

Ordinance No. 2609

ORDINANCE TO AMEND THE GEOGRAPHICAL INFORMATION SYSTEM FORMAT ZONING DISTRICT MAP OF THE CITY OF BILOXI, MISSISSIPPI, BY CHANGING THREE (3) PARCELS OF LAND FROM THEIR PRESENT ZONING DISTRICT CLASSIFICATION OF RM-30-MULTI-FAMILY RESIDENTIAL TO WF-WATERFRONT AND TO ESTABLISH A PD-GE PLANNED DEVELOPMENT GAMING ESTABLISHMENT OVERLAY DISTRICT FOR 7 PARCELS OF LAND PRESENTLY IDENTIFIED AS 0, 1808, & 1816 BEACH BLVD, 105, 155, 157 & 163 MCDONNELL AVENUE

WHEREAS, on September 3, 2026, 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. 26-044-PC, RW Development, LLC (owner) and John Stewart (applicant), to authorize a Zoning Map Amendment to rezone three parcels of land from RM-30-Multi-Family Residential, to WF-Waterfront, and to establish a PD-GE-Planned Development–Gaming Establishment Overlay District, encompassing seven parcels, all for land presently identified as 1808 & 1816 Beach Boulevard, one unaddressed parcel fronting to Beach Boulevard, and 105, 155, 157 & 163 McDonnell Avenue (Tax Parcel Nos. 1210J-02-021.000; 1210J-02-020.000; 1210J-02-018.000; 1210J-02-017.000; 1210J-02-015.000; 1210J-02-013.000; & 1210J-02-012.000), and

WHEREAS, the Biloxi Planning Commission members were apprised of the particulars of the case, being made cognizant of the fact that RW Development, LLC (owner) and John Stewart (applicant), had submitted this request for a change in zoning district classification for three (3) parcels of land identified as 155, 157 & 163 McDonnell Avenue from their present zoning district classification of RM-30-Multi-Family Residential to WF-Waterfront and to establish a PD-GE-Planned Development–Gaming Establishment Overlay District encompassing seven parcels identified as 1808 & 1816 Beach Boulevard, one (1) unaddressed parcel fronting to Beach Boulevard, and 105, 155, 157 & 163 McDonnell Avenue (Tax Parcel Nos. 1210J-02-

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021.000; 1210J-02-020.000; 1210J-02-018.000; 1210J-02-017.000; 1210J-02-015.000; 1210J-02-013.000; & 1210J-02-012.000), all for the purpose of allowing a new Gaming Establishment to be known as the Black Marlin; and; and

WHEREAS, it was further explained that the Development Review Committee (DRC) had reviewed the project and approved the applicant to proceed with the Zoning Map Amendment application to establish the Overlay District and rezone three (3) parcels, as presented, subject to the project returning to the DRC for final review and approval; and

WHEREAS, on September 3, 2026, the Biloxi Planning Commission, after careful consideration of the particulars of this case, voted 11-0 to recommend approval of the Zoning Map Amendment to rezone the three (3) parcels as requested and to establish a PD-GE, Planned Development–Gaming Establishment Overlay District encompassing the seven (7) parcels as requested, based upon a determination that a Change in the Character of the Neighborhood has occurred, and further noting that the proposed zoning change would constitute a reasonable and orderly expansion of the existing WF- Waterfront zoning district in this area of the City; and

WHEREAS, the Biloxi City Council, after consideration of all facts presented, hereby adopts the report and findings of the Biloxi Planning Commission as amended, to add the following: (A) No trees shall be removed until after the building permit has been issued and 10 days prior to mobilization for construction. (B) The height of the construction will be capped at 79 ft. (C) Applicant will also follow the new tree ordinance mitigation requirements. In so doing, determines that approval of the Zoning Map Amendment is appropriate to rezone three (3) parcels from RM-30 Multi-Family Residential, to WF-Waterfront, and to establish a PD-GE- Planned Development–Gaming Establishment Overlay District encompassing seven (7) parcels, presently

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identified as 1808 and 1816 Beach Boulevard, one (1) unaddressed parcel fronting Beach Boulevard, and 105, 155, 157, and 163 McDonnell Avenue (Tax Parcel Nos. 1210J-02-021.000; 1210J-02-020.000; 1210J-02-018.000; 1210J-02-017.000; 1210J-02-015.000; 1210J-02-013.000; and 1210J-02-012.000), having concurred with the Planning Commission's finding that a Change in the Character of the Neighborhood exists and further determining that the proposed zoning change constitutes a reasonable and orderly expansion of the existing WF-Waterfront zoning district in this area of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILOXI, MISSISSIPPI, THAT AS PER THE FINDINGS OF THE PLANNING COMMISSION, AS AMENDED 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, be hereby further amended by a change in the zoning district classification for three parcels (1.20 acres more or less) from RM-30-Multi-Family Residential to WF-Waterfront and to establish a PD-GE-Planned Development-Gaming Establishment Overlay District for 11.05 acres (more or less) in size for properties presently identified as 1808 & 1816 Beach Boulevard, one (1) unaddressed parcel fronting to Beach Boulevard, and 105, 155, 157 & 163 McDonnell Avenue, further identified as Tax Parcel Nos. 1210J-02-021.000; 1210J-02-020.000; 1210J-02-018.000; 1210J-02-017.000; 1210J-02-015.000; 1210J-02-013.000; & 1210J-02-012.000, and more fully described as follows:

Parcel No. 1210J-02-012.000 That parcel of land commencing at the point of intersection of the South right-of-way of the L & N Railroad and the West margin of McDonnell Avenue, thence South 450 feet to a Point of Beginning; thence continue South 50 feet; thence West 177 feet;

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thence North 50 feet; thence East 177 feet to the Point of Beginning. The above-described parcel of land being located in Lot 13 of the Mansuel White Survey, Section 36, Township 7 South, Range 10 West.

Parcel No. 1210J-013.000 That parcel of land described as commencing at the point of intersection of the South right-of-way of the L & N Railroad, and the West line of McDonnell Avenue, running thence South a distance of 560 feet to the Point of Beginning. From said Point, running South a distance of 75 feet, running thence West a distance of 177 feet, thence running North a distance of 75 feet, thence running East a distance of 177 feet, back to the Point of Beginning. Said parcel of land being located in and a part of Lot 13 of the Mansuel White Survey, Section 36, Township 7 South, Range 10 West, Second Judicial District of Harrison County, Mississippi.

Parcel No. 1210J-015.000 Commencing at a point on the West side of McDonald Avenue, approximately 775 feet North of Highway 90, which point is the Southeast corner of the property of the Grantees herein and the Place of Beginning; thence running South along the West side of McDonald Avenue a distance of 150 feet; thence West a distance of 177 feet; thence North a distance of 150 feet, to the South side of the Manning property; thence East along the South side of the Manning property a distance of 177 feet to the Place of Beginning. Being a part of the Mansuel White Survey, in Section 36, Township 7 South, Range 10 West, in the Second Judicial District of Harrison County, Mississippi.

Parcel No. 1210J-017.000 A parcel of land situated in Lot 15, of the Mansuel White Survey as recorded in the Second Judicial District of Harrison County, City of Biloxi, Mississippi, and being bounded on North by the City of Biloxi Fire Station, on the East by the East line of said Lot 15 of the Mansuel White Survey and the property now or formerly of Preferred Equities Corporation, on the South by U.S. Highway 90 and on the West by Veterans Avenue (formerly Pat Harrison Avenue), being more particularly described as follows:

Commencing at the intersection of the South right of Way of CSX Railroad (formerly L & N Railroad) and the East margin of Veterans Avenue (formerly Pat Harrison Avenue), thence S00°-08'-02" E 550.00 feet along said East margin of Veterans Avenue to the southwest corner of the property of the City of Biloxi as described in Deed Book 37 Page 221 and the Point of Beginning, thence N87°-40'-58"E 116.09 feet to the East line of said Lot 15 of the Mansuel White Survey, thence S00°-28'-52"E 833.56 feet along said East line of Said Lot 15 to the North margin of U.S. Highway 90, thence S89°-04'-49"W 122.39 feet along said North margin of U.S. Highway 90 to the East margin of Veterans Avenue, thence N00°-10'51"W 830.72 feet along said East margin of Veterans Avenue to the Point of Beginning. Above-described parcel being situated in Section 36, Township 7 South, Range 10 West, City of Biloxi, Second Judicial District of Harrison County, Mississippi.

Parcel No. 1210J-02-018.000 A parcel of land situated in U.S. Government Lot 3, Section 36, Township 7 South, Range 10 West, City of Biloxi, Second Judicial District of Harrison County, Mississippi; being a part of Lot 14 of the Mansuel White Survey and being better described as follows, to-wit: Commencing at the intersection of the North margin of U.S. Highway 90 and the West margin of McDonnell Avenue, City of Biloxi, Second Judicial District of Harrison County,

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Mississippi, thence S 88°36'42" W along said North margin 177.00 feet to an iron pipe and the Point of Beginning, thence continue along said North margin S 84°19'15" W 96.97 feet to an iron rod; thence continue along said North margin S 88°01'11" W 95.91 feet to an iron pipe; thence N 00°43'14" W 833.73 feet to an iron pipe; thence N 87°53'26" E 96.12 feet to an iron pipe; thence N 00°34'14" W 198.88 feet to an iron pipe; thence N 89°00'51" E 65.87 feet to an iron rod with a cap; thence N 00°17'34" W 300.07 feet to an iron rod with a cap on the South margin of Irish Hill Drive; thence N 88°19'05" E along said South margin 30.08 feet to an iron rod with a cap; thence departing said South margin S 00°07'09" E 298.50 feet to an iron pipe; thence S 00°49'48" E 721.89 feet to an iron pipe; thence S 00°37'03" E 304.95 feet to the Point of Beginning. Said parcel contains 4.32 acres.

Parcel No. 1210J-02-020.000 A parcel of land situated in the Northwest Quarter of Section 36, Township 7 South, Range 10 West, City of Biloxi, Second Judicial District, Harrison County, Mississippi, being more particularly described as follows, to wit;

Commence at the intersection of the North margin of U. S. Highway 90 with the West margin of McDonnell Avenue, as they are now both laid out and maintained; thence run South 88°49'56" West, along said North margin, for a distance of 177.00 feet to the Southeast property corner of that property now or formerly conveyed to R. W. Development, LLC, per Instrument Number 2008-0000030-D-J2, recorded in the Office of the Chancery Clerk, City of Biloxi, Second Judicial District, Harrison County, Mississippi and the point of beginning; thence run South 88°28'27" West, along said North margin, for a distance of 97.09 feet to a point; thence run South 88°27'20" West, along said North margin, for a distance of 95.73 feet to a point; thence run North 00°26'44" West, for a distance of 2.05 feet to a point; thence run North 88°17'11" East, for a distance of 95.78 feet to a point; thence run North 84°40'58" East, for a distance of 96.40 feet to a point; thence run North 88°53'53" East, for a distance of 0.67 feet to a point; thence run South 0°19'53" East, for a distance of 1.93 feet to the point of beginning, containing 391 Square Feet. Subject to a 20' wide Easement along the new North Right of Way Line of U.S. Highway 90 to the City of Biloxi for the installation and maintenance of utilities.

Parcel No. 1210J-02-021.000 Commence at the point of intersection of the North margin of U.S. Highway 90, with the East margin of Veterans Avenue, as they are now both laid out and maintained; thence run North 0°08'56" West, along said East margin for a distance of 830.72 feet to a point; thence run North 87°41'08" East, for a distance of 20.43 feet to the point of beginning; thence continue North 87°41'08" East for a distance 5.0 feet to a point; thence run South 00°08'56" East for a distance of 779.64 feet to a point; thence run South 19°44'08" East for a distance of 27.90 feet to a point; thence run South 57°17'19" East for a distance of 5.84 feet to a point; thence run South 89°09'40" East for a distance of 9.05 feet to a point; thence run North 19°44'08" West for a distance of 30.46 feet to a point; thence run North 00°08'55" West for a distance of 780.31 feet to the point of beginning, containing 4,060 square feet or 0.09 acre.

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

YEAS:	Gray	Creel	NAYS:	Tisdale
	Marshall	Glavan		
	Nail			

ABSENT: Shoemaker

The President then declared the Ordinance adopted, as amended this the 6th day of October, 2026.

