

Ordinance No. 2573

ORDINANCE TO GRANT A ZONING MAP AMENDMENT, TO APPROVE A PD-I:
PLANNED DEVELOPMENT - INFILL DISTRICT MASTER PLAN UPON
PROPERTY IDENTIFIED AS 458 BACK BAY BOULEVARD

WHEREAS, the Biloxi Planning Commission conducted a public hearing October 17, 2024, to hear the application of Nick Gant (applicant) and Steven Carter-Gutierrez (owner), Case No. 24-057-PC, to consider an application for a Zoning Map Amendment, the approval of which would provide for the establishment of a PD-I: Planned Development - Infill District Master Plan, under the working title: Bayside Boat and RV Storage Facility, presently zoned WF Waterfront, and identified as 458 Back Bay Boulevard; and

WHEREAS, the Planning Commission members were apprised of the particulars of this case, being made cognizant of the fact that the PD-I: Planned Development - Infill District Master Plan will allow the applicant to apply for a Preliminary Subdivision (i.e., Case No 24-058-PC) which proposes twenty-nine (29) lots that will allow a Boat & RV Storage Facility to be created for individual ownership; and

WHEREAS, it was noted that the Development Review Committee (DRC) had reviewed this request for a Zoning Map Amendment, to authorize the establishment of a PD-I: Planned Development - Infill District Master Plan, 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 for this PD-I: Planned Development - Infill District Master Plan approval, as herein requested; and

WHEREAS, on October 17, 2024, the Biloxi Planning Commission, upon conducting this public hearing, and after careful reflection on the particulars of this case, voted (11-0) to recommend approval for this Zoning Map Amendment, the approval of which would provide for

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the establishment of a PD-I: Planned Development - Infill District Master Plan, under the working title: Bayside Boat and RV Storage Facility, upon several parcels totaling six and twenty-nine one-hundredths acre (6.29) (more or less) in size, presently zoned WF Waterfront, and identified as 458 Back Bay Boulevard (Tax Parcel Nos. 1410B-02-002.000, 1410B-02-003.000, 1410G-01-004.001, & 1410G-01-009.000), having determined that the PD-I: Planned Development - Infill District Master Plan requested would allow a twenty-nine (29) Boat & RV Storage units to be created for individual ownership; 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-I: Planned Development - Infill District Master Plan, as submitted, is appropriate for the property presently identified as 458 Back Bay Boulevard, having concurred that an established community need for this PD-I Master Plan and the use proposed are 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 the overlay PD-I: Planned Development - Infill District Master Plan, identified as 458 Back Bay Boulevard (Tax Parcel Nos. 1410B-02-002.000, 1410B-02-003.000, 1410G-01-004.001, & 1410G-01-009.000); and described as follows:

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A parcel of land situated in the City of Biloxi, Second Judicial District of Harrison County, Mississippi, and being more particularly described as follows:

Commencing at point being located at the locally accepted Northeast corner of Lot 1, Block 2, Bragg and Graham Addition to the City of Biloxi, Mississippi; thence N 46°19'03" E 41.83 feet to a 1/2" iron rod set at a point of intersection with the Northern right-of-way of Fallo Street with the Eastern, unimproved, right-of-way of Brown Street, also being the Point of Beginning, (said Point of Beginning having grid coordinates N. 328882.40 and E. 970808.91 based on the Mississippi State Plane Coordinate System, East Zone, NAD 83 (U.S. feet), coordinates and courses herein are grid values based on said coordinate system using a scale factor of 0.999950207 with a convergence angle of -00°01'17.68187" (at the Point of Beginning)); thence N 00°24'40" W 796.87 feet to a 1/2" iron rod set on the Southern right-of-way of Bayview avenue as currently laid out and the beginning of a non-tangential curve to the left; thence Southeasterly 380.62 feet along said Southern right-of-way and curve being concave to the North, having a central angle of 14°44'06", with a radius of 1,480.00 feet, and also having a chord bearing and distance of S 61°20'36" E 379.57 feet to a 1/2" iron rod set; thence S 00°48'29" E 494.53 feet along the Western boundary of property now or formerly to the Boys & Girls Clubs of the Gulf Coast, (Inst.# 2020-4807-D-J2), to a 1/2" iron rod found and being located at the Northeast corner of property now or formerly to CB & L Saucier Holdings, LLC; thence S 89°31'59" W 130.06 feet along the Northern boundary of said CB & L Saucier Holdings, LLC property to a 1/2" iron rod found; thence S 00°34'53" E 147.98 feet along the Western boundary of said CB & L Saucier Holdings, LLC property to a 1/2" iron rod set at the Northeast corner of property now or formerly to Dennis L. Sullivan, (Deed Book 28, Page 487); thence N 89°53'06" W 73.04 feet along the Northern boundary of said Dennis L. Sullivan property to a 1/2" iron rod set on the Eastern right-of-way of Fountain Lane; thence N 00°34'53" W 30.30 feet along said Eastern right-of-way to a 1/2" iron rod set at a point of intersection with said Eastern right-of-way with the Northern right-of-way of Fallo Street; thence S 89°14'33" W 132.44 feet along said Northern right-of-way of Fallo Street to the Point of Beginning.

and further described as land situated and fronting to the North and South of Back Bay Boulevard, to the East of Holley Street, and to the West of Strangi Avenue.

