

**CITY OF BILOXI
AGENDA ITEM
FACT SHEET**

Item No.: 4 E

Council Meeting Date: **December 7, 2021**

ITEM TITLE: RESOLUTION

INTRODUCED BY: Mayor Andrew "FoFo" Gilich

CONTACT PERSON: E. Michael Leonard, CAO *EL*
JC
 Jerry Creech, Director of Community Development

SUMMARY EXPLANATION:

A resolution to Deny the Zoning Map Amendment submitted to authorize a change in zoning district classification from the current zoning district classifications of RS-10 Low-Density Single-Family Residential, CB Community Business, and RM-30 High-Density Multi-Family Residential to CB Community Business, for a parcel of land presently identified as 2506 Beach Boulevard.

Resolution Ordinance _____ Public Hearing _____ Routine Agenda _____

Exhibits for Review

Contract _____ Minutes Plans/Maps Deed _____ Lease _____

Other (Specify): applications, site plan, Case Fact Sheet

Submittal Authorization: Council President _____ Mayor

STAFF RECOMMENDATION: Staff recommends approval

COUNCIL ACTION: Motion By: _____ Second By: _____

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:

RESOLUTION NO. _____

A RESOLUTION TO **DENY** THE **ZONING MAP AMENDMENT** SUBMITTED TO AUTHORIZE A CHANGE IN ZONING DISTRICT CLASSIFICATION FROM THE CURRENT ZONING DISTRICT CLASSIFICATIONS OF **RS-10 LOW-DENSITY SINGLE-FAMILY RESIDENTIAL, CB COMMUNITY BUSINESS, AND RM-30 HIGH-DENSITY MULTI-FAMILY RESIDENTIAL TO CB COMMUNITY BUSINESS**, FOR A PARCEL OF LAND PRESENTLY IDENTIFIED AS 2506 BEACH BOULEVARD

WHEREAS, on Thursday, November 18, 2021, the Biloxi Planning Commission conducted 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. 21-063-PC, submitted by Sundance Capital Investments, LLC (owner) and Bradley Thompson (applicant), a request for **Zoning Map Amendment**, to authorize a change in zoning district classification for a parcel of land measuring six and four-tenths (6.4) acres (more or less) in size, from its present (split-zone) zoning district classifications of **RS-10 Low-Density Single-Family Residential, CB Community Business and RM-30 High-Density Multi-Family Residential to CB Community Business**, for a property site presently collectively identified as 2506 Beach Boulevard (re: Tax Parcel No. 11100-01-020.000); and

WHEREAS, the Planning Commission members were apprised of the particulars of this case, being made cognizant of the fact that the applicants submitted this **Zoning Map Amendment** application specifically to allow FOR expansion of the **CB Zoning** presently in place along the southern portion of this site, to those sections of the site presently zoned **RS-10 Low-Density Single-Family Residential** and now include **RM-30 High-Density Multi-Family Residential** – a split-zone arrangement which had been sanctioned via an earlier re-zoning application (re: Case No. 13-041-PC) – which previous

case resulted in an allocation of zoning as follows: 2.136 acres within the CB zone; 4.349 acres within the RM-30 zone; and 0.39 of an acre within the RS-10 zone – all to accommodate a proposed development to become the Beach View Apartments (on the northern section of property) and Hotel (within the southern portion of that same property); and

WHEREAS, the Planning Commission members received a large amount of input from nearby property owners, which focused upon the expected adverse impacts which the now-proposed large-scale **Recreational Vehicle Park** might impose upon the historic neighborhood to the west (i.e., Edgewater Park Subdivision); and

WHEREAS, the Planning Commission, upon considering the many comments offered, inclusive of five letters/emails presented to the commission in objection to this zoning request, (and also involving a Resident Petition signed by 71 residents stating their opposition to this **Zoning Map Amendment** proposal), the Planning Commission explored the possibility of considering a lesser zoning district classification (i.e., to consider NB zoning) which classification of zoning would allow for future consideration of an RV Park as a Conditional Use; however, after limited discussion, that idea was quickly dismissed by a 3-11 vote by the Planning Commission; and

WHEREAS, on November 18, 2021, the Biloxi Planning Commission, after further discussion and careful reflection of the particulars of this case, voted to recommend **denial** of this request for **Zoning Map Amendment**, having determined that no significant change in the character of the Neighborhood had been established – and noting further that no established Community Need for an additional Recreational Vehicle (RV) Park at this location had been properly presented; 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 **denial** of this application for **Zoning Map Amendment**, as presented, is appropriate for the property identified as 2506 Beach Boulevard (re: Tax Parcel No. 11100-01-020.000).

NOW, THEREFORE, BE IT RESOLVED, THAT THE CITY COUNCIL OF THE CITY OF BILOXI, MISSISSIPPI, hereby denies the **Zoning Map Amendment**, to authorize a change in zoning district classification for a parcel of land measuring six and four-tenths (6.4) acres (more or less) in size, from its present (split-zone) zoning district classifications of **RS-10 Low-Density Single-Family Residential**, **CB Community Business** and **RM-30 High-Density Multi-Family Residential** to **CB Community Business**, for the entire parcel of land presently identified as 2506 Beach Boulevard (re: Tax Parcel No. 11100-01-020.000), in Case No. 21-063-PC, having determined that said application did not demonstrate that a mistake in original zoning was of notice; no change in the character of the neighborhood had been identified; and that no community need was apparent for the use (i.e., and RV Park) at this location.

..... A

RESOLUTION NO. _____

A RESOLUTION CALLING FOR A PUBLIC HEARING WITH RESPECT TO AN APPLICATION REQUEST FOR A **ZONING MAP AMENDMENT**, TO AUTHORIZE A CHANGE IN ZONING DISTRICT CLASSIFICATION FROM THE CURRENT ZONING DISTRICT CLASSIFICATIONS OF **RS-10 LOW-DENSITY SINGLE-FAMILY RESIDENTIAL, CB COMMUNITY BUSINESS, AND RM-30 HIGH-DENSITY MULTI-FAMILY RESIDENTIAL TO CB COMMUNITY BUSINESS**, FOR A PARCEL OF LAND PRESENTLY IDENTIFIED AS 2506 BEACH BOULEVARD

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WHEREAS, the Planning Commission members were apprised of the particulars of this case, being made cognizant of the fact that the applicants submitted this **Zoning Map Amendment** application specifically to allow FOR expansion of the **CB** Zoning presently in place along the southern portion of this site, to those sections of the site presently zoned **RS-10 Low-Density Single-Family Residential** and now include **RM-30**

High-Density Multi-Family Residential – a split-zone arrangement which had been sanctioned via an earlier re-zoning application (re: Case No. 13-041-PC) – which previous case resulted in an allocation of zoning as follows: 2.136 acres within the CB zone; 4.349 acres within the RM-30 zone; and 0.39 of an acre within the RS-10 zone – all to accommodate a proposed development to become the Beach View Apartments (on the northern section of property) and Hotel (within the southern portion of that same property); and

WHEREAS, the Planning Commission members received a large amount of input from nearby property owners, which focused upon the expected adverse impacts which the now-proposed large-scale **Recreational Vehicle Park** might impose upon the historic neighborhood to the west (i.e., Edgewater Park Subdivision); and

WHEREAS, the Planning Commission, upon considering the many comments offered, inclusive of five letters/emails presented to the commission in objection to this zoning request, (and also involving a Resident Petition signed by 71 residents stating their opposition to this **Zoning Map Amendment** proposal), the Planning Commission explored the possibility of considering a lesser zoning district classification (i.e., to consider NB zoning) which classification of zoning would allow for future consideration of an RV Park as a Conditional Use; however, after limited discussion, that idea was quickly dismissed by a 3-11 vote by the Planning Commission; and

WHEREAS, on November 18, 2021, the Biloxi Planning Commission, after further discussion and careful reflection of the particulars of this case, voted to recommend **denial** of this request for **Zoning Map Amendment**, having determined that no significant change in the character of the Neighborhood had been established – and noting further

that no established Community Need for an additional Recreational Vehicle (RV) Park at this location had been properly presented; 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. 21-063-PC, Sundance Capital Investments, LLC (owner) and Bradley Thompson (applicant), on a date to be set and in accordance with all requirements, as prescribed by the City of Biloxi Land Development Ordinance.

..... B

ORDINANCE NO. _____

AN ORDINANCE TO APPROVE A **ZONING MAP AMENDMENT**, TO AUTHORIZE A CHANGE IN ZONING DISTRICT CLASSIFICATION FROM THE CURRENT ZONING DISTRICT CLASSIFICATIONS OF **RS-10 LOW-DENSITY SINGLE-FAMILY RESIDENTIAL, CB COMMUNITY BUSINESS, AND RM-30 HIGH-DENSITY MULTI-FAMILY RESIDENTIAL TO CB COMMUNITY BUSINESS**, FOR A PARCEL OF LAND PRESENTLY IDENTIFIED AS 2506 BEACH BOULEVARD

WHEREAS, on Thursday, November 18, 2021, the Biloxi Planning Commission conducted 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. 21-063-PC, submitted by Sundance Capital Investments, LLC (owner) and Bradley Thompson (applicant), a request for **Zoning Map Amendment**, to authorize a change in zoning district classification for a parcel of land measuring six and four-tenths (6.4) acres (more or less) in size, from its present (split-zone) zoning district classifications of **RS-10 Low-Density Single-Family Residential, CB Community Business and RM-30 High-Density Multi-Family Residential to CB Community Business**, for a property site presently collectively identified as 2506 Beach Boulevard (re: Tax Parcel No. 11100-01-020.000); and

WHEREAS, the Planning Commission members were apprised of the particulars of this case, being made cognizant of the fact that the applicants submitted this **Zoning Map Amendment** application specifically to allow FOR expansion of the **CB** Zoning presently in place along the southern portion of this site, to those sections of the site presently zoned **RS-10 Low-Density Single-Family Residential** and now include **RM-30 High-Density Multi-Family Residential** – a split-zone arrangement which had been

sanctioned via an earlier re-zoning application (re: Case No. 13-041-PC) – which previous case resulted in an allocation of zoning as follows: 2.136 acres within the CB zone; 4.349 acres within the RM-30 zone; and 0.39 of an acre within the RS-10 zone – all to accommodate a proposed development to become the Beach View Apartments (on the northern section of property) and Hotel (within the southern portion of that same property); and

WHEREAS, the Planning Commission members received a large amount of input from nearby property owners, which focused upon the expected adverse impacts which the now-proposed large-scale **Recreational Vehicle Park** might impose upon the historic neighborhood to the west (i.e., Edgewater Park Subdivision); and

WHEREAS, the Planning Commission, upon considering the many comments offered, inclusive of five letters/emails presented to the commission in objection to this zoning request, (and also involving a Resident Petition signed by 71 residents stating their opposition to this **Zoning Map Amendment** proposal), the Planning Commission explored the possibility of considering a lesser zoning district classification (i.e., to consider NB zoning) which classification of zoning would allow for future consideration of an RV Park as a Conditional Use; however, after limited discussion, that idea was quickly dismissed by a 3-11 vote by the Planning Commission; and

WHEREAS, on November 18, 2021, the Biloxi Planning Commission, after further discussion and careful reflection of the particulars of this case, voted to recommend **denial** of this request for **Zoning Map Amendment**, having determined that no significant change in the character of the Neighborhood had been established – and noting further that no established Community Need for an additional Recreational Vehicle (RV) Park at

this location had been properly presented; and

WHEREAS, the Biloxi City Council, after consideration of all facts presented, hereby rejects the report and findings of the Biloxi Planning Commission and, in so doing, determines that **approval** of the requested **Zoning Map Amendment** is appropriate for the properties identified as 2506 Beach Boulevard (re: Tax Parcel No. 11100-01-020.000), having determined that a Change in the Character of the Neighborhood is of notice at this location and that there is an established Community Need for the use (i.e., an RV Park) which expansion of CB Community Business Zoning, as offered via Case No. 21-063-PC, Sundance Capital Investments, LLC (owner) and Bradley Thompson (applicant) would allow for as a permitted use.

NOW, THEREFORE, BE IT RESOLVED 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 NOTE, THAT THE FOLLOWING SHALL BE AUTHORIZED:

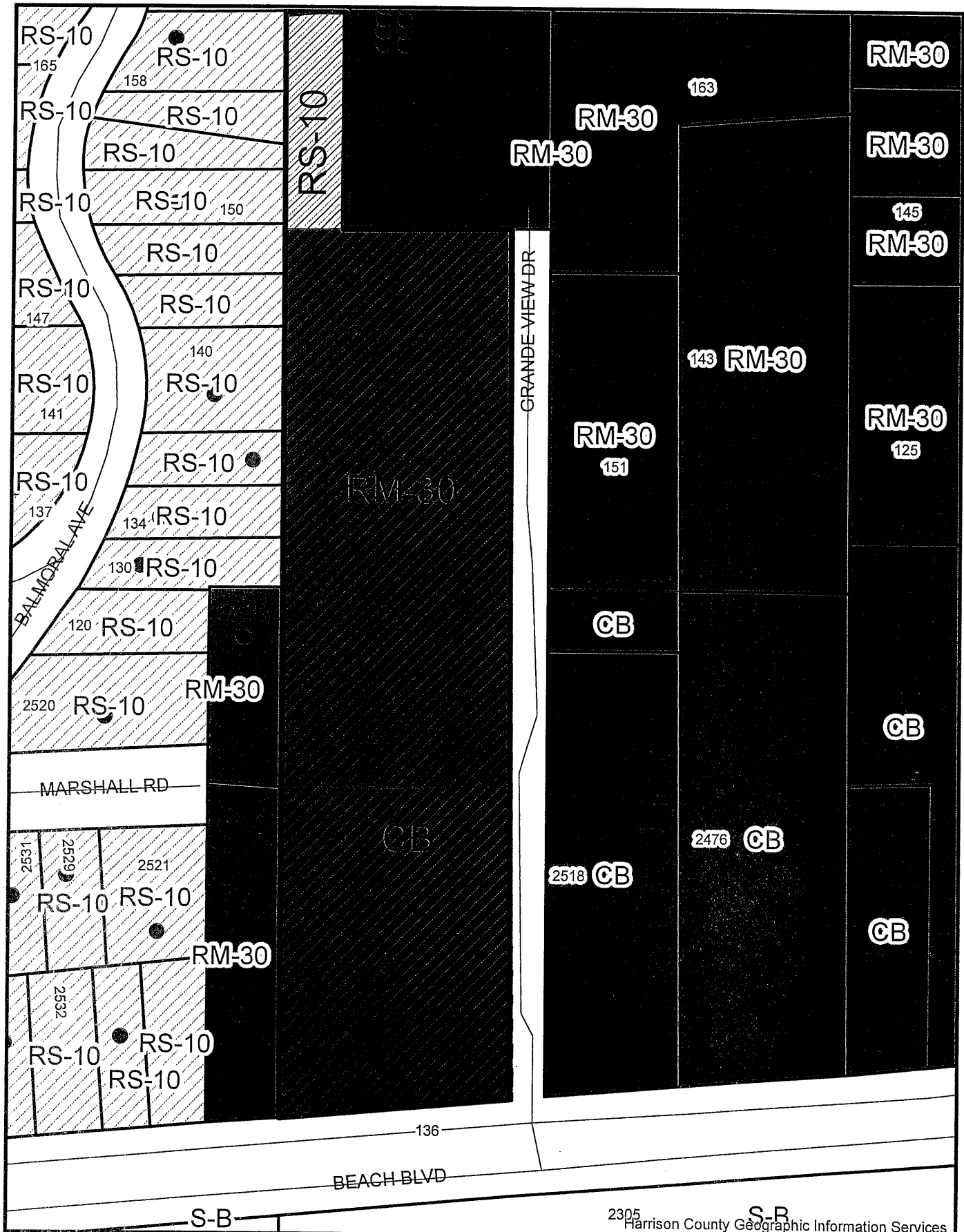
Section I. That the boundaries of the Geographical Information System Format Zoning District Map of the City of Biloxi, Mississippi, be hereby further amended by a change in zoning district classification from **RS-10 Low-Density Single-Family Residential, CB Community Business, and RM-30 High-Density Multi-Family Residential** to **CB Community Business**, for a parcel of land presently identified as 2506 Beach Boulevard (re: Tax Parcel No. 11100-01-020.000) and described as follows:
3.8 acres beg at Se corner of Lot 5 Blk 3 Edgewater Park Subd N along Subd 652.2 Ft E 69.5 ft. S 244 ft. E 192.8 S 992.4 ft. to N mar of Hwy 90 S 85 Dg W 192.8 Ft S 85 Dg W

68.7 Ft N 372.3 ft. N 226.7 ft. to pob Part of fractional Sec 33-7-10 & Lots 33 & 34 of La Frederick Survey In W 1/2 of Sec 34-7-10, less and except that portion lying South Of An East-West Line beginning at a point on the east property line being 350 ft. north of the mar of Hwy 90, said East-West Line being 260.5 ft. long, and 0.4 Ac beg at se corner of Lot 5 Blk 3 Edgewater Park Subd n along Subd 652.2 ft. E 69.5 ft. S 244 ft. E 192.8 S 992.4 ft. to N mar of hwy 90 s 85 dg W 192.8 ft. S 85 dg W 68.7 ft. N 372.3 ft. N 226.7 ft. to pob part of fractional sec 33-7-10 & lots 33 & 34 of la Frederick Survey In W 1/2 of Sec 34-7-10, less and except that portion lying south of an East-West Line beginning at a point on the West property line being 416 ft. north of the pob, said East-West Line Being 69.5 ft. long.

