Ordinance No. 2581

ORDINANCE TO APPROVE A ZONING MAP AMENDMENT, TO AUTHORIZE A CHANGE IN ZONING DISTRICT CLASSIFICATION FOR TWO PARCELS OF LAND MEASURING APPROXIMATELY 1.5 ACRES (MORE OR LESS) IN SIZE, FROM THEIR PRESENT ZONING DISTRICT CLASSIFICATION OF LB LIMITED BUSINESS TO NB NEIGHBORHOOD BUSINESS, IDENTIFIED AS 1633 & 1635 POPP'S FERRY ROAD

WHEREAS, on Thursday, April 3, 2025, the Biloxi Planning Commission held a public hearing in the Auditorium of the Dr. Martin Luther King, Jr., Municipal Building, 676 Dr. Martin Luther King, Jr. Boulevard, Biloxi, Mississippi, to hear Case No. 25-012-PC, Starks Investments Properties, LLC, a request for a Zoning Map Amendment, upon property identified as 1633 &1635 Popp's Ferry Road; and

WHEREAS, the Planning Commission members were apprised of the particulars of this case and made aware that Starks Investments Properties, LLC submitted a request for a Zoning Map Amendment to authorize a change in zoning district classification for two parcels of land, measuring approximately 1.5 acres (more or less), from their current zoning classification of LB (Limited Business) to NB (Neighborhood Business). One of the parcels, 1635 Popp's Ferry Road, is currently split-zoned as LB and NB. The parcels are identified as 1633 and 1635 Popp's Ferry Road, adjacent to Motsie Road (Tax Parcel Nos. 1309D-01-001.006 and 1309D-01-001.003); and

WHEREAS, January April 3, 2025, the Biloxi Planning Commission, after limited discussion, voted 14-0, to recommend approval for this Zoning Map Amendment, to authorize a change in zoning district classification for two parcels of land measuring approximately 1.5 acres (more or less) in size, from their present zoning district classification of LB Limited Business to NB Neighborhood Business, identified as 1633 and 1635 Popp's Ferry Road, having determined that a change in the character of the neighborhood is evident in this area of the City of Biloxi and that the proposed amendment will also serve to clean up the zoning, making it more uniform; and

Ord. No. 2581

WHEREAS, the Biloxi City Council, after consideration of all facts presented, hereby adopts the report and findings of the Biloxi Planning Commission, and in so doing, determines that approval of the Zoning Map Amendment, is appropriate for the properties as related in Case No. 25-012-PC, 1633 & 1635 Popp's Ferry Road.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BILOXI, MISSISSIPPI THAT AS PER THE FINDINGS OF THE PLANNING COMMISSION, BASED UPON A DETERMINATION THAT A CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD IN THIS AREA OF THE CITY OF BILOXI IS OF NOTICE, THAT THE FOLLOWING SHALL BE AUTHORIZED:

SECTION ONE: That the boundaries of the Geographical Information System (GIS) Format Zoning District Map of the City of Biloxi, Mississippi, are hereby amended to reflect a change in zoning district classification from LB (Limited Business) to NB (Neighborhood Business) for the properties identified as 1633 and 1635 Popp's Ferry Road, with the acknowledgment that 1635 is currently split-zoned. (Tax Parcel Nos. 1309D-01-001.006 and 1309D-01-001.003), more fully described as follows:

Lot 2 & 3 Motsie Subdivision

Further described as land most nearly bounded by the following streets: to the North of Reunion Place Circle, South of and fronting upon Popp's Ferry Road, East of Cedar Lake Road, and West of Motsie Road

SECTION TWO: Upon unanimous vote of the members of the City Council, this ordinance shall be in full force and effect from and after passage because it serves the public peace, health, and safety of the citizens of Biloxi, and good cause exists for same. If not a unanimous vote,

this Ordinance shall become effective as soon thereafter as is signed, certified, and as is otherwise provided by law.

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

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

The President then declared the Ordinance adopted this the 6th day of May, 2025.

