

Ordinance No. 2586

ORDINANCE TO APPROVE A ZONING MAP AMENDMENT,
TO AUTHORIZE A CHANGE IN ZONING DISTRICT CLASSIFICATION
FOR TWO PARCELS OF LAND, FROM THEIR PRESENT ZONING DISTRICT
CLASSIFICATION WF WATERFRONT TO CB COMMUNITY BUSINESS
FOR LAND IDENTIFIED AS 1732 & 1736 BEACH BOULEVARD

WHEREAS, on Thursday, June 5, 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. 25-023-PC, South Beach North, LLC (owner), and Terry Moran (applicant), a request for a Zoning Map Amendment, upon property identified as 1732 & 1736 Beach Boulevard; and

WHEREAS, the Planning Commission members were apprised of the particulars of this case, being made cognizant of the fact that South Beach North, LLC (owner), and Terry Moran (applicant) have submitted the request for Zoning Map Amendment, to authorize a change in zoning district classification for two parcels of land measuring approximately three and forty-seven one-hundredths (3.47) acres (more or less) in size, from their present zoning district classification of WF Waterfront to CB Community Business, identified as 1732 & 1736 Beach Boulevard (re: Tax Parcel Nos. 1210I-04-016.000 & 1210I-04-017.000); and

WHEREAS, June 5, 2025, the Biloxi Planning Commission, after some discussion, voted 12-1-0, to recommend approval for this Zoning Map Amendment, to authorize a change in zoning district classification for two parcels of land measuring approximately three and forty-seven one-hundredths (3.47) acres (more or less) in size, from their present zoning district classification of WF Waterfront to CB Community Business, identified as 1732 & 1736 Beach Boulevard, having determined that a Change in the Character of the Neighborhood is of notice in this area of the City of Biloxi; and

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WHEREAS, the Biloxi City Council, after consideration of all facts presented, hereby adopts the report and findings of the Biloxi Planning Commission, and in so doing, determines that approval of the Zoning Map Amendment, is appropriate for the properties as related in Case No. 25-023-PC, 1732 & 1736 Beach Boulevard.

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 Format Zoning District Map of the City of Biloxi, Mississippi, be hereby further amended by a change in zoning district classification from WF Waterfront to CB Community Business, identified as 1732 & 1736 Beach Boulevard (re: Tax Parcel Nos. 1210I-04-016.000 & 1210I-04-017.000), more fully described as follows:

Being the same property conveyed by warranty deed from Gay Trochesset Hopkins and Jay D. Trochesset to South Beach Development, LLC, dated February 22, 2006, recorded February 22, 2006 as instrument 2006 596d-j2, described as:

That part of Lot Five (5) lying North of the U.S. Highway #90 in Mansuel White Survey, in Lot Two (2) of Fractioned Section 36, Township 7 South, Range 10 West, Harrison County, Mississippi.

Less and Except:

That Portions of Lot Five (5) lying North of the U.S. Highway #90 in the Southeast corner of said, parcel being described as beginning at the Southeast corner of said lot and thence bounded South by U.S. Highway #90 for a distance of 70.0' to a point; thence North 160.0' to a point; thence West 70.0' to a point; thence South 160.0' to the point of beginning.

And also, less and except the following as conveyed by that certain instrument recorded in book 87 at page 540 in the land records of Harrison County, Mississippi, as follows:

A parcel of land located in Lot 5 of the Mansuel-White Survey, Biloxi, Second Judicial District of Harrison County, Mississippi, commencing at a point where the West line of the said Lot 5 intersects the North line of United States Highway 90 and thence proceed North along the West line of the said Lot 5 a distance of 838.46 feet to the point of beginning, which said point being the Southwest corner of the property herein conveyed and described; thence proceed East a distance of 192 feet to the East line of the said Lot 5; thence proceed North along the East line of the said Lot 5 a distance of 200 feet; thence proceed West for a distance of 192 feet to the West line of the said Lot 5; thence proceed South along the West line of the said Lot 5 a distance of 200 feet to the point of beginning.

