

**CITY OF BILOXI
AGENDA ITEM
FACT SHEET**

Item No.:

4E

Council Meeting Date:

April 5, 2022

ITEM TITLE: RESOLUTION

INTRODUCED BY: Mayor Andrew "FoFo" Gilich

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

SUMMARY EXPLANATION:

Resolution granting Conditional Use approval to authorize the establishment of a Convenience Store with Gas facility upon a vacant parcel of land, for property presently identified as 2790 Beach Boulevard.

Ward 5, Case No. 22-024-PC, Felix Bertucci on behalf of Audubon Realty

Resolution ☒ Ordinance _____ Public Hearing _____ Routine Agenda _____

Exhibits for Review

Contract _____ Minutes ☒ Plans/Maps _____ Deed _____ Lease _____

Other (Specify): Applications, Case Fact Sheet, Ste Plan

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. _____

RESOLUTION GRANTING **CONDITIONAL USE** APPROVAL TO AUTHORIZE THE ESTABLISHMENT OF A **CONVENIENCE STORE WITH GAS** FACILITY UPON A VACANT PARCEL OF LAND, FOR PROPERTY PRESENTLY IDENTIFIED AS 2790 BEACH BOULEVARD

WHEREAS, on Thursday, March 17, 2022, the Biloxi Planning Commission held a public hearing in the Auditorium of the Dr. Martin Luther King, Jr., Municipal Building, 676 Dr. Martin Luther King, Jr. Boulevard, Biloxi, Mississippi, to hear Case No. 22-024-PC, G.M.R.I. Inc. (owner) and Felix Bertucci on behalf of Audubon Realty, II (applicant), a request for **Conditional Use** approval, for the property identified as 2790 Beach Boulevard; and

WHEREAS, the Planning Commission members were apprised of the particulars of this case, being made cognizant of the fact that G.M.R.I. Inc. (owner) and Felix Bertucci on behalf of Audubon Realty, II (applicant) has submitted this request to authorize the establishment of an **Convenience Store with Gas** Facility upon a portion of a parcel of land to reflect a new project site measuring approximately one acre in size upon an existing site approximately 2.8 acres in overall size for located within an **NB Neighborhood Business** zoning district, and presently identified as 2790 Beach Boulevard (re: Tax Parcel No. 1110M-03-008.000); and

WHEREAS, it should be noted, that upon review, it was determined that:

- a. Complies with all applicable zoning district standards;
- b. Has been found to be compliant with all Use-Specific Standards;
- c. Is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands;

- d. Avoids significant adverse odor, noise, glare, and vibration impacts on surrounding lands regarding refuse collection, service delivery, parking and loading, signs, lighting, and other site elements;
- e. Has been configured and designed to screen, buffer, or otherwise minimize adverse visual impacts on adjacent lands;
- f. Avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources;
- g. Maintains safe and convenient ingress and egress and traffic flow onto and through the site by vehicles and pedestrians, and safe road conditions around the site;
- h. Allows for the protection of property values and the ability of neighboring lands to develop uses permitted in the zoning district; and
- i. Complies with all other relevant city, state and federal laws and regulations; and

WHEREAS, on March 17, 2022, the Biloxi Planning Commission, after limited discussion, voted to recommend approval of the proposed **Conditional Use** Approval, to authorize the construction of an new **Convenience Store with Gas**, Facility upon a portion of a parcel of land to reflect a new project site measuring approximately one acre in size upon an existing site approximately 2.8 acres in overall size for located within an **NB Neighborhood Business** zoning district, and presently identified as 2790 Beach Boulevard (re: Tax Parcel No. 1110M-03-008.000), having determined that said project, as presented, has been found to promote the public interest at this location, that said use has been designed, located, and proposed to be operated so that the public health, safety, and welfare will be protected, that said use will not cause substantial injury to other property in the neighborhood in which located, and that the use conforms to all regulations of the **NB Neighborhood Business** zoning district in

which located, for the new property site presently identified as 2790 Beach Boulevard;
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 this **Convenience Store with Gas Facility** is appropriate for the new one-acre property site to be established, and presently identified as 2790 Beach Boulevard.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BILOXI, MISSISSIPPI, hereby approves the requested **Conditional Use** Approval, to authorize the construction of an new **Convenience Store with Gas Facility** upon a portion of a parcel of land to reflect a new project site measuring approximately one acre in size upon an existing site approximately 2.8 acres in overall size for located within an **NB Neighborhood Business** zoning district, for property presently identified as 2790 Beach Boulevard (re: Tax Parcel No. 1110M-03-008.000), in Case No. 22-024-PC, G.M.R.I. Inc. (owner) and Felix Bertucci on behalf of Audubon Realty, II (applicant), having determined that said project, as presented, has been found to promote the public interest at this location, that said use has been designed, located, and proposed to be operated so that the public health, safety, and welfare will be protected, that said use will not cause substantial injury(ies) to other property(ies) in the neighborhood in which located, and that this **Convenience Store with Gas Facility** use, conforms to all regulations for the **NB Neighborhood Business** zoning district.

.....A

RESOLUTION NO. _____

RESOLUTION CALLING FOR A PUBLIC HEARING WITH RESPECT TO A REQUEST FOR **CONDITIONAL USE** APPROVAL, TO AUTHORIZE THE ESTABLISHMENT OF A **CONVENIENCE STORE WITH GAS** FACILITY UPON A VACANT PARCEL OF LAND PRESENTLY IDENTIFIED AS 2790 BEACH BOULEVARD

WHEREAS, on Thursday, March 17, 2022, the Biloxi Planning Commission held a public hearing in the Auditorium of the Dr. Martin Luther King, Jr., Municipal Building, 676 Dr. Martin Luther King, Jr. Boulevard, Biloxi, Mississippi, to hear Case No. 22-024-PC, G.M.R.I. Inc. (owner) and Felix Bertucci on behalf of Audubon Realty, II (applicant), a request for **Conditional Use** approval, for the property identified as 2790 Beach Boulevard; and

WHEREAS, the Planning Commission members were apprised of the particulars of this case, being made cognizant of the fact that G.M.R.I. Inc. (owner) and Felix Bertucci on behalf of Audubon Realty, II (applicant) has submitted this request to authorize the establishment of an **Convenience Store with Gas** Facility upon a portion of a parcel of land to reflect a new project site measuring approximately one acre in size upon an existing site approximately 2.8 acres in overall size for located within an **NB Neighborhood Business** zoning district, and presently identified as 2790 Beach Boulevard (re: Tax Parcel No. 1110M-03-008.000); and

WHEREAS, it should be noted, that upon review, it was determined that:

- a. Complies with all applicable zoning district standards;
- b. Has been found to be compliant with all Use-Specific Standards;
- c. Is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands;

- d. Avoids significant adverse odor, noise, glare, and vibration impacts on surrounding lands regarding refuse collection, service delivery, parking and loading, signs, lighting, and other site elements;
- e. Has been configured and designed to screen, buffer, or otherwise minimize adverse visual impacts on adjacent lands;
- f. Avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources;
- g. Maintains safe and convenient ingress and egress and traffic flow onto and through the site by vehicles and pedestrians, and safe road conditions around the site;
- h. Allows for the protection of property values and the ability of neighboring lands to develop uses permitted in the zoning district; and
- i. Complies with all other relevant city, state and federal laws and regulations; and

WHEREAS, on March 17, 2022, the Biloxi Planning Commission, after limited discussion, voted to recommend approval of the proposed **Conditional Use** Approval, to authorize the construction of an new **Convenience Store with Gas**, Facility upon a portion of a parcel of land to reflect a new project site measuring approximately one acre in size upon an existing site approximately 2.8 acres in overall size for located within an **NB Neighborhood Business** zoning district, and presently identified as 2790 Beach Boulevard (re: Tax Parcel No. 1110M-03-008.000), having determined that said project, as presented, has been found to promote the public interest at this location, that said use has been designed, located, and proposed to be operated so that the public health, safety, and welfare will be protected, that said use will not cause substantial injury to other property in the neighborhood in which located, and that the use conforms to all regulations of the **NB Neighborhood Business** zoning district in

which located, for the new property site presently identified as 2790 Beach Boulevard;
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 BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BILOXI, MISSISSIPPI, will conduct a public hearing in reference to Case No. 22-024-PC, G.M.R.I. Inc. (owner) and Felix Bertucci on behalf of Audubon Realty, II (applicant), on a date to be set and in accordance with all requirements, as prescribed by the City of Biloxi Land Development Ordinance governing the conduct of public hearings.