Section 2. This ordinance shall become effective thirty days from and after its passage and publication with law.

.....C

Map Amendment-RS-10 & RM-30 to CB



Scheduled for:
November 18, 2021
Meeting

Sundance Capital Investments, LLC (owner)
Bradley Thompson (applicant)
Case No. 21-063-PC

**Zoning Map Amendment
RS-10 Low-Density Single-Family Residential
and RM-30 High-Density Multi-Family Residential
to CB Community Business**



**Planning Commission
Case Fact Sheet**

Case No.: 21-063-PC
Name of Applicant: Capital Investments, LLC (owner) and Bradley Thompson (applicant)
Address of Property: 2506 Beach Boulevard
Tax Parcels/Ward: 11100-01-020.000/Ward 5

Request: **Zoning Map Amendment**

Purpose of Request: An application for **Zoning Map Amendment**, to authorize a change in zoning district classification for a parcel of land measuring six and four-tenths (6.4) acres (more or less) in size, from its present (split-zone) zoning district classifications of **RS-10 Low-Density Single-Family Residential** and **RM-30 High-Density Multi-Family Residential** to **CB Community Business**, for a parcel of land presently identified as 2506 Beach Boulevard (re: Tax Parcel No. 11100-01-020.000).

Size of Property: 6.4 acres (More or Less)

Present Zoning: **RS-10 Low-Density Single-Family Residential** and **RM-30 High-Density Multi-Family Residential**

Present Use: Vacant Land

Most Nearly Bounded By (streets): To the North by the CSX Railroad Right-of-Way; to the South by and fronting upon Beach Boulevard; to the East by and adjacent to Grande View Drive; and to the West by Balmoral Avenue, Marshall Road, and Edgewater Drive.

Adverse Influences: A Zoning Map Amendment should only be authorized when conditions clearly suggest that a change in zoning is warranted, and that the change proposed is consistent with

Sundance Capital Investments, LLC (owner)
Bradley Thompson (applicant)
Case No. 21-063-PC
Zoning Map Amendment
RS-10 Low-Density Single-Family Residential
and RM-30 High-Density Multi-Family Residential
to CB Community Business

Page 2 of 3

uses found upon adjacent or nearby properties.

Positive Influences: This rezoning, if approved, would allow the applicant the construct a new 77 unit Recreational Vehicle Park, upon the property site under consideration.

Letters or Concerns stated: The Planning Division Office has received one letter in opposition to this request, as of November 10, 2021.

Comments/ Recommendations: Sundance Capital Investments, LLC (owner) and Bradley Thompson (applicant) have requested a **Zoning Map Amendment**, to authorize a change in zoning district classification for a parcel of land measuring six and four-tenths (6.4) acres (more or less) in size, from its present multiple zoning district classifications of **RS-10 Low-Density Single-Family Residential** and **RM-30 High-Density Multi-Family Residential** to **CB Community Business**, for a parcel of land presently identified as 2506 Beach Boulevard (re: Tax Parcel No. 1110O-01-020.000).

The applicant has proposed a change in zoning to allow for the construction of a new high-end 77 unit Recreational Vehicle park.

As with all requests for **Zoning Map Amendment**, discussion points should be focused upon the merits or demerits of the Zoning change proposed, taking into account the following criteria, which should be addressed:

- 1) Consistency (or lack thereof) with the Comprehensive Plan;
- 2) Compatibility with the present zoning and conforming uses of nearby property and with 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

Sundance Capital Investments, LLC (owner)

Bradley Thompson (applicant)

Case No. 21-063-PC

Zoning Map Amendment

**RS-10 Low-Density Single-Family Residential
and RM-30 High-Density Multi-Family Residential**

to CB Community Business

Page 3 of 3

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**, to authorize a change in zoning district classification for a vacant parcel of land measuring six and four-tenths (6.4) acres (more or less) in size, from its present zoning district classifications of **RS-10 Low-Density Single-Family Residential** and **RM-30 High-Density Multi-Family Residential** to **CB Community Business**, having determined that a Change in the Character of the Neighborhood is of evidence, coupled with a Community Need for the use (i.e., RV Park) now under consideration for these four parcels of land.
2. Recommend denial of this **Zoning Map Amendment**, having determined that insufficient evidence has been provided to warrant a Change in the Character of the Neighborhood, with a Community Need that would warrant a zoning change proposed for the parcel of land herein under consideration.



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. 021-063-PC

TO BE COMPLETED BY APPLICANT Date: October 14, 2021

Name of Rightful Owner(s): **SUNDANCE CAPITAL INVESTMENTS LLC** Name of Applicant: (if different than Owner)
Bradley Thompson

Property Address: **2506 Beach Blvd** Ward Number
5

Tax Parcel Identification Number(s):

1	1	1	0	0	-	0	1	-	0	2	0	.	0	0	0

Mailing Address of Property Owner: **19592 CHAMPION CIRCLE** Mailing Address of Applicant (if different than Owner):
9096 N. PINE DRIVE

City: **GULFPORT** City: **PASS CHRISTIAN**

State: **MS** State: **MS**

Zip: **39503** Zip: **39571**

County: **HARRISON** County: **HARRISON**

Telephone: () Telephone: (228) 861-9971

Property Size (please give in acres or by dimension): **6.4 ACRES**

Present Zoning Classification: **GB, RM-30, AND RS-10**

Is the property located within an AHRC District? Yes No Flood Zone(s) of Property:

If so, which District?

	North	South	East	West
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Property is most nearly bounded by what streets?

		Hwy 90	Grande View Dr	
--	--	--------	----------------	--

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

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.

Robert Lesley Vice President

 Signature of Rightful Owner

 Signature of Rightful Owner

 Notary Signature

Heather Reeder

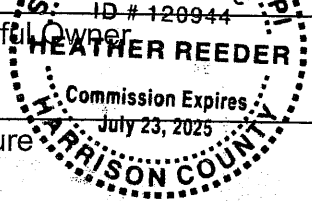
 Notary Signature

(Seal)

(Seal)

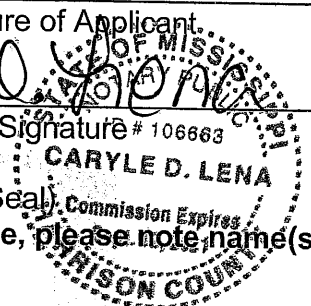
 Signature of Rightful Owner

 Notary Signature



 Signature of Applicant

 Notary Signature



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).



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:** October 14, 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:	RM-30	CB

If zoning change request includes more than one parcel, you must provide a wraparound legal description. *	RS-10	CB
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Detailed Site Plan Attached (If no site plan is attached, this application is considered incomplete and will not be accepted.)

* One tax parcel per Harrison County, but multiple parcels in the city's zoning system.

Criteria: ✓

	Yes	No
1. Is the proposed map amendment consistent with the Comprehensive Plan?	✓	

Please explain: Yes, the amendment is consistent with Biloxi's Comprehensive Plan.

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

Please explain: The property is the location of the former Breakers Inn, destroyed by Hurricane Katrina. Being visitor accommodations, the proposed RV resort is a similar use to the Breakers Inn.

The present zoning allows multifamily housing, which would be a greater impact to the adjacent residential area due to a much larger number of occupants of all ages, and because the back yards and homes would be visible from the upper stories of an apartment building, the upper stories would be visible from the homes and yards, and residents would have direct access to the neighborhood. With provision of a masonry wall at the property line, only the upper portions of RVs will be visible, and it is very unlikely that any RV users would be entering the neighborhood. Because of these significantly lesser impacts than multifamily housing would be, this project is deemed more compatible with the character of the neighborhood than other uses permitted in the present 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

Criteria (continued)		
	Yes	No
3. Is the property suitable for uses permitted in the present zoning district?	✓	
<i>Please explain:</i>		
Yes, though some uses permitted in the present zoning district would be a larger impact on the character of the neighborhood than this proposed project.		
4. Is the property suitable for uses permitted in the proposed zoning district?	✓	
<i>Please explain:</i>		
Yes, the requested CB district allows RV parks, and the property location is ideal for this project. Also, this is an extension of the existing CB zoning northward (Approximately 1.7 acres of the requested rezoning area was previously zoned CB.).		
5. Has there been a change in the character of the neighborhood?	N/A	
<i>Please explain:</i>		
6. Is there an established community need for uses permitted in the proposed zoning district?	✓	
<i>Please explain:</i>		
For a given number of RVs attending popular multi-day tourism events along Highway 90, additional RV spaces on Highway 90 will reduce the number of attendee vehicles which would need to approach Highway 90 from RV parks north of the area and continue east-west to a venue.		
7. Was there a mistake in the original zoning of the property?		✓
<i>Please explain:</i>		
8. Are utilities and infrastructure sufficient to address the impacts associated with allowed uses in the proposed district?	✓	
<i>Please explain:</i>		
Sufficient existing utilities and infrastructure are available at the site.		
Site Plan attached: (please circle):	Yes	Case No. □□-□□□-□□□□
	No	

GRANDE VIEW RV RESORT

PROPOSED BY BRADLEY THOMPSON

**STATEMENT OF SUPPORT
NARRATIVE**

FOR

ZONING MAP AMENDMENT APPLICATION

OCTOBER 14, 2021

AMENDMENT REQUESTED

As shown on the attached Map Amendment Exhibit, Rev. B, the property is a single 6.4-acre tax parcel which has three zones, CB (Community Business), RM-30 (Multifamily Residential, High Density), and RS-

10 (Single-Family Residential, Low Density). The developer is requesting a change from the RM-30 and RS-10 zones to CB Community Business.

The several parcel numbers with various zoning are shown on the Map Amendment Exhibit to maintain continuity of the city's zoning records, but the parcel nevertheless is currently a single tax parcel.

PROPOSED USE

The proposed use is a recreational vehicle park, as shown on the attached Conceptual Design, Rev. B. The current layout is 88 RV sites. The final site count will depend on the final design of detention ponds and the receipt of the requested rezoning and variances.

The 88 RV sites will be a density of 13.8 sites per acre, well below the maximum 24 sites per acre allowed.

STRUCTURES

No structures exist on the property. It is the former site of the Breakers Inn, destroyed by Hurricane Katrina.

An office/community building, a pool, and a maintenance shop building are proposed. Other small ancillary facilities and/or amenities may be installed as space allows in the final site plan.

PROPERTY TRANSACTION

The property is under a contract subject to the developer's being granted the requesting zoning changes and variances.

Surveys and final designs are subject to this rezoning request being granted.

COMPATIBILITY

Being visitor accommodations, the proposed RV resort is a similar use to the former use. The present zoning allows multifamily housing, which would be a greater impact to the adjacent residential area due to a much larger number of occupants of all ages, and, because the back yards and homes would be visible from the upper stories of an apartment building, the upper stories would be visible from the homes and yards, and residents would have direct access to the neighborhood. With provision of a masonry wall at the property line, only the upper portions of RVs will be visible, and it is very unlikely that any RV users would be entering the neighborhood. Because of these significantly lesser impacts than multifamily housing would be, this project is deemed more compatible with the character of the neighborhood than other uses permitted in the present zoning district.

The site plan complies with the city's perimeter buffer requirements along the west side, providing a five-foot buffer and a solid masonry wall at least five feet in height, with ten large shrubs per every 100 linear feet, (Re: Note 1 of Table 23-6-3E(3) Buffer Types.

SUITABILITY FOR PERMITTED USES IN THE PRESENT ZONING DISTRICT

The RS-10 portion is 68' x 236' panhandle at the northwest corner, which is an uneconomic remnant with no frontage on a public road, and therefore is not suitable for any use permitted in the present zoning district, residential development.

The remaining portion of the property is suitable for the permitted use.