And also, less and except the following as conveyed by that certain instrument recorded in book 87 at page 542 in the land records of Harrison County, Mississippi, as follows:

A parcel of land located in Lot 5 of the Mansuel-White Survey, Biloxi, Second Judicial District of Harrison County, Mississippi, commencing at a point where the West line of said Lot 5 intersects the North line of United States Highway 90 and run thence North along the West line of the said Lot 5 a distance of 1038.46 feet to the point of beginning, which said point being the Southwest corner of the property herein conveyed and described; thence proceed East a distance of 192 feet to the East line of the said Lot 5; thence proceed North along the East line of the said Lot 5 a distance of 300 feet to the South margin of Irish Hill Drive; thence proceed South 1° 5' 20" West along the South margin of Irish Hill Drive a distance of 192.03 feet to the West line of the said Lot 5; thence proceed South along the West line of the said Lot 5 a distance of 300 feet to the point of beginning.

And also, being the same property conveyed by warranty deed from Gay Trochesset Hopkins and Gerald Hopkins to south beach development, LLC, dated February 22, 2006, recorded February 22, 2006 as instrument 2006 597d-j2, described as:

That portion of Lot Five (5) lying North of the U.S. Highway #90 in the Southeast corner of said parcel being described as beginning at the Southeast corner of said lot and thence bounded South by U.S. Highway #90 for a distance of 70.0' to a point; thence North 160.0' to a point; thence West 70.0' to a point; thence South 160.0' to the point of beginning.

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Further described as land most nearly bounded by the following streets: to the North of and fronting Beach Boulevard, South of Irish Hill Drive, West of Rodenberg Avenue, and East of and adjacent to Travia Avenue.

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 Creel, seconded by Councilmember Gray, and was adopted by the following vote:

YEAS:	Gray	Tisdale	NAYS:	None
	Marshall	Glavan		
	Nail	Shoemaker		
	Creel			

The President then declared the Ordinance adopted this the 29th day of July, 2025.



ATTEST:

APPROVED:

Kevin Campbell
CLERK OF THE COUNCIL

Kay Glavan
PRESIDENT OF THE COUNCIL

Submitted to and approved by the Mayor, this the 29th day of July, 2025.

APPROVED:

Anthony J. [Signature]
MAYOR

Scheduled for
Case No. 25-023-PC
PC Meeting

South Beach North, LLC (owner)
Terry Moran (applicant)
Zoning Map Amendment
WF to CB



**Planning Commission
Case Fact Sheet**

Case No.:	25-023-PC
Name of Owner:	South Beach North LLC
Name of Applicant:	Terry Moran
Address of Properties:	1732 & 1736 Beach Boulevard
Tax Parcels/Ward:	1210I-04-016.000 & 1210I-04-017.000/Ward 1

Request:	Zoning Map Amendment
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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 three and forty-seven one-hundredths (3.47) acres (more or less) in size, from their present zoning district classification of WF Waterfront to CB Community Business , identified as 1732 & 1736 Beach Boulevard (re: Tax Parcel Nos. 1210I-04-016.000 & 1210I-04-017.000).
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Size of Property:	3.47 (More or Less)
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Present Zoning:	WF Waterfront
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Flood Zone:	AE, SX
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Present Use:	Vacant
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Most Nearly Bounded By (streets):	To the North of and fronting Beach Boulevard, South of Irish Hill Drive, West of Rodenberg Avenue, and East of and adjacent to Travia Avenue.
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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.
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Positive Influences: If approved, this rezoning would permit commercial development on the property that is not currently allowed under the existing zoning classification.

Concerns stated: The Planning Division Office has not received any letters or other written communications relative to this case, as of May 29, 2025.

