Ordinance No. 2616

ORDINANCE TO APPROVE A ZONING MAP AMENDMENT TO AUTHORIZE A CHANGE IN ZONING DISTRICT CLASSIFICATION FOR A PARCEL OF LAND FROM ITS PRESENT ZONING DISTRICT CLASSIFICATION OF RB REGIONAL BUSINESS TO I INDUSTRIAL, IDENTIFIED AS 980 MOTSIE ROAD

WHEREAS, on Thursday, September 17, 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. 26-047-PC, Thomas Kennedy on behalf of Kennedy Engine Co., Inc., a request for a Zoning Map Amendment; and

WHEREAS, the Planning Commission members were apprised of the particulars of this case, being made cognizant of the fact that Thomas Kennedy had submitted the request for a Zoning Map Amendment to authorize a change in zoning district classification for a parcel of land measuring approximately 6.9 acres (more or less) in size, from its present zoning district classification of RB Regional Business to I Industrial, identified as 980 Motsie Road (re: Tax Parcel No. 1308M-02-001.000); and

WHEREAS, on September 17, 2026, the Biloxi Planning Commission, after due consideration and discussion, voted 15-0 to recommend approval of the Zoning Map Amendment to authorize a change in zoning district classification for a parcel of land measuring approximately 6.9 acres, more or less, from its present zoning district classification of RB Regional Business to I Industrial, identified as 980 Motsie Road (re: Tax Parcel No. 1308M-02-001.000), having determined that the proposed zoning change is consistent with the existing uses on and adjacent to the property and will bring the existing business, which has been established and operating on the property for many years, into compliance with the City's zoning regulations; and

WHEREAS, the Biloxi City Council, after consideration of all facts presented, hereby adopts the report and findings of the Biloxi Planning Commission, and in so doing, determines that approval of the Zoning Map Amendment is appropriate for the property as related in Case No. 26-047-PC, and identified as 980 Motsie Road.

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

SECTION ONE: That the boundaries of the Geographical Information System Format Zoning District Map of the City of Biloxi, Mississippi, be hereby further amended by a change in zoning district classification from RB Regional Business to I Industrial, identified as 980 Motsie Road (re: Tax Parcel No. 1308M-02-001.000), more fully described as follows:

6.9 ac(c) beg 1018.8 ft n of inter of n mar of Popp's Ferry Rd & e mar of Motsie Rd s 80 dg e 495.7 ft n 99 dg e 552.4 ft to s mar of I-10 wly along Hwy 599.7 ft m/l s 30 ft m/l e 25 ft m/l to Motsie Rd s 535 ft m/l along rd to pob part of e 1/2 of sw 1/4 of sec 7-7-9.

Further described as land most nearly bounded by the following streets: situated the North of Popp's Ferry Road, South of and adjacent to Interstate 10, West of Starks Road, and East of and fronting upon Motsie Road.

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

provided by law.

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

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

The President then declared the Ordinance adopted this the 20th day of October, 2026.

STATE OF MISSISSIPPI CITY OF BILOXI HARRISON COUNTY

ATTEST: APPROVED:

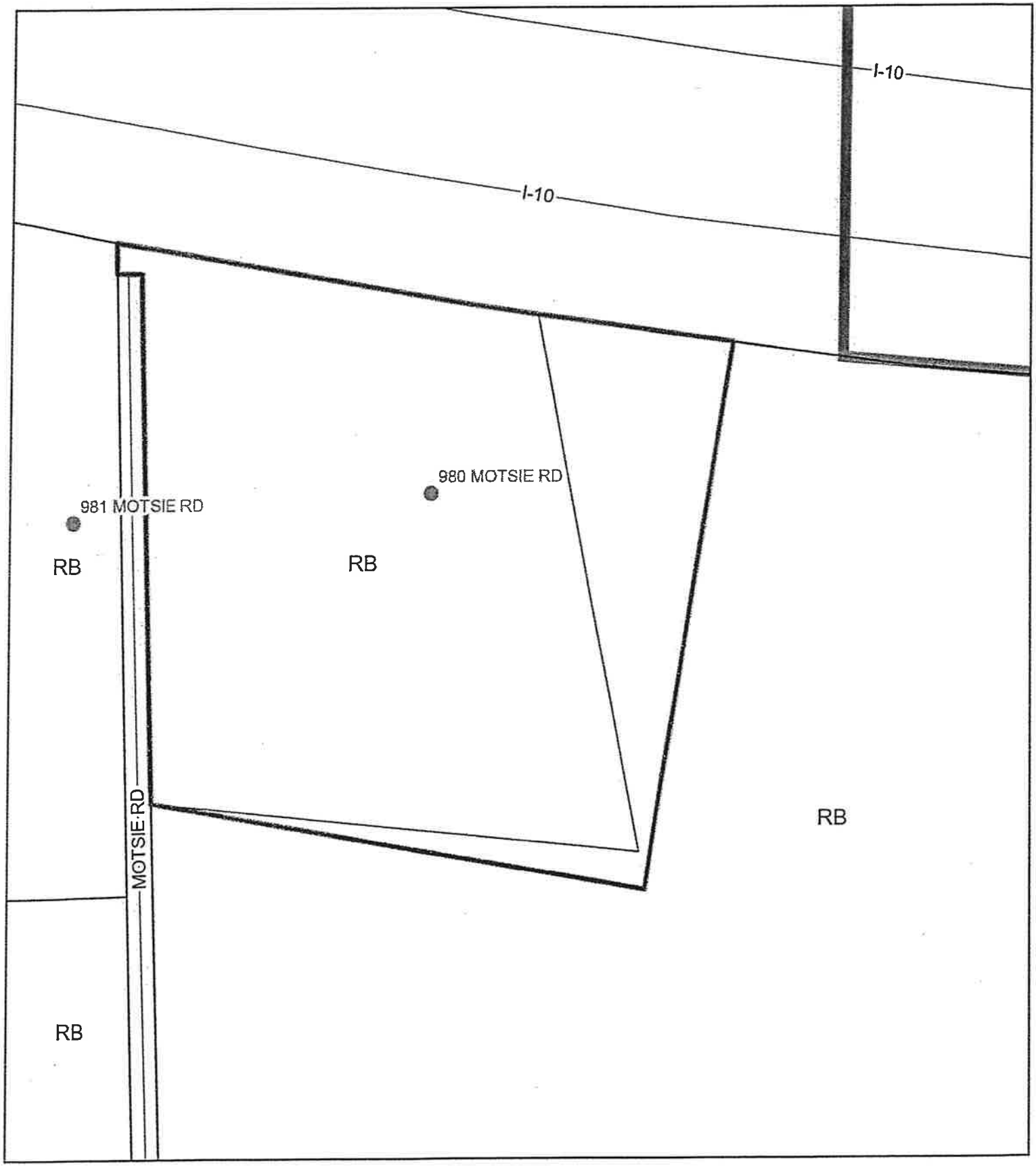
CLERK OF THE COUNCIL PRESIDENT OF THE COUNCIL

Submitted to and approved by the Mayor, this the 22nd day of October, 2026.

APPROVED:

MAYOR

26-047-PC
Thomas Kennedy on behalf of Kennedy Engine Company, Inc.,
980 Motsie Road
Map Amendment RB to I



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: 9/8/2026 10:13 AM

Planning Commission
Case Fact Sheet

Case No.:	26-047-PC
Name of Owner:	Thomas Kennedy on behalf of Kennedy Engine Co., Inc.
Address of Properties:	980 Motsie Road
Tax Parcel/Ward:	1308M-02-001.000/Ward 6
Request:	**Zoning Map Amendment**
Purpose of Request:	To consider an application for a **Zoning Map Amendment** to authorize a change in zoning district classification for a parcel of land measuring approximately 6.9 acres (more or less) in size, from its present zoning district classification of **RB Regional Business** to **I Industrial**, identified as 980 Motsie Road (re: Tax Parcel No. 1308M-02-001.000).
Size of Property:	6.9 acres (More or Less)
Present Zoning:	**RB Regional Business**
Flood Zone:	X
Present Use:	Commercial Business
Most Nearly Bounded By (streets):	To the North of Popp's Ferry Road, South of and adjacent to Interstate 10, West of Starks Road, and East of and fronting upon Motsie Road.
Adverse Influences:	A **Zoning Map Amendment** should only be authorized when conditions clearly suggest that a change in zoning is warranted, that a change of the character of the neighborhood is evident, coupled with a community need to address this change, and that the change proposed is consistent with uses found upon adjacent or nearby properties.
Positive Influences:	If approved, this rezoning would bring the property's present use, Kennedy Engine Company, into compliance with the

applicable zoning regulations.

Concerns stated:

The Planning Division Office has not received any letters or other written communications relative to this case, as of September 10, 2026.

Comments/ Recommendations:

Thomas Kennedy, on behalf of Kennedy Engine Company, Inc., has submitted a **Zoning Map Amendment** to authorize a change in zoning district classification for a parcel of land measuring approximately 6.9 acres (more or less) in size, from its present zoning district classification of **RB Regional Business** to **I Industrial**, identified as 980 Motsie Road (re: Tax Parcel No. 1308M-02-001.000).

The applicant explained that the property was developed for industrial use in 1976, at which time it was under Harrison County jurisdiction. When the City of Biloxi annexed the property, the zoning was changed to Regional Business, which rendered the existing industrial use a legal nonconforming use. The applicant is seeking to bring the existing use back into compliance with the current zoning regulations.

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

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

Options:

1. Recommend approval of this request for a **Zoning Map Amendment** for a parcel of land from its present zoning district classification of **RB Regional Business** to **I Industrial**, having determined that a mistake in the original zoning is of notice.

2. Recommend denial of this **Zoning Map Amendment**, having determined that insufficient evidence has been provided to establish that a mistake in the original zoning or a Change in the Character of the Neighborhood, coupled with no valid Community need to warrant the level of zoning change herein proposed for the parcels of land under consideration for zoning change.