ATTEST:

APPROVED:



Michelle C. Peterson
DEPUTY CLERK OF THE COUNCIL

Paul H. Tisdale
PRESIDENT OF THE COUNCIL

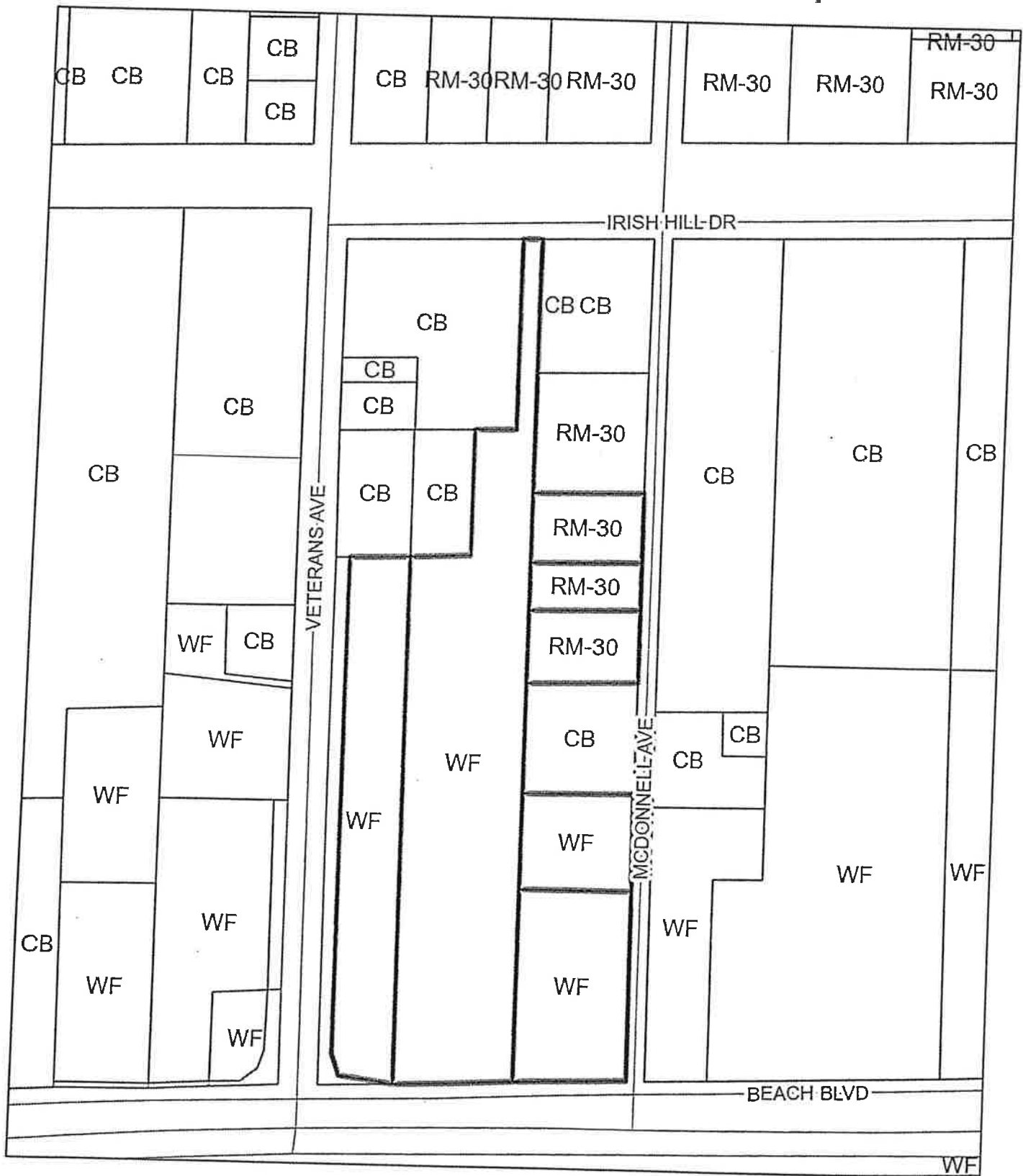
Submitted to and approved by the Mayor, this the 8th day of October, 2026.

APPROVED:

[Signature]
MAYOR

26-044-PC

RW Development, LLC (owner) and John Stewart (applicant)
1816 Beach Boulevard and two unaddressed parcels
fronting to Beach Boulevard 105, 155, 157 & 163 McDonnell Avenue
Map Amendment/PD-GE Planned Development



DATA DISCLAIMER
This map is provided by the City of Biloxi for informational purposes only. No warranties are expressed or implied regarding accuracy or completeness. This map is not a legal survey; users should rely on licensed surveys and professional services before acting on this information. Not for resale.
Date Exported: 8/27/2026 8:34 AM



Scheduled for
September 3, 2026
meeting

RW Development, LLC (owners)
John Stewart (applicant)
Case No. 26-044-PC
Master Plan & Zoning Map Amendment



**Planning Commission
Case Fact Sheet**

Case No.:	26-044-PC
Name of Owner:	RW Development, LLC
Name of Applicant:	John Stewart
Address of Property:	0 Beach Blvd., 1816 Beach Blvd., 105,155,157 & 163 McDonnell Avenue
Tax Parcel Nos./Ward:	1210J-02-021.000; 1210J-02-020.000; 1210J-02-018.000; 1210J-02-017.000; 1210J-02-015.000; 1210J-02-013.000; & 1210J-02-012.000/Ward 1

Requests:	Master Plan Zoning Map Amendment
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Purpose of Requests:	To consider the following: (1) an application requesting approval of a Master Plan for a gaming project, which outlines the proposed development and operation of a 43,800-square-foot gaming facility, together with 119,000 square feet of support, hotel, food, and retail services; and (2) a Zoning Map Amendment to rezone three parcels from RM-30-Multi-Family Residential , to WF-Waterfront , and to establish a PD-GE-Planned Development-Gaming Establishment Overlay District , encompassing seven parcels, all for land presently identified as 1816 Beach Boulevard, two unaddressed parcels fronting to Beach Boulevard, and 105, 155, 157 & 163 McDonnell Avenue (Tax Parcel Nos. 1210J-02-021.000; 1210J-02-020.000; 1210J-02-018.000; 1210J-02-017.000; 1210J-02-015.000; 1210J-02-013.000; & 1210J-02-012.000).
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Size of Property:	11.05 Acres (more or less)
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Present Zoning:	WF & RM-30
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Present Use:	Vacant Parcels
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Most Nearly Bounded By (streets):	Situated North of and fronting Beach Boulevard, South of Irish Hill Drive, East of and adjacent to Veterans Boulevard, and West of and adjacent to McDonnell Avenue.
Adverse Influences:	The Master Plan and Zoning Map Amendment, as offered, does not suggest any adverse influences as presented.
Positive Influences:	The requested Master Plan and Zoning Map Amendment would allow for the applicant to construct a new Gaming Establishment, to be known as the Black Marlin.
Letters or Concerns stated:	The Planning Division Office has not received any letters or other written communications relative to this case, as of August 27, 2026.
Comments/ Recommendations:	RW Development, LLC (owner) and John Stewart (applicant) have requested a Master Plan for a gaming project, which outlines the proposed development and operation of a 43,800-square-foot gaming facility, together with 119,000 square feet of support, hotel, food, and retail services; and (2) a Zoning Map Amendment to rezone three parcels from RM-30-Multi-Family Residential, to WF-Waterfront, and to establish a PD-GE-Planned Development-Gaming Establishment Overlay District, encompassing seven parcels, all for land presently identified as 1816 Beach Boulevard, two unaddressed parcels fronting to Beach Boulevard, and 105, 155, 157 & 163 McDonnell Avenue (Tax Parcel Nos. 1210J-02-021.000; 1210J-02-020.000; 1210J-02-018.000; 1210J-02-017.000; 1210J-02-015.000; 1210J-02-013.000; & 1210J-02-012.000). The establishment of a large commercial complex complete with new jobs and services to the area provides an argument for community need or justification for this Master Plan and zoning request. The Development Review Committee has reviewed this project and authorized the applicant to apply to the Planning Commission for approvals. The applicant will need to return for final DRC approval before construction begins.

Options:

1. Recommend approval of the request for a **Master Plan and Zoning Map Amendment**, to authorize a change in zoning from **RM-30** and **WF** and add a **PD-GE Overlay** to construct a new gaming facility and acknowledging that an established community need for said zoning and uses is apparent at this location.
2. Recommend denial of the request for a **Master Plan and Zoning Map Amendment**, having determined that the proposal is not in conformity with City regulations or in the best interests of the City, as offered, and that no plausible argument has been presented to warrant the changes, as suggested.



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. 26-044-PC

To Be Completed by Owner/Applicant

Date: 07/08/25

Name of Rightful Owner(s):
RW Development

Name of Applicant: (if different than Owner)
John Stewart, AIA

Property Address: 0 Beach, 105, 155, 157, 163 McDunnell Ave
1816 Beach Boulevard

Ward Number
1

Tax Parcel Identification Number(s):

1	2	1	0	J	-	0	2	-	0	1	2	.	0	0	0	1	2	1	0	J	-	0	2	-	0	2	0	.	0	0	0	1210J-02-018.000
1	2	1	0	J	-	0	2	-	0	1	3	.	0	0	0	1	2	1	0	J	-	0	2	-	0	2	1	.	0	0	0	
1	2	1	0	J	-	0	2	-	0	1	5	.	0	0	0	1	2	1	0	J	-	0	2	-	0	1	7	.	0	0	0	

Mailing Address of Property Owner:
166 Veterans Ave

Mailing Address of Applicant (if different than Owner): 107 E Adams Street

City: Biloxi

City: La Grange

State: MS

State: KY

Zip: 39531

Zip: 40031

County: Harrison

County: Oldham

Telephone: ()

Telephone: () 502 - 772 - 0465

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

Present Zoning Classification: WF & RM-30 MF Residential, High Density

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: N/A

North

South

East

West

Property is most nearly bounded by what streets?

Irish Hill

Beach Blvd

Mcdonnell

Veterans Ave

If property directly fronts or is adjacent one of the streets above, please indicate with a ✓.

X

X

X

X

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.

x 

 Signature of Rightful Owner

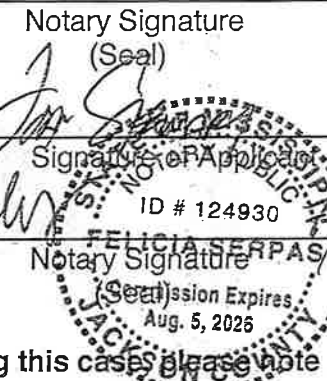

 Notary Signature (Seal) Date


 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:

Daira Jarney - 502-260-0344
107 E Adams
La Grange KY 40031

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:

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:

- Reducing or diminishing the inflexibility or uniform design that sometimes results from strict application of zoning and development standards designed primarily for individual lots;
- Allowing greater freedom in selecting the means of providing access, open space, and design amenities;
- 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;
- Providing for efficient use of land resulting in smaller networks of utilities and streets and thereby lowering development and housing costs; and
- 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
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<u>WF</u>	<u>PD-GE</u>
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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:

See attached

Include a statement of planning objectives for the district.

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

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



PLANNING COMMISSION SUPPLEMENT Planned Development – Master Plan

City of Biloxi Planning Division

Mailing Address: P.O. Box 508, Blvd., Biloxi, MS 39530

Office Location: 676 Dr. MLK Blvd.,

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

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

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

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

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

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

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

PLEASE INCLUDE A DIMENSIONAL STANDARDS TABLE FOR THE PROPOSED PD

SEE SECTION 23-3-4 PD ZONING DISTRICTS

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

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

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



PLANNING COMMISSION SUPPLEMENT

Map Amendment
(Master Plan update)

City of Biloxi Planning Division

Mailing Address: P.O. Box 508, Biloxi, MS 39533

Office Location: 676 Dr. MLK Blvd.,

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

TO BE COMPLETED BY APPLICANT

DATE: 7/9/26

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:	<u>RM-30</u>	<u>WF</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:	Yes	No
1. Is the proposed map amendment consistent with the Comprehensive Plan?	☐	☐

Please explain:

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



PLANNING COMMISSION SUPPLEMENT

Map Amendment

City of Biloxi Planning Division

Mailing Address: P.O. Box 508, Blvd., Biloxi, MS 39533

Office Location: 676 Dr. MLK Blvd.,

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

Criteria (continued)	<i>See Attached</i>	✓	
		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:			
		Yes	No
5. Has there been a change in the character of the neighborhood?		☐	☐
Please explain:			
		Yes	No
6. Is there an established community need for uses permitted in the proposed zoning district?		☐	☐
Please explain:			
		Yes	No
7. Was there a mistake in the original zoning of the property?		☐	☐
Please explain:			
		Yes	No
8. Are utilities and infrastructure sufficient to address the impacts associated with allowed uses in the proposed district?		☐	☐
Please explain:			
Site Plan attached: (please circle): Yes		Case No. ☐ ☐ - ☐ ☐ ☐ - ☐ ☐	
No			



ATTACHMENT A
STATEMENT OF SUPPORT FOR ZONING MAP AMENDMENT

The Black Marlin Casino Resort
1820 Beach Boulevard
Biloxi, Mississippi

DESIGN The applicant requests approval of a Zoning Map Amendment for the subject property located at 1820 Beach Boulevard in Biloxi, Mississippi, in coordination with the proposed Planned Development / Master Plan for The Black Marlin Casino Resort.