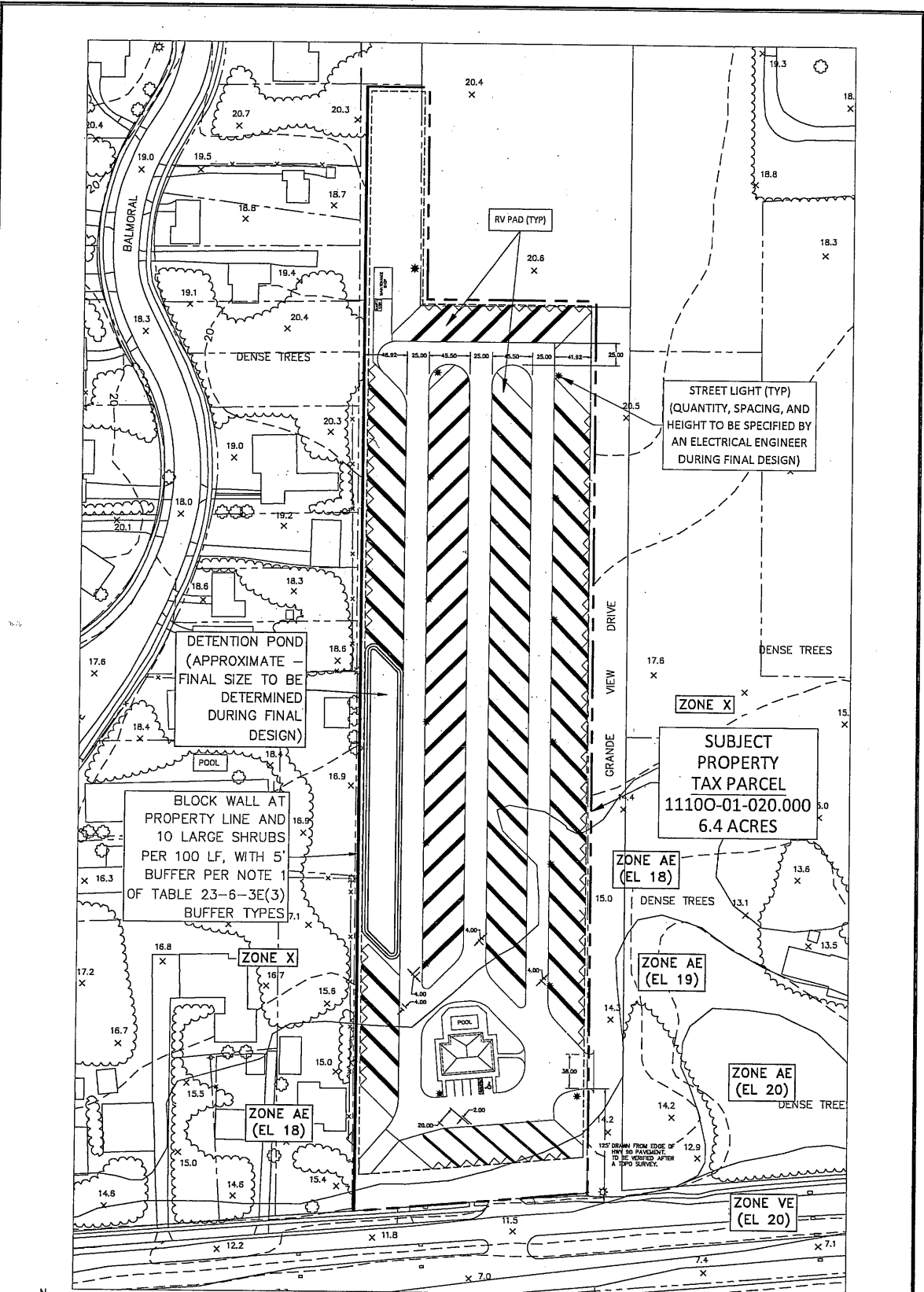
SUITABILITY IN THE PROPOSED ZONING DISTRICT

The requested CB district allows RV parks, and the property location is ideal for this project. Also, this is an extension of the existing CB zoning northward. Approximately 1.7 acres of the requested rezoning area was previously zoned CB.

The aforementioned panhandle is suitable for auxiliary operations and amenities of an RV park in the proposed CB zone.

ESTABLISHED COMMUNITY NEED

For a given number of RVs attending popular multi-day tourism events along Highway 90, additional RV spaces on Highway 90 will reduce the number of attendee vehicles which would need to approach Highway 90 from RV parks north of the area and continue east-west to attend event venues, restaurants, recreation businesses, and stores.



88 RV SITES ARE SHOWN FOR THIS CONCEPT.
 THE NUMBER OF SITES COULD INCREASE WHEN
 THE FINAL CONFIGURATION OF THE DRAINAGE
 AND DETENTION SYSTEM IS DETERMINED

Caryle Lena

From: Ed Shambra
Sent: Friday, November 5, 2021 4:18 PM
To: Caryle Lena
Subject: FW: Case numbers: 21-063-PC and 61-064-BZA

Edward H. Shambra, AICP
Executive Planner
City of Biloxi
676 Dr. Martin Luther King, Jr. Blvd
P.O. Box 508
Biloxi, MS 39530/39533-0508
(228) 435-6266
(228) 435-6188 (fax)
eshambra@biloxi.ms.us

-----Original Message-----

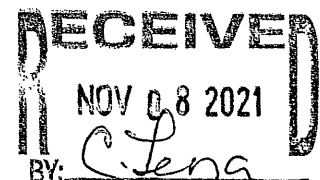
From: Frank Pellegrino <frankpellegrino2532@gmail.com>
Sent: Friday, November 05, 2021 3:53 PM
To: Planning <planning@biloxi.ms.us>
Subject: Case numbers: 21-063-PC and 61-064-BZA

The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.

After reviewing today's city planning memo on the above subject zoning and planning requests I am definitely not in favor of either cases moving forward. I certainly do not support an RV park, nor the request for the zoning changes. If I recall several years back they tried to do the very same thing and the project was shot down by the planning commission and a plethora of complaints from the Edgewater Park Heritage association members. Being a resident of Edgewater Park for 47 years, I am really concerned the addition of a RV park would decrease the value of my beach front home as it's only 4 lots to my east, create addition traffic in the area, and certainly pose as an increased noise issue for the near-by residents.

Sincerely
Frank Pellegrino
2532 Beach Blvd
Biloxi MS
228-243-1634

Sent from my iPad



November 9, 2021

Lynda K. Keefe

172 Balmoral Avenue

Biloxi, MS 39531

Letter in Opposition

To: Planning Division

Recently I received a letter stating that there would be a hearing regarding an application to authorize a change in zoning district classification from low-density single-family residential to CB community business next to Balmoral Avenue.

I am writing this letter to let you know that I am opposed to this change. Living in Edgewater Park I have enjoyed the small community here with single-family dwelling. I believe that if it were changed to business dwelling to allow an RV park would not only be a mistake but an increase in noise and traffic and disrespect for this area. One of the reasons I moved here from out of state was that I felt safe and enjoyed the quietness of our neighborhood. Allowing an RV park would bring in traffic constantly with individuals that may or may not respect the area. It would not be the same as if someone invested in the property themselves. The individuals would certainly bring in revenue but it would not be the same as if the individuals were paying taxes, keeping their property up and establishing ties to the community. Most people who would use an RV Park are traveling...on vacation and to enjoy the area...they may stay up later than if they were going to work and may exhibit behavior that they would not consider in their own homes or apartments.

Please consider the residents of Edgewater Park and surrounding communities. We must live next to this RV Park and I certainly don't want to do that.

Thanks for allowing me to voice my opinion and know that I do not approve of this change.

Thanks,

Lynda Keefe

Hearings - 11/18/2021 2PM

Jerry Creel

From: Joe <armin56@earthlink.net>
Sent: Wednesday, November 17, 2021 7:09 PM
To: Jerry Creel
Subject: RV Development

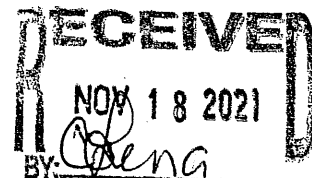
The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.

Good day Mr. Creel,

This letter is in reference to the Biloxi Planning Commission meeting scheduled for November 18, 2021 at 2:00 pm. Please note that we are against re-zoning the property to the east of Edgewater Park to commercial zoning and are against an RV park being developed at that site.

Thanks,

Joe & Dianna Gonzales



¹
Case no. 21-063-PC + 064-BZF

EDGEWATER PARK RESIDENT PETITION

WE the residents of Edgewater Park subdivision do not support the proposed Zoning Change to the adjoining property east of our boundary at 2506 Beach Blvd. from RS- 10 and RM-30 to commercial CB (Community Business).

We find that this change adjacent to our historical neighborhood is not in the best interest for Edgewater Park Residents as noted in the City of Biloxi Land Ordinance Article 23.

We respectfully ask the committee not to approve any changes to the zoning or Variance at 2506 Beach Blvd.

Name Patricia M. Marston Address 2518/20 Beach Blvd Biloxi, MS.

Name Angelina Marston Address 2518 Beach Blvd

Name John & Gloria Compton Address 2529 MARSHALL DR.

Name John & Gloria Compton Address 2531 MARSHALL DR

Name Eddie Deal Address 112 Edgewater Dr.

Name Carolyn Deal Address 112 Edgewater Dr.

Name John Deal Address 140 Balmoral Ave

Name Joanne Harmon Address 150 Balmoral Ave

Name Heidi Desanti Address 160 Balmoral Ave.

Name Jason Wilk Address 164 BALMORAL AVE

Name Jennifer Wilson Address 164 BALMORAL AVE

Name TERRY SMITH Address 180 BALMORAL AVE

Name Karen Smith Address 180 BALMORAL AVE

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Name	<u>Gerry White</u>	Address	<u>180 Balmoral Avenue</u>
Name	<u>Lorrie Votrian</u>	Address	<u>186 Balmoral Ave</u>
Name	<u>Michael Sanchez</u>	Address	<u>188 Balmoral Ave</u>
Name	<u>Savannah Sanchez</u>	Address	<u>188 Balmoral Ave</u>
Name	<u>charlie/Jeanne Farrington</u>	Address	<u>194 Balmoral Ave</u>
Name	<u>Marguerite Pado</u>	Address	<u>2531 Balmoral</u>
Name	<u>Laurin Chatelain</u>	Address	<u>2530 Wilson Rd.</u>
Name	<u>Judy Chatelain</u>	Address	<u>2530 Wilson Rd.</u>
Name	<u>Brittany Maschella</u>	Address	<u>165 Balmoral Ave.</u>
Name	<u>Brian Norton</u>	Address	<u>165 Balmoral Ave.</u>
Name	<u>Maria Broome</u>	Address	<u>141 Balmoral Ave</u>
Name	<u>Vanie Nunbann</u>	Address	<u>2521 MARSHALL RD</u>
Name	<u>Frank Pellegrino</u>	Address	<u>2532 BEACH BLVD</u>

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Name	<u>Yvonne Musbauer</u>	Address	<u>2521 MARSHALL RD</u>
Name	<u>Sharon L Myers</u>	Address	<u>142 Edgewater Dr.</u>
Name	<u>Ron Smith</u>	Address	<u>160 Connery Circle</u>
Name	<u>Brenda Smart</u>	Address	<u>160 Connery Circle.</u>
Name	<u>[Signature]</u>	Address	<u>2534 Wilson Road</u>
Name	<u>[Signature] & Sharon</u>	Address	<u>2538 Wilson Rd.</u>
Name	<u>Ronald Neal</u>	Address	<u>164 Connery Circle</u>
Name	<u>[Signature]</u>	Address	<u>166 Connery Circle</u>
Name	<u>Dena Hornby</u>	Address	<u>166 Connery Circle</u>
Name	<u>Janice Oglesby</u>	Address	<u>187 Edgewater Dr</u>
Name	<u>[Signature]</u>	Address	<u>185 Edgewater Dr.</u>
Name	<u>Ligane Feltout</u>	Address	<u>181 Edgewater Dr.</u>
Name	<u>[Signature]</u>	Address	<u>167 Connery Cir.</u>

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Name	<u>Ilsa Carlile</u>	Address	<u>136 Kenmore Ave</u>
Name	<u>Conrad Watts</u>	Address	<u>138 Kenmore Ave</u>
Name	<u>SARA DIXON</u>	Address	<u>142 Kenmore Ave</u>
Name	<u>Calvin Dixon</u>	Address	<u>142 Kenmore Ave</u>
Name	<u>DIAN MCKAIG</u>	Address	<u>162 KENMORE AVE.</u>
Name	<u>Gabriel Martin</u>	Address	<u>165 Conner Circle</u>
Name	<u>David Bodichan</u>	Address	<u>151 Edgewater Dr</u>
Name	<u>Bonny Prohaska</u>	Address	<u>151 Edgewater Drive</u>
Name	<u>Janet My</u>	Address	<u>166 Kenmore Ave</u>
Name	<u>Ruth Wilson</u>	Address	<u>168 KENMORE AVE</u>
Name	<u>DARBARA WALTER</u>	Address	<u>170 Kenmore Ave.</u>
Name	<u>[Signature]</u>	Address	<u>174 KENMORE AVE.</u>
Name	<u>Edward C. Richards</u>	Address	<u>191 Kenmore Ave</u>

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Name	<u>Bernard Weiter</u>	Address	<u>170 Kenmore</u>
Name	<u>Carol Newman</u>	Address	<u>176 Kenmore Ave.</u>
Name	<u>Mr. Stephen J. Jones</u>	Address	<u>177 Kenmore Ave</u>
Name	<u>Diana L. Nelson</u>	Address	<u>136 Balmoral Ave.</u>
Name	<u>Ashli Ungar</u>	Address	<u>2562 Bryn Mawr Ave</u>
Name	<u>John E. Ungar</u>	Address	<u>2562 Bryn Mawr Ave</u>
Name	<u>On I. Cook</u>	Address	<u>2560 Bryn Mawr Ave</u>
Name	<u>Wendy Zeiler</u>	Address	<u>2554 Bryn Mawr Ave.</u>
Name	<u>WILBUR H. REAY</u>	Address	<u>2552 BRYN MAWR AVE</u>
Name	<u>LINDA REAY</u>	Address	<u>2552 BRYN MAWR AVE</u>
Name	<u>Pat Street</u>	Address	<u>2526 Bryn Mawr Ave</u>
Name	<u>Jamie Brycer</u>	Address	<u>2541 Bryn Mawr Ave.</u>
Name	<u>John S. Syle</u>	Address	<u>2541 Bryn Mawr Ave</u>

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We respectfully ask the committee not to approve any changes to the zoning or Variance at 2506 Beach Blvd.

Name Troy Lanham Address 2557 Bryn Mawr Ave. Biloxi Ms. 3953

Name Lisa Lanham Address 2557 Bryn Mawr Ave. Biloxi Ms. 3953

Name Sue Miller Address 2559 Bryn Mawr Ave 3953

Name John McDonnell Address 130 BALMORAL AVE

Name John Lee Address 134 BALMORAL AVE

Name Mendell W. Aldridge Address 137 Balmoral Ave.

Name _____ Address _____

Name _____ Address _____

Name _____ Address _____

Name _____ Address _____

Name _____ Address _____

Name _____ Address _____

Name _____ Address _____

City Of Biloxi Land Ordinance

23-2 Administrative/Application for Review/Rezoning

(Rezoning) Review Standards

Amending the Official Zoning Map (Rezoning) is a matter committed to the legislative discretion of the City Council. In determining whether to adopt or deny a proposed amendment, the city shall weigh the relevance of and consider whether and the extent to which the proposed amendment:

- a. Is consistent with all city-adopted plans that are applicable;
- b. Is required to address:
 1. A mistake in the original zoning, or
 2. A public need and changed conditions in the neighborhood and community;
- c. Is compatible with existing and proposed uses surrounding the subject land, and is the appropriate zoning district for the land;
- d. Would result in a logical and orderly development pattern, or deviate from logical and orderly development patterns;
- e. Would encourage premature development;
- f. Would result in strip or ribbon commercial development;
- g. Would result in the creation of an isolated zoning district unrelated to adjacent and surrounding zoning districts;
- h. Would result in significant adverse impacts on the property values of surrounding lands; and
- i. Would result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

23-3 Zoning Districts/ AHO Overlay

Architectural/Historic Overlay District

Purpose

In recognition that the historic heritage of Biloxi is one of the city's most valued and important assets, the Architectural/Historic Overlay (AHO) District is established and intended to safeguard that heritage by identifying, recognizing, preserving, maintaining, protecting, and enhancing old, historic, and architecturally valuable structures, properties, districts, or neighborhoods that serve as important elements and visible reminders of the social, cultural, economic, political, or architectural history of the city, county, state, or nation. The Architectural/Historic Overlay District is a flexible tool that may be applied to multiple areas and properties, and that may be tailored to apply different standards to different sub-districts, as appropriate to their various characters. In general, the Architectural/Historic Overlay District is intended to:

- a. Foster civic pride;
- b. Preserve the city's heritage;
- c. Preserve the character and desirable historic, architectural, and aesthetic features of the city;
- d. Stabilize and enhance the value of properties that are within historic districts or designated as historic landmarks or landmark sites, as well as the areas surrounding them;
- e. Protect and enhance the attractiveness of the city to residents, tourists, and visitors, thereby supporting and stimulating business and industry;
- f. Protect and enrich the quality of life for city residents;
- g. Foster wider public knowledge and appreciation of structures, properties, districts, or neighborhoods that provide a unique and valuable perspective on the social, cultural, economic traditions and ways of life of past generations;
- h. Foster architectural creativity by preserving physical examples of outstanding architectural designs and techniques of the past; and
- i. Encourage new structures and developments that will be harmonious with and complement the character of existing structures, properties, and districts designated in accordance with this section.