STATE OF MISSISSIPPI
CITY OF BILOXI
HARRISON COUNTY

ATTEST:

CLERK OF THE COUNCIL

APPROVED:

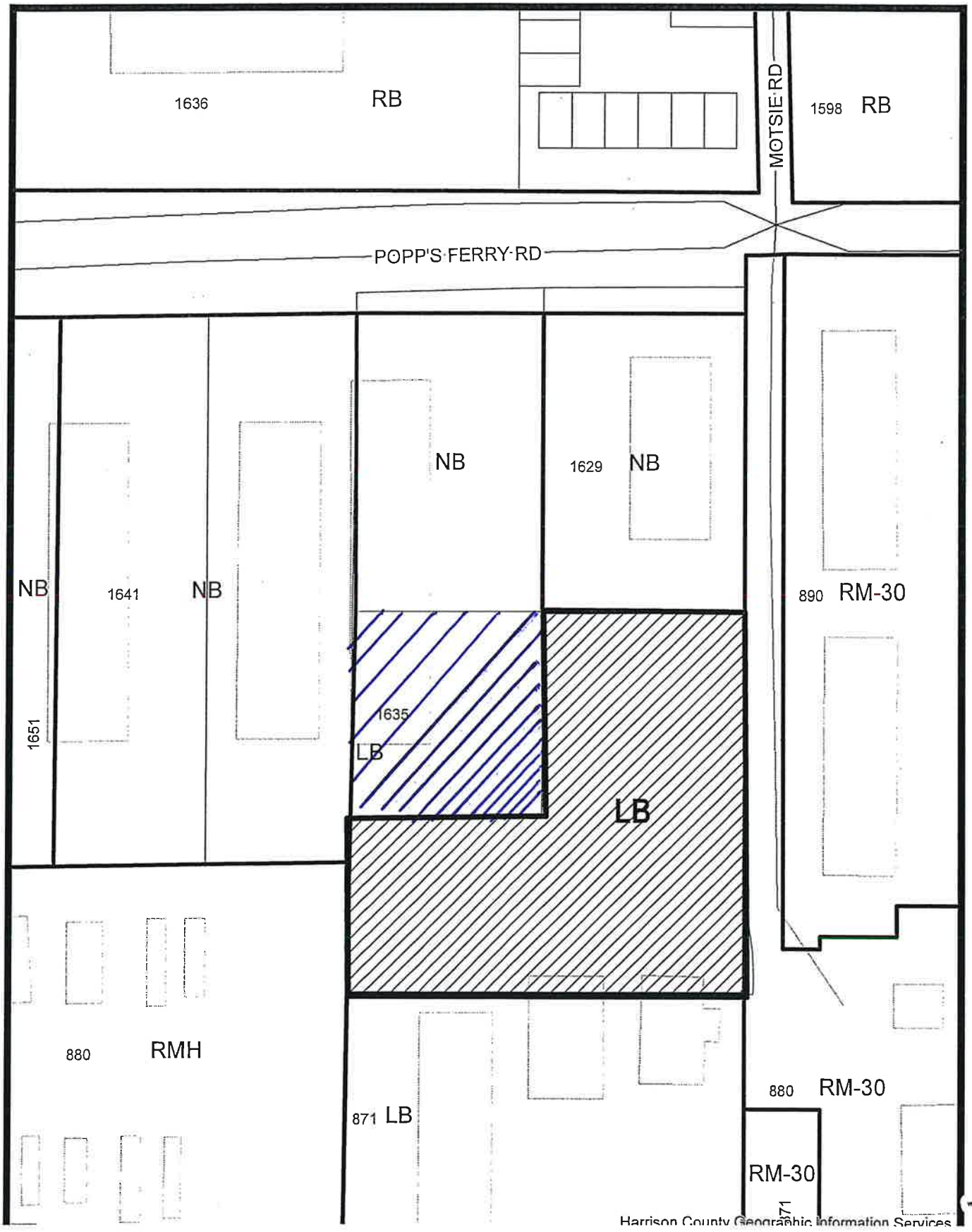
PRESIDENT OF THE COUNCIL

Submitted to and approved by the Mayor, this the _____ day of May, 2025.

