

Substitute

CITY OF BILOXI
AGENDA ITEM
FACT SHEET

Item No.: 4 A

Council Meeting Date: June 7, 2022

ITEM TITLE: ORDINANCE (1st Reading)

INTRODUCED BY: Mayor Andrew "FoFo" Gillich

CONTACT PERSON: E. Michael Leonard, CAO

Jerry Creech, Director of Community Development

SUMMARY EXPLANATION:

An Ordinance to authorize a PD-HB Planned Development - Hospitality Business Overlay District and Master Plan upon two parcels of land identified as 1252 & 1254 Beach Boulevard.

Case No. 22-022-PC, Ward 1, Dale Partners Architects (applicant)

Resolution _____ Ordinance Public Hearing _____ Routine Agenda _____

Exhibits for Review

Contract _____ Minutes Plans/Maps _____ Deed _____ Lease _____

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

ORDINANCE NO. _____

AN ORDINANCE TO AUTHORIZE A PD-HB PLANNED DEVELOPMENT – HOSPITALITY BUSINESS OVERLAY DISTRICT AND MASTER PLAN UPON TWO PARCELS OF LAND IDENTIFIED AS 1252 & 1254 BEACH BOULEVARD

WHEREAS, the Biloxi Planning Commission held a public hearing on March 17, 2022, to hear the application of Harrison County Lodging Development, LLC (owner) and Neil Polen on behalf of Dale Partners Architects (applicant), Case No. 22-022-PC, to address a request for **Zoning Map Amendment** to authorize the establishment of a **PD-HB: Planned Development – Hospitality Business Overlay District**, said application having been submitted as a Planned Development – Hospitality Business Overlay District and Master Plan, as authorized within Section 23-3-4(G) of the Land Development Ordinance, for three properties presently zoned **RM-20 Medium-Density Multi-Family Residential** and **RS-7.5 Medium-Density Single-Family Residential** – which parcels have been submitted as a single property site for establishment of a **PD-HB – Hospitality Business Overlay District**; and

WHEREAS, the Planning Commission members were apprised of the particulars of this case, being made cognizant of the fact that the **PD-HB: Planned Development – Hospitality Business Master Plan**, as submitted, proposes the creation of two new Hotels, an Aqua Suites Boutique Hotel with 40 rooms, a rooftop pool, an interior courtyard, and 43 parking spaces – all within phase 1, and a 108 room Marriott Residence Inn with an outdoor living room, a pool, and 98 parking spaces within phase 2 – for properties presently identified as 1252 & 1254 Beach Boulevard and 1257 Father Ryan Avenue (re: Tax Parcel Nos. 1310J-04-121.000, 1310J-04-122.000 & 1310J-04-122.002); and

WHEREAS, it was noted that the Development Review Committee (DRC) had reviewed this request for a **Zoning Map Amendment** to authorize the establishment of a **PD-HB: Planned Development – Hospitality Business Overlay District** and **Master Plan**, which plan provides for exclusive accessibility to the site via a single driveway entrance to interface with Beach Boulevard, and an emergency only access to Father Ryan Avenue controlled by a Knox Box, and found this Master Plan to be in conformance with the rules and regulations of the City of Biloxi, and authorized the owner and the applicant to proceed to the Planning Commission and City Council to request the **PD-HB: Planned Development – Hospitality Business Overlay District** and **Master Plan** approval, as herein requested; and

WHEREAS, on March 17, 2022, the Biloxi Planning Commission, upon conducting a public hearing whereupon the particulars of this case were discussed, voted (10-2) to recommend approval for this **Zoning Map Amendment** to authorize the establishment of a **PD-HB: Planned Development – Hospitality Business Overlay District** and **Master Plan**, subject to the proviso that an eight foot (8') tall privacy fence be installed, with a solid gate along the North property line paralleling Father Ryan Avenue, which solid gate would limit access to emergency entrance only, upon three properties currently zoned **RM-20 Medium-Density Multi-Family Residential** (the two south parcels) and **RS-7.5 Medium-Density Single-Family Residential** (the north parcel) – which combination of land has been submitted as a single property site establishing a **PD-HB: Planned Development – Hospitality Business Overlay District**, allowing for the creation of two new Hotels, upon properties presently identified as 1252 & 1254 Beach Boulevard and 1257 Father Ryan Avenue (re: Tax Parcel Nos. 1310J-04-121.000, 1310J-04-122.000 & 1310J-04-122.002); and

WHEREAS, the Biloxi City Council, via Resolution No. 248-22, voted to have a public hearing regarding this case, set for June 7, 2022; and

WHEREAS, Harrison County Lodging Development, LLC (owner) and Neil Polen on behalf of Dale Partners Architects (applicant), on May 31, 2022, submitted changes to be presented at the public hearing on June 7, 2022; and

WHEREAS, the City Council members were apprised of the revisions of this case, for a **Zoning Map Amendment** to authorize the establishment of a **PD-HB: Planned Development – Hospitality Business Overlay District**, said application having been submitted as a Planned Development – Hospitality Business Overlay District and Master Plan, for two properties (re: Tax Parcel Nos. 1310J-04-121.000 & 1310J-04-122.000) presently zoned **RM-20 Medium-Density Multi-Family Residential** – which parcels have been submitted as a single property site for establishment of a **PD-HB – Hospitality Business Overlay District**, to be developed in two (2) Phases, for the creation of one new Hotel, an Aqua Suites Boutique Hotel, with 40 rooms, a rooftop pool, an interior courtyard, and 43 parking spaces – all within phase 1. Within phase 2, the owner/developer is proposing to build multi-family units to be designed and built according to the provisions of **RM-20 Medium-Density Multi-Family Residential** as defined in the Land Development Ordinance, [NOTE: the third lot (parcel number 1310J-04-122.002) which was proposed in the first application, fronting Father Ryan Avenue, and depicted on the attached site plan, will be donated to the City of Biloxi and will not be included within this **PD-HB Overlay District**], all for properties presently identified as 1252 & 1254 Beach Boulevard (re: Tax Parcel Nos. 1310J-04-121.000 & 1310J-04-122.000); and

WHEREAS, the Biloxi City Council, after consideration of all facts presented,

hereby adopts the revisions submitted by the owner/applicant, and in so doing, determines that approval of this **PD-HB: Planned Development – Hospitality Business Overlay District and Master Plan**, as amended, is appropriate for the properties presently identified as 1252 & 1254 Beach Boulevard, having found that a change has occurred in the Character of this Neighborhood and further, that an established Community Need for this hotel project is warranted, noting that the uses and all PD-HB District Intensity/Dimensional and Development standards, as outlined within **Section 23-3-4(G)** included within this **PD-HB Master Plan** proposal are appropriate for the property site identified.

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, AND BASED UPON SAID DETERMINATIONS, THAT THE FOLLOWING SHALL BE AUTHORIZED:

SECTION 1. The Biloxi City Council, hereby adopts the report and findings of the Biloxi Planning Commission, and in so doing, determines that approval of the **PD-HB: Planned Development – Hospitality Business Overlay District and Master Plan**, as amended, is appropriate for the collective property site for these individual properties currently identified as 1252 & 1254 Beach Boulevard, having determined that a Change in the Character of this Neighborhood is of notice and that an established Community Need for this Planned Development Zoning district is warranted, as provided, and the uses and district standards proposed within this Master Plan, are correct and in concert with this neighborhood, for the property site presently identified as 1252 & 1254 Beach Boulevard (re: Tax Parcel Nos. 1310J-04-121.000 & 1310J-04-122.000).

SECTION 2. That the boundaries of the Geographical Information System Format

Zoning District Map of the City of Biloxi, Mississippi, as amended, are hereby further amended by the establishment of an Overlay District (PD-HB) for the site presently identified as 1252 & 1254 Beach Boulevard (re: Tax Parcel Nos. 1310J-04-121.000 & 1310J-04-122.000) and described as follows:

PHASE I Survey Description

LOT 4, FATHER RYAN PLACE SUBDIVISION AND A PART OF LOT 1, KELLAR'S ADDITION TO AVONDALE, CITY OF BILOXI, SECOND JUDICIAL DISTRICT OF HARRISON COUNTY, MISSISSIPPI, AND BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCE AT A 1 INCH IRON PIPE FOUND MARKING THE NORTHEAST CORNER OF LOT 3, FATHER RYAN PLACE, AS PER PLAT BOOK 22, PAGE 6, ON FILE IN THE OFFICE OF THE CHANCERY CLERK, SECOND JUDICIAL DISTRICT, HARRISON COUNTY, MISSISSIPPI; THENCE RUN SOUTH 00 DEGREES 13 MINUTES 35 SECONDS EAST FOR A DISTANCE OF 119.69 FEET TO A ½ INCH IRON ROD FOUND; THENCE RUN SOUTH 00 DEGREES 07 MINUTES 21 SECONDS EAST FOR A DISTANCE OF 205.74 FEET TO A POINT BEING THE POINT OF BEGINNING; THENCE RUN SOUTH 00 DEGREES 07 MINUTES 21 SECONDS EAST FOR A DISTANCE OF 288.07 FEET TO AN X MARK CHISELED IN CONCRETE ON THE NORTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY 90; THENCE RUN ALONG SAID RIGHT-OF-WAY LINE NORTH 88 DEGREES 59 MINUTES 00 SECONDS WEST FOR A DISTANCE OF 236.58 FEET TO A ½ INCH IRON ROD FOUND; THENCE RUN NORTH 87 DEGREES 31 MINUTES 18 SECONDS WEST FOR A DISTANCE OF 82.11 FEET TO A CAPPED ½ INCH IRON ROD SET; THENCE DEPARTING SAID RIGHT-OF-WAY LINE, RUN NORTH 00 DEGREES 42 MINUTES 29 SECONDS WEST FOR A DISTANCE OF 237.31 FEET TO A POINT; THENCE RUN NORTH 81 DEGREES 05 MINUTES 39 SECONDS EAST FOR A DISTANCE OF 256.68 FEET TO A POINT; THENCE RUN NORTH 87 DEGREES 11 MINUTES 46 SECONDS EAST FOR A DISTANCE OF 67.38 FEET TO THE POINT OF BEGINNING, CONTAINING 85,185 SQUARE FEET OR 1.96 ACRES, MORE OR LESS.

PHASE II Survey Description

LOT 4, FATHER RYAN PLACE SUBDIVISION AND A PART OF LOT 1, KELLAR'S ADDITION TO AVONDALE, CITY OF BILOXI, SECOND JUDICIAL DISTRICT OF HARRISON COUNTY, MISSISSIPPI, AND BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCE AT A 1 INCH IRON PIPE FOUND MARKING THE NORTHEAST CORNER OF LOT 3, FATHER RYAN PLACE, AS PER PLAT BOOK 22, PAGE 6, ON FILE IN THE OFFICE OF THE CHANCERY CLERK, SECOND JUDICIAL DISTRICT, HARRISON COUNTY, MISSISSIPPI; THENCE RUN SOUTH 00 DEGREES 13 MINUTES 35 SECONDS EAST FOR A DISTANCE OF 119.69 FEET TO A ½ INCH IRON ROD FOUND BEING THE POINT OF BEGINNING; THENCE RUN SOUTH 00 DEGREES 07 MINUTES 21 SECONDS EAST FOR A DISTANCE OF 205.74 FEET TO A POINT; THENCE RUN SOUTH 87 DEGREES 11 MINUTES 46 SECONDS WEST FOR DISTANCE OF 67.38 FEET TO A POINT; THENCE RUN SOUTH 81 DEGREES 05 MINUTES 39 SECONDS WEST FOR A DISTANCE OF 256.68 FEET TO A POINT; THENCE RUN NORTH 00 DEGREES 42 MINUTES 29 SECONDS WEST FOR A DISTANCE OF 65.04 FEET TO A 1/2" IRON ROD FOUND; THENCE RUN NORTH 00 DEGREES 52 MINUTES 41 SECONDS WEST FOR A DISTANCE OF 97.82 FEET TO A 1 INCH IRON PIPE FOUND; THENCE RUN NORTH 88 DEGREES 34 MINUTES 21 SECONDS EAST FOR A DISTANCE OF 83.96 FEET TO A ½ INCH IRON ROD FOUND; THENCE RUN NORTH 00 DEGREES 26 MINUTES 54 SECONDS WEST FOR A DISTANCE OF 81.20 FEET TO A ½ INCH IRON ROD FOUND; THENCE RUN NORTH 89 DEGREES 24 MINUTES 35 SECONDS EAST FOR A DISTANCE OF 119.81 FEET TO A ½ INCH IRON ROD FOUND; THENCE RUN NORTH 89 DEGREES 19 MINUTES 46 SECONDS EAST FOR A DISTANCE OF 119.66 FEET TO THE POINT OF BEGINNING, CONTAINING 64,914 SQUARE FEET OR 1.49 ACRES, MORE OR LESS

and further described as land most nearly bounded by the following streets: to the North by Father Ryan Avenue; to the South by and fronting upon Beach Boulevard; to the East by White Avenue; and to the West by Saint Jude Street.