.....B

RESOLUTION NO. _____

RESOLUTION DENYING **CONDITIONAL USE** APPROVAL, TO AUTHORIZE THE ESTABLISHMENT OF A **CONVENIENCE STORE WITH GAS** FACILITY UPON A VACANT PARCEL OF LAND PRESENTLY IDENTIFIED AS 2790 BEACH BOULEVARD

WHEREAS, on Thursday, March 17, 2022, the Biloxi Planning Commission held a public hearing in the Auditorium of the Dr. Martin Luther King, Jr., Municipal Building, 676 Dr. Martin Luther King, Jr. Boulevard, Biloxi, Mississippi, to hear Case No. 22-024-PC, G.M.R.I. Inc. (owner) and Felix Bertucci on behalf of Audubon Realty, II (applicant), a request for **Conditional Use** approval, for the property identified as 2790 Beach Boulevard; and

WHEREAS, the Planning Commission members were apprised of the particulars of this case, being made cognizant of the fact that G.M.R.I. Inc. (owner) and Felix Bertucci on behalf of Audubon Realty, II (applicant) has submitted this request to authorize the establishment of an **Convenience Store with Gas** Facility upon a portion of a parcel of land to reflect a new project site measuring approximately one acre in size upon an existing site approximately 2.8 acres in overall size for located within an **NB Neighborhood Business** zoning district, and presently identified as 2790 Beach Boulevard (re: Tax Parcel No. 1110M-03-008.000); and

WHEREAS, it should be noted, that upon review, it was determined that:

- a. Complies with all applicable zoning district standards;
- b. Has been found to be compliant with all Use-Specific Standards;
- c. Is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands;

- d. Avoids significant adverse odor, noise, glare, and vibration impacts on surrounding lands regarding refuse collection, service delivery, parking and loading, signs, lighting, and other site elements;
- e. Has been configured and designed to screen, buffer, or otherwise minimize adverse visual impacts on adjacent lands;
- f. Avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources;
- g. Maintains safe and convenient ingress and egress and traffic flow onto and through the site by vehicles and pedestrians, and safe road conditions around the site;
- h. Allows for the protection of property values and the ability of neighboring lands to develop uses permitted in the zoning district; and
- i. Complies with all other relevant city, state and federal laws and regulations; and

WHEREAS, on March 17, 2022, the Biloxi Planning Commission, after limited discussion, voted to recommend approval of the proposed **Conditional Use** Approval, to authorize the construction of an new **Convenience Store with Gas**, Facility upon a portion of a parcel of land to reflect a new project site measuring approximately one acre in size upon an existing site approximately 2.8 acres in overall size for located within an **NB Neighborhood Business** zoning district, and presently identified as 2790 Beach Boulevard (re: Tax Parcel No. 1110M-03-008.000), having determined that said project, as presented, has been found to promote the public interest at this location, that said use has been designed, located, and proposed to be operated so that the public health, safety, and welfare will be protected, that said use will not cause substantial injury to other property in the neighborhood in which located, and that the use conforms to all regulations of the **NB Neighborhood Business** zoning district in

which located, for the new property site presently identified as 2790 Beach Boulevard;
and

WHEREAS, the City Council, having given the Biloxi Planning Commission's recommendation serious thought, and consideration, has determined that this **Conditional Use**, as presented, is not appropriate for the site suggested.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BILOXI, MISSISSIPPI, that having given the Planning Commission's recommendation full consideration, hereby rejects said recommendation and hereby denies the requested **Conditional Use** Approval, to authorize the establishment of a **Convenience Store with Gas** Facility, upon a vacant parcel of land approximately two and eight tenths (2.8) acres in size, for property presently identified as 2790 Beach Boulevard, Case No. 22-024-PC, for G.M.R.I. Inc. (owner) and Felix Bertucci on behalf of Audubon Realty, II (applicant), based upon a determination that _____

..... C

Conditional Use-Convenience Store w/Gas in NB



Scheduled for
March 17, 2022
PC Meeting

G.M.R.I. Inc. (owner)
Felix Bertucci on behalf of Audubon Realty, II (applicant)
Case No. 22-024-PC
Conditional Use
Convenience Store with Gas Facility



**Planning Commission
Case Fact Sheet**

Case No.:	22-024-PC
Names of Owner/ Applicant:	G.M.R.I. Inc. (owner) and Felix Bertucci on behalf of Audubon Realty, II (applicant)
Address of Property:	2790 Beach Boulevard
Tax Parcels/Ward:	1110M-03-008.000/Ward 5

Request:	Conditional Use
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Purpose of Request:	To consider an application requesting Conditional Use Approval, to authorize the establishment of a Convenience Store with Gas Facility upon a parcel of vacant land approximately two and eight tenths (2.8) acres in size, which parcel is located within an NB- Neighborhood Business zoning district and is presently identified as 2790 Beach Boulevard.
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Size of Property:	2.8 Acres (More or Less)
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Present Zoning:	NB- Neighborhood Business
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Present Use:	Vacant Land
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Most Nearly Bounded By (streets):	To the North by C.T. Switzer, Sr., Drive; to the South by and fronting upon Beach Boulevard; to the East by Walmart Lane; and to the West by and adjacent to Debuys Road.
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Adverse Influences:	Care must be exercised before granting Conditional Use approval to insure that the objectives of City regulations are fully followed.
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Positive Influences:	The requested Conditional Use , if granted, would allow the property owner and applicant the opportunity to establish a
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Conditional Use
Convenience Store with Gas Facility
Page 2

Convenience Store with Gas Facility upon an approximate 2.8 acre property site, as submitted.

Concerns stated:

The Planning Division Office has not received any letters or other written communications relative to this case, as of March 10, 2022.

Comments/

Recommendations:

G.M.R.I. Inc. (owner) and Felix Bertucci on behalf of Audubon Realty, II (applicant), have submitted an application for **Conditional Use** Approval, to authorize the construction of an new **Convenience Store with Gas, Facility** upon a parcel of land 2.8 acres (More or Less) in size, and located within an **NB Neighborhood Business** zoning district, for property presently identified as 2790 Beach Boulevard (re: Tax Parcel No. 1110M-03-008.000).

The Convenience Store with Gas Outlet will primarily be situated upon a portion of the old Olive Garden restaurant site.

It should be noted that a **Conditional Use** Permit can only be approved only upon finding that all of the following standards are met:

- a. The **Conditional Use** complies with all applicable zoning district standards;
- b. The **Conditional Use** complies with all standards in Section 23-4-3, Use-Specific Standards;
- c. The **Conditional Use** is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands;
- d. The **Conditional Use** avoids significant adverse economic, odor, noise, glare, and vibration impacts on surrounding lands regarding refuse collection, service delivery, parking and loading, signs, lighting, and other site elements;
- e. The **Conditional Use** is configured and designed to screen, buffer, or otherwise

Conditional Use
Convenience Store with Gas Facility
Page 3

minimize adverse visual impacts on adjacent lands;

- f. The **Conditional Use** avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources;
- g. The **Conditional Use** maintains safe and convenient ingress and egress and traffic flow onto and through the site by vehicles and pedestrians, and safe road conditions around the site;
- h. The **Conditional Use** allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning district; and
- i. The **Conditional Use** complies with all other relevant city, state and federal laws and regulations.

The Development Review Committee has reviewed this project and has authorized the owner and applicant to submit this request for **Conditional Use** approval.

Options:

1. Recommend approval of the request for **Conditional Use**, to authorize the establishment of an **Convenience Store with Gas Facility** upon a 2.8 acre site located within an **NB-Neighborhood Business** zoning district, and presently identified as 2390 Beach Boulevard (re: Tax Parcel No. 1110M-03-008.000), having determined that approval of this **Conditional Use**, as requested, promotes and protects the public health, safety, and welfare of the City, that said use will have no significant negative impact upon the surrounding area, and that said **Conditional Use** meets or exceeds all **Conditional Use** Standards, as prescribed by the Land Development Ordinance.
2. Recommend denial of the requested **Conditional Use**, having determined that the specific use requested will not protect the public health, safety, and welfare of the public, and that said use does not meet all of the **Conditional Use** Standards, as prescribed by the Land Development Ordinance



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 22-024-PC

TO BE COMPLETED BY APPLICANT

Date: Jan. 27, 2022

Name of Rightful Owner(s):

GMRI, INC.

Name of Applicant: (if different than Owner)

AUDUBON REALTY, II

Property Address:

2790 Beach Blvd. Biloxi, MS

Ward Number 5

Tax Parcel Identification Number(s):

1110M-03-008.000
 - - - - -
 - - - - -
 - - - - -

Mailing Address of Property Owner

GMRI, Inc. c/o Darden Restaurants, Inc. 1000 Darden Center Dr.

Mailing Address of Applicant (if different than Owner):

Audubon Realty, II, LLC, 306 Hoffman Lane

City: Orlando

City: Waveland

State: FL

State: MS

Zip: 32837

Zip: 39576

County Orange County

County Hancock

Telephone: () 4072455291

Telephone: () 228 860 6111

Property Size (please give in acres or by dimension): 2.8 acres

Present Zoning Classification: Neighborhood Business

Is the property located within an AHRC District? Yes ☐ No ☒

If so, which District?