DEVELOP The subject property is currently affected by multiple zoning classifications. The purpose of this request is to establish a unified Waterfront zoning designation for the subject property so that the site may be planned, reviewed, and developed as one coordinated waterfront casino resort development.

CONSTRUCTION The proposed development is The Black Marlin, a destination-quality casino resort planned to include casino gaming, hotel, restaurant dining, fine dining, structured and surface parking, service areas, stormwater management, utility coordination, and related guest amenities. The current development plan identifies approximately 43,800 square feet of gaming area, a 300-room hotel, restaurant and fine dining components, a proposed building footprint of approximately 119,000 square feet, and approximately 668 parking spaces.

MANAGE The requested map amendment is appropriate because the subject property is located along U.S. Highway 90 / Beach Boulevard within Biloxi's established waterfront tourism, hospitality, commercial, and entertainment corridor. A unified Waterfront zoning designation is more consistent with the proposed casino resort use, the surrounding development pattern, and the long-term planning objectives for this portion of the city than maintaining multiple zoning classifications across a single master-planned project site.

PROCURT The amendment will support orderly development by allowing the project's access, parking, utilities, stormwater management, pedestrian circulation, service functions, landscaping, and public safety considerations to be reviewed comprehensively through the related Planned Development / Master Plan process. The proposed zoning change will remove inconsistent zoning boundaries within the project site and allow the property to be evaluated as one cohesive development rather than as separate parcels with differing zoning classifications.

MAINTAIN The applicant is not asserting that the original zoning was made in error. Rather, the request is based on appropriate land use planning, public convenience, general welfare, and the need to establish a consistent zoning framework for the proposed waterfront casino resort development. Final development will remain subject to applicable City review, agency coordination, infrastructure design, stormwater review, building permitting, Gaming Commission requirements, and all other required approvals.



ATTACHMENT B
MAP AMENDMENT CRITERIA RESPONSES
The Black Marlin Casino Resort
1820 Beach Boulevard
Biloxi, Mississippi

DESIGN

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

DEVELOP

CONSTRUCT

MANAGE

PROTECT

MAINTAIN

Yes. The proposed map amendment is consistent with the City's planning objectives for waterfront redevelopment, tourism, entertainment, hospitality, and coordinated commercial development along the Beach Boulevard corridor. The request will unify the zoning of the subject property under the Waterfront district so the site can be planned as one cohesive casino resort development rather than as a fragmented collection of zoning districts. The proposed development includes gaming, hotel, restaurant, parking, service, open space, stormwater, and site infrastructure components that are appropriate for a major waterfront hospitality and entertainment project.

2. Is the proposed map amendment compatible with present zoning and conforming uses of nearby property and with the character of the neighborhood?

Yes. The proposed amendment is compatible with the surrounding waterfront, commercial, hospitality, and entertainment context along U.S. Highway 90 / Beach Boulevard. The site is located within an established visitor-oriented corridor and is planned for a destination-quality casino resort use that complements the tourism and entertainment character of the area. Rezoning the subject property to Waterfront will create a more consistent zoning pattern for the project site and allow the development to be reviewed through a coordinated Planned Development / Master Plan process.

3. Is the property suitable for uses permitted in the present zoning district?

Partially. Portions of the subject property may be suitable for certain uses permitted under the present zoning classifications; however, the current mix of zoning districts is not suitable for the proposed integrated casino resort development. Portions of the property are currently zoned for uses that do not reflect the intended waterfront casino, hotel, dining, parking, and entertainment program. Maintaining split zoning across the site would create unnecessary inconsistency for site planning, access, parking, infrastructure, stormwater management, and long-term operation.

4. Is the property suitable for uses permitted in the proposed zoning district?

Yes. The property is suitable for Waterfront zoning because of its location along Beach Boulevard, proximity to the Mississippi Sound, existing entertainment context, and planned use as a waterfront casino resort destination. The proposed development includes a casino gaming floor, 300-room hotel, restaurant dining, fine dining, parking, loading and



service areas, and supporting site infrastructure. The submitted development plan identifies a proposed building footprint of approximately 119,000 square feet, approximately 43,800 square feet of gaming area, 300 hotel rooms, and approximately 668 parking spaces.

5. Has there been a change in the character of the neighborhood?

Yes. The Beach Boulevard corridor continues to function as one of Biloxi's primary tourism, entertainment, hospitality, and waterfront commercial corridors. The surrounding area has evolved toward visitor-oriented commercial and entertainment uses, and the proposed map amendment supports that established direction by allowing the subject property to be planned consistently as part of a unified waterfront development. The amendment will remove inconsistent zoning boundaries within the project site and support a coordinated redevelopment plan that is compatible with the area's current and anticipated character.

6. Is there an established community need for uses permitted in the proposed zoning district?

Yes. The proposed amendment supports the community need for continued reinvestment in Biloxi's tourism, hospitality, gaming, dining, and entertainment economy. The project is intended to create a responsible, destination-quality waterfront casino resort with hotel rooms, restaurants, gaming, parking, and guest amenities. The proposed zoning change will help support a coordinated entitlement framework for a project that can contribute to the city's visitor economy, employment base, tax base, and long-term waterfront development goals.

7. Was there a mistake in the original zoning of the property?

No. The applicant is not asserting that the original zoning was a mistake. The request is based on appropriate land use planning, public convenience, general welfare, and the need to establish a unified zoning designation for the current proposed development. The existing split zoning may have reflected prior parcel boundaries, ownership patterns, or historical land use conditions, but it is no longer the most appropriate zoning configuration for the proposed master-planned waterfront casino resort.

8. Are utilities and infrastructure sufficient to address the impacts associated with allowed uses in the proposed district?

Yes, subject to final design and agency review. The applicant has reviewed both existing and planned infrastructure and utilities with the City of Biloxi. The development plan anticipates coordinated site infrastructure, including access, parking, sanitary service, stormwater collection, water-quality treatment, controlled conveyance, and approved discharge to existing public or tidal drainage systems. Final design will be prepared by the project civil engineer and coordinated with the City of Biloxi, Mississippi Department of Environmental Quality, utility providers, and other agencies having jurisdiction. The



ATTACHMENT A
STATEMENT OF SUPPORT FOR PLANNED DEVELOPMENT / MASTER PLAN
The Black Marlin Casino Resort
1820 Beach Boulevard
Biloxi, Mississippi

The applicant requests approval of a Planned Development / Master Plan for The Black Marlin Casino Resort, a proposed destination-quality casino resort development located at 1820 Beach Boulevard in Biloxi, Mississippi. The goal is to change the zone to PD-GE.

DESIGN

DEVELOP

CONSTRUCT

MANAGE

PROCUR

MAINTAIN

The proposed development is intended to create a coordinated waterfront gaming, hospitality, dining, entertainment, parking, and guest amenity destination. The development plan includes casino gaming, a hotel, restaurant dining, fine dining, structured and surface parking, porte cochere arrival, loading and service areas, trash enclosure, pedestrian circulation, landscape buffers, stormwater management, utility coordination, and related site infrastructure.

The current development plan identifies the proposed use as casino gaming and hotel. The plan includes approximately 43,800 square feet of gaming area, a 300-room hotel, 75-seat fine dining restaurant, 300-seat restaurant dining component, a proposed building footprint of approximately 119,000 square feet, and approximately 668 parking spaces, including accessible parking. The project is planned as an integrated resort development rather than as separate independent uses.

The Planned Development request is appropriate because the property contains multiple parcels and zoning classifications and requires coordinated site planning for access, parking, guest circulation, service functions, public safety, utilities, stormwater, landscaping, and future building design. A Planned Development / Master Plan will allow the City to review the project comprehensively and establish project-specific dimensional standards and development controls that are appropriate for the proposed waterfront casino resort.

The Planned Development approach supports high-quality land planning and site design by allowing the development to be organized around a unified master plan. The project will coordinate building placement, parking, access, loading, stormwater, landscape areas, and pedestrian connections in a manner that supports efficient land use, guest experience, public safety, environmental review, and long-term operational viability.

The applicant intends to continue coordinating with the City of Biloxi, Mississippi Gaming Commission, Mississippi Department of Environmental Quality, utility providers, fire/life safety officials, and other agencies having jurisdiction as the project advances through design, permitting, financing, construction, and operational readiness. Final development will remain subject to all applicable City review, agency approvals, infrastructure requirements, stormwater requirements, building permits, and Gaming Commission requirements.



ATTACHMENT B
PLANNED DEVELOPMENT MASTER PLAN CRITERIA RESPONSES
The Black Marlin Casino Resort
1820 Beach Boulevard
Biloxi, Mississippi

Statement of planning objectives for the district.

DESIGN	The planning objective for the proposed Planned Development district is to allow the subject property to be developed as one coordinated waterfront casino resort destination.
DEVELOP	The Planned Development will support an integrated mix of gaming, hotel, restaurant,
CONSTRUCT	parking, service, guest amenity, stormwater, utility, and site infrastructure uses. The intent
MANAGE	is to provide a high-quality development that complements Biloxi's waterfront tourism and
PROCURE	hospitality corridor while allowing the City to review the project through a unified master
MAINTAIN	plan rather than through fragmented parcel-by-parcel zoning controls.

The proposed Planned Development is intended to promote efficient site planning, coordinated access, clear guest circulation, appropriate parking, service functionality, utility coordination, stormwater management, public safety access, and compatibility with surrounding waterfront and commercial uses.

1. General location of individual development areas, identified by land use and/or development density or intensity.

The primary casino and hotel development area is located within the central portion of the subject site, with frontage and access oriented toward U.S. Highway 90 / Beach Boulevard and Veterans Avenue. The proposed building includes the casino gaming floor, hotel tower, dining components, porte cochere, guest arrival areas, and related support spaces.

Parking is planned through a combination of on-grade parking and a single raised-deck parking structure. Service and loading areas are located to support the casino and hotel operations while maintaining separation from primary guest arrival and circulation areas. Landscape buffers and open areas are planned along portions of the site perimeter and within the parking and circulation layout.

2. Acreage, types and mix of land uses, residential units, nonresidential floor area, residential density, and nonresidential intensity.

The submitted development plan identifies the proposed site area as approximately 481,620 square feet, or 11.05 acres. The proposed development is nonresidential and includes casino gaming, hotel, restaurant dining, fine dining, parking, service, and related guest amenity uses.

The development plan identifies approximately 43,800 square feet of gaming area, a 300-room hotel, 75-seat fine dining restaurant, 300-seat restaurant dining component, a proposed building footprint of approximately 119,000 square feet, and a proposed building



height of approximately 146 feet. The proposed development includes approximately 668 parking spaces. No residential dwelling units are proposed.

3. General location, amount, and type of open space.

Open space is provided through perimeter landscape areas, internal landscape areas, buffer areas, and other open areas associated with site circulation, parking, stormwater, and guest experience. The development plan identifies 20-foot landscape buffers along portions of the site. Landscaped islands, perimeter landscape areas, and other open areas are intended to provide visual buffering, site organization, supplemental stormwater treatment, and reduction of directly connected impervious area where practical.

The open space areas are generally passive in nature and are intended to support the overall resort site design, pedestrian experience, landscaping, stormwater management, and compatibility with adjacent properties and public rights-of-way.

4. Location of environmentally sensitive lands, wildlife habitat, and stream corridors.

The subject property is located in proximity to the Mississippi Sound and the Beach Boulevard waterfront corridor. The development plan identifies the FEMA floodplain panel as 28047C0289G and identifies the site as Zone X, 0.2% moderate and minimal flood hazard. The site is not in a floodplain.

No stream corridors are identified on the submitted development plan. Final design will address stormwater management, erosion prevention, sediment control, water-quality treatment, and any applicable environmental review requirements through the civil engineering and permitting process.

5. On-site transportation circulation system, including public and private streets, transit corridors, pedestrian and bicycle pathways, and connections to existing and planned city systems.

The proposed site circulation system is organized around access from the surrounding roadway network, including U.S. Highway 90 / Beach Boulevard, Veterans Avenue, and related site access drives. The plan includes internal drive aisles, parking fields, a porte cochere, service/loading access, and pedestrian circulation areas.