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

.....A

RESOLUTION NO. _____

RESOLUTION TO DENY THE ESTABLISHMENT OF A PD-HB PLANNED DEVELOPMENT – HOSPITALITY BUSINESS OVERLAY DISTRICT AND MASTER PLAN UPON TWO PARCELS OF LAND IDENTIFIED AS 1252 & 1254 BEACH BOULEVARD

WHEREAS, the Biloxi Planning Commission held a public hearing on March 17, 2022, to hear the application of Harrison County Lodging Development, LLC (owner) and Neil Polen on behalf of Dale Partners Architects (applicant), Case No. 22-022-PC, to address a request for **Zoning Map Amendment** to authorize the establishment of a **PD-HB: Planned Development – Hospitality Business Overlay District**, said application having been submitted as a Planned Development – Hospitality Business Overlay District and Master Plan, as authorized within Section 23-3-4(G) of the Land Development Ordinance, for three properties presently zoned **RM-20 Medium-Density Multi-Family Residential** and **RS-7.5 Medium-Density Single-Family Residential** – which parcels have been submitted as a single property site for establishment of a **PD-HB – Hospitality Business Overlay District**; and

WHEREAS, the Planning Commission members were apprised of the particulars of this case, being made cognizant of the fact that the **PD-HB: Planned Development – Hospitality Business Master Plan**, as submitted, proposes the creation of two new Hotels, an Aqua Suites Boutique Hotel with 40 rooms, a rooftop pool, an interior courtyard, and 43 parking spaces – all within phase 1, and a 108 room Marriott Residence Inn with an outdoor living room, a pool, and 98 parking spaces within phase 2 – for properties presently identified as 1252 & 1254 Beach Boulevard and 1257 Father Ryan Avenue (re: Tax Parcel Nos. 1310J-04-121.000, 1310J-04-122.000 &

1310J-04-122.002); and

WHEREAS, it was noted that the Development Review Committee (DRC) had reviewed this request for a **Zoning Map Amendment** to authorize the establishment of a **PD-HB: Planned Development – Hospitality Business Overlay District** and **Master Plan**, which plan provides for exclusive accessibility to the site via a single driveway entrance to interface with Beach Boulevard, and an emergency only access to Father Ryan Avenue controlled by a Knox Box, and found this Master Plan to be in conformance with the rules and regulations of the City of Biloxi, and authorized the owner and the applicant to proceed to the Planning Commission and City Council to request the **PD-HB: Planned Development – Hospitality Business Overlay District** and **Master Plan** approval, as herein requested; and

WHEREAS, on March 17, 2022, the Biloxi Planning Commission, upon conducting a public hearing whereupon the particulars of this case were discussed, voted (10-2) to recommend approval for this **Zoning Map Amendment** to authorize the establishment of a **PD-HB: Planned Development – Hospitality Business Overlay District** and **Master Plan**, subject to the proviso that an eight foot (8') tall privacy fence be installed, with a solid gate along the North property line paralleling Father Ryan Avenue, which solid gate would limit access to emergency entrance only, upon three properties currently zoned **RM-20 Medium-Density Multi-Family Residential** (the two south parcels) and **RS-7.5 Medium-Density Single-Family Residential** (the north parcel) – which combination of land has been submitted as a single property site establishing a **PD-HB: Planned Development – Hospitality Business Overlay District**, allowing for the creation of two new Hotels, upon properties presently identified as 1252 & 1254 Beach Boulevard and 1257 Father Ryan Avenue (re: Tax Parcel Nos.

1310J-04-121.000, 1310J-04-122.000 & 1310J-04-122.002); and

WHEREAS, the Biloxi City Council, via Resolution No. 248-22, voted to have a public hearing regarding this case, set for June 7, 2022; and

WHEREAS, Harrison County Lodging Development, LLC (owner) and Neil Polen on behalf of Dale Partners Architects (applicant), on May 31, 2022, submitted changes to be presented at the public hearing on June 7, 2022; and

WHEREAS, the City Council members were apprised of the revisions of this case, for a **Zoning Map Amendment** to authorize the establishment of a **PD-HB: Planned Development – Hospitality Business Overlay District**, said application having been submitted as a Planned Development – Hospitality Business Overlay District and Master Plan, for two properties (re: Tax Parcel Nos. 1310J-04-121.000 & 1310J-04-122.000) presently zoned **RM-20 Medium-Density Multi-Family Residential** – which parcels have been submitted as a single property site for establishment of a **PD-HB – Hospitality Business Overlay District**, to be developed in two (2) Phases, for the creation of one new Hotel, an Aqua Suites Boutique Hotel, with 40 rooms, a rooftop pool, an interior courtyard, and 43 parking spaces – all within phase 1. Within phase 2 the owner/developer is proposing to build multi-family units to be designed and built according to the provisions of **RM-20 Medium-Density Multi-Family Residential** as defined in the Land Development Ordinance, [NOTE: the third lot (parcel number 1310J-04-122.002) which was proposed in the first application, fronting Father Ryan Avenue, and depicted on the attached site plan, will be donated to the City of Biloxi and will not be included within this **PD-HB Overlay District**], all for properties presently identified as 1252 & 1254 Beach Boulevard (re: Tax Parcel Nos. 1310J-04-121.000 & 1310J-04-122.000); and

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, the Biloxi City Council hereby rejects said recommendation and hereby denies the requested establishment of a **PD-HB: Planned Development – Hospitality Business Overlay District** and **Master Plan** for the property site presently identified as 1252 & 1254 Beach Boulevard, as related in Case **No. 22-022-PC**, Harrison County Lodging Development, LLC (owner) and Neil Polen on behalf of Dale Partners Architects (applicant), based upon a determination that _____

..... B



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: 5-31-2022
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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 12 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-20	Overlay PDHB

If zoning change request includes more than one parcel, you must provide a wraparound legal description.

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

Criteria:	✓	
	Yes	No

1. Is the proposed map amendment consistent with the Comprehensive Plan?	X	
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Please explain:

For All explanations refer to the attached Map amendment supplement.

2. Is the proposed map amendment compatible with present zoning and conforming uses of nearby property and with the character of the neighborhood?	X	
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Please explain:



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? Please explain:			X
4. Is the property suitable for uses permitted in the proposed zoning district? Please explain:		X	
5. Has there been a change in the character of the neighborhood? Please explain:		X	
6. Is there an established community need for uses permitted in the proposed zoning district? Please explain:		X	
7. Was there a mistake in the original zoning of the property? Please explain:			X
8. Are utilities and infrastructure sufficient to address the impacts associated with allowed uses in the proposed district? Please explain:		X	
Site Plan attached: (please circle): Yes		Case No. <input type="checkbox"/> <input type="checkbox"/> - <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> - <input type="checkbox"/> <input type="checkbox"/>	
No			

**AMENDED MASTER PLAN, NARRATIVE, & TERMS AND CONDITIONS DOCUMENT FOR
THE AQUA SUITES HOTEL & RM-20 MULTIFAMILY PROJECT APPLICATION FOR PD-HB OVERLAY DISTRICT**

May 31, 2022

The applicant (owner/developer) requests a PD-HB Overlay District for construction of improvements for designated uses in two phases as depicted in the attached site plan, survey and legal description. The first phase will begin Summer of 2022 on the land bordering highway 90 to construct the approximately \$15 Million Biloxi Aqua Suites Hotel, a 40-room, luxury, full service boutique hotel with rooftop pool and interior courtyard and associated parking, landscaping, and preservation of all protected live oaks and magnolias on the Phase 1 site. In Phase 2 the owner/developer will build multi-family units that will be designed and built according to the provisions of RM-20 Multi-Family Unit Zones as defined in the City's Land Development Ordinance.

The project will continue the revival of this West Biloxi Historic District, which includes all lots in the proposed PD-HB Overlay District and all lots that border Highway 90 in this city block.

The owner/developer will donate to the City of Biloxi the single-family lot zoned RS-7.5-zoned on Fr. Ryan Avenue, depicted on the attached Amended Site plan; the RS-7.5 lot is not part of the amended perimeter of the proposed PD-HB Overlay District depicted on the attached amended site plan. This donation will occur as soon as reasonably possible after this application for PD-HB Overlay District is approved by a final, non-appealable decision of the City Council but in any event before the City grants the owner/developer a building permit for the Aqua Suites Hotel in Phase 1.

In keeping with the historic, aesthetic, and environmental values of Biloxi's West Beach Historic District, Phase I of the project will preserve all of the protected and unprotected trees on the Phase 1 site and will use pervious surfaces where feasible to enhance the health of the trees. In the event the future design for the development of multi-family units in Phase 2 requires removal of any trees, the owner/developer will submit a tree-removal application to the Community Development Department and the Tree Committee as required by the LDO. Also, the owner/developer will submit an application with appropriate design of the RM-20 multi-family buildings in Phase 2 to the Architectural and Historic Review Committee for review and approval as required by the LDO.

In order to preserve the maximum number of trees in Phase 1, the developer has conducted detailed design to produce a site plan that works around protected trees as much as feasible. To achieve the goal of preserving the grove of oak trees, the unique design reduced the structural footprint of the Aqua Suites Hotel as much as economically feasible, by curving roadways and parking spaces to avoid tree trunks, and by using pervious surface materials wherever possible. Therefore, to achieve the goal of preservation of trees and green space, the owner/developer requests the assistance of Tax Increment Financing and/or tax abatement from the City and County to off-set at least in part the additional costs. The owner/developer will submit applications for such TIF and/or tax abatement as provided by law and City ordinances, but the owner/developer understands that such applications are subject to the approval of the Mayor and Council and that approval of this PD-HB Overlay District does not constitute approval of such applications.

Brick garden walls with wood panels will border the residential neighbors bordering the northern edge of Phase 2 of the Project.

All vehicles and emergency vehicles for the developments on both Phases 1 & 2 will enter and exit on Highway 90. Exterior lighting will be directed groundward to the interior of the project.