**Comments/
Recommendations:** South Beach North, LLC (owner), and Terry Moran (applicant) have submitted a **Zoning Map Amendment**, to authorize a change in zoning district classification for two parcels of land measuring approximately three and forty-seven one-hundredths (3.47) acres (more or less) in size, from their present zoning district classification of **WF Waterfront** to **CB Community Business**, identified as 1732 & 1736 Beach Boulevard (re: Tax Parcel Nos. 1210I-04-016.000 & 1210I-04-017.000).

The applicant explained that the subject property was previously rezoned to **WF-Waterfront** zoning to accommodate a proposed casino development. However, the project did not proceed, and it has since been determined that the property is too small to support a casino or similar large-scale entertainment use. As a result, the current zoning is no longer appropriate or conducive to feasible development.

The applicant is now requesting to rezone the property back to **CB-Community Business** to allow for a broader range of commercial uses that are more suitable for the size and context of the site. The proposed rezoning will better align with the surrounding land uses and support more practical and viable commercial development opportunities.

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;

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- 3) Suitability of the property affected by the amendment for uses permitted by the present district;
 - 4) Suitability of the property affected by the amendment for uses permitted by the proposed amendment;
 - 5) Change in the character of the neighborhood and established community need for uses permitted by the district applicable to the property at the time of the proposed amendment;
 - 6) Availability of utilities and infrastructure sufficient to address the impacts associated with the allowed uses in the proposed district; and
 - 7) Mistake in the original zoning.

Options:

1. Recommend approval of this request for **Zoning Map Amendment**, for a parcel of land from its present zoning district classification of **WF Waterfront** to **CB Community Business**, having determined that a Change in the Character of the Neighborhood is evident and that this zoning change will authorize a consistent development pattern.
2. Recommend denial of this **Zoning Map Amendment**, having determined that insufficient evidence has been provided to establish that a mistake in original zoning is of evidence, or a Change in the Character of the Neighborhood, coupled with no valid Community need to warrant the level of zoning change, herein proposed for the parcels of land under consideration for zoning change.



Planning Commission Application
City of Biloxi Planning Division
Mailing Address: P.O. Box 508, Biloxi, MS 39533

Office Location: 676 Dr. MLK Blvd.,
 Building (228) 435-6270 Planning (228) 435-6266 Fax (228) 435-6188
 Case No. 25-023-PC

To Be Completed by Owner/Applicant

Date:

Name of Rightful Owner(s):

Name of Applicant: (if different than Owner)

SOUTH BEACH NORTH, LLC TERRY MORAN & ASSOC. PLLC

Property Address:

Ward Number

1736 BEACH BLVD. 1732 BEACH BLVD. 1

Tax Parcel Identification Number(s):

1210104017000 1210104016000
 []
 []

Mailing Address of Property Owner:

Mailing Address of Applicant (if different than Owner):

1836 BEACH BLVD

1806 23RD AVE.

City: BILOXI

City: GULFPORT

State: MS.

State: MS.

Zip: 39530

Zip: 39501

County: HARRISON

County: HARRISON

Telephone: 228 435-7200

Telephone: (228) 896-4733

Property Size (please give in acres or by dimension): 3.47 ACRES

Present Zoning Classification: WF

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

Is this property a Historic Landmark? Yes No

Flood Zone(s) of Property: AE, SX

North

South

East

West

Property is most nearly bounded by what streets?

IRISH HILL

BEACH BLVD.

TRAVIA

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.

Ray Woolridge
Signature of Rightful Owner

Ray Woolridge
Signature of Rightful Owner

Notary Signature Date
(Seal)

Notary Signature Date
(Seal)

Ray Woolridge

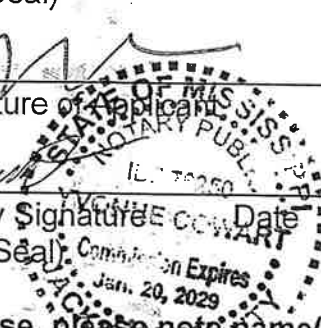
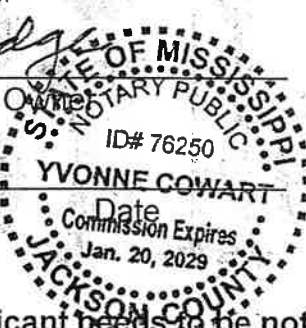
[Signature]

Signature of Rightful Owner

Signature of Applicant

Yvonne Cowart
Notary Signature
(Seal)

Yvonne Cowart
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

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: 4/14/25

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.