The development plan identifies parking drive aisles, one-way circulation areas, 24-foot drive aisles, a porte cochere, and a pedestrian bridge. Parking is provided through on-grade parking and a raised-deck parking structure. Pedestrian circulation will be coordinated with building entrances, parking areas, guest arrival areas, accessible routes, and connections to adjacent public rights-of-way as final design advances.

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



Potable water and wastewater facilities will be coordinated through final civil engineering design and utility review. The development plan notes that sanitary service will be provided by an existing property service connection, subject to applicable fees and charges. Final utility design will identify water, sanitary sewer, fire protection, and related service connections and will be coordinated with the City of Biloxi and applicable utility providers.

DESIGN

The project will remain subject to final engineering review, capacity confirmation, utility coordination, and all applicable permitting requirements.

DEVELOP

CONSTRUCT

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

MANAGE

PROCURE

MAINTAIN

Stormwater management is anticipated to be addressed through a combination of conventional collection, water-quality treatment, controlled conveyance, and approved discharge to the existing public or tidal drainage system. Roof, pavement, and site runoff will be collected through roof drains, area drains, curb inlets, catch basins, and underground storm piping.

Runoff from parking areas, service areas, and drive aisles will be routed through appropriate water-quality treatment measures before discharge. These measures will follow approved best management practices. Final design will evaluate controlled discharge, potential underground detention or subsurface storage where required and include stormwater pollution prevention measures in coordination with the City of Biloxi, Mississippi Department of Environmental Quality, and other agencies having jurisdiction.

8. General location of all other on-site public facilities serving the development, including parks, schools, fire protection, police protection, EMS, stormwater management, and solid waste management.

The proposed development will be served by existing public safety, emergency response, utility, and municipal service systems, subject to final coordination with the City and applicable agencies. The development plan identifies fire protection considerations, including an FDC location, and internal access drives intended to support site circulation and emergency access. Final fire protection, hydrant, FDC, fire lane, and emergency access requirements will be coordinated with the Fire Department and other reviewing agencies.

Solid waste service is planned through a designated trash area and service/loading area. Stormwater management will be provided through the project's on-site stormwater collection, treatment, conveyance, and approved discharge system. No public schools or public park facilities are proposed as part of the development.



ATTACHMENT C
 DIMENSIONAL STANDARDS TABLE FOR PROPOSED PLANNED
 DEVELOPMENT

The Black Marlin Casino Resort
 1820 Beach Boulevard
 Biloxi, Mississippi

The following dimensional standards are proposed for the Planned Development Master Plan. Final dimensions, setbacks, and site improvements remain subject to final civil engineering, architectural design, agency review, and applicable City approval.

DESIGN

DEVELOP

CONSTRUCT

MANAGE

PROTECT

MAINTAIN

	Standard	Proposed Planned Development Standard
		Casino resort, including casino gaming, hotel, restaurant dining, fine dining, parking, service areas, guest amenities, and related site infrastructure.
	Proposed Use	
	Proposed Site Area	Approximately 481,620 square feet / 11.05 acres, as identified on the submitted development plan.
	Minimum Lot Area	As established by the Planned Development Master Plan.
	Minimum Lot Width	As established by the Planned Development Master Plan.
	Maximum Dwelling Units Per Acre	Not applicable. No residential dwelling units are proposed.
	Maximum Floor Area Ratio	Approximately 0.36 FAR, based on the submitted development plan.
	Maximum Impervious Surface Area	Approximately 366,000 square feet total impervious area, subject to final civil engineering and stormwater approval.
	Maximum Building Height	Approximately 146 feet, as identified on the submitted development plan.
	Maximum Individual Building Size	Approximately 119,000 square foot building footprint, with final building areas subject to final architectural design and City approval.
	Parking Requirement	Minimum 500 spaces per Mississippi Gaming Commission requirements.
	Parking Provided	Approximately 668 parking spaces, including accessible spaces, as identified on the submitted development plan.
	Parking Space Size	9 feet by 19 feet.
	Parking / Drive Aisle Dimension	24-foot drive aisles, unless otherwise approved through final site plan review.
	Minimum Setbacks	As established by the Planned Development Master Plan and final site plan approval.



Standard

Proposed Planned Development Standard

Maximum Setbacks

As established by the Planned Development Master Plan and final site plan approval.

Minimum Setbacks from
Adjoining Residential
Development or Residential
Zoning Districts

As established by the Planned Development Master Plan, with landscape buffers, site planning, and other mitigation measures provided where required by City review.

Landscape Buffers

20-foot landscape buffers are identified along portions of the submitted development plan, subject to final landscape plan approval.

Open Space / Landscape Areas

As shown on the submitted development plan and as refined through final landscape, civil, and site plan approval.

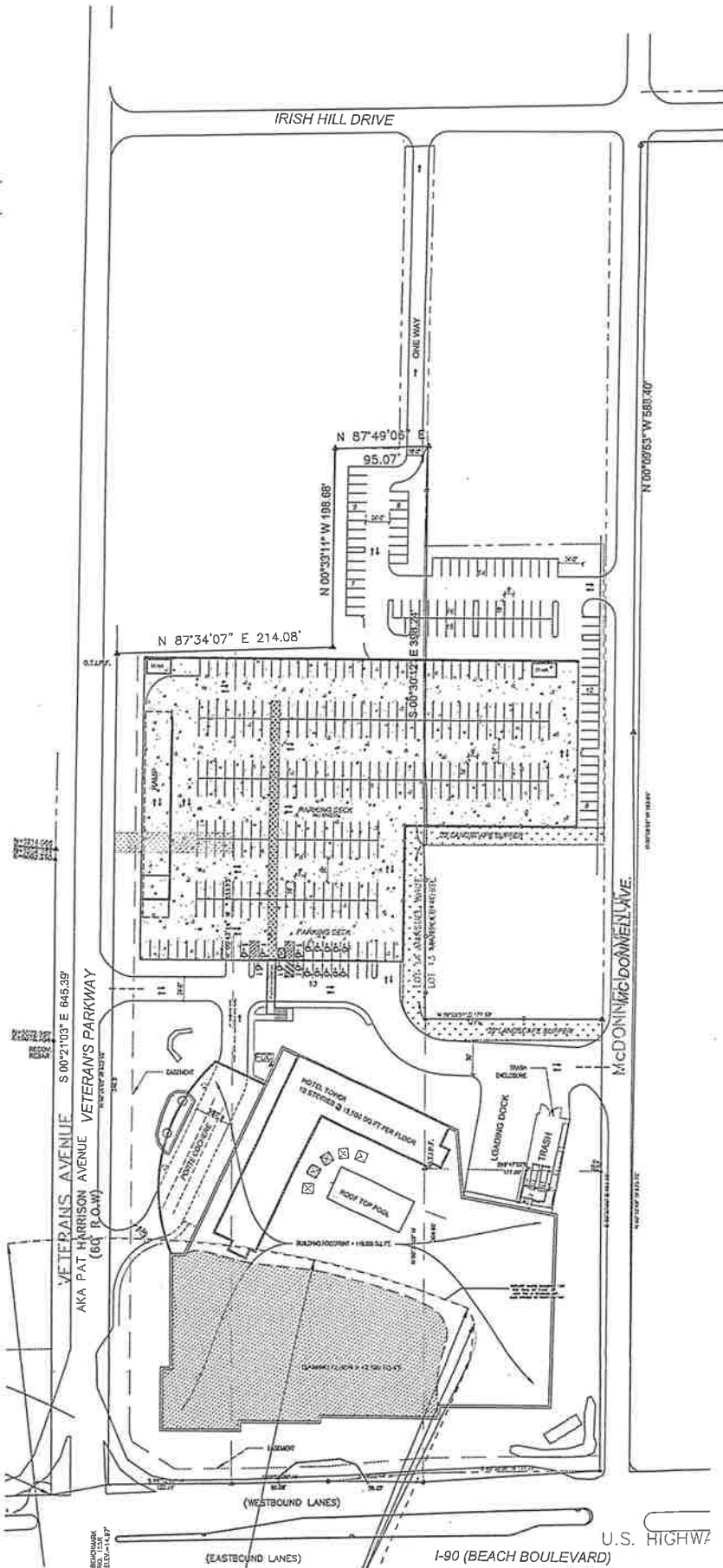
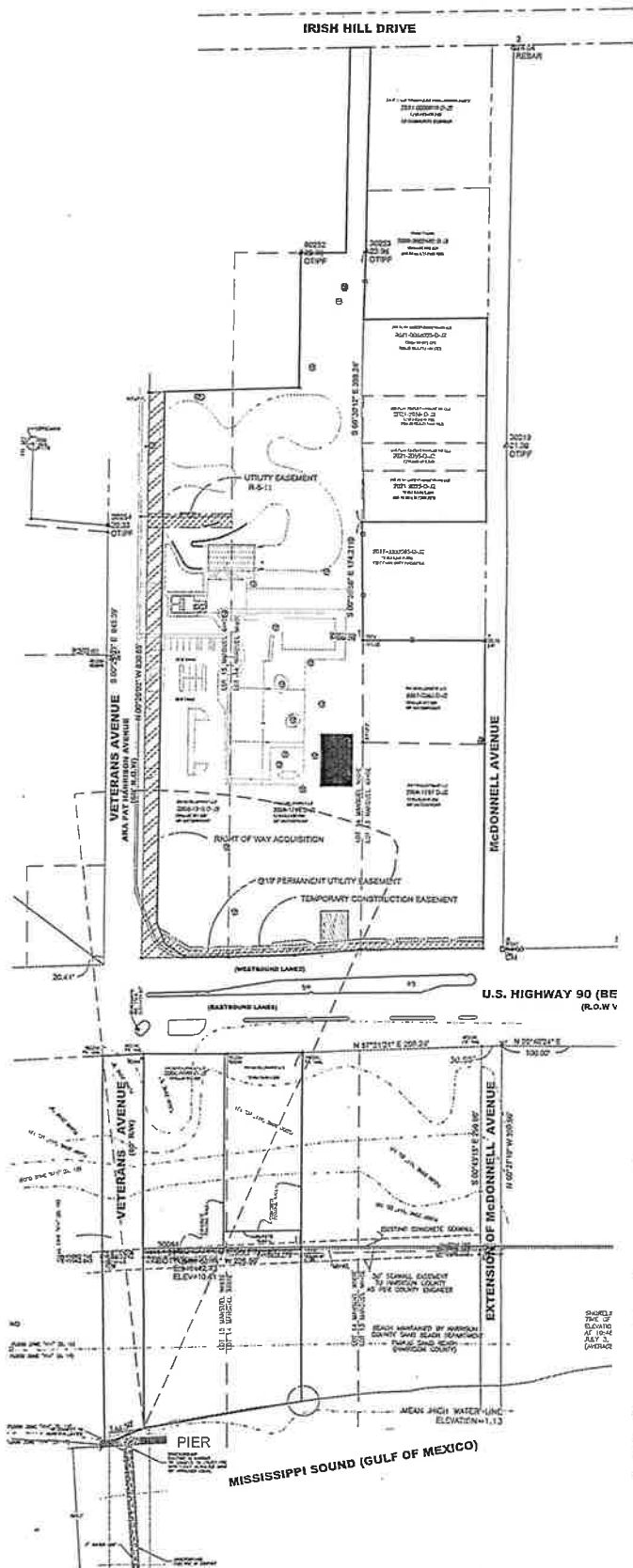
Stormwater Management

To be provided through on-site collection, water-quality treatment, controlled conveyance, and approved discharge to public or tidal drainage systems, subject to final engineering approval.

Fire / Emergency Access

To be coordinated through final site plan, fire protection, hydrant, FDC, and emergency access review with the City and Fire Department.

- LEGEND**
- INDICATES CAPTED ROCK PILE FOUND
 - INDICATES CAPTED ROCK PILE SET
 - INDICATES CAPPED TOP ROCK PILE FOUND
 - INDICATES OPEN TOP ROCK PILE FOUND
 - INDICATES PILE FOUND
 - INDICATES CONCRETE MONUMENT FOUND
 - INDICATES ASLT FOUND
 - INDICATES OVER LANE PILE



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: August 27, 2026

Re: R W Development LLC (Owner)
John Stewart (Applicant)
1816 Beach Boulevard
Two unaddressed parcels on Beach Boulevard
105, 155, 157 & 163 McDonnell Avenue
1210J-02-021.000; 1210J-02-020.000; 1210J-02-018.000;
1210J-02-017.000; 1210J-02-015.000; 1210J-02-013.000; &
1210J-02-012.000
DRC Case No. 2026-050

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 a Master Plan PDGE.