The owner requests a Planned Development – Hospitality Business Overlay District. There has a change in the character of the neighborhood since the original zoning of RM-20 pertaining to the lots in the proposed PD-HB. This whole area along Highway 90 was devastated by Hurricane Katrina, permanently changing the character of the

neighborhood of lots bordering Highway 90. The land in this proposed PD-HB site along Highway 90 has been vacant and unused since Katrina. Since Katrina, a portion of this City block has been rezoned CB; the owner of the CB parcel has announced to the Community Development Department preliminary plans for seeking additional zoning change to such owner's single family lot that borders Highway 90 on the eastern border of this applicant's proposed PD-HB Overlay District, in order to build a new hotel on land from White Avenue to the eastern border of the applicant's proposed PD-HB. The White House Hotel, in a CB District, is the next structure on Highway 90 east of the proposed PD-HB. The next structure on Highway 90 west of the PD is an apartment/condo complex. The economy of the City of Biloxi is heavily dependent upon tourism and hotel rooms, especially along its Highway 90 beachfront. Currently, there are 7,466 hotel rooms in Biloxi, which is only 80.8 % of Biloxi's pre-Katrina total of 9,241 rooms. There is a public necessity in Biloxi for additional hotel rooms, justifying a Planned Development – Hospitality Business Overlay District, in addition to the change in the character of the neighborhood, and a public necessity for the City's economic recovery from Katrina. Allowing this Planned Development - HB Overlay District would be consistent with the vision and goals of the City's Comprehensive Land Use Plan, which describes only four neighborhoods in the whole City of Biloxi—i.e., East Biloxi, West Biloxi, North Biloxi, and Woolmarket. This proposed PD-HB Overlay District is within the East Biloxi Neighborhood, which includes all of the Highway 90 beachfront property devastated by Katrina, as this neighborhood is described in the City's Comprehensive Plan. Current nearby uses in the lots along Highway 90 within this City block are multifamily units and vacant lots. This Amended Master Plan and Amended Site Plan for the proposed PD-HB Overlay District, if approved, would continue the current RM-20 Multi-family buffer in Phase 2 between the single-family lots on Fr. Ryan Avenue and the Aqua Suites Hotel proposed for Phase 1 bordering Highway 90. Clearly, the uses of the planned development are compatible with nearby uses on all lots bordering Fr. Ryan Avenue and on lots bordering Highway 90.

Key data and additional terms and conditions for this project:

The owner/developer will donate to the City of Biloxi the single-family Fr. Ryan Ave. lot depicted on the attached site plan outside of the now amended perimeter of the proposed PD-HB Overlay District. This donation will occur as soon as reasonably possible after the application for PD-HB is approved by a final decision of the City Council not appealed to a state court but in any event before the City grants the owner/developer a building permit.

As a condition to approval of this application for PD-HB Overlay District, the City will vacate the unused part of the existing utility easement depicted on the attached Amended Site Plan, and the owner/developer will donate, without receiving monetary payment, the proposed new utility easement depicted on the Amended Site Plan, it being understood that the City inadvertently installed a utility line in the proposed new utility easement without having obtained conveyance of that easement from the property owner.

Total Lot Area = 149,870.5 SF (3.44 Acres)

Pervious paving (parking and drives) Phase 1 = 1904 SF

Impervious paving (building, parking, and drives) Phase 1 = 54856 SF = 67.2% of the Phase 1 land

Trees on site = 65. Trees to be removed in Phase 1 = none. Trees to be removed in Phase 2, to be determined when design is submitted to City and Tree Committee for approval.

The developer will provide an 8' buffer garden wall on the border of all single-family lots on the northern edges of Phase 2 of the PD-HB.

The buildings for both phases will meet the requirements of the Fire Code allowing one entrance and exit at Highway 90.

The multi-family buildings for Phase 2 will meet the requirements of the LDO for RS-20 Multi-Family units.

Aqua Suites: 43 parking spaces, plus 23 extra parking spaces.

Aqua Suites Units. 40. 28,206 SF total. Aqua Suites FAR is 0.17.

See Attachments to this Amended Master Plan: the Amended Site Plan, Amended Survey, and Amended Legal Description of the proposed PD-HB Overlay District

**AMENDED MAP AMENDMENT
SUPPLEMENT**

1. The proposed PD-HB Overlay District for this site is consistent with the Vision Statement and Land Use Goals in the City's Comprehensive Land Use Plan. The applicant (owner/developer) requests a PD-HB Overlay District for construction of improvements for designated uses in two phases as depicted in the attached site plan, survey and legal description. The first phase will begin Summer of 2022 on the land bordering highway 90 to construct the approximately \$15 Million Biloxi Aqua Suites Hotel, a 40-room, luxury, full service boutique hotel with rooftop pool and interior courtyard and associated parking, landscaping, and preservation of all protected live oaks and magnolias on the Phase 1 site. In Phase 2 the owner/developer will build multi-family units to be designed and built according to the provisions of RM-20 Multi-Family Unit Zones as defined in the City's Land Development Ordinance. The project will continue the revival of this West Biloxi Historic District, which includes all lots in the proposed PD-HB Overlay District and all lots that border Highway 90 in this city block. The owner/developer will donate to the City of Biloxi the single-family lot zoned RS-7.5-zoned on Fr. Ryan Avenue, depicted on the attached Amended Site plan; the RS-7.5 lot is not part of the amended perimeter of the proposed PD-HB Overlay District depicted on the attached amended site plan.
2. The proposed use of Phase 1 of the PD-HB Overlay District is not compatible with the present zoning of the lots within the Amended Site Plan for the PD-HB Overlay District, which is RM-20, but would be compatible with the current nearby uses and the current character of the nearby neighborhood of lots bordering Highway 90 and the nearby neighborhood of lots bordering Fr. Ryan Avenue, because Phase 2 of this proposed PD-HB Overlay District would continue to be bound by the current Zoning RM-20 Multi-Family uses for the land on Phase 2, thus providing a transitional buffer of RM-20 multi-family uses between the commercial use of Phase I (the Aqua Suites Hotel) and the single-family uses on the lots of the neighborhood bordering Fr. Ryan Avenue. This whole area of lots bordering Highway 90 was devastated by Hurricane Katrina, permanently changing the character of the neighborhood of lots bordering Highway 90. Since Hurricane Katrina, part of this City block has been rezoned CB. This PD-HB site has been vacant and unused since Katrina. Nearby uses on Hwy. 90 in this City block are multifamily units and vacant lots. East of this project site are vacant lots (one in a CB District). The first beachfront structure to the east is the White House Hotel in a CB District.
3. The property is not suitable for uses in Phase 1 permitted in the present zoning district, which is RM-20, without a PD-HB Overlay District. This whole area was devastated by Hurricane Katrina, permanently changing the character of the applicable neighborhood. Part of this City block has been rezoned CB. This site has been vacant and unused since Katrina. The uses proposed in the PD-HB Overlay District for Phases 1 and 2 are consistent with the properties in this City block.
4. The property is suitable for the uses permitted in the proposed PD-HB Overlay District. The first phase will begin Summer of 2022 on the land bordering highway 90 to construct the approximately \$15 Million Biloxi Aqua Suites Hotel, a 40-room, luxury, full service boutique hotel with rooftop pool and interior courtyard and associated parking, landscaping,

and preservation of all protected live oaks and magnolias on the Phase 1 site. The second phase will begin within two years of approval of this application for PD-HB Overlay District. In Phase 2 the owner/developer will build multi-family units to be designed and built according to the provisions of RM-20 Multi-Family Unit Zones as defined in the City's Land Development Ordinance. The first phase will begin Summer of 2022 on the land bordering highway 90 to construct the approximately \$15 Million Biloxi Aqua Suites Hotel, a 40-room, luxury, full service boutique hotel with rooftop pool and interior courtyard and associated parking, landscaping, and preservation of all protected live oaks and magnolias on the Phase 1 site. The second phase will begin within two years of approval of this application for PD-HB Overlay District. In Phase 2 the owner/developer will build multi-family units to be designed and built according to the provisions of RM-20 Multi-Family Unit Zones as defined in the City's Land Development Ordinance. Garden walls of brick columns and opaque wood panels will border the rear and, where applicable, side yards of all of the single family lots that border Fr. Ryan Avenue. All exterior lighting will be directed groundward and toward the interior of the project. In order to preserve the maximum number of trees in Phase 1, the developer has conducted detailed design to produce a site plan that works around protected trees as much as feasible. To achieve the goal of preserving the grove of oak trees, the unique design reduced the structural footprint of the Aqua Suites Hotel as much as economically feasible, by curving roadways and parking spaces to avoid tree trunks, and by using pervious surface materials wherever possible. All vehicles and emergency vehicles for the developments on both Phases 1 & 2 will enter and exit on Highway 90.

5. This whole area of lots bordering Highway 90 was devastated by Hurricane Katrina, permanently changing the character of the neighborhood of lots on Highway 90. Since Katrina, part of this City block has been rezoned CB. This site has been vacant and unused since Katrina. The owner of the CB parcel has announced to the Community Development Department preliminary plans for seeking additional zoning change to such owner's single family lot that borders Highway 90 on the eastern border of this applicant's proposed PD-HB Overlay District, in order to build a new hotel on land from White Avenue to the eastern border of the applicant's proposed PD-HB. The White House Hotel, in a CB District, is the next structure on Highway 90 east of the proposed PD-HB. The next structure on Highway 90 west of the PD is an apartment/condo complex. The economy of the City of Biloxi is heavily dependent upon tourism and hotel rooms, especially along its Highway 90 beachfront. Currently, there are 7,466 hotel rooms in Biloxi, which is only 80.8 % of Biloxi's pre-Katrina total of 9,241 rooms. There is a public necessity in Biloxi for additional hotel rooms, justifying a Planned Development – Hospitality Business Overlay District, in addition to the change in the character of the neighborhood, and a public necessity for the City's economic recovery from Katrina. Allowing this Planned Development - HB Overlay District would be consistent with the vision and goals of the City's Comprehensive Land Use Plan, which describes only four neighborhoods in the whole City of Biloxi—i.e., East Biloxi, West Biloxi, North Biloxi, and Woolmarket. This proposed PD-HB Overlay District is within the East Biloxi Neighborhood, which includes all of the Highway 90 beachfront property devastated by Katrina, as this neighborhood is described in the City's Comprehensive Plan. Current nearby uses in the lots along Highway

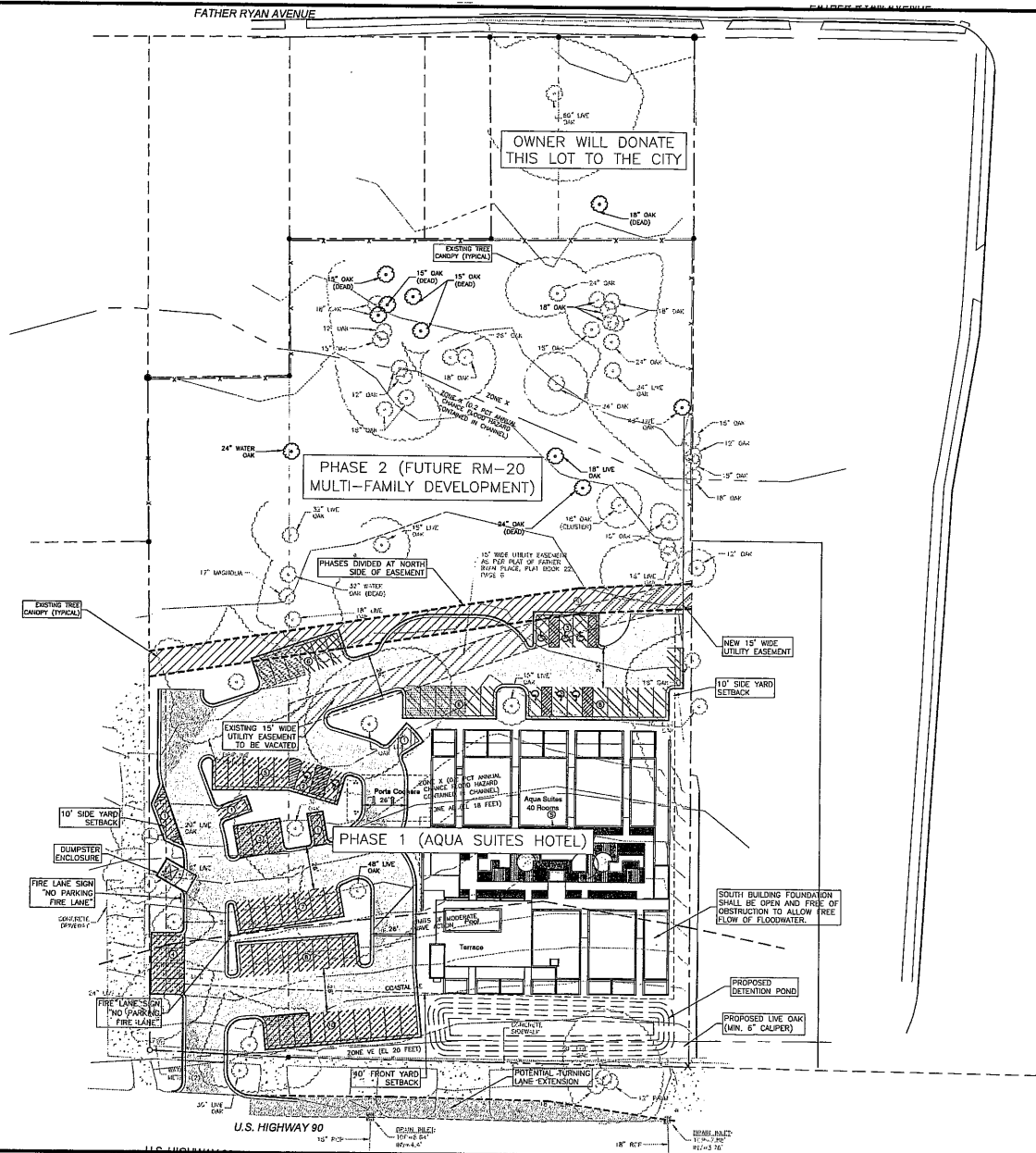
90 within this City block are multifamily units and vacant lots. This Amended Master Plan and Amended Site Plan for the proposed PD-HB Overlay District, if approved, would continue the current RM-20 Multi-family buffer in Phase 2 between the single-family lots on Fr. Ryan Avenue and the Aqua Suites Hotel proposed for Phase 1 bordering Highway 90. Clearly, the uses of the planned development are compatible with nearby uses on all lots bordering Fr. Ryan Avenue and on lots bordering Highway 90.