City of Biloxi Comprehensive Plan

The overall goal and supporting objectives and actions described below are designed to guide regulatory, investment, and other decisions to achieve the future vision of a resilient, sustainable land use pattern.

They address:

- The character of new development, including compatibility with and protection of natural and historic resources (Objectives 3-1, 3-2, and 3-3)
- Desired patterns of growth in new areas to the north, redevelopment in established areas of the City, and implementation of these patterns through a supportive Future Land Use Map and LDO (Objectives 3-4, 3-5, 3-6, and 3-7)
- Land use relationships, including mixed uses and buffers between higher intensity and lower intensity uses (Objectives 3-8 and 3-9)
- Environmental resources as they relate to land use (Objectives 3-10, 3-11, and 3-12).

The term "new development" used in this chapter refers to both residential and non-residential uses unless otherwise specified.

Land Use Goal: Create a resilient pattern of future land use that:

- 1/Retains the character of "Old Biloxi."
- 2/Provides for orderly and cost-effective growth and redevelopment.
- 3/Maximizes positive relationships and reduces incompatibilities between different types of uses.
- 4/Protects sensitive environmental resources and reduces storm vulnerability.

We the residence of Edgewater Park are not only concerned with our past and present historical heritage but the future if this zoning and variance change is allowed to proceed.

If this residential land is developed all commercial, and the owner sells the property, it can be made into many other non-compatible businesses allowed under the Community Business Zoning.

No other RV Park in Biloxi butts up directly to a RS-10 Neighborhood. Let alone a Historical one.

We respectfully request your upmost consideration in this matter.

Thank you

23-2 Administrative/ Application for Review/ Variance

P) - Variance

Purpose

The purpose of a Variance is to allow certain deviations from the dimensional standards of this Ordinance (such as height, yard setback, lot coverage, or similar numeric standards) when the landowner demonstrates that, owing to special circumstances or conditions beyond the landowner's control (such as exceptional topographical conditions or the narrowness, shallowness, or shape of a specific parcel of land), the literal application of the standards would result in undue and unique hardship to the landowner and the deviation would not be contrary to the public interest. **Variations are to be sparingly exercised and only in rare instances and under exceptional circumstances to relieve undue and unique hardships to the landowner. No change in permitted uses may be authorized by a Variance.**

Variance Review Standards

a. A Variance application shall be approved only upon a finding that all of the following standards are met:

1. Strict application of the Ordinance requirements to the land or structure for which a Variance is sought results in practical difficulties and unnecessary hardships that would deprive the property owner of a reasonable use of the land or structure; and
2. The practical difficulties or unnecessary hardships result from circumstances or conditions peculiar to the land or structure, and not to conditions that are widespread in the neighborhood or the city; and
3. The special circumstances or conditions causing the hardship are not the result of the actions of the property owner; and
4. The extent of the Variance is the minimum necessary to allow a reasonable use of the land or structure; and
5. The Variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit; and
6. The Variance would not adversely affect the health or safety of persons residing or working in the neighborhood, be injurious to property or improvements in the neighborhood, or otherwise be detrimental to the public welfare; and
7. The Variance would not confer on the applicant any special privilege denied by this Ordinance to other lands or structures without a demonstration of hardship.

b. The following factors do not constitute sufficient grounds for approval of a Variance:

1. A request for a particular use that is expressly, or by inference, prohibited in the zoning district; or
2. Hardships resulting from factors other than application of requirements of this Ordinance; or
3. The fact that property may be utilized more profitably or be more marketable with a Variance;

Question:

If this proposed land use is so necessary and not distract from the eutectic's and continuity of the one parcel to the next why is it necessary to build an 8 foot Block wall fence to separate them.

Answer:

Because they do not go together well and must be hidden.

Community Development Director
Jerry Creel



676 Dr. Martin Luther King Jr. Blvd.
P.O. Box 508
Biloxi, Mississippi 39533
Office: 228.435.6280
Fax: 228.435.6188
www.biloxi.ms.us

To: Biloxi Planning Commission
From: Eric Nolan, Development Review Committee Chair
Date: November 9, 2021
Re: Sundance Capital Investments LLC
Bradley Thompson
Parcel: 11100-01-020.000

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

The City **will** require further review and approval by DRC prior to permitting because of the nature of this project. Building Permits shall be issued when construction documents are approved by the Building Division.

Yours truly,

Eric Nolan

Eric Nolan, Chair

1

1 BILOXI PLANNING COMMISSION MEETING
 2 NOVEMBER 18, 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.

9 **PLANNING COMMISSION MEMBERS PRESENT:**
 10 David Washer, Chairman
 11 Kay Bankston
 12 Kyle Carron
 13 Steve Delahousey
 14 Charlie Dellenger
 15 Gary Lechner
 16 Joann Humphries
 17 Joe King
 18 Debora Magee
 19 August Parker
 20 John Snow
 21 David Stanovich
 22 Cheryl Thompson
 23 Michael Todaro

18 **ALSO PRESENT:**
 19 Jerry Creel, Director of Community Development
 20 Caryle Lena, Planning Technician
 21 Ed Shambra, Executive Planner
 22 Tim Cipolla, Code Inspector
 23 David Wheeler, Esquire

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

2

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

PAGE

CONTINUED PUBLIC HEARING:
 21-052-PC (Held in abeyance) --

NEW PUBLIC HEARING:
 21-063-PC 5

TREE HEARINGS: (None)

3

1 **CHAIRMAN WASHER:**
 2 Let us call the Planning Commission
 3 Meeting to order, please.
 4 We'll record the members present.
 5 Mr. Lechner, Mr. Todaro, Mr. Parker, Ms. Magee,
 6 Ms. Thompson, Mr. Stanovich, Ms. Humphries,
 7 Ms. Bankston, Mr. Delahousey, Mr. Carron,
 8 Mr. King, Mr. Snow, Mr. Dellenger; myself, David
 9 Washer; Ed Shambra, Executive Planner; David
 10 Wheeler, Commission attorney; Jerry Creel,
 11 Director of Community Development, Caryle Lena,
 12 Planning Technician. On the projector is Tim
 13 Cipolla, Planning Inspector; and our court
 14 reporter today is Melissa Rodolfich.
 15 Mr. Parker, please open the meeting with
 16 a moment of prayer.
 17 (Moment of prayer.)
 18 **CHAIRMAN WASHER:**
 19 Mr. King, the pledge, please.
 20 (Pledge of allegiance.)
 21 **CHAIRMAN WASHER:**
 22 We also recognize Dr. Paul Tisdale,
 23 Councilman Ward 5.
 24 We welcome each and every one of you here
 25 with us today. If there are any cell phones in the

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1 audience, we ask that you either mute them or turn
 2 them off. If you want to speak on any of the cases
 3 before us today, we ask that you please come to the
 4 podium, give us your name and address for the
 5 record and please sign in on the pad provided.
 6 Ask if all members of the Commission
 7 received a copy of the minutes from the last
 8 meeting and if there's any additions or
 9 corrections?
 10 **MR. DELAHOUSEY:**
 11 Move we approve.
 12 **MS. BANKSTON:**
 13 Second.
 14 **CHAIRMAN WASHER:**
 15 Motion by Mr. Delahousey recommending we
 16 approve; seconded by Ms. Bankston.
 17 All those in favor, say "aye."
 18 (All in favor.)
 19 **CHAIRMAN WASHER:**
 20 Mr. Creel, reports?
 21 **MR. CREEL:**
 22 Yes, sir. Mr. Chairman and Members of
 23 the Commission, over the past two weeks the
 24 department issued 123 building permits, with a
 25 construction valuation of \$1.2 million. We've

5

1 collected \$9,800 in permit fees, issued three
 2 licenses for new businesses and 55 renewals, also
 3 issued 11 certificates of occupancy and six
 4 certificates of occupancy for short-term rentals.
 5 CHAIRMAN WASHER:
 6 Thank you. Continued public cases,
 7 Number 21-052-PC Alterna Mortgage and Ken Jones,
 8 this is going to be held in abeyance until they
 9 work out some easement issues on the property.
 10 New public hearing today, Case Number
 11 21-063-PC, Capital Investments, LLC, owners, and
 12 Bradley Thompson, applicant. It's an application
 13 for a zoning map amendment to authorize a change
 14 in zoning district classification for a parcel of
 15 land measuring 6.4 acres, more or less, in size
 16 from its present split zone zoning district
 17 classification of RS-10, low-density single-family
 18 residential, and RM-30, high-density, multifamily
 19 residential, to community business, CB. It's for
 20 a parcel of land presently identified as 2506
 21 Beach Boulevard, being Municipal Tax Parcel Number
 22 11100-01-020.000. This case was advertised on
 23 October 29th and November 4th and November 11th.
 24 Anyone here in regard to that case, let
 25 me also say that after this Planning Commission

6

1 meeting is over, we will convene the Board of
 2 Zoning Adjustments, and there's also some requests
 3 for variances that the applicant is requesting.
 4 That being said, Mr. Cipolla, view the
 5 video, please, sir.
 6 MR. CIPOLLA:
 7 This property begins on the beach. This
 8 is Grande View Drive and Beach Boulevard. It runs
 9 all the way up to the apartment complex office
 10 behind them, down the side of the parking complex
 11 and back up, as you'll see on the zoning map, goes
 12 all the way and goes down the side of this house
 13 and attaches to the fence for Mr. Mavar's property
 14 and goes back down to the beach.
 15 And just for your information,
 16 approximately where that telephone pole is, is
 17 where Marshall Drive -- or sorry, Marshall Road
 18 comes out where that is. In this case, it's the
 19 full amount of the property, starting here, going
 20 down, over, back in and back straight down here to
 21 the beach and back across.
 22 CHAIRMAN WASHER:
 23 Okay. Thank you.
 24 Is the applicant or their representative
 25 here, please? Is the applicant here or their

7

1 representative? Yes, sir.
 2 MR. THOMPSON:
 3 I'm Bradley Thompson. How y'all doing
 4 today? Thank y'all for letting me be here today
 5 to go before y'all.
 6 What I'm representing is to --
 7 CHAIRMAN WASHER:
 8 Your name, please, sir?
 9 MR. THOMPSON:
 10 I'm Bradley Thompson.
 11 CHAIRMAN WASHER:
 12 And your address, please, sir?
 13 MR. THOMPSON:
 14 9096 North Pine Drive, Pass Christian,
 15 Mississippi.
 16 CHAIRMAN WASHER:
 17 Thank you.
 18 MR. THOMPSON:
 19 What we're looking at is getting the
 20 rezoning of this so we can establish an RV park.
 21 We're talking about a high-end RV park. The units
 22 that will be in there will be no older than 10
 23 years of age.
 24 And we've agreed with the neighborhood
 25 to put the eight-foot masonry wall the full length

8

1 of the property line, which is roughly 1,392 feet,
 2 to keep us -- so they don't have to worry about
 3 seeing that. And you know, we're talking high
 4 end, something that Biloxi will be proud of.
 5 CHAIRMAN WASHER:
 6 Do you have a number of units that
 7 you're -- or pads that you're proposing to put in?
 8 MR. THOMPSON:
 9 Yes, sir. I've done a couple of layouts
 10 on it. One site is at 98; the other site is at
 11 75. I understand the impervious is over the
 12 60 percent by eight percent, so, you know, we
 13 could reduce that amount of sites to give it a
 14 better look, better appeal, less pervious.
 15 CHAIRMAN WASHER:
 16 All right. So you're down to 65
 17 proposed pads?
 18 MR. THOMPSON:
 19 Sir?
 20 CHAIRMAN WASHER:
 21 You're down to 65 pads.
 22 MR. THOMPSON:
 23 Right now, what's on there right now is
 24 98.
 25 CHAIRMAN WASHER:

9

1 Okay. I've never seen 98. I've got two
 2 pieces of paper here. One says 88 and one says
 3 77.
 4 MR. THOMPSON:
 5 Yes, sir. That was -- no, sir.
 6 CHAIRMAN WASHER:
 7 So we're at 98?
 8 MR. THOMPSON:
 9 No, sir. It would be 77 spots. That
 10 should bring us under the 60 percent impervious.
 11 CHAIRMAN WASHER:
 12 Everything will be proposed to ingress
 13 and egress from Highway 90?
 14 MR. THOMPSON:
 15 Yes. Well, it will be from Grande View
 16 Drive.
 17 CHAIRMAN WASHER:
 18 Grande View Drive.
 19 MR. THOMPSON:
 20 Yes, sir.
 21 MR. DELAHOUSEY:
 22 Will there be any permanent structures
 23 on the site?
 24 MR. THOMPSON:
 25 Is there now?

11

1 facing into the park, so there will be adequate
 2 lighting.
 3 CHAIRMAN WASHER:
 4 It will be low-level lighting.
 5 MR. THOMPSON:
 6 Yes, sir.
 7 MS. BANKSTON:
 8 I have a question.
 9 CHAIRMAN WASHER:
 10 Ms. Bankston.
 11 MS. BANKSTON:
 12 Do you have a maximum stay for the RVs?
 13 I mean, are you -- how long do they usually stay?
 14 MR. THOMPSON:
 15 Usually, it's by the night. Now,
 16 according to y'all's ordinance, you can stay up to
 17 a maximum of five months and that would probably
 18 only be snowbirds.
 19 MS. BANKSTON:
 20 That would probably be what?
 21 MR. THOMPSON:
 22 Snowbird people coming down.
 23 MS. BANKSTON:
 24 Okay. Thanks.
 25 CHAIRMAN WASHER:

10

1 MR. DELAHOUSEY:
 2 Will there be?
 3 MR. THOMPSON:
 4 Yes, sir. We're looking at a
 5 3,600-square-foot clubhouse, with 2,400 square
 6 feet downstairs, 1,600 square feet -- 1,200 square
 7 feet upstairs.
 8 MR. DELAHOUSEY:
 9 Pool?
 10 MR. THOMPSON:
 11 We're looking at putting in a pool and a
 12 lazy river in it.
 13 MR. DELAHOUSEY:
 14 Will there be a permanent member of
 15 management on the site 24/7?
 16 MR. THOMPSON:
 17 Yes, sir.
 18 CHAIRMAN WASHER:
 19 How about any lighting for the park?
 20 MR. THOMPSON:
 21 Lighting, there will street lights
 22 throughout the whole park, also will be accent
 23 lighting on the wall facing into the park and it
 24 will be below the height of the wall. It will be
 25 two foot below it all the way around the wall

12

1 Any other questions?
 2 MR. CARRON:
 3 On the very northern end of the
 4 property, is that -- some earlier paperwork we had
 5 got showed that being like a recreational green
 6 space.
 7 MR. THOMPSON:
 8 Yes, sir. Where he's shining that light
 9 back there, that will all be green space back
 10 there. In the north -- let's see if I can work
 11 this thing. In this corner right here, there is
 12 green space back there we're going to have for a
 13 dog park.
 14 And if you're going straight, there's
 15 a -- at the very bottom, the beachfront, it's a
 16 40-foot offset. This piece down here is 40 foot
 17 back and the whole length of the park of 262 feet
 18 across there.
 19 MR. CARRON:
 20 Will you have any noise restrictions,
 21 time frames on those?
 22 MR. THOMPSON:
 23 Yes, sir. We'll, you know, go by the
 24 same noise ordinance y'all have, 10:00 complete
 25 quiet. And, you know, there won't be a lot of

