Hospital Medical Clinic and automotive repair. To the south is multi-family and office commercial. The subject site is vacant and is currently being developed as small, single-family detached structures with common amenities. The adjoining properties are zoned, RB (Regional Business), NB (Neighborhood Business), RM-30, and RS-7.5 is approx. 1/8 mile east.

This site plan is currently approved and being developed as a tiny home rental community. All building permits have been issued and houses are currently being constructed. Our request if to continue with the development as-is, the utilities, common area, and parking area will remain private and the HOA will maintain all areas. We are proposing to create a PD-C (Planned Development Commercial) district with a subdivision to create 25 fee simple lots to enable us to sell the units. The housing market has changed since this project was approved and we feel this site would be better suited for single family residential lots to be sold.

Monarch Villas Subdivision includes 25 detached residential tiny home villas, 40 parking spaces, 2 ADA parking spaces, mail kiosk, sidewalks, entrance signage, and landscaping.

The main access to this property is from Motsie Road. As you enter the site, the mail kiosk will be located on the north side of the entrance. Residential villas be on either side of the parking lot.

As previously approved, our utilities will remain private with a master meter at the property line. An on-site detention pond will be located along Popp's Ferry Road.

The following Dimensional Standards Table is shown on the site plan:

PLANNED DEVLEOPMENT MASTER PLAN – COMMERICAL

Maximum dwelling units per acre: 16
Minimum lot area: 759 sq. ft.
Minimum lot width: ~~25~~ 23'
Maximum impervious surface area: 80%
Maximum building height: 35'
Maximum individual building size: 20' x 30.3'
Minimum Setbacks:
Min. Front: ~~2.5~~ 0'
Min. Rear: 2.5'
Min. Side: ~~2.5~~ 0'

Monarch Villas Development-Zoning Map Amendment

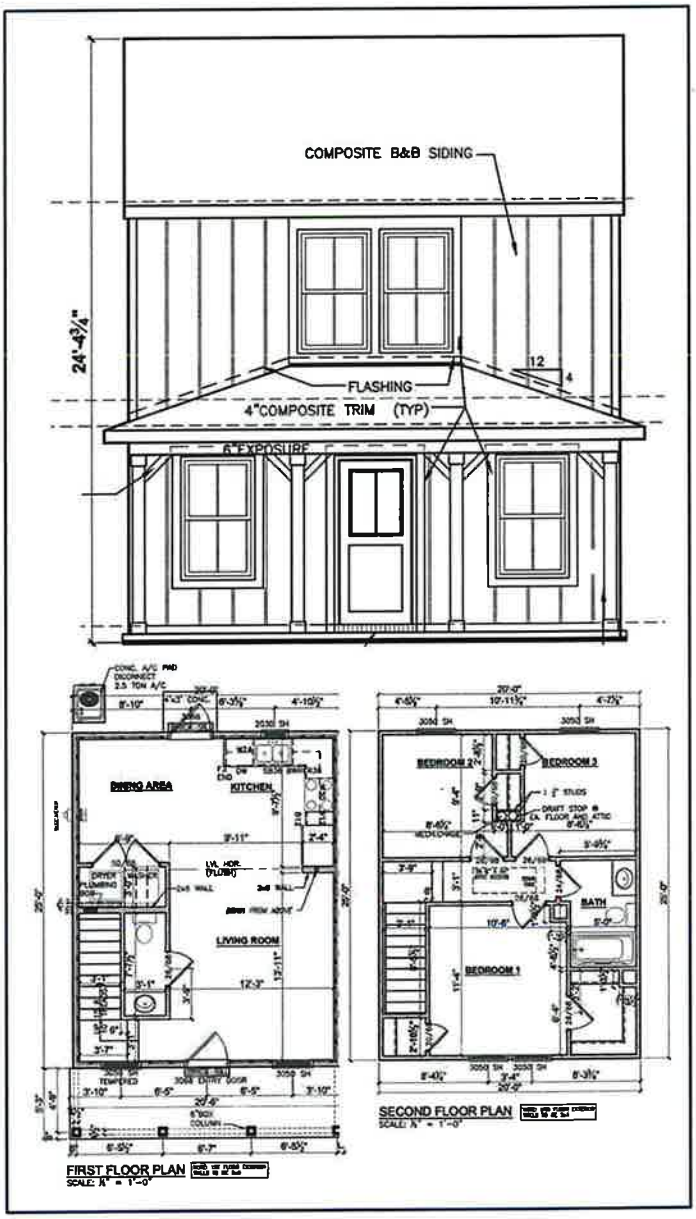
Developer: BE & JF Enterprises, LLC
Planning Commission Review
July 29, 2024
Submitted by: Donovan Scruggs, AICP
Scruggs Town Planning

BE & JF Enterprises, LLC is in the process of developing Monarch Villas along Popp's Ferry Road and the west side of Motsie Road. The applicants are requesting a zoning map amendment to change the zoning from Regional Business (RB) to Planned Development-Commercial (PD-C). The site is located just east of Cedar Lake Road in an area that has a diverse character that includes commercial, multifamily, and single-family residential uses. Along the east side of Motsie is a vacant and undeveloped parcel owned by the Biloxi School District (38 acres). East of that site is First Baptist Church of Biloxi (occupying 22 acres on property owned by the City of Biloxi). To the west of the site is a Singing River Hospital Medical Clinic and automotive repair. To the south is multi-family and office commercial. The subject site is vacant and is currently being developed as small, single-family detached structures with common amenities.