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

YEAS:	Gines	Tisdale	NAYS:	Lawrence
	Newman	Glavan		
	McGilvary	Shoemaker		

The President then declared the Ordinance adopted this the 19th day of November, 2024.



ATTEST:

APPROVED:

Kei Campbell
CLERK OF THE COUNCIL

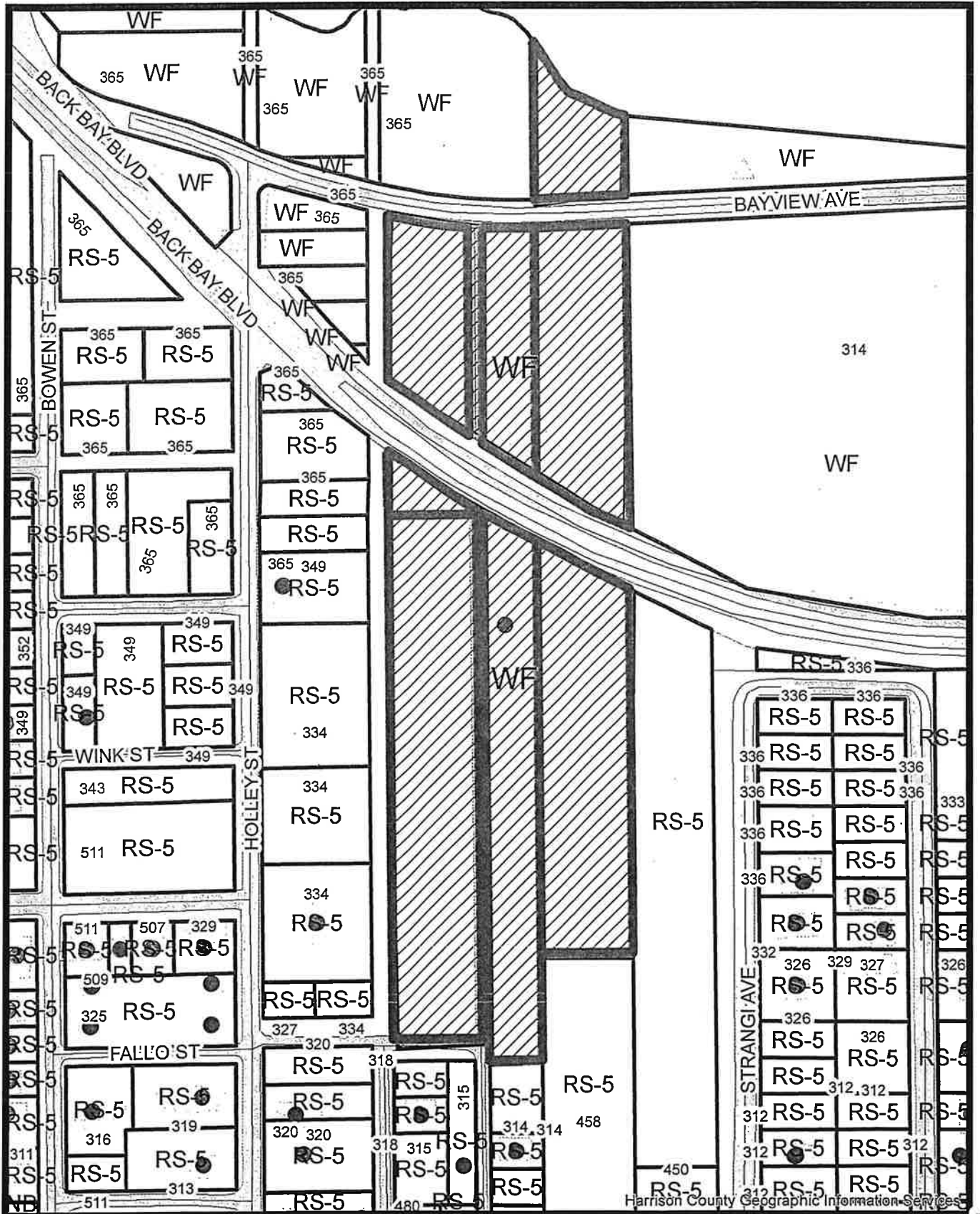
Paul B. Tisdale
PRESIDENT OF THE COUNCIL

Submitted to and approved by the Mayor, this the 21st day of November, 2024.