6. The economy of the City of Biloxi is heavily dependent upon tourism and hotel rooms, especially along its Highway 90 beachfront. Currently, there are 7,466 hotel rooms in Biloxi, which is only 80.8 % of Biloxi's pre-Katrina total of 9,241 rooms. There is a public necessity in Biloxi for additional hotel rooms, justifying a Planned Development – Hospitality Business Overlay District, in addition to the change in the character of the neighborhood, and a public necessity for the City's economic recovery from Katrina. The White House Hotel, in a CB District, is the next structure on Highway 90 east of the proposed PD-HB. The next structure on Highway 90 west of the PD is an apartment/condo complex. All of the nearby single-family structures on lots bordering Fr. Ryan Avenue are buffered by the proposed Phase 2 RM-20 Multi-family use between the Fr. Ryan lots and the Phase 1 commercial use for the Aqua Suites Hotel. Clearly, the uses of the planned development are compatible with nearby uses.

LOT 4, FATHER RYAN PLACE SUBDIVISION AND A PART OF LOT 1, KELLAR'S ADDITION TO AVONDALE, CITY OF BILOXI, SECOND JUDICIAL DISTRICT OF HARRISON COUNTY, MISSISSIPPI, AND BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCE AT A 1 INCH IRON PIPE FOUND MARKING THE NORTHEAST CORNER OF LOT 3, FATHER RYAN PLACE, AS PER PLAT BOOK 22, PAGE 6, ON FILE IN THE OFFICE OF THE CHANCERY CLERK, SECOND JUDICIAL DISTRICT, HARRISON COUNTY, MISSISSIPPI; THENCE RUN SOUTH 00 DEGREES 13 MINUTES 35 SECONDS EAST FOR A DISTANCE OF 119.69 FEET TO A ½ INCH IRON ROD FOUND BEING THE POINT OF BEGINNING; THENCE RUN SOUTH 00 DEGREES 07 MINUTES 21 SECONDS EAST FOR A DISTANCE OF 493.81 FEET TO AN X MARK CHISELED IN CONCRETE ON THE NORTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY 90; THENCE RUN ALONG SAID RIGHT-OF-WAY LINE NORTH 88 DEGREES 59 MINUTES 00 SECONDS WEST FOR A DISTANCE OF 236.58 FEET TO A ½ INCH IRON ROD FOUND; THENCE RUN NORTH 87 DEGREES 31 MINUTES 18 SECONDS WEST FOR A DISTANCE OF 82.11 FEET TO A CAPPED ½ INCH IRON ROD SET; THENCE DEPARTING SAID RIGHT-OF-WAY LINE, RUN NORTH 00 DEGREES 42 MINUTES 29 SECONDS WEST FOR A DISTANCE OF 302.35 FEET TO A ½ INCH IRON ROD FOUND; THENCE RUN NORTH 00 DEGREES 52 MINUTES 41 SECONDS WEST FOR A DISTANCE OF 97.82 FEET TO A 1 INCH IRON PIPE FOUND; THENCE RUN NORTH 88 DEGREES 34 MINUTES 21 SECONDS EAST FOR A DISTANCE OF 83.96 FEET TO A ½ INCH IRON ROD FOUND; THENCE RUN NORTH 00 DEGREES 26 MINUTES 54 SECONDS WEST FOR A DISTANCE OF 81.20 FEET TO A ½ INCH IRON ROD FOUND; THENCE RUN NORTH 89 DEGREES 24 MINUTES 35 SECONDS EAST FOR A DISTANCE OF 119.81 FEET TO A ½ INCH IRON ROD FOUND; THENCE RUN NORTH 89 DEGREES 19 MINUTES 46 SECONDS EAST FOR A DISTANCE OF 119.66 FEET TO THE POINT OF BEGINNING, CONTAINING 150,099 SQUARE FEET OR 3.46 ACRES, MORE OR LESS.

PRINTED: 6/21/2022 10:14 AM BY: sara_belle_14571_52620_1_2/1/2022 8:43 AM BY: sara_belle_14571_52620_1_2/1/2022
 PROJECT: 007721002 - PDHB AQUA SUITES HOTEL AND PH. 2 MULTIFAMILY DEVELOPMENT
 DRAWING NO.: 007721002 - CIVIL SITE PLAN

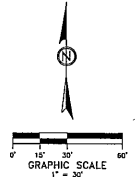


LEGEND

	DENOTES ASPHALT PAVEMENT
	DENOTES HEAVY DUTY PAVEMENT
	DENOTES RESIDENCE DM PARKING
	DENOTES AQUA SUITES PARKING
	DENOTES PERMEOUS PAVEMENT
	DENOTES PARKING SPACE COUNT

PARKING DATA TABLE

AQUA SUITES STANDARD PARKING PROVIDED	41
AQUA SUITES ADA PARKING PROVIDED	2
TOTAL AQUA SUITES PARKING PROVIDED	43
EXTRA PARKING FOR FUTURE DEVELOPMENT	23
TOTAL SITE PARKING PROVIDED	66



MACHADO PATANO
ENGINEERING
918 Howard Avenue, Suite F
Biloxi, Mississippi 39209
P: 228.366.1802 | F: 228.366.1871
www.mppang.us

M/P DESIGN GROUP
ARCHITECTURE
Bradford A. Jones, Architect

SCALE: SHOWN
PROJECT NO.: 007721002
DRAWN BY: NMM
CHECKED BY: NMM

REVIEW TYPE: DATE: 06.31.2022

CIVIL SITE PLAN

SITE CONSTRUCTION PLANS FOR
 PDHB AQUA SUITES HOTEL AND
 PH. 2 MULTIFAMILY DEVELOPMENT
 HIGHWAY 90
 BILOXI, MISSISSIPPI

NO.	DATE	REVISION/DESCRIPTION

PROFESSIONAL SEAL

SHEETS WITHOUT A PROFESSIONAL SEAL AND SIGNATURE BY EITHER AN ENGINEER OR ARCHITECT LICENSED TO PRACTICE IN STATE ARE CONSIDERED NOT TO BE CONSTRUCTION AND SHOWN FOR INFORMATION ONLY. NO CONTRACTOR SHALL BE PERMITTED TO CONSTRUCT OR PERMITTING OF THE PROJECT IN WHOLE OR IN PART WITHOUT THE PROFESSIONAL SEAL AND SIGNATURE OF THE ENGINEER OR ARCHITECT.

DRAWING NO.:
C200

VERIFY SCALES
 BAR IS ONE INCH ON ORIGINAL DRAWING
 IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY

SURVEY DESCRIPTION EAST 1/2 OF LOT 2 & ALL OF LOT 3

THE EAST 1/2 OF LOT 2 AND ALL OF LOT 3, FATHER RYAN PLACE SUBDIVISION AND A PART OF LOT 1, KELLAR'S ADDITION TO AVONDALE, CITY OF BILOXI, SECOND JUDICIAL DISTRICT OF HARRISON COUNTY, MISSISSIPPI, AND BEING FURTHER DESCRIBED AS FOLLOWS:

BEGIN AT A 1 INCH IRON PIPE FOUND MARKING THE NORTHEAST CORNER OF LOT 3, FATHER RYAN PLACE, AS PER PLAT BOOK 22, PAGE 6, ON FILE IN THE OFFICE OF THE CHANCERY CLERK, SECOND JUDICIAL DISTRICT, HARRISON COUNTY, MISSISSIPPI; THENCE RUN SOUTH 00 DEGREES 37 MINUTES 36 SECONDS WEST FOR A DISTANCE OF 80.38 FEET TO A 1/2 INCH IRON ROD FOUND; THENCE RUN SOUTH 89 DEGREES 18 MINUTES 58 SECONDS WEST FOR A DISTANCE OF 40.55 FEET TO A 1/2 INCH IRON ROD FOUND; THENCE RUN SOUTH 00 DEGREES 49 MINUTES 55 SECONDS EAST FOR A DISTANCE OF 120.09 FEET TO A 1/2 INCH IRON ROD FOUND; THENCE RUN NORTH 89 DEGREES 19 MINUTES 46 SECONDS EAST FOR A DISTANCE OF 119.66 FEET TO A CAPPED 1/2 INCH IRON ROD FOUND; THENCE RUN NORTH 00 DEGREES 13 MINUTES 35 SECONDS WEST FOR A DISTANCE OF 119.69 FEET TO THE POINT OF BEGINNING, CONTAINING 14,430 SQUARE FEET, MORE OR LESS.

FLOOD ZONE INFORMATION

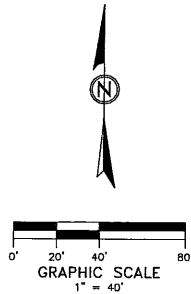
THIS PROPERTY IS LOCATED IN ZONES "AE" AND "X" (BASE ELEV. 18.00'), AS PUBLISHED BY THE FEDERAL INSURANCE ADMINISTRATION, OFFICIAL FLOOD HAZARD MAP, PANEL NUMBER 28047C02930, REVISED 06/16/2009. FLOOD HAZARD ZONE LINES WERE GRAPHICALLY PLOTTED.