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

1
BILOXI PLANNING COMMISSION MEETING
2
SEPTEMBER 3, 2026
3
COMMUNITY DEVELOPMENT,
4
DR. MARTIN LUTHER KING JR. MUNICIPAL BUILDING,
5
676 DR. MARTIN LUTHER KING JR. BOULEVARD,
6
BILOXI, MISSISSIPPI,
7
BEGINNING AT 2:04 P.M.

8
9
10 **PLANNING COMMISSION MEMBERS PRESENT:**
11 Ronnie Bogard
12 Kyle Carron
13 Robert Collier
14 Dr. Larry Drawdy
15 Harry Joachim
16 Joe King
17 Gary Lechner
18 Debora Magee
19 August Parker
20 Shante' Shaw
21 John Snow
22 Michael Todaro

23 **ALSO PRESENT:**
24 Jerry Creel, Director of Community Development
25 Felicia Serpas, Senior Planner
Caryle Lena, Planner I
Anthony Marshall, Councilman Ward 2
Dr. Paul Tisdale, Councilman Ward 5
David Shoemaker, Councilman Ward 7
Teresa Shelton, Keesler
Christina Castleberry, Keesler

23 **REPORTED BY**
24 Melissa Burdine-Rodolfich
25 Simpson Burdine & Migues

Simpson Burdine & Migues 228.388.3130

1 MR. TODARO:
2 We're going to call the Planning
3 Commission meeting to order. I'd like to welcome
4 everyone this afternoon.
5 The chairman and co-chairman are both
6 sick today, so I'm Mike Todaro, a member, sitting
7 in, so thank you for being here and being patient.
8 We'll begin with a word of prayer. I'll
9 ask Jerry to lead us in a word of prayer.
10 (Moment of prayer.)
11 MR. TODARO:
12 We'll stand for the Pledge of
13 Allegiance. We'll ask Ronnie Bogard to lead us.
14 (Pledge of Allegiance.)
15 MR. TODARO:
16 So we'll do a roll call for the meeting.
17 We'll ask everyone to please be quiet
18 because we have a court reporter who needs to have
19 quiet so she can record everything. And when
20 there is a murmuring and chatter, she has to
21 miss -- she's not able to properly record, so
22 please. Thank you.
23 So the members present would be
24 Mr. Lechner, August Parker, Debora Magee,
25 Ms. Shante' Shaw, Ronnie Bogard, Mr. Collier,

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2
C-O-N-T-E-N-T-S

CONTINUED PUBLIC HEARING(S) :	PAGE:
26-040-PC	5
NEW PUBLIC HEARING(S) :	16
<u>26-044-PC</u>	
TREE HEARING(S) :	62
TR-26-003	

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1 Larry Drawdy, Mr. Carron, Joe King, John Snow, and
2 I think that's all.
3 MS. LENA:
4 Harry Joachim.
5 MR. TODARO:
6 Oh, I'm sorry. Harry Joachim.
7 We have Jerry Creel and Caryle Lena here
8 representing the City. And we have our court
9 reporter, who is Melissa Rodolfich, and Felicia
10 Serpas.
11 We have -- let's see -- City
12 Councilperson Marshall, City Councilperson Tisdale
13 and City Councilperson Shoemaker and two
14 representatives from Keesler. We have
15 Ms. Castleberry and Ms. Shelton. So that's all
16 the introductions.
17 For those of you that haven't been to a
18 Planning Commission meeting, we're going to have
19 an open discussion. The public hearing will be
20 the time to speak in favor and a time to speak
21 against. And when the person is speaking, please
22 respect their time and, hopefully, they'll respect
23 your time as well.
24 So with that being said, Jerry, your
25 report?

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1 we want to support healthy growth and continued
 2 health of that neighborhood?
 3 MR. CARRON:
 4 That's correct.
 5 DR. DRAWDY:
 6 I will second it.
 7 MR. TODARO:
 8 Is everyone clear about the area that
 9 he's talking about? Could you go ahead and point
 10 it out?
 11 MS. SERPAS:
 12 You want to come point it out?
 13 MR. CARRON:
 14 Yeah.
 15 MR. TODARO:
 16 Mr. Carron has been by this neighborhood
 17 and many of us and we know that it's just a
 18 healthy, vital neighborhood.
 19 MR. CARRON:
 20 Okay. On the east side, this is the
 21 Division Street and, basically, this is Railroad
 22 Street that runs along this area.
 23 But on the east side of Laurel Court,
 24 you've got -- all these blue dots signify a house
 25 with somebody in it. If you see a black spot,

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1 everything --
 2 MR. JOACHIM:
 3 Right.
 4 MR. TODARO:
 5 There was no original motion.
 6 MR. JOACHIM:
 7 No motion. I'm sorry. I understand.
 8 MR. TODARO:
 9 He made the motion that we approve the
 10 amendment with changes.
 11 MR. JOACHIM:
 12 Okay. So you've got a primary motion?
 13 MR. TODARO:
 14 That is correct.
 15 MR. JOACHIM:
 16 Thank you.
 17 MR. TODARO:
 18 And that motion includes the separation
 19 of that isolated area.
 20 MR. JOACHIM:
 21 Got ya. Thank you.
 22 MR. TODARO:
 23 All right. Any other questions?
 24 (No response.)
 25 MR. TODARO:

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1 that's a vacant lot. So each one of those blue
 2 dots is a home. And you've got the Joseph -- I
 3 can't remember the full name of -- Joseph O'Reilly
 4 Park in the center and there's actually two homes
 5 located there. And then going west on Strangi
 6 Avenue, the houses on the east side of Strangi,
 7 there's 11 of them there.
 8 This black dot signifies somebody that
 9 opted out. They want to stay with the same
 10 zoning. So that's basically what I'm saying. We
 11 should leave this area zoned as it is.
 12 MR. TODARO:
 13 So a motion is on the floor with the
 14 adjustment or with the caveat to its approval. Is
 15 that correct?
 16 MR. CREEL:
 17 Uh-huh.
 18 MR. TODARO:
 19 Any other questions from the Planning
 20 Commission?
 21 MR. JOACHIM:
 22 Point of order. Are you asking to amend
 23 the original motion?
 24 MR. CARRON:
 25 The original motion is to either accept

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1 All right. So we'll ask for a vote.
 2 All in favor of the approval of the amendment
 3 change with the exclusion of that area?
 4 We've got Mr. Lechner, Mr. Parker,
 5 Ms. Magee, Ms. Shaw, Mr. Bogard, Mr. Collier,
 6 Mr. Joachim, Dr. Drawdy, Mr. Carron, Mr. King,
 7 Mr. Snow and me. I will vote in favor as well.
 8 So that's unanimous.
 9 That's passed.
 10 So the next order of business is current
 11 public hearings, and it looks like we have two.
 12 The first is Case Number 26-044-PC, RW
 13 Development, LLC, owner, and John Stewart,
 14 applicant, a request for the following: An
 15 application requesting approval of a master plan
 16 for a gaming project, which outlines the proposed
 17 development and operation of a 43,800-square-foot
 18 gaming facility, together with 119,000 square feet
 19 of support, hotel, food and retail services; and a
 20 zoning map amendment to rezone three parcels from
 21 the RM-30 Multi-family residential, to Waterfront,
 22 WF, and to establish a PD-GE, Planned
 23 Development-Gaming Establishment, overlay district
 24 encompassing seven parcels, all for land presently
 25 identified as 1816 Beach Boulevard, two

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unaddressed parcels fronting at Beach Boulevard and 105, 155, 157 and 163 McDonnell Avenue. Tax Parcel Numbers 1210J-02-021.000, 1210J-02-020.000, 1210J-02-018.000, 1210J-02-017.000, 1210J-02-015.000 and 1210J-02-013.000 and 1210J-02-012.000. This was advertised on 8/14, 8/21 and 8/28. Thank you.

So with that, all those responsibilities have been met, so we'll have --

MS. SERPAS:

Do the video first.

MR. TODARO:

Oh, show the video first. Thanks.

MS. SERPAS:

There is several videos. We're just going to show one, and I will do the overhead.

MR. TODARO:

Okay.

MS. SERPAS:

(Video played.)

MR. TODARO:

Okay. So now we'll ask for the applicant to make a presentation.

Identify yourself, please, and your name and where you're from.

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MR. CREEL:

A word of caution, don't touch the screen.

MR. STEWART:

Yes.

So a couple of other introductions for our team here today. So we have Terry Moran, who is our civil engineer for this project, is here to help answer any questions and for support as well.

Daira Carney, who is a person in our office who does all the permitting and stuff like this, so she's the brains behind putting everything together. Jennifer Long is also a project manager with Encompass, so they're right here as well. And our attorney, Mike Cavanaugh, is here as well as part of our team.

Just a little bit of background: We wanted to really embrace the community with a big project like this. It's been 10 years since a new casino has been built on the Coast or at the Coast here, and so we chose -- and we researched a lot.

And I know everybody here knows the legend of the black marlin. Right? It's a kind of a fun thing, but if you read about it, there is all kinds of different legends in the legend of

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MR. STEWART:

I'm John Stewart. I'm the founder and owner of Encompass Develop Design & Construct. We're based in Kentucky, but we work all over the United States and Mississippi as well. And we are here to give you a presentation on the proposed development.

I'm going to leave the mic and go over there and present it from the screen, but just a little bit more of our background: This is what we do for a living. We develop, design and build casinos and hospitality, hotels and restaurants around the United States and have done that and horserace tracks. Being from Kentucky, we couldn't get away from horseracing, but we have done this in, I don't know, maybe 20 states and then a lot of native work as well. I have another office based in Tulsa, Oklahoma.

And we -- this is a really exciting project for us and we've been working on this for awhile, and we're excited to present it to you. And if you have questions along the way -- I'm not sure how -- what your format is, but I'm happy to answer those along the way as we present some of the slides.

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the black marlin, but, basically, the big black marlin is somewhere out there in the Gulf that somebody wants to catch one day.

And, you know, in -- with a marlin, a marlin over 1,000 pounds is called a grander, and so we're trying to take this all the way through. Everything that we're doing relating to this, make it about Biloxi, make it about the Coast, make it about the water that's out there and the land that we're on, and so you'll see little bits and pieces of that marlin story all the way through, including the Grander, which is one of our fine dining restaurants that we're proposing. So you'll see that as we go along.

I will take you through first some of the drawings and then some of the drawings that are, to most people, kind of the boring stuff, and then we'll get to some of the pictures as well. I know there has been a lot of excitement in the community and discussion about what in the world we're doing, so we're excited to present that.

As you know, we have a pier that we're building. Unfortunately, the contractor who was doing that had a health issue, and so we had to stop the pier. We will be starting that back up.

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1 The plans -- everything is already approved and
2 it's still under permit, so we'll start that pier
3 construction back up soon, maybe when you give us
4 approval if we get that.

5 So -- but there is -- about the legend,
6 I would encourage everybody that's interested at
7 all to Google the black marlin and see what you
8 come up with, and we have really used that as base
9 for us.

10 And I think we pulled up the site.
11 Felicia pulled up the site earlier, but just to
12 give you -- some of those tracts of land -- so we
13 had to control a point down here at the mean high
14 tide line to be able to do -- develop this
15 property. So this property has been already
16 approved by the Gaming Commission as an approved
17 site.

18 That is basically the site with the
19 exception of this apartment building and then it
20 goes on back. And the property -- the three
21 properties that we are rezoning -- are proposed
22 for rezoning are right here, and then we have
23 access all the way back to Irish Hill and access
24 along McConnell, access along Veterans Parkway and
25 then Beach Boulevard.

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1 So we can't locate games anywhere else on this
2 property, so we're driven to the corner here. And
3 we have to be within -- inside that -- this area
4 that's this dash line now.

5 So this, again, is Veterans, 90/Beach
6 Boulevard and then McDonnell.

7 So you'll see, we developed the plan.
8 This is -- again, that's another survey that shows
9 the existing structures and you can see all the
10 radius, again, there.

11 But on this, we developed this -- and
12 I'm going to jump ahead and then come back real
13 quick. We developed this building so that our
14 gaming floor is basically this gray area and
15 that -- goes to that line, so we really couldn't
16 go anywhere else on the property for that.

17 And going back, it's -- we're required
18 to have 40,000 square feet of gaming. Three
19 restaurants is that -- was our choice, three
20 restaurants. We have a rooftop pool, 300-key
21 hotel and then, of course, the Veterans Avenue
22 pier, which is not our amenity, but it is
23 definitely an amenity for the community.