APPROVED:

[Signature]
MAYOR

Case No. 24-057-PC
Nick Gant/Steven Carter-Gutierrez
458 Back Bay Blvd
PD-I Planned Development Infill



Scheduled for:
October 17, 2024
PC Meeting

Steven Carter-Gutierrez (owner)
Nick Gant (applicant)
Case No. **24-057-PC**
PD-I



**Planning Commission
Case Fact Sheet**

Case No.: 24-057-PC
Name of Owner: Steven Carter-Gutierrez (owner)
Applicant: Nick Gant (applicant)
Address of Property: 458 Back Bay Boulevard
Tax Parcels/Ward: 1410B-02-002.000, 1410B-02-003.000, 1410G-01-004.001,
& 1410G-01-009.000/Ward 1

Request: PD-I

Purpose of Request: To consider an application for a **PD-I: Planned Development - Infill District Master Plan**, under the working title: Bayside Boat and RV Storage Facility, upon several parcels totaling six and twenty-nine one-hundredths acre (6.29) (more or less) in size, presently zoned **WF Waterfront**, and identified as 458 Back Bay Boulevard (Tax Parcel Nos. 1410B-02-002.000, 1410B-02-003.000, 1410G-01-004.001, & 1410G-01-009.000).

Size of Property: 6.29 acres (More or Less)

Present Zoning: **WF Waterfront**

Flood Zones: AE-17

Present Use: Vacant Land

Most Nearly Bounded By (streets): Further described as land situated and fronting to the North and South of Back Bay Boulevard, to the East of Holley Street, and to the West of Strangi Avenue

Adverse Influences: None apparent.

Positive Influences: The proposed PD-I would allow for lots to be created to be sold to individuals.

Letters or Concerns stated: The Planning Division Office has not received any letters or other written communications relative to this case, as of October 10, 2024.

Comments/ Recommendations: Nick Gant (applicant) and Steven Carter-Gutierrez (owner) have requested a **PD-I: Planned Development - Infill District Master Plan**, under the working title: Bayside Boat and RV Storage Facility, upon several parcels totaling six and twenty-nine one-hundredths acre (6.29) (more or less) in size, presently zoned **WF Waterfront**, and identified as 458 Back Bay Boulevard (Tax Parcel Nos. 1410B-02-002.000, 1410B-02-003.000, 1410G-01-004.001, & 1410G-01-009.000).

The requested **PD-I: Planned Development - Infill District Master Plan**, will allow the applicant to apply for a **Preliminary Subdivision** (i.e., Case No 24-058-PC) which proposes twenty-nine (29) Boat & RV Storage units to be created for individual ownership,

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

- Maximum dwelling units per acre: 30
- Minimum Lot area: 980 sq. ft.
- Minimum Lot Width: 49'
- Maximum Impervious Surface: 100%
- Maximum Building Height: 175'
- Minimum Front Setback: 0'
- Minimum Rear Setback: 0'
- Minimum Side Setbacks: 0'
- Minimum setbacks from adjoining residential district: 15'

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-I: Planned**

Steven Carter-Gutierrez (owner)

Nick Gant (applicant)

Case No. **24-057-PC**

PD-I

Page 3

Development – Infill District Master Plan for approval. Should this matter be approved, all city regulations must be fully addressed.

Options:

1. Recommend approval of this request for a **PD-I: Planned Development - Infill District Master Plan**, having determined that the proposed subdivision would appropriately serve the interests of the neighborhood and the City of Biloxi.
2. Recommend denial of this requested **PD-I: Planned Development - Infill District Master Plan**, 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. 24-057-PC

To Be Completed by Owner/Applicant

Date: 9/5/2024

Name of Rightful Owner(s):
Steven Carter - Gutierrez, LLC

Name of Applicant: (if different than Owner)
Nick Gant - Brown, Mitchell & Alexander, Inc.

Property Address:
458 Back Bay Boulevard

Ward Number
1

Tax Parcel Identification Number(s):

1	4	1	0	B	-	0	2	-	0	0	2	.	0	0	0	1	4	1	0	G	-	0	1	-	0	0	4	.	0	0	1
1	4	1	0	B	-	0	2	-	0	0	3	.	0	0	0																
1	4	1	0	G	-	0	1	-	0	0	9	.	0	0	0																

Mailing Address of Property Owner:
109 Surgeres Place

Mailing Address of Applicant (if different than Owner): 131 Rue Magnolia

City: Ocean Springs

City: Biloxi

State: MS

State: MS

Zip: 39564

Zip: 39530

County: Jackson

County: Harrison

Telephone: (228) 218-4636

Telephone: (228) 436-7612

Property Size (please give in acres or by dimension): 6.29 AC total all parcels

Present Zoning Classification: WF

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

Is this property a Historic Landmark? Yes ___ No x

Flood Zone(s) of Property:

North

South

East

West

Property is most nearly bounded by what streets?

Back Bay Blvd.

Fallo St.

Strangi Ave.

Holley St.

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



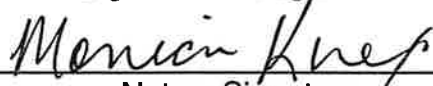
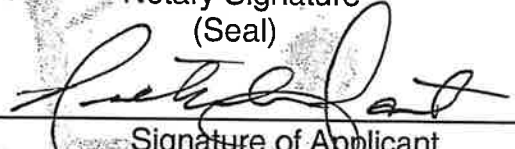

Appeal

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
 _____ 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:

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



**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: 9/5/2024

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
<u> WF </u>	<u> PD-1 </u>

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.