REFERENCE MATERIAL

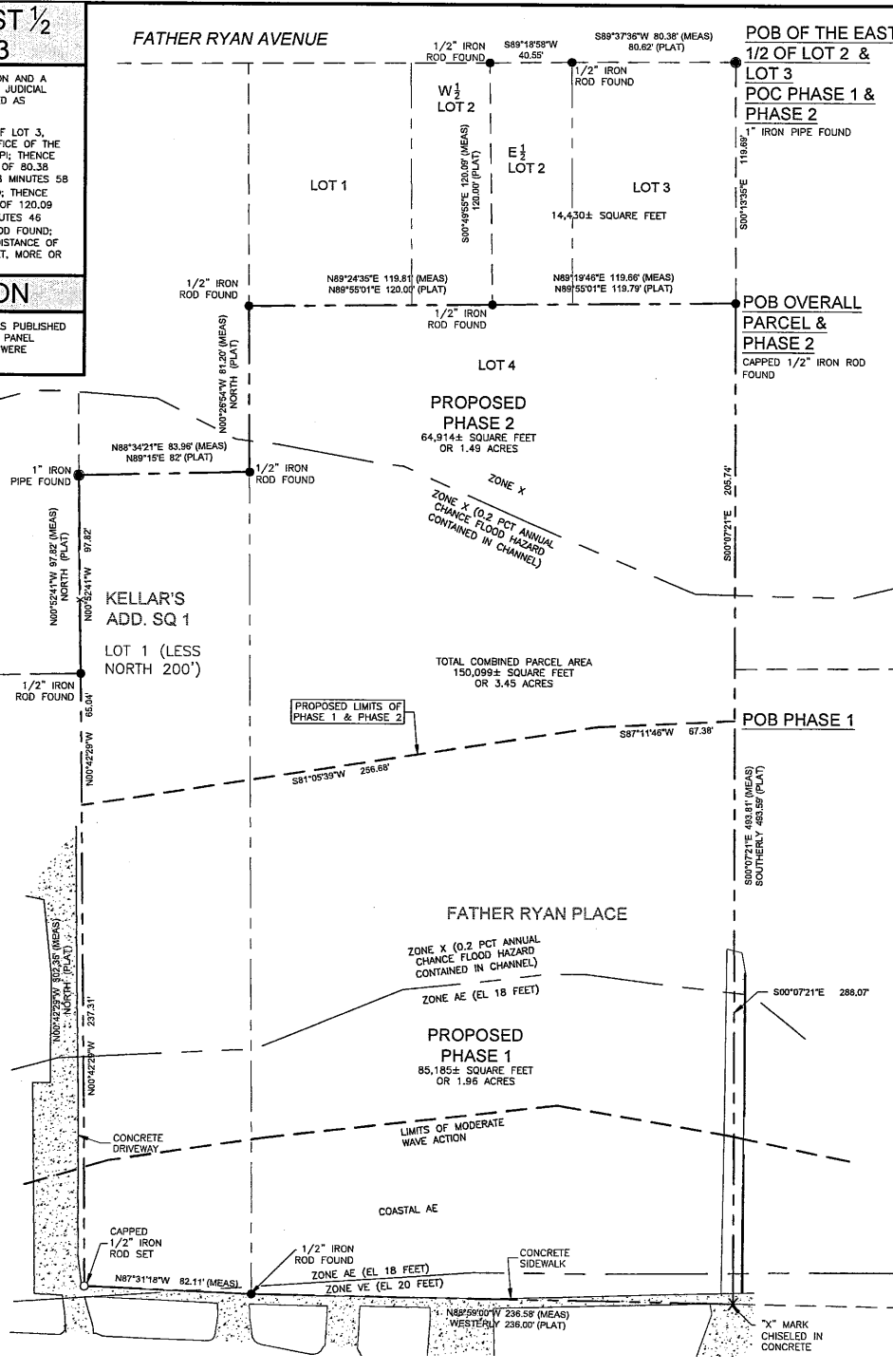
HARRISON COUNTY LAND TAX ROLLS
RECORD PLAT OF KELLAR'S ADD. (PB 1, PG 2)
PLAT OF FATHER RYAN PLACE (PB 22, PG 6)
DEED BOOK 345, PAGE 314
DEED BOOK 274, PAGE 446
INST. NO. 2013-189-D-J2

BEARING NOTE

BEARINGS SHOWN ON THE FACE OF THIS SURVEY ARE TRUE BEARINGS BASED UPON GPS OBSERVATION USING EARL DUDLEY VRS RTK INET GPS NETWORK.



FATHER RYAN AVENUE



OVERALL SURVEY DESCRIPTION

LOT 4, FATHER RYAN PLACE SUBDIVISION AND A PART OF LOT 1, KELLAR'S ADDITION TO AVONDALE, CITY OF BILOXI, SECOND JUDICIAL DISTRICT OF HARRISON COUNTY, MISSISSIPPI, AND BEING FURTHER DESCRIBED AS FOLLOWS:

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PHASE 1 SURVEY DESCRIPTION

LOT 4, FATHER RYAN PLACE SUBDIVISION AND A PART OF LOT 1, KELLAR'S ADDITION TO AVONDALE, CITY OF BILOXI, SECOND JUDICIAL DISTRICT OF HARRISON COUNTY, MISSISSIPPI, AND BEING FURTHER DESCRIBED AS FOLLOWS:

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PHASE 2 SURVEY DESCRIPTION

LOT 4, FATHER RYAN PLACE SUBDIVISION AND A PART OF LOT 1, KELLAR'S ADDITION TO AVONDALE, CITY OF BILOXI, SECOND JUDICIAL DISTRICT OF HARRISON COUNTY, MISSISSIPPI, AND BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCE AT A 1 INCH IRON PIPE FOUND MARKING THE NORTHEAST CORNER OF LOT 3, FATHER RYAN PLACE, AS PER PLAT BOOK 22, PAGE 6, ON FILE IN THE OFFICE OF THE CHANCERY CLERK, SECOND JUDICIAL DISTRICT, HARRISON COUNTY, MISSISSIPPI; THENCE RUN SOUTH 00 DEGREES 13 MINUTES 35 SECONDS EAST FOR A DISTANCE OF 119.69 FEET TO A 1/2 INCH IRON ROD FOUND BEING THE POINT OF BEGINNING; THENCE RUN SOUTH 00 DEGREES 07 MINUTES 21 SECONDS EAST FOR A DISTANCE OF 493.81 FEET TO AN X MARK CHISELED IN CONCRETE ON THE NORTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY 90; THENCE RUN ALONG SAID RIGHT-OF-WAY LINE NORTH 88 DEGREES 59 MINUTES 00 SECONDS WEST FOR A DISTANCE OF 236.58 FEET TO A 1/2 INCH IRON ROD FOUND; THENCE RUN NORTH 87 DEGREES 31 MINUTES 18 SECONDS WEST FOR A DISTANCE OF 82.11 FEET TO A CAPPED 1/2 INCH IRON ROD SET; THENCE DEPARTING SAID RIGHT-OF-WAY LINE, RUN NORTH 00 DEGREES 42 MINUTES 29 SECONDS WEST FOR A DISTANCE OF 302.35 FEET TO A 1/2 INCH IRON ROD FOUND; THENCE RUN NORTH 00 DEGREES 52 MINUTES 41 SECONDS WEST FOR A DISTANCE OF 97.82 FEET TO A 1 INCH IRON PIPE FOUND; THENCE RUN NORTH 88 DEGREES 34 MINUTES 21 SECONDS EAST FOR A DISTANCE OF 83.96 FEET TO A 1/2 INCH IRON ROD FOUND; THENCE RUN NORTH 00 DEGREES 26 MINUTES 54 SECONDS WEST FOR A DISTANCE OF 81.20 FEET TO A 1/2 INCH IRON ROD FOUND; THENCE RUN NORTH 89 DEGREES 24 MINUTES 35 SECONDS EAST FOR A DISTANCE OF 119.66 FEET TO A 1/2 INCH IRON ROD FOUND; THENCE RUN NORTH 89 DEGREES 19 MINUTES 46 SECONDS EAST FOR A DISTANCE OF 119.66 FEET TO THE POINT OF BEGINNING, CONTAINING 64,914 SQUARE FEET OR 1.49 ACRES, MORE OR LESS.

PREPARED BY:

MACHADO | PATANO

CIVIL
ELECTRICAL
MECHANICAL
SURVEYING

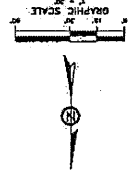
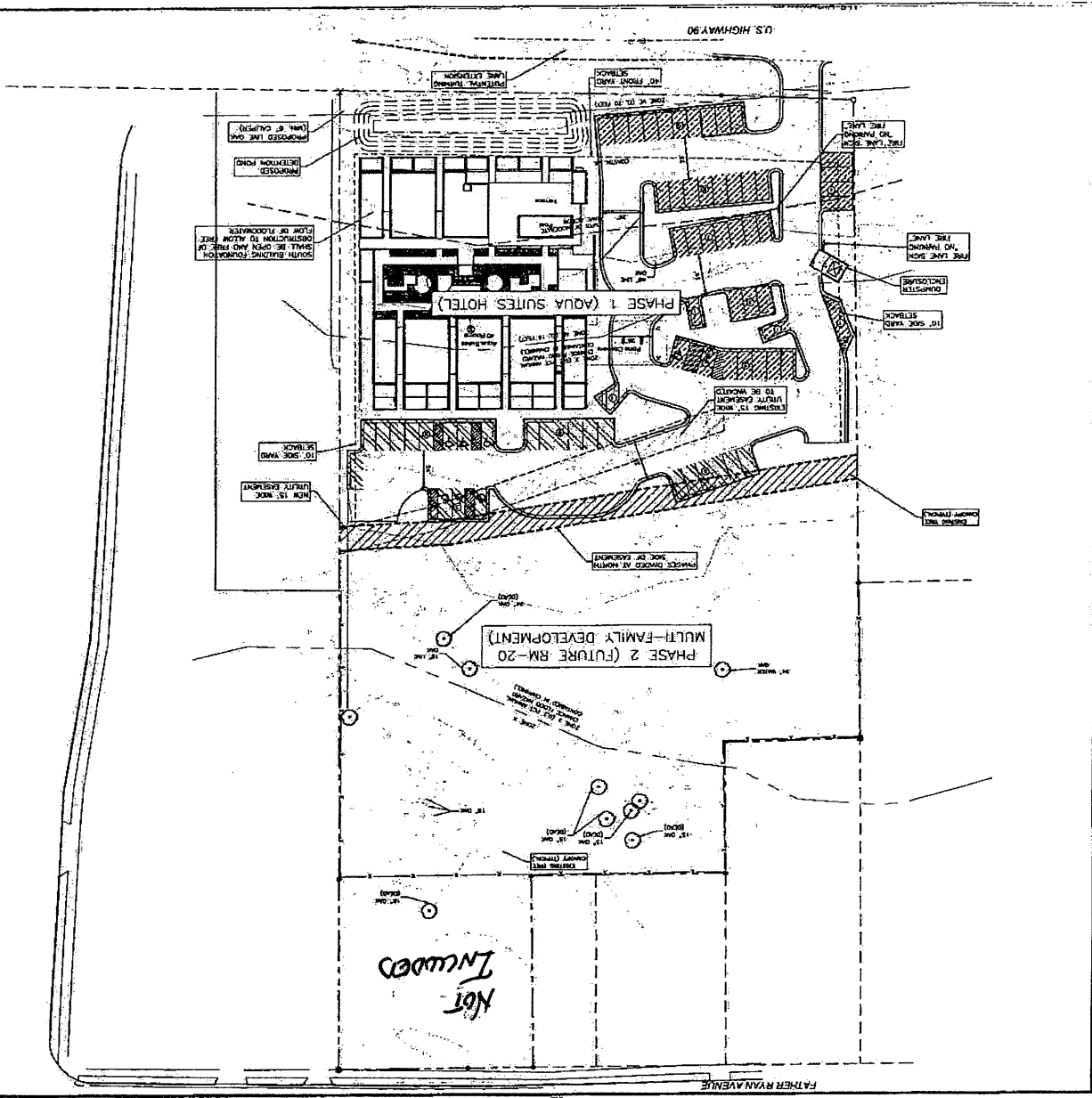
918 Howard Ave., Suite F
Biloxi, Mississippi 39530
O: 228.388.1950 | F: 228.388.1971
www.mpenq.us

PARCEL DESCRIPTIONS FOR LOT 1 (LESS THE NORTH 200') KELLAR'S ADD. SQ. 1, ALL OF LOTS 3 & 4, AND THE EAST 1/2 OF LOT 2 FATHER RYAN PLACE