The property is within a Regional Business (RB) District. This is a commercial district that permits a variety of commercial uses, but it also permits multifamily uses and town houses. The site is within close proximity to various, residential uses and types. These uses range from multi-family, single-family detached lots, a manufactured home park, and other medium to high density residential uses.

To the west is a highly intensive Cedar Lake Road that includes a Home Depot, several franchise restaurants, medical facilities, convenience stores, and other commercial uses. To the east of the site are a mix of residential and lower intensity commercial uses. The subject site is at the mid-point of this transition from commercial to residential and lower intensity commercial. The proposed use is a high-density residential development that includes 25 units on 1.51 acres. This provides an overall density of approximately 16.5 units per acre or 1 unit/2,630 square feet.

The proposed use for the site is consistent with the RB District, however, the dimensional requirements within the district do not provide sufficient details for the proposed project. For this reason, the owner is requesting a zoning map amendment or rezoning to a PD-C designation for the property. The PD-C (Planned Development-Commercial) requires a minimum district or area of 5 acres. In June the owners received a variance for the minimal lot size or zone size for a PD-C District. The subject property is only 1.51 acres, and a variance of approximately 3.5 acres from the minimum area (5 acres) for the proposed PD-C District was necessary.



The existing district permits up to 30 residential units per acre and a maximum height of 60 feet. The Master Plan for the site includes buildings of two stories. Additionally, the proposed density is approximately 16.5 units per acre which is substantially less than the permitted 30 units per acre.

Current Zoning:
The property is currently zoned Regional Business (RB) District. This District is described as follows:

The Regional Business (RB) District is established and intended to accommodate a diverse range of high-intensity retail, service, office, and institutional uses that provide goods and services serving a community, citywide, and regional customer base, including tourist accommodations and related commercial activities serving visitors. It also accommodates Biloxi's major employment-generating hubs. RB Districts are generally appropriate in areas conveniently accessible to the regional roadway network and transit service, and as designated on the comprehensive plan's future land use map. High-density residential uses are encouraged on the upper floors of nonresidential establishments, and may exist as stand-alone buildings that are part of a larger horizontal mixed-use development. RB District Standards are intended to ensure development is compatible with surrounding uses.

The original plan for Monarch Villas included 25 residential units intended for rental occupancy. The project is in the initial stages of development. Recently, interest has grown for the potential purchase of the units for owner occupancy, downsizing, and investment properties. As approved, the site cannot be subdivided and individual lots cannot be conveyed. The current project is consistent with the definition of Multifamily which states:

With a footprint of approximately 500 square feet for the structures and 825 square feet for lots, the houses are much smaller than typical homes. Even with a second story, the floor areas are less than 1,000 square feet.

DWELLING, MULTIFAMILY: A dwelling or group of dwellings on one lot, containing separate living units for three or more families, having separate or

joint entrances, and including but not limited to apartments, group homes, **tiny homes**, and condominiums [emphasis added].

Tiny Homes are not defined by the Land Development Ordinance. The sizes of Tiny Homes can vary from jurisdiction to jurisdiction, but with footprints of approximately 500 square feet and living areas of less than 1,000 square feet, the dwelling units within Monarch Villas are smaller than typical single-family homes currently being constructed along the Gulf.

The Regional Business District permits "multifamily dwelling" and this project was approved, accordingly. The site plan and design of the project have not changed significantly. The site will include 25 detached structures that share a common parking area with 40 parking spaces and 2 ADA spaces (42 total spaces). The parking and common areas will be managed and controlled by the Home Owners' Association (HOA). The HOA will also be responsible for the private utilities and improvements and common areas within the development. The street or access to the site, similarly, is private and will be maintained by the HOA.

The revised concept is very similar to a condominium development, however, instead of platting the development based on the footprints of the buildings or structures, this plan includes platting of small lots that are about 825 to 950 square feet. This allows 'more ownership' of the areas surrounding the units for individual landscaping, patio improvements, and similar personal areas. The definition of Multifamily permits condominiums and 'tiny homes' but the Land Development Ordinance does not define Tiny Homes or provide any direction associated with these developments. The only mention of 'tiny homes' is within the definition of Multifamily. Individual lot sizes, setbacks, separation requirements, and similar dimensional characteristics are not prescribed.

Through conversations of Elliott Homes and staff of the City's Community Development Department, the best approach to develop the site, as proposed, is with an amendment for the site to be designated as Planned Development-Commercial (PD-C) District. This acts as an overlay district. The LDO describes this district as follows:

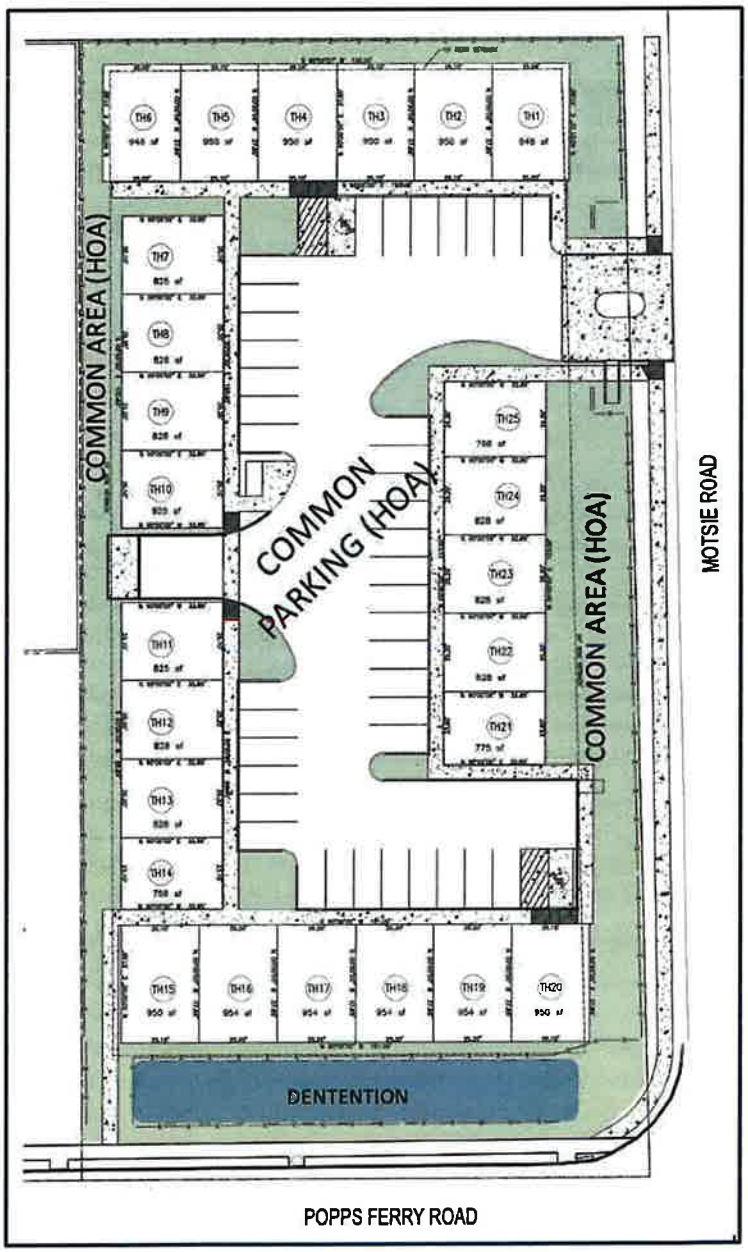
The Planned Development - Commercial (PD-C) District is established and intended to encourage the use of innovative and creative design to provide a mix of complementary retail, office, and service uses, plus some institutional uses (e.g., place of worship, school, and government and community uses). Limited moderate and high-density residential uses are appropriate when integrated into the development, both on upper stories and as stand-alone development, so as to encourage pedestrian access and activity. PD-C Districts are generally appropriate in areas designated on the comprehensive plan's future land use map as neighborhood/community business or neighborhood center, or at nodes along a designated mixed-use corridor. PD-C Development is subject to buffer requirements and transitional standards that ensure compatibility with any adjacent lower-density residential development.

The goals or purpose of the Planned Districts are described in greater detail as follows:

The Planned Development (PD) districts are established and intended to encourage innovative land planning and site design concepts that support a high quality of life and achieve a high quality of development, environmental sensitivity, energy efficiency, and other city goals and objectives by:

a. Reducing or diminishing the inflexibility or uniform design that sometimes results from strict application of zoning and development standards designed primarily for individual lots;
b. Allowing greater freedom in selecting the means of providing access, open space, and design amenities;
c. Allowing greater freedom in providing a well-integrated mix of residential and nonresidential land uses in the same development, including a mix of housing types, lot sizes, and densities;
d. Providing for efficient use of land resulting in smaller networks of utilities and streets and thereby lowering development and housing costs; and
e. Promoting quality design and environmentally sensitive development that respects surrounding established land use character and respects and takes advantage of a site's natural and man-made features, such as trees, streams, hillsides, floodplains, and historic features.

This Planned Development districts emphasize "innovative and creative design". Smaller houses or tiny houses have been a growing trend across the country within the last 10 to 15 years. However, there have been only a handful of these developments along the Gulf Coast. While Monarch Villas includes homes that are on smaller footprints of approximately 500 square feet, the units are two-story to permit more living spaces. This permits living spaces of slightly less than 1,000 square feet.



As stated previously, the plan provides a unique housing style that is permitted within the LDO but not defined. The revised plan provides individual dwelling units, similar to townhomes or condominiums, that can be owner occupied. This will allow the units to be conveyed and not owned by a single individual or corporation. As approved, the site was intended to be exclusively rental units with tenants. The proposed design or layout has a density that is less than a typical townhouse or condominium development with 25 units contained on the 1.51 acre site. This represents a density of approximately 16.5 units per acre. The maximum density permitted within the Regional Business District is 30 units per acre. The RB density limits are intended to include dense, multi-story condominium development or apartment complexes.

The proposed development includes a number of smaller lot sizes that range from primarily 825 square feet to approximately 950 square feet. While this may sound small, it is important to note that the size of these lots to not include the additional common areas that surround these lots the front yards (along the common parking areas) and rear yards (buffer and utility easements). The common or buffer areas between the lots and the east and west property lines provide greater separation between adjacent

properties and roadways. The walls along the interior property lines will include fire walls with no breaks or penetrations to comply with required building codes. The separation is greater than that afforded by party or common walls of a town house or stacked flats of a condominium development.