September 5, 2024

City of Biloxi
Planning Division
P.O. Box 508
676 Dr. MLK Boulevard
Biloxi, MS 39530

**RE: Planned Development – Master Plan
Bayside Boat and RV Storage Facility
Ward 1, Biloxi, Harrison County, Mississippi**

To Whom It May Concern:

On behalf of Gutierrez, LLC (Steven Carter steven.carter4@icloud.com), we offer this statement of support narrative and supplement to satisfy Section 23-2-4(B)(3) of the Biloxi Code of Ordinances and criteria outlined in in Planning Commission Supplement Planned Development – Master Plan application.

Project Narrative

Gutierrez, LLC is currently constructing 3 luxury boat and recreational vehicle storage buildings each containing 9 units (27 condos total) on Back Bay Boulevard. These luxury garage condos offer prime access to the boat launches and marinas along Back Bay. The main difference between these garage condos and conventional self-storage is that the proposed business model includes selling individual units instead of month-to-month renting. This allows the owners to take greater pride and responsibility in the care of the garage condos.

This type of development is modeled after a condominium. There will be a Homeowner's Association (HOA) that will own and maintain all common spaces, including all access drives and paved surfaces leading to the doors of the individual garage condos.

There are future uses planned in coordination with this project that include expansion of the facility to include up to 5 additional buildings.

Zoning

The subject property is currently zoned Waterfront (WF). The intended use of the property can be constructed under the current zoning; however, the proposed business model of selling the individual condos requires a Planned Development – Master Plan and Planned Development – Infill (PD-I) zoning change to file a Condominium Plat. Only 5.02 acres of the entire 6.29-acre parcels are being requested to be rezoned. This area is bound by Back Bay Boulevard.

Compatibility and Appropriateness

As mentioned in the Zoning section, the intended use of the property is currently allowed under the current WF zoning, so the project is compatible and appropriate with the surrounding areas and consistent with city-adopted plans. The change to PD-I is requested to meet a public need of the community to allow individual condos to be sold.

The change will not result in any additional adverse impacts to the property or the surrounding area when compared to the current WF zoning. The same use is requested, just a different business model. All logical and orderly development patterns will remain for the area, and this change will not create an isolated zoning district unrelated to adjacent and surrounding zoning districts.

Supplement Criteria

1. The approximately 6.29-acre WF property is located at 458 Back Bay Boulevard. The surrounding property is zoned WF and RS-5 SF Res, High Density.
2. Only 5.02 acres of the parent approximately 6.29-acre WF property is requested to be rezoned to PD-I. The intended use for development stays the same as the already approved plans for the property. The current plan includes 3 luxury garage buildings (27 individual condos) with up to 5 additional future buildings (up to 36 additional individual condos). Figure 1
3. The use of the property will be commercial business and storage. There will be platted common space for the HOA to include paved and landscape areas. No areas will be provided designated for active or passive recreation on the property.
4. To the west of the property, an unimproved right-of-way (ROW) exists that transports stormwater from neighboring developments to north and ultimately to Back Bay. To the east of the property, jurisdictional wetlands have been identified by others and will not be filled for development, remaining in their natural state. Figure 2
5. The intended use of the property will be commercial. There will be gate-controlled access to the buildings and individual storage condos from Back Bay Boulevard. There will be no public ROW within the development. A sidewalk exists along the frontage of this property on Back Bay Boulevard, but the sidewalk will not be extended into the development.
6. Water service will be provided to the site from an existing tap to the property on Back Bay Boulevard. No restrooms will be provided so no wastewater improvements are required or provided for the project.
7. Stormwater will be collected within the footprint of the site and discharged into detention facilities designed to treat stormwater quality before discharging into low-lying areas on the east end of the property. These areas drain into existing water channels and eventually out to Back Bay.
8. A temporary dumpster will be provided onsite. Once the future development occurs, a permanent dumpster location will be identified for the development. No other public facilities will exist onsite.