I am requesting a zoning change from this zone to this zone: Existing WF New CB

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.) N/A

Criteria:

✓

Yes No

1. Is the proposed map amendment consistent with the Comprehensive Plan?

✓

Please explain:

THE PROPERTY WAS PREVIOUSLY ZONED CB

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:

THE AREA AROUND THE PROPERTY IS

ZONED CB



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: THE PROPERTY IS NOT LARGE ENOUGH TO ACCOMMODATE CASINO DEVELOPMENT		
4. Is the property suitable for uses permitted in the proposed zoning district?	✓	
Please explain: THE CB ZONING WILL ALLOW FOR MULTIPLE BUSINESS USES.		
5. Has there been a change in the character of the neighborhood?	✓	
Please explain: THERE ARE NEW BUSINESSES BEING DEVELOPED ADJACENT TO THIS LOCATION		
6. Is there an established community need for uses permitted in the proposed zoning district?	✓	
Please explain: THERE ARE DEFINITELY NEEDS FOR ADDITIONAL BUSINESS ACTIVITY		
7. Was there a mistake in the original zoning of the property?		✓
Please explain: THE ORIGINAL ZONING WAS CB		
8. Are utilities and infrastructure sufficient to address the impacts associated with allowed uses in the proposed district?	✓	
Please explain: NEW WATER AND SEWER		
Site Plan attached: (please circle) Yes No		
Case No. <input type="text"/> - <input type="text"/> - <input type="text"/>		

MAP AMENDEMENT NARRATIVE

We wish to request a map amendment for Parcel Numbers 1210I-04-017.000, and 1210I-04-016.000

The new zoning would be CB from WF. The purpose of the zoning change would be to allow for commercial development which is not allowed in WF. The WF zoning was requested to allow a gaming development, which this property is too small.

BILOXI PLANNING COMMISSION MEETING

JUNE 5, 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
 Kyle Carron
 Steve Delahousey
 Charlie Dellenger
 Dr. Larry 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
 Felicia Serpas, Senior Planner
 Caryle Lena, Planner
 Zach Cruthirds, Esquire
 John Miller, Chief
 Chris Deback, Assistant Chief
 David Shoemaker, Councilman Ward 7
 Dr. Paul Tisdale, Councilman Ward 5

REPORTED BY:

Melissa Burdine-Rodolfich

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,
 Ms. Shaw, Mr. Dellenger, Mr. Stanovich, Mr. Poulos,
 Dr. Drawdy, Mr. Carron, Mr. King, Mr. Snow, Mr.
 Delahousey; myself, David Washer.

Next to me is Jerry Creel, Director of
 Community Development; Zach Cruthirds, legal
 counsel; and Caryle Lena, Planner.

At the able in the front, Felicia Serpas,
 Senior Planner. Next to her is our court reporter
 for today, Melissa Rodolfich.

let me also recognize a couple of people
 in the audience, please. Dr. Paul Tisdale,
 Councilman Ward 5. In the back, David Shoemaker,
 Councilman Ward 7; Chief John Miller, and next to
 him -- maybe he slipped away for a minute -- is
 Chris Deback, Assistant Chief.

Mr. Delahousey, would you please open the
 meeting with a moment of prayer?

(Moment a prayer.)

CHAIRMAN WASHER:

Mr. Dellenger, would you lead us in the

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

CONTINUED PUBLIC HEARING(S): PAGE

(None) --

NEW PUBLIC HEARING(S):

25-017-PC 6

25-023-PC 101

25-024-PC 115

25-025-PC 121

TREE HEARINGS:

(None) --

Pledge, please, sir?