Consistency with The Comprehensive Plan

The proposed project is consistent with the Comprehensive Plan. According to the Plan's Future Land Use Map, the site is situated within the Cedar Lake 'Regional Activity Center.' These areas are designed to:

support the most intense concentrations of retail, employment, high-density residential, and other mixed uses in Biloxi. Depending upon the specific uses in each center, they can draw users from the surrounding residential community, the City as a whole, the Mississippi Gulf Coast region, and beyond. They are also Biloxi's major employment hubs, including potential "clusters" of medical service and aerospace/shipbuilding businesses at the Cedar Lake and Woolmarket Regional Activity Centers, respectively.

The Comprehensive Plan provides a more detail review of the Cedar Lake Regional Activity Center, as follows:

Located in North Biloxi in the vicinity of the I-10/Cedar Lake Road interchange, the Cedar Lake Regional Activity Center is developing with a mix of uses, including commercial, institutional (e.g., the Innovation Center and the Cedar Lake Surgery Center), and high-density residential. The Regional Activity Center designation recognizes this emerging pattern and encourages development of additional regional medical, employment, retail, service, and high-density residential uses focused on the I-10/Cedar Lake Road interchange. Comprehensive Plan strategies for this center include design standards to improve development character at a key gateway to Biloxi; street connections and transit, pedestrian, and bicycle facilities to provide multi-modal access and circulation; and buffers and transitions to low-density residential areas. (pages 37-38)

The Plan recognizes the positive attributes of higher density residential within close proximity to commercial areas:

Higher density residential uses are encouraged as part of or within walking distance of mixed-use activity centers, corridors, and neighborhood/community business centers shown on the Future Land Use Map. Appropriate buffers and transition should be provided to adjacent low density residential uses. (page 35)

Change in Character and Public Need.

The request includes the designation of the area as Planned Development-Commercial (PD-C). The proposed designation will permit the subdivision of the site for smaller dwelling units or tiny houses as identified in the LDO. The change of zoning or overlay designation is resulting from a change in neighborhood character. The area has had a residential character for several years. Bayview Place and Providence Apartments were constructed in the late 1990s. Popp's Ferry Landing was constructed in the early 2000s. In more recent years, this residential character, and specifically are higher density character, was solidified with the construction of Bellemont Gardens (2009) and the Blake Retirement Community (2019). The character of the area is much more residential in nature and the recent improvements tends to re-enforce this character.

Recently, the rerouting of Popp's Ferry Road was undertaken. The connection to D'Iberville Boulevard was relocated farther north. This creates a better intersection with D'Iberville Boulevard for access to the Promenade and Interstate 10 and 110. The area of Old Popp's Ferry Road and its intersection with D'Iberville Boulevard were congested. This

rerouting of Popp's Ferry makes the corridor more efficient and will allow traffic to increase while maintaining a positive level of service with multiple lanes and more stacking available. Ultimately, this increase in traffic and improved access will make the area more attractive for businesses and developers.

There is an obvious public need for the zoning amendment. As indicated within the Comprehensive Plan, there is a desire to located residential areas away from flood zones or areas of potential flooding. The Plan states:

Compact development patterns (preferably outside of flood prone areas or if within these areas or, if within these areas, located and constructed to minimize risk) are preferred over spread out, lower density residential development in Special Hazard Areas.

Insurance companies have encouraged locating developments farther from the Gulf and near or north of Interstate 10. The proposed location is not located within a flood zone. With the occurrence of a hurricane or tropical storm, the site is situated within an area that will not be impacted by storm surge.

The properties also provide an unique opportunity for the purchasers. With the proposed PD-C designation, the properties will be very versatile. This zoning will allow owner occupied units, rental units, and potentially short-term rentals. As the housing market has been unstable since COVID with increased costs of material and labor and higher interest rates, housing units that are more affordable are uncommon. A significant cost of development is the purchase price of land. Larger lots required more infrastructure to include water and sewer lines, increased detention, and length of roadways. The proposal will allow costs associated with infrastructure to be reduced and, as a result, these are costs that the purchasers will not have to absorb. With the smaller footprint or overall area of these units, they provide an excellent opportunity for young couples or professions, retirees, and investors.

Summary.
The applicant is requesting a rezone from Regional Business to Planned Development-Commercial. The PD-C designation encourages unique or innovative designs through greater flexibility with land use standards. The project has been approved as 25 detached, residential units as a multi-family project. The current plan involves the units on a single-lot designed for rental occupancy. Based on trends within the housing market, the developers hope to convert the development to a small lot plan and allow single-family, detached residentials with common amenities. The overall

appearance of the site will not change but instead of 25 detached units on a single lot, the plan includes 25 detached units on 25 lots with common area. The zoning ordinance provides for the use of 'tiny homes' but the housing type is not defined.

The developer is requesting a rezoning based on a change in character. While the area has had a long history with a mix of residential that includes multi-family, manufactured housing, and single-family residential, this mix of housing types has continued to diversify in recent years. Bellemount Gardens is a gated, senior living apartment complex that was constructed along the southern portion of Motsie Road in 2009. In approximately 2019, the Blake Retirement Community was constructed to the west of the site on Popp's Ferry Road. These developments continue to reenforce the residential character of the area. With the Biloxi School District property and First Baptist Church (property owned by City of Biloxi) located to the east of the site (with a combined area of 60 acres), there is little chance that commercial development will occur along the east side of Motsie.