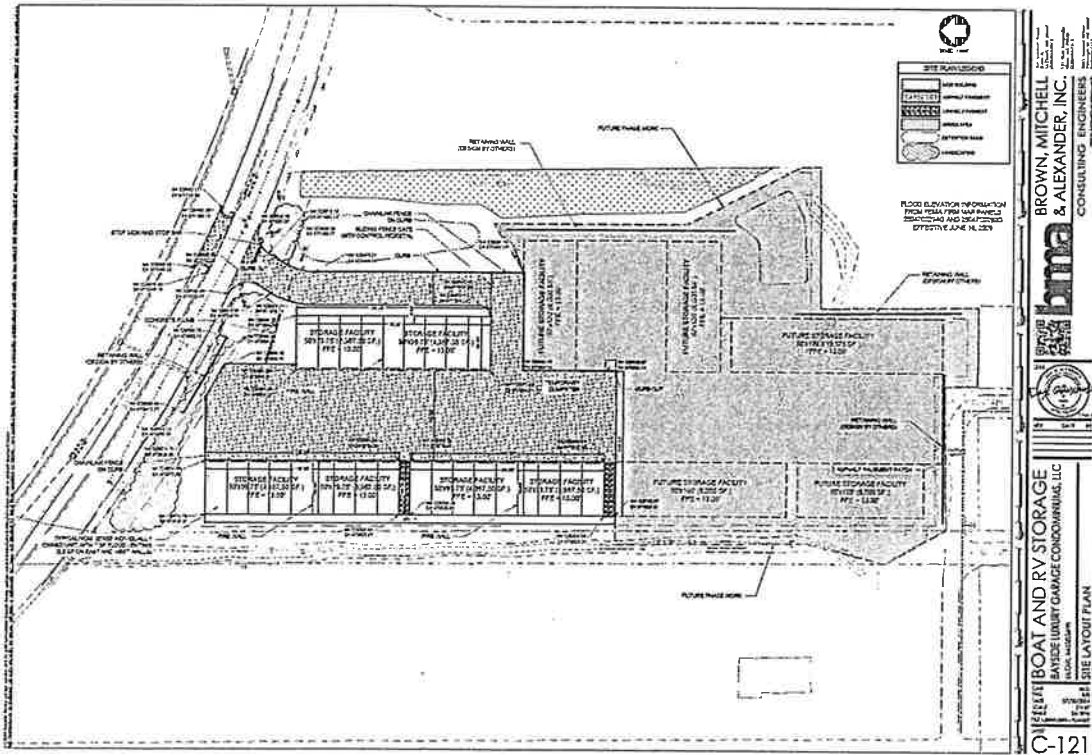


Figure 1

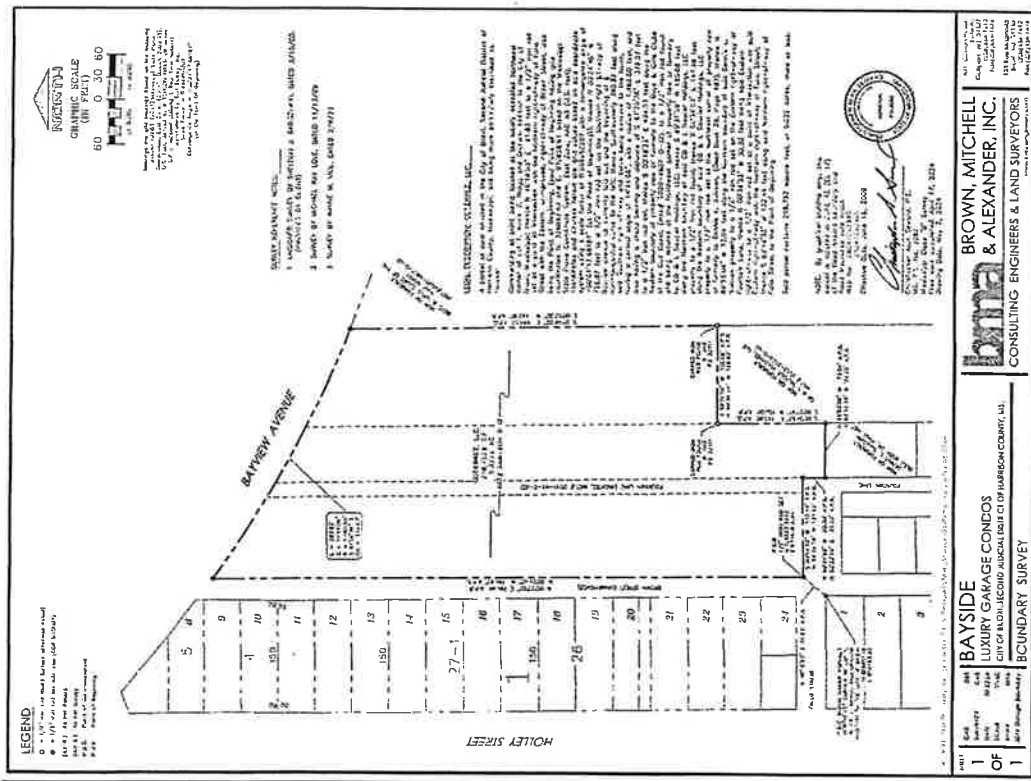


Figure 2

Dimensional Standards

Bayside Boat and RV Storage Facility

Proposed Dimensional Standards Table

Maximum dwelling units per acre, max	30
Minimum lot area, ft	980
Minimum lot width, ft	49
Maximum impervious surface area, %	100
Maximum building height, ft	175
Maximum individual building size	
Setbacks	--
Front, ft	0
Side, ft	0
Rear, ft	0
Minimum setbacks from adjoining residential district, ft	15

Conclusion

As detailed above and with all supporting documentation, the requested zoning change from WF to PD-I will not create a zone that is out of character to the surrounding area but is necessary for the project to operate under the desired business model.

We appreciate your consideration of this request and look forward to hearing from you soon. Also, if you have any questions or if we can provide any additional information, please feel free to contact me.