APPROVED:

MAYOR

Case No. 25-012-PC
Starks Investment Properties
Popps Ferry Rd
Map Amendemnt LB to NB



Scheduled for
April 3, 2025
PC Meeting

Starks Investments Properties, LLC
Case No. 25-012-PC
Zoning Map Amendment
LB to **NB**

Planning Commission
Case Fact Sheet

Case No.:	25-012-PC
Name of Owner:	Starks Investments Properties, LLC
Address of Properties:	1633 &1635 Popp's Ferry Road
Tax Parcels/Ward:	1309D-01-001.006 & 1309D-01-001.003/Ward 5
Request:	**Zoning Map Amendment**
Purpose of Request:	To consider an application for a **Zoning Map Amendment**, to authorize a change in zoning district classification for two parcels of land measuring approximately 1.5 acres (more or less) in size, from their present zoning district classification of **LB Limited Business** to **NB Neighborhood Business**, identified as 1633 & 1635 Popp's Ferry Road and adjacent to Motsie Road (re: Tax Parcel Nos. 1309D-01-001.006 & 1309D-01-001.003).
Size of Property:	1.5 acres (More or Less)
Present Zoning:	**LB Limited Business**
Flood Zone:	X
Present Use:	Commercial Building and Vacant
Most Nearly Bounded By (streets):	To the North of Reunion Place Circle, South of and fronting upon Popp's Ferry Road, East of Cedar Lake Road, and West of Motsie Road.
Adverse Influences:	A **Zoning Map Amendment** should only be authorized when conditions clearly suggest that a change in zoning is warranted, that a change of the character of the neighborhood is of evidence, coupled with a community need to address this change and that the change proposed is consistent with uses found upon adjacent or nearby properties.

Positive Influences: If approved, this rezoning will extend the existing Neighborhood Business zoning located to the west of these properties, preventing the parcels from being split-zoned.

Concerns stated: The Planning Division Office has not received any letters or other written communications relative to this case, as of March 27, 2025.

Comments/ Recommendations: Starks Investments Properties, LLC has submitted a **Zoning Map Amendment** request to reclassify two parcels of land, totaling approximately one and a half acres, from their current LB (Limited Business) zoning district to NB (Neighborhood Business). The parcels are located at 1633 and 1635 Popp's Ferry Road, adjacent to Motsie Road (Tax Parcel Nos. 1309D-01-001.006 & 1309D-01-001.003).

The applicant stated that they plan to construct a new commercial office building and aim to maintain consistent zoning with their other properties to the west. Additionally, since one parcel is currently split-zoned, this request will resolve the zoning inconsistency.

As with all requests for **Zoning Map Amendment**, discussion points should focus on the merits or demerits of the Zoning Map change proposed, considering the following criteria:

1) Consistency (or lack thereof) with the Comprehensive Plan;
2) Compatibility with the present zoning and conforming uses of nearby property and to the character of the neighborhood;
3) Suitability of the property affected by the amendment for uses permitted by the present district;
4) Suitability of the property affected by the amendment for uses permitted by the proposed amendment;
5) Change in the character of the neighborhood and established community need for uses permitted by the district applicable to the property at the time of the proposed amendment;
6) Availability of utilities and infrastructure sufficient to address the impacts associated with the allowed uses in the proposed district; and
7) Mistake in the original zoning

Options:

1. Recommend approval of this **Zoning Map Amendment** request to reclassify the parcel from **LB (**Limited Business) to **NB** (Neighborhood Business), having determined that there is evidence of a change in the character of the neighborhood and that the zoning change will promote a consistent development pattern.

2. Recommend denial of this **Zoning Map Amendment** request, having determined that insufficient evidence has been presented to demonstrate either a mistake in the original zoning or a change in the character of the neighborhood. Additionally, no valid community need has been identified to justify the proposed zoning change for the parcels under consideration.

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. 25-012-PC

To Be Completed by Owner/Applicant	**Date:** 2-19-25
Name of Rightful Owner(s): Starks Investment Properties, LLC	Name of Applicant: (if different than Owner)
Property Address: 1633 Popps Ferry Rd. Biloxi 39532	Ward Number 6
Tax Parcel Identification Number(s): 1309D-01-001.006 / 1309D-01-061.003 (Partial)	
Mailing Address of Property Owner: P.O. Box 7149	Mailing Address of Applicant (if different than Owner):
City: Biloxi	City:
State: MS	State:
Zip: 39532	Zip:
County Harrison	County
Telephone: (228) 392-4584	Telephone: ( )
Property Size (please give in acres or by dimension): 1.5 Acres	
Present Zoning Classification: LB	
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: X	North	South	East	West
Property is most nearly bounded by what streets?	Popps Ferry Road		Motsie 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.