CITY OF BILOXI,
HARRISON COUNTY,
MISSISSIPPI

TS-01
SHEET 1 OF 1

2/27/2024 8:28 AM BY: Adam Ryan Last Saved: 2/27/2024 8:28 AM BY: Adam Ryan
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 2/27/2024 8:28 AM BY: Adam Ryan Last Saved: 2/27/2024 8:28 AM BY: Adam Ryan



PARKING DATA
TABLE

NO.	AREA	TYPE	NO. SPACES
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02	TO SOG YARD	UNITS EASEMENT	1
03	TO SOG YARD	UNITS EASEMENT	1
04	TO SOG YARD	UNITS EASEMENT	1
05	TO SOG YARD	UNITS EASEMENT	1
06	TO SOG YARD	UNITS EASEMENT	1

LEGEND

SPACES (Hatched pattern)	SPACES (Hatched pattern)
SPACES (Hatched pattern)	SPACES (Hatched pattern)
SPACES (Hatched pattern)	SPACES (Hatched pattern)
SPACES (Hatched pattern)	SPACES (Hatched pattern)
SPACES (Hatched pattern)	SPACES (Hatched pattern)

C200	DRAWING NO.	DATE	REVISIONS	<p style="text-align: center;">SITE CONSTRUCTION PLANS FOR</p> <p style="text-align: center;">PDHB AQUA SUITES HOTEL AND</p> <p style="text-align: center;">PH. 2 MULTIFAMILY DEVELOPMENT</p> <p style="text-align: center;">HIGHWAY 90</p> <p style="text-align: center;">BILOXI, MISSISSIPPI</p>
<p style="text-align: center;">CIVIL SITE PLAN</p>				
<p style="text-align: center;"> <small> PREPARED BY: [Name] CHECKED BY: [Name] DATE: [Date] DRAWN BY: [Name] DATE: [Date] SCALE: [Scale] PROJECT NO. [Project No.] M/P DESIGN GROUP 1111 [Address] BILOXI, MISSISSIPPI 38400 601-373-7777 www.mpdsg.com MACHADO PATRAN </small> </p>				

1
 BILOXI PLANNING COMMISSION MEETING
 2 MARCH 17, 2022
 3 COMMUNITY DEVELOPMENT,
 4 DR. MARTIN LUTHER KING JR. MUNICIPAL BUILDING,
 5 676 DR. MARTIN LUTHER KING JR. BOULEVARD,
 6 BILOXI, MISSISSIPPI,
 7 BEGINNING AT 2:00 P.M.

8
 9 PLANNING COMMISSION MEMBERS PRESENT:
 10 David Washer, Chairman
 11 Kay Bankston
 12 Kyle Carron
 13 Steve Delahousey
 14 Joe King
 15 Gary Lechner
 16 August Parker
 17 Jimmy Poulos
 18 John Snow
 19 David Stanovich
 20 Cheryl Thompson
 21 Michael Todaro

22
 23 ALSO PRESENT:
 24 Jerry Creel, Director of Community Development
 25 Caryle Lena, Planning Technician
 Felicia Serpas, Planning Technician
 Ed Shambra, Executive Planner
 Tim Cipolla, Code Inspector
 Dr. Paul Tisdale, Councilman Ward 5

26
 27 REPORTED BY
 28 Melissa Burdine-Rodolfich
 29 Simpson Burdine & Miguez
 30

2
 C-O-N-T-E-N-T-S

PAGE

CONTINUED PUBLIC HEARINGS:

21-052-PC (Held 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

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. Thompson,
 6 Mr. Stanovich, Ms. Bankston, Mr. Delahousey,
 7 Mr. Poulos, Mr. Carron, Mr. King, Mr. Snow,
 8 myself; David Washer; Ed Shambra, Executive
 9 Planner, Jerry Creel, Director of Community
 10 Development; Caryle Lena, Planning Technician;
 11 Felicia Serpas, Planning Technician. On the
 12 projector is Tim Cipolla, and our court reporter
 13 today is Melissa Rodolfich.
 14 I would ask that anyone in the audience
 15 kindly mute your phones or turn them off if you
 16 have one with you.
 17 I'd ask Mr. Parker to please open the
 18 meeting with a moment of prayer.
 19 And I'm also going to recognize Dr. Paul
 20 Tisdale in the audience, Councilman Ward 5.
 21 (Moment of prayer.)
 22 CHAIRMAN WASHER:
 23 Ms. Thompson, the pledge, please.
 24 (Pledge of allegiance.)
 25 CHAIRMAN WASHER:

4

1 We'd welcome each of you here with us
 2 today. We would ask that anyone that desires to
 3 speak, please come to the podium when your case is
 4 called, give us your name and address for the
 5 record. And also, please sign in at the pad
 6 provided.
 7 Ask if all Commissioners received a copy
 8 of the minutes of the last meeting and if there is
 9 any additions or corrections. If not, we will
 10 entertain a motion to accept them as presented.
 11 MR. POULOS:
 12 So moved.
 13 MR. SNOW:
 14 Second.
 15 CHAIRMAN WASHER:
 16 Motion by Mr. Poulos; seconded by
 17 Mr. Snow. All those in favor, say "aye."
 18 (All in favor.)
 19 CHAIRMAN WASHER:
 20 Any opposed?
 21 (None indicated.)
 22 CHAIRMAN WASHER:
 23 Thank you.
 24 Mr. Creel, committee reports?
 25 MR. CREEL:

5

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,

7

1 285 feet in length and 12.83 feet, more or less,
2 in width, identified as an unimproved section of
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 bayout 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

6

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

8

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:

41

1 Mr. Delahousey, Mr. Poulos, Mr. Carron, Mr. King,
2 Mr. Snow, myself; David Washer. Let record the
3 show that's unanimous.
4 MR. SHAMBRA:
5 And then the counterpart case that goes
6 with this case, Number 22-026. This is a request
7 for preliminary subdivision approval, and it's for
8 a 59-lot single-family residential subdivision
9 under the working title Jim Byrd subdivision.
10 Again, it's land approximately 40 acres in size
11 and this is fronting upon two unaddressed parcels
12 of Jim Byrd Road.
13 I think that the development appears to
14 be very well positioned. It has two ingress and
15 egress on Jim Byrd. There was really only one
16 concern about some of the issues with the
17 wetlands, but I understand that's being addressed
18 now through the Corp. And with that the being the
19 case, they'll be buildable lots with no real
20 concern. The Staff can support Option 1, which is
21 to approve.
22 MR. TODARO:
23 I move we accept the proposal with the
24 condition that the builder build a fence on the
25 north side to give privacy from the building of

43

1 Go back case to Number 22-022-PC,
2 Harrison County Lodging Development, LLC, owner,
3 and Neil Polen on behalf of Dale Partners
4 Architects, applicant. This is a request for
5 zoning map amendment to authorize the
6 establishment of a PD-HB, Planned
7 Development-Hospitality Business District Master
8 Plan, said application being submitted as a
9 Planned Development-Hospitality Business District,
10 As authorized within Section 23-3-4(G) of the Land
11 Development Ordinance, for three properties
12 presently split zoned RM-20 medium-density
13 multifamily residential, south parcel, and RS-7.5
14 medium-density single-family residential, north
15 parcel, which parcels have been submitted as a
16 single property site for re-zoning to PD-HB,
17 hospitality business district Zoning.
18 The PD-HB, Planned
19 Development-Hospitality Business Master Plan, as
20 submitted, proposes the creation of two new
21 Hotels, for the SINGLE property site collectively
22 identified as 1252 and 1254 Beach Boulevard and
23 1257 Father Ryan Avenue, being Municipal Tax
24 Parcel Numbers 1310J-04-121.000, 1310J-04-122.000
25 & 1310J-04-122.002.

42

1 those set of homes on the north side.
2 MR. DELAHOUSEY:
3 I'll second it.
4 CHAIRMAN WASHER:
5 Motion for approval conditioned upon
6 that at least those seven lots that back up to
7 Mr. Clower have fences erected; seconded by
8 Mr. Delahousey.
9 Any other with discussion?
10 (None indicated.)
11 CHAIRMAN WASHER:
12 All those in favor of approval, raise
13 your hand. Mr. Lechner, Mr. Todaro, Mr. Parker,
14 Ms. Thompson, Mr. Stanovich, Ms. Bankston
15 Mr. Delahousey, Mr. Poulos, Mr. Carron, Mr. King,
16 Mr. Snow, myself; David Washer.
17 We will let the record show that's
18 unanimous.
19
20
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44

1 Also in on conjunction with this case,
2 we're going to hear the tree case requesting an
3 application to remove a total of nine trees to
4 allow for the creation of two new hotels, for
5 properties presently identified as 1252 and 1270
6 Beach Boulevard and 1257 Father Ryan Avenue. This
7 case advertised on February 24th, March 3rd and
8 March 10th.
9 Mr. Cipolla.
10 MR. CIPOLLA:
11 This is down on the beach. The White
12 House Hotel is here, White Avenue. You have the
13 westbound lane and the eastbound lane on the
14 opposite side. This is the portion that goes all
15 the way up through right beside that house, which
16 I --
17 CHAIRMAN WASHER:
18 Tim, let me interrupt you, please. Let
19 me ask everybody in the audience, if you could,
20 please remain quiet. It's difficult picking up
21 everything on the tape here and we don't want to
22 miss anything for either side. Thank you.
23 MR. CIPOLLA:
24 Second parcel starts right around
25 Mr. Mavar's property, at his property line. As I

45

1 said, the hotel property goes all the way up to
2 Father Ryan, comes off of property from Mr. Mavar,
3 goes across and comes back down as you're looking
4 to the west on Beach Boulevard.
5 And I will show you the Google Earth.
6 Parcel goes right, straight up here over that
7 house, down and come back down through.
8 CHAIRMAN WASHER:
9 Okay. Thank you.
10 Is the applicant or their representative
11 here, please? Mr. Blessey.
12 MR. BLESSEY:
13 My name is Gerald Blessey, 2577 Chatham
14 Court, Biloxi, and I'm representing the applicant
15 today, along with the Neil Polen, who is the lead
16 architect at Dale Partners, who will present the
17 plans in just a moment after I make a few
18 introductory remarks. We also have our engineer
19 and our tree expert here to answer questions,
20 should there be any.
21 I just handed out a document that I'm
22 also going to hand -- and talk about briefly in a
23 moment. I'm going to hand it to the court
24 reporter, and I've given Mr. Schwartz a copy also.
25 This is for the record.