Flood Zone(s) of Property: X-500

	<u>North</u>	<u>South</u>	<u>East</u>	<u>West</u>
Property is most nearly bounded by what streets?	<u>C.T Switzer Rd</u>	Beach Blvd.	<u>WALMART LANE</u>	DeBuys Road
If property directly fronts or is adjacent one of the streets above please indicate with a ✓.		Beach Blvd. ✓		DeBuys Road ✓

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
x	Conditional Use
	Master Plan
	Gaming
	Hospitality
	Text Amendment
	Planned Unit Development
	Tree Removal
	Public ROW Vacation
	Administrative Appeal
	Variance
	Appeal
	Street Name Change

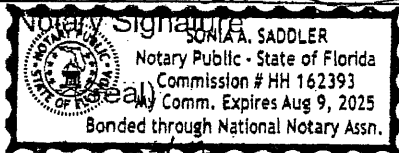
GENERAL INFORMATION, READ BEFORE EXECUTING. Attendance by the applicant(s) at the public hearing is mandatory; however, the applicant may designate a representative to attend the public hearing on his/her behalf, provided said representative has been properly designated to speak on the applicant's behalf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

Lauren Sustachek
Signature of Rightful Owner

N/A
Signature of Rightful Owner

Sonia A. Saddler

N/A
Notary Signature



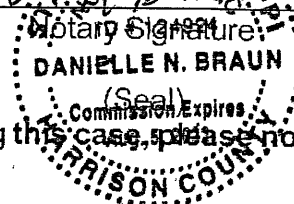
N/A
Signature of Rightful Owner

[Signature]
Signature of Applicant

N/A
Notary Signature

Danielle N. Braun
Notary Signature

(Seal)



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

NOTES:

Lauren Sustachek, VP Facilities Asset Management.

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



PLANNING COMMISSION SUPPLEMENT

Conditional Use

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: JAN 27, 2022

Shaded Areas for Staff Only

Conditional Use – The purpose of the Conditional Use is to provide for certain uses which, because of their unique characteristics, can be allowed with special consideration in each case of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location. Because of their unique characteristics, however, each of these requires the exercise of planning judgment on a case-by-case basis.

Statement of Support - This narrative must set forth proposed use and justification for the change, utilizing criteria set forth in Section 23-6-1(e) 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.

The Developer is buying this property specifically to develop a multi-million dollar 5,000 sf convenience store with fuel.

Detailed Site Plan Attached (If no site plan is attached, this application is considered incomplete and will not be accepted.)

Criteria:

✓

Yes

No

1. Is the use necessary to promote the public interest at that location?

x

Please explain:

There is no convenience store on Beach Blvd for miles and the public is inconvenienced with no opportunity for gas

2. Is the use designed, located, and proposed to be operated so that the public health, safety, and welfare will be protected?

X

Please explain:

This multi-million dollar project will be done with safety in mind and very pleasing aesthetics.

3. Will the use cause substantial injury to other property in the neighborhood in which it is located?

No

Please explain:

There are 50 acres of vacant land in the immediate surrounding area, and this project will spur development in the area. This project is sorely needed in this area and will provide a necessary amenity for the neighborhood and surrounding areas.

Conditional Use

Criteria (continued)		✓	
		Yes	No
4. Does the use conform to all district regulations of the applicable zoning district in which it is to be located, unless other provisions are specifically set forth in the requirements governing specific Conditional Uses?		X	
Please explain:			
This project is in a zoning classification that allows the use of the convenience store project by right with gas allowed as a conditional use			
5. Have satisfactory provisions and arrangements been made concerning the following, where applicable:			
1. Ingress and egress?		x	
2. Off-street parking and loading areas, where required, with particular attention to the economic, noise, glare or odor effects of the Conditional Use on adjoining properties and properties generally in the zoning district?		X	
3. Refuse and service areas?		x	
4. Utilities, with reference to location, availability, and compatibility?		X	
5. Screening and buffering, with reference to type, dimensions, and character?		X	
6. Signs, if any, and proposed exterior lighting, with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the zoning district?		x	
7. Required yards and other open spaces?		x	
8. General compatibility with adjacent properties and other property in the Zoning district?			
Comments:			
Case No. - - -			

AUDUBON REALTY

1806 B 23RD AVENUE

GULFPORT, MS 39501

Felixbert@me.com

2288606111

Feb. 10, 2022

Biloxi Planning Commission
676 Dr. Martin Luther King, Jr. Blvd.
Biloxi, MS 39560

RE: Conditional Use, Parcel 1110M-03-008.000, DRC No. 2021-067

To Whom It May Concern:

The site referenced above at the Northeast Corner of US 90 and DeBuys Road is being requested by the Developer for a Conditional Use as a "Convenience Store with Gas" as a "right" in the Biloxi Zoning Code. The Site is properly zoned for the requested use, as "Neighborhood Business, NB," with a "Conditional Use" required for Gas.

After meetings with the Biloxi Development Review Committee, the site as designed is in compliance with all regulations for the said Conditional Use approval as requested. The MS DOT has signed off on the access to the Service Road that is also known as the "Scenic Byway" at the highly signaled intersection. All other requirements for the new Convenience Store with Gas have been accepted by the DRC and approved.

The property in question was the former Friendship House, Brennen's, and the very popular Olive Garden Restaurants. Hurricane Katrina destroyed the Olive Garden in Aug. of 2005, and as a result, the property has been vacant for the 16 years since. This property has the unique geography of being out of the FEMA "flood zone" and is designated as an "X-500, 0 ft. BFE" flood zone which permits construction at grade level. The project, as designed, complies with all of the requirements for a much needed "Convenience Store with gas". This elevation condition creates a unique opportunity for a development "at grade" or ground level.

The nearest Convenience Store with gas is a Circle K located two miles to the east that is dangerous, very inadequate in size and is non-conforming because of its elevation below the flood zone. The nearest Convenience Store to the West is ten miles away in the Long Beach Harbor. There are no convenience stores on US 90 in Gulfport. Those conditions offer a highly desirable opportunity to create a much needed development like the one requested for this multimillion dollar project that is much needed in the Biloxi and adjoining Gulfport community.

This property is the only location and opportunity in Biloxi that has both the highly signaled vehicle access with the elevation necessary to allow building "on grade". DeBuys Road is highly traveled road and a major connector between US 90 and highly traveled Pass Road servicing many commercial, medical and other businesses and is the only direct North South access to the MS Gulf Coast Community College Gulf Coast Campus. The highly signaled intersection at US 90 and DeBuys creates a very safe access to the property. The property is conveniently between two of the most prominent condominium towers on the Gulf Coast and adjacent to the Edgewater Mall area and the highest density of commercial development in Biloxi.

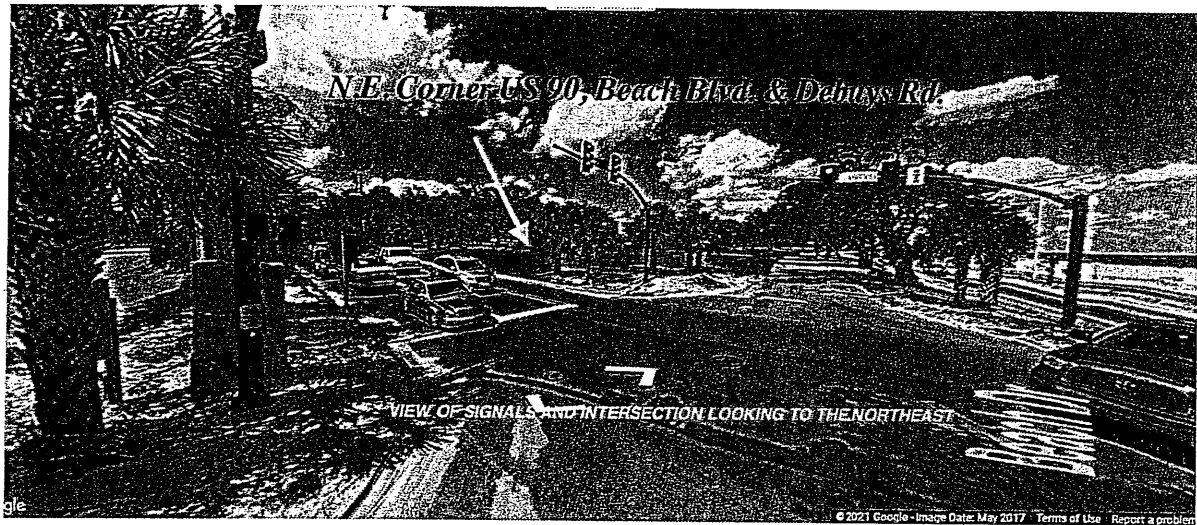
This project will be well received by the Biloxi and Gulf Coast Community as a sorely needed use that is in full compliance with the ordinance and zoning code with no variances required.