Planning Commission Application

City of Biloxi Planning Division

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

Office Location: 676 Dr. MLK Blvd.,

Building (228) 435-6270 Planning (228) 435-6266 Fax (228) 435-6188

Case No. 26-047-PC

To Be Completed by Owner/Applicant	**Date:** 7-28-26
Name of Rightful Owner(s): KENNEDY ENGINE COMPANY, INC	Name of Applicant: (if different than Owner)
Property Address: 980 MOTSIE RD., BILOXI, MS 39532	Ward Number 6
Tax Parcel Identification Number(s): 1308M-02-001.000	
Mailing Address of Property Owner: 980 MOTSIE RD	Mailing Address of Applicant (if different than Owner):
City: BILOXI	City:
State: MS	State:
Zip: 39532	Zip:
County HARRISON	County
Telephone:( ) 228-392-2200	Telephone:( )
Property Size (please give in acres or by dimension): 6.9 ACRES	
Present Zoning Classification: RB	
Is the property located within an AHRC District? Yes __ No X If so, which District? Is this property a Historic Landmark? Yes __ No X	

Flood Zone(s) of Property:	North	South	East	West
Property is most nearly bounded by what streets?	Popps Ferry	I-10	Motsie Rd	Starks Rd
If property directly fronts or is adjacent one of the streets above, please indicate with a ✓.		✓	✓	

REQUESTED ACTION BY THE PLANNING COMMISSION (A separate supplement form is required for each): ✓

	Text Amendment
✓	Zoning Map Amendment – must include zone classification change in narrative
	Planned Development
	Master Plan/Update
	Preliminary Subdivision Review
	Conditional Use
	Public ROW Vacation
	Street Name Change
	Variance
	Appeal
	Tree Removal

established 1699

GENERAL INFORMATION, READ BEFORE EXECUTING. Attendance by the applicant(s) at the public hearing is mandatory; however, the applicant may designate a representative to attend the public hearing on his/her behalf, provided said representative has been properly designated to speak on the applicant's behalf either by written permission or oral designation by the applicant at the Public Hearing. If a continuance is to be granted, the applicant must request same in writing a minimum of seven (7) days in advance of the scheduled public hearing. The applicant acknowledges that, in signing this application, all conditions and requirements inherent in the application process have been fully explained and understood, including the timetable for processing of the application; the applicant has further received the following appropriate handouts: Application Processing Timetable; Instructions for Application Completion, Procedures for a Conditional Use or Community Unit Plan; and Variance Procedures. The completed application must be returned to the Planning Office not later than the first or third Thursday of any month in order that a public hearing may be held on the first or third Thursday of the following month. Receipt of fee(s) does not constitute receipt of a completed application.

The Planning Commission (PC) is a recommendation board, all cases will go to the Biloxi City Council for a final determination. If any case is denied by the Biloxi City Council, you will have ten (10) days to appeal their decision.

Signature of Rightful Owner	Signature of Rightful Owner
Notary Signature (Seal) Date 07.28.20	Notary Signature (Seal) Date
Signature of Rightful Owner	Signature of Applicant
Notary Signature (Seal) Date	Notary Signature (Seal) Date

STATE OF MISSISSIPPI NOTARY PUBLIC ID# 495824 MEGAN STRAHAN Commission Expires June 15, 2023 HARRISON COUNTY

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

NOTES:

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

Biloxi
established 1699

PLANNING COMMISSION SUPPLEMENT
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: 7-28-26
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*:	RB	I

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: RB IS INTENDED TO ACCOMODATE A DIVERSE RANGE OF HIGH INTENSITY COMMERCIAL USES. RB STANDARDS ARE INTENDED ENSURE DEVELOPMENT IS COMPATIBLE WITH SURROUNDING USES. SURROUNDING USES INCLUDE AUTO SALVAGE YARD, INTERSATE HIGHWAY, & VACANT LAND.		
2. Is the proposed map amendment compatible with present zoning and conforming uses of nearby property and with the character of the neighborhood?	☒	☐
Please explain: AUTO SALVAGE YARD - INTERSTATE 10 - CURRENT USE IS DIESEL ENG. MANUF.		

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)	✓	
	Yes	**No**
3. Is the property suitable for uses permitted in the present zoning district?	☐	☒
Please explain: THE PROPERTY IS SITUATED ALONG I-10 OFF OF ANY MAJOR STREET. IT IS IMPROVED WITH A SUBSTANTIAL MANUFACTURING PLANT. IT IS ADJACENT TO AN AUTO SALVAGE YARD.		
	Yes	**No**
4. Is the property suitable for uses permitted in the proposed zoning district?	☒	☐
Please explain: BUILDING WAS BUILT FOR, AND SUITABLE FOR, MANUFACTURING. ~~THE ONLY REAL~~		
5. Has there been a change in the character of the neighborhood?	**Yes**	**No**
Please explain: THE AREA ALONG POPPS FERRY AND CEDAR LAKE ROAD HAS GROWN COMMERCIALLY OVER THE DECADES SINCE THIS BLDG WAS CONSTRUCTED, HOWEVER THE IMMEDIATE NEIGHBORHOOD ALONG I-10 & MOTSEE HASN'T CHANGED.	☐	☒
6. Is there an established community need for uses permitted in the proposed zoning district?	**Yes** ☒	**No** ☐
Please explain: MANUFACTURING IS A MAJOR SUPPLIER OF GOOD PAYING SKILLED JOBS. THERE IS NOT ENOUGH INVENTORY WITH I-10 VISIBILITY TO MEET DEMAND.		
7. Was there a mistake in the original zoning of the property?	Yes	**No**
Please explain: BUILDING WAS BUILT IN 1980s AS A MANUFACTURING PLANT FOR DIESEL ENGINES. SOMETIME LATER IT WAS ZONED RB. CHANGING BACK TO "I" WILL BRING THE ZONING IN ~~ALIGN~~ MENT WITH THE CURRENT AND HISTORICAL USE OF THE PROPERTY.	☐	☐
8. Are utilities and infrastructure sufficient to address the impacts associated with allowed uses in the proposed district?	Yes ☒	No ☐
Please explain: THE PROPERTY IS CURRENTLY A MANUFACTURING PLANT AND HAS BEEN FOR NEARLY 50 YRS.		