24 This is a real -- kind of a sketch
25 layout or where we think things are going to go as

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1 The Gaming Commission requires us to
2 have -- meet certain criteria, and so we are --
3 our proposal meets all of those. One of those is
4 to have an amenity that is -- a unique amenity, so
5 our amenity is actually going to be the Big Play
6 here right across the street, so we're going to
7 connect a lot to what Big Play is doing now. The
8 go-kart track will move over to the property and
9 make way for our development.

10 We also control the property that's
11 here, the two lots that are here on the south side
12 of 90 so just to give you some orientation on that
13 property.

14 And there has been a lot of questions,
15 even for us on where can we locate this facility
16 on the property. And so this is the existing site
17 plan that you can kind of see. I'm going to
18 address you all, so you can kind of see where we
19 have a point down. This is Veterans, again,
20 Avenue. This is the pier.

21 And there is a point down here where we
22 have to -- we have to be a certain distance. The
23 gaming floor, any games, legally, have to be
24 within this radius right here based on this point
25 that we have control of now because of the lease.

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1 we further develop this plan.

2 But you can see, the building here, this
3 dark line here is the outline of our footprint for
4 the building. And we also have parking here.
5 We're not coming off of Beach Boulevard. We
6 don't -- we just looked at it. We're also looking
7 at traffic studies. The intersection is well done
8 here, and some of it more recently, so we feel
9 like the best thing to do would be to come off of
10 Veterans to have our main access. That would --
11 it doesn't restrict traffic on Beach Boulevard
12 that way as well and we can get both right in and
13 it's a one-way valet dropoff and then back out, as
14 well, or to parking.

15 So this is a one-story parking deck, so
16 we have parking on the ground level and then
17 parking on another level, which is what this dark
18 line is here. So we have to have at least 500
19 parking spots -- spaces.

20 So what we did to save some of the
21 landscape of the trees there, we actually pulled
22 the parking deck -- you know, the most convenient
23 thing at a casino is you walk right from the
24 parking and right in the front door, but what we
25 did was pull away so we could save some of the

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1 oaks that are in between here. And you can see
2 that on our landscape plan.

3 And then we also had some pretty good
4 setbacks, so we can do a lot of landscaping and
5 save some of the -- preserve some of the trees
6 around the edges, as well as back here in the
7 parking area.

8 This is -- this one actually -- so this
9 is Big Play, and this is the smaller drawing of
10 that, but this is where -- the existing site plan
11 and then the new site plan.

12 And stop me if you have questions.

13 Yeah.

14 MR. CARRON:

15 Are you going to have two means of the
16 ingress/egress on McConnell Avenue?

17 MR. SNOW:

18 Yes, we do. We have one that is here
19 that is really kind of by a loading dock and so
20 more for keeping the trucks off of Veterans, and
21 then we have another here to access parking and
22 exit the parking there.

23 MR. CARRON:

24 Thank you.

25 MR. SNOW:

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1 orient you. There's Veterans. Here's Beach
2 Boulevard, and this dark lined area here is our
3 hotel tower. You'll see some renderings. That's
4 facing the Gulf, and then we have a rooftop pool.

5 And our casino gaming floor, that 40,000
6 square feet, is here, and it's about 1,100 slot
7 machines, 27 table games, so it does what we want
8 it to do, not only meet the requirements of the
9 Gaming Commission but make it a valid project so
10 it has to work financially for us as well.

11 These were plans that were submitted as
12 far as erosion control and for -- during these
13 plans, so we are meeting the requirements. I
14 don't know.

15 Anything that we had to really work
16 around, Terry?

17 MR. MORAN:

18 No, not really, no, sir.

19 MR. STEWART:

20 And we don't -- we're not asking for
21 variance of setbacks or anything. We're meeting
22 the required setbacks and these are the
23 requirements for this piece of the property.
24 We're not asking for waivers or variances.

25 We did a tree plan, and I think the Tree

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1 We did have an opportunity as well
2 through the Development Review to go through with
3 Public Works and Fire and pick up some -- we made
4 some changes to our original plan based on the
5 comments that we received during our Development
6 Review.

7 Again, this is the master drawing plan
8 that we have submitted. One of the things that we
9 did -- I mean, we looked at -- we had to go
10 through all the agencies and get those approvals
11 before we go back to the Gaming Commission or they
12 need to say to us in a letter, you don't need our
13 approval.

14 One of those was with the FAA and
15 Keesler. We did have an original plan for a
16 taller hotel tower. We have reduced that plan
17 down to what they have given us as the height --
18 our height requirement. And, also, we're out of
19 the potential accident zone or accident potential
20 zone, so we're not inside that zone, as well, for
21 Keesler. But we did adjust the height, though, so
22 we're a five-story total building at this point to
23 meet those requirements.

24 And just a little bit about this
25 footprint. You'll see it more -- but, again,

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1 Committee met on that, but this is kind of our
2 count of the trees at this point. And this is the
3 survey that we did. We had our arborist actually
4 go in and evaluate each tree as well. And whether
5 they were a protected species or not, we evaluated
6 the trees. And that was a list of 68 trees on
7 site.

8 This is our landscape plan.

9 MR. TODARO:

10 Mr. Stewart, can I ask you how many
11 trees did you actually save? We know how many
12 you're asking to remove. How many actually were
13 you able to -- with the redesign and the way the
14 footprint changed, how many --

15 MR. STEWART:

16 Yeah. Well, pulling it apart, we had --
17 I don't know if you can see this area right here,
18 some of these trees. Each one of these -- and
19 it's probably hard to see, but they're in black
20 compared to the red. Those are the trees that we
21 were able to save along the edges here. I
22 actually am not sure how many we saved because we
23 were looking at, obviously, the oaks and the
24 protected trees. I don't know the count that we
25 saved.

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1 MR. CARRON:

2 I think we'll probably go in depth on
3 that in the tree hearing.

4 MR. TODARO:

5 Yeah. Okay. That's fine.

6 MR. STEWART:

7 And, again, the landscape plan showing
8 some of the oaks that we talked about where we
9 separated the garage. I'm sure we'll get customer
10 complaints for separating it, but if we can
11 expand -- we can explain that as well. And you
12 can see some of the landscaping around -- pretty
13 extensive landscaping around on Beach Boulevard,
14 Veterans, as well as on the McDonnell Avenue side,
15 but we continued that up around all of the
16 parking.

17 Yeah. On that plan, they are designated
18 as the original trees. We also know that we have
19 to put some new trees in, so we'll -- that's what
20 we're doing as part of this.

21 MR. CARRON:

22 I didn't understand you a while ago
23 about south of 90. Are there any plans for that
24 area?

25 MR. STEWART:

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1 to, that there probably will be a lot of foot
2 traffic to go down to those places.

3 MR. STEWART:

4 Yeah. And one of the things we did in
5 looking at our programming, and to your point, is
6 looked at what are the other businesses that are
7 in the area, like the wedding venue that's across
8 there. So we've only put like larger conference
9 rooms. We don't have a big, you know, indoor
10 event venue or -- we would be able to have
11 small -- smaller events, but we didn't want to
12 compete with the neighbors. We wanted to embrace
13 the neighbors, so we do need to be able to get
14 across the street there.

15 MR. CARRON:

16 I know in the past some of the casinos
17 had their own shuttles that ran back and forth to
18 the parking lots. You could do something like
19 that.

20 MR. STEWART:

21 I think as we continue to develop this
22 and, you know, obviously start to reach out to,
23 you know, our neighbors more that we would look at
24 how do we do that. And, obviously, if there was a
25 wedding and -- you know, we don't have an event

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1 Not in this project right now, but that
2 is a potential area for us to develop, and we have
3 been looking at other potential uses for those two
4 pieces of property that are on the beachfront and
5 on the boardwalk there, yeah.

6 MR. CARRON:

7 Is there any plans for possibly an
8 elevated crosswalk across 90?

9 MR. STEWART:

10 So we've been talking about instead of
11 across 90 because Big Play is our amenity that
12 we're -- we've been talking about looking at --
13 we're doing a study right now, and we would
14 obviously bring it, you know, for approvals, but a
15 study to go across Veterans in lieu of that.

16 There's a -- we have to prove the foot
17 traffic path of that whole intersection when we do
18 that, so we know we have to do that. Yeah.
19 That's a good question because, obviously, we
20 want -- you know, we want to be able to get across
21 to the pier and the boardwalk too. The boardwalk
22 is really being developed in a pretty extensive
23 way.

24 MR. CARRON:

25 And that's what I was kind of alluding

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1 planner yet so -- on staff, but we are going to
2 hire about 500 folks for this, so that's enough.
3 We would have somebody that manages that.

4 MR. CARRON:

5 Thank you.

6 MR. STEWART:

7 And this is that Level 1 plan that I
8 showed you a little bit earlier. And then the
9 second level, which is the pool level, we have a
10 spa. And you can see a couple of the conference
11 rooms here and how they're set up and then fitness
12 center and the rest of the rooms, the hotel rooms.
13 And we have, again, five floors of rooms, so this
14 is a typical hotel floor plan area.

15 And then some pictures, so we have put
16 together -- obviously, the black marlin, the name,
17 black marlin -- some sculpture and water. Really,
18 you'll see that play through a lot of our images
19 here.

20 This is the Beach Boulevard view, so we
21 didn't want to just make a flat plane there, so we
22 wanted to do something a little more exciting. So
23 we did a parapet up and that pool -- the pool is
24 kind of tucked in the U-shape of that hotel, but
25 you can see it's some pretty extensive landscaping

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1 plans for this as well.

2 So our pool area, we wanted -- this kind
3 of event space, so this is where we said, let's
4 put a little bit of thought and so we have an
5 outdoor bar venue. We have some other -- you
6 know, the gaming area and then also the cabanas.
7 So this is an image that kind of shows what we're
8 thinking on that second level.

9 MR. JOACHIM:

10 And this would be looking south from the
11 parking?

12 MR. STEWART:

13 This is actually looking -- yeah. This
14 would be like looking from Beach Boulevard towards
15 the north, yeah.

16 MR. JOACHIM:

17 Okay.

18 MR. SNOW:

19 So all of these rooms, you know, what we
20 looked at is, you know, these are sunset
21 balconies. These are the ones that everybody
22 wants to watch the sunset.

23 MR. COLLIER:

24 So the picture that you showed us
25 before, that's going to be along Beach Boulevard,

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1 unique experience here. So this is the table game
2 area leading into the hotel. These are -- these
3 have come a long way. You can see some of our
4 package bringing the black marlin in. Hotel front
5 desk. This is -- that's the night view of Biloxi.
6 And then the Grander, which is our fine dining
7 restaurant that I mentioned.

8 So we have a casual dining area and then
9 the Grander, and we'll have a coffee shop, kind of
10 grab-and-go, gift shop.

11 So we're still trying to figure out how
12 we can do this to get the palm trees to live on
13 the pier, but I think we showed this image once
14 and everybody really liked the idea of that
15 drawing there. But we really are working towards
16 getting this pier done for the community.

17 So that's all I have.

18 MR. TODARO:

19 Thank you, Mr. Stewart.

20 MR. BOGARD:

21 Did you look at buying those apartments
22 on McDonnell, the little cutout section?

23 MR. STEWART:

24 Yeah. We have tried to see if they were
25 interested and they weren't, so we just worked

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1 correct?

2 MR. STEWART:

3 Yes.

4 MR. COLLIER:

5 That --

6 MR. STEWART:

7 That's along -- that's Beach Boulevard.

8 MR. COLLIER:

9 So the entrance itself will be facing
10 north?

11 MR. STEWART:

12 The entrance will be facing west. So
13 that entrance -- this entrance faces -- this is
14 Veterans Parkway.

15 MR. COLLIER:

16 Okay.

17 MR. STEWART:

18 And, again, just some closeups of the
19 outdoor venue.

20 We've been -- Daira said she's learning
21 to play chess so she can come hang out at the
22 pool.

23 So then the interior, we really, again,
24 focus on the black marlin. We also want to bring
25 some new stuff to the Coast and have a really

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1 around them.

2 DR. DRAWDY:

3 You had briefly mentioned Keesler, just
4 briefly. And Keesler is an integral part of this
5 community and has been for many, many years.

6 I'm concerned. You said that you are
7 just outside the cones of the flight zone, but who
8 at Keesler did you talk with and what did you get
9 in writing from them that they say that they would
10 approve or stand with you on this project, if
11 anything?

12 MR. STEWART:

13 We have an e-mail from the City, who
14 communicated the height, the 79-foot height to us
15 from the commander at Keesler.