The proposed rezoning is consistent with the Comprehensive Plan, and the development addresses a Public Need. With a decreased land footprint and smaller overall housing area, the costs of the houses are more affordable. This provides a great opportunity for home ownership over rental. Additionally, the providing various options, the development will likely include a range of occupant types to include renters, owner occupied units, and second homes. The site is close to employment areas and with the recently improved Popp's Ferry Road (and the proposed extension to Beach Boulevard), the area is easily accessible.

Based on the change in neighborhood character and the public need for more housing options, the applicants are requesting a rezoning to PD-C, accordingly.

SURROUNDING RESIDENTIAL

The proposed site includes a variety of residential developments within close proximity. These include multifamily, single-family, manufactured housing, and retirement living developments. The images above include the following developments: Providence Pointe Apartments (1), Bellemont Gardens (2), Popp's Ferry Landing (3), Cedar Lake Manufactured Home Community (4), The Blake at Biloxi Assisted Living and Retirement Community (5), and Bayview Place (6).

BILOXI PLANNING COMMISSION MEETING
AUGUST 1st, 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
Steve Delahousey
Charlie Dellenger
Dr. Drawdy
Joe King
Gary Lechner
Debora Magee
August Parker
Jimmy Poulos
Shante Shaw
John Snow
David Stanovich
Michael Todaro

ALSO PRESENT:

Jerry Creel, Director of Community Development
Caryle Lena, Planner
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):	
24-043-PC	5
24-044-PC	26
24-045-PC	32
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. Stanovich, Mr. Bogard, Mr. Dellenger, Mr. Poulos, Dr. Drawdy, Mr. Carron, Mr. King, Mr. Snow, Mr. Delahousey; myself, David Washer. To my right, Jerry Creel, Director of Community Development; Caryle Lena, Planner.
On the table up front Jon Lambert, Inspector; Court Reporter, Melissa Rodolfich.
Open the meeting with a moment of prayer, please.
(Moment of prayer.)
CHAIRMAN WASHER:
Mr. King, would you open with the pledge, please, sir.
(Pledge of Allegiance.)
CHAIRMAN WASHER:
Let me also recognize Dr. Paul Tisdale in the audience, Councilman Ward 5.
We welcome all the rest of you here with us today. We would ask that anyone that desires to speak please come to the podium when your case

is called, sign at that pad provided and give us your name and address for the record.
Ask if all the members of the Commission received a copy of the minutes from the last meeting.
MR. DELAHOUSEY:
Move they be approved.
MR. SNOW:
Second.
CHAIRMAN WASHER:
Motion by Mr. Delahousey recommending approval; seconded by Mr. Snow.
All those in favor, say "aye."
(Unanimous vote.)
CHAIRMAN WASHER:
Any opposed?
(None opposed.)
CHAIRMAN WASHER:
Committee reports, Mr. Creel?
MR. CREEL:
Yes, sir. Mr. Chairman and members of the Commission, over the past two weeks, the department has issued 169 building permits with a construction valuation of $2.3 million. We've collected right at $19 million in permit fees. We

have issued 13 certificates of occupancy. Two of those were for short-term rental. And of the permits issued, 15 were for new single-family houses. And since January 1st of this year, we have issued permits for 164 new single-family houses.

CHAIRMAN WASHER:

No continued public hearings today.

New Public Hearing, Case Number 24-043-PC, BE and JF Enterprises, LLC, owners, and Amanda Crose, applicant. It's a request for a PD-C, Planned Development-Commercial District, master plan, coupled with a preliminary subdivision under the working title, Monarch Villas, upon 1.15 acres more or less in size, presently zoned as RB, Regional Business, and identified as address 955 Motsie Road, being Municipal Tax Parcel Number 1308M02.002.004.

Mr. Lambert.

MR. LAMBERT:

Ready.

CHAIRMAN WASHER:

This was advertised on July 14th, July 21st, and July 28th.

All right, sir.

MR. LAMBERT:

Video played.

CHAIRMAN WASHER:

Mr. Scruggs.

MR. SCRUGGS:

Good afternoon. My name is Donovan Scruggs. I reside at 317 Pine Drive in Ocean Springs, and I'm here on behalf of BE and JF Enterprises, LLC.

The applicant has put forth an application that, I guess, you have seen back in June.

Let's go to the first slide, please.

The property, as you see, is there on the corner of Motsie and Popps Ferry Road. We came forward last month to ask for a variance because the property is not quite big enough to be its own district. So we're now at 1.5 acres and we've got a variance to make this application with 1.5.

We're requested a rezone from the RB to the Planned Development-Commercial to build a development that includes small houses or tiny houses that are going to be individually owned on individual lots.

Next slide.

The zoning of the property is RB, as stated. When you look at the surrounding property, you see there is a bunch of different zonings. It's a pretty diverse area. The property to the east of this is zoned RB, but it includes Biloxi -- the First Baptist Church of Biloxi and also property that's owned by the Biloxi School District, which is on the corner of Motsie and Popps Ferry Road. So even though it's zoned RB, there is very small chance that property is actually going to be anything other than non-commercial or institutional in nature.

To the south is multi-family developments, and to the east on the south side is also some single-family residential and you've got a manufactured home park located there on the southwest.