13

1 screaming and hollering kids, stuff like that. I
2 mean, whatever y'all's noise ordinance is we'll
3 follow.
4 MR. CARRON:
5 Thank you.
6 MR. DELAHOUSEY:
7 Do you propose to build a fence on the
8 western side of the property adjacent --
9 MR. THOMPSON:
10 The wall goes the length of that, and
11 we're talking a wrought iron fence across this
12 piece over here from Grande View.
13 MR. DELAHOUSEY:
14 What will the wall be constructed of and
15 what's the height?
16 MR. THOMPSON:
17 The wall will be -- it will be cement
18 masonry and it will be eight foot tall by 1,392
19 foot or roughly right at 1,400 feet.
20 CHAIRMAN WASHER:
21 Location of your dumpster?
22 MR. THOMPSON:
23 Location of the dumpster will be over on
24 this side behind the apartments. That piece that
25 he had called a residence right there is actually

15

1 applicant's request? Anyone speaking in favor?
2 No one speaking in favor.
3 Anyone speaking in opposition? Anyone
4 with any concerns? Mr. McDonnell.
5 MR. McDONNELL:
6 Thank you, Mr. Washer. I'm John
7 McDonnell. I reside at 130 Balmoral Avenue.
8 My property is actually the only one in
9 the neighborhood that actually has this
10 particular -- it's hard to see. But anyway, I'm
11 facing -- there we go. That's my lot right there.
12 I'm facing on the south and on the east of this
13 particular property. I am here to speak obviously
14 in opposition to this. I have already sent a
15 letter to the Commission. It should be on file.
16 CHAIRMAN WASHER:
17 I would ask that you go ahead and
18 reiterate what's in your letter because we didn't
19 get them until we walked in here today.
20 MR. McDONNELL:
21 Well, I will make sure the Commission
22 obviously gets a copy of it.
23 The basic proposition of the letter, of
24 course, is, is that this particular request
25 doesn't meet the necessary requirements of both

14

1 the office for the apartment complex, so the
2 dumpster would be right over here on this wall
3 over here.
4 MR. DELAHOUSEY:
5 How will -- with the size of those motor
6 homes, how will they be able to negotiate the turn
7 off of Grande View into there?
8 MR. THOMPSON:
9 Well, you have a turning bay when you're
10 heading east and you also have a turning bay when
11 you're heading west. They'll turn on Grande View.
12 The entrance is a 120-foot setback from
13 Highway 90.
14 CHAIRMAN WASHER:
15 Any other questions, Members of the
16 Commission?
17 (None indicated.)
18 CHAIRMAN WASHER:
19 Anything else, sir?
20 MR. THOMPSON:
21 No, sir, I think that's it.
22 CHAIRMAN WASHER:
23 All right. Thank you.
24 We'll ask if there is anyone in the
25 audience that wants to speak in favor of the

16

1 the ordinances and, of course, the state law
2 concerning zoning changes. We also feel -- and
3 I'm sure -- I know a lot of you have been on this
4 commission for a long period of time but may not
5 remember prior to Capital Investments owning this
6 property, this property was owned by an individual
7 named Anthony Lee and his LLC known as Lee
8 Brothers, LLC.
9 At that time, a substantial portion of
10 this particular property -- as you see, the RS-10
11 that's up in the upper corner -- the upper
12 left-hand corner up here, that particular RS-10,
13 at that time, that actually extended all the way
14 down in front of our houses right here.
15 And in turn for letting him rezone this
16 particular property in 2013, we allowed Mr. Lee,
17 first of all, to convert this to a CB and then
18 also convert this particular RS-10, that acted as
19 a buffer, now being converted over to an RM-30.
20 In return for that, we got significant restrictive
21 covenants to be placed on the lot that we're
22 talking about.
23 Now, Capital Investments actually
24 foreclosed on this property. That's how they
25 acquired title, but these restrictive covenants

17

1 were already in place and recorded at the time
2 that he actually acquired title. So, of course,
3 I'm being sued now to remove those restrictive
4 covenants, but we believe that they will actually
5 be enforced.

6 And consequently, some of the things it
7 calls for are, in fact, the concrete wall.
8 Although in the situation that Mr. Thompson
9 reflects -- he has an eight-foot -- what the
10 restrictive covenants call for is actually for a
11 10-foot concrete wall. And in certain areas,
12 including my house since I'm actually facing the
13 south and east, and my neighbors' house, calls for
14 a 12-foot because we are directly against this
15 particular piece of property.

16 So we're also asking for the
17 Commission -- we realize the Commission cannot
18 enforce the restrictive covenants, but we want
19 them to be aware that, in fact, these restrictive
20 covenants exist against this particular parcel.
21 And if, in fact, anything is built on that
22 particular piece of property, there are
23 significant restrictive covenants in place. It
24 limits the heights of certain structures. It
25 limits the setbacks that are required between the

19

1 neighborhood.

2 Now, beyond that, we would note that the
3 things that the Planning Commission, of course,
4 has to consider is the consistency with the
5 Comprehensive Plan. And what the Comprehensive
6 Plan calls for in Biloxi, calls for in their West
7 Biloxi 9.2 Comprehensive Plan, they discuss what
8 some of the key issues are concerning this
9 particular area.

10 And one of those things that I've
11 highlighted is a key challenge -- this is from the
12 Comprehensive Plan of the City of Biloxi. A key
13 challenge to the development along Highway 90 in
14 West Biloxi is to balance commercial and
15 residential development with maintaining the
16 scenic quality and accessibility of the sand
17 beach.

18 In this particular situation, that
19 certainly is not going to merge and protect
20 obviously the scenic quality of the particular
21 project. What we're going to have is we're going
22 to have large, commercial vehicles, RVs, some
23 being 40 foot long. I can tell you personally
24 that I've had that. Anytime we've had like
25 Cruisin' the Coast or we have a spring break

18

1 neighborhood and this particular proposed
2 development.

3 That's one of the things that we are
4 very concerned about in this particular case, is
5 because in an effort to create as many spaces as
6 possible, Mr. Thompson -- again, we're still not
7 exactly sure at this point exactly how many spaces
8 he's talking about. We have some paperwork that
9 says 77 and some paperwork says 88.

10 I received some paperwork that has a
11 major retention pond located against the east side
12 of this particular project. I'm very concerned
13 about that because my lot particularly is drained
14 by both that property and some of my neighbor's
15 property. I actually have to get out gasoline
16 pumps after we have an extensive rain to actually
17 pump the rainwater out.

18 So where that retention pond is going is
19 obviously a great concern and obviously to make
20 sure -- since this is going to now cover the
21 entire lot, the entire six acres, he's now asking
22 that that now be covered with concrete or asphalt.
23 That's going to obviously increase the stormwater
24 accumulation that's going to be on the property.
25 I'm very concerned that's going to flow into the

20

1 facility or any other major activity in the city,
2 where you already have -- I have seen those RVs
3 that are actually parked on that particular lot.
4 Some of them are 13, 14, 15 feet tall. So they're
5 allowed and obviously that's going to be a
6 disruption obviously to the neighborhood.

7 We also would note that also in the
8 Comprehensive Plan that Part 3 in the Key Issues
9 is that the Mississippi -- and again, I'm quoting.
10 The Mississippi Coast Coliseum, Edgewater Mall and
11 Beauvoir are regional destinations on Highway 90
12 in West Biloxi located next to each other. Land
13 use and regulatory decisions in this area should
14 be coordinated with the physical improvements with
15 the goal of creating a more attractive,
16 pedestrian-friendly district. That's specifically
17 from the Comprehensive Plan. We don't believe
18 that this particular project obviously meets those
19 requirements.

20 Another factor that needs to be
21 considered by the Commission is the compatibility
22 with the present zoning and conforming uses of
23 nearby property with the character of the
24 neighborhood. Obviously, we don't believe this
25 is, in fact, a conforming use to the residential

21
1 properties that are located in the Edgewater Park.
2 That's a heritage neighborhood in the City of
3 Biloxi founded in 1926. I have personally lived
4 in that neighborhood for over 45 years. I know I
5 have a lot of my neighbors that have lived in the
6 neighborhood for extensive periods of time.
7 Certainly, we don't believe that having an RV park
8 directly next to our property is going to be
9 conducive to preserving the character of the
10 neighborhood.
11 As far as the suitability of the
12 property affected by the amendment for uses
13 permitted by the present district, we certainly
14 believe that this is prime for commercial
15 development if they want to. As a matter of fact,
16 we did it in 2013 when Mr. Lee wanted to develop
17 this particular property. We allowed the change
18 at the southern end. If y'all may remember, the
19 Biloxi Breakers was on that particular property,
20 which was a condominium unit. Initially it was a
21 time share, but then changed over to a condominium
22 unit. So consequently, that was RM-30.
23 We allowed Mr. Lee to change it to a CB,
24 so we could have a boutique hotel and things
25 placed there on that particular piece of property.

23
1 where you only have to have an opaque fence. A
2 Type D is actually where you have a solid barrier.
3 In both of those situations, the code,
4 in fact, does require that there be a landscaped
5 buffer between the properties and the development.
6 In this situation, he's asked for zero. We think
7 that's an absolute violation of the ordinances.
8 As a matter of fact, there's a footnote in the
9 ordinances that says you may decrease the size of
10 the setback, but you cannot eliminate the
11 landscape requirements.
12 In fact, even with the solid fence, it
13 requests 12 ACI canopy trees to be placed ever 100
14 feet. I'll be honest with you, I don't exactly
15 know what an ACI canopy tree is, but I'm presuming
16 that's a live oak or some other type of oak. By
17 canopy, I mean, that's a tall tree.
18 Particularly along my property line,
19 there are, in fact, two large oaks, just on the
20 other side there. I have live oaks that actually
21 surround -- and two magnolia trees that actually
22 face that particular area. On this side of the
23 property that we're talking about that he's asking
24 to change, there are no trees along that boundary.
25 And, of course, I know Mr. Wheeler.

22
1 And in the rear, we had -- some of that was RM-30.
2 As I already mentioned to you, a substantial
3 portion, particularly on the western side, was
4 that RS-10 property. And in return for allowing
5 them to now make that apartment complexes, to
6 develop it commercially, we agreed that we would
7 then remove our objections and allow the zoning
8 changes to occur. There has been no changes since
9 that date. The neighborhood has remained the
10 same. The property has remained the same.
11 Now, certainly at this point, as far as
12 the suitability of the present amendment, it's not
13 suitable right now because you cannot have an RV
14 park that's in an RM-30. You can't have the RM-30
15 project. It has to be a CB. Now, the problem we
16 have with the CB regulations is, if you go to a CB
17 regulation, that eliminates the needs for a lot of
18 the barriers and setbacks and things that we would
19 have that would be required if you have an RM-30.
20 As a matter of fact, I had the pleasure
21 of talking to Mr. Shambra today, and what they're
22 requesting as far as the variance is concerned, if
23 you go to 23-6-3(E)(3) of the code, the code
24 ordinances, you can either have a Type C or Type D
25 type barrier to the property, a Type C being one

24
1 Mr. Wheeler -- probably together, he and I have
2 probably sold half of Biloxi at one point or
3 another.
4 But in any event, just to bring you up
5 to speed a little bit. I'm sure Mr. Wheeler will
6 tell you this is, in fact, true. What our Supreme
7 Court says is before you can consider a zoning
8 change, there are two factors that have been to be
9 considered. One is there was an original mistake
10 in the zoning, and in this situation that's not
11 true. As a matter of fact, the zoning was changed
12 in 2013 to allow commercial development on this
13 property.
14 The second factor is there has to be a
15 change of the character of the neighborhood to
16 such an extent to justify reclassification. There
17 has been no change in the neighborhood.
18 Beyond that, there actually has to be a
19 public need for the rezoning. Mr. Wheeler I'm
20 sure has given you these cases before. I'll just
21 give you one cite, and, of course, it's --
22 obviously affects here. That's McWalters versus
23 the City of Biloxi, which is 591 So. 2d 824.
24 That's a Mississippi Supreme Court decision from
25 1991.

25

1 Another thing the Supreme Court has said
 2 is in considering a rezoning request, an existing
 3 residential area -- excuse me. Preserving an
 4 existing residential area is a valid goal of the
 5 Commission of the rezoning. In this situation, we
 6 believe that obviously putting in an RV park next
 7 to a heritage neighborhood is, one, certainly not
 8 going to preserve the character of the
 9 neighborhood; two, we think it will significantly
 10 diminish the values of the properties in the
 11 neighborhood; three, we're certainly worried about
 12 the storm surge and flooding that may occur as a
 13 result of all of a sudden turning most of that
 14 property into concrete and asphalt.

15 We think at this point, the Commission
 16 should, in fact, deny this request. I'm not
 17 saying that I would never be in favor of something
 18 being developed on that property. We realize that
 19 there will be. At some time there will be
 20 commercial development on the property. But we
 21 don't think at this time, certainly with the
 22 information that we have right now, that the
 23 Commission should consider the zoning change.
 24 Thank you.
 25 CHAIRMAN WASHER:

27

1 actually had -- there was a set of apartments that
 2 we called the Stables that were actually where the
 3 old stables were for the old Edgewater Hotel, and
 4 that was a series of about eight apartments that
 5 burned down right after Katrina.

6 MR. DELAHOUSEY:
 7 And just to be clear, you and the people
 8 that you represent would prefer to keep it as CB
 9 and NB rather than RM-30?
 10 MR. CREEL:
 11 Except there is no NB on this property.
 12 The zoning is the map on the left there. That's
 13 the current zoning. What you had before you was
 14 to show that in 2013, the property was zoned CB
 15 and NB, but then it was changed to CB and RM-30.
 16 MR. DELAHOUSEY:
 17 I see. Okay.
 18 MR. McDONNELL:
 19 You know, again, the purpose of that was
 20 to have a hotel or a nice restaurant or whatever.
 21 At that point it was going to be a hotel. And
 22 then north of that, they were planning to put in a
 23 couple of apartment buildings north of that.
 24 MR. DELAHOUSEY:
 25 But you were --

26

1 Thank you, Mr. McDonnell.
 2 Mr. Delahousey, you have a question?
 3 MR. DELAHOUSEY:
 4 So if I understand you correctly, the
 5 property in question is currently zoned, part of
 6 it is, CB, commercial business.
 7 MR. McDONNELL:
 8 The CB, commercial business,
 9 Mr. Delahousey, is on the south part of the
 10 property.
 11 MR. DELAHOUSEY:
 12 Right. And north of that is NB,
 13 neighborhood business.
 14 MR. McDONNELL:
 15 Right. Pretty much from Marshall Road
 16 north is -- right now is zoned RM-30.
 17 MR. DELAHOUSEY:
 18 And there is no development there
 19 obviously?
 20 MR. McDONNELL:
 21 There had been. Now, there had been
 22 apartments prior to that time. I have been there
 23 so long, I can remember when we had the Mannino
 24 Apartments that were actually before the Biloxi
 25 Breakers were built. And then beyond that, we

28

1 MR. McDONNELL:
 2 And we were agreeable to that.
 3 MR. DELAHOUSEY:
 4 To restate my question, then, y'all
 5 would prefer to keep the existing zoning rather
 6 than the RM-30?
 7 MR. McDONNELL:
 8 We want to keep the existing zoning,
 9 correct. We're asking that it not be changed.
 10 MR. PARKER:
 11 I've got a question.
 12 MR. McDONNELL:
 13 Yes, Mr. Parker.
 14 MR. PARKER:
 15 I've been here about 20 years and it's
 16 been turned down five times. It was an apartment
 17 building they wanted to put there. They said no.
 18 Condominium, they said no.
 19 MR. McDONNELL:
 20 Amusement park, all kind of things.
 21 MR. PARKER:
 22 Is there anything y'all would agree to?
 23 MR. McDONNELL:
 24 Yes.
 25 MR. PARKER:

29

1 Well, tell us what it is now because if
 2 it comes back, we want to know.
 3 MR. McDONNELL:
 4 That's why we did this in 2013, so we
 5 wouldn't have to come back. That's why we have
 6 restrictive covenants. And I think we'd be in an
 7 ideal situation. If they want to have a nice
 8 boutique hotel right there, that's great. If they
 9 want to have apartment complexes in the back,
 10 fine.
 11 MR. PARKER:
 12 Before, it was condominiums and you said
 13 no. People would come up and say we don't want
 14 people looking down in our backyard if there's a
 15 high rise.
 16 MR. McDONNELL:
 17 There are certainly concerns about that,
 18 and I will be honest with you, I'm sure you
 19 wouldn't want to have an apartment complex sitting
 20 10 feet from your back fence.
 21 MR. PARKER:
 22 I wouldn't mind it.
 23 MR. McDONNELL:
 24 Well, you aren't my neighbor,
 25 Mr. Parker.