Sincerely Yours,

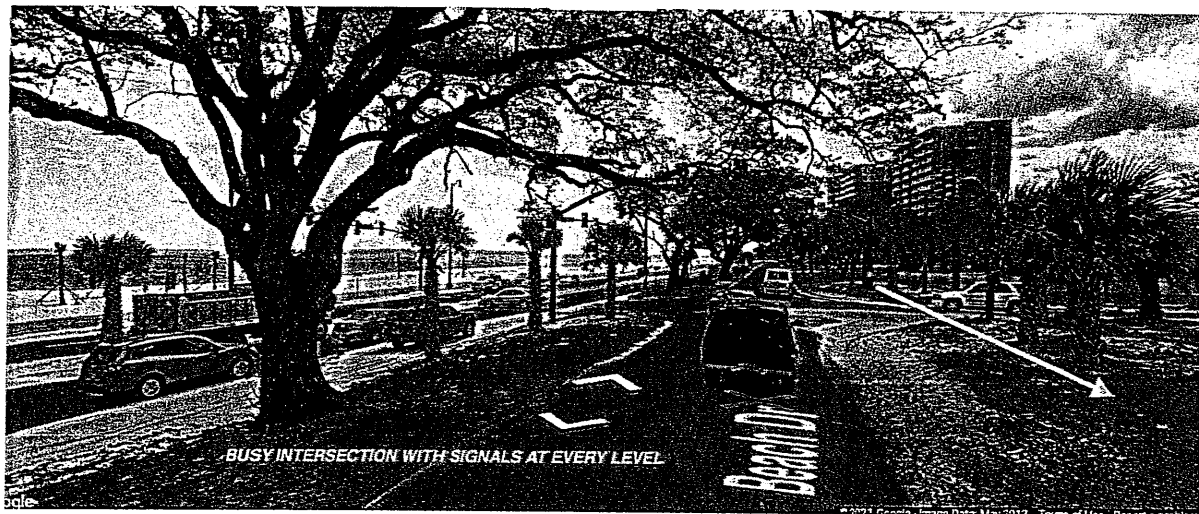
A black and white image of a handwritten signature, which appears to read "F. Bertucci", written in a cursive style over a dark, textured rectangular background.

**Felix Bertucci, Jr.
Broker, Developer, Consultant
Audubon Realty**

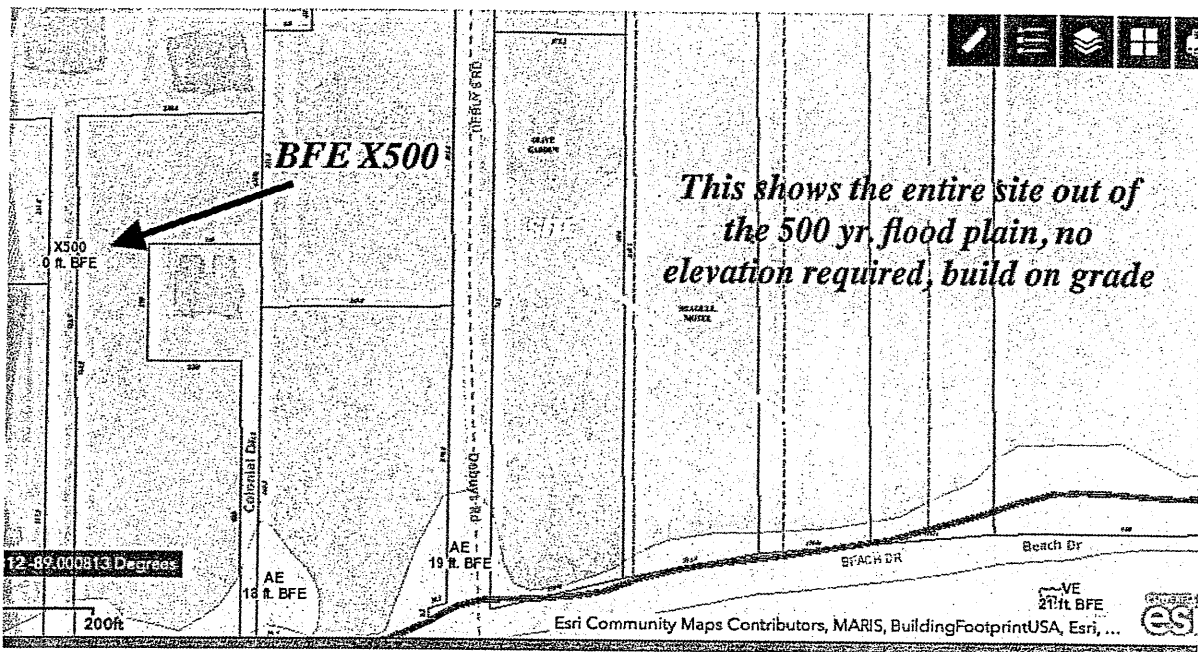
Highly signaled Site with Northeast view of the intersection



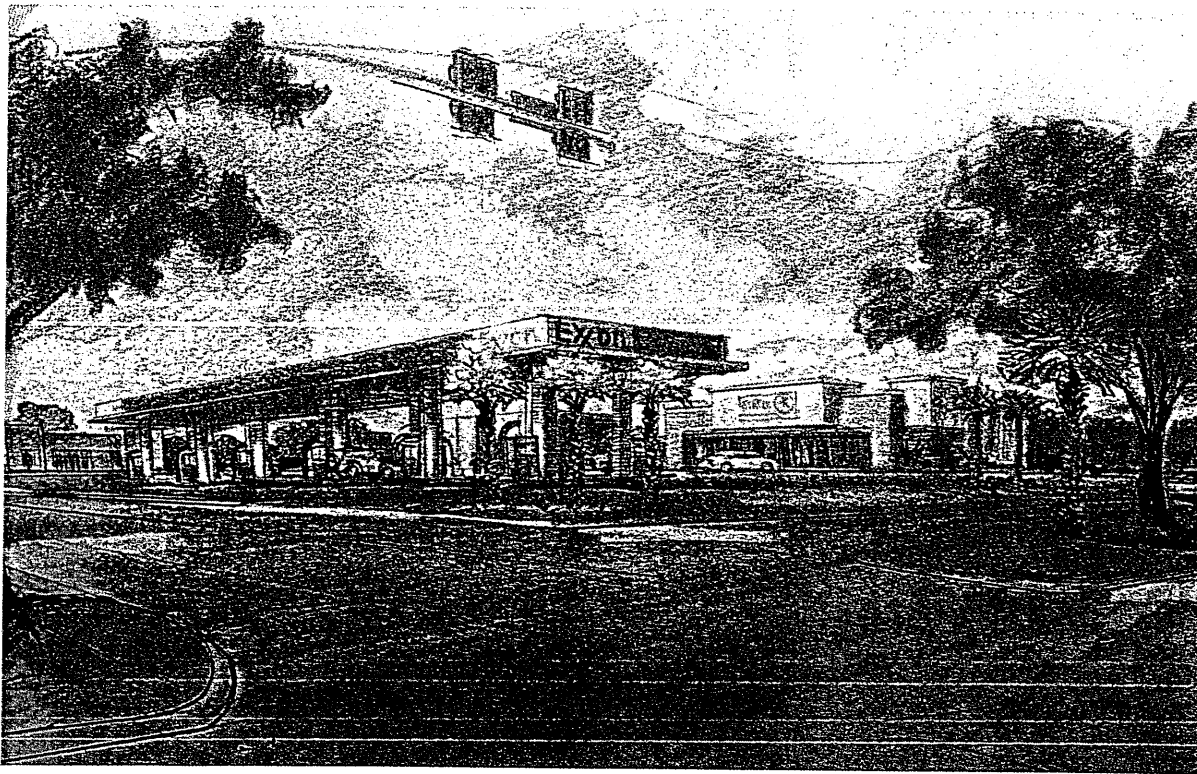
Westerly view of highly signaled intersection showing access