Sincerely,



Nick Gant, PE
Project Engineer

September 3, 2024

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

RE: Authority to Act as Agent
Bayside Boat and RV Storage Facility
Tax Parcel No: 1410B-02-002.000, 1410B-02-003.000,
1410G-01-009.000, 1410G-01-004.000
Biloxi, Mississippi

To Whom It May Concern:

This is to advise that Gutierrez, LLC, currently owns the referenced parcels, more specifically located south of Back Bay Boulevard, north of Fallo Street, west of Strangi Avenue, and east of Holley Street.

With this letter, Gutierrez, LLC, appoints Brown, Mitchell & Alexander, Inc., as its agents for the purpose of submitting a Planning Commission Application to obtain Preliminary Subdivision Review and Planned Development – Master Plan with the City of Biloxi

Sincerely,



Gutierrez, LLC
109 Surgeres Place
Ocean Springs, MS 39564
(228) 218-4636



NOTARY PUBLIC



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BILOXI PLANNING COMMISSION MEETING
 OCTOBER 17th, 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
 Joe King
 Gary Lechner
 Debora Magee
 August Parker
 Jimmy Poulos
 Michael Todaro

ALSO PRESENT:

Jerry Creel, Director of Community Development
 Felicia Serpas, Senior Planner
 Caryle Lena, Planner
 Zach Harris, Arborist
 Jon Lambert, Code Inspector
 Mandy Hornsby, Historic Administrator
 Dr. Paul Tisdale, Councilman Ward 5
 Kenny Glavan, Councilman Ward 6

REPORTED BY:

Melissa Burdine-Rodolfich
 Simpson Burdine & Miguez

CONTINUED PUBLIC HEARING(S):	PAGE:
(None)	--
NEW PUBLIC HEARING(S):	
24-057-PC	6
24-058-PC	6
24-059-PC	16
TREE HEARING(S):	
(None)	--

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CHAIRMAN WASHER:

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

We'll record the members present.

Mr. Lechner, Mr. Parker, Mr. Todaro, Mr. Bogard, Mr. Dellenger, Mr. Poulos, Mr. Carron, Mr. King, Mr. Snow, Mr. Delahousey; myself, David Washer,

To my right is Jerry Creel, Director of Community Development; Felicia Serpas, Senior Planner; Zach Harris, Arborist; Caryle Lena, Planner.

At the table in the front here is Jon Lambert, Inspector. Behind him, Mandy Hornsby, Historical Administrator, and our court reporter today is Melissa Rodolfich.

Ask Mr. Delahousey to open the meeting with a moment of prayer.

(Moment of prayer.)

CHAIRMAN WASHER:

Mr. Parker, would you lead us in the pledge?

(Pledge of Allegiance.)

CHAIRMAN WASHER:

Let me also recognize Dr. Paul Tisdale, Councilman Ward 5, in the audience and Kenny

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Glavan, Councilman Ward 6 in the audience.

I would like to welcome you-all here today.

And then another Planning Commission member, Ms. Magee, is now in attendance.

I would like to welcome you-all here with us today. We would ask that anyone that desires to speak, please sign at the pad provided at the podium, give us your name and address for the record. And if you would, come forward when that case is called.

Ask if all members of the Commission received a copy of the minutes from the last meeting; if there is any additions or corrections?
 MR. DELAHOUSEY:

Move to approve.

CHAIRMAN WASHER:

Motion by Mr. Delahousey recommending approval.

MR. CARRON:

Second.

CHAIRMAN WASHER:

Seconded by Mr. Carron.

All those in favor, say "aye."

(Unanimous vote.)

1 CHAIRMAN WASHER:
 2 Any opposed?
 3 (None opposed.)
 4 CHAIRMAN WASHER:
 5 Committee reports, Mr. Creel.
 6 MR. CREEL:
 7 Yes, sir. Mr. Chairman and members of
 8 the Commission, over the past two weeks, the
 9 department has issued 192 building permits with a
 10 construction valuation of \$4.29 million in permit
 11 fees; issued licenses for 33 businesses; 20 of
 12 those were for peddlers, mostly for Cruisin' the
 13 Coast; also, renewals of 111. We also issued 18
 14 certificates of occupancy. Three of those were
 15 for short-term rental.
 16 Out of the permits issued, one was for
 17 the sanctuary which is located at 156 Camellia
 18 Street; that was for Phase 2; also, Phase 1 for
 19 Hammered Harry's; this is the old Margaritaville
 20 site off of Oak Street; also for a Jet's Pizza
 21 build-out at 15160 Highway 67; and then the
 22 build-out for The Picklr, which is the old Hobby
 23 Lobby building; and 16 new single-family houses.
 24 CHAIRMAN WASHER:
 25 Thank you.