31

1 Does anybody else have any questions for
 2 me?
 3 MR. TODARO:
 4 I've got a question. The point of there
 5 being no change in the character of the
 6 neighborhood is so important. Has anything
 7 changed since that 2013 change, any kind of
 8 development, anything back in the back?
 9 MR. McDONNELL:
 10 No, sir.
 11 MR. TODARO:
 12 So there's been no change in anything?
 13 MR. McDONNELL:
 14 No, sir. If you will note, too, there
 15 is, in fact, CB property on the east side of the
 16 Grande View Avenue. So if he wants to put the
 17 development and the RV park there, he's perfectly
 18 fine to do that. And it's for sale. As a matter
 19 of fact, if you read the Comprehensive Plan for
 20 the City of Biloxi, what they say is there's
 21 275 acres right now in West Biloxi that are
 22 available for a development. We're just saying --
 23 we're not necessarily saying we're opposed to
 24 development. We actually agreed in 2013 to a
 25 project. The problem is they couldn't get the

30

1 MR. DELLENGER:
 2 But it's currently zoned to be able to
 3 legally put apartments.
 4 MR. McDONNELL:
 5 It is currently zoned to do that. We
 6 agree that that can come in, so we're not opposed
 7 to that.
 8 MR. NUSSBAUMER:
 9 To answer your question, I think the
 10 great thing to have down there, something we don't
 11 have down there, is a nice park. I think the City
 12 should buy that property and put a nice park
 13 there. But if the City is not willing to do that,
 14 then how about a nice restaurant like Salute or
 15 something like that?
 16 CHAIRMAN WASHER:
 17 You're kind of out of order, but since I
 18 let you speak, give us your name.
 19 MR. NUSSBAUMER:
 20 My name is Vince Nussbaumer. I live on
 21 Marshall Road. I'm sorry to interrupt.
 22 CHAIRMAN WASHER:
 23 Thank you. All right. We've got a
 24 procedure. We've got to follow that procedure.
 25 MR. McDONNELL:

32

1 funding.
 2 MR. DELLENGER:
 3 Has the neighborhood ever considered
 4 buying the property, I mean, instead of it
 5 sitting?
 6 MR. McDONNELL:
 7 Well, considering that, I think, the
 8 purchase price this time is 2 million, I doubt it.
 9 Would we like to? Sure. I would like to have it.
 10 CHAIRMAN WASHER:
 11 All right. Thank you, Mr. McDonnell.
 12 Is there anyone else in the audience to
 13 speak in opposition?
 14 MS. SNODGRASS:
 15 Hi. I'm Courtney Snodgrass. I live at
 16 2590 Bryn Mawr Avenue.
 17 I don't have anything. He's my dad. We
 18 live in the same neighborhood. I don't have
 19 anything to add other than what he said, just make
 20 sure that my name is down in opposition to the
 21 project.
 22 CHAIRMAN WASHER:
 23 Thank you. Yes, ma'am.
 24 MS. DIXON:
 25 I'm Sara Dixon. I live at 142 Kenmore

33

1 Avenue.

2 And I know don't have anything

3 zoning-wise to add other than I can just say that

4 I bought that house where I live. Retired there

5 from the military because it's a heritage, because

6 it's a safe community, because it's well

7 established, quiet. I live there with -- you

8 know, I have six kids. I did not choose to live

9 there -- had there been an RV park -- which I

10 consider never to be high class, high end. I see

11 a lot of RV parks around the city and I don't see

12 any of them as something I would choose to live

13 next to. Perhaps there is a plot next to you guys

14 where -- that would be okay with you; but for me,

15 that's not something I want to live next to.

16 So if it is developed there, then I

17 consider that a complete change in the established

18 community and it's not some place I'm going to

19 want to choose to live because I know what that

20 brings in. We see it during the annual events and

21 that's fine. That's fun, that's a short period.

22 But when you have transient RVs coming in and out,

23 in and out and a lazy river going through it, you

24 know, just common sense, what that's going to

25 bring and that's not something I want to live next

35

1 area is patrolled, so it's very safe and very

2 friendly.

3 I'm really surprised how friendly it is.

4 We know our neighbors. My neighbors came and

5 introduced themselves to me. I talk to them. We

6 have hurricane fences, not the fences that block

7 people out. We don't have privacy fences,

8 hurricane fences. We talk to our neighbors in the

9 backyard and the front yard. We have them over

10 for coffee. We do things with them. And we have

11 a lot of older people in our neighborhood too.

12 And I remember when I was walking my dog

13 once, one of the older neighbors talked to me and

14 she said that she was accosted during one of our

15 Cruisin' the Coasts that we had. Somebody was in

16 her yard and came after her. And they found the

17 person, I think, but it shook her up. And she's

18 an older lady, so I worry about the people in my

19 neighborhood because a lot of them are older. And

20 who's going to keep them safe if we put -- I don't

21 trust RV parks. And I don't trust mobile home

22 parks. That's nothing against those people. I

23 grew up in a mobile home almost half my life and

24 so I know firsthand what goes on in those parks,

25 not all of them. But I just want to be safe when

34

1 to. So thank you for consideration.

2 CHAIRMAN WASHER:

3 Thank you, ma'am.

4 MS. COOK:

5 Hello. How are you? I'm Susan Cook,

6 and I live at 2560 Bryn Mawr Avenue.

7 I don't want to forget anything that I'm

8 going to say, but I have to say that I'm retired

9 military. I do work on base right now. And I

10 looked for about a year before I ever decided to

11 buy in Biloxi, and I looked for a very safe

12 neighborhood, a very safe neighborhood. And

13 everywhere I looked and everyone I talked to

14 pointed toward this Edgewater for me to move to.

15 And I noticed that, well, there was a mall next to

16 it. How safe can it be? But when I look at the

17 police reports, I see things going on outside of

18 my neighborhood, but I don't see anything going on

19 inside of my neighborhood. It is very safe.

20 I live alone. I walk my little dog.

21 And I feel safe in the morning walking him and I

22 feel safe in the evening walking him. We do have

23 from time to time people that do walk through

24 there, but I noticed that the police that are at

25 the mall take care of us. They make sure that the

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1 I'm there walking my dog or just taking a walk to

2 go and watch the sunset. I chose that

3 neighborhood on purpose because it's safe.

4 And I was looking at this and I saw,

5 yeah, there is going to be that eight-foot wall,

6 but there's also that Marshall Road that goes

7 right there. We can walk in and out right there.

8 It's open. Nobody really does. But if you put

9 that RV park there, are they going to be able to

10 just walk on over to our neighborhood and just

11 roam around? I don't know. I mean, that's one of

12 the questions that I have.

13 Let's see. I want to make sure I'm

14 hitting everything. Is this going to bring our

15 property values down? That's one of the things I

16 was wondering about. Will it bring our property

17 values down because you're sandwiched in between a

18 mall and an RV park? Who is going to want to

19 bring their children there when our older

20 residents, you know, go off to heaven or wherever

21 and then new people move in. I wouldn't bring my

22 child in that area knowing that this is what I

23 have on both sides. If it was another residential

24 or a park, that would be awesome for a park to be

25 right there if the City decided to do that.

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1 But right now, with that, I know -- I
2 appreciate what he's trying to do. I really do.
3 I just don't believe for the aesthetic value, it
4 needs to be in that area right there.
5 And so I do appreciate it. Thank you so
6 much for your time and attention.
7 CHAIRMAN WASHER:
8 Thank you. Anyone else to speak in
9 opposition? Yes, ma'am.
10 MS. MYERS:
11 Hi, I'm Sharon Myers. I live at 142
12 Edgewater Drive. I've lived in the neighborhood
13 since 1987.
14 So anyway, I was married to a lawyer and
15 I have had the opportunity to pay several of them.
16 So I know a little bit about the requirement for a
17 zoning change, and one of them is determining a
18 need. Is there a need for another RV park? In
19 this case, it's probably no, because we have Tom
20 Newman's new RV park less than a tenth of a mile
21 away.
22 So I drove through it today just so I
23 could see how many people were in Tom Newman's RV
24 park. That's basically 90 percent impervious
25 land, so where is all that water going to go? I

39

1 go down there and say, Mr. Jones, you have been
2 here five months, you've got to go. And if he
3 needs the renter, believe me, he's not going to
4 make him go.
5 So we don't meet the qualification. We
6 have not had a change in the character of our
7 neighborhood. It's exactly the same as -- it's
8 not -- you know, since basically 2005, since
9 Katrina pushed it away. And we don't have a need.
10 The RV parks are right down the street, and the
11 Fox's RV park on Beauvoir Road is less than a half
12 a mile away. Thank you.
13 CHAIRMAN WASHER:
14 Thank you, ma'am.
15 Anyone else to speak in opposition.
16 MR. NUSSBAUMER:
17 There is, in fact, a film that John
18 Fitzhugh, one of our neighbors, has actually
19 prepared. I would like for the Commission to be
20 able to see that.
21 CHAIRMAN WASHER:
22 I don't know if we've got access to
23 that.
24 MR. SHAMBRA:
25 We do.

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1 mean, he's got little, tiny green spots in it
2 where -- I guess he was required to have that part
3 impervious -- or just vice versa.
4 But anyway, Tom Newman's RV park is
5 about, I would say, a third full right now, a
6 third. So, I mean, this is less than a tenth of a
7 mile away, so there is not a need.
8 Then on the way home before I had to
9 cross the \$2 bridge, I saw that the Fox's RV park
10 was for sale. Now, do you know what's notorious
11 about the Fox's RV park on Beauvoir road? It has
12 the highest crime rate in the City of Biloxi
13 almost. And you know why? Because they're all
14 permanent residents. And it's an RV park, but
15 really, it's something else. So I really don't
16 want to have an RV park right next to my home.
17 Back before the storm, Tim and I had a
18 historical home tour and, of course, a month later
19 our home was robbed and he was staying right there
20 it he little motel in our neighborhood. So I
21 don't want to see it become an RV park where
22 people are going to end up -- I appreciate Ms.
23 Bankston saying that they're only going to be
24 there five months, but who is going to regulate
25 that? I mean, that's not been our jurisdiction to

40

1 CHAIRMAN WASHER:
2 Okay.
3 Yes, sir.
4 MR. NUSSBAUMER:
5 Yeah. My name is Vince Nussbaumer. I
6 live on Marshall Road in Edgewater Park.
7 And I just want to make sure that y'all
8 got the handout that says -- y'all did. Okay.
9 Very good.
10 I have the pleasure of being able to
11 represent 71 signatures of people in Edgewater
12 Park who do not want to this development to
13 continue for zoning or variance reasons. Okay?
14 We, the residents of Edgewater Park
15 Subdivision, do not support the proposed zoning
16 change to the adjoining property east of our
17 boundary at 2506 Beach Boulevard from RS-10 and
18 RM-30 to commercial, CB. We find that this change
19 adjacent to our historical neighborhood is not in
20 the best interest of Edgewater Park residents, as
21 noted in the City of Biloxi Land Ordinance,
22 Article 23, which I'm going to get to in a second.
23 We respectfully ask that the committee not approve
24 any changes to the zoning or variance at 2506
25 Beach Boulevard.

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1 During my walk and talk with the
2 residents this weekend, I was really impressed
3 with the individuals there. Some people have
4 lived there 25, 35, 45, and one resident I spoke
5 to, 55 years. She just happens also to back up to
6 this property. Wonderful neighborhood.
7 As far as the City of Biloxi Land
8 Ordinances are concerned, the residents of the
9 Edgewater Park considered the relevance of these
10 standards to support our views.
11 Starting with Section 23-2, the
12 Administrative/Application for Review and Rezoning
13 of the property, the City shall weigh the
14 relevance of and consider whether the extent to
15 which the proposed amendment is required to
16 address a public need and changed conditions in
17 the neighborhood and community, is compatible with
18 existing and proposed uses surrounding the subject
19 land and is the appropriate zoning in the district
20 for the land, would result in a logical and
21 orderly development pattern and not to deviate
22 from logical and orderly development patterns,
23 would result in the creation of an isolated zoning
24 district unrelated to the adjacent surrounding
25 districts and then would result in significant

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1 historic landmarks or landmark sites as well as
2 areas surrounding them, protect and enhance the
3 attractiveness of the city residents, tourists and
4 visitors, thereby supporting and stimulating the
5 business and industry, protect and enrich the
6 quality of life for city residents, foster wider
7 public knowledge in appreciation of structures,
8 properties, districts or neighborhoods and foster
9 architectural creativity that preserves physical
10 examples of outstanding architectural designs,
11 encourage new structures and developments that
12 will be harmonious and complement the character of
13 the existing structures, properties and districts
14 designed in accordance with this section.
15 The City's own comprehensive plan speaks
16 to the overall goal of these objectives. It says
17 they need to address the character of a new
18 development, including compatibility and
19 protection of natural and historic resources,
20 desired patterns of growth in areas to the north,
21 redevelopment in established areas to the city and
22 implementation of these patterns through a
23 supportive Future Land Use Map and LDO, land use
24 relationships, including mixed use and buffers
25 between higher intensity and lower intensity

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1 adverse impacts on the property values of our
2 surrounding lands, also would result in
3 significant adverse impacts on the natural
4 environment, including, but not limited to the
5 water, air, noise, stormwater and lighting.
6 23-3 speaks also to the zoning districts
7 and the architectural historic overlay districts.
8 In recognition that the historic heritage of
9 Biloxi is one of the City's most valued and core
10 assets, the Architectural and Historic Overlay
11 District is established and intended to safeguard
12 the heritage by identifying, recognizing,
13 preserving, maintaining, protecting and enhancing
14 historic and architectural valuable structures,
15 properties -- very important -- districts and
16 neighborhoods that serve as important elements and
17 visual reminders of the social, cultural,
18 economic, political or architectural history of
19 our city.
20 It also fosters civic pride, preserves
21 the City's heritage. It preserves the character
22 and desirable historic, architectural and
23 aesthetic features of the City, stabilizes and
24 enhances the value of the properties that are
25 within historic districts or designated as

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1 areas -- key word is buffer -- environmental
2 resources as they relate to land use.
3 The land use goal for the City of Biloxi
4 in your bylaws create a resilient pattern of
5 future land use that retains the character of
6 Biloxi, provides the orderly and cost-effective
7 growth and redevelopment, and maximizes positive
8 relationships and reduces incompatibility between
9 different types of uses, protects sensitive
10 environmental resources and reduces storm
11 vulnerability.
12 But, we, as the residents of Edgewater
13 Park, are not only concerned with our past and
14 present historical heritage, but the future if
15 this zoning and variance change is allowed to
16 proceed. If this residential land is developed
17 all commercial and the owner sells the property,
18 if could be made into any other noncompatible
19 business allowed under the Community Business
20 zoning, such as a car lot. That's allowed.
21 No other RV park in Biloxi butts up
22 against an RS-10 neighborhood -- there is buffers
23 of all types -- let alone a historical one. We
24 respectfully request your utmost consideration in
25 this matter. Thank you.