Flood Zone Designation



Proposed C-Store with Gas Rendering



Convenience Store Prototype with Outdoor space



Typical Prototype Convenience Store

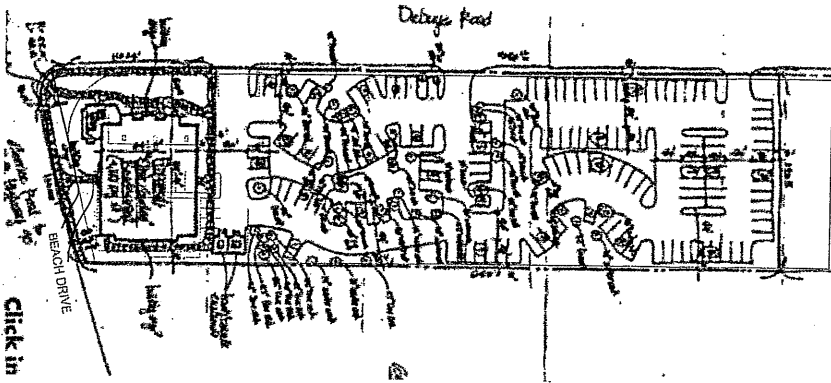


INTERNATIONAL BUILDING CODE 2018 INFO & GENERAL DATA

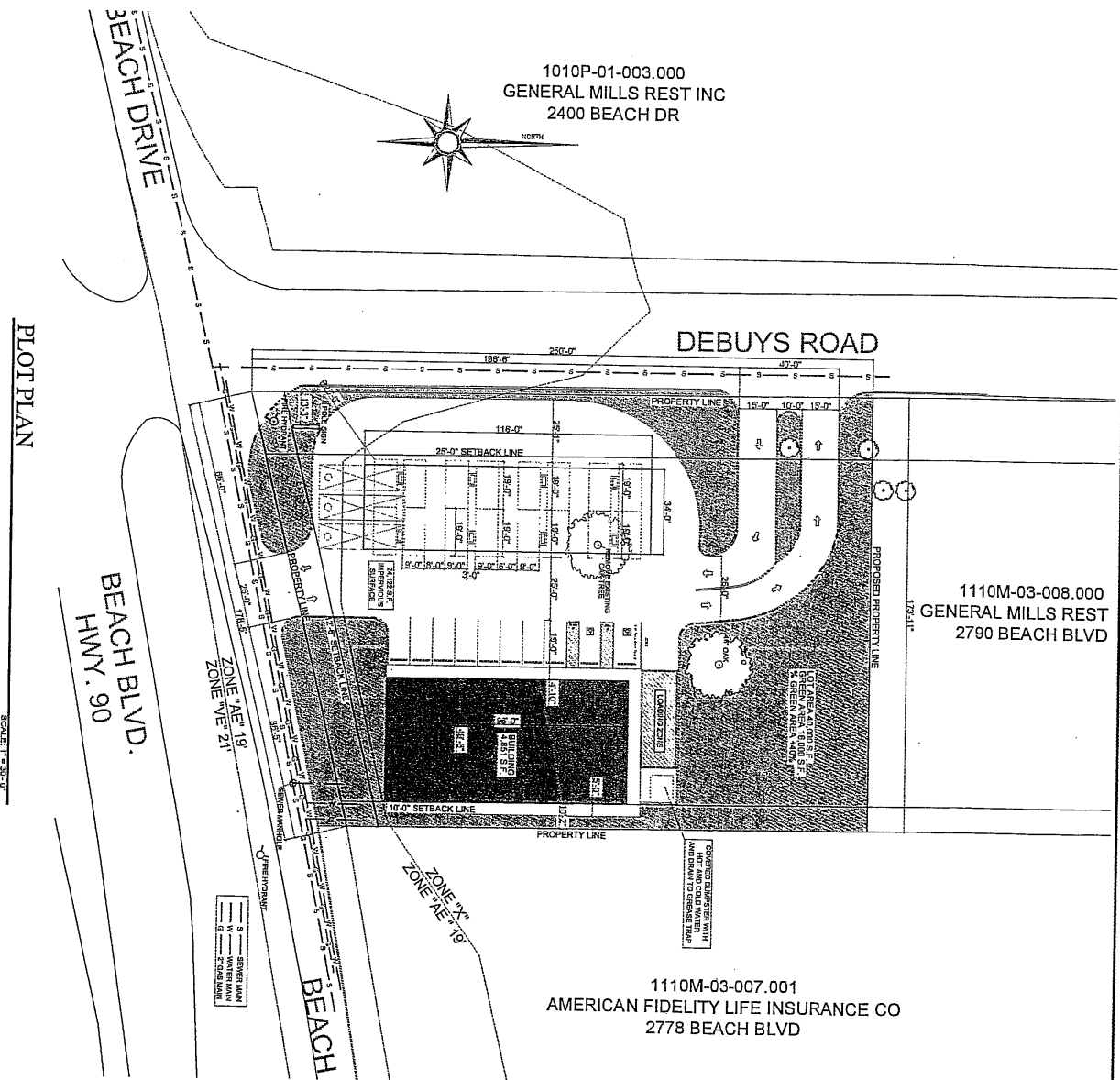
Zoning:	NR
Classification of Occupancy:	GROUP M
Occupant Load:	74
Minimum Type of Construction:	Type II-B
Sprinklers Provided:	NO
Height of building:	22.5'
Number of stories:	1
Total Square Footage:	4,861
F.F.T.:	22.0
Flood Zone (FIRM):	X

SETBACKS	HR PROV.	% OPEN.	ALLOWED
Front 25'	n/a	n/a	25%
Rear 10'	n/a	n/a	25%
Right 12'-6"	n/a	n/a	25%
Left 5'	n/a	n/a	25%

*Building shall meet requirements of the 2018 IBC Building Code and Local Commercial Building Codes and 2018 Fire Codes.



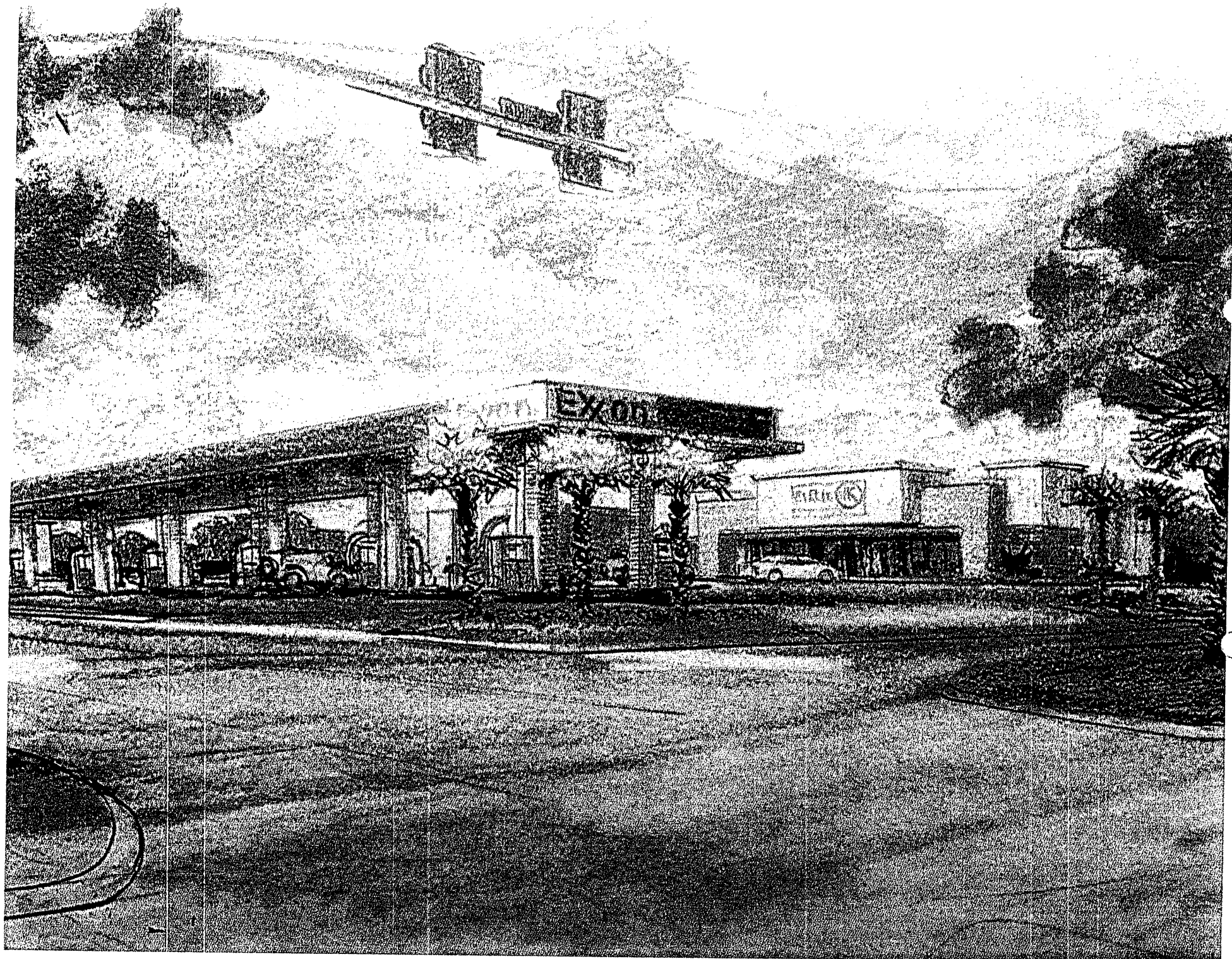
Click in



PLOT PLAN

SCALE: 1"=30'-0"

Sheet C1 Project No 21-01.12	DRAWING TITLE: PLOT PLAN	PROJECT TITLE: CONVENIENCE STORE AND FUEL STATION	W. RUSS SMALLWOOD Complete Design-Build Services GULFPORT, MISSISSIPPI 39507 TELEPHONE (228) 263-5482 Serving the Gulf Coast since 1981.
	SCALE: 1"=20'-0" DR. BY: RS CL. BY:		
	DATE: 1/25/2022		