Site Plan attached: (please circle): Yes No	Case No. ☐☐-☐☐☐-☐☐☐

Request to Rezone Property from Regional Business (RB) to Industrial (I)

The applicant respectfully requests approval of a Zoning Map Amendment to rezone approximately **6.9 acres located at 980 Motsie Road, Biloxi, Mississippi**, from **Regional Business (RB)** to **Industrial (I).** The purpose of this request is to restore the property's zoning classification so that it accurately reflects the property's historical use, existing improvements, and intended use.

The property was acquired by Kennedy Engine Company in **1973** for industrial purposes. In 1976, the owner constructed a **60,000-square-foot tilt-wall industrial building** with approximately **5,000 square feet of office space** and **24-foot eave heights** specifically designed to accommodate manufacturing and industrial operations.

At the time the building was constructed, the property was zoned for industrial use and was developed in full compliance with the zoning regulations then in effect in the county. The zoning classification was Heavy Industry.

Following the City's annexation of this area, the property was rezoned to **Regional Business (RB)**. Although the zoning classification changed, the existing industrial operation was allowed to continue as a **legal nonconforming use**. As a result, the property has remained an operating industrial facility for decades despite no longer carrying an industrial zoning designation.

This application simply seeks to bring the zoning classification back into alignment with the property's actual use and the substantial industrial improvements that have existed on the site for fifty years.

The building itself is uniquely suited for industrial operations. Its tilt-wall construction, warehouse configuration, generous ceiling heights, loading capabilities, and limited office area make it significantly more appropriate for manufacturing and industrial activities than for the commercial uses contemplated within the Regional Business district. Reusing this existing facility for industrial purposes represents an efficient use of existing infrastructure and avoids unnecessary redevelopment.

The applicant has entered into a contract with a purchaser who intends to utilize the facility for the manufacture of prefabricated insulated wall panels. This proposed operation is fully consistent with the property's original design and historical use as a manufacturing facility. No significant exterior expansion of the building is proposed, and the request does not intensify development beyond what has existed on the site for decades.

The surrounding area is also compatible with industrial activity. The property enjoys immediate access to Interstate 10 and is located adjacent to existing industrial and heavy commercial uses, including an automobile salvage facility. These surrounding land uses have coexisted with the subject property throughout its history as an industrial operation.

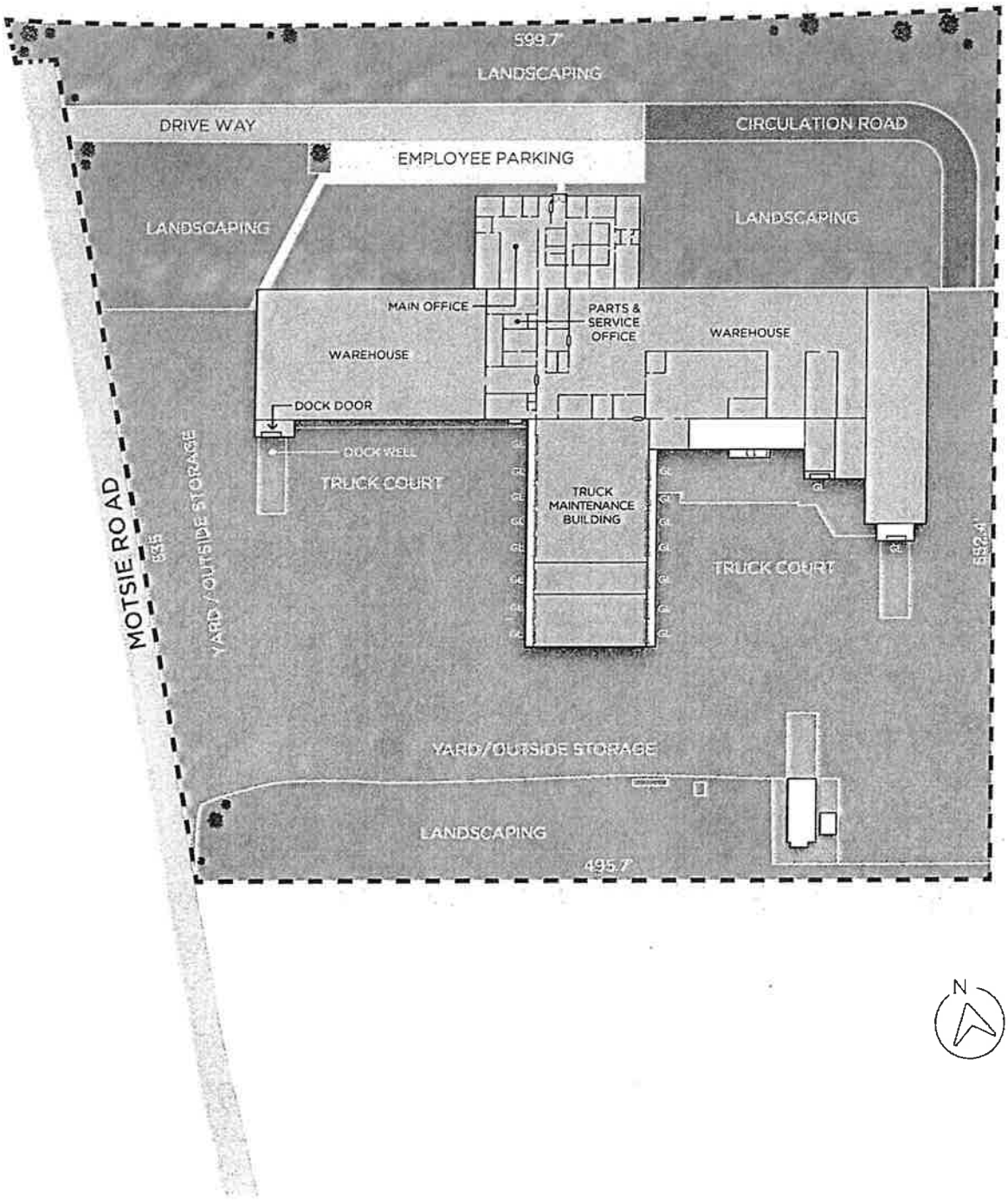
Approval of this request will:

- Restore consistency between the property's zoning and its long-established use.
- Preserve and continue productive industrial employment within the City of Biloxi.
- Support additional private investment in an existing industrial facility.
- Encourage the adaptive reuse of an existing building specifically designed for manufacturing.
- Generate additional employment opportunities and economic activity without requiring new industrial development on previously undeveloped land.
- Eliminate the unnecessary burden of operating under a legal nonconforming status.

This request does not represent the introduction of a new industrial use into an established commercial area. Rather, it recognizes and formalizes a manufacturing use that has existed on the property for five decades.

For these reasons, the requested zoning amendment is consistent with sound planning principles, compatible with surrounding land uses, supported by existing infrastructure, and serves the public interest by bringing the property's zoning designation into alignment with its historical and current use.

Accordingly, the applicant respectfully requests approval of the requested Zoning Map


599.7'
LANDSCAPING
DRIVE WAY
CIRCULATION ROAD
EMPLOYEE PARKING
LANDSCAPING
LANDSCAPING
MAIN OFFICE
PARTS & SERVICE OFFICE
WAREHOUSE
WAREHOUSE
DOCK DOOR
DOCK WELL
TRUCK COURT
TRUCK MAINTENANCE BUILDING
TRUCK COURT
552.4'
MOTSIE ROAD
535'
YARD/OUTSIDE STORAGE
YARD/OUTSIDE STORAGE
LANDSCAPING
495.7'
N

BILOXI PLANNING COMMISSION MEETING

SEPTEMBER 17, 2026

COMMUNITY DEVELOPMENT,

DR. MARTIN LUTHER KING JR. MUNICIPAL BUILDING,

676 DR. MARTIN LUTHER KING JR. BOULEVARD,

BILOXI, MISSISSIPPI,

BEGINNING AT 2:03 P.M.

PLANNING COMMISSION MEMBERS PRESENT:

Charlie Dellenger, Chairman
Ronnie Bogard
Kyle Carron
Robert Collier
Dr. Larry Drawdy
Harry Joachim
Joe King
Gary Lechner
Debora Magee
August Parker
Jimmy Poulos
Shante' Shaw
John Snow
David Stanovich
Michael Todaro

ALSO PRESENT:

Jerry Creel, Director of Community Development
Felicia Serpas, Senior Planner
Caryle Lena, Planner I
Teresa Shelton, Keesler
Jamie Creel, Councilman Ward 4
Dr. Paul Tisdale, Councilman Ward 5

REPORTED BY

Melissa Burdine-Rodolfich
Simpson Burdine & Migues

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

CONTINUED PUBLIC HEARING(S):	**PAGE:**
(None)	--
NEW PUBLIC HEARING(S):	
26-047-PC	6
26-048-PC	24
26-049-PC (Withdrawn by applicant)	--
26-050-PC	32
26-051-PC	42
TREE HEARINGS:	
(None)	--

CHAIRMAN DELLENGER:

We will go ahead and call the Planning Commission meeting to order.

We can record the members present: Mr. Lechner, Mr. Parker, Mr. Todaro, Ms. Magee, Ms. Shaw, Mr. Stanovich, Mr. Bogard, Mr. Collier, Mr. Joachim, Dr. Drawdy, Mr. Carron, Mr. King, Mr. Snow, Mr. Poulos and myself, Mr. Dellenger.

We also have Felicia Serpas, Senior Planner; Jerry Creel, Director of Community Development; Caryle Lena, Planner; Melissa Rodolfich, court reporter.

And I see Mr. Creel, Councilman, and Dr. Tisdale, Councilman, and Teresa Shelton from Keesler is here too. Glad to have you.

MS. SHELTON:

Thank you.

CHAIRMAN DELLENGER:

Mr. Parker, would you mind leading us in a moment of prayer, please?

(Moment of prayer.)

CHAIRMAN DELLENGER:

Would everyone please stand for Pledge? Mr. Stanovich, will you please lead us in the Pledge?

(Pledge of Allegiance.)

CHAIRMAN DELLENGER:

I'd like to welcome everybody to the Planning Commission meeting today. If you would, please silence all your cell phones.

And I would like to remind you, if you come up to speak at the podium, sign in and state your name and address for the record on the sheet there on the podium.

And if everyone has had a chance to review the minutes from the last meeting, I would like a motion to approve.