, MANAGING MEMBER
Signature of Rightful Owner

STATE OF MISSISSIPPI NOTARY PUBLIC ID # 102526 TIFFANY A. GUTIERREZ Commission Expires Jan. 9, 2026 JACKSON COUNTY

Notary Signature (Seal) Date 2/20/25

Signature of Rightful Owner

Notary Signature (Seal) Date

Signature of Rightful Owner

Notary Signature (Seal) Date

Signature of Applicant

Notary Signature (Seal) Date

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

NOTES:
Attn: Christopher Gutierrez

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

PLANNING COMMISSION SUPPLEMENT

Map Amendment

(Master Plan update)

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

TO BE COMPLETED BY APPLICANT	DATE: 2-19-25
Shaded Areas for Staff Only	

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

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

	Existing	New
I am requesting a zoning change from this *zone* to this *zone*:	LB	NB

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

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

Criteria:

	Yes	No
1. Is the proposed map amendment consistent with the Comprehensive Plan?	☑	☐

Please explain: All other Bldg. in the office park are zoned NB.

	Yes	No
2. Is the proposed map amendment compatible with present zoning and conforming uses of nearby property and with the character of the neighborhood?	☑	☐

Please explain:
Adjacent property is zoned NB

PLANNING COMMISSION SUPPLEMENT
Map Amendment

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

Criteria (continued)	✓	
	Yes	**No**
3. Is the property suitable for uses permitted in the present zoning district?	☐	☑
Please explain:		
	Yes	**No**
4. Is the property suitable for uses permitted in the proposed zoning district?	☑	☐
Please explain: New facility to ~~House~~ BE professional office space Consistent with the surrounding Facilities		
5. Has there been a change in the character of the neighborhood?	**Yes**	**No**
Please explain:	☐	☒
6. Is there an established community need for uses permitted in the proposed zoning district?	**Yes** ☐	**No** ☑
Please explain:		
7. Was there a mistake in the original zoning of the property?	Yes	**No**
Please explain:	☐	☑
8. Are utilities and infrastructure sufficient to address the impacts associated with allowed uses in the proposed district?	Yes ☒	No ☐
Please explain:		
Site Plan attached: (please circle): (Yes) No	Case No. ☐☐-☐☐☐-☐☐☐	

SUPPORT NARRATIVE

Starks Investment Properties LLC (SIP) would like to construct a new Professional Office Building for tenant leasing similar to the adjacent professional office buildings in the complex and are requesting a zoning change for the parcel as well as a side yard property setback variance. It is SIP's understanding that the parcel we would like to develop is located in two (2) different zones (LB & NB). SIP would like to request that the entire parcel be changed to zone NB. This change would be consistent with the zoning of the adjacent properties in the area. In addition to the zoning change SIP would like to request a side yard property setback variance for the east side of this parcel. Utilizing the current set back of 12.5' along the East property line does not allow enough space in front of the proposed facility for parking and/or tying into the existing concrete driveway for the complex.

Community Development Director
Jerry Creel

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

To: Biloxi Planning Commission

From: Jerry Creel, Development Review Committee Chair

Date: March 24, 2025

Re: Starks Investments Properties, LLC
1633 &1635 Popp's Ferry Road
1309D-01-001.006 & 1309D-01-001.003
DRC Case No. 2025-021

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

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

Yours truly,

Jerry Creel

Jerry Creel, Chair

BILOXI PLANNING COMMISSION MEETING

APRIL 3, 2025

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. Larry Drawdy
Joe King
Gary Lechner
Debora Magee
August Parker
Jimmy Poulos
John Snow
David Stanovich
Michael Todaro

ALSO PRESENT:

Jerry Creel, Director of Community Development
Felicia Serpas, Senior Planner
Caryle Lena, Planner
Dr. Paul Tisdale, Councilman Ward 5
David Shoemaker, Councilman Ward 7

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):	
25-010-PC	6
25-011-PC	64
25-012-PC	117
25-013-PC	120
TREE HEARING(S):	
TR-25-002 (Tabled)	--

CHAIRMAN WASHER:

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

We'll record the members present. Mr. Lechner, Mr. Parker, Mr. Todaro, Ms. Magee, Mr. Stanovich, Mr. Bogard, Mr. Dellenger, Mr. Poulos, Dr. Drawdy, Mr. Carron, Mr. King, Mr. Snow, Mr. Delahousey; myself, David Washer.