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: March 10, 2022

Re: G.M.R.I Inc. (Owner)
Felix Bertucci n behalf of Audubon Realty,II (Applicant)
2790 Beach Blvd
1110M-03-008.000

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

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

Yours truly,

Eric Nolan

Eric Nolan, Chair

cc: file

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 BILOXI PLANNING COMMISSION MEETING MARCH 17, 2022 COMMUNITY DEVELOPMENT, DR. MARTIN LUTHER KING JR. MUNICIPAL BUILDING, 676 DR. MARTIN LUTHER KING JR. BOULEVARD, BILOXI, MISSISSIPPI, BEGINNING AT 2:00 P.M. PLANNING COMMISSION MEMBERS PRESENT: David Washer, Chairman Kay Bankston Kyle Carron Steve Delahousey Joe King Gary Lechner August Parker Jimmy Poulos John Snow David Stanovich Cheryl Thompson Michael Todaro ALSO PRESENT: Jerry Creel, Director of Community Development Caryle Lena, Planning Technician Felicia Serpas, Planning Technician Ed Shambra, Executive Planner Tim Cipolla, Code Inspector Dr. Paul Tisdale, Councilman Ward 5 REPORTED BY Melissa Burdine-Rodolfich Simpson Burdine & Miguez	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 C-O-N-T-E-N-T-S PAGE CONTINUED PUBLIC HEARINGS: 21-052-PC (HeId in Abeyance) -- 22-018-PC 6 NEW PUBLIC HEARINGS: 22-019-PC 12 22-022-PC 43 22-024-PC 144 22-025-PC 18 22-026-PC 18 TREE HEARINGS: TR-22-003 43
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 CHAIRMAN WASHER: Let us call the Planning Commission meeting to order, please. We'll record the members present, Mr. Lechner, Mr. Todaro, Mr. Parker, Ms. Thompson, Mr. Stanovich, Ms. Bankston, Mr. Delahousey, Mr. Poulos, Mr. Carron, Mr. King, Mr. Snow, myself; David Washer; Ed Shambra, Executive Planner, Jerry Creel, Director of Community Development; Caryle Lena, Planning Technician; Felicia Serpas, Planning Technician. On the projector is Tim Cipolla, and our court reporter today is Melissa Rodolfich. I would ask that anyone in the audience kindly mute your phones or turn them off if you have one with you. I'd ask Mr. Parker to please open the meeting with a moment of prayer. And I'm also going to recognize Dr. Paul Tisdale in the audience, Councilman Ward 5. (Moment of prayer.) CHAIRMAN WASHER: Ms. Thompson, the pledge, please. (Pledge of allegiance.) CHAIRMAN WASHER:	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 We'd welcome each of you here with us today. We would ask that anyone that desires to speak, please come to the podium when your case is called, give us your name and address for the record. And also, please sign in at the pad provided. Ask if all Commissioners received a copy of the minutes of the last meeting and if there is any additions or corrections. If not, we will entertain a motion to accept them as presented. MR. POULOS: So moved. MR. SNOW: Second. CHAIRMAN WASHER: Motion by Mr. Poulos; seconded by Mr. Snow. All those in favor, say "aye." (All in favor.) CHAIRMAN WASHER: Any opposed? (None indicated.) CHAIRMAN WASHER: Thank you. Mr. Creel, committee reports? MR. CREEL:

1 Yes, sir. Mr. Chairman and Members of 2 the Commission, over the past two weeks, the 3 department has issued 189 building permits, with a 4 construction valuation of \$3.8 million. We have 5 collected \$20,000 in permit fees, issued licenses 6 for 21 new businesses and 17 renewals. We have 7 also issued 17 certificates of occupancy of which 8 three of those were for short-term rental. Out of 9 those permits issued, three were for commercial 10 additions or remodeling and three were for new 11 single-family houses. 12 CHAIRMAN WASHER: 13 Our one continued public hearing that's 14 held in abeyance will continue to be held abeyance 15 in regard to Alterna Mortgage and Gulf Coast 16 Development and Design, LLC. 17 MR. DELAHOUSEY: 18 Mr. Washer, if I could make a motion in 19 the interest of time and -- in the audience, it is 20 apparent that Case Number 22-022-PC is probably 21 going to be lengthy, so I would like to move that 22 we change the agenda and move that item to the end 23 of the agenda. 24 CHAIRMAN WASHER: 25 You want the Tree Case with it,	1 TR-22-003? 2 MR. DELAHOUSEY: 3 Yes. 4 MS. BANKSTON: 5 Second. 6 CHAIRMAN WASHER: 7 All right. We have a motion and second. 8 To move 22-022-PC Harrison County Lodging and 9 Development, LLC and the accompanying tree case to 10 the rear of the agenda. That way we can clear out 11 the other cases scheduled for today and make the 12 best use of everybody's time. 13 We'd ask that all those in favor, say 14 "aye." 15 (All in favor.) 16 CHAIRMAN WASHER: 17 Any opposed? 18 (None indicated.) 19 CHAIRMAN WASHER: 20 Thank you. 21 Our first case today is 22-018-PC, Edwin 22 R. and Jennifer G. Miles, owners; Craig and 23 Natalie Balius, second owner/applicants. It's an 24 application for a vacation of a portion of a 25 unimproved public right-of-way approximately
1 285 feet in length and 12.83 feet, more or less, 2 in width, identified as an unimproved section on 3 South Hill Drive, formerly Brasher Road, 4 right-of-way situated immediately adjacent to 5 three properties of 700 Live Oak Drive, 721 6 Highland Drive and an unaddressed parcel situated 7 adjacent to this section of right-of-way. This 8 case advertised on February 17th and 9 February 24th. 10 Is the applicant or their representative 11 here, please? Mr. Balius. 12 Before you start, I want to ask 13 Mr. Cipolla to please show us the video on that. 14 MR. CIPOLLA: 15 As we said, that's down at the very end. 16 This is the end of the cul-de-sac down here, and 17 I'll show you the site plan in a minute. This is 18 Mr. Balius' house. It goes down, over and comes 19 back up. Actually, it comes out way down over 20 there. As you can see, there is a fence across 21 there and it's also on the other side. Got the 22 bayou down here, Mr. Balius' fence down at the 23 end. This fence comes all the way down onto 24 Highland. And that goes down, over and back out 25 of the site. This is where his house is. This is	1 the part he wants to have vacated. 2 CHAIRMAN WASHER: 3 Thank you. Mr. Balius, for the record, 4 give us your name and address, sir. 5 MR. BALIUS: 6 Craig Balius, 700 Live Oak Drive. 7 I'm in the process of building a 8 boathouse and redoing my bulkhead. And in doing 9 so, there is a small piece that I do not own, 10 which is right here, 90 feet across by 15 that 11 Jerry Johnston owns. I'm in the process of 12 purchasing it. Cliff Crosby is doing my legal 13 description, and I will hopefully close on it this 14 week with Mike McDermott. And so in order to do 15 that, I need to get that right-of-way vacated to 16 own the property. 17 CHAIRMAN WASHER: 18 Any questions of Mr. Balius, Members of 19 the Commission? No questions. Thank you, sir. 20 Do we have anyone in the audience that 21 wants to speak in favor of the applicant's 22 request? Anyone speaking in favor? No one 23 speaking in favor. 24 Anyone speaking in opposition? 25 CHIEF DUNAGAN:

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1 recommending approval.

2 We'll ask that all those in favor of

3 approval raise your hand, please. Mr. Lechner,

4 Mr. Todaro, Mr. Parker, Ms. Thompson,

5 Mr. Stanovich, Mr. Delahousey, Mr. Poulos,

6 Mr. Carron, Mr. King, Mr. Snow.

7 Any opposed? Ms. Bankston; myself,

8 David Washer.

9 I don't believe there is any

10 abstentions.

11 Motion carries.

12 All right. Now, we're going to move on

13 to the tree case, TR-22-003. Of course, you heard

14 Mr. Creel's comments on that.

15 We're going to go ahead and take a

16 five-minute recess. If anybody wants to exit,

17 please do so quietly.

18 (Five-minute recess.)

19 CHAIRMAN WASHER:

20 Right now, we've got Case Number TR-003

21 regarding Harrison County Lodging Development, LLC

22 and Neil Polen of Dale Partners, application to

23 remove a total of nine trees to allow for the

24 creation of two new hotels for properties

25 presently identified as 1252 and 1270 Beach

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1 MR. KAVANAUGH:

2 No.

3 MS. BANKSTON:

4 So this is for the same property we've

5 been talking about?

6 CHAIRMAN WASHER:

7 That's correct.

8 MR. KAVANAUGH:

9 So no public comment? You can just vote

10 on it without me saying a word?

11 CHAIRMAN WASHER:

12 He asked for it. You didn't raise your

13 hand, so he closed it.