Next slide, please.

This shows you the property that's owned by both the school district and -- the interesting thing about the property owned by -- that's with the First Baptist Church of Biloxi, it's actually shown as being owned by the City of Biloxi on the tax assessor's maps, which I thought was kind of

different. But anyway, it is publicly-owned property in that sense.

Next slide.

As I saw from the presentation on the front end, the development is in a construction stage. If you recall, this property was originally approved as multi-family, meaning they were going to build the units on the site and they were all going to be owned by a single owner.

During this process, the developer has opted to do smaller lots and actually convey these units to individuals, so you will probably have a mix of young professionals, small families and, potentially, investors buy these properties and it not be owned by a single property owner.

Whether it's zoned -- whether it's done as it is right now or if it's done as individual lots, they do meet the required building code, separation requirements of the IDC.

Next slide, please.

This shows a layout of the property and the way the lots will be created. The lots are going to range in sizes of approximately 825 feet to 950 square foot, so they are small lots.

And it's according to, you know, who you

talk to. What is a tiny home? I have done some research on it. Tiny homes are typically around 500 square feet. These are about 975 square feet, which is not a tiny home. It's just a small house, and it's probably smaller than anything any of us live in.

Next slide, please. The structures are two stories. The bottom floor is 500 square feet. The top floor is 475 square feet. So they do come in at under 1,000 square feet total, which with a smaller house, you're going to have -- it's going to be more affordable. You're paying for less square footage. But the quality of these homes is very good and very high.

Next slide, please.

This outlines the RB district. As you can see, the RB district does include high-density residential uses within these -- within this district, so the project was approved for multi-family. The primary issue we're dealing with today is trying to get approval to do these into individual lots so that they can be conveyed.

Next slide, please.

And this shows you kind of what the PD districts are about. And one thing that is -- it

does encourage in the PD districts are unique uses that are really not permitted by ordinance. The PD district is required or is there to give us a little more flexibility, and that's what we're asking for here.

And if you refer back to the slide where it shows you what the -- different zonings that's around there, it's really hard to fit -- find out what really is the overriding use of the area. It is a mix, and I think what we're proposing is a very good transition from the more intense commercial uses to the west to a more non-commercial and residential uses to the east. And, in fact, I believe, there are very few, if any, commercial uses on Popps Ferry Road that are east of this site until you get into D'Iberville. Primarily everything east of this site and in the City of Biloxi is going to be residential in nature.

Next slide.

This shows the progression over the past few years. Since 2007, there's really been two primary developments that's occurred here. Bellemont Gardens to the south and The Blake. Both of these are retirement-type communities, but

they are multi-family in nature, high-density multi-family uses. So you could say over the trend of the past 10 years, 15 years that the overall change in the area has gone more toward residential and a little bit farther away from commercial.

Next slide.

Another interesting thing about this whole thing is the way that the corridor is changing. In the past, I've typically avoided Popps Ferry Road because of the congestion you get into trying to get down to D'Iberville Boulevard, but with this new interchange, it carries you directly to, I guess -- I still call it Popps Ferry Road where it crosses the 110. It's much more fluid and efficient and actually, I think it's going to encourage more traffic on Popps Ferry Road as you get from the Promenade in D'Iberville to Cedar Lake in Biloxi. So I do think that this is a change in transportation that's going to put more traffic on the area that's going to overall change the character of the area even more.

Next slide, please, sir.

Future land use map shows this area as

being a regional activity center. Regional activity centers do include the use of high-density residential within this. I do think it's consistent with the future land use map and comp plan.

Next slide.

Getting close, I promise you.

This shows you that -- the national shortage of homes, of inventory. Putting more homes out there for single-family ownership is a good idea, and I think that this project goes a long way in helping to meet this national shortage.

Next slide.

This outlines the buyers. Of course, as I said previously, military families, younger families or individuals who just don't want a large lot, large house, it does fit well.

Next slide.

And this shows you that we're getting a lot of outside interest in Mississippi primarily because -- even though we think the houses are so expensive down here, if you're coming from out in California or other locations, you will see that it may be hotter, but the houses are actually a

'whole lot cheaper.

So that concludes my presentation. As stated previously, we are looking for a rezoning from the RB District to the PD-C District. And I will be happy to answer any questions you may have.

CHAIRMAN WASHER:

As previously approved -- and I'm working off your sheet here -- your utilities will remain private and you will have a master meter?

MS. CROSE:

Yes.

MR. SCRUGGS:

Yes.

CHAIRMAN WASHER:

HOA is going to be responsible for paying the water bill.

MR. SCRUGGS:

Yes.

CHAIRMAN WASHER:

Don't need 25 people hollering, saying my water got cut off.

MR. SCRUGGS:

Yes, I believe it will be master metered and everything will be paid for collectively.

CHAIRMAN WASHER:

What about garbage?

MR. SCRUGGS:

Garbage, there is going to be -- is it on the north side of the property is where your --

MS. CROSE:

It's on the west side of the property.

Amanda Crose. 1402 Pass Road, Gulfport, Mississippi.

Yes. There will be garbage on the property.

CHAIRMAN WASHER:

A dumpster?

MS. CROSE:

Yes, there's a dumpster on the property.

The HOA will maintain all the water bills and just pay out of one account. The HOA will maintain all of the grass areas. The parking lot, everything is private. Nothing will be dedicated over to the city, so it's all a private community.