MR. JOACHIM:

So moved.

MR. BOGARD:

Second.

CHAIRMAN DELLENGER:

So moved by Mr. Joachim; second by Mr. Bogard.

All those in favor, please state by saying "aye."

(Unanimous vote.)

CHAIRMAN DELLENGER:

Any opposed?

(None opposed.)

CHAIRMAN DELLENGER:

Motion carries.

All right. Do we have any committee reports today?

MR. CREEL:

We do. Mr. Chairman and members of the Commission, over the past two weeks, the department has issued 164 building permits, with a total construction valuation of $4.5 million. We have collected almost $35,000 in permit fees. Issued licenses for 18 new businesses; six of those for peddlers. We also did 390 renewals. This is that time of the year where we send out business license renewal forms.

There was 13 certificates of occupancy issued. And of the permits issued, one was for the Memorial Hospital to remodel the first floor and the third floor at 150 Reynoir Street and three single-family houses.

CHAIRMAN DELLENGER:

Thank you, Mr. Creel.

We don't have any continued public hearings for today.

I would like to note that Case Number 26-049-PC, Justin and Emily Anderson and Pramod

Patel, this case has been withdrawn by the applicant and will not be heard today. So if you're here for that case, we will not be hearing that case because that was withdrawn by the applicant.

The first case today will be Case Number 26-047-PC, Thomas Kennedy on behalf of Kennedy Engine Company requesting a zoning map amendment to authorize a change in zoning district classification to a parcel of land measuring approximately 6.9 acres more or less in size from its present zoning district classification of RB, Regional Business, to I, Industrial, identified as 980 Motsie Road. Tax parcel 1308M-02-001.000. If we can please see the video on that.

MS. SERPAS:

Uh-huh. (Video played.)

CHAIRMAN DELLENGER:

Thank you.

I would like to note this was advertised an 8/28, 9/4 and 9/11.

Is Mr. Kennedy or their representative here?

MR. MOLYNEAUX:

Good afternoon. I'm Doug Molyneaux,

2701 English Drive, Ocean Springs. My office is at 790 Howard Avenue, Biloxi. My company is the Molyneaux Group, and I'm here to represent Tommy Kennedy on behalf of Kennedy Engine Company to respectfully request an amendment to the zoning map on approximately 6.9 acres on Motsie Road, 980 Motsie Road along Interstate 10.

The purpose of the rezoning request is to restore the zoning classification to align it with the current and historical use of the property.

In 1973, Kennedy Engine Company purchased the property along I-10. At that time, it was Harrison County. In 1976, 60,000-square-foot tilt-wall industrial building on the site, 18-inch thick walls. It even has a concrete roof deck and they have been operating there for 50 years now.

At the time, it was in full compliance with the county zoning. After the City annexed that area and the property was rezoned to RB or Regional Business, the existing operations were allowed to continue under a legal non-conforming status and have been operating that way ever since.

So the request that we have here today is just simply to bring the zoning class into alignment with what the property is currently being used for, designed for and the way it's been used for the last 50 years. We're not asking for any changes to the use of property.

The improvements that are on the property, a 60,000-square-foot tilt-wall industrial building, are only suited for the industrial and manufacturing. So if you look at all the uses that are allowed under RB, the only possibility that I could come up with is -- with significant redevelopment, you might be able to use the property for storage, but that's about it.

So the property has been designed and functions as an industrial manufacturing facility, and the improvements are significant. I think if somebody were to try to build that building today, it would probably be in excess of $10 million. It's just an incredibly well-built building.

So we are currently in negotiations with a group who would like to occupy a portion of the building to pour concrete walls and make -- assemble prefab insulated wall panels. And the use, if that -- if we come to terms and I think we

will -- will not expand the exterior facilities at all. There won't be any impact on what's going on inside the building either. It's just a very non- -- quiet use. It will be pouring concrete and assembling wall panels.

So the use is also -- or the request is also compatible with the surrounding area. We are I-10 adjacent to the north. We have a towing and salvage yard immediately to the west and a concrete company just south of that, so the whole area has been co-existing in an industrial fashion for many, many, many decades.

But approval of this request will restore the consistency of the zoning classification with the current historical use of property. It will preserve and grow the productive industrial employment for Biloxi. The new proposed use for the building will hire 60 people pretty immediately. It also will provide investment in the existing facility. And most importantly, it will eliminate the unnecessary burden of operating under a legal non-conforming status all these years.

We all know that the school is being built just to the south of the property on

property that was actually purchased from the applicant. I think I should address noise for that reason. We've really looked at this, considered it and with the 18-inch thick walls, the concrete roof deck and everything like that, I can't see why anybody working inside would ever be bothered by the screaming kids on the outside and I just -- in all seriousness -- in all seriousness, the pouring concrete and assembling the walls is no more noise than assembling engines right now and you're probably less -- if I had to guess, there's probably more noise coming from the tire store across Popp's Ferry and the collision center right there at the corner, not to mention I-10. I mean, it's really going to be an easy, easy use.

For these reasons, we believe and feel very strongly that the request -- requested amendment is consistent with sound planning principles, compatible with the surrounding area. It supports existing infrastructure and it serves the public interest by bringing the zoning into alignment with the -- not only the historical uses of the property, but its design and function.

So we're not asking you to turn a

commercial property into an industrial property. Nothing is going to change on the property. All we're asking is for you to restore the zoning of a purpose-built industrial facility that's been used for manufacturing for 50 years now.