14 MR. KAVANAUGH:

15 Oh, he asked for public comment? I

16 didn't hear it. Well, I'm sorry.

17 CHAIRMAN WASHER:

18 All those in favor, raise your hand.

19 Mr. Lechner, Mr. Todaro, Mr. Parker, Ms. Thompson,

20 Mr. Stanovich, Mr. Delahousey, Mr. Poulos,

21 Mr. Carron, Mr. King, Mr. Snow.

22 Those opposed? Ms. Bankston; myself,

23 David Washer. Motion carries.

24

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1 Boulevard and 1257 Father Ryan Avenue.

2 You heard the presentation on that. You

3 heard the comments from Mr. Creel. If you've got

4 any questions, go ahead and fire away. If not, we

5 will entertain motion.

6 Anything, you want to add, Jerry?

7 MR. CREEL:

8 No. I think I covered it all, but I'll

9 be happy to answer any questions.

10 MR. PARKER:

11 Recommend approval.

12 CHAIRMAN WASHER:

13 Motion by Mr. Parker recommending

14 approval.

15 MR. SNOW:

16 Second.

17 CHAIRMAN WASHER:

18 Seconded by Mr. Snow.

19 We'd ask that all those in favor of

20 approval, raise your hand.

21 MR. KAVANAUGH:

22 Is there -- can I do a public comment on

23 this?

24 CHAIRMAN WASHER:

25 No, sir.

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1 All right. Moving on, our next case

2 today, Case Number 22-024-PC, G.M.R.I., Inc.,

3 owner; Felix Bertucci, Audubon Realty, II,

4 applicant. It's a request for a conditional use

5 approval to authorize the construction of a new

6 convenience store and gas facility upon a parcel

7 of land 2.8 acres, more or less, in size, and

8 located within an NB, neighborhood business

9 district for property presently identified as 2790

10 Beach Boulevard, being Municipal Tax Parcel Number

11 1110M-03-008.000. This case was advertised on

12 March 3rd and March 10th.

13 Ms. Lena, if you have got the video,

14 please, ma'am.

15 MS. LENA:

16 This is the old Olive Garden property.

17 That is the service drive. That's the beach.

18 That would be going towards Gulfport, of course.

19 That's Debuys Road. And the property goes all the

20 way back to, I believe, the project that we looked

21 at for the RV park. And that's all we have.

22 CHAIRMAN WASHER:

23 All right. Mr. Bertucci.

24 MR. BERTUCCI:

25 Good afternoon. I'm Felix Bertucci. I

1 represent Audubon Realty and General Mills 2 Restaurant Corporation for this vacant property. 3 It's on the corner, as she said, of 4 Debuys Road and Beach Boulevard. It's a little 5 bit less than three acres, and we're asking for a 6 conditional use for gas a convenience store. The 7 property meets all the zoning requirements. In 8 the ordinance, there is a requirement if you're 9 going to put in gas that you have to go through a 10 conditional use process, so that's what we're 11 doing today. 12 This property like the rest of the 13 property on the beach has been vacant for 17 years 14 now. The unique aspect of this property is unlike 15 any other property on the Coast. Really, it's 16 20 feet above sea level, so it represents really 17 the only opportunity to build a convenience store 18 on the ground where there is a controlled 19 intersection with a service drive. And that's -- 20 I mean, that's the reason you don't see any other 21 convenience stores. All the other convenience 22 stores on the beach are grandfathered in, the one 23 downtown, the Shell Station downtown. There's 24 another Shell Station at Veterans Avenue. There 25 is a small Circle K at Beauvoir. Actually I	145 1 handled that project for Mr. Morrison at Fast Lane 2 before the explosion, which was tragic. But it's 3 really too small. That's really an inadequate 4 site. And there is not another convenience store 5 on the beach until you get to Long Beach. There 6 is no gas available. 7 And, of course, the character of that 8 neighborhood has always been commercial. 9 Everybody can remember, I guess if you're as old 10 as me, the Friendship House. Friendship House was 11 my first job. It's really funny, 50 years later, 12 here I am working on the site. Of course, the 13 Brennans bought it for the restaurant and the 14 Olive Garden bought it. 15 And it would be real nice to keep -- I 16 mean, it looks like somebody just took the Olive 17 Garden and wiped it away. It's all still there. 18 The parking lot is still there. The fire main is 19 there. The grease trap is still in. But Olive 20 Garden has a deed restriction for a restaurant. I 21 mean, that's what we would all like to see back 22 there. So if you can't put a restaurant on it, 23 what do you do with the site? I was about to -- 24 you know, after 17 years, you know, it becomes a 25 number on a page and I was there when we made the 146
1 deal with Olive Garden. And so we tried to decide 2 what to do with it. 3 You know, the first thought is let's do 4 a tower. I actually bought the land and assembled 5 the land for the Beau View tower just to the east. 6 Actually, the Beau View Tower was supposed to be 7 in Gulfport, but Gulfport didn't want it. 8 I'm serious. We were going to build two 9 towers at Cowan Road, but the lady next door had 10 an appraiser say it was going to devalue her 11 property, so we went to Biloxi. And that's what's 12 so interesting about this property. I don't think 13 most people realize that surrounding this site -- 14 I have a thumb drive, if you want to -- 15 MS. LENA: 16 Yeah, absolutely. 17 MR. BERTUCCI: 18 Surrounding this site is almost 60 acres 19 of vacant property. It's just -- I mean, I have 20 been doing development for 50 years. It's such a 21 rare opportunity for have us to do something with 22 Biloxi. There is as much vacant property -- I'm 23 talking about where Ryan's Steakhouse was and 24 where Red Lobster was and then you had the 25 Brittany Apartments behind it and the ones behind	147 1 that. And then, of course, you had the Olive 2 Garden and all the hotel property and then the 3 Landry's Seafood. And, of course, you've got the 4 Beau View towers. There's another eight to 10 5 acres behind the Beau View Towers that most people 6 don't realize and another four acres next to it. 7 All together, it's 60 acre, which is just about as 8 big as downtown Biloxi. And it's 20 feet. You do 9 not have to build up. 10 So that's just -- it's the most rare 11 site on the whole Gulf Coast. So what do you do 12 with site? Well, we're dealing with the 13 restriction. We read -- we really need this 14 convenience store. I mean, it's a 4, \$5 million 15 convenience store. It's going to have a 16 restaurant. There's more opportunity to make it 17 bigger, which we're not going to do right now. 18 The site plan calls for -- that's the 19 Kmart -- Circle K. There's the site plan. There 20 is a no compromise with the building department on 21 this site plan. Setbacks are adequate. The 22 parking is adequate. The green area, we have 23 40 percent green area that we have complied with. 24 One tree. We're taking out one tree on that whole 25 site. We actually redid -- you can see at the top 148

1 where there is a double drive. We actually saved 2 that tree, by making it a double drive. 3 MR. CARRON: 4 This little -- 5 MR. BERTUCCI: 6 I have got a copy of the site plan. I 7 would like to give it to y'all. 8 MR. CARRON: 9 On the very bottom of that diagram on 10 the left, that small portion on the bottom -- 11 MR. BERTUCCI: 12 That's the old Olive Garden site. 13 MR. CARRON: 14 That's what you're actually going to 15 build on, correct? 16 MR. BERTUCCI: 17 The green. 18 MR. CARRON: 19 This right here, this is that, correct? 20 MR. BERTUCCI: 21 And this is the former Olive Garden 22 site. We just used it because we had it and this 23 is the restaurant parking. That's gone. And this 24 is 50 feet, and we're talking about 300 feet here, 25 which is mostly vacant. And that's the site we're	149 1 talking about there. 2 If we do anything else, we'll have to 3 come back. We don't have any plans right now. 4 It's just vacant. 5 CHAIRMAN WASHER: 6 About what portion of that Olive Garden 7 property are you proposing to utilize, half, a 8 third? 9 MR. BERTUCCI: 10 Probably over a third of it right now. 11 We don't really know what's going to happen with 12 the rest of it. 13 MR. SHAMBRA: 14 Yeah. We need you to actually provide 15 it. We have a lot line rearrangement form that 16 you can use, but we need to have that. 17 MR. BERTUCCI: 18 Yeah. When we come back again, we can 19 do that. 20 MR. SHAMBRA: 21 But the conditional use is not for that 22 whole tax parcel. It's only going to be for the 23 part where you're building the convenience store. 24 MR. BERTUCCI: 25 Okay. That's okay.	150
1 CHAIRMAN WASHER: 2 Can you tell from the plans how many 3 feet it is from -- 4 MR. BERTUCCI: 5 This is the only thing we've got planned 6 right now, the only thing we've got planned. 7 CHAIRMAN WASHER: 8 How many feet deep is that from the 9 service drive? 10 MR. BERTUCCI: 11 The dimension is on here. 12 MR. CARRON: 13 250. 14 MR. BERTUCCI: 15 250. 16 CHAIRMAN WASHER: 17 So your request today for a conditional 18 use is for the front 250 feet of the property? 19 MR. BERTUCCI: 20 It's just for gas. The only conditional 21 use that we're asking for is for the tanks, the 22 gas. There is no other -- 23 MR. SHAMBRA: 24 It's a convenience gas station with gas, 25 is what we call it.	151 1 MR. BERTUCCI: 2 That's what the ordinance reads. 3 Convenience store with gas triggers the 4 conditional use. Otherwise, if we didn't have 5 gas, it would be just the building. We'd go to 6 the building department for a building because it 7 meets all the other requirements, all the 8 setbacks, all the parking and green areas. 9 MR. STANOVICH: 10 The parking lot behind it where the 11 Olive Garden was had those nice pavers. 12 MR. BERTUCCI: 13 Oh, we'd love to use that. I mean, it's 14 a green site. 15 MR. STANOVICH: 16 Are the pavers and trees still there? 17 MR. BERTUCCI: 18 It's got greenage. It's got sidewalks. 19 It's got curbs. It's a green site. 20 MR. STANOVICH: 21 That was the best parking lot in Biloxi. 22 MR. BERTUCCI: 23 What I would like to do -- what I would 24 like to do is buy some of the property to the east 25 and leave it just like it is, you know, put a	152