1 CHAIRMAN WASHER:
 2 I jumped the gun. We're going to watch
 3 the video.
 4 MR. LAMBERT:
 5 (Video played.)
 6 CHAIRMAN WASHER:
 7 All right, sir.
 8 MR. GANT:
 9 Thank you. Never seen the video before,
 10 so I like that.
 11 So my name is Nick Gant, Brown, Mitchell
 12 and Alexander. I'm the authorized agent and
 13 applicant on behalf of Steven Carter-Gutierrez as
 14 the owner. He is here. He doesn't intend on
 15 speaking unless something comes up where he may
 16 need to speak.
 17 So I've scrolled through the Case Fact
 18 Sheet and I'm sure you guys all have as well. Not
 19 really too much different to add. As you can see
 20 from the video, the site is already under
 21 construction.
 22 The change from waterfront to PD-I is
 23 not necessarily to get a different use for the
 24 property. It's really how that property is used.
 25 As currently zoned, these rental units -- these

1 We have no continued public hearings.
 2 New public hearing today, Case
 3 Number 24-057-PC, Nick Gant, applicant; Steven
 4 Carter-Gutierrez, owner. It's a request for a
 5 PD-I, Planned Development-Infill District master
 6 plan under the working title, Bayside Boat and RV
 7 Storage Facility upon several parcels totaling
 8 6.29 acres, more or less, in size presently zoned,
 9 WF, Waterfront, and identified as 548 Back Bay
 10 Boulevard, being Municipal Tax Parcels
 11 1410B-02.003.000, 1410G-01-004.001, and
 12 1410G-01.009.000.
 13 This was case as advertised on
 14 October 16th, October 1st.
 15 Also, in conjunction with this case,
 16 we're going to hear Case Number 24-058, same
 17 property, same owners. This is to establish 29
 18 commercial lots to include 27 boat and RV condos
 19 upon several parcels totaling 6.29 acres.
 20 We'll hear these together and we'll vote
 21 on them separately.
 22 Is the applicant or their representative
 23 here, please?
 24 MR. CREEL:
 25 Video.

1 storage facilities would have to be rented and
 2 follow a rental model. By switching to a PD-I and
 3 then a preliminary plat, which is the next case
 4 that we're going to discuss in conjunction with
 5 this one, we're able to take advantage of a condo
 6 plat-type scenario for this property and then sell
 7 those individual units.
 8 There will be an HOA that, you know,
 9 maintains frontage around the structures, but then
 10 the individual units themselves will be owned
 11 instead of rented, so that's really, you know, the
 12 reason for the ask. That's what we're for, and
 13 I'll be happy to answer any questions you may
 14 have.
 15 MR. CARRON:
 16 What is the base elevation there?
 17 MR. GANT:
 18 So the flood elevation is AE-17. The
 19 structures will be at an -- or at an elevation of
 20 13. Now, all of the -- you know, it will have all
 21 of the flow-through proofing in the buildings and
 22 all of the receptacles and all that will be up
 23 above the base flood elevation.
 24 MR. CARRON:
 25 Okay. And this being individually

9

1 owned and -- it's going to have an HOA, I
2 understand?
3 MR. GANT:
4 Yes, sir.
5 MR. CARRON:
6 How do they handle the fire protection?
7 Is the HOA going to handle the fire protection for
8 that type of facility?
9 MR. GANT:
10 So it is not sprinkled, a sprinkled
11 facility. There is a fire line that goes through
12 the property and we're installing two hydrants
13 that will be able to be used by the City of Biloxi
14 for fighting fires.
15 MR. CARRON:
16 Jerry, would they be required to have
17 any firewalls to separate them since they are
18 privately owned?
19 MR. CREEL:
20 Not since they're -- if they were
21 dwelling units, yes; but because they're basically
22 storage units, no.
23 MR. GANT:
24 So the individual unit, there are
25 firewalls inside of the overall structure to keep

11

1 That's all right.
2 CHAIRMAN WASHER:
3 Can you address the fact of the --
4 removing units prior to storms or certain type of
5 storms?
6 MR. CARTER:
7 Well, it's just like if you have your
8 boat at the high and dry, get your boat, get your
9 RV, put it -- you know, if it's going to be a
10 20-foot tide or whatever, let's get it out of
11 there, you know, protect your stuff.
12 If it's a mandatory evacuation, get your
13 stuff. That's the way it's got to -- that's the
14 way we have always decided it and said it's going
15 to happen.
16 CHAIRMAN WASHER:
17 All right, sir. Thank you.
18 All right. Anything else you want to
19 add, Mr. Gant?
20 MR. GANT:
21 No, sir. Unless something else comes
22 up. I'll be happy to come back up.
23 CHAIRMAN WASHER:
24 We'll ask if there's anyone in the
25 audience that wants to speak in favor of the

10

1 it under the threshold for keeping -- for what's
2 commercially allowed for not having sprinkler
3 protection.
4 MR. CARRON:
5 And just one additional question.
6 During the hurricanes and stuff, will you require
7 them to be removed, you know, the RVs and boats
8 out of there?
9 MR. GANT:
10 I'm not sure what the entire -- the
11 entirety of that plan will be. I don't know if
12 the owner has really kind of got into that --
13 MR. CARTER-GUTIERREZ:
14 (Nods head.)
15 MR. GANT:
16 Yes. They will be required to move out
17 of the units. That will be, I guess, in the HOA
18 covenants as a requirement.
19 MR. CARRON:
20 All right. Thank you.
21 CHAIRMAN WASHER:
22 All right. Any other questions, members
23 of the Commission? No other questions.
24 Mr. Gutierrez -- Mr. Carter. I'm sorry.
25 MR. CARTER:

12

1 applicant's request? Anyone speaking in favor?
2 No one speaking in favor.
3 Is there anyone speaking in opposition?
4 No one speaking in opposition?
5 We'll consider that hearing closed --
6 those hearings.
7 MR. CREEL:
8 Okay. The project before you today, the
9 application that we're reviewing, the property is
10 zoned Waterfront, which does allow this to be
11 built as a use-by-right. The only thing that the
12 PD-I will do is allow them to sell the units
13 individually, so that's the only difference
14 between it. That's why you see that they're under
15 construction right now, because it is a
16 use-by-right. Great location for this type of
17 operation, and staff has no objection and would
18 recommend approval.
19 MR. DELAHOUSEY:
20 Mr. Creel, is this kind of unusual --
21 and, of course, it's up to them to have an HOA,
22 but they have an HOA for -- there are not homes
23 here. Is this kind of unusual?
24 MR. CREEL:
25 This is the first time that we have

1 experienced this with a non-residential
 2 development that it was being subdivided into
 3 individual units. It's not prohibited by the
 4 code, so, you know, in this case it would be
 5 allowed.
 6 MR. DELAHOUSEY:
 7 It would seem like it would have some
 8 advantages, in that there is a regulatory agency
 9 besides the City of Biloxi to keep them in order
 10 for the people that own the units.
 11 MR. CREEL:
 12 Yes, sir. We do make sure that the
 13 language goes on the subdivision plat to make sure
 14 that there's a clear understanding with owners
 15 that the homeowners association, whether
 16 established or not -- even if you don't form a
 17 homeowners association, then it's considered to be
 18 a homeowners association because of the owners on
 19 there, and they are responsible for keeping the
 20 property clean and keeping the maintenance up.
 21 MR. CARRON:
 22 I have seen them listed, instead of as a
 23 homeowners association, as a property owners
 24 association. I don't know if that would be a
 25 better listing for it.

1 CHAIRMAN WASHER:
 2 Motion by Mr. Delahousey recommending
 3 approval; seconded by Ms. Magee.
 4 MR. CARRON:
 5 David, I don't know if this means
 6 anything, if it's a misprint. But in here, it
 7 lists they can have a 175-foot high building.
 8 It's just a misprint.
 9 CHAIRMAN WASHER:
 10 I didn't catch that.
 11 MR. CREEL:
 12 One of the reasons that they kept the
 13 square footages on the building at the level they
 14 did was so that they would not have to sprinkler.
 15 If you'll notice on the south side, the split
 16 right in the middle, what that is, is a separation
 17 between the two buildings so that they can keep
 18 the square footages down below the level that
 19 would require a sprinkler system.
 20 MR. CARRON:
 21 No. I'm talking about the maximum
 22 building height is listed as 175 feet.
 23 MR. CREEL:
 24 Oh, you mean, the language that was
 25 written?

1 MR. CREEL:
 2 It might be better terminology, yeah.
 3 MR. DELLENGER:
 4 Move we approve.
 5 MR. POULOS:
 6 Second.
 7 CHAIRMAN WASHER:
 8 Now, we're only talking about the
 9 request for the PD-I.
 10 So we have a motion Mr. Dellenger
 11 recommending approval of the PD-I; seconded by
 12 Mr. Poulos.
 13 We'll ask that all those in favor of
 14 approval, raise your hand, please.
 15 Mr. Lechner, Mr. Parker, Mr. Todaro,
 16 Ms. Magee, Mr. Bogard, Mr. Dellenger, Mr. Poulos,
 17 Mr. Carron, Mr. King, Mr. Delahousey; myself,
 18 David Washer. We'll let the record show that's
 19 unanimous.
 20 Now, Case Number 24-058-PC, as far as
 21 the preliminary subdivision plat.
 22 MR. DELAHOUSEY:
 23 Move to approve.
 24 MS. MAGEE:
 25 Second.

1 MR. CARRON:
 2 It's a misprint.
 3 MR. CREEL:
 4 Okay.
 5 CHAIRMAN WASHER:
 6 All right. We have a motion and second
 7 recommending approval.
 8 All those in favor of approval, raise
 9 your hand. Mr. Lechner, Mr. Parker, Mr. Todaro,
 10 Ms. Magee, Mr. Bogard, Mr. Dellenger, Mr. Poulos,
 11 Mr. Carron, Mr. King, Mr. Delahousey; myself,
 12 David Washer. We'll let the record show that's
 13 unanimous.
 14 Our next case, 24-059-PC, Sharon Myers.
 15 This is a request for a zoning map amendment to
 16 authorize a change in zoning district
 17 classification for a parcel of land measuring
 18 approximately 12.5 acres, more or less, in size
 19 from its present zoning district classification of
 20 LB, Limited Business, to CB, Community Business,
 21 identified as an unaddressed parcel at the
 22 northeast corner of Cedar Lake Road and Brodie
 23 Road, being Municipal Tax Parcel Number
 24 1309D-01.004.000.
 25 This case was advertised on