16 DR. DRAWDY:

17 But you did not hear it directly from
18 the commander yourself in writing?

19 MR. STEWART:

20 I did not. I have the e-mail from the
21 City of Biloxi who confirmed that with the
22 commander.

23 DR. DRAWDY:

24 Mr. Chairman, we have got some
25 representatives here from Keesler. I think we

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1 need to hear from them and see what Keesler has
2 got to say about that before we get farther into
3 the wind.

4 MR. CREEL:

5 Yeah. They'll have a chance to talk.
6 We need to finish the presentation.

7 MR. TODARO:

8 Let them finish the presentation and
9 then we'll move to other comments.

10 DR. DRAWDY:

11 It's just a concern to many people in
12 this community because Keesler is an integral
13 part.

14 MR. STEWART:

15 Absolutely. Absolutely. And we changed
16 our whole plan around -- based on that.

17 DR. DRAWDY:

18 Okay. Thank you.

19 MR. TODARO:

20 So, Mr. Stewart, we will let you finish.
21 Now, any more from your support team to speak
22 or -- Mike, anything I left out you want to talk
23 about?

24 UNIDENTIFIED SPEAKER:

25 No. Just briefly on the zoning issue.

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1 20 years, so none of that is new. But we're
2 having to do that simply to accommodate the
3 changes the City made.

4 MR. STEWART:

5 That's all we have.

6 MR. TODARO:

7 All right. So we'll ask is there anyone
8 else to speak in favor of this request for this
9 master plan of this gaming project.

10 As Mr. Cavanaugh said, the zoning is
11 already there. It's already been approved by the
12 commission, the casino commission. It's just a
13 matter of whether it's going to be approved as a
14 master plan.

15 Anyone else to speak in favor of the
16 master plan?

17 MR. SAWYER:

18 I'm usually right-handed, but I'm using
19 my left.

20 My name is Tom Sawyer, and I'm with
21 Brown and Brown Insurance. And we've been
22 involved with a lot of -- historically, a lot of
23 casinos in Mississippi. And, historically,
24 actually we were personally involved with 24 of
25 them, and we've been through a lot of them.

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1 MR. TODARO:

2 Identify yourself, please.

3 MR. CAVANAUGH:

4 Michael Cavanaugh. I represent RW and
5 Premier Gaming.

6 The City did not always require that a
7 gaming master plan had to have all the property
8 zoned the same.

9 Back in the day, only your casino
10 portion had to be zoned Waterfront, and portions
11 that were not used as part of it would not have to
12 be zoned Waterfront. Case in point is the old
13 Margaritaville where it was zoned Waterfront till
14 about the middle of the parking lot and everything
15 west of that was -- I think was Industrial or
16 something.

17 Well, since that time, the City has
18 changed its regulations to require the entire
19 parcel to be zoned Waterfront, so that's why we
20 need to rezone three small parcels that have
21 nothing to do with the gaming to Waterfront,
22 simply to comply with having the whole parcel
23 under one zone classification, and -- but this has
24 been zoned Waterfront for 20 years, so that's not
25 new. And the casino's been proposed there for

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1 And I know y'all all remember Keesler
2 and the extra floors in Keesler.

3 But I did take a look at the aerial map,
4 and this is a wonderful project. I mean, we all
5 know about what Katrina did to us. And the
6 redevelopment of this area of Biloxi, this could
7 be the catalyst for it, and so, you know, it's a
8 beautiful project and it's the right project for
9 that area.

10 And it will really improve the economy
11 big time in west Biloxi, so I'm very much in favor
12 of it. Thank y'all very much for what y'all do.

13 MR. TODARO:

14 Thanks.

15 Anyone else to speak in favor of
16 approval of the master plan?

17 (No response.)

18 MR. TODARO:

19 Anyone to speak in opposition of the
20 approval of the master plan?

21 UNIDENTIFIED SPEAKER:

22 Does that mean the plan itself or the
23 whole -- just the plan or the whole --

24 MR. TODARO:

25 As he gave that presentation, that's the

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1 master plan for the project.

2 MR. CREEL:

3 The tree case is separate.

4 UNIDENTIFIED SPEAKER:

5 Also, on the plan itself, I have
6 something on that.

7 MR. TODARO:

8 If there's opposition or if you have a
9 question.

10 MR. TUCEI:

11 So my name is Larry Tucei. I live in
12 Gulfport.

13 But why can't they put that casino on
14 the northern end of that property? What I just
15 saw on there, why does it have to be on the
16 southern end and destroy all those trees and you
17 can build the parking lot, switch the casino north
18 and incorporate all the trees in that?

19 MR. TODARO:

20 What he said, Mr. Tucei, and he gave a
21 long presentation on it, there was a lot of
22 information, is that it has to be a certain
23 distance from the beach.

24 MR. TUCEI:

25 Eight hundred feet.

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1 than that to the back of the casino. That's why
2 the casino is being pushed all the way into the
3 front corner.

4 MR. TUCEI:

5 Well, that doesn't make any sense.
6 You're telling me it has to be at 800 feet? It
7 can't be at 1,000 feet or 1,200 feet?

8 MR. CREEL:

9 Not according to the state law on
10 gaming.

11 MR. TUCEI:

12 That's kind of goofy. I just found that
13 odd. I didn't realize that.

14 So what about -- did they consider --
15 the beach is being restored and they're putting
16 out -- 200 feet back at the beach, so mean high
17 tide is 200 more feet out now. Have they looked
18 at that? Anybody talked about that? They're
19 doing it down the whole --

20 MR. CARRON:

21 I think it's established where the old
22 seawall was. That's what they consider the --

23 MR. CREEL:

24 Yes. Mean high tide.

25 MR. CAVANAUGH:

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1 MR. TODARO:

2 Okay. And he drew that cone.

3 MR. TUCEI:

4 I saw it.

5 MR. TODARO:

6 And I think what you're referring to as
7 further north would be outside of that.

8 MR. TUCEI:

9 No. He has to be at least from -- the
10 cone is the closest he can be to the water. He
11 can build north. He can't build south.

12 MR. TODARO:

13 I thought he had to be within the cone;
14 is that correct?

15 MR. TUCEI:

16 No.

17 MR. CREEL:

18 No. All right. The law says 800 feet
19 from the waters edge to the rear of the gaming
20 operation. Now, you deduct the right-of-way from
21 that.

22 MR. TUCEI:

23 That's the minimum distance, correct?

24 MR. CREEL:

25 That's the -- you have to be no more

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1 It's a 19-year average.

2 MR. CREEL:

3 Okay. Nineteen-year average at the
4 waters edge.

5 MR. TODARO:

6 So to answer your question, pushing
7 further back north would not --

8 MR. TUCEI:

9 Okay. Well, that's my question. Thank
10 you. I didn't realize it was set. That's an odd
11 law.

12 MR. TODARO:

13 That's the answer to your question.

14 MR. TUCEI:

15 Thank you.

16 MR. TODARO:

17 Any other questions before we get
18 opposition? Anyone have a question?

19 (No response.)

20 MR. TODARO:

21 Okay. Now, anyone opposed to the master
22 plan?

23 UNIDENTIFIED SPEAKER:

24 I do have one question about the
25 boundary. I thought it was the center line.

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MR. TODARO:

Identify your name.

MS. COLLINS:

My name is Terese Collins. I live on Kensington Drive in Biloxi.

The center line of 90, I thought, was the boundary. Is that not the same anymore?

MR. CREEL:

No.

MS. COLLINS:

So what happened with the center line?

MR. CREEL:

It's 800 feet from the mean high tide line based on the 19-year average to the back door of the casino operation, but you deduct -- you do not penalize them for the right-of-way that's in the highway. So if that right-of-way is 100 feet, then they could go 900 feet from the waters edge because you're not penalized for that.

MS. COLLINS:

Okay. So anyway, about this development, I am opposed to it because we've been opposed to it forever. This area of Biloxi has never been zoned for a casino development. When we voted for gaming originally, we came in and

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black marlin. So you can go chase them all the time you want in the Gulf. You'll never catch them.

We also don't have palm trees and we don't look like Miami or Hollywood or Hawaii, so their lack of caring about our oak trees is obvious because they don't even put them on their property. They're not even embracing our environment and our culture, and I call it heritage, like we would like them to. They're pushing for things that don't even exist here.

Harrison County did deny -- we did vote against casinos because we had a lack of regulations. The regulations came in. We voted for them. Now, you're wanting to change the rules as we go through.

There has been no change in the neighborhood here. There is no need to re-evaluate the zoning classification. There is no need to look at the flooding or environmental issues because those should be addressed with the zoning issues, but there are also no reasons to put this here to address those issues because it's non-existent for this zoning change. And there is -- it's not consistent with the surrounding

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voted against gaming because we had no rules to protect us from unbridled development in areas that -- where casinos weren't suitable.

When gaming came back for the second vote, it passed because we had guidelines and regulations in place directing where casinos could go. Biloxi Bay, Mississippi Sound and certain areas, not on bayous, but, anyway, y'all know the rules. This area was off limits.

Somehow it become on limits because of politics and people pushing to put developments where developments weren't intended. The public didn't change their vote. The politicians did. And the developers who don't want to locate where we have existing property available for casino development, they don't want to locate there. That's their choice, but we the people shouldn't have to change our zoning because they don't want to go where we told them they should locate.

It's interesting that this -- and it does look like a nice development. I'm not denying that, but I don't know why we want a black marlin casino when we have no black marlin in the Gulf of Mexico. We've never had a black marlin. They're a cold water fish, so we will never have a

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classifications. It's a new classification for this location.

The public did not ask for this change. If this is a comprehensive plan, there should be a lot more than this piece of paper that wasn't even available before I got to the meeting. You can't see what their plan is, so why would you pass this today when we haven't even looked at it?

There is a lot of things missing from what I've been able to look at in here just briefly, and they say the request is appropriate because the property contains multiple pieces -- multiple parcels and zoning. Well, we probably need more information on that before you change it.

Until a more detailed plan is available, no action should occur. How would we know if our sewer plants are going to be overloaded? I live less than a mile from the Keegan Bayou plant. That plant doesn't work right. You're going to start putting more sewer in either Keegan Bayou or West Biloxi without knowing if the plants can handle it. I think you need to look at this first.

All this development that we've had

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1 since casinos were put in, we've never had a new
2 sewer plant or an upgrade that is consistent with
3 the growth we've had. We have a secondary
4 treatment plant in Biloxi. That's pretty pitiful
5 for a first-rate city.

6 What about the traffic on 90? This does
7 not address the impact of the traffic that this
8 development will have and we need more information
9 on that.

10 MR. TODARO:

11 Ms. Collins, we're limited to four
12 minutes, so if you wouldn't mind wrapping up.

13 MS. COLLINS:

14 Groundwater requirements, how will those
15 be addressed? How much water will they use?
16 Where is the water coming from? Who's paying for
17 it?

18 Four minutes isn't enough for this kind
19 of an issue.

20 I'm really disappointed if you are going
21 to approve this without getting more information.
22 You don't have the information and I don't know
23 how it can go to a Tree Committee meeting or
24 zoning to take away trees when you don't even know
25 what this project is recommending. They're

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1 landscaping and we will address those as we
2 continue to develop that plan. And we have plans
3 to move forward with that as well.

4 That's it.

5 MR. TODARO:

6 Okay. So no one is -- we have completed
7 that public hearing, so we will consider that
8 hearing closed.

9 Mr. Creel.

10 MR. CREEL:

11 Okay. Because this first case involves
12 two questions, two changes that need to occur --
13 or two proposals, I will deal with the zoning
14 first. The question came up about the change in
15 the character of the neighborhood. If you're
16 extending a zoning that already exists, you don't
17 have to prove a change in character of the
18 neighborhood because there is already Waterfront
19 zoning in the neighborhood. And all they're doing
20 is asking to extend their Waterfront zoning to
21 include those three parcels that face McConnell
22 Avenue. So they've met the burden for that
23 argument.

24 And the other things that they have to
25 show is that they have at least a three-acre

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1 already telling you they're planning for the
2 future, but they can't tell you what this is
3 today, so you really don't have a master plan.
4 You have an idea and we need more. Thank you.

5 MR. TODARO:

6 Thank you, Ms. Collins.

7 So is there anyone else to speak against
8 the master plan and zoning map amendment of the
9 three parcels from RM-30 to WF and to establish
10 this PD-G Planned Development-Gaming? Anyone else
11 to speak against those two requests?

12 No one to speak against.

13 Mr. Stewart, would you like to wrap up
14 any comments?

15 MR. STEWART:

16 Maybe just a little bit of clarity on
17 the question that came up real quick. Let me flip
18 back through these.

19 The question was about, obviously, where
20 can we build and this is it. And we're actually
21 filling the whole area that we're allotted to, as
22 this was also a gaming site -- approved gaming
23 site by the Mississippi Gaming Commission.