47

1 Mississippi homegrown company, and we're delighted
2 to have him present this opportunity to Biloxi
3 today.
4 This project is the first hotel project
5 proposed in Biloxi since the pandemic began in
6 early 2020. Now, I handed out to you a moment ago
7 hotel inventory, and I'll just call your attention
8 to the top part of the inventory. This inventory
9 comes from the Mississippi Hotel and Lodging
10 Association, which I got towards the end of last
11 year in preparing for analyzing this proposal.
12 And it compares the pre-Katrina hotel rooms --
13 that's the first column -- by city and county, the
14 three coast counties and all the cities and
15 compares them to current operating rooms and then
16 shows the percentage of rooms currently operating
17 versus the pre-Katrina inventory and then the
18 percentage of total rooms on the Coast for each
19 county.
20 Now, would what I would like to call
21 your attention to and I'm going to speak a little
22 more on, if you look up, it's the very top column
23 here that I have highlighted here that -- I'm
24 having a little trouble seeing these days. But
25 your copies are not highlighted. But Biloxi is

46

1 So this \$32 million project will create
2 35 permanent jobs. It's a combination of a
3 40-room boutique hotel called Aqua Suites. All
4 suites, each room costs more than \$200,000 per
5 room to build, and, of course, that makes it a
6 much higher-end kind of opportunity, and it's
7 really filling a niche that does not exist yet in
8 Biloxi. It's quite unique. It's called Aqua
9 because there are pools with every room inside the
10 building to it, and so it really plays to our
11 waterfront community. In addition, we're going to
12 have -- as Mr. Polen will show you in a moment,
13 there's a rooftop pool as well.
14 And also, a 108-room Marriott Residence
15 Inn. This is not a cookie-cutter Residence Inn.
16 You'll see in a moment what we're talking about.
17 Residence Inn, of course, is extended stay, tends
18 to have people like contractors and TDY working at
19 Keesler and families who come for a longer stay.
20 So this developer, Chico Patel, is a
21 Mississippian. He's a head of the wealth
22 management group which owns this development LLC.
23 It's a single-purpose LLC as to the county lodging
24 development, and his company owns and operates
25 over 50 hotels nationwide. It's a great, growing

48

1 the second line on the top. And pre-Katrina, we
2 had 9,241 rooms and today we have 7,466 rooms.
3 That's 80.8 percent of pre-Katrina, which was
4 17 years ago.
5 Now, Biloxi, of course, is -- one of the
6 fundamentals of our economy is the tourism
7 economy, especially the hotel rooms for
8 conventions. And, of course, the casinos have
9 done a good job and have many, many rooms, but
10 also the smaller non-casino rooms because this
11 is -- this project is totally unconnected -- not
12 connected to any casinos. It will really fill out
13 the rest of our inventory.
14 Whereas, let's just look at,
15 D'Iberville, since Katrina, now has 226 percent
16 over pre-Katrina. Of course, that's mostly
17 Scarlet Pearl, but a lot of that is along I-10.
18 Gulfport is 109 percent over pre-Katrina. Ocean
19 Springs has 114 percent over pre-Katrina.
20 My point is that our neighbors are
21 growing rapidly and replacing -- and have actually
22 gone beyond a pre-Katrina level. Whereas, we're
23 still one-fifth below our pre-Katrina inventory.
24 And why is that important? Well -- let
25 me get back to my notes here -- clearly these

49

1 numbers show there's a public necessity for more
2 hotel rooms for Biloxi's recovery from Katrina, as
3 well as the Great Recession, the BP Oil Spill, the
4 Bonnet Carré algae bloom in 2019 and then the
5 COVID pandemic. I mean, tourism, which is a
6 mainstay of our economy, along with Keesler and
7 government and seafood and other elements are a
8 major factor, really had these five blows and hurt
9 Biloxi worse than all the others combined on the
10 Coast because we're the heart of the tourism here.

11 So the point is the public necessity for
12 getting back to where we were, and growing again
13 is really important to everything else in the
14 community because the more people in the hotel
15 rooms, they go to our restaurants, they hire our
16 service people. They have people maintaining them
17 that work and live in Biloxi. So that, we think,
18 that shows clear a necessity for what we're
19 presenting today. Here we have an experienced
20 Mississippi hotel investor willing to bet \$32
21 million on new hotels in Biloxi and the future of
22 Biloxi.

23 Now, Katrina was 17 years ago, as we all
24 thankfully know. A child born 17 years ago is
25 graduating from high school this year. And those

51

1 Biloxi. I just pose that you think about the
2 impact, both positive or negative.

3 Now, the number of handouts that the
4 audience and everyone has, of course, gave a lot
5 of background here. I'm not going to go over each
6 one. I do want to point out that the narrative,
7 of course, when we submitted everything some time
8 ago -- as you know, you have to submit all your
9 applications at one time and all your
10 documentation and then you get feedback, so some
11 of the numbers in the narrative have changed a
12 little bit, especially on the trees -- and we'll
13 talk about that -- because of the feedback from
14 the Tree Committee and from your staff and from
15 the other commissions. So I just point that out
16 because we, of course, are following that
17 guidance.

18 And our original numbers were based on
19 the tree ordinance, as we understood it. It's
20 been clarified since then. And the Tree
21 Committee's recommendation, of course, we will
22 follow, and they're the experts. And so we just
23 got that recommendation in our hands about an hour
24 ago, but we will follow it, and it's quite
25 positive. So those numbers are a little different

50

1 graduates will be entering a job market sooner or
2 later. Some, going into job training right away
3 or a job right away; some, community college and
4 maybe a technical certificate and some to college.
5 But what is the future of our economy for this new
6 generation? What is the message to that new
7 generation or, for that matter, to investors
8 looking at Biloxi today if we turn down a
9 high-quality \$32 million tourism industry project?
10 I suggest to you that there is a chilling effect
11 on investing and on young Biloxians contemplating
12 their future home.

13 And the reverse, the positive side is
14 true, too. To show that we're back alive again
15 with this beautiful new project gives hope to
16 those children that would like to come back and
17 live and work here and to investors who are
18 willing to risk money in a very, very, fragile and
19 volatile economy. We all know inflation has gone,
20 you know, off the charts. And every week, every
21 month, a delay. This \$32 million project costs
22 more, of course. But it is a sign that there is
23 tremendous interest and we have a chance -- "we,"
24 in this process, you and this Commission and the
25 City Council, City of Biloxi and the citizens of

52

1 than our narrative. That's what I'm trying to say
2 here.

3 We are saving 53 trees, including all
4 the majestic oaks. We're removing five dead trees
5 and four living trees. It's our understanding
6 that, you know, there was an old tree ordinance
7 and a new tree ordinance that the Council adopted
8 a few weeks ago changed what's called a protected
9 tree and the count, so we're following -- we
10 certainly will honor what -- the recommendation of
11 the Tree Committee, which I understand they're
12 basing it on the old ordinance.

13 But it's our understanding also that
14 under the new ordinance, if it were to apply,
15 we're only taking one protected tree, one live
16 oak. It's a middle-sized live oak. We hate to do
17 it. We did our best to try to avoid every tree,
18 but it was just not feasible to avoid this
19 particular one.

20 So this developer has done his best and
21 spent a lot of money on design and changing design
22 and other things to satisfy as many of the
23 concerns as reasonably possible from the
24 neighbors. We respect and honor the neighbors.
25 There are many here and they're going to speak,

53

1 and we certainly understand, you know, and applaud
2 their speaking up in the interest of their
3 neighborhood, their feelings, their values and
4 their concerns. And we honor them and respect
5 them and we've done everything we feel we can
6 reasonably and feasibly do to accommodate them.

7 I want to just tell you a little bit
8 more about what we've done. Of course, the most
9 historic thing about this particular lot, which
10 has been empty since Katrina are the trees, so we
11 have spent a lot of time and money and we'll spend
12 some more protecting as many as we can and
13 planting new live oaks for the ones we're taking
14 out, which we feel is in keeping with the value
15 system of this neighborhood of Biloxi and, of
16 course, we honor that.

17 We have tried to place the structures to
18 minimize as best we can the impact on the
19 neighborhoods as well as the trees. You'll see in
20 a moment that the Residence Inn is not on Father
21 Ryan Avenue close up. It's in the middle of the
22 property, and we'll talk to you a little bit more
23 about that, what you would actually see from
24 Father Ryan.

25 We've tried to put in pervious-surface

55

1 Ryan Avenue.

2 We have taken the steps to kind of go
3 above and beyond what the requirement is. Not
4 only have we agreed to do the Knox lockbox to
5 control that door, we're going to -- and we've
6 voluntarily done this, even though not required.
7 We are going to record a covenant that runs with
8 the land, a deed restriction as part of a
9 condition of this approval, if we get it. There
10 will actually be an instrument that we'll record
11 that dedicates that particular entrance for that
12 single purpose to the public -- the City and the
13 public in perpetuity so that no matter who owns
14 this property in the future, that's all it can be
15 used for. And we think that's taking a big step
16 to try to help acknowledge that -- no traffic in
17 this Father Ryan neighborhood.

18 We have changed the design of the hotel
19 several times, several times, and we're still
20 working on that. You are really not, as the
21 Planning Commission, charged with voting on
22 design, but we wanted you to be aware that we were
23 working with the Architectural Historical Review
24 Committee and we'll be going back to them until
25 hopefully we get a satisfactory final design.

54

1 paving within drip lines to protect the trees.
2 That cost a little bit more than regular paving.

3 We heard initially right off the bat the
4 concern about traffic on Father Ryan, and we heard
5 that. And under this plan that we have here,
6 there will be no parking on the Father Ryan.
7 There will be no access to Father Ryan, except for
8 the emergency vehicles. And why is that? Because
9 at DRC, Development Review Committee, the fire
10 department made it clear you have to have two
11 entrances. So we must have one on Father Ryan and
12 at that one residential lot that we have, we must
13 have a gate for fire, police and the emergency
14 vehicles, the ambulance to get in and out.

15 And so to accommodate that, the
16 recommendation of the fire department is to put
17 what's called a Knox lockbox. A Knox lockbox is a
18 door for the opening of the gate. It operates
19 kind of like a garage door, you know, where you
20 can click it and it goes up and down. So only the
21 fire department, the police department and the
22 ambulance service will have those clickers.
23 Nobody in the hotel is going to have the right to
24 go in and out. No service drive. No patrons
25 coming in, so -- and no people getting on Father

56

1 On Father Ryan Avenue, another thing we
2 have done, hopefully for -- in recommendation of
3 the neighborhood's concerns, we have laid a brick
4 garden wall at Father Ryan -- Neil is going to
5 show this to you in a moment -- where the Knox
6 lockbox -- we'll have in the middle of it.

7 In addition to that, we're putting brick
8 and wood panel garden walls bordering the
9 neighbors to the west and east. The neighbors,
10 Mr. Mavar and the Nicovich family and the Lechner
11 family, will have those garden walls at our
12 expense, brick. They're quite beautiful. You
13 will see them in just a moment.

14 And for lighting on the grounds, we'll
15 have bollard lighting. There won't be lighting up
16 in the air where it can penetrate into the
17 neighbors' yards. It's the kind -- you know, kind
18 of pedestrian level so you can walk in and out of
19 the hotel, but it won't be light pollution to the
20 neighborhood.

21 So this applicant has requested a
22 Planned Development Hospitality Business Overlay
23 District. This property is within the West Beach
24 Historic District. I want to emphasize the West
25 Beach Historic District. All up and down Highway

57

1 90, there are historic districts by various names,
2 all the way up and down. The Father Ryan lot and
3 the Father Ryan neighbors are not in that historic
4 district. Please keep that in mind.
5 Nevertheless, we have done our best to
6 try to honor their historic concerns. And
7 certainly, the Holy Land, Father Ryan is a
8 beautiful historic neighborhood and we don't
9 diminish at all the importance of doing everything
10 we can to value that history, but they are not in
11 this district that concerns Highway 90.
12 And all up and down Highway 90, there
13 are historic districts that have six-story hotels
14 in them with residences nearby. The Hampton Inn,
15 the Hyatt Inn, Hilton Garden Inn, so -- and you
16 have voted on those before in similar historic
17 districts. Just pointing that out by way of
18 reference.
19 So I'm going to turn this over now to
20 Neil Polen of Dale Architects, who will present
21 the plans to you. And we'll be available to
22 answer questions, of course. And I know that
23 neighbors will have comments and questions and
24 we'll be glad to come back and answer those. If
25 you have any now, we can try to answer them or we

59

1 further when we get to the site plan.
2 But the tree canopies that you see here,
3 we've modeled them to replicate the existing
4 conditions as much as possible. We want you guys
5 to get a realistic vision of what's being
6 proposed. This is not our project. This is the
7 White House Hotel expansion that has been proposed
8 for the corner here.
9 You can go to the next slide.
10 So Gerald has gone over a lot of this
11 already, but we're looking at -- we're proposing
12 two hotels, \$32 million investment to the city. I
13 can't emphasize this enough. From the very
14 beginning, we had an arborist on our team. We had
15 a civil engineer on the team. We knew that this
16 was an important site for the city, for the
17 residents. We did everything in our power to meet
18 the developer's program and maintain the existing
19 context as much as possible.
20 We have incorporated both hard-and-soft
21 buffering where we are adjacent to neighbors with
22 fencing, as well as landscaping that you guys will
23 see in a minute. And then, of course, Gerald
24 talked about the emergency-only gate at Father
25 Ryan.