CHAIRMAN WASHER:

Where was that dumpster going to be?

MR. CARRON:

It's the southeast corner. Is that

where it's going to be?

MR. SCRUGGS:

Move it back.

CHAIRMAN WASHER:

Maybe the middle of the west line?

MS. CROSE:

Right there. Tucked away in between the housing units right there.

CHAIRMAN WASHER:

Thank you.

MS. CROSE:

You're welcome.

CHAIRMAN WASHER:

Any other questions from the members of the Commission?

MR. DELAHOUSEY:

Yeah. Help me understand. So if this zoning request is approved, the construction that you already have in place, will it be modified in any way or it's just that will be zoned differently?

MS. CROSE:

Correct.

MR. SCRUGGS:

Correct.

MR. CARRON:

I brought up previously about the -- still doing the pervious rocks in the roadway.

MR. SCRUGGS:

That's correct.

MS. CROSE:

Well, I believe when the units were going to be rented, they were going to try to do the gravel drive. But since they are wanting to sell the units, the homebuyers, we believe, would be better suite -- would like the asphalt drive instead. We're working with engineering. I think we have already gotten that approved through engineering to do an asphalt drive instead of the gravel.

MR. CARRON:

Jerry, weren't they doing the pervious surface before because of the minimum that they -- I'm trying to think how to word it. I thought they had to do that because they couldn't have too much impervious surface?

MR. CREEL:

The overall -- the plan has already been approved at one time to allow them to use the limestone for their parking lot through there,

except for the drive-through for the fire department. That is one of the reasons that they wanted to use the limestone, was so that they would not exceed the impervious surface coverage.

MR. CARRON:

Okay. But they're saying that they may put totally impervious surface now, if I understood you correctly.

MS. CROSE:

Yes. If that's approvable from Community Development, if we can asphalt that. I will make sure.

MR. CREEL:

Okay. One of the things about a PD -- you know, it's an overlay district. And with a PD, you're considering the overall plan that they are proposing. They are not held to the stringent impervious surface coverage or parking or other things, setbacks that would normally apply. This is one of the reasons for requesting a PD, is to allow them that flexibility in here.

So if you approve it, you're approving the overall master plan as it's being presented, too, if that makes sense.

MS. CROSE:

Right. And the engineering calculations have already been done and the detention will maintain the runoff.

MR. CARRON:

How much impervious surface are we going to have in there?

MS. CROSE:

I don't have the calculation.

MS. LENA:

It's in the packet.

MS. CROSE:

It is. Okay. Thank you.

MS. LENA:

It's in your packet. There is a sheet that says, Planned Development-Commercial, and that lists out all of the information that they are proposing and that states 80 percent.

CHAIRMAN WASHER:

Did you get that, Kyle, 80 percent?

MR. CARRON:

80 percent.

MR. DELLENGER:

And it looks like they do have a big retention pond on the front of that, though.

MS. CROSE:

Yes.

MR. CARRON:

I was just -- before, they had that also, and I want to make sure that the retention/detention pond will be able to accept the increase in the impervious surface.

MS. CROSE:

Yes, sir.

MR. CARRON:

All right. Thank you.

CHAIRMAN WASHER:

All right. Any other questions, members of the Commission? No other questions.

Anything else you want to add?

MS. CROSE:

No, sir.

CHAIRMAN WASHER:

Thank you. Let me let the record reflect that Ms. Magee is in attendance.

Anyone in the audience want to speak in favor of the applicant's request? Anyone speaking in favor? No one speaking in favor.

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

Mr. Creel.

MR. CREEL:

The applicant today is seeking approval for a PD-C, which is a Planned Development-Commercial, and, again, it's to be considered basically as a package deal that if you like the package, if you don't like the package, you think it complies.

They're also seeking with overlay approval to divide it up into individual lots which would be up to subdivision approval. Now, the property is currently zoned RB, which is the most intensive business zoning that we have short of waterfront. It's already located next to a commercial use, an intensive commercial use there on the west side of the property, which is the former incubator.

We anticipate the use over on the school property side on the east side of Motsie will develop as heavy commercial because that property is zoned RB as well. Directly across the street is a multi-family residential development.

You know, there is some concern or was some concern maybe that they might use this property for short-term rental. Well, in

considering that, the property right now is zoned RB, which allows short-term rental as a use by right. The only difference would be, is that right now it's rental property. If they get the subdivision, they will be able to sell the lots individually to people who then, as a use by right, could do short-term rental there.

So whether it's a multi-family residential development or whether it's a single-family development owned by individual owners, short-term rental is already allowed.

The question for the Planning Commission today is whether to allow the Planned Development-C, Commercial, to be approved and the subdivision plat to be approved. And if you vote to approve it, they will be able to sell the lots individually. If you vote to deny it, then it will just remain multi-family residential property. So that is the decision that's up to you. The staff, based on the request, has no objection and would recommend approval.

CHAIRMAN WASHER:

All right. Thank you.

DR. DRAWDY:

David, one question for Jerry.

Jerry, in a Planned Development-Commercial District, is there a maximum of number of people that can be assigned or allowed to go into one of these small, tiny homes or -- a minimum would be one, I guess, but would there be a maximum number?

MR. CREEL:

It's not really regulated by the Land Development Ordinance, but it's regulated by the building code.