(Pledge of allegiance.)

CHAIRMAN WASHER:

We welcome everyone here in the audience
 with us today. We would ask if there's any cell
 phones, if you would kindly mute them or turn them
 over off.

If you desire to speak on any of the
 cases, we ask that you come forward to the podium
 when your case is called, sign in at the pad
 provided and give us your name and address for the
 record.

Other than the applicants, anyone
 speaking will be restricted to four minutes. We
 have a clock going down here, so, you know, be
 conscious of the time that's left on the clock so
 you can get in all the important points that you
 want to.

Ask if all members received a copy of
 the minutes of the last meeting; is there's any
 additions or corrections?

MR. DELAHOUSEY:

Move to approve.

MR. SNOW:

Seconded.

CHAIRMAN WASHER:

Come back to order, please. We'll ask that everyone quiet down a little bit.

Our next case to come before us today is 25-023-PC, South Beach North, LLC, owner, and Terry Moran, applicant. This is a request for a zoning map amendment to authorize a change in zoning district classification to two parcels of land, measuring approximately 3.47 acres, more or less in size, from their present zoning district classification of WF, Waterfront, to CB, Community Business, identified as 1732 and 1736 Beach Boulevard, being Municipal Tax Parcel Numbers 1210I-04-016.000 and 1210I-04.017.000. This case was advertised on May 16th, May 23rd and May 30th.

Video, please, Felicia.

MS. SERPAS:

(Video played.)

Okay.

CHAIRMAN WASHER:

Mr. Cavanaugh.

MR. CAVANAUGH:

Yes, sir.

Michael Cavanaugh, 2526 South Shore Drive, Biloxi, and I represent the South North

Beach -- or, yeah, South Beach North, LLC, the property owner of this property.

We're requesting to rezone the property, which is at the intersection of Travia and Highway 90, downward from WF to CB. The property is about 3.4 acres. And the standard, as you know, for rezoning property is either, A, a mistake in the original zoning or, secondly, a change in the character of the neighborhood since the last rezoning.

And there has been a change in the character of the neighborhood since the last rezoning, and we're proposing that the character has changed. In addition to the character of the neighborhood, there are legal impediments to developing this property for a casino that were not there when it was zoned Waterfront back in about probably 2007.

Originally, this property was zoned CB. As some of you may recall, after Katrina in 2006 and '07, the City, in an attempt to attract development for casinos, did widespread zoning both in East Biloxi and West Biloxi.

And East Beach, they went all the way from Oak Street to Bellman Street and rezoned

everything Waterfront. In West Biloxi, it went from Rodenberg Avenue all the way to the Broadwater and rezoned that property Waterfront as well.

And what's happened since 2005, because of primarily the change in the Gaming Commission regulations of what you must have now to have a casino, properties this size and around this size are no longer legally permissible from that standpoint.

So what we want to do is rezone the property back to what it originally was, CB, because what's developed in that property since the last rezoning, which is 2006 or '07, is there's been a number of developments, such as restaurants, go-kart tracks, a non-casino hotel, gift shop.

There has only been one proposed casino in the entire area, which is at the intersection of Veterans and Highway 90, which happens to be owned by the same individual who owns this parcel, but that parcel is well in excess of 20 acres. And it's in that area and it's conducive to being rezoned -- being used as a casino, but not this property here.

The developer has a proven track record of developing properties on Highway 90 with a myriad of properties already there, hotel and amusement park, and tourist-related projects.

The exact use at this point has not been determined, but it's clear that it can't be for a casino, so we want something that's more conducive, which would be CB, which is what it was zoned to begin with. And ultimately, of course, whatever they decide to develop there is going to have to go through the DRC process as well.

So unless y'all have any questions, Mr. Moran is going to tell y'all a little bit more about the site.

MR. MORAN:

Good evening. Terry Moran. I'm with -- I'm RW Development's engineer. Been his engineer for 15 years.