58

1 can wait to see what Neil has to say.
2 CHAIRMAN WASHER:
3 All right. Thank you.
4 MR. BLESSEY:
5 Thank you. Neil.
6 MR. POLEN:
7 Good afternoon. My name is Neil Polen,
8 Dale Partners Architects. We have several members
9 from our design team here as well, Leigh Jaunsen
10 is our managing partner; Travis Altsman, who is
11 project architect on this project as well. We
12 have our civil engineer, Nick Moody, with Machado
13 Patano and Ben Kahlmus is our licensed arborist
14 for this project.
15 Gerald gave a great overview of the
16 project, so I'll try not to replicate that too
17 much, but I do have a quick presentation that I'd
18 like to make so that everybody can get a little
19 bit better context of what's being proposed as
20 opposed to just looking at the site drawings.
21 Go to the next slide.
22 So this is a sort of schematic aerial
23 view of what's being proposed. The 40-room
24 boutique Aqua Suites hotel is located here. The
25 Residence Inn is located up here. You'll see this

60

1 Briefly, I will just show a few slides
2 of what's being proposed. This is the Aqua Suites
3 project. Again, this is a completely new concept,
4 especially for the Mississippi Gulf Coast. We are
5 very, very excited about this project. This is
6 intended to be very high-end. I mean, you know,
7 this would be attracting people from all over the
8 Southeast. Each of these rooms have individual
9 plunge pools within them, extremely lush
10 landscaping, a shared courtyard between the two
11 wings of the hotel, as well as a rooftop terrace.
12 In fact, this is actually the second
13 iteration of this design. The first time we went
14 to HRC, there was some comments, there were --
15 some requests were made to try to meet better some
16 of the historic guidelines, even though we
17 followed them on the first iteration. We were
18 within precedent of what had been approved
19 previously. But we're even more excited about
20 this version of the design.
21 Next.
22 I've already kind of a given you a brief
23 overview of this.
24 You can ahead and go on to the next
25 slide.

61

1 This is just another view of the project
2 that is abutting Highway 90.
3 Go to the next slide as well.
4 And this is the site plan. Again, you
5 can see here on the Aqua Suites in particular, we,
6 I believe, have actually avoided having to tear
7 down any trees to accommodate this particular
8 hotel.
9 Okay. And this is the image looking
10 west, our beautiful Mississippi sunset looking
11 from the west across the terrace that would be up
12 on the roof.
13 Okay. The second project as Gerald
14 talked about is a proposed Residence Inn. That
15 would be north of the Aqua Suites, but like Gerald
16 said, it really will be more kind of the middle of
17 the site. You know, again, this is not a party
18 hotel. This is intended to be for families,
19 professional business travelers, you know, so we
20 don't envision this being an extremely loud and
21 disruptive type hotel for the area.
22 Okay. This is the proposed south
23 elevation, so I want to be very clear about this.
24 This is the proposed south elevation. That would
25 be looking back toward the beach. Again, the

63

1 beneficial image to have for everyone.
2 Okay. This is the site plan here. We
3 have tried to color the existing trees so that
4 everyone, again, can kind of get a sense of how
5 we've tried to locate the hotels in a way that
6 both buffers -- A, save as many trees as possible
7 and also buffers it from adjacent properties as
8 much as feasible.
9 And again, as Gerald said, we intend to
10 use bollard-style site lighting as much as
11 possible to try to minimize or eliminate any
12 potential light pollution.
13 As Gerald mentioned, some of the hard
14 copies that got handed out were actually
15 referencing an old application. The current tree
16 removal application calls for nine total trees to
17 be removed, only one of which is a protected live
18 oak. See if I can get my numbers here correct. I
19 think four of them are dead, one is diseased, so I
20 think that's only three non-protected trees that
21 are living that are being removed.
22 Okay. And that's it.
23 CHAIRMAN WASHER:
24 Okay. Anyone else to make a
25 presentation?

62

1 Historic Review Committee had some comments that
2 they would like us to address. There's actually
3 another architect working with us on this project,
4 so we've been working in tandem with them, again,
5 trying to accommodate, as much as possible, all
6 their comments. So we're actually in the process
7 of working on redesigning some of the architecture
8 of this building to try to address those comments.
9 The next one.
10 This is, again, a very preliminary look
11 at how we're trying to match some of those
12 comments, so that's not really pertinent to
13 today's hearing, but we just want everyone to
14 understand that we're trying to accommodate
15 requests and concerns as much as possible.
16 Okay. This image here probably looks
17 like an actual photograph, but this is actually a
18 rendering of the proposed brick and wood paneled
19 wall along Father Ryan and turning up on the
20 adjacent neighbors. This would be the
21 emergency-only gate. We can make this completely
22 opaque if that makes a difference. It's no real
23 design issue to us. And then we have modeled in
24 the hotel to show how far set back it is actually
25 from Father Ryan. We thought this might be a

64

1 MR. POLEN:
2 No, sir.
3 CHAIRMAN WASHER:
4 All right. We have got a handout with a
5 lot of information on it, but for the benefit of
6 the audience, tell us about the number of rooms in
7 each hotel, the number of floors, number of
8 parking spaces.
9 MR. POLEN:
10 Sure. So to the Aqua Suites Hotel on
11 the south end of the property, it's a proposed
12 40-suite hotel. The south facing beachside will
13 be four stories high and the northern wing is
14 proposed to only be two stories high.
15 This is a very unconventional hotel.
16 This is not like your standard double-loaded
17 corridor where you're walking down the hallway and
18 there's hotels on each side. These are almost
19 like individual cabanas with individual entrances
20 to each one. So again, it's a very unique
21 concept.
22 Residence Inn is 108 stories being
23 proposed at six stories tall.
24 MS. BANKSTON:
25 108 rooms.

65

1 MR. POLEN:
2 108-room hotel at six stories high. And
3 again, I know that there was concerns from the
4 neighbors about the height. Our primary concern
5 from the very beginning of this project -- and
6 this came straight down from the developer -- was
7 try to maintain the existing natural context as
8 much as possible. So part of the heights were
9 dictated by the site as it exists. We're trying
10 to maintain the trees, the canopy and the natural
11 landscape that is there.
12 As far as the parking, so I think we
13 have 140 -- excuse me, 148 rooms total project.
14 Current parking count is 139, which is slightly
15 less than a one-to-one ratio, which is typically
16 what your hotels want. But both the south hotel
17 and north hotel -- this site plan has been
18 reviewed; it's been preliminarily approved. We've
19 discussed with the developer any provisions
20 that -- if, in the rare event, that both hotels
21 are at absolute 100 percent capacity, we're
22 working on provisions for, you know, valet
23 parking, double parking, perhaps even some
24 temporary parking where spaces are not paved. But
25 again, none of that would impact the Father Ryan

67

1 MR. PARKER:
2 Can you give us an idea of how much
3 revenue this will generate for the City of Biloxi?
4 MR. POLEN:
5 As the architect, I will be honest,
6 that's not information that I had. Gerald perhaps
7 could advise of that a little bit, but --
8 MR. BLESSEY:
9 We don't have a projection of the gross
10 revenue, Mr. Parker. We can get that for you.
11 But, of course, it will generate 35 permanent jobs
12 and so payroll significant to the city and to the
13 people of the city. The sales tax, of course, and
14 the property tax will generate a significant
15 return.
16 MR. PARKER:
17 The reason I ask, right now it's
18 generating \$9,000 a year, no employees other than
19 the grass cutters.
20 MR. BLESSEY:
21 I'm sorry?
22 MR. PARKER:
23 Presently, it's generating \$9,350 a year
24 to the city.
25 MR. BLESSEY:

66

1 residences at all.
2 CHAIRMAN WASHER:
3 If this project is approved, I believe
4 you're recommending -- or proposing to phase it
5 Phase 1 for Aqua and Phase 2 for the Residence?
6 MR. POLEN:
7 That is what has been discussed to date,
8 correct.
9 CHAIRMAN WASHER:
10 If it is approved and you proceed on
11 that course, all construction traffic will flow
12 through Aqua to get to the construction of the
13 Residence?
14 MR. POLEN:
15 Sure.
16 CHAIRMAN WASHER:
17 No construction traffic through Father
18 Ryan?
19 MR. POLEN:
20 Yeah. There's no reason we couldn't
21 accommodate that.
22 CHAIRMAN WASHER:
23 Do we have any questions from the
24 members of the Commission?
25 Mr. Parker.

68

1 For property taxes?
2 MR. PARKER:
3 Right. And they have no employees,
4 so...
5 MR. BLESSEY:
6 Right. Well, for raw land, I mean, that
7 would be the property taxes on the raw land. So
8 \$32 million in commercial property, multiply that
9 by 15 percent for assessed valuation and you
10 multiply it times our millage for the school
11 millage, which is -- and the city millage together
12 is somewhere around 60 or 70 million, so that's --
13 I can't do the math in my head unfortunately, but
14 that's a pretty significant many multiples of
15 \$9,000 a year.
16 MR. PARKER:
17 Thank you.
18 CHAIRMAN WASHER:
19 Mr. Delahousey.
20 MR. DELAHOUSEY:
21 If this project were to be approved,
22 when would start -- construction start?
23 MR. POLEN:
24 What I will tell you is that in many
25 ways, we've -- the very first thing that we did is

69

1 we tried to design the units, especially for the
2 Aqua Suites, all the way through and then we
3 have -- because we wanted to make sure the concept
4 worked, the developer liked the concept.
5 Now we're going through this process,
6 but what I can tell you is that our drawings are
7 probably at the 50 percent level as they stand
8 today; so pending approval, you know, I suspect
9 construction can start as soon as this summer,
10 perhaps early fall.
11 MR. DELAHOUSEY:
12 Follow-up question to that: Barring any
13 hurricanes or natural disasters, how long would it
14 take for completion of the project?
15 MR. POLEN:
16 Just thinking about the hotels, if they
17 are constructed one at a time, I mean, plus or
18 minus a year perhaps. Again, that's not something
19 that we've fully detailed yet, but as a baseline
20 estimate, I'd say perhaps a year.
21 MR. DELAHOUSEY:
22 One more. I guess, Mr. Creel perhaps or
23 Staff, the plans are for Keesler Air Force Base to
24 have their main entrance at Division Street. I
25 know they're working on that now.

71

1 It's already being done like that.
2 MR. CREEL:
3 Yeah.
4 MR. DELAHOUSEY:
5 Thank you.
6 CHAIRMAN WASHER:
7 All right. Mr. Todaro.
8 MR. TODARO:
9 Could you bring up that rendering that
10 was from the Father Ryan Avenue view that looked
11 like a photograph, but it was actually a
12 rendering?
13 MR. CIPOLLA:
14 From Father Ryan?
15 MR. TODARO:
16 Yeah. What is the approximate distance
17 from, like, the Father Ryan sidewalk going south
18 before any construction begins -- I mean, before
19 any facility is constructed? How much land is
20 going to be there with no construction? We can
21 see it from here, but about what's the distance?
22 MR. POLEN:
23 At least 200 feet.
24 MR. TODARO:
25 About 200 feet before anything is

70

1 MR. CREEL:
2 That's correct.
3 MR. DELAHOUSEY:
4 When is that plan expected to be
5 completed, that project?
6 MR. CREEL:
7 It's still a few months off, but they
8 are supposed to be starting on the paving in the
9 next couple of weeks.
10 MR. DELAHOUSEY:
11 But it would be before if this project
12 were approved?
13 MR. CREEL:
14 Yes, sir. That completion should be
15 completed before this project is finished being
16 constructed, yes.
17 MR. DELAHOUSEY:
18 And the White Avenue gate, what are the
19 plans for that once Division Street gate is open?
20 MR. CREEL:
21 My understanding -- and I not may not be
22 absolutely correct. My understanding, that will
23 be used for deliveries and other purposes, but not
24 coming onto the base.
25 MR. CIPOLLA:

72

1 constructed?
2 MR. POLEN:
3 From