1 building on it. 2 MR. STANOVICH: 3 What kind of restaurant? 4 MR. BERTUCCI: 5 It's just going to be -- it will be -- 6 if we keep going here. It will be -- it will be 7 in the convenience store. 8 MR. STANOVICH: 9 I mean, is it like a Subway? Is it like 10 a -- 11 MR. BERTUCCI: 12 It's whatever the developer -- keep 13 going. 14 MR. STANOVICH: 15 So you're not sure? 16 MR. BERTUCCI: 17 See this right here? This would be in 18 conjunction with some outdoor -- you know, with 19 some outdoor -- so whatever they want to do inside 20 depending on who the operator is going to be. You 21 can't get an operator unless you've got a deal. 22 And the unique part of being 20 feet 23 above sea level, if you -- I would like everybody 24 to go visit this site. When you get on the site, 25 you're actually over the cars because of the	153 1 elevation. You've got cars going down the beach 2 where you're over them, so you can actually see 3 the water. But again, we've got to deal with 4 Olive Garden and Olive Garden has a deed 5 restriction and it's pretty serious. 6 MR. DELAHOUSEY: 7 Is this going to face Debuys or face 8 Highway 90? 9 MR. BERTUCCI: 10 Face Debuys Road. It will face Debuys, 11 and then that would be the south -- that would be 12 the south part. I mean, that's what we would like 13 to do, something really -- 14 MR. STANOVICH: 15 So is the ingress and egress on Debuys 16 or on the service road? 17 MR. BERTUCCI: 18 Both. We were able to get -- we 19 dealt -- because the Planning Department -- excuse 20 me, we went to DOT to see what kind of access we 21 had. 22 And there you go again, it's Katrina. 23 It's like DOT said, well -- I said, who owns the 24 right-of-way? I mean, that right-of-way is 25 covered wagon days, you know, so they're not
155 1 really sure who the right-of-way was. But the DOT 2 said, well, we paved the service drive, so we let 3 them have input. And so they gave us the input 4 for access to the service drive a certain distance 5 away from the light. 6 And in this -- I can send everybody 7 this. In this presentation, the way that the road 8 is configured, you almost have to go to the light 9 to get out. You can -- if you're coming from the 10 east in Biloxi, you can right turn in. Okay? You 11 can right turn in, but you can't go back. You've 12 got to go to the light to go back to the east. So 13 that really helps the traffic flow a lot. And 14 there's really very little traffic on that service 15 drive, not to say there won't be. 16 Of course, we've got 50 acres and -- I 17 was in Tampa 15 years when I moved back. I mean, 18 if -- we could get the right guys to come in here 19 and buy that 50 acres, you can see literally a 20 city on that 50 acres. 21 MR. STANOVICH: 22 This doesn't have anything to do with 23 it, but what ever happened to the hospital? Is 24 anybody using that? 25 MR. BERTUCCI:	156 1 No. There is a doctor, as a matter -- 2 they're buying another two and a half acres north 3 of this. There is -- somebody made a comment. 4 She made a comment. You have got 750 feet and 5 then you've got about 75 feet, which accesses the 6 property to the east. There is an insurance 7 company that owns 20 acres to the east of this 8 site, 20 acres. And they're -- I mean, they want 9 a lot of money for it. They want \$11 million for 10 it. 11 That's why I'm thinking you need to get 12 somebody in here and do something urban. But 13 there is a doctor that owns that building back 14 there who is a pain doctor. He's an oriental pain 15 doctor. 16 MS. BANKSTON: 17 Dr. Chen. 18 MR. BERTUCCI: 19 He owns that building. We're having to 20 make a deal with them. It's called Joe and Faith. 21 We're having to make a deal with him right now 22 because it's across the parking easement for the 23 other property that's north of it. 24 MR. STANOVICH: 25 Last question, 7-Eleven, 24/7?

1 MR. BERTUCCI: 157 2 The 7-Eleven? Probably. I would be. I 3 would be, if it were mine because, I mean, it 4 needs to be -- this is probably going to be a 4 or 5 \$5 million building. For somebody to pay what 6 it's going to cost to buy that site, it's going to 7 be 4 or \$5 million building. It's going to be 8 upscale. I think it will be a prototype building. 9 But like I said, there's nothing that 10 the building department had to do to make 11 concessions for this building. 12 CHAIRMAN WASHER: 13 Any other questions, Member of the 14 Commission, for Mr. Bertucci? None. 15 So we've got here today to entertain a 16 conditional use to sell gas on the front 250 feet 17 of the property. 18 MR. CREEL: 19 Correct. 20 MR. BERTUCCI: 21 Yes, a conditional use for gas. I guess 22 convenience store with gas. Am I right, Ed? 23 MR. SHAMBRA: 24 Yes. 25 CHAIRMAN WASHER:	1 Thank you, Mr. Bertucci. 158 2 MR. BERTUCCI: 3 Thank you. 4 CHAIRMAN WASHER: 5 Is there anyone in the audience that 6 wants to speak in favor of the applicant's 7 request? 8 MR. KAVANAUGH: 9 Yeah, I do. I'm in favor of his 10 proposal. And I move that you put a Residence Inn 11 on that property, and remove it from this proposal 12 because I'm sorry, this is just -- this was a 13 farce. I'm sorry. I'm sorry, guys, but it was a 14 rubber-stamp farce and it's just ridiculous. 15 But anyway, I like the Residence Inn. 16 And I like your proposal. 17 CHAIRMAN WASHER: 18 If there is no one else to speak in 19 favor, is there anyone to speak in opposition? No 20 one to speak in opposition. We will consider that 21 hearing closed. 22 MR. SHAMBRA: 23 No additional comments. You heard 24 everything. 25 CHAIRMAN WASHER:
1 I think you all know what we're looking 159 2 at here today, so we will entertain a motion. 3 MR. SNOW: 4 Recommend approval. 5 MR. PARKER: 6 Second. 7 CHAIRMAN WASHER: 8 We have a motion by Mr. Snow 9 recommending approval; seconded by Mr. Parker. 10 We'd ask that all those in favor, raise 11 your hand, please.Mr. Lechner, Mr. Todaro, Mr. 12 Parker, Ms. Thompson, Mr. Stanovich, Ms. Bankston 13 Mr. Delahousey, Mr. Poulos, Mr. Carron, Mr. King, 14 Mr. Snow, myself; David Washer. We'll let the 15 record show that's unanimous. 16 Any City Council action, Mr. Shambra? 17 MR. SHAMBRA: 18 I have three updates for you. 19 Case Number 22-014, it's request for a 20 conditional use for a short-term rental for a 21 property identified as 107 Jefferson Davis Avenue. 22 That was approved Council. 23 Case 22-015, request for conditional use 24 to authorize a short-term rental for the property 25 identified as 244 Reynoir Street, that was	1 actually tabled until March 22nd at the request 160 2 of the applicant. 3 And Case Number 22-028, the request for 4 minor subdivision and preliminary plat for 5 property identified as 13185 Jim Byrd Road, that 6 was approved by Council. 7 CHAIRMAN WASHER: 8 All right. Thank you. Any old business 9 to come before us today? 10 MR. DELAHOUSEY: 11 Just one thing. I'd like to say I 12 really do like the new format that says how the 13 Commission voted and then how the City Council 14 voted. 15 CHAIRMAN WASHER: 16 Any new business? Citizens' comments? 17 None. 18 Just a reminder, our next meeting will 19 be here on Thursday, April 7th. 20 With that, we're going to adjourn the 21 Planning Commission. 22 (Adjourned at 5:07 p.m.) 23 24 25

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 _____, 2022.

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