So you can readily see what all we've already done up and down that particular area around Veterans with all the activities.

This particular property has all the enhancements that you need, you know, for development. It's got water and sewer. In fact, a new sewer system is being installed now. It's

1 got adequate water. It's got adequate curb cuts
2 on the highway. You've got the elevations that we
3 need. Most of the property is in a Zone X, so
4 it's readily developable.

5 And we've had a number of people
6 interested in the site for, you know, different
7 venues, but, you know, we haven't been able to do
8 that because it's not -- like Michael said, it's
9 not large enough for a casino site, nor has there
10 been any, you know, interest in developing a
11 casino site. But we do have a number of other
12 activities that have expressed interest in doing
13 something there, and we would like to rezone it to
14 CB so that we can entice some of those people.

15 MR. PARKER:

16 What could you put there that's not
17 comparable to waterfront?

18 MR. MORAN:

19 Some are and some aren't.

20 MR. PARKER:

21 But what could you put there?

22 MR. MORAN:

23 What's that?

24 MR. PARKER:

25 What business could you put there that's

1 not available?

2 MR. MORAN:

3 We haven't decided yet. We've had a
4 number of inquiries about different projects that
5 could go there, hotels, restaurants, even other
6 activities that can go there. But in order to
7 entice those folks, we've got to get this
8 rezoning.

9 MR. DELLENGER:

10 I think what he may have been asking is
11 what can you put there as CB that you cannot as
12 Waterfront, with Waterfront being essentially
13 the --

14 MR. MORAN:

15 Well, one is a car wash, which there has
16 been a number of people inquiring about car
17 washes. It's not allowable in that particular
18 zoning, so that's one, and there are others. So
19 that's the primary reason for the rezoning.

20 CHAIRMAN WASHER:

21 Mr. Moran, on the application, I'm not
22 sure who completed it, but on the application, it
23 talks about the area around the property is zoned
24 CB.

25 MR. MORAN:

1 Yes.

2 CHAIRMAN WASHER:

3 It looks like everything around the
4 property is WF.

5 MR. MORAN:

6 Well, I'm talking -- yeah, it was. What
7 that meant was it was all zoned CB until they did
8 the WF. That's what I tried to imply there. At
9 one time, it was all CB in that area, the motels
10 and the restaurants and a movie theater and all
11 that was zoned CB at one time.

12 DR. DRAWDY:

13 David, question.

14 CHAIRMAN WASHER:

15 Dr. Drawdy.

16 MR. MORAN:

17 Everything is zoned WF-1 now and that's
18 the problem.

19 DR. DRAWDY:

20 If this were to be changed to CB from
21 Waterfront, would you anticipate the rest of them
22 coming through and wanting to change the rest of
23 them to CB?

24 MR. MORAN:

25 Well, in my opinion, the purpose for WF

1 zoning was primarily for casino development, so if
2 someone is not wanting to develop a casino and
3 they can develop something that's within the WF-1
4 zoning, that's fine. But if not, like in this
5 case, it would have to be rezoned. So it would be
6 on a case-by-case basis.

7 DR. DRAWDY:

8 I understand that, but would this be
9 kind of like a domino effect to initiate new
10 people that want to come in and change it to CB,
11 do you think?

12 MR. MORAN:

13 I would hope it would, because, there
14 again, a casino can't be developed on that side of
15 the property. And it's probably not going to be
16 another casino other than the one at Veterans in
17 that particular area, so a casino is going to
18 support a lot of ancillary developments, which
19 would -- some of which might not fit in that WF-1
20 zoning.