To my right is Jerry Creel, Director of Community Development; Caryle Lena, Planner.

On the table in the front there, Felicia Serpas, Senior Planner, and next to her is Melissa Rodolfich, our court reporter today.

I'd like to recognize Dr. Paul Tisdale in the audience, Councilman Ward 5, and David Shoemaker, Councilman Ward 7.

I'll ask Mr. Delahousey, if he would, please, open the meeting with a moment of prayer.

(Moment of prayer.)

CHAIRMAN WASHER:

Mr. Bogard, would you lead us in the Pledge?

(Pledge of Allegiance.)

CHAIRMAN WASHER:

I'd like towelcome everyone here with

us today. We would ask that anyone that desires to speak, please come to the podium when your case is called. If you would, sign in at the pad provided and give us your name and address for the record.

We're going to restrict -- after the opening comments from the applicant, we're going to restrict the comments to four minutes max. If you have something that you want to add to any of the other comments that were made before you, you know, please do so. If not, if you will just, out of respect of everybody's time, say that you agree with the comments that they made.

We're going to ask if all members of the Commission received a copy of the minutes from the last meeting, if there's any additions or corrections.

MR. DELAHOUSEY:

Move to approve.

MR. SNOW:

Second.

CHAIRMAN WASHER:

Motion to approve the minutes as presented; seconded by Mr. Snow.

All those in favor, say "aye."

today.

Next case coming up is Number 25-012-PC, Starks Investments Properties, LLC. This is a zoning map amendment requesting the reclassification of two parcels of land, totaling approximately 1.5 acres from a LB, Limited Business, to NB, Neighborhood Business. The parcels are located at 1633 and 1635 Popps Ferry Road, adjacent to Motsie Road, being Tax Parcel Number 1309D-01-001.006 and 13009D-01-001.003. This case was advertised on March 14th, 21st and 28th. View the video, please.

MS. SERPAS:

This is on Popps Ferry Road looking back towards Cedar Lake. This is going toward the back of the property where the structure is going to actually be built.

Okay.

CHAIRMAN WASHER:

Mr. Starks.

MR. GUTTIERREZ:

Good afternoon. My name is Chris Guttierrez. I live at 1091 Lafayette Street here in Biloxi.

Today, we're looking at changing the

zoning district from Limited Business to Neighborhood Business for the property. What that will do is make it consistent with the remaining properties around the facility. It will also allow us to develop the new professional office complex similar to the three office complexes that are there now.

CHAIRMAN WASHER:

Okay. Any questions, members of the Commission?

MR. DELLENGER:

Do you currently own the ones just to the west of that, the two --

MR. GUTTIERREZ:

We own the two next to it. We just recently sold the third building, so we do own the two next to it right now.

MR. DELLENGER:

Will y'all tie this into that?

MR. GUTTIERREZ:

The new building, the new facility will match the brick facade on the facility just to the west of the one that we're proposing now.

MR. DELLENGER:

Will you share a parking lot?

MR. CREEL:

Yes. This is right across from Gulf Regional Planning's office, if you're familiar with that.

MR. GUTTIERREZ:

We will have -- all of our stormwater and utility, sewer will tie into that same complex as well.

CHAIRMAN WASHER:

Okay. Any other questions?

(No response.)

CHAIRMAN WASHER:

Thank you, sir.

MR. GUTTIERREZ:

Thank you.

CHAIRMAN WASHER:

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

Anyone speaking in opposition? No one speaking in opposition.

We'll consider that hearing closed.

MR. CREEL:

This is a vacant piece of property.

Again, it's on Motsie right across where Gulf Regional Planning is located. This is a great piece of property for development. They have some uses proposed that are going to require the NB, rather than LB zoning.

Staff has looked at it. It's gone through the DRC. We have no objection and recommend approval.

MR. DELAHOUSEY:

I move to approve.

MR. DELLENGER:

Second.

CHAIRMAN WASHER:

Motion by Mr. Delahousey recommending approval; seconded by Mr. Dellenger.

Any discussion? No discussion.

We'll ask that all those in favor of approval, raise your hand.

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

Next case to come before us today,