Now, let me back up. There is a statement that in single-family zoning that in a single-family house situation, you can have up to five unrelated people living in a single-family house without being in violation of the ordinance. Where, the ordinance -- but they all have to live together as a family, so there is a regulation in there that kind of addresses this.

But as far as the maximum number of people going in there, that's regulated by the building code, and it's based on the square footage of the building as to how many people can be in there.

And if somebody comes in for a short-term rental approval, when they come to get

their certificate of occupancy, we also have an occupant limit card that we issue to them, letting them know that there can only be X number of people in there based on the square footage and the number of exits there.

MR. DELAHOUSEY:

Jerry, based on what he said, that this is going to be 900 square feet, do you have a copy or know what the building code requirements are for the maximum number of occupants?

MR. CREEL:

The rule of thumb -- and don't hold me to this, but the rule of thumb used to be that you had to have at least 150 square feet for the first person there and 100 additional square feet for each additional person that would be in there.

Now, that has to be habitable space. That doesn't include closets, storage rooms, those kind of things. Habitable space is mainly regulated to kitchen, living rooms, bedrooms, those type of rooms that are occupied on a consistent basis by a family.

MR. DELAHOUSEY:

I move that we approve the applicant's request.

MR. PARKER:

Second.

CHAIRMAN WASHER:

Motion by Mr. Delahousey recommending approval, seconded by Mr. Parker.

Any discussion on that?

MR. CARRON:

One more question. Are these all one-bedroom or two-bedroom?

MR. SCRUGGS:

Three-bedroom.

MR. CARRON:

Three-bedroom.

MR. SCRUGGS:

The bedrooms are all upstairs.

MR. CARRON:

Okay. I know we're pushing -- three bedrooms, what's the normal requirements for parking spaces for three-bedroom homes?

MR. CREEL:

For a single-family house, you're only required to have one sparking space. But if they use these for short-term rental, we'll address that when they come in. They're going to have to have at least one parking space for each bedroom

that they have there. That's when the ordinance would kick in.

Now, Elliott has not come to us for short-term rental approval. But the individual owners, when they buy these, if they come to us, we'll make them aware of that.

MR. CARRON:

As it stands now, there is approximately 42 parking spaces there.

MR. SCRUGGS:

Yes, there's 42 spaces there currently.

MR. CARRON:

I mean, that's just something to consider. We have got 25 buildings with three bedrooms and 42 parking spots. That can become an issue.

MR. SCRUGGS:

Some are only two bedrooms. Not all of them are three bedrooms.

MR. CARRON:

Thank you.

CHAIRMAN WASHER:

All right. We've got a motion and a second on the floor recommending approval. Ask that all those in favor, raise your hand, please.

Mr. Lechner, Mr. Parker, Mr. Todaro, Ms. Magee, Ms. Shaw, Mr. Stanovich, Mr. Bogard, Mr. Dellenger, Mr. Poulos, Dr. Drawdy, Mr. Carron, Mr. King, Mr. Snow, Mr. Delahousey; myself, David Washer.

We'll let the record reflect that's unanimous and that is with all 15 members in attendance, so we're doing good today.

Moving on to the next case, 24-044-PC, MS Edgewater Square, LLC, owner, and Louis Leitenberger, applicant. This a request for a conditional use approval to authorize an existing unit within a commercial building to be utilized as a bar/lounge for a property located within an NB, Neighborhood Business, and identified by Municipal Address 2667 Pass Road, being Municipal Tax Parcel Number 1110F-02-006.000. This case was advertised on July 21st and July 28th.

Mr. Lambert.

MR. LAMBERT:

Yes, sir.

(Video played.)

CHAIRMAN WASHER:

Mr. Leitenberger, if you will, sign in and give us your name and address for the record,

please, sir.

MR. LEITENBERGER:

Yes, sir. I did, sir.

CHAIRMAN WASHER:

If you will, kind of briefly tell us what you're proposing and what you need.

MR. LEITENBERGER:

I'm Louis Chad Leitenberger, part owner of the Adventurer's Tavern, 2667 Pass Road.

The Tavern is set up to be a place where people can come and get together, basically game. And, I mean, like boardgames, not casino games, but like Dungeons and Dragons, Magic, console games, stuff like that. We're going to serve food and we're looking to have alcohol as well.

And it's just going to be a neat place where -- I hate to call it the geek culture can get together. Kind of like the Kraken used to be back in the day.

MR. DELAHOUSEY:

Is this just the place where the restaurant used to be?

MR. LEITENBERGER:

Yes, sir. That's where Hana used to be.

MS. MAGEE:

Where is the other place, Adventurer's Tavern? It's on Pass Road too? You said you were part owner in Adventurer's or that's the name this place is going to be?

MR. LEITENBERGER:

Yes, ma'am. The Adventurer's Tavern.

CHAIRMAN WASHER:

Any other questions, members of the Commission?

MR. CARRON:

One question. I see that you have different times depending on the age groups in there. It's up top. What, 9:00 for under 21 and up to 2:00, 21 and over?

MR. LEITENBERGER:

Yes, sir.

MR. CARRON:

How do you control that?

MR. LEITENBERGER:

Back when I used to be a Biloxi firefighter, I part-time bartended at Boogie's, which is across from the mall. It's Edgewater Village. Boogie's has a rule exactly like that to where after 9:00 p.m. all underaged people leave, and they keep track of that. The bartenders and