21 So we're doing a hotel just to the west
22 of there, just for example, a new Comfort Inn and
23 Suites and we did a wedding venue on the south
24 side in the old Lucy's restaurant, so there's a
25 lot of interest in doing other things besides, you

1 know, casino development.
 2 DR. DRAWDY:
 3 And the developments that you're doing
 4 right now, are those waterfront properties or is
 5 it CB properties?
 6 MR. MORAN:
 7 Both.
 8 DR. DRAWDY:
 9 So in other words -- I'm just
 10 questioning the validity of why the change on this
 11 one piece of property from WF to CB if you're
 12 doing the same things in other properties that are
 13 Waterfront.
 14 MR. MORAN:
 15 Like I said, the one particular instance
 16 is a car wash. That's not allowed. That's what
 17 started everything. We met with Mr. Creel and we
 18 decided that this was the best route to go other
 19 than a PUD, for example, so -- and there are other
 20 people that are wanting to develop, you know,
 21 adjacent to that in addition to interest in a car
 22 wash.
 23 CHAIRMAN WASHER:
 24 Any other questions from the members of
 25 the Commission?

1 their property. But what's happened is, you
 2 know -- I mean, look. There are no casinos going
 3 in on waterfront property that's down there.
 4 And CB is a downgrade from Waterfront
 5 zoning, and there are some advantages to going
 6 with the CB property. CB, if you look at the
 7 definition, is our entertainment and hospitality
 8 zoned district, which is exactly what's being
 9 developed along here. So the fact that you're not
 10 going to get casinos in this area because a lot of
 11 these people don't control all the way to the
 12 water's edge -- and that's one of the
 13 requirements. You have to -- in order for it to
 14 be considered casino property, the ultimate owner
 15 has to control all the way to the water's edge or
 16 it doesn't meet the State regulations.
 17 So we think -- well, we need to let
 18 everybody speak before we make any recommendation.
 19 MR. DELLENGER:
 20 But, I mean, after Katrina, you didn't
 21 see casino proposals for any of that area, but you
 22 saw -- most of those properties had billboards on
 23 them for condos. I mean, that was the big, big
 24 thing then, was everybody was going to build these
 25 big towers of condos until they couldn't. So, I

1 MR. PARKER:
 2 Mr. Creel, could a hotel go on that
 3 property now at Waterfront?
 4 MR. CREEL:
 5 Yes, sir.
 6 MR. PARKER:
 7 Could a restaurant go on there?
 8 MR. CREEL:
 9 Yes, sir.
 10 Let me check one thing real quick
 11 because --
 12 MR. CARRON:
 13 Another quick question for you, Jerry.
 14 Couldn't this be considered spot zoning since it
 15 will be basically surrounded by waterfront zoning?
 16 MR. CREEL:
 17 Not with it being 3.4 acres, it's not
 18 spot zoning, no.
 19 Let me just tell you real quick the
 20 reason that I recommended that they go for a
 21 zoning change. If you'll recall, after Katrina,
 22 everybody was running out to get their property
 23 rezoned to Waterfront because everybody thought
 24 that they were going to have casino property.
 25 Naturally, they wanted to make top dollar for

1 mean, I don't remember anybody wanting to put a
 2 casino on that land really. It seemed like
 3 everybody wanted to put condos.
 4 MR. CREEL:
 5 We had -- when Hurricane Katrina hit, we
 6 had 26 high-rise condominium projects that had
 7 been approved.
 8 MR. DELLENGER:
 9 And how many of them got built?
 10 MR. CREEL:
 11 After Katrina, it just -- the condo
 12 market just tanked. That was the end of it.
 13 MR. DELLENGER:
 14 So a few?
 15 MR. CREEL:
 16 Correct.
 17 MR. CARRON:
 18 Jerry, on a sidebar, is this something
 19 that we possibly need to look at maybe rezoning
 20 all that? Most of the properties are owned by two
 21 different -- that don't go all the way to the
 22 water's edge.
 23 MR. CREEL:
 24 Well, I would say that after this, if we
 25 get another application, then maybe we should do