And with that, I will take any questions if anybody has any.

CHAIRMAN DELLENGER:

Will the manufactured walls be commercial or residential or both?

MR. MOLYNEAUX:

Residential is my understanding. It will be used to build affordable housing.

CHAIRMAN DELLENGER:

Okay. Thank you. Does anyone else have any questions?

MR. CARRON:

A couple of questions. You did say fabrication was going to be totally inside the building?

MR. MOLYNEAUX:

Yes, sir.

MR. CARRON:

And what is the average size of the walls that are going to be fabricated? Is it --

MR. MOLYNEAUX:

Can I iPhone a friend?

Ben, what are the size of the walls?

UNIDENTIFIED SPEAKER:

Pardon? What?

MR. MOLYNEAUX:

What are the size of the walls that you will be fabricating?

UNIDENTIFIED SPEAKER:

24 feet by 10 feet.

MR. MOLYNEAUX:

10 feet high by 24 feet wide.

MR. CARRON:

So basically be hauled in and out with 18-wheelers on trailers?

MR. MOLYNEAUX:

Yes. I'm told that there will be like one truck leaving the facility every day near the end of the day.

MR. CARRON:

In the actual process, what all is used? Does the concrete -- kind of give an idea of what kind of chemicals are going to be involved and what kind of impact it might have on the neighborhood there.

MR. MOLYNEAUX:

Yeah. It's my understanding -- and if we need to go into more detail, we can bring the prospective user to the stand, but the concrete walls are your typical, you know, concrete composition. And they're used by cities to construct affordable housing. They can't be torn up, and so there is considerable contracts in place already for a lot of these.

The insulated panels, they're going to go into more of like cottages and they can be skinned with any kind of siding that somebody would want to create tiny houses or small houses, affordable housing.

MR. CARRON:

Thank you.

MR. BLESSEY:

If I may, Gerald Blessey representing Kennedy Engine also. Ben just confirmed to me, Ben Fabre', they use concrete and water. There is no chemicals, so it's simple concrete.

MR. CARRON:

Is that similar to the process they have done on the Bay now? There's -- they make --

MR. MOLYNEAUX:

Yes.

MR. BLESSEY:

He's saying yes.

MR. CARRON:

Thank you.

CHAIRMAN DELLENGER:

Does anybody else have any questions? Any further questions?

MR. COLLER:

The exit that's coming out to bring these 18-wheelers, where the new school is being built, will it be using the same road as the school?

MR. MOLYNEAUX:

Yeah. I think the school will be using Motsie Road.

MR. CREEL:

Yeah.

MR. MOLYNEAUX:

I haven't --

MR. COLLIER:

I just wanted confirmation from you.

MR. MOLYNEAUX:

I don't know where the entrance to the new school is.

MR. BLESSEY:

But we'd assume the school is using the entrance. I understand -- and I'm not certain. Jerry, you can confirm this -- that the City is planning a stoplight at that corner.

MR. CREEL:

Traffic signal. They will use the same road. The traffic for the new company will come out on Motsie on the north side of Popp's Ferry and those coming to the school, their exit will come out on Motsie as well.

MR. COLLIER:

Okay.

CHAIRMAN DELLENGER:

Any more questions? Any other questions?

(No response.)

CHAIRMAN DELLENGER:

Thank you.

Is there anyone in the audience that would like to speak in favor of the applicant's request? Anyone in the audience to speak in favor?

(No response.)

CHAIRMAN DELLENGER:

Is there anyone in the audience to speak in opposition? Anyone to speak in opposition?

MR. BOUDREAUX:

How are y'all? I'm not here to speak in opposition. My name is Marcus Boudreaux. I'm the superintendent of Biloxi Schools.

I just wanted to ask a question of if the zoning change does go through, if this actual acquisition falls through, does the zoning change open it up for any kind of other more invasive industrial project happening on that site? So that's just my question, not exactly opposition.

MR. MOLYNEAUX:

We're looking for the zoning change to be permanent because the building has always been manufacturing and it's also going to be manufacturing.

MR. BOUDREAUX:

My question is: If that zoning does change to full industrial, does that -- if the sale falls through, does it open it up -- could any kind of other purchase that could be more impactful to the school?

MR. CREEL:

It would allow anything that's allowed

in the industrial zoning. Of course, if they come with something more intensive, they're going to have to go through DRC and everything else.

MR. MOLYNEAUX:

We'd be coming before the Commission to ask for a zoning change, even if we were not in negotiations, just so you know.

MR. CREEL:

That's correct.

MR. BOUDREAUX:

Just asking. Not speaking in opposition. Just wanted to make sure.

CHAIRMAN DELLENGER:

Thank you, Mr. Boudreaux.

We did receive an e-mail that was on behalf of Providence Pointe apartments in opposition to this zoning change. I would like to reflect that for the record.

Is there anybody else to speak in opposition?

Okay. There being no further people, we'll consider that hearing closed.

MR. CREEL:

I met with Mr. Fabre' who is the proposed tenant that wants to go into it. What it

is, we have a building here that's 45,000 square feet. Kennedy Engine only operates 5,000 square feet or occupies 5,000 square feet, so there's 40,000 square feet in there that hasn't been used.

And in order for this tenant to be able to move in there, it would need to be industrial zoning, so, basically, what they're doing is bringing the zoning into compliance with what Kennedy should have had from the beginning.