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1 CHAIRMAN WASHER:
 2 We did get a copy of that petition if
 3 you want to present it to the folks.
 4 MR. NUSSBAUMER:
 5 Okay. Very good.
 6 CHAIRMAN WASHER:
 7 Let me also say here -- there might be
 8 another speaker. But let me also say while I've
 9 got them handy here, we've got written letters or
 10 notices of opposition from Joe and Dianna
 11 Gonzales, John Fitzhugh, which I think we're going
 12 to show a little video on that; Arthur and Angela
 13 Mauterer and Lynda K. Keefe.
 14 MR. NUSSBAUMER:
 15 And I think -- Ed, were you able to find
 16 the last one sent in for --
 17 CHAIRMAN WASHER:
 18 Is there anyone else that wants to speak
 19 in opposition? Yes, ma'am. We would ask if you
 20 would just kindly -- if you agree with other folks
 21 that's already spoken and the points that they've
 22 laid out, just say that you agree and we can have
 23 a little more respect for everybody's time.
 24 MS. GRYDER:
 25 Oh, absolutely. My name is Jamie

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1 pop that up that Mr. Fitzhugh put together?
 2 (Video played.)
 3 CHAIRMAN WASHER:
 4 Thank you, Tim.
 5 Yes, ma'am.
 6 MS. WARNIMENT:
 7 I am Mary Ann Warniment. I live at 2544
 8 Bryn Mawr Avenue.
 9 I do agree with what I've heard my
 10 neighbors say, but there's a couple of other
 11 points that I would like to bring out. Because we
 12 are a heritage neighborhood, we are held to higher
 13 standards than most neighborhoods in Biloxi as to
 14 what we can do with our properties and how we are
 15 expected to maintain our properties.
 16 If you want to build a new home, it must
 17 fit into the neighborhood. So, I mean, part of
 18 that, as all of us who live in the neighborhood
 19 understand it. Sometimes we don't get to do what
 20 we would like to do, but we go along with that
 21 because it is a heritage neighborhood.
 22 I'm very proud of all my neighbors who I
 23 have heard speaking here this afternoon, that they
 24 are willing to stand up. And yes, we know we've
 25 been before you many times with people who want to

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1 Gryder, and I live 2541 Bryn Mawr Avenue.
 2 And yes, I, like the others, do oppose
 3 this RV park and the zoning changes and the other
 4 changes that have been brought before.
 5 I just wanted a small -- when this came
 6 up, I started looking on line and looking at our
 7 neighborhood and seeing what we have as -- you
 8 know, what do we really have here other than just
 9 saying it's a heritage neighborhood. I mean,
 10 Biloxi is so proud of this neighborhood that you
 11 have highlighted us on your own city's website.
 12 We're the number -- we're Stop Number 41 on the
 13 Essence of Biloxi Driving and Bicycling Trail.
 14 And I feel that if Biloxi thinks we're important
 15 enough as a neighborhood, a resilient
 16 neighborhood, a heritage neighborhood to put us on
 17 your website and highlight us, that we hope that
 18 you respect that and really think, think hard
 19 about what you're going to do to the residents in
 20 this neighborhood should this change be allowed.
 21 CHAIRMAN WASHER:
 22 Thank you.
 23 Also coming in late today, we have a
 24 letter of opposition from Norma Nusbaummer.
 25 Tim, have you got the video that you can

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1 build things on that vacant lot, but they don't
 2 want to build things that maintain the properties
 3 that are on either side of them.
 4 We do have commercial property
 5 surrounding us, but it's suitable. This
 6 particular desire of the gentleman to build this
 7 RV park does not fit. That property does not --
 8 will not allow Edgewater Park to remain Edgewater
 9 Park. As a person who has RVed across the United
 10 States, this is not a description of a high-end RV
 11 park. This is a description -- I mean, there is
 12 no green space. It is concrete. These places,
 13 you have RVs that are going to be 10 feet away
 14 from each other, which is about enough to put up
 15 your canopy and to walk out the door and knock on
 16 your neighbor's wall. I mean, this is way, way,
 17 way too many to be putting on there and calling it
 18 high end. There are no amenities. There is no
 19 green space. There is nothing here. It's not big
 20 enough for what this gentleman wants to do.
 21 The chronic -- the drainage issues. If
 22 all that is concrete -- Balmoral Avenue has been a
 23 chronic drainage problem over the years. I have
 24 lived in the neighborhood 20 years. My
 25 mother-in-law lived there 20 years before that

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1 time, so I'm very familiar with the neighborhood.
2 We spent years and years and years. Biloxi
3 repaved Balmoral Avenue to correct the drainage
4 problems at least three or four times to my
5 knowledge. How long -- many times before that, I
6 don't know. To put all this concrete there that's
7 just going to drain that way, guarantee you, the
8 homes that are along that, they're going to get
9 flooded. It's not right.

10 So with that, I mean, I definitely am
11 not in favor of changing the zoning to allow
12 business all the way through. I'm certainly not
13 in favor an RV park in that location.

14 CHAIRMAN WASHER:
15 Thank you, ma'am.
16 Anyone else? We'll make you the last
17 one if you'll go ahead and make it quick, and then
18 we'll give the applicant about five minutes for
19 any rebuttal that he may have. If you want to
20 come forward and please sign in.

21 MR. KOMMERSMITH:
22 Yes. My name is Mike Kommersmith. I
23 live at 2545 Wilson Road in Edgewater Park.
24 I agree with pretty much everything
25 everybody in my neighborhood has said. There is a

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1 cut back some of those properties -- and I did
2 hear when we got here that there is some other
3 proposals that we haven't seen -- but he told us
4 he wasn't going to be able to do that because he
5 needed to have that amount of RVs spots to make it
6 financially feasible for him to be successful with
7 this project.

8 You know, my main point is that if the
9 zoning change is approved, just about any type of
10 commercial development could be put on this
11 property by the landowner in case this project
12 wasn't going to happen and he sold the property to
13 somebody else. And that's what my biggest concern
14 is. Thank you for allowing me to speak.

15 CHAIRMAN WASHER:
16 Thank you, sir.
17 We will give you about five minutes or
18 so for any rebuttal or any other comments you
19 would like to make.

20 MR. THOMPSON:
21 A couple of things. And like I said,
22 you know, I understand that the neighborhood is
23 concerned. I'm the same way when it comes to my
24 house. I'm concerned about what's being built
25 around my house.

50

1 couple of things that I just wanted to
2 re-emphasize, a couple of points.

3 I have lived in the neighborhood since
4 1998, and I'm opposed to the property -- zoning
5 change of this property location. What I'm
6 concerned about mostly is, what would prevent
7 Mr. Thompson or a future property owner from
8 building a much large commercial development on
9 this property after the zoning change would be
10 approved? That's my biggest question mark.

11 I mean, I know something is going to be
12 built there. I just don't know if we change it to
13 that CB zoning, you know, what would stop some
14 other giant project or something going in there.

15 People have already talked about there
16 are several additional properties in the City of
17 Biloxi on the beachfront that are already zoned
18 for this type of development maybe that could be
19 used. You know, the proposed RV plan layout that
20 was shown to the neighborhood association last
21 week, it really, honestly just looks like a
22 parking lot. There was really no green space
23 there. There wasn't any spacing.

24 We talked to Mr. Thompson at that
25 meeting and asked him if he would be willing to

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1 But like Mr. Parker said, this place has
2 been turned down how many times? Five, six, seven
3 times?

4 MR. PARKER:
5 Five times that I know.

6 MR. THOMPSON:
7 The gentleman in the back, you know, he
8 made the comment about the neighborhood buying the
9 property, making their own park, but they want the
10 City to buy that park.

11 The other thing, too, is listening to
12 Mr. John, no, his property does not adjoin it on
13 the south. It only adjoins it on the east side.
14 Their suggestion was to build a wall. That's what
15 I agreed to. I will. That's no problem.

16 As far as the concern of the flooding
17 going into the neighborhood, it's virtually
18 impossible. We are talking about putting up a
19 masonry wall with a two-foot by two-foot footer
20 that goes down into the ground, so this water is
21 not going to run over into their neighborhood. It
22 can't. It's a solid concrete wall. It's not
23 going to have any drainage problem whatsoever on
24 their properties.

25 As far as them understanding it's like a

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1 mobile home park, it's not. All these RVs that
2 are coming in here are high-end RVs. I don't know
3 if the people have priced them lately, but, you
4 know, some of these RVs run anywhere from 250,000
5 to over 1 million and a half in value. So we're
6 not talking about people that's going to be coming
7 in in travel-trailers and setting up camp for a
8 year or whatever. Y'all's ordinance says five
9 months at the most for -- and that's, like I said,
10 strictly for snowbirds.

11 The retention ponds, they are not
12 actually ponds. They are drainage on both sides
13 of the property, and they go out to the main
14 drain. It's not a retention pond. A retention
15 pond is going to hold water. This does not.

16 I understand their concerns; I really
17 do. But like Mr. Parker said, some day, somebody
18 is going to walk in here and put something there
19 they are really not going to like. So I
20 understand. Thank you very much.

21 CHAIRMAN WASHER:
22 Thank you. We'll consider that hearing
23 closed.

24 Mr. Thompson, I'm going to ask a
25 question.

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1 The other thing I would like to add,
2 too, a lot of the people don't realize it, but
3 Edgewater Mall brings in \$468,000 a year just in
4 the property taxes as a revenue to this state and
5 the city. Those little RVs park down the road,
6 right down the road, they bring in 25- to \$30,000
7 a year.

8 And I do, I really agree with, you know,
9 them as far as on their concerns, but I promise
10 you --

11 MR. CREEL:
12 So as I understand it, you're agreeable
13 to an eight-foot wall, not a 10-foot wall; is that
14 correct?

15 MR. THOMPSON:
16 Yes, sir.

17 CHAIRMAN WASHER:
18 Thank you very much.

19 MR. THOMPSON:
20 Yes, sir.

21 CHAIRMAN WASHER:
22 All right. Mr. Shambra.

23 MR. SHAMBRA:
24 Case Number 21-063, this is the
25 application for a zoning amendment to authorize

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1 MR. THOMPSON:
2 Sir.

3 MR. CREEL:
4 It was mentioned that the covenants said
5 that there was an agreement for a 10-foot wall.

6 MR. THOMPSON:
7 Yes, sir. Mr. John and I spoke --

8 MR. CREEL:
9 Are you agreeable to a 10-foot wall?

10 MR. THOMPSON:
11 No, sir. I did not agree on a 10-foot
12 wall. I mentioned in their covenants it says a
13 10-foot wall. But Mr. John's property, he wanted
14 his better protected than the other part of
15 neighborhood. He wanted a 12-foot wall. But he
16 also -- when he and I were talking, he told me I'm
17 good with an eight-foot wall all the way down the
18 property. So I was under the impression of being
19 able to put up a fence. They came up with a wall.
20 I understand the wall. It separates the
21 neighborhood.

22 Their concern of people getting into the
23 neighborhood, the only way they would be able to
24 get into the neighborhood is walk around Edgewater
25 Mall and come around into it.

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1 the change in zoning district classification to a
2 parcel of land measuring six and four-tenths
3 acres, more or less, in size from its present
4 split zone classifications of RS-10, low-density
5 single-family residential, to RM-30, high-density,
6 multifamily residential and also part of it
7 presently CB, community business, to all be
8 converted CB, community business. This is for a
9 property presently identified as 2506 Beach
10 Boulevard.

11 As has been brought up, we have actually
12 looked at this case twice before. We looked at it
13 in Case Number 11-039 where there was a
14 preliminary look at trying to do some things with
15 the property. That case really didn't go very far
16 and wasn't really presented to go any farther than
17 that.

18 The case that everybody has alluded to,
19 13-041, where rezoning was actually established
20 with that dual zoning of community business and
21 the RM classification for what was to be an
22 accommodation hotel and then to the back was to be
23 apartments, that's where we are today.

24 Again, I don't think I'm going to give
25 you a specific recommendation, but I'm going to

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1 ask you to review this, look at -- hearing all the
 2 information you've just got, remember the charges
 3 that the State gives us or tells us for any type
 4 of rezoning is mistake in original zoning or some
 5 change in the character of the neighborhood for an
 6 established community need for the use that's
 7 being proposed. Those are the factors that you're
 8 looking at. That's what you're basically trying
 9 to make the determination of rezoning for this
 10 property.

11 That being said -- and, again, there are
 12 some other factors that we're going to be looking
 13 at after we do this when we get to the Board of
 14 Zoning Adjustments case where we're talking about
 15 specific variances that have been applied for.
 16 I'll just leave it at that.

17 CHAIRMAN WASHER:
 18 All right. Thank you.

19 We'll open it up for any discussion,
 20 members of the Commission. Yes, sir.

21 MR. CARRON:
 22 Ed, could you just read off what could
 23 come in to CB say this doesn't development? By
 24 right, what could come in on CB?

25 MR. SHAMBRA:

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1 broached that subject, but that was one option
 2 that would have been available, to go to NB, and
 3 ask for a conditional use as for the RV park. If
 4 that would have happened, that way you would have
 5 had more control to be able to make certain
 6 determinations from the standpoint of the
 7 conditional use.

8 It came in because there was already
 9 some CB in the area. It was basically an
 10 expansion of the CB, and it was felt that that was
 11 probably the more prudent zoning without doing
 12 something that would be more likened to spot
 13 zoning.

14 MR. PARKER:
 15 John said that nothing has changed. You
 16 can't do a rezoning unless something changes.
 17 Yet, he says in 2013 -- we allowed him to change
 18 the zoning to a lesser zoning. There was no
 19 problem then. Now he can't go back to the
 20 original zoning. I'm just kind of curious about
 21 that.

22 MR. CREEL:
 23 Can you put the satellite back up, Tim?
 24 Can you move to the west just a little bit?

25 MR. CIPOLLA:

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1 CB is a high-end commercial
 2 classification zoning. It does allow for many
 3 uses. You can actually build this RV park in an
 4 NB zone as conditional use. That isn't the way it
 5 was presented to us. It was presented to go
 6 forward with the CB. So there was another
 7 alternative to go by.

8 When you get into CB, you're doing
 9 basically hospitality businesses. You're doing
 10 everything from most types of offices, most types
 11 of the residential is allowed. We also allow for
 12 any type of significant commercial where you're
 13 not doing manufacturing, but where you are doing
 14 heavy-traffic type of operations. Most of your
 15 strip malls can easily fit in that. You have got
 16 a multitude of things, gas stations, pharmacies,
 17 supermarkets. All that can fit in the CB,
 18 community business.

19 MR. CARRON:
 20 Okay. Thank you.

21 MR. LECHNER:
 22 Ed, they didn't want to go with
 23 neighborhood business?

24 MR. SHAMBRA:
 25 And I don't even know if they really

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1 (Complies.)

2 MR. CREEL:
 3 The property that used to be the
 4 Breakers property is already partially zoned CB,
 5 which is the hospitality district for the City.
 6 Yes, this is a residential neighborhood and it is
 7 a heritage, but the neighbors asked that it be
 8 designated as a review district so that they would
 9 have a level of control over any changes that were
 10 made to the outside structures going in there.

11 But if you look to the west of this
 12 neighborhood, that property is zoned RB -- that's
 13 Edgewater Mall -- and RB is the most intensive
 14 commercial zoning that we have. You could put a
 15 bar in there. You could put some of these other
 16 uses in there as well. This neighborhood just
 17 happens to be between two pieces of property that
 18 are zoned commercial. It's very close to
 19 Highway 90, which is a major commercial corridor.
 20 You've got commercial uses around the property
 21 too.

22 The CB zoning that is already there,
 23 typically what will happen when a developer comes
 24 in, if there is already CB zoning there on the
 25 property, then they will ask for the extension of

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1 that existing zoning. That's textbook planning
2 and zoning. If I've already got part of the
3 property zoned CB, why would I then ask for the
4 other part to be zoned NB?
5 Now, the Planning Commission always has
6 the authority to reduce the scope of whatever
7 is -- or reduce the intensity of what's being
8 asked for. But in this case because part of the
9 property is already zoned CB, you really wouldn't
10 accomplish anything by considering reducing the
11 northern part of it to NB because you'd still have
12 a split piece of zoning.
13 MR. DELLENGER:
14 But in that case, you could do it NB,
15 which would allow it conditional use, but it
16 wouldn't allow for anything more extensive. That
17 would be CB.
18 MR. CREEL:
19 That would be on the north end of
20 property, though. That's where the conditions
21 could apply.
22 MR. DELLENGER:
23 Correct, which is apparently the problem
24 with this rezoning, is not the south part. It's
25 the north part of it.

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1 Yes.
2 CHAIRMAN WASHER:
3 All right. We have motion by Mr. Parker
4 recommending approval as per the applicant's
5 request.
6 Is there a second?
7 Is there a second?
8 MR. DELLENGER:
9 I second.
10 CHAIRMAN WASHER:
11 We have a second by Mr. Dellenger.
12 We have a motion and second recommending
13 approval as requested.
14 All those in favor of approval raise
15 your hand, please.
16 Mr. Parker, Mr. Dellenger.
17 Any opposed?
18 Mr. Lechner, Mr. Todaro, Ms. Magee, Ms.
19 Thompson, Mr. Stanovich, Ms. Humphries,
20 Ms. Bankston, Mr. Delahousey, Mr. Carron,
21 Mr. King, Mr. Snow; myself, David Washer.
22 That motion dies.
23 Anyone want to offer a new motion?
24 MR. DELAHOUSEY:
25 Do we need to have a motion to deny the

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1 MR. CREEL:
2 That's correct.
3 MR. DELAHOUSEY:
4 I mean, it would be somewhat restrictive
5 what could go there by doing it NB, but you would
6 still need a conditional use to --
7 MR. CREEL:
8 He could go in right now with no request
9 and no approval needed from the City and put the
10 RV park on the southern part of the property, so
11 they could have an RV park.
12 This property not only was for sale for
13 a number of years, but also was up for a public
14 hearing for a while. There was a sign out front
15 where it was essentially up for auction at one
16 time, so it's been available, you know. It could
17 have been purchased. But anyway, that's just some
18 things to think about as you make your decision.
19 CHAIRMAN WASHER:
20 Any other comments or questions?
21 MR. PARKER:
22 I would like to recommend we approve it.
23 CHAIRMAN WASHER:
24 Approve it as requested?
25 MR. PARKER:

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1 request or is it dead because the motion failed?
2 CHAIRMAN WASHER:
3 Well, I was just asking if anyone had a
4 new motion, you know.
5 MR. SHAMBRA:
6 You don't have to.
7 MR. DELAHOUSEY:
8 I'm sorry?
9 CHAIRMAN WASHER:
10 I was just asking if anybody wanted to
11 make a motion. His motion was to approve it as
12 requested. I don't know if there was anybody
13 wanting to downgrade it or something.
14 All right. If there is no other motion
15 forthcoming, motion fails. That being the case,
16 then there is really no need to look at the
17 variances in the Board of Zoning Adjustments.
18 MR. DELAHOUSEY:
19 Mr. Washer, if we could, if it's
20 appropriate, I would like to go back to what
21 Mr. Creel was saying about the -- perhaps it would
22 be a more appropriate zoning rather than it is
23 existing. Are we at liberty to make any motions
24 on that or do we have to wait till somebody brings
25 that before us?

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1 MR. CREEL:
2 No. You can make an alternative motion.
3 MR. DELAHOUSEY:
4 Could you please reiterate what your
5 recommendation was on that, Mr. Creel?
6 MR. CREEL:
7 Well, the existing -- the property at
8 the south end -- if you look at the map, the
9 property on the south end, the crosshatched area
10 is already zoned CB. The request is for the
11 northern part of the property to be zoned CB. The
12 Planning Commission always has the authority to
13 reduce the intensity of a request for the property
14 that is there, to reduce it to NB with a
15 conditional use. In that case, what would happen
16 is that the Planning Commission then has the right
17 to put certain conditions on the property, if they
18 feel that the higher fence is necessary or other
19 things like that to protect the neighborhood from
20 the commercial development, and you have a right
21 to do that. That's what our conditional use is
22 for. So you do have that option before you if you
23 choose to go that route.
24 MR. DELAHOUSEY:
25 So are you saying that perhaps the

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1 CHAIRMAN WASHER:
2 And leave the other as is?
3 MR. DELAHOUSEY:
4 I'm sorry. No, the whole -- the entire
5 section, which goes to the end of Grande View
6 Avenue.
7 MR. CREEL:
8 The entire piece of property that's in
9 question would be NB.
10 MR. DELAHOUSEY:
11 Yes. From -- all the way to Highway 90
12 to the end of the Grande View Avenue.
13 CHAIRMAN WASHER:
14 Mr. Delahousey's motion is to rezone the
15 whole thing NB, neighborhood business.
16 Do we have a second on that?
17 MR. PARKER:
18 Second.
19 CHAIRMAN WASHER:
20 Second by Mr. Parker.
21 Any discussion on that?
22 MR. TODARO:
23 So would NB allow this proposed
24 development exactly the way it's written?
25 MR. CREEL:

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1 section that's currently CB would be -- possibly
2 change that to NB?
3 MR. CREEL:
4 You could recommend that, yes. You can
5 recommend that if you want to.
6 MR. DELAHOUSEY:
7 I would like to make that motion that
8 we -- the current property that is zoned CB, that
9 it be rezoned to neighborhood business.
10 MR. CREEL:
11 Let me mention one more thing too. With
12 a conditional use, of course, remember, that as
13 long as they comply with the conditions, then the
14 operations can continue. But if they fail to
15 comply with the conditions that are placed on it
16 and a neighbor reports it to us that they're out
17 of compliance, then we would put them on notice
18 and that conditional use permit can be revoked by
19 the City Council.
20 CHAIRMAN WASHER:
21 Your motion, Mr. Delahousey, was what
22 again? Repeat it.
23 MR. DELAHOUSEY:
24 To rezone the section that is currently
25 CB to NB.

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1 As a conditional use, so you would have
2 the right to put conditions on it that in order
3 for us to go forward with this, there are certain
4 conditions that the developer would have to comply
5 with. And if he agrees to comply with them, then
6 the project can move forward.
7 Now, let's just say that this is
8 approved by the Planning Commission and it goes to
9 the Council and gets approved, the Council also
10 has the right to add conditions to it as well.
11 But then it's going to go back to DRC to make
12 absolutely sure that everything on the site plan
13 complies with what the Planning Commission and
14 City Council --
15 MR. DELAHOUSEY:
16 The conditional use is automatically
17 part of NB; is that correct?
18 MR. CREEL:
19 This use is allowed as a conditional use
20 in NB.
21 MR. DELAHOUSEY:
22 So nobody would be able to go in there
23 and just put anything up without it coming before
24 the Planning Commission?
25 MR. CARRON:

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1 Would this require an additional
2 hearing?
3 MR. STANOVICH:
4 Let me ask this one question. Are you
5 asking to rezone it all neighborhood with the
6 conditional use to allow this park --
7 MR. DELAHOUSEY:
8 It is automatic.
9 MR. STANOVICH:
10 Well, to allow the conditional use to
11 build this park as presented?
12 CHAIRMAN WASHER:
13 What are the conditions?
14 MR. DELAHOUSEY:
15 Mr. Creel, maybe you can explain.
16 MR. CREEL:
17 Because the conditional use was not
18 requested as part of this advertisement,
19 Mr. Thompson would have to come back and apply for
20 the conditional use. In the meantime, he can
21 revise his drawings to comply with whatever.
22 The only thing this would do is y'all
23 would vote to recommend the change in the
24 zoning --
25 CHAIRMAN WASHER:

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1 is there has been nothing changed. Nothing has
2 been developed to the east, to the west and to the
3 north. The south is Highway 90. Nothing's
4 changed the character of that neighborhood.
5 That's my contention, and that's my first cut at
6 this. And even changing the zoning to a
7 neighborhood business, even changing any zoning
8 would have to qualify that something's changed.
9 And has anything changed that you guys can
10 perceive being qualified as a change in the
11 character of the neighborhood?
12 MS. BANKSTON:
13 I have a statement. I think we need to
14 study this more. I really would like to see some
15 development on the land. Definitely not RV park.
16 But I think we need to be understanding of what
17 we're doing here. It seems to be something that
18 we're all not clear about, and I personally am
19 not. So with all these conditional uses it opens
20 doors, you know. It just opens doors for the
21 zoning to be used. And I'm definitely not for
22 doing anything like that right now.
23 CHAIRMAN WASHER:
24 All right. That's what Mr. Delahousey's
25 motion and second by Mr. Parker was going to do.

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1 Open the door and move forward.
2 MR. CREEL:
3 -- to NB and then he could come back in
4 with the conditional use proposal.
5 MR. DELAHOUSEY:
6 But he would not be able to just
7 automatically do it? No matter what --
8 MR. CREEL:
9 We didn't advertise that in the original
10 advertisement, so --
11 MR. DELAHOUSEY:
12 No matter what goes in there, it would
13 have to come before us because the conditional use
14 is already attached to that?
15 MR. CREEL:
16 That's correct.
17 MR. SHAMBRA:
18 Anything that's not permitted use would
19 need a conditional use.
20 MR. TODARO:
21 David, even though we're not looking at
22 zoning upward towards commercial, but down, it's
23 still a change in zoning that would have to meet
24 the qualifications that there's been a change in
25 the character of the neighborhood. My contention

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1 It was going to open the door to make it come back
2 later. Of course, they still would have to
3 present that proposal then for conditional use.
4 MR. TODARO:
5 That's if it passes.
6 MS. BANKSTON:
7 Right.
8 CHAIRMAN WASHER:
9 We would have to add on any conditions
10 that we've got. So, I mean, if you feel good
11 about it today, vote on it. If you don't feel
12 good, you can vote against it.
13 MR. DELAHOUSEY:
14 Yeah. And it was my intent to provide
15 the people of the Edgewater Park with some
16 additional security that nothing can go in there
17 and just be built. That would have to come back
18 before us and there would have to be hearings no
19 matter what was going to be developed there.
20 MR. DELLENGER:
21 Jerry, I mean, would we -- I mean, I
22 guess in all fairness to the property owner, I
23 guess do we need to give him an opportunity to
24 stand up and say, I don't want CB changed to NB in
25 this instance?

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1 MR. CREEL:
2 It's up to him.
3 MR. DELLENGER:
4 He may not want it.
5 MR. CREEL:
6 As far as the change in the character of
7 the neighborhood, look at the map. You've already
8 got CB right across the street from this. That
9 zoning -- some argument was made that that
10 zoning -- the use here or this being on a
11 commercial corridor justified CB zoning at one
12 time in the past.
13 Neighborhood business zoning is a little
14 different because neighborhood business zoning is
15 what you want right next to a neighborhood I mean,
16 because it opens the door for, you know, drug
17 stores and things like that that support a
18 neighborhood. So there is a big, big difference
19 between the uses in NB and the uses in CB.
20 Now, you know, we're going to abide by
21 whatever the Planning Commission decides, but I
22 think you have to look at the overall area around
23 here. I mean, you know, the neighborhood is
24 located right next door to one of the biggest
25 commercial sites on the coast, which is Edgewater

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1 Excuse me, sir. Make sure I understand
2 this right. On the commercial part, the CB, right
3 now it's zoned to put whatever there, right?
4 CHAIRMAN WASHER:
5 It's CB. It doesn't change right.
6 MR. THOMPSON:
7 Right. So I can put an RV park there?
8 MR. CREEL:
9 The CB part of the property, if you come
10 in with a site plan that complies with everything
11 else, you can do an RV park on that section.
12 MR. THOMPSON:
13 And ask for a conditional use for the --
14 MR. CREEL:
15 No.
16 MR. THOMPSON:
17 No? Just on the front.
18 MR. CREEL:
19 That part was denied.
20 MR. THOMPSON:
21 Okay. Not a problem. That's what I
22 wanted to make clear.
23 MR. CREEL:
24 Thank you.
25 MR. THOMPSON:

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1 Mall and that zoning is RB. And you've got CB on
2 the other side. The other question is, has an
3 argument been made to justify moving that
4 commercial zoning further north, and that's what
5 the Planning Commission needs to decide.
6 CHAIRMAN WASHER:
7 All right. On the floor is motion by
8 Mr. Delahousey, seconded by Mr. Parker, to
9 downzone all of this property to a neighborhood
10 business, NB.
11 All those in favor of that, raise your
12 hand, please.
13 Mr. Parker, Mr. Delahousey,
14 Mr. Dellenger.
15 Any opposed?
16 Mr. Lechner, Mr. Todaro, Ms. Magee, Ms.
17 Thompson, Mr. Stanovich, Ms. Humphries,
18 Ms. Bankston, Mr. Carron, Mr. King, Mr. Snow,
19 David Washer.
20 I don't believe there is any
21 abstentions. Motion carries for denial on that.
22 Okay. Moving on. Tree hearings, none
23 today.
24 City council action, Mr. Shambra?
25 MR. THOMPSON:

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1 Thank you. We'll see y'all.
2 CHAIRMAN WASHER:
3 City Council action?
4 MR. SHAMBRA:
5 Case Number 21-057, the request for
6 conditional use to authorize a self-storage
7 facility at self-storage facility within an
8 existing building, located at 13041 Lorraine Road,
9 Council approved the request on Tuesday, as per
10 the recommendation of the Planning Commission.
11 CHAIRMAN WASHER:
12 Any old business to come before us
13 today? No old business.
14 Any new business? No new business?
15 Any citizens' comments? Any citizens'
16 comments? No citizens' comments.
17 Next meeting is scheduled for Thursday,
18 December 2nd. We'll go ahead and adjourn the
19 Planning Commission meeting.
20 (Adjourned at 3:21 p.m.)
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CERTIFICATE OF COURT REPORTER

I, MELISSA BURDINE-RODOLFICH, Court Reporter and Notary Public, in and for the County of Harrison, State of Mississippi, hereby certify that the foregoing pages, and including this page, contain a true and correct copy of my stenotype notes and/or electronic tape recording of the testimony of the witness, as taken by me at the time and place heretofore stated, to the best of my skill and ability.

I further certify that I am not in the employ of, or related to, any counsel or party in this matter, and have no interest, monetary or otherwise, in the final outcome of the proceedings.

Witness my signature and seal, this the _____ day of _____, 2021

Melissa Burdine-Rodolfich
My Commission Expires 4/28/24