1 it. But I think we need to vote this one up or
 2 down based on its merits today, and just let's see
 3 if somebody else comes, another property owner.
 4 MR. STANOVICH:
 5 Jerry, you cannot put a car wash in WF?
 6 MR. CREEL:
 7 No.
 8 CHAIRMAN WASHER:
 9 All right. Anything else, Mr. Moran,
 10 Mr. Cavanaugh?
 11 MR. CAVANAUGH:
 12 No. Other than just to follow up with
 13 what Jerry Creel said. Under the current
 14 regulations, the only property that could support
 15 a casino in that part of Biloxi is where RW is
 16 because most of these property owners either own
 17 the north side or the south side. He's the one
 18 exception over at Veterans Avenue, but none of
 19 those other properties own anything south of
 20 Highway 90.
 21 MR. DELLENGER:
 22 But he owns the south side of that,
 23 doesn't he?
 24 MR. CAVANAUGH:
 25 Yes, but it's already developed. He

1 MS. SHAW:
 2 Second.
 3 CHAIRMAN WASHER:
 4 Motion by Mr. Todaro recommending
 5 approval; seconded by Mr. Shaw.
 6 For the record, we'll let it show that
 7 this case and for the rest of the hearings today,
 8 Ms. Magee had to leave. She won't be here.
 9 Any discussion on the motion to approve?
 10 (No response.)
 11 CHAIRMAN WASHER:
 12 We'll ask that all those in favor raise
 13 your hand, please.
 14 Mr. Lechner, Mr. Parker, Mr. Todaro,
 15 Ms. Shaw, Mr. Dellenger, Mr. Stanovich,
 16 Mr. Poulos, Mr. Carron, Mr. King, Mr. Snow,
 17 Mr. Delahousey; myself, David Washer.
 18 Any opposed? Dr. Drawdy's opposed.
 19 Any abstentions? No abstentions.
 20 Motion carries.
 21 Our next case, 25-024-PC, Hardy Court
 22 Shopping Center, LLC, owner; Colin Sullivan,
 23 applicant. This is a request for a conditional
 24 use approval to establish an auto repair and
 25 servicing facility, without painting and body

1 doesn't control to the water's edge either. But
 2 if you look on that -- when you see -- when you
 3 finally get to Veterans over there, you can see
 4 that's the only property big enough and he owns
 5 both sides of the street at Veterans, but none of
 6 these parcels from Rodenberg all the way to
 7 Veterans Avenue have that.
 8 CHAIRMAN WASHER:
 9 All right. We'll ask if there is anyone
 10 in the audience that wants to speak in favor of
 11 the applicant's request. Anyone speaking in
 12 favor? No one speaking in favor.
 13 Is there anyone speaking in opposition?
 14 No one speaking in opposition.
 15 We'll consider that hearing closed.
 16 MR. CREEL:
 17 Again, this is a request to downzone the
 18 property from Waterfront to CB. This is our
 19 entertainment and hospitality business district
 20 here, and basically what they're doing is bringing
 21 the zoning into compliance with the area that's
 22 there and the uses that are there, so the staff
 23 has no objection and recommends approval.
 24 MR. TODARO:
 25 Move to approve.

1 work, upon a parcel of land measuring
 2 approximately 1.0 acre, more or less, in overall
 3 size, presently situated within an NB,
 4 Neighborhood Business zone, identified as 1673
 5 Popps Ferry Road, being Municipal Tax Parcel
 6 Number 1309D-01.002.005. This case was advertised
 7 on May 23rd and May 30th. View the video, please.
 8 MS. SERPAS:
 9 (Video played.)
 10 Okay.
 11 CHAIRMAN WASHER:
 12 Is the applicant or their representative
 13 here, please?
 14 MR. SULLIVAN:
 15 My name is Colin Sullivan. I'm with
 16 DDG. We are the civil engineers for the proposed
 17 Express Oil Change.
 18 We're here today because we are seeking
 19 conditional use for the property. It's currently
 20 zoned NB for Neighborhood Business. While this
 21 zone classification supports various commercial
 22 activities, it does not permit automotive
 23 servicing. We believe the oil change and tire
 24 repair shop will fit in to some of the surrounding
 25 businesses along Popps Ferry Road with the