Ordinance No. 2617

ORDINANCE TO APPROVE A ZONING MAP AMENDMENT TO AUTHORIZE A CHANGE IN ZONING DISTRICT CLASSIFICATION FOR TWO PARCELS OF LAND FROM THEIR PRESENT ZONING OF NB NEIGHBORHOOD BUSINESS TO RB REGIONAL BUSINESS, IDENTIFIED AS 280 EISENHOWER DRIVE & 2649 PASS 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. 26-048-PC, Freddie Fountain on behalf of MS Edgewater Square Investors, LLC, 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 Freddie Fountain had submitted the request for a Zoning Map Amendment to authorize a change in zoning district classification for 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 as 280 Eisenhower Drive & 2649 Pass Road (Tax Parcel Nos.1110F-02-006.000 & 1110K-01-046.000); and

WHEREAS, September 17, 2026, the Biloxi Planning Commission, after some discussion, voted 15-0, to recommend approval for this Zoning Map Amendment to authorize a change in zoning district classification for 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 as 280 Eisenhower Drive & 2649 Pass Road, having determined that a Change in the Character of the Neighborhood is of notice in this area of the City of Biloxi; 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 properties as related in Case No. 26-048-PC, and identified 280 Eisenhower Drive & 2649 Pass Road.

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

SECTION ONE: That the boundaries of the Geographical Information System Format Zoning District Map of the City of Biloxi, Mississippi, be hereby further amended by a change in zoning district classification from NB Neighborhood Business to RB Regional Business, identified as 280 Eisenhower Drive & 2649 Pass Road (Tax Parcel Nos.1110F-02-006.000 & 1110K-01-046.000), more fully described as follows:

A parcel of land situated in Section 28, Township 7 South, Range 10 West, and in Section 33, Township 7 South, Range 10 West, City of Biloxi, Harrison County, Mississippi, Second Judicial District, more particularly described as follows:
Commencing at the intersection of the South right-of-way line of Pass Road and the East right-of-way line of Edgewater Gulf Drive, said point being the POINT OF BEGINNING: Thence North 77 degrees 11 minutes 00 seconds East along said South right-of-way a distance of 716.99 feet; thence South 9 degrees 58 minutes 35 seconds East a distance of 714.44 feet; thence South 77 degrees 11 minutes 00 seconds West a distance of 647.20 feet to the East margin of Edgewater Gulf Drive; thence North 1 degree 55 minutes 00 seconds West along said East margin a distance of 17.48 feet to the beginning of a curve having a central angle of 19 degrees 29 minutes 15 seconds, a radius of 1164.69 feet, and whose

radius point bears South 88 degrees 05 minutes 01 seconds West; thence Northerly along said curve and said East margin a distance of 396.14 feet; thence North 21 degrees 24 minutes 15 seconds West along said East margin a distance of 305.68 feet to the point of beginning. Being the same property conveyed to Palm Court, LLC, by Instrument Number 2006-2322-D-J2.

Less and except that certain property conveyed to the City of Biloxi for a Right-of-way Acquisition and subject to a Temporary Construction Easement recorded as Instrument Number 2008-3114-D-J1 and by Warranty Deed recorded as Instrument Number 2008-3113-D-J1.

Further described as land situated North and West, and adjacent to Rue Petit Bois; South of and fronting Pass Road; and East of and adjacent to Eisenhower Drive.

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 Tisdale, 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.

ATTEST:

STATE OF MISSISSIPPI
CITY OF BILOXI
HARRISON COUNTY

Kris Campbell
CLERK OF THE COUNCIL

APPROVED:

Paul L. Tisdale
PRESIDENT OF THE COUNCIL

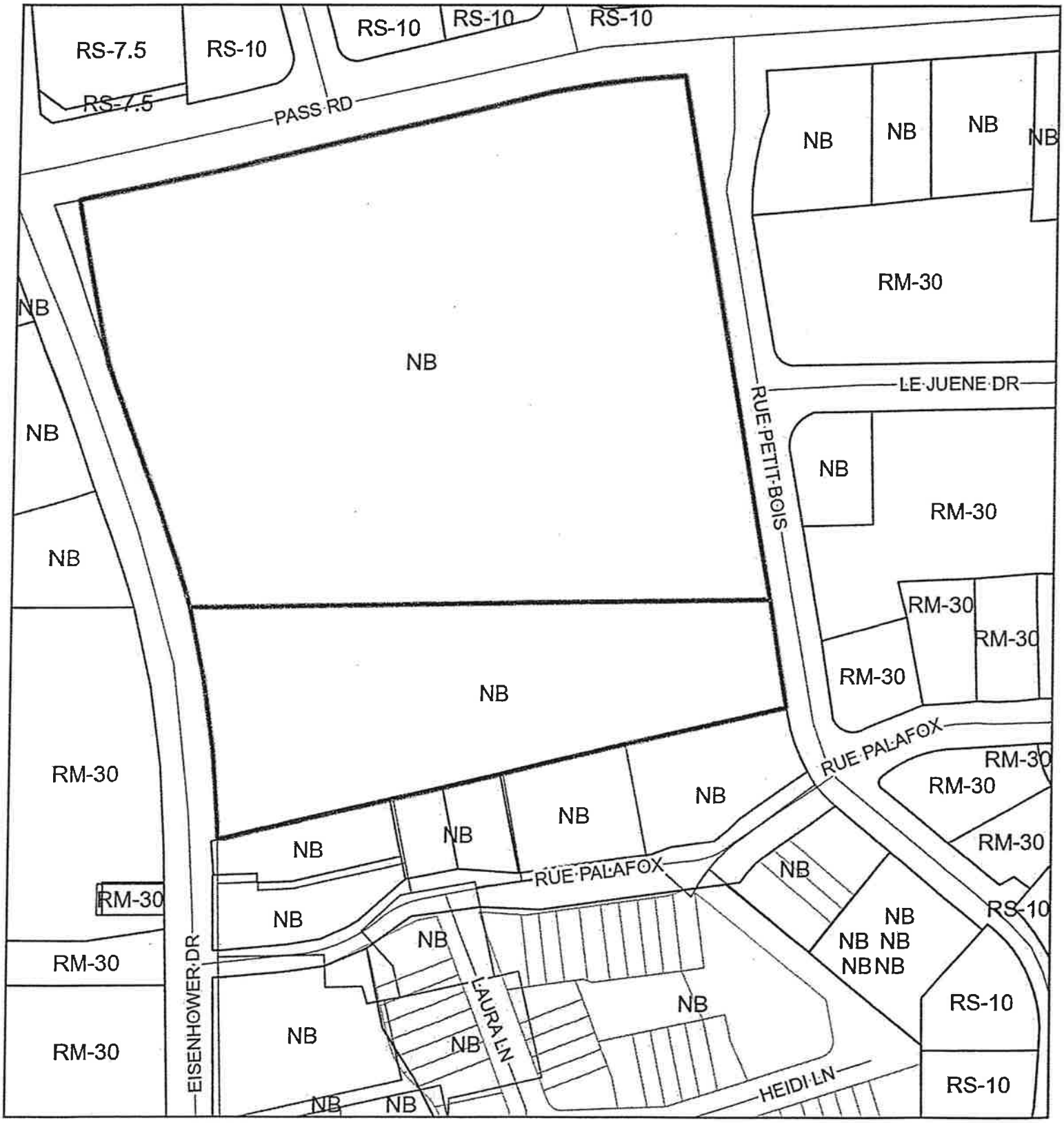
Ord. No. 2617

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

APPROVED:

MAYOR

26-043-PC
MS Edgewater Square Investors, LLC/Freddie Fountain
280 Eisenhower Dr. & 2649 Pass Rd
Map Amendment - NB to RB



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 10:44 AM

Biloxi

Scheduled for
September 17, 2026
PC Meeting

Freddie Fountain
MS Edgewater Square Investors, LLC
Case No. 26-048-PC
Zoning Map Amendment
NB to **RB**

Planning Commission
Case Fact Sheet

Case No.:	26-048-PC
Name of Owner:	Freddie Fountain on behalf of MS Edgewater Square Investors, LLC
Address of Properties:	280 Eisenhower Drive & 2649 Pass Road
Tax Parcels/Ward:	1110F-02-006.000 & 1110K-01-046.000/Ward 5
Request:	**Zoning Map Amendment**
Purpose of Request:	To consider an application for a **Zoning Map Amendment** to authorize a change in zoning district classification for two parcels of land measuring approximately 11.2 acres (more or less) in size, from their present zoning district classification of **NB Neighborhood Business** to **RB Regional Business**, identified as 280 Eisenhower Drive & 2649 Pass Road (Tax Parcel Nos.1110F-02-006.000 & 1110K-01-046.000).
Size of Property:	11.2 acres (More or Less)
Present Zoning:	**NB Neighborhood Business**
Flood Zone:	X
Present Use:	Commercial Uses
Most Nearly Bounded By (streets):	To the North, West and adjacent to Rue Petit Bois, South of and fronting Pass Road, East of and adjacent to Eisenhower Drive.
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 allow the applicant to apply for Conditional Use to allow an Outdoor Storage facility.

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: Freddie Fountain on behalf of MS Edgewater Square Investors, LLC, has submitted a **Zoning Map Amendment**, to authorize a change in zoning district classification for 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 as 280 Eisenhower Drive & 2649 Pass Road (Tax Parcel Nos.1110F-02-006.000 & 1110K-01-046.000).

The applicant explained that they would like to change the zoning to fill the vacant suites within the existing shopping center with a tenant that has submitted a letter of intent. The tenant would need outdoor storage and would like to remain anonymous at this time. The tenant would still need to go to DRC and come back to the Planning Commission for a Conditional Use.

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 **Zoning Map Amendment**, for a parcel of land from its present zoning district classification **NB Neighborhood Business** to **RB Regional Business**, having determined that an established community need for uses permitted by the RB district are needed in the area.

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 is evident, 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. 24-048-PC

To Be Completed by Owner/Applicant	**Date:** 8-5-26
Name of Rightful Owner(s): Mississippi Edgewater Square Investors, LLC	Name of Applicant: (if different than Owner) Freddie Fountain w/ Fountain & Associates, LLC
Property Address: 280 Eisenhower Drive & 0 Edgewater Gulf Drive	Ward Number 5

Tax Parcel Identification Number(s):

1 1 1 0 F-0 2-0 0 6.0 0 0 ☐☐☐☐☐-☐☐-☐☐☐.☐☐☐

1 1 1 0 K-0 1-0 4 6.0 0 0 ☐☐☐☐☐-☐☐-☐☐☐.☐☐☐

☐☐☐☐☐-☐☐-☐☐☐.☐☐☐ ☐☐☐☐☐-☐☐-☐☐☐.☐☐☐

Mailing Address of Property Owner: 148 Runway Road, Suite F	Mailing Address of Applicant (if different than Owner): 2318 Pass Road, Unit 3
City: Picayune	City: Biloxi
State: MS	State: MS
Zip: 39466	Zip: 39531
County Pearl River County	County Harrison
Telephone: (601) 273-0215	Telephone: (228) 574-3659

Property Size (please give in acres or by dimension): 11.2

Present Zoning Classification: NB

Is the property located within an AHRC District? Yes __ No X If so, which District?

Is this property a Historic Landmark? Yes __ No X

Flood Zone(s) of Property: X	North	South	East	West
Property is most nearly bounded by what streets?	Pass Road	Rue Petit Bois	Rue Petit Bois	Eisenhower Drive
If property directly fronts or is adjacent one of the streets above, please indicate with a ✓.	✓		✓	✓

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

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

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

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

Signature of Rightful Owner

Notary Signature (Seal) Date

STATE OF MISSISSIPPI
SHELLEY MARIE GREEN
NOTARY PUBLIC
Harrison County
Commission Expires
April 30, 2027
COMMISSION NUMBER 110773

Signature of Rightful Owner

Shelley Green 8/5/2024

Notary Signature (Seal) Date

Signature of Rightful Owner

Notary Signature (Seal) Date

Freddie Jenkins 8/5/26

Signature of Applicant

Caryle D. Lena 8/5/26

Notary Signature (Seal) Date

STATE OF MISSISSIPPI
NOTARY PUBLIC
ID# 106663
CARYLE D. LENA
Commission Expires
Sept. 12, 2029
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.

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: 8-5-26
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*:	NB	RB

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: The proposed zoning is the same as other parcels in the area.		
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** ☐
Please explain: The proposed zoning district is the same as parcels to the south.		

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?	[X]	[ ]
Please explain: The current uses are all allowed uses in this zoning district.		
	Yes	**No**
4. Is the property suitable for uses permitted in the proposed zoning district?	[X]	[ ]
Please explain: All infrastructure, parking, etc. is in place to properly support the proposed zoning district.		
5. Has there been a change in the character of the neighborhood?	**Yes**	**No**
Please explain: There has been a lot of new residential development in the area which changed the neighborhood to have a need for supporting uses.	[X]	[ ]
6. Is there an established community need for uses permitted in the proposed zoning district?	**Yes** [X]	**No** [ ]
Please explain: With the new residential developments, there is now a need for supporting uses to residential units.		
7. Was there a mistake in the original zoning of the property?	Yes	**No**
Please explain: Prior to the new residential developments the current zoning was sufficient and there was no need for the supporting uses.	[ ]	[X]
8. Are utilities and infrastructure sufficient to address the impacts associated with allowed uses in the proposed district?	Yes [X]	No [ ]
Please explain: The proposed zoning district will not require any additional impacts to the existing infrastructure and the current infrastructure is sufficient to support the area.		
Site Plan attached: (please circle): Yes No	Case No. ☐☐-☐☐☐-☐☐☐	

FOUNTAIN & ASSOCIATES
CIVIL AND COMMERCIAL DESIGN

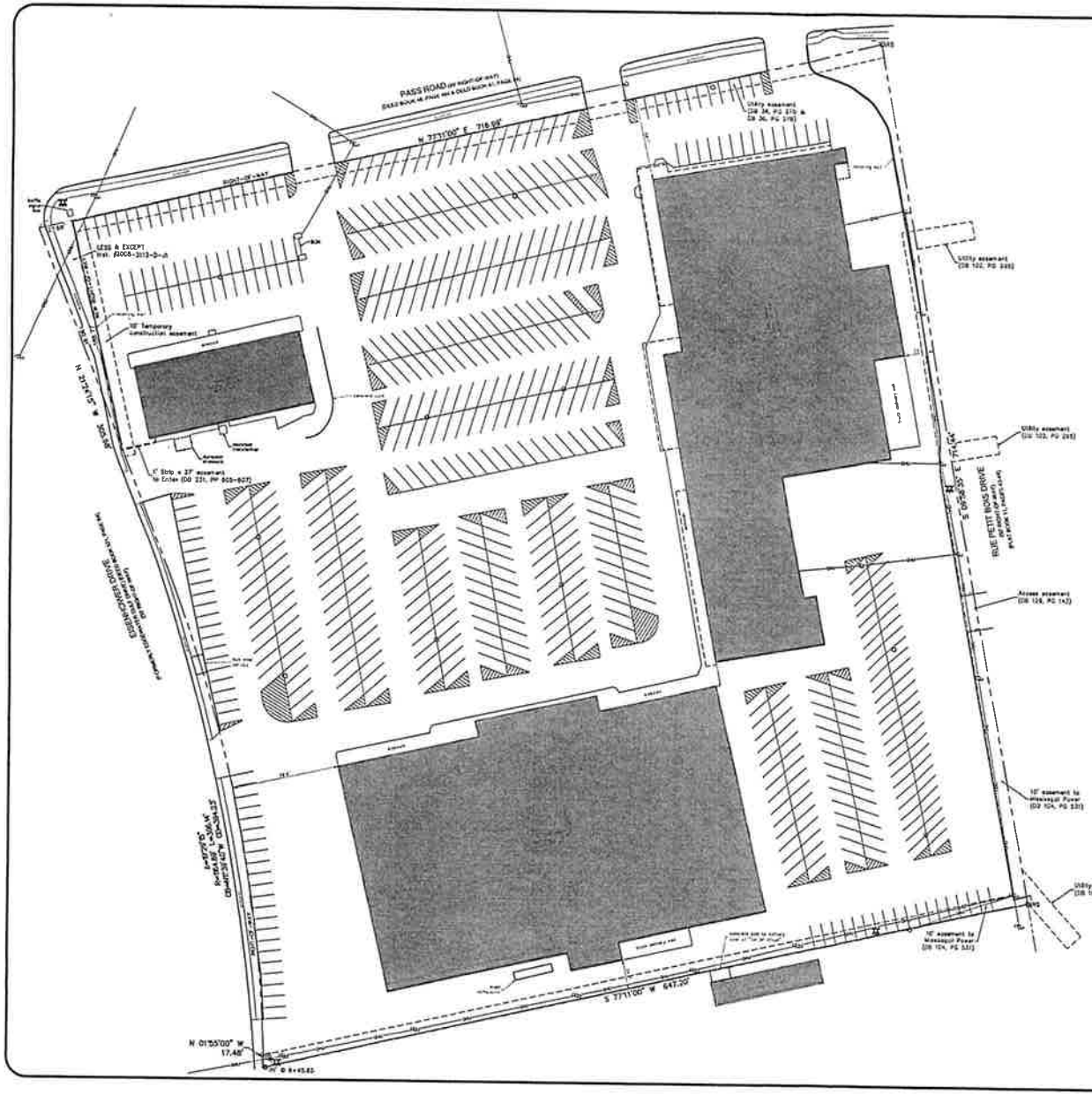
Narrative for Zoning Map Amendment

for

Mississippi Edgewater Square

Parcel #s -1110F-02-006.000 & 1110K-01-046.000

The proposed application is for a zoning map amendment for two parcels located in an NB zoning district. The developer is requesting to change the zoning to RB in order to fill the vacant suites within the existing shopping center with a tenant that has submitted a letter of intent. This tenant needs the zoning change to allow for outdoor storage. The tenant would like to remain anonymous due to having competition seeking a location in this general area. The area where storage would occur would be fenced to secure their product/belongings, prevent visibility of the surrounding neighborhood, and deter homeless in the area from loitering at the property. The use would be compatible with the existing tenants within the complex and not be detrimental to the surrounding properties. This existing shopping center has all the required infrastructure to support the existing and proposed uses. There are multiple points of ingress/egress along Pass Road, Eisenhower Drive, and one for deliveries in the rear of the buildings along Rue Petit Bois. All water, sewer, and drainage infrastructure are in place and will remain unaffected. Majority of the spaces within this shopping center already have fire suppression sprinkler systems in place in the event any use needs them. This center is at a prominent corner of Biloxi and has recently improved the new large name tenants in spaces that were previously vacant for a lengthy period of time. The Owners have been working diligently to fill the remaining vacant spaces with something that will bring the center to full occupancy as well as maintain or increase the appearance and value of the large investment they made into the community. The proposed rezone will help fill that need for the community.



LEGAL DESCRIPTION:

A parcel of land situated in Section 28, Township 7 South, Range 10 West, and in Section 33, Township 7 South, Range 10 West, City of Biloxi, Harrison County, Mississippi, Second Judicial District, more particularly described as follows:

Commencing at the intersection of the South right-of-way line of Pass Road and the East right-of-way line of Edgewater Gulf Drive, said point being the POINT OF BEGINNING: Thence North 77 degrees 11 minutes 00 seconds East along said South right-of-way a distance of 716.99 feet; thence South 9 degrees 55 minutes 55 seconds East a distance of 714.44 feet; thence South 77 degrees 11 minutes 00 seconds West a distance of 647.20 feet to the East margin of Edgewater Gulf Drive; thence North 1 degree 55 minutes 00 seconds West along said East margin a distance of 17.48 feet to the beginning of a curve having a central angle of 19 degrees 28 minutes 15 seconds, a radius of 1164.93 feet, and whose radius point bears South 88 degrees 05 minutes 01 seconds West; thence Northerly along said curve and said East margin a distance of 396.14 feet; thence North 31 degrees 24 minutes 15 seconds West along said East margin a distance of 305.68 feet to the POINT OF BEGINNING.

Being the same property conveyed to Palm Court, LLC, by Instrument Number 2006-2322-0-J2.

LESS AND EXCEPT that certain property conveyed to the City of Biloxi for a Right-of-way Acquisition and subject to a Temporary Construction Easement recorded as Instrument Number 2008-3114-0-J1 and by Warranty Deed recorded as Instrument Number 2008-3113-0-J1.

This is to CERTIFY to First Bank and Trust, Chicago Title Insurance Company, Mississippi Edgewater Square Investors, LLC, Eight Six Investments, LLC, Schwartz, Orgler & Jordan, PLLC, and each of their respective successors and/or assigns that this map or plat and the survey on which it is based were made in accordance with "Standards of Practice for Surveying in the State of Mississippi" and that this map or plat and the survey on which it is based were made in accordance with "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys," jointly established and adopted by ALTA, ACSM and NSPS in 2011.

J. MICHAEL CASSADY, PLS
Dated: September 8, 2015

- IPF = IRON PIPE FOUND
- IRF = IRON ROD FOUND
- CMF = CONCRETE MONUMENT FOUND
- PKF = PK NAIL FOUND
- CXF = CHISELED "X" FOUND
- RSF = RAILROAD SPIKE FOUND
- IRS = IRON ROD SET
- x — = FENCE LINE
- OHP = OVERHEAD UTILITY LINE

By Graphic Plotting only, this property is in Zone "X" of the Flood Insurance Rate Map for Harrison County, Mississippi, Community Panel No. 280040 0020 C and with Building Official, no community identification date, flood elevation, date of flood insurance rate map or flood insurance study. The above statement is for information only and this surveyor assumes no liability for its accuracy. Flood zone determination should be verified by insurance agent and does not represent this surveyor's opinion of the probability of flooding. Confirm AE/FC/FW(s) map with NFIP Specialist in Planning Department.

REVISIONS		
Revised	Date	By

CASSADY & ASSOCIATES, INC.
E. Patrick Cassady – 1912-1984 J. Michael Cassady, P.L.S.
Professional Land Surveyors
1114 22nd Avenue, Gulfport, Mississippi 39501
Phone (228) 868-0386 Fax (228) 868-0405
Post Office Box 1307 e-mail: surveyors@cassadysurvey.com

Edgewater Square Shopping Center
#290 Eisenhower Drive
Biloxi, Mississippi

ALTA/ACSM Land Title Survey

Drawn By	JET
Checked By	JMC
Date	09/08/15
Scale	1"=40'
Job No.	21266-1

Sheet 1 of 1

2126615.dwg

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.)

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:

(Video played.)
Okay.
CHAIRMAN DELLENGER:
Mr. Fountain, if you would like to come up.
MR. FOUNTAIN:
Freddie Fountain with Fountain and Associates, 2318 Pass Road, Biloxi, Mississippi.
I'm here today representing Mississippi Edgewater Square Investors, and as stated, we're trying to get rezoned to an RB zoning district.
Within the last couple of years, this property went from a blighted property with a ton of vacancies since Hobby Lobby moved out. The new owners have done a great job of revitalizing the space. They have added The Picklr, the Goodwill. They have the Adventures Tavern that they've brought there and really brought a new life to this area that had a lot of vagrants.
There is still some special space that's available for lease. They're negotiating with some prospective tenants, and what we're asking for today is to rezone to RB. One of the tenants is looking to have some outdoor storage. It will be screened. They're going to have a privacy

fence and things like that to eliminate a negative view from the surrounding area.
So that's really what we're going for today. It would also allow us to fence in that area that's kind of a dead area in the southeast corner of the property and keep the additional vagrants there and block the view from some of the dropoff line from the Goodwill space.
CHAIRMAN DELLENGER:
Where would the storage space be that you're speaking of if somebody was looking at that? Where would that go?
MR. FOUNTAIN:
In the southeast corner where Felicia is panning the street view to.
CHAIRMAN DELLENGER:
Okay. So it wouldn't be on the front portion where you see it from Pass Road driving by?
MR. FOUNTAIN:
No, sir, not at all. That southeast corner of the property would be the area that would be fenced.
CHAIRMAN DELLENGER:
Okay.

Does anyone have any questions of Mr. Fountain? Does anybody have any questions?
(No response.)
CHAIRMAN DELLENGER:
All right. Thank you, Mr. Fountain.
MR. FOUNTAIN:
Thank you.
MR. CARRON:
Is there anyone in the audience to speak in favor? Anyone in the audience to speak in favor of the applicant's request?
(No response.)
CHAIRMAN DELLENGER:
Anyone to speak in opposition?
There being no one to speak in opposition, we will consider that case closed.
MR. CREEL:
Okay. This is an area of Edgewater Square shopping center that's basically not used for anything right now other than for trucks to come in and to unload for the tenants that are in there. It's not on the face side, so you won't be able to see it from Pass Road.
But they need the RB zoning in order to do boat and RV storage. If they are approved,

they would be required to put up an eight-foot solid fence around the property that will actually wind up solving two problems because we continue to get complaints about the people dropping off stuff at the Goodwill back there. The people who live back there in the Enclave and those other areas that come out through this area are constantly complaining about the couches and everything else that they can see from the road.
So putting this in and building this fence solves two problems: The visibility of Goodwill. It would also create a buffer for the trucks that are coming in to unload for those tenants that are in there.
So boat and RV storage requires RB zoning. It's currently NB right now. This is basically a dead-use space. If you look at the property around it, the uses on Pass Road are commercial. The properties around it are apartments, and then the back side, which is the south side, it's commercial over there with the new apartments that were built. So staff has no objection and would recommend approval.
MR. POULOS:
Motion we approve the applicant's

request.
MR. STANOVICH:
Jerry, you said it's going to be boat and RV storage?
MR. CREEL:
Boat and RV storage, yes.
MR. STANOVICH:
In an enclosed area?
MR. CREEL:
Yes, sir.
CHAIRMAN DELLENGER:
Kind of like they have at CubeSmart down Pass Road.
We have a motion to approve as presented.
MR. PARKER:
Second.
CHAIRMAN DELLENGER:
Second by Mr. Parker.
Any other discussion?
MR. CARRON:
Could I ask Mr. Fountain a couple more questions now that I know what they're storing there?
What's hours of operation, or will the

people be able to come and go at any time of the day?
MR. FOUNTAIN:
They would have controlled access. And sorry. I forget about the boat and RV portion, but we are looking to fill those other vacant spaces at the shopping center as well.
But the boat and RV storage, they would have key pad access, so it would only be the people that are leasing there. But as we know, people aren't going to be bringing boats in and out during odd hours of the night. They're going to be using it during the time of the use of the boats.
MR. CARRON:
Okay. Something else usually associated with that is boat owners like to wash their boats down.
Are facilities like that going to be available?
MR. FOUNTAIN:
No, sir. There's not going to be any dumping stations. There's not going to be any washdown areas. It's strictly park and that's it.
MR. CARRON:

All right. Thank you.
MR. STANOVICH:
What's the size of the storage area?
MR. FOUNTAIN:
I don't have that number off the top of my head. I want to say it was around -- just over an acre. I think we had 30-something spaces laid out there. That's the maximum number of spaces that could work there.
MR. STANOVICH:
Is there going to be anything other than boats and RVs stored there?
MR. FOUNTAIN:
No, sir. And, again, open storage. There is no buildings being constructed or anything like that.
CHAIRMAN DELLENGER:
Will this affect the -- with it being enclosed, will this affect the dropoff for Goodwill because I know the dropoff for Goodwill is behind that building.
MR. FOUNTAIN:
No, sir. Their lease requires them to maintain a dropoff driveway.
MR. CARRON:

Is there going to be any covered storage?
MR. FOUNTAIN:
No, sir. Thank you.
MR. CARRON:
Thank you.
CHAIRMAN DELLENGER:
All right. Any other discussion?
(No response.)
CHAIRMAN DELLENGER:
Okay. We have a motion and a second. If we could 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.
CHAIRMAN DELLENGER:
Next case we'll hear is 26-050-PC A-1 Development, LLC and Bobby Heinrich, applicant. This is a request for conditional use approval to authorize construction of a convenience store with gas sales upon a parcel of land measuring approximately 2.7 acres more or less, situated within an NB, Neighborhood Business zone and