24 So just a couple of those that came up.
25 And we really do care about the trees and the

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1 minimum, which is the requirement, the minimum
2 requirement for a PD-GE, a Planned
3 Development-Gaming Establishment.

4 And it was -- already been stated one of
5 the things in our ordinances is that under a
6 PD-GE, all of the property has to be zoned
7 Waterfront. The statement is in there. It's very
8 clear.

9 Okay. The dimensional standards are
10 established by the applicant or the developer for
11 a PD. They're the ones that determine how many
12 parking spaces they're going to need, how far the
13 setbacks need to be, how the circulation needs to
14 be within there.

15 One of the things that we run into with
16 casinos, the question is always asked about are
17 they going to have enough parking. They determine
18 that when they tell us about, you know, the shift
19 changes and those kind of things where parking is
20 vacated and then parking is made available.

21 Let's go to -- let's go to the height,
22 which is an issue. Originally, they were asking
23 for 146 feet in height. The Land Development
24 Ordinance that we've adopted limits the height to
25 110 feet. However, the -- we have a study from

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1 Keesler Air Force Base that was done last year.
 2 It's called AICUZ, Air Installations Compatible
 3 Use Zones, and even though we have not adopted
 4 that AICUZ study as a part of our Land Development
 5 Ordinance, certainly, we want to be sensitive to
 6 any height requirements that they have.

7 So for this particular piece of property
 8 under the AICUZ study, the maximum height that
 9 they can go is 80 feet, and they've agreed to go
 10 at least one foot below that, which is 79 feet, so
 11 they are acquiescing to some of the Keesler
 12 regulations that were brought up before.

13 And as you know, in a particular case
 14 where you're wanting to go tall and you can't go
 15 tall for whatever reason, then you have to go
 16 sprawl. So this justifies why they're going to
 17 have to remove some more of the trees. And we'll
 18 get to that when we get to the tree case.

19 The question's already been answered
 20 about why so close to Highway 90. Because they
 21 have to. The state law requires it. Their gaming
 22 operation can't be -- the back door of their
 23 gaming operation cannot be more than 800 feet from
 24 the waters edge minus the right-of-way.

25 They're required to have a 300-room

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1 either -- on our side and on the base side of
 2 Keesler Air Force Base. It shows an area that
 3 needs to be absolutely clear, which is the closest
 4 to the base on the landing area. And then it has
 5 an area called an Accident Potential Zone 1 or an
 6 APZ Zone 1, and the Accident Potential Zone Two or
 7 an APZ Zone 2.

8 The concern was about this project
 9 interfering with the accident potential zone
 10 that's in the AICUZ study, and if you look at the
 11 map, this entertainment property is outside of
 12 that zone. It's close to it, but it's outside of
 13 it. So we don't believe that that would interfere
 14 there.

15 MR. COLLIER:

16 Jerry, excuse me. We have people from
 17 Keesler here.

18 MR. TODARO:

19 Yeah. This might be a good time if you
 20 guys have something -- anything to add, we'd sure
 21 love -- this might be a good time to recognize our
 22 representatives.

23 MS. CASTLEBERRY:

24 Thank you. I am Christina Castleberry,
 25 deputy civil engineer at Keesler Air Force Base.

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1 hotel. That's gaming law too. As a part of this,
 2 they also have to have an amenity and the amenity
 3 is basically already there with the amusement park
 4 and the arcades and everything else that they put
 5 in.

6 So they will have a casino, a hotel and
 7 then, if I understand, a two-story parking garage
 8 in the rear, so that's going to take up a lot of
 9 the land.

10 We'll get to the trees in just a minute,
 11 but based on what has been presented -- and it has
 12 gone through DRC for the initial meeting. If this
 13 goes through and if it's approved by the Planning
 14 Commission and if it's approved by the City
 15 Council, it will come back to the DRC meeting so
 16 that we could look at drainage and those other
 17 things that are on the property. That's the way
 18 that it works.

19 So the question is also about whether or
 20 not this is going to interfere with the -- Caryle,
 21 would you pass these out, please -- whether or not
 22 this would interfere with the AICUZ study as far
 23 as their take-off and their landing district goes.
 24 This is a map that comes right out of the AICUZ
 25 study and it shows three different dimensions

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1 And our existing military operation
 2 service is 79 feet, so they have complied with the
 3 79 feet.

4 MR. COLLIER:

5 They have complied?

6 MS. CASTLEBERRY:

7 Yes.

8 MR. TODARO:

9 Thanks. Jerry.

10 MR. CREEL:

11 The review that we conducted for the
 12 zoning and/or the PD-GE, the Planned
 13 Development-Gaming Establishment, we believe that
 14 they have met the burden of the requirements that
 15 the LDO requires, and the staff has no objection
 16 and would recommend approval.

17 MR. PARKER:

18 Recommend approval.

19 MS. MAGEE:

20 Second.

21 MR. TODARO:

22 It's been moved that we recommend
 23 approval of the master plan and the zoning of
 24 these particular lots or parcels.

25 MR. BOGARD:

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1 Second.
 2 MR. TODARO:
 3 Motion by Parker; seconded by
 4 Mr. Bogard.
 5 Any discussion?
 6 DR. DRAWDY:
 7 Mr. Chairman, is that all Keesler wants
 8 to add to it or should we --
 9 MR. TODARO:
 10 Any other comments?
 11 DR. DRAWDY:
 12 I know what she said. I just wanted to
 13 know -- make sure.
 14 I think that we just need to protect
 15 Keesler at all avenues that we look at.
 16 MR. COLLIER:
 17 I think she might have something else to
 18 say.
 19 MR. TODARO:
 20 Sure. The floor is yours.
 21 MS. CASTLEBERRY:
 22 No other comments.
 23 MR. CREEL:
 24 One thing I would recommend to the
 25 motion is that the motion include the fact that

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1 attendance.
 2 All right. So the next case, 26-046-PC,
 3 Cletis and Brezena Avery, owner, Patrick Martino,
 4 applicant, a request for a zoning map amendment to
 5 authorize a change in zoning district
 6 classification for two parcels of land measuring
 7 approximately 100 by 95 feet in total size from
 8 their present zoning district classification of
 9 RM-30 to Industrial identified as Zero Magnolia
 10 Street. Tax Parcel Numbers 1410F-06-059.000 and
 11 1410F-06-060.000.
 12 So the representative for this request?
 13 MS. SERPAS:
 14 Video.
 15 MR. TODARO:
 16 Oh, we've got the video.
 17 MS. SERPAS:
 18 (Video played.)
 19 MR. TODARO:
 20 Okay. The representatives with the
 21 request, please identify yourself.
 22 MR. MARTINO:
 23 My name is Patrick Martino. I'm a land
 24 surveyor in Biloxi, and I'm here to represent
 25 Mr. Avery. He lives in Atlanta.

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1 their height will not go above 79 feet.
 2 MR. PARKER:
 3 So moved.
 4 MS. MAGEE:
 5 Second.
 6 MR. BOGARD:
 7 Second.
 8 MR. TODARO:
 9 That will be a part of Mr. Parker's
 10 motion and seconded by Mr. Bogard to approve the
 11 recommendation that the height not exceed 79 feet.
 12 So any other discussion?
 13 (No response.)
 14 MR. TODARO:
 15 So we will ask for a vote.
 16 All in favor, raise your hand.
 17 MS. LENA:
 18 Ms. Shaw had to leave.
 19 MR. TODARO:
 20 Oh, she had to leave? Okay. So
 21 Ms. Shaw is not here.
 22 So we've got Mr. Lechner, Mr. Parker,
 23 Ms. Magee, Mr. Bogard, Mr. Collier, Mr. Joachim,
 24 Dr. Drawdy, Mr. Carron, Mr. King, Mr. Snow; Mike
 25 Todaro, yes. So that's unanimous with everyone in

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1 Mr. Avery is the current owner of the
 2 two parcels of land in question. Him and Mr. Gary
 3 Murphy have come to an agreement for Mr. Murphy to
 4 acquire that property. And the reason Mr. Murphy
 5 would like to acquire it and have it rezoned is he
 6 currently owns the roofing company to the south,
 7 and he currently has run out of room to store
 8 roofing materials -- roofing shingles on that
 9 parcel.
 10 Once he acquires -- or if he acquires
 11 this property, it would kind of square up his
 12 property where it wouldn't jog and make that small
 13 jog there that he has in his property. So he --
 14 at this time, he is just simply wanting to extend
 15 the laydown ground -- the laydown area for his
 16 roofing supplies that he currently operates on.
 17 MR. TODARO:
 18 Any questions?
 19 (No response.)
 20 MR. TODARO:
 21 Anyone else to speak in favor of the
 22 application?
 23 (No response.)
 24 MR. TODARO:
 25 Anyone to speak against this

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1 application? No one against.

2 Closing comments?

3 MR. MARTINO:

4 That's all the comments that I have.

5 MR. TODARO:

6 All right. We'll consider that hearing
7 closed. Mr. Creel.

8 MR. CREEL:

9 Okay. If you look at the map that's in
10 your package, you can see the majority of the
11 property where the roofing contract operation is
12 is already zoned Industrial. Basically, they've
13 acquired those two lots that are in that northeast
14 corner, so they're not going any further north
15 with the Industrial zoning than what already
16 exists on the lot that they own on the west side.
17 So, again, this is an extension of the zoning that
18 already exists. The staff has reviewed this, has
19 no objection and would recommend approval.

20 MR. PARKER:

21 So moved.

22 MS. MAGEE:

23 Second.

24 MR. TODARO:

25 So it's moved by Mr. Parker; second by

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1 1210J-02.015.000 and 1210J-02-013.000 and
2 1210J-02-012.000. And these were advertised on
3 8/21 and 8/28.

4 And I need to go back to that last
5 hearing. I did not give the dates that it was
6 public -- advertised, so we'll add those into the
7 record. The last case, that was advertised on
8 8/14 and 8/21 and 8/28.

9 Thank you. So with that all done, we're
10 going to ask for the presentation for the tree
11 proposal.

12 MS. SERPAS:

13 There is several videos. This one is
14 just one of them. I think his site plan is going
15 to show it better.

16 You want to put yours up?

17 MR. TODARO:

18 Is that it, Felicia?

19 MS. SERPAS:

20 Yes. You want to look at this one? You
21 want to go to this one?

22 MR. STEWART:

23 Yeah, we can use that one.

24 MS. SERPAS:

25 I do have pictures too.

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1 Ms. Magee that we accept the recommendation of --
2 the application.

3 Any questions or any comments?

4 (No response.)

5 MR. TODARO:

6 All those in favor of the motion?

7 Mr. Lechner, Mr. Parker, Ms. Magee,
8 Mr. Bogard, Mr. Collier, Mr. Joachim, Dr. Drawdy,
9 Mr. Carron, Mr. King, Mr. Snow; and myself, Mike
10 Todaro.

11 Unanimous as well.

12 So that brings us -- that concludes our
13 public hearings. Now we'll move into a tree
14 hearing.

15 This is a Case Number TR-26-003, RW
16 Development, LLC, owner, and John Stewart,
17 applicant, a request to remove 28 protected trees,
18 25 live oaks and three magnolias, to authorize the
19 construction of a new casino, Black Marlin on
20 seven parcels of the land presently identified as
21 1816 Beach Boulevard, two unaddressed parcels
22 fronting on Beach Boulevard and 105, 155, 157 and
23 163 McDonnell Avenue. Tax Parcel Numbers
24 1210J-02-021.000, 1210J-02-020.000,
25 1210J-02-018.000, 1210J-02-017.000,

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1 MR. STEWART:

2 Yeah. I can tell you who I am, I guess.
3 Do I need to do this again?

4 I'm John Stewart and I'm representing,
5 again, the applicant for this project as well.

6 And I will step back over here so I can
7 point to the drawing real quick.

8 So we had the tree survey done and you
9 will see the trees are all outlined on here. The
10 ones that -- I'm not sure who did "save," but
11 those are the ones. Thank you. But the count of
12 each tree is on there, as well as the species and
13 then the -- and also which ones are being saved
14 and which ones we're processing to take out.

15 We did move things around to try to save
16 anything that we could that was not only a live
17 oak, but that was in good condition or a magnolia
18 that was in good condition. So you can see along
19 the edge here, we actually pulled our parking away
20 from the edges. We lost a few parking spaces.
21 And part of this forced us to go to the second
22 level and expand the second level of the garage to
23 be able to get a little more space in between
24 along the edges that -- and preserve some of those
25 trees.

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