So the thickness of the walls, the fact that they're doing everything inside in the location, which is at the far north end of Motsie, on the north side of Popp's Ferry Road and the fact that they have got other uses around there that are grandfathered in, the staff has no objection and would recommend approval.

Let me mention a couple of things, though. There is -- the City is in the works to get a traffic signal at that intersection because it's going to be needed there when the school opens up. It's not going to happen immediately, but it will happen eventually.

And as far as Providence Pointe apartments, Providence Pointe apartments is on the south side of Popp's Ferry Road, all the way down

at the dead end, so I can't see any way that this -- moving into this empty tenant space is going to have any adverse impact.

So staff has no opposition and would recommend approval.

MR. PARKER:

So moved.

DR. DRAWDY:

Charlie, if we're talking about a zoning change, it will only apply just to Kennedy, not anything else out there, right?

MR. CREEL:

Just their property.

DR. DRAWDY:

Just their property.

MR. CREEL:

The other people are grandfathered in. They have no reason to change the zoning on their property. They can continue to exist from now on as long as they don't close the doors for a year and try to re-open. If they did that, they'd have to come back in and make sure the zoning was correct. But we don't see that happening.

DR. DRAWDY:

The reason I ask that question is

because with that number of children being out there and kids, I'm just trying to make sure to protect them in such a way that something else doesn't come that really could be very harmful to the overall situation as dealing with the students.

MR. CREEL:

The building, I believe, is far enough away from the school. I mean, it's on the north end of this property and there is a large parking area between that and the back property line of the school, so I don't see that being a problem for the school. And like he said, one truck will leave after school is out every day, you know, would be what they would be taking care of, but, again, all the work will be inside.

I think it's a good use of the property. It just needs to have the zoning changed in order to make that happen.

DR. DRAWDY:

I know we can't foresee what might take place, but I'm looking at future things that could come up in that deal with an industrial complex and now, all of sudden, we're getting into a very complex situation that would be a harmful.

situation to children.
CHAIRMAN DELLENGER:
Correct. You're not just talking about the current tenant. You're talking about the future?
DR. DRAWDY:
We can't determine what's going to be there. I understand that, but I think it's something we need to be very cognizant of.
MR. CREEL:
Well, one thing about that, Dr. Drawdy, Industrial zoning is only one step up from RB, so there is very little difference between the two. But the manufacturing aspect of this is what kicks it into industrial.
DR. DRAWDY:
Thank you.
MR. CARRON:
Jerry, I've got a question. It kind of relates to why we're changing it. If Kennedy is still operating as legally non-conforming, why is it changed back to RB? Why can't it stay legally non-conforming?
MR. CREEL:
Because you can't extend or expand a

non-conforming use without getting the zoning correct. That's the reason they're here today.
MR. CARRON:
Just trying to clear that up.
MR. BLESSEY:
Mr. Chairman, would it be out of order for me to try to answer Dr. Drawdy?
CHAIRMAN DELLENGER:
Yes, sir, absolutely.
MR. BLESSEY:
Of course, he's speaking about the future and I think Kyle is too. If someone 10 years from now or whenever, 20 years came in and wanted to change that usage there -- well, the usage, use of the exterior, not only would they have to go through the Development Review Committee and everything with regard to particular usage, but the general law of nuisance -- you're concerned, as we all are, that the children not be affected by it.
So the general law of nuisance, the common law for 200 years, you would still have that barrier to go through. You couldn't come in there and do something obnoxious to the school system.

In my opinion -- I'm not representing the Planning Commission, but in my opinion, then you could object to that kind of usage, regardless of what the zoning is, because it's not there now. What's there now is not going to be obnoxious.
So it's a little -- it's not a zoning issue in that sense. It's a legal issue as to whether or not somebody's next door property -- that's like people living next door to me, if they came in and started having banging loud noise every night with a band, just because they're zoned residential doesn't mean that they can do that.
So I think you have that comfort in the future that the school system will still have a way of preventing that kind of inference.
DR. DRAWDY:
Thank you, Gerald.
I just wanted to make sure that we get that for the record because I think it's important that we look at it.
CHAIRMAN DELLENGER:
We have a motion by Mr. Parker. Do we have a second?
MR. JOACHIM:

Second.
CHAIRMAN DELLENGER:
Second by Mr. Joachim.
Any further discussion?
Okay. There being no discussion, please vote by raising your hand. Mr. Lechner, Mr. Parker, Mr. Todaro, Ms. Magee, Ms. Shaw, Mr. Stanovich, Mr. Bogard, Mr. Collier, Mr. Joachim, Dr. Drawdy, Mr. Carron, Mr. King, Mr. Snow, Mr. Poulos, and myself, Mr. Dellenger. That motion carries.
Next case is Case Number 26-048-PC, Freddie Fountain on behalf of Mississippi Edgewater Square Investors, LLC, which is a request for a zoning amendment to authorize a change in zoning district classification of two parcels of land measuring approximately 11.2 acres more or less in size from their present zoning district classification of NB, Neighborhood Business, to RB, Regional Business, identified at 280 Eisenhower Drive and 2469 Pass Road, Tax Parcel Numbers 1110F-02.006.000 and 1110K-01.046.000. These were advertised on 8/28, 9/4 and 9/11. If we could see the video, please.
MS. SERPAS: