

**CITY OF BILOXI  
AGENDA ITEM  
FACT SHEET**

Item No.: 4 B  
Council Meeting Date: December 7, 2021

ITEM TITLE: Ordinance (2nd Reading)  
INTRODUCED BY: Mayor Andrew "FoFo" Gilich  
CONTACT PERSON: E. Michael Leonard, CAO *EM*  
Jerry Creech, Director of Community Development

**SUMMARY EXPLANATION:**

An ordinance to amend the geographical information system format zoning district map of the city of Biloxi, Mississippi, as amended, for a change in zoning district classification for 2 parcels of land from their current zoning district classification of CB Community Business to PD-HB – Hospitality Business Master Plan, and to authorize the establishment of A Preliminary Subdivision for a property site presently identified as 1845 & 1851 Beach Boulevard

Resolution \_\_\_\_\_ Ordinance  Public Hearing \_\_\_\_\_ Routine Agenda \_\_\_\_\_

Exhibits for Review

Contract \_\_\_\_\_ Minutes  Plans/Maps \_\_\_\_\_ Deed \_\_\_\_\_ Lease \_\_\_\_\_

Other (Specify): Applications, survey, Case Fact Sheet

Submittal Authorization: Council President \_\_\_\_\_ Mayor

STAFF RECOMMENDATION: Staff recommends approval

COUNCIL ACTION: Motion By: Newman Second By: Lawrence

Vote:	<u>Councilmember</u>	<u>Yes</u>	<u>No</u>	<u>Other</u>	<u>Councilmember</u>	<u>Yes</u>	<u>No</u>	<u>Other</u>
	Lawrence	___	___	___	Tisdale	___	___	___
	Gines	___	___	___	Glavan	___	___	___
	Newman	___	___	___	Barrett	___	___	___
	Deming	___	___	___				

ACTION TAKEN: First reading November 23, 2021

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND THE GEOGRAPHICAL INFORMATION SYSTEM FORMAT ZONING DISTRICT MAP OF THE CITY OF BILOXI, MISSISSIPPI, AS AMENDED, FOR A CHANGE IN ZONING DISTRICT CLASSIFICATION FOR 2 PARCELS OF LAND FROM THEIR CURRENT ZONING DISTRICT CLASSIFICATION OF **CB COMMUNITY BUSINESS** TO **PD-HB – HOSPITALITY BUSINESS MASTER PLAN**, AND TO AUTHORIZE THE ESTABLISHMENT OF A PRELIMINARY SUBDIVISION FOR A PROPERTY SITE PRESENTLY IDENTIFIED AS 1845 & 1851 BEACH BOULEVARD

WHEREAS, the Biloxi Planning Commission held a public hearing on November 4, 2021, to hear the application of Maenza Property Management, LLC & Jolene Weill (owners) and Freddie Fountain on behalf of Fountain & Associates (applicant), Case No. 21-059-PC, to consider an application for **Preliminary Subdivision** coupled with a **Zoning Map Amendment**, to authorize the establishment of a **PD-HB: Planned Development – Hospitality Business District Master Plan**, for a development to be known as Beach Side Subdivision, said application being submitted as a **Planned Development – Hospitality Business District**, as authorized within Section 23-3-4(G) of the Land Development Ordinance, for a single property presently split zoned **CB Community Business (north half)** and **SB Sand Beach (south half)** – which northern portion has been submitted for re-zoning to **PD-HB – Hospitality Business Master Plan**; and

WHEREAS, the Planning Commission members were apprised of the particulars of the case, being made cognizant of the fact that the **PD-HB: Planned Development – Hospitality Business Master Plan**, as submitted, proposes the creation of sixteen (16) lots, which lots will be sold individually to allow for a mixture of residential and visitor accommodation uses, will average 3800 square feet (plus or minus) in overall size for each lot, all for properties presently identified as 1845 & 1851 Beach Boulevard (re: Tax

Parcel Nos.1210J-03-016.000 & 1210J-03-017.000); and

WHEREAS, it was noted that the Development Review Committee (DRC) had reviewed this request for **Preliminary Subdivision** coupled with a **Zoning Map Amendment** to authorize the establishment of a **PD-HB: Planned Development – Hospitality Business District Master Plan**, and had found it to be in conformance with the rules and regulations of the City of Biloxi, and authorized the applicant to proceed to the Planning Commission and City Council to obtain **PD-HB: Planned Development – Hospitality Business District Master Plan** approval, as herein requested; and

WHEREAS, on November 4, 2021, the Biloxi Planning Commission, upon conducting the public hearing and after careful reflection of the particulars of this case, voted to recommend approval for the **Preliminary Subdivision**, and also for the **Zoning Map Amendment**, to authorize the establishment of a **PD-HB: Planned Development – Hospitality Business District Master Plan**, as authorized within Section 23-3-4(G) of the Land Development Ordinance, for a development to be known as **Beach Side Subdivision**, for properties presently identified as 1845 & 1851 Beach Boulevard (re: Tax Parcel Nos. 1210J-03-016.000 & 1210J-03-017.000), having determined that the **PD-HB – Hospitality Business Master Plan** requested would provide a mixture of hospitality and residential uses, noting further that the proposed residential and commercial uses provided Master Plan for this location are consistent with uses previously of notice in this section 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 this **Beach Side Subdivision PD-HB: Planned**

**Development – Hospitality Business Master Plan** is appropriate for the properties presently identified as 1845 & 1851 Beach Boulevard, having concurred that a change has occurred in the Character of this Neighborhood and further that an established Community Need for this PD-HB zoning district classification and the uses outlined within the Master Plan proposed are appropriate.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILOXI, MISSISSIPPI, THAT AS PER THE FINDINGS OF THE PLANNING COMMISSION, AND BASED UPON SAID DETERMINATIONS, THAT THE FOLLOWING SHALL BE AUTHORIZED:

SECTION 1. 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 **Beach Side Subdivision PD-HB: Planned Development – Hospitality Business Master Plan** is appropriate for the property site identified as 1845 & 1851 Beach Boulevard, having determined that that a Change has occurred in the Character of this Neighborhood and the areas surrounding said property site, and further, that an established Community Need for this Planned Development Zoning district classification and the uses proposed within the Master Plan are in concert with this neighborhood, for the collective property site identified as 1845 & 1851 Beach Boulevard.

SECTION 2. That the boundaries of the Geographical Information System Format Zoning District Map of the City of Biloxi, Mississippi, as amended, are hereby further amended by a Change in Zoning District Classification from **CB Community Business** to **D-HB: Planned Development – Hospitality Business Master Plan**, for a site

presently identified as 1845 & 1851 Beach Boulevard (i.e., Tax Parcel Nos. 1210J-03-016.000 & 1210J-03-017.000) and described as follows:

*All that part of the east 150 feet of lot 17, Manuel white survey lying south of U.S. highway 90 and extending south to the existing seawall, that part of the west 42 feet of said lot 17 lying south of U.S. highway 90 and extending to the gulf of Mexico and that part of the east 108 feet of lot 18 of said Manuel white survey lying south of U.S. highway 90 and extending to the gulf of Mexico, said property being located in section 36, township 7 south, range 10 west, city of Biloxi, second judicial district of Harrison County, Mississippi and being more particularly described as follows with the bearings based on state plane grid north (MS east zone 2301):*

*Beginning at a 1/2" iron rod with cap set at the point of intersection of the south margin of U.S. highway 90 and the east line of said lot 17, Manuel white survey, said point being 206 feet west of the west margin of veterans avenue; thence along the east line of said lot 17, s00°27'41"e 313.99' to the north edge of the seawall; thence along said north edge of seawall, s84°12'13"w 150.65' to a 1/2" iron rod with cap set on the east line of the west 42 feet of said lot 17, thence along said east line, s00°27'41"e 230' more or less the north margin of the gulf of Mexico; thence along said north margin in a westerly direction a distance of 151' more or less to the west line of the east 108 feet of said lot 18; thence along said west line, n00°27'41"w 230' more or less to an x-mark on a concrete wall above the north edge of the seawall; thence further along said west line, n00°27'41"w 320.20' to a 1/2" iron rod with cap set on the south margin of U.S. Highway 90; thence along said south margin, n85°36'55"e 150.35' to a 1/2" iron rod with cap set; thence further along said south margin, n86°19'06"e 150.24' to the point of beginning, containing 2.98 acres more or less,*

and further described as land most nearly bounded by the following streets: to the North by and fronting upon Beach Boulevard; to the South by and adjacent to the Gulf of Mexico; to the East by Veterans Avenue; and to the West by Camellia Street.

SECTION 3. This ordinance shall become effective thirty days from and after its passage and publication with law.

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RESOLUTION NO. \_\_\_\_\_

RESOLUTION CALLING FOR A PUBLIC HEARING WITH RESPECT TO A PRELIMINARY SUBDIVISION COUPLED WITH A ZONING MAP AMENDMENT TO AUTHORIZE THE ESTABLISHMENT OF A **PD-HB – HOSPITALITY BUSINESS MASTER PLAN** FOR PROPERTIES PRESENTLY IDENTIFIED AS 1845 & 1851 BEACH BOULEVARD

WHEREAS, the Biloxi Planning Commission held a public hearing on November 4, 2021, to hear the application of Maenza Property Management, LLC & Jolene Weill (owners) and Freddie Fountain on behalf of Fountain & Associates (applicant), Case No. 21-059-PC, to consider an application for **Preliminary Subdivision** coupled with a **Zoning Map Amendment**, to authorize the establishment of a **PD-HB: Planned Development – Hospitality Business District Master Plan**, for a development to be known as Beach Side Subdivision, said application being submitted as a **Planned Development – Hospitality Business District**, as authorized within Section 23-3-4(G) of the Land Development Ordinance, for a single property presently split zoned **CB Community Business (north half)** and **SB Sand Beach (south half)** – which northern portion has been submitted for re-zoning to **PD-HB – Hospitality Business Master Plan**; and

WHEREAS, the Planning Commission members were apprised of the particulars of the case, being made cognizant of the fact that the **PD-HB: Planned Development – Hospitality Business Master Plan**, as submitted, proposes the creation of sixteen (16) lots, which lots will be sold individually to allow for a mixture of residential and visitor accommodation uses, will average 3800 square feet (plus or minus) in overall size for each lot, all for properties presently identified as 1845 & 1851 Beach Boulevard (re: Tax

Parcel Nos.1210J-03-016.000 & 1210J-03-017.000); and

WHEREAS, it was noted that the Development Review Committee (DRC) had reviewed this request for **Preliminary Subdivision** coupled with a **Zoning Map Amendment** to authorize the establishment of a **PD-HB: Planned Development – Hospitality Business District Master Plan**, and had found it to be in conformance with the rules and regulations of the City of Biloxi, and authorized the applicant to proceed to the Planning Commission and City Council to obtain **PD-HB: Planned Development – Hospitality Business District Master Plan** approval, as herein requested; and

WHEREAS, on November 4, 2021, the Biloxi Planning Commission, upon conducting the public hearing and after careful reflection of the particulars of this case, voted to recommend approval for the **Preliminary Subdivision**, and also for the **Zoning Map Amendment**, to authorize the establishment of a **PD-HB: Planned Development – Hospitality Business District Master Plan**, as authorized within Section 23-3-4(G) of the Land Development Ordinance, for a development to be known as **Beach Side Subdivision**, for properties presently identified as 1845 & 1851 Beach Boulevard (re: Tax Parcel Nos. 1210J-03-016.000 & 1210J-03-017.000), having determined that the **PD-HB – Hospitality Business Master Plan** requested would provide a mixture of hospitality and residential uses, noting further that the proposed residential and commercial uses provided Master Plan for this location are consistent with uses previously of notice in this section of Biloxi; and

WHEREAS, the City Council of the City of Biloxi, Mississippi, having given the Planning Commission's recommendation full consideration, has determined that this is a matter of general public concern, and being so, it is in the best interest of the community

to hold a public hearing on this matter before the City Council.

NOW, THEREFORE, BE IT RESOLVED, THAT THE CITY COUNCIL OF THE CITY OF BILOXI, MISSISSIPPI, will conduct a public hearing in reference to **Case No. 21-059-PC**, Maenza Property Management, LLC & Jolene Weill (owners) and Freddie Fountain on behalf of Fountain & Associates (applicant), relative to the **PD-HB: Planned Development – Hospitality Business District Master Plan** – for the property site presently identified as 1845 & 1854 Beach Boulevard, on a date to be set and in accordance with all requirements as prescribed by the City of Biloxi Land Development Ordinance governing the conduct of public hearings.

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RESOLUTION NO. \_\_\_\_\_

RESOLUTION TO DENY THE REQUEST FOR A PRELIMINARY SUBDIVISION COUPLED WITH A ZONING MAP AMENDMENT TO AUTHORIZE THE ESTABLISHMENT OF A **PD-HB – HOSPITALITY BUSINESS MASTER PLAN** FOR PROPERTIES PRESENTLY IDENTIFIED AS 1845 & 1851 BEACH BOULEVARD

WHEREAS, the Biloxi Planning Commission held a public hearing on November 4, 2021, to hear the application of Maenza Property Management, LLC & Jolene Weill (owners) and Freddie Fountain on behalf of Fountain & Associates (applicant), Case No. 21-059-PC, to consider an application for **Preliminary Subdivision** coupled with a **Zoning Map Amendment**, to authorize the establishment of a **PD-HB: Planned Development – Hospitality Business District Master Plan**, for a development to be known as Beach Side Subdivision, said application being submitted as a **Planned Development – Hospitality Business District**, as authorized within Section 23-3-4(G) of the Land Development Ordinance, for a single property presently split zoned **CB Community Business (north half)** and **SB Sand Beach (south half)** – which northern portion has been submitted for re-zoning to **PD-HB – Hospitality Business Master Plan**; and

WHEREAS, the Planning Commission members were apprised of the particulars of the case, being made cognizant of the fact that the **PD-HB: Planned Development – Hospitality Business Master Plan**, as submitted, proposes the creation of sixteen (16) lots, which lots will be sold individually to allow for a mixture of residential and visitor accommodation uses, will average 3800 square feet (plus or minus) in overall size for each lot, all for properties presently identified as 1845 & 1851 Beach Boulevard (re: Tax Parcel Nos.1210J-03-016.000 & 1210J-03-017.000); and

WHEREAS, it was noted that the Development Review Committee (DRC) had reviewed this request for **Preliminary Subdivision** coupled with a **Zoning Map Amendment** to authorize the establishment of a **PD-HB: Planned Development – Hospitality Business District Master Plan**, and had found it to be in conformance with the rules and regulations of the City of Biloxi, and authorized the applicant to proceed to the Planning Commission and City Council to obtain **PD-HB: Planned Development – Hospitality Business District Master Plan** approval, as herein requested; and

WHEREAS, on November 4, 2021, the Biloxi Planning Commission, upon conducting the public hearing and after careful reflection of the particulars of this case, voted to recommend approval for the **Preliminary Subdivision**, and also for the **Zoning Map Amendment**, to authorize the establishment of a **PD-HB: Planned Development – Hospitality Business District Master Plan**, as authorized within Section 23-3-4(G) of the Land Development Ordinance, for a development to be known as **Beach Side Subdivision**, for properties presently identified as 1845 & 1851 Beach Boulevard (re: Tax Parcel Nos. 1210J-03-016.000 & 1210J-03-017.000), having determined that the **PD-HB – Hospitality Business Master Plan** requested would provide a mixture of hospitality and residential uses, noting further that the proposed residential and commercial uses provided Master Plan for this location are consistent with uses previously of notice in this section of Biloxi; and

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF BILOXI, MISSISSIPPI, that having given the Planning Commission's recommendation full consideration, the Biloxi City Council hereby rejects said recommendation and hereby

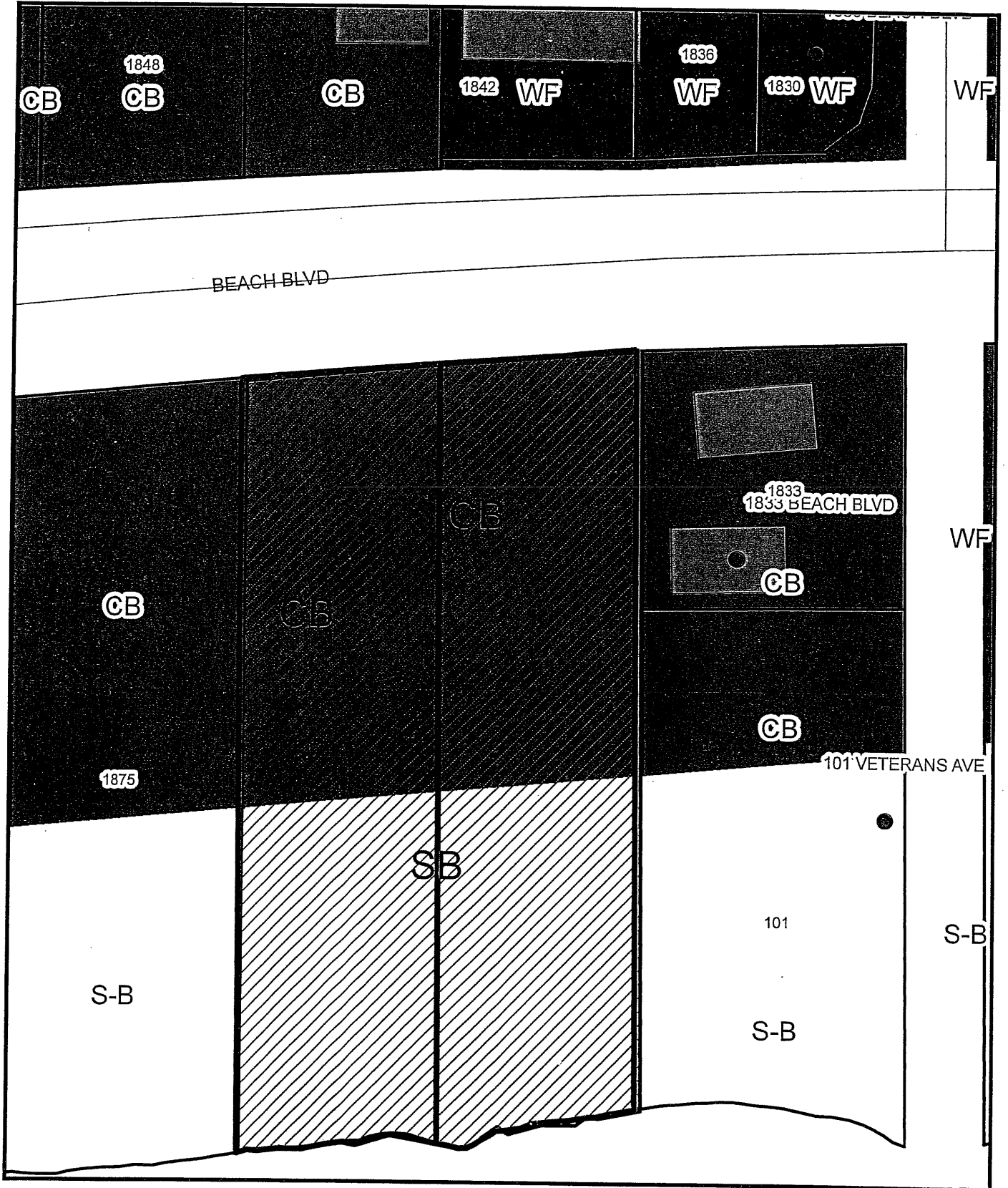
denies the requested **PD-HB: Planned Development – Hospitality Business District Master Plan** for the property site presently identified as 1845 & 1854 Beach Boulevard, as related in Case **No. 21-059-PC**, Maenza Property Management, LLC & Jolene Weill (owners) and Freddie Fountain on behalf of Fountain & Associates (applicant), based upon a determination that\_\_\_\_\_

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Case No. 21-059-PC/Maenza Property Management, LLC  
Jolene Weill/Freddie Fountain  
1845 & 1851 Beach Boulevard  
PD-HB: Planned Development –  
Hospitality Business District Master Plan



Scheduled for  
November 4, 2021  
PC Meeting

Maenza Property Management, LLC & Jolene Weill (owners)  
Freddie Fountain on behalf of  
Fountain & Associates (applicant),  
Case No. 21-059-PC

Request for **Preliminary Subdivision** proposal coupled with  
a **Zoning Map Amendment** to authorize the establishment of  
**PD-HB: Planned Development – Hospitality Business  
District Master Plan**



**Planning Commission  
Case Fact Sheet**

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<b>Case No.:</b>	21-059-PC
<b>Names of Owner/ Applicant:</b>	Maenza Property Management, LLC & Jolene Weill (owners) and Freddie Fountain on behalf of Fountain & Associates (applicant)
<b>Address of Property:</b>	1845 & 1851 Beach Boulevard
<b>Tax Parcels/Ward:</b>	1210J-03-016.000 & 1210J-03-017.000/Ward 3

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<b>Request:</b>	<b>Preliminary Subdivision</b> proposal coupled with a <b>Zoning Map Amendment</b> to authorize the establishment of a <b>PD- HB: Planned Development – Hospitality Business District Master Plan</b> .
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<b>Purpose of Request:</b>	To consider an application for a <b>Preliminary Subdivision</b> proposal coupled with a <b>Zoning Map Amendment</b> , to authorize the establishment of a <b>PD-HB: Planned Development – Hospitality Business District Master Plan</b> , for a development to be known as <b>Beach Side Subdivision</b> , said application being submitted as a Planned Development – Hospitality Business District, as authorized within Section 23-3-4(G) of the Land Development Ordinance, for a single property presently split zoned <b>CB Community Business</b> (north half) and <b>SB Sand Beach</b> (south half) – which north portion has been submitted for re-zoning to <b>PH-HB – Hospitality Business Master Plan</b> .
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The **Beach Side Subdivision PD-HB: Planned  
Development – Hospitality Business Master Plan**, as  
submitted, proposes the creation of sixteen (16) lots, which

Request for **Preliminary Subdivision** proposal coupled with a  
**Zoning Map Amendment** to authorize the establishment of **PD-  
HB: Planned Development – Hospitality Business District  
Master Plan**

Page 2

lots will be sold individually for a mixture of residential and visitor accommodation uses, will average 3800 square feet (plus or minus) in overall size for each lot, all for properties presently identified as 1845 & 1851 Beach Boulevard (re: Tax Parcel Nos. 1210J-03-016.000 & 1210J-03-017.000).

**Size of Property:** 2 Acres (More or Less)

**Present Zoning:** **CB Community Business**

**Present Use:** Vacant Land

**Most Nearly Bounded By (streets):** To the North by and fronting upon Beach Boulevard; to the South by and adjacent to the Gulf of Mexico; to the East by Veterans Avenue; and to the West by Camellia Street.

**Adverse Influences:** Concerns exist with respect to the narrow dimensions of the streets (both in R.O.W. and in paved roadway widths) which will impede any on-street parking for guests and visitors.

**Positive Influences:** This **Preliminary Subdivision** proposal, coupled with a **Zoning Map Amendment** to authorize the establishment of a **PD-HB: Planned Development – Hospitality Business Master Plan** for a residential development to be known as **Beach Side Subdivision**, as submitted, will result in the establishment of sixteen (16) new buildable lots.

**Concerns stated:** The Planning Division Office has received one letter in opposition to this subdivision proposal, as of October 28, 2021.

**Comments/ Recommendations:** Maenza Property Management, LLC & Jolene Weill (owners) and Freddie Fountain on behalf of Fountain & Associates (applicant), have submitted an application for a **Preliminary Subdivision** proposal, coupled with a **Zoning Map Amendment**, to authorize the establishment of a **PD-HB: Planned Development – Hospitality Business**

Request for **Preliminary Subdivision** proposal coupled with a  
**Zoning Map Amendment** to authorize the establishment of **PD-  
HB: Planned Development – Hospitality Business District  
Master Plan**

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**District Master Plan**, for a development to be known as **Beach Side Subdivision**, said application being submitted as a Planned Development – Hospitality Business District, as authorized within Section 23-3-4(G) of the Land Development Ordinance.

The **Beach Side Subdivision PD-HB: Planned Development – Hospitality Business Master Plan**, as submitted, proposes the creation of sixteen (16) lots, which lots will be sold individually for a mixture of residential and visitor accommodation uses, and which lots will average 3800 square feet (plus or minus) in overall size for each lot,.

The Dimensional Standards proposed for this Master plan are as follows:

Total area	2 Acres
Dwelling Units per Acre, Max	16
Floor Area Ratio, Max	2.00
Lot Area, Min	3,800 SF
Lot Width, Min	32'
<hr/>	
Impervious Surfaces, Max	90% of District
Individual Building Size,	Max 6500 sf footprint
Building Height, Max	65'
Setbacks, Min	Front = 15' Rear = 20' Side = 3'
Setback from Abutting RS Zoning District or Existing Single Family	3'

Request for **Preliminary Subdivision** proposal coupled with a  
**Zoning Map Amendment** to authorize the establishment of **PD-  
HB: Planned Development – Hospitality Business District  
Master Plan**

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Dwelling Use, Min

The Development Review Committee (DRC), it should be noted, extended an initial review of this project and authorized the applicant to submit this **Preliminary Subdivision** and **Master Plan Zoning Map Amendment Update** for review and recommendation by the Planning Commission.

**Options:**

1. Recommend approval of the request for a **Preliminary Subdivision** Proposal, coupled with approval for the **Zoning Map Amendment** to authorize the establishment of a **PD-HB: Planned Development – Hospitality Business Master Plan** for Beach Side Subdivision, which subdivision has been determined to be in harmony with uses currently found in this area of the City of Biloxi.
2. Recommend denial of the request for a **Preliminary Subdivision** Proposal coupled with a **Zoning Map Amendment** to authorize the establishment of a **PD-HB: Planned Development – Hospitality Business Master Plan** for Beach Side Subdivision, having determined that said project has not been found to promote the public interest at this location; that said project has not been proposed or designed to be operated so that the public health, safety, and welfare will be protected; and that said project does not conform to all district regulations of the City of Biloxi.



**Planning Commission Application**  
 City of Biloxi Planning Division  
 676 Martin Luther King Jr., Boulevard Biloxi, MS 39530  
 (228)435-6266 Fax (228)435-6188

Case No. \_\_\_\_\_

**TO BE COMPLETED BY APPLICANT** Date: 9/27/2021

Name of Rightful Owner(s): Name of Applicant: (if different than Owner)  
 Maenza Property Management LLC Freddie Fountain w/Fountain & Associates

Property Address: 1845 Beach Blvd Ward Number  
3

Tax Parcel Identification Number(s):  
 1210J-03-016.000 - - - - -  
- - - - -  
- - - - -

Mailing Address of Property Owner Mailing Address of Applicant (if different than Owner):  
 3525 Metairie Hts Ave 1822 15th Street, Ste. 12

City: Metairie City: Gulfport

State: LA State: MS

Zip: 70002 Zip: 39501

County County Harrison

Telephone: ( ) Telephone: ( 228 ) 861-5209

Property Size (please give in acres or by dimension): 2.00

Present Zoning Classification: CB

Is the property located within an AHRC District? Yes  No  Flood Zone(s) of Property:  
VE 23, VE 20, & AE 18

If so, which District? 

	North	South	East	West
Property is most nearly bounded by what streets?	Beach Blvd	Gulf of Mexico	Veterans	NA

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

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

- Preliminary Subdivision Review
- Map Amendment – must include zone classification change in narrative
- Conditional Use
- Master Plan
- Gaming
- Hospitality
- Text Amendment
- Planned Unit Development
- Tree Removal
- Public ROW Vacation
- Administrative Appeal
- Variance
- Appeal
- Street Name Change



**Planning Commission Application**  
 City of Biloxi Planning Division  
 676 Martin Luther King Jr., Boulevard Biloxi, MS 39530  
 (228)435-6266 Fax (228)435-6188

Case No. \_\_\_\_\_

**TO BE COMPLETED BY APPLICANT**

Date: 9/27/2021

Name of Rightful Owner(s):  
 Jolene Weill Etal

Name of Applicant: (if different than Owner)  
 Freddie Fountain w/Fountain & Associates

Property Address: 1851 Beach Blvd

Ward Number  
 3

Tax Parcel Identification Number(s):

1210J-03-017.000    □□□□□-□□-□□□.□□□  
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Mailing Address of Property Owner  
 416 Dejean Cove

Mailing Address of Applicant (if different than Owner):  
 1822 15th Street, Ste. 12

City: Biloxi

City: Gulfport

State: MS

State: MS

Zip: 39531

Zip: 39501

County Harrison

County Harrison

Telephone: ( )

Telephone: ( 228 ) 861-5209

Property Size (please give in acres or by dimension): 2.02

Present Zoning Classification: CB

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

Flood Zone(s) of Property:  
 VE 23, VE 21, & AE 18

	North	South	East	West
Property is most nearly bounded by what streets?	Beach Blvd	Gulf of Mexico	Veterans	NA
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):**

<input checked="" type="checkbox"/>	Preliminary Subdivision Review
<input checked="" type="checkbox"/>	Map Amendment – must include zone classification change in narrative
<input type="checkbox"/>	Conditional Use
<input type="checkbox"/>	Master Plan
<input type="checkbox"/>	Gaming
<input type="checkbox"/>	Hospitality
<input type="checkbox"/>	Text Amendment
<input type="checkbox"/>	Planned Unit Development
<input type="checkbox"/>	Tree Removal
<input type="checkbox"/>	Public ROW Vacation
<input type="checkbox"/>	Administrative Appeal
<input type="checkbox"/>	Variance
<input type="checkbox"/>	Appeal
<input type="checkbox"/>	Street Name Change

**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.

*Jacqueline A. Ciccione*  
Signature of Rightful Owner

\_\_\_\_\_  
Signature of Rightful Owner

*[Signature]*  
Notary Signature

\_\_\_\_\_  
Notary Signature

(Seal)

(Seal)

\_\_\_\_\_  
Signature of Rightful Owner

*Justin L. Shaw*  
Signature of Applicant

\_\_\_\_\_  
Notary Signature

*Kristin Shaw*  
Notary Signature

(Seal)

(Seal)

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

NOTES:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**NOTE:** Please see attached instructions for details on documents required for a complete application. Zoning district in which the property is situated. The placement or size of any structure or infrastructure which triggers a Variance or Waiver must be clearly identified upon the Site Plan. All site plans for commercial projects must be submitted through the development review committee (DRC).

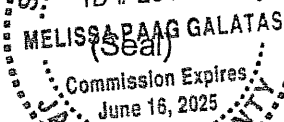
**GENERAL INFORMATION, READ BEFORE EXECUTING.** Attendance by the applicant(s) at the public hearing is mandatory; however, the applicant may designate a representative to attend the public hearing on his/her behalf, provided said representative has been properly designated to speak on the applicant's 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.

*Jolene Heile*

Signature of Rightful Owner

*[Signature]*

Notary Signature



Signature of Rightful Owner

Notary Signature

(Seal)

Signature of Rightful Owner

Notary Signature

(Seal)

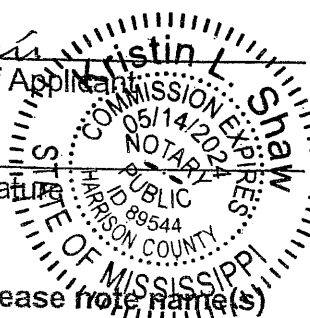
*[Signature]*

Signature of Applicant

*[Signature]*

Notary Signature

(Seal)



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

**NOTES:**

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

Zoning district in which the property is situated. The placement or size of any structure or infrastructure which triggers a Variance or Waiver must be clearly identified upon the Site Plan. All site plans for commercial projects must be submitted through the development review committee (DRC).



PLANNING COMMISSION SUPPLEMENT

**Map Amendment**  
(Master Plan update)

City of Biloxi Planning Division  
676 Martin Luther King Jr., Boulevard  
Biloxi, MS 39530 (228)435-6266 Fax(228)435-6188

TO BE COMPLETED BY APPLICANT | DATE: 9/29/2021

**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:      CB      PD-HB

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:* These properties are not shown on the comprehensive plan to be residential, but the developer along with multiple potential buyers have expressed the public want for a development like what is being proposed.

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:* There are developments east and west of this property that are far more dense than what is being asked in this application. This development is less dense than what is allowed in the current zoning district.



# PLANNING COMMISSION SUPPLEMENT

## Map Amendment

City of Biloxi Planning Division  
 676 Martin Luther King Jr., Boulevard Biloxi, MS 39530  
 (228)435-6266 Fax(228)435-6188

<b>Criteria (continued)</b>	✓	
	Yes	No
3. <i>Is the property suitable for uses permitted in the present zoning district?</i>	✓	
<i>Please explain:</i> Single-Family Attached or Townhouses are allowed with conditional Use Approval in the current (CB) zoning district.		
4. <i>Is the property suitable for uses permitted in the proposed zoning district?</i>	✓	
<i>Please explain:</i> The proposed zoning district is a PD-HB. Therefore, the application is establishing all the requirements consistent with the proposed development.		
5. <i>Has there been a change in the character of the neighborhood?</i>	✓	
<i>Please explain:</i> The area has been developing all around this area. Some of the development from 10-15 years ago that was approved and constructed in this area are multi-family. This project would be single family residential which is a similar use but far less dense.		
6. <i>Is there an established community need for uses permitted in the proposed zoning district?</i>	✓	
<i>Please explain:</i> There is a need for long and short term housing. This project could help satisfy both of those needs. There is no other development like this on the MS Gulf Coast.		
7. <i>Was there a mistake in the original zoning of the property?</i>		✓
<i>Please explain:</i> The zoning was appropriate for the development that was expected in the area at the time.		
8. <i>Are utilities and infrastructure sufficient to address the impacts associated with allowed uses in the proposed district?</i>	✓	
<i>Please explain:</i> We have spoken with engineering along with locating the utilities in our survey. There are adequate utilities to support this project.		
Site Plan attached: (please circle): Yes	Case No. □□-□□□-□□□	
No		



PLANNING COMMISSION SUPPLEMENT  
**Preliminary Subdivision Review**

City of Biloxi Planning Division  
 676 Martin Luther King Jr., Boulevard  
 Biloxi, MS 39530 (228)435-6266 Fax (228)435-6188

Name of Subdivision: Beach Side Subdivision  
 Ward No. 3  
 Most nearly bounded by (street names)  
 To the North by: Beach Blvd  
 To the South by: Gulf of Mexico  
 To the East by: Veterans Avenue  
 To the West by: None  
 Developer: Camdav, LLC  
 Address: 2082 Beach Drive Gulfport, MS 39507  
 Phone: 228-224-5337

**VICINITY MAP**  
 ATTACH MAP, IF AVAILABLE

Shown on Lot & Street  
 Layout Provided

DEVELOPMENTAL DATA

	<i>Existing</i>	<i>Proposed</i>
Front Yard Setback	40 ft	15 ft
Rear Yard Setback	10 ft	20 ft
Side Yard Setback	10 ft	3 ft
Zoning	CB	PD-HB
Minimum Lot Size	5,000 sf	3,800 sf
Minimum Lot Width	50 ft	32 ft
Minimum Lot Depth	100 ft	120 ft
Number of Lots	2	16
Total Acres	4.02 acres	4.02 acres
Average Lot Size(s)	150' X 432'	34' X 120'
Tax Parcel Number(s)	1210J-03-016.000 & 1210J-03-017.000	

Proposed Street Name(s): Beach Side Drive

Paved Area, Location and Width of Sidewalks: 27 ft width, sidewalks on north side of street/ south of lots 1-7  
 R.O.W. Width: 30 ft

Is Planned Unit Development (PUD) approval requested?  Yes  No

PUD Application attached?  Yes  No

Case No. PC-□□-□□□□		
Is the Supplement complete?		
- Has Pre-application Conference been held? (please circle)	Yes	No
- DRC Case No: □□-□□□□		
- <b>DRC Letter and Engineering Letter MUST be attached to schedule PC meeting.</b>		
- Site Plan attached? (please circle)	Yes	No
- Is proposed project located in a Historic District? (please circle)	Yes	No
- Certificate of Appropriateness, if applicable? (please circle)	Yes	No
The DRC and/or Planning Commission recommend that the City Council impose the following conditions upon the issuance of the Conditional Use Permit?	Yes	No
1.	3.	
2.	4.	
Staff Initials	Date	





21-017

TERRY MORAN  
ENGINEERING  
P.O. BOX 4076  
BILOXI, MS 39535  
PH 228.894.4733  
TERRY MORAN,  
P.E., P.L.B.

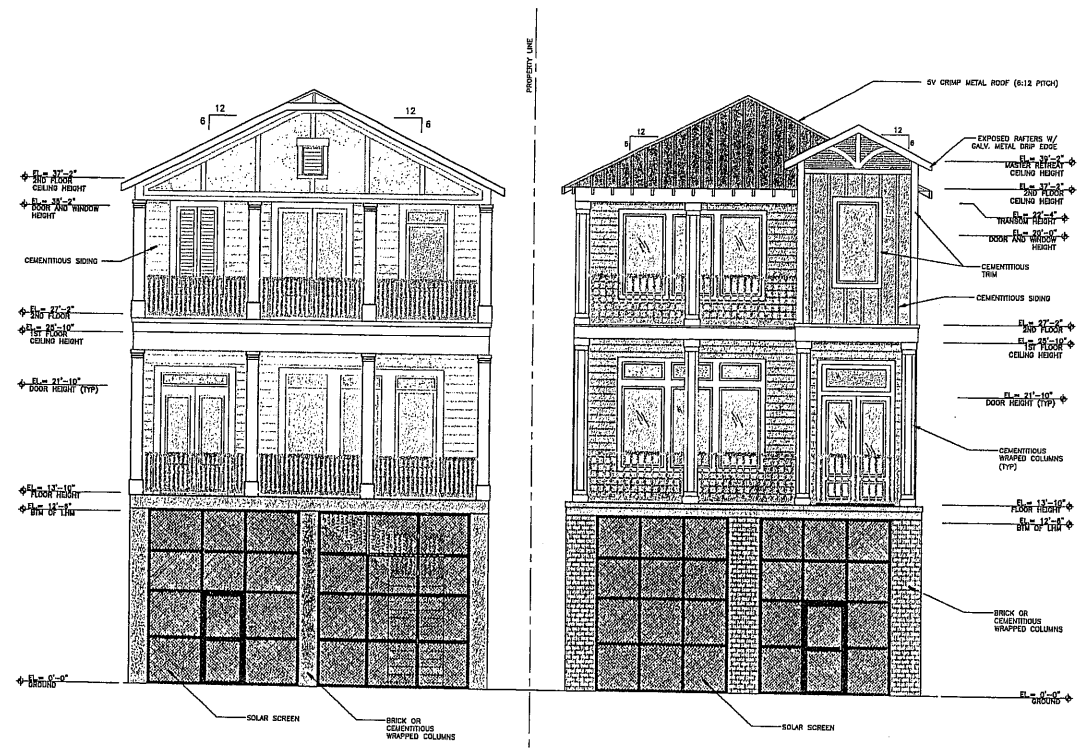
In Association With

**FA** FOUNTAIN & ASSOCIATES  
CIVIL AND COMMERCIAL DESIGN  
1822 15th Street, Ste. 12  
Gulfport, MS 39501  
228-861-5209

Date: 09-30-2021  
Drawn By: F.O.F.  
Check By: T.J.M.  
REV.

PROPOSED BEACH SIDE  
SUBDIVISION  
BEACH BLVD  
BILOXI, MS

B2

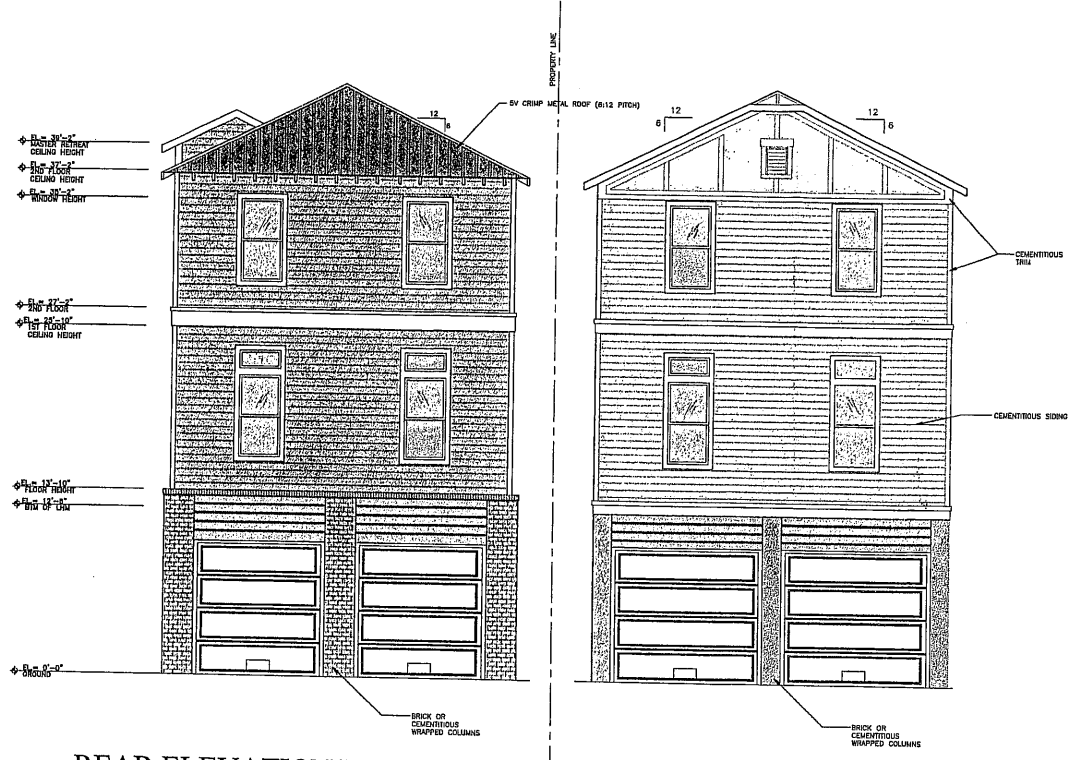


**FRONT ELEVATIONS**

SCALE: 1/4" = 1'-0"



TERRY MORAN  
ENGINEERING  
P.O. BOX 4075  
BILOXI, MS 39535  
PH 228.896.4733  
TERRY MORAN,  
P.E., P.L.B.



REAR ELEVATIONS

SCALE: 1/4" = 1'-0"

In Association With

**FA** FOUNTAIN & ASSOCIATES  
CIVIL AND COMMERCIAL DESIGN  
1822 15th Street, Ste. 12  
Gulfport, MS 39501  
228-861-5209

Date: 08-30-2021  
Drawn By: E.O.P.  
Check By: T.A.M.  
REV

PROPOSED BEACH SIDE  
SUBDIVISION  
BEACH BLVD  
BILOXI, MS

B2.1



## Narrative for Map Amendment for

### Parcel #s -1210J-03-016.000 & 1210J-03-017.000

The proposed project is being developed in an existing CB zoning district. The developer is asking for the approval of a PD-HB overlay district approval. This development is being proposed as a single-family residential subdivision. The table below sets forth the required criteria of the PD-HB district. This information includes setbacks, minimum lot square footages, maximum heights, etc. This project will be developed similar to what is typically seen in "smart code" style developments. All of the houses will be facing south with the driveways in the rear of the homes. This project will be a beach community with all lots having access to the beach from either their property or the access easement between Lots 12 and 13.

#### PD-HB District Intensity and Dimensional Standards

Dwelling Units Per Acre, Max	<del>20</del> <sup>16</sup> units
Floor Area Ratio (FAR), Max	2
Lot Area, Min. (Square Feet)	3,800 SF
Lot Width, Min. (Feet)	32 ft
Impervious Surfaces, Max (% of District Area)	90%
Individual Building Size, Max ( Square Feet)	6,500 SF
Building Height, Max (Feet)	65 ft
Setbacks, Min. (Feet)	FYSB – 15 ft SYSB – 3 ft RYSB – 20 ft
Setback from Abutting RS Zoning District or Existing Single-Family Dwelling Use, Min. (Feet)	3 ft



## **Narrative for Planning Commission**

for

### **Parcel #s -1210J-03-016.000 & 1210J-03-017.000**

The proposed project is being developed in an existing CB zoning district. The developer is asking for the approval of a PD-HB overlay district approval. This development is being proposed as a single-family residential subdivision. The proposed development standards are intended to create a "smart code" style development. These neighborhoods are for people that do not desire to have a big yard to maintain. They are looking for a setting that is something they can just enjoy and not somewhere that they have to spend a lot of their time or money maintaining. This will be a very high-end development. The developer will have restrictive covenants to protect the value of the neighborhood. These covenants include that none of the homes shall use wood pilings. Poured in place concrete or CMU block pilings will only be allowed. Other requirements for the homes are that standing seam metal roofs will be required and the exterior material shall be cementitious siding. The developer will also be the head of the architectural review committee until the construction of all homes is completed. In doing this, he will have the ability to ensure that all of the homes are tastefully designed to protect the neighborhood. This project will bring more residents and tourists to the beach to utilize the boardwalk, shopping, restaurants, and family entertainment venues in this area. This developer has developed projects similar to this in other cities along the coast that were very successful. All existing infrastructure is in place to support this project. The water, sewer, drainage, and roadway is more than sufficient to handle a project of this size.

**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](http://www.biloxi.ms.us)

To: Biloxi Planning Commission

From: Eric Nolan, Development Review Committee Chair

Date: October 27, 2021

Re: Maenza Property Management, LLC; Jolene Weill; Freddie Fountain  
1845 & 1851 Beach Boulevard  
Parcel- 1210J-03-016.000 & 1210J-03-017.000

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

The DRC **will** require further review and approval 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,

*Eric Nolan*

Eric Nolan, Chair

cc: file

1	BILOXI PLANNING COMMISSION MEETING	1
2	NOVEMBER 4, 2021	
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 2:00 P.M.	
8	<hr/>	
9	<b>PLANNING COMMISSION MEMBERS PRESENT:</b>	
10	Kyle Carron	
11	Steve Delahousey	
12	Charlie Dellenger	
13	Gary Lechner	
14	Joann Humphries	
15	Joe King	
16	Debora Magee	
17	August Parker	
18	Jimmy Poulos	
19	Cheryl Thompson	
20	Michael Todaro	
21	<b>ALSO PRESENT:</b>	
22	Jerry Creel, Director of Community Development	
23	Caryle Lena, Planning Technician	
24	Ed Shambra, Executive Planner	
25	Eric Nolan, City Arborist	
	<b>REPORTED BY</b>	
	Melissa Burdine-Rodolfich	
	Simpson Burdine & Miguez	

1	C-O-N-T-E-N-T-S	2
2		PAGE
3		
4	<b>CONTINUED PUBLIC HEARING:</b>	
5	21-052-PC (Held in abeyance)	--
6	<b>NEW PUBLIC HEARINGS:</b>	
7	21-058-PC	5
8	21-059-PC	39
9	21-060-PC	57
10	<b>TREE HEARING:</b>	
11	TR-21-007	65
12		
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14	Certificate of Reporter	82
15		
16		
17		
18		
19		
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23		
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25		

1 MR. DELLENGER:

2 Let's go ahead and call the Planning

3 Commission meeting to order.

4 We'll take a roll call of the members in

5 attendance. Mr. Lechner, Mr. Todaro, Mr. Parker,

6 Ms. Magee, Ms. Thompson, Mr. Delahousey,

7 Ms. Humphries, Mr. Carron, Mr. King, Mr. Poulos;

8 myself, Mr. Dellenger.

9 I would like to recognize Ed Shambra,

10 Jerry Creel, and Caryle Lena and Eric Nolan on the

11 video and the court reporter, Melissa Rodolfich.

12 And, of course, Dr. Paul Tisdale, in the audience,

13 Councilman Ward 5.

14 Mr. Parker, would you like to open us

15 with a prayer.

16 (Moment of prayer.)

17 MR. DELLENGER:

18 Pledge of allegiance, Mr. Delahousey.

19 (Pledge of allegiance.)

20 MR. DELLENGER:

21 Thank you.

22 Now, I will ask if everyone has had a

23 chance to review the minutes from the last

24 meeting.

25 And if we could, please silence all cell

1 phones in the audience.

2 MR. DELAHOUSEY:

3 I move for approval of the minutes.

4 MR. KING:

5 Second.

6 MR. DELLENGER:

7 Motion and second.

8 All in favor?

9 (All in favor.)

10 MR. DELLENGER:

11 That's approved.

12 Are there any committee reports,

13 Mr. Creel?

14 MR. CREEL:

15 I'll give it at the building official

16 hearing. I actually left it on my desk, so I'll

17 get back to you. But it was a good one.

18 MR. DELLENGER:

19 All right. Continued public hearings,

20 we still have Case Number 21-024-PC Joseph Simon,

21 Stifel and Associates for a preliminary

22 subdivision plat approval.

23 We've had a request to pull this from

24 the agenda by the owners, so if we could have a

25 motion to pull this from the agenda.

5

1 MR. POULOS:  
2 So moved.  
3 MS. THOMPSON:  
4 Second.  
5 MR. DELLENGER:  
6 Moved and seconded.  
7 All in favor, signify by saying "aye."  
8 (All in favor.)  
9 MR. DELLENGER:  
10 Any opposed?  
11 (None indicated.)  
12 MR. DELLENGER:  
13 Continued public hearing, as well is  
14 Case Number 21-052-PC, Alterna Mortgage Income  
15 Fund and Ken Jones on behalf of Gulf Coast  
16 Development and Design, an application for a  
17 preliminary subdivision and zoning map amendment.  
18 This is still being continued from the  
19 September 23rd meeting and we will be held in  
20 abeyance until the owner and the applicant resolve  
21 some easement issues on that case.  
22 For new public hearings, we have case  
23 Number 21-058, the City of Biloxi, for  
24 consideration for a text amendment to the Biloxi  
25 Land Development Ordinance, Section 23-2-2(G),

7

1 on where the best places are to place those  
2 replacement trees.  
3 And so this is something that we've been  
4 working on. We're excited that's on -- it's  
5 contained in the proposed changes to the  
6 ordinance. And with that, I'll let Eric take it  
7 from there and go into specifics about the rest.  
8 MR. NOLAN:  
9 Good afternoon.  
10 Yeah. I've been working with the Tree  
11 Committee for -- well, really solid since about  
12 the end of 2018. We started going through the  
13 ordinance trying to really simplify it, make it --  
14 it was really hard to understand and some of the  
15 sections it didn't work in it. So we ended up  
16 having to go back to square one with some of it  
17 and just do a complete re-write of certain  
18 certifications to make it as clear as possible  
19 where when people were coming in I wasn't having  
20 to translate the ordinance to them every time they  
21 came in.  
22 One of the things that -- some of the  
23 main points that we hit on we're adding some trees  
24 to the omitted list where they don't have to ever  
25 get a permit. Pecans were already there. Tallows

6

1 23-2-4(I) and 23-6-4, specifically as it relates  
2 to the Tree Committee, tree permit and tree  
3 protection sections of the UDO. This was  
4 advertised on October 12th, October 19th and  
5 October 26th.  
6 Mr. Creel, do you have anything on the  
7 text amendment?  
8 MR. CREEL:  
9 Yes. What that is, we've been working  
10 with the Tree Committee to make some improvements  
11 to the current ordinance, and specifically in this  
12 one is the creation, the tree bank, the tree  
13 mitigation bank. What's happening -- and I'll let  
14 Eric go into the details about it. But the tree  
15 bank, we just feel like it's vital whenever we  
16 have a developer that comes in and there is not  
17 enough room on the property to put in the number  
18 of mitigation trees that are required, what the  
19 tree bank does is allow them to just pay the  
20 mitigation amount, which is three-to-one, put that  
21 into an account for the city, which we've already  
22 got that account set up. And then at some point  
23 during the course of the year, the Planning  
24 Commission and the City Council would make  
25 recommendations -- we would accept recommendations

8

1 were already there and pine trees were there. And  
2 we added water oaks because water oaks are  
3 probably 90 percent of my removals and most of the  
4 time it's either -- because of the severe hazard  
5 with decay or rot problems that they have.  
6 One of the other things we have done is  
7 we have upped the minimum diameter limit from  
8 five inches to eight inches and that's going to  
9 cover live oaks, bald cypress and only southern  
10 Magnolia. So, you know, small trees like that,  
11 they're not going to have to worry about. You get  
12 to an eight-inch tree, which is more like that,  
13 then we felt it was a better way to focus our gaze  
14 and protect the best stuff at a bigger diameter.  
15 That way, we can be a little bit more selective on  
16 what we allow them to take out when they're  
17 already taking -- they're going to take the small  
18 stuff without a permit and that's not a problem.  
19 Then, the trees that -- all other trees  
20 that weren't exempt up above, the pecans, Chinese  
21 tallows, water oaks and pines, they're going to be  
22 protected 16 inches and above. So that covers all  
23 your big sycamore trees that are healthy, you  
24 know. If the tree is not healthy, it's still  
25 going to get a permit, but this gives us a little

41

1 Thank you, Eric.  
2 Mr. Fountain, you're here on behalf of  
3 the owners and the applicant?  
4 MR. FOUNTAIN:  
5 Yes, sir. Freddie Fountain with  
6 Fountain & Associates, 1822 15th Street, Suite 12,  
7 Gulfport.  
8 As stated in the application, this  
9 property and this proposed project is on two  
10 parcels of land, both parcels being to the west of  
11 the Shell gas station on the south side of  
12 Highway 90.  
13 Whenever we first began the idea of this  
14 project, we scheduled a meeting with Mr. Creel and  
15 Mr. Shambra and Mr. Nolan, and we've come in and  
16 discussed the ideas of rezone, conditional use,  
17 PDR, PD-HB, and the recommendation that we got  
18 from the staff was to do an overlay district.  
19 Which we discussed a PDR, which the reason we did  
20 not do a PDR is because of the possibility of some  
21 of the future buyers wanting to have a short-term  
22 rental with this development. So we were told to  
23 apply for a PD-HB which we included all the  
24 requirements in our PD-HB in the application. And  
25 we have submitted a 16-lot residential

43

1 is something that would be wanted and needed. And  
2 the way that the commercial area is growing right  
3 in that general vicinity, this would do nothing  
4 but support that.  
5 MR. DELLENGER:  
6 In your write-up, I noticed you said  
7 that the developer had developments in other  
8 cities.  
9 MR. FOUNTAIN:  
10 Yes, sir. He did some SmartCode style  
11 developments, one being in Pass Christian,  
12 Whispering Oaks subdivision; one in Gulfport,  
13 which was Oak Shadow, and then there was another  
14 one on 15th Street in Gulfport, just west of the  
15 Salute and the funeral home right there, Bradford  
16 O'Keefe.  
17 These houses are going to be similar in  
18 design as far as dimensions. Of course, they will  
19 be on pilings to meet the B Zone requirements.  
20 What they plan to do, as shown in the example  
21 elevations that was submitted, they're going to  
22 use some latticework to kind of dress that up and  
23 do some screened porches and try to make it look  
24 like it's not a house on pilings.  
25 MR. DELLENGER:

42

1 subdivision.  
2 It's going to be kind of a south  
3 Florida-type development, beach subdivision where  
4 there is going to be a common access point for the  
5 properties that aren't on the beach side of the  
6 development. There's, I believe, nine beach lots  
7 and then the remaining seven lots are in the  
8 interior of the subdivision. All of the lots and  
9 homes will be constructed facing the south to have  
10 that beach environment. And in the proposal, I've  
11 also included what we expect would be a typical  
12 plot plan and some typical elevations.  
13 And I also provided a copy of a draft  
14 set of covenants for the subdivision. Some of the  
15 things that we included in that was none of the  
16 houses will be built on wood pilings, it will all  
17 be poured concrete or cement block pilings and  
18 some of the other things that we wanted to include  
19 was all of the finishes will be Hardie or brick or  
20 some type of decorative siding. There won't be  
21 any vinyl, of course, to protect the value of the  
22 neighborhood, all metal roofs. And the goal is to  
23 have, like I said, Southern Florida, Orange Beach  
24 beach-style subdivision. And there is nothing  
25 like that around here and we really feel that this

44

1 And you notice -- or you said there was  
2 going to be a walkway or an easement between  
3 Lots 12 and 13, I think it was, or whatever.  
4 MR. FOUNTAIN:  
5 Yes, sir. That looks like --  
6 MR. DELLENGER:  
7 How wide is that going to be?  
8 MR. FOUNTAIN:  
9 It's going to be six-foot wide, which is  
10 somewhat typical of what the developments were  
11 mimicking in the Florida, Gulf Shores area.  
12 MR. CARRON:  
13 Is that still going with the three-foot  
14 setbacks on the houses or is that including that  
15 six foot?  
16 MR. FOUNTAIN:  
17 No. That's a completely separate parcel  
18 that will be deeded to HOA for maintenance. That  
19 way, nobody has ownership of it. It will be a  
20 separate parcel.  
21 MR. CARRON:  
22 These other developments that you  
23 mentioned, did they have that narrow of a size  
24 setbacks on them.  
25 MR. FOUNTAIN:

45

1 Yes, sir.

2 MR. CARRON:

3 They were all six foot --

4 MR. FOUNTAIN:

5 Yes, sir. They were three-foot

6 setbacks.

7 MR. CARRON:

8 Okay.

9 MR. FOUNTAIN:

10 And depending on the actual home plans

11 that are come up with, that may be a little bit

12 more room. We don't have a set house plan for

13 each lot yet. We just kind of used a typical

14 footprint of what we thought would be the style of

15 home built on those.

16 MR. CARRON:

17 What were we looking at on the total

18 height of it? I couldn't see it.

19 MR. NOLAN:

20 Second floor, 37.2. I don't know if

21 that includes the peak.

22 MR. CARRON:

23 I like the idea of metal roofs and the

24 Hardie plank siding. On the eaves right there, is

25 there going to be vents going up into the attics

47

1 meetings, and they said with the adoption of the

2 new code that that may be a requirement if they

3 choose to do short-term rentals.

4 MR. CREEL:

5 Well, the position that we've taken and

6 the fire department, too, is that if there is even

7 a remote possibility that these are going to be

8 used for short-term rental, then there are

9 requirements inside the building that they have

10 metal conduit and those kind of things on the

11 inside. In other words, if they are going to be

12 used as a hotel, then they're going to be designed

13 and built as a hotel.

14 MR. CARRON:

15 And that's what I'm trying to steer

16 towards here, you know. I mean, if we have

17 individuals come in as residents there and five

18 years down the road, say, I want a short-term

19 rental, are they going to have to upgrade to those

20 requirements?

21 MR. CREEL:

22 No. What we're talking about doing is

23 making them put it in when they build them.

24 MR. CARRON:

25 When they build them in?

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1 there?

2 MR. FOUNTAIN:

3 Yes, sir. Typical ventilation, yes,

4 sir.

5 MR. CARRON:

6 Well, that's kind of my concern with the

7 parking of the vehicles underneath these. If

8 there is a fire, you know, the flames being that

9 close going up right into the vent of the

10 buildings right next to them.

11 MR. FOUNTAIN:

12 Well, with the overhangs, there is

13 requirements in the International Building Code

14 for the allowable projection into the setback for

15 eaves like that, and we will be in compliance with

16 that.

17 MR. CARRON:

18 Okay. Are these sprinklered since they

19 are considered visitor accommodations?

20 MR. DELLENGER:

21 I'm not sure that they're all visitor

22 accommodations. There will be owners possibly.

23 MR. FOUNTAIN:

24 There may be an "as that comes about."

25 We spoke with the fire department in one of DRC

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1 MR. CREEL:

2 Yeah. I mean, the designer has told us

3 that people are going to be using these for

4 short-term rentals. And realistically, I would

5 expect that all of them probably at some point are

6 going to be used for short-term rental. So

7 they'll have to be designed and built for

8 short-term rental from day one.

9 MR. CARRON:

10 And that's what I'm getting at.

11 MR. CREEL:

12 And we've also taken the position, too,

13 that with -- even when apartment complexes, you

14 know, when someone comes in and they're -- well,

15 I'm not going to do short-term rental right now,

16 but I might down the road, if they build them as

17 apartments and they don't put in those commercial

18 features, then when they do make their application

19 and come to the Planning Commission or the City

20 Council, then we're going to recommend that it be

21 turned down, because they knew in advance that

22 they not going to be using them for short-term

23 rental. They just wanted to avoid the costs of

24 putting in those extra features. And,

25 realistically, you know, are we really going to

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1 make them go in there and gut the buildings and go  
2 back in and put those. So the best way to address  
3 it is at the beginning of construction.  
4 MR. CARRON:  
5 And another question for you, Jerry,  
6 under this zoning, what is the regulations on  
7 parking? How many vehicles?  
8 MR. CREEL:  
9 Well, the way the PD works is that you  
10 have flexibility on everything. In other words,  
11 the project -- you consider the project and you  
12 approve or deny based on the merits of what is  
13 being presented today. So the stringent parking  
14 requirements don't kick in. The stringent setback  
15 requirements don't kick in. You're looking at the  
16 project as whole, and then you're deciding whether  
17 or not you think that what they're asking for is  
18 reasonable and acceptable for you to approve it.  
19 That's the way a PD works.  
20 MR. FOUNTAIN:  
21 To answer your question further about  
22 the parking, how much parking would be provided,  
23 the way that we have it planned, there will be at  
24 least four spaces underneath the house for private  
25 parking, and there will be at least two spaces

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1 alley. Is that an appropriate size street for  
2 this type of development?  
3 MR. CREEL:  
4 This went through the DRC. And the fire  
5 department was there, and the fire department  
6 signed off on it to move forward to the Planning  
7 Commission, so it meets the fire department  
8 requirement.  
9 MR. DELAHOUSEY:  
10 Okay. Thank you.  
11 MR. DELLENGER:  
12 And the 20-foot-wide street would be  
13 like essentially the back way into the residences,  
14 correct.  
15 MR. FOUNTAIN:  
16 Yes.  
17 MR. DELLENGER:  
18 Like more or less just for them to go  
19 back to their houses to park?  
20 MR. FOUNTAIN:  
21 Yes, sir. That's mainly going to be --  
22 I mean, not mainly, but that's going to be the  
23 access to the rear parking area for Lots 1 through  
24 7.  
25 MR. DELLENGER:

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1 that will be for guest parking.  
2 MR. CARRON:  
3 Okay. Just kind of a rule of thumb, how  
4 many bedrooms do you think you're going to have?  
5 MR. FOUNTAIN:  
6 There will be at least three, but some  
7 of them could be as many as five. We have it set  
8 in stone the minimum number of bedrooms, but I  
9 don't have it with me. But we did put in the  
10 covenants, I believe, 3,000 square foot minimum  
11 for the house size.  
12 MR. CARRON:  
13 And I do like the fact that you will  
14 retain the architect for control of the  
15 subdivision until the last one is sold.  
16 MR. FOUNTAIN:  
17 Yes, sir. We want to protect the value  
18 of the subdivision. The real estate is very  
19 expensive, so we want to make sure that the value  
20 of the lots are protected.  
21 MR. CARRON:  
22 Okay. Thank you.  
23 MR. DELAHOUSEY:  
24 I see that you have three streets that  
25 are asphalt, 27 feet wide and a 20-foot-wide

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1 Does anybody have any other questions?  
2 (None indicated.)  
3 MR. DELLENGER:  
4 Thank you, Mr. Fountain.  
5 Is there anyone who would like to speak  
6 in favor of this? State your name and address and  
7 sign in, please.  
8 MR. MOLYNEAUX:  
9 Doug Molyneaux, Molyneaux Group, 790  
10 Howard. I'm a real estate broker. I've  
11 represented Jolene Weill back since Cuco's was on  
12 that property. Everybody remember Cuco's? It's  
13 been a long time.  
14 I just want to say that having marketed  
15 that property for 16, 17 years, we have looked at  
16 hotel development. And the kind of construction  
17 that you have to have on the beach nowadays and  
18 when you compare that to the RevPAR that we're  
19 experiencing in this area, there is no way the  
20 costs make any sense for any kind of hotel  
21 development on the beach right now. Just can't do  
22 it. It's just not feasible.  
23 We've looked at restaurants. Your  
24 national chain restaurants, most of them have a  
25 prototype, but the prototypes don't allow them to

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1 be built up like that. So the best we might be  
2 able to do is probably a local restaurant. And  
3 all those local restaurants are already there that  
4 can afford the beach.

5 So we've looked at condominiums. We've  
6 looked at everything. I just want to say that I  
7 think this is a great use for the property.  
8 Currently in Biloxi, there's not one that I can  
9 think of. You can correct me, but I don't think  
10 there is one single residential building on the  
11 sand. That's a shame.

12 So I'm all for this project. It's the  
13 best use. Having marketed the property for as  
14 long as I have, it's the best idea that I have  
15 seen yet for the property. Thank you.

16 MR. DELLENGER:  
17 Thank you. Is there anyone else to  
18 speak in favor?

19 MR. BOLIS:  
20 Good afternoon. Brian Bolis with NAI  
21 Sawyer, 2300 14th Street, Gulfport. I represent  
22 the other party that owns the two acres adjacent  
23 to the Weill property. I would like to reiterate  
24 or ditto everything this man just said about this  
25 project.

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1 Case Number 21-059, this is the request  
2 for a preliminary subdivision combined with a  
3 zoning map amendment to authorize the  
4 establishment of PD-HB, which is a planned  
5 development hospitality business master plan. And  
6 this is basically for a property that's basically  
7 split zoned now because part of this property is  
8 community business and the other part is sand  
9 beach. And the only part that we're really  
10 looking at for the development to take place on is  
11 the property that's presented zoned as CB,  
12 community business.

13 This is for 16 lots, which will be a  
14 mixture of residential and visitor accommodation  
15 uses, average lot size being 3,800 square feet,  
16 plus or minus, in overall size. This is for  
17 property that's presently identified as 1845 and  
18 1851 Beach Boulevard.

19 This is kind of an unusual type of  
20 development, because even though the original  
21 proposed use is for residential, it's really a  
22 hybrid classification. And as they pointed out,  
23 it will be used for both residential and rental  
24 purposes. We anticipate that the majority of them  
25 will eventually become short-term rentals, so

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1 I, too, have been trying to market this  
2 property, the two acres for at least 10 years.  
3 It's been available off and on since Katrina, and  
4 we basically have had no takers for the reasons  
5 that Doug just mentioned to you.

6 I think this is one most unique ideas  
7 for this property, and I think it would be just a  
8 tremendous thing for Biloxi and for the Coast to  
9 have something unique like this. That is just  
10 not -- it's not been evidenced here, but has been  
11 very successful in Gulf Shores and along the  
12 Florida Panhandle. And I think it would just be a  
13 wonderful use, and it puts the property back on  
14 tax rolls. And is beneficial, I think, for all.  
15 And I urge your positive vote on it.

16 Thank you very much.

17 MR. DELLENGER:  
18 Thank you. Is there anyone else to  
19 speak in favor?

20 (None indicated.)

21 MR. DELLENGER:  
22 Okay. Is there anyone speaking in  
23 opposition of this? None in opposition. Okay.  
24 So we'll consider that hearing closed.  
25 MR. SHAMBRA:

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1 that's the way we're basically looking at it from  
2 our standpoint.

3 And the streets are a little narrow, a  
4 little bit narrower than we see for a residential  
5 development, but this is going to be, I think,  
6 mostly commercial. So with that being the case,  
7 the staff is offering this for you for  
8 consideration.

9 MR. POULOS:  
10 I make a motion we approve the  
11 applicant's request.

12 MR. DELAHOUSEY:  
13 Second.

14 MR. DELLENGER:  
15 Mr. Poulos moved; Mr. Delahousey  
16 seconded.

17 All in favor, raise your right hand.  
18 Mr. Lechner, Mr. Todaro, Mr. Parker,  
19 Ms. Magee, Ms. Thompson, Mr. Delahousey, Ms.  
20 Humphries, Mr. Carron, Mr. King, Mr. Poulos;  
21 myself, Mr. Dellenger. It's unanimous. It's  
22 approved.

23 MR. CREEL:  
24 Just my only concern in what I've heard  
25 is that if all of the units are going to face the

1 beach, are going to face the south, then we just  
2 don't want the units that are up against the  
3 service drive and up against the sidewalk to look  
4 like the back of a house. So we'll work with  
5 Mr. Fountain to make sure that we give it some  
6 kind of a look on the north side to make this look  
7 like the permit.

8 MR. DELLENGER:

9 Okay. Next hearing will be Case Number  
10 21-060-PC, BHL, LLC, owner, and Dennis Stieffel,  
11 applicant, which is an application for zoning map  
12 amendment, to authorize a change in zoning  
13 district classification for several parcels of  
14 land collectively measuring 25.19 acres, more or  
15 less, in size, from their present zoning district  
16 classification of NB, neighborhood business, to  
17 RM-20 medium-density multi-family residential, for  
18 four parcels of land presently identified as 1850  
19 Popp's Ferry Road, Tax Parcel Numbers  
20 1208O-01-001.007, 120O-01-001.008,  
21 1208O-01-001.032 & 1208O-01-001.033. This was  
22 advertised on October 14th, October 21st and  
23 October 28th.

24 Eric.

25 MR. NOLAN:

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1 All right. This is just north of the  
2 neighbor -- there is the Walmart Neighborhood  
3 Market right off Popp's Ferry. They're building  
4 the next phase of Arbor Landing apartments. I  
5 don't shoot these videos, so blame Tim. This is  
6 at the end, end of the street looking to the west.  
7 And there is Arbor Landing, and there is the map.  
8 I'm a little unclear where they are asking for  
9 RM-20, so maybe you can help me out there, Jerry.  
10 MR. CREEL:

11 Essentially, what they're doing --  
12 essentially what they're doing is asking for the  
13 zoning to be brought into compliance with what  
14 they are building there right now. The NB zoning  
15 that was there before, they were a conditional use  
16 for apartments.

17 So Phase 1 was zoned RM-30, and what  
18 they're asking for is for the rest of the project  
19 be RM-30, so that's the nature of the request.

20 MR. SHAMBRA:

21 RM-20.

22 MR. CREEL:

23 RM-20. I'm sorry.

24 MR. NOLAN:

25 So the hash-marked property here, marked

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1 NB, right next to the green property, which is the  
2 existing Arbor Landing property, that is the  
3 parcel they are proposing to bring into compliance  
4 with the RM-20.

5 MR. DELLENGER:

6 Thank you, Eric.

7 MR. NOLAN:

8 All right.

9 MR. DELLENGER:

10 Mr. Stieffel.

11 MR. STIEFFEL:

12 Good afternoon. My name is Dennis  
13 Stieffel. I'm at 13016 Shriner's Boulevard.

14 I couldn't have said it better myself,  
15 Jerry. It's just real simple. We're trying to  
16 clean up a little bit of the confusing situation  
17 on the zoning map for the City.

18 The previous developer, Jimmy Lane, on  
19 the neighborhood business property there, you  
20 know, he tried to make the commercial -- medical  
21 commercial fly and it just wouldn't fly, as you're  
22 all aware. And to the contrary, you know, it just  
23 happens to be that there's a waiting line, as I  
24 understand it, six to nine months, on the  
25 apartments there. And those are one of the

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1 highest and up-scale apartments on the whole  
2 Coast, and so there's a clear demand for these  
3 apartments. We cannot build them fast enough.

4 And all we're trying to do is  
5 essentially rezone the property to accommodate  
6 what's being built there, because I think what we  
7 have now is conditional use that's kind of growing  
8 and it makes more sense. The only property that's  
9 a little bit out of sync there is the RS-10 to the  
10 east, and that will remain RS-10. Eventually  
11 somebody will develop that into a higher and  
12 better use.

13 But if you have any questions about  
14 it -- clearly, there is a demand. I wouldn't go  
15 as far to say that there is a mistake in the  
16 original zoning, but there is clearly a demand, a  
17 need and also a change. There's constant change  
18 going on out there with the new connector road,  
19 the traffic, the new Neighborhood Walmart. The  
20 growth that's taking place out there is  
21 phenomenal. It's being controlled. The City is  
22 doing a very good job in controlling traffic  
23 growth out there.

24 MR. DELLENGER:

25 You're just going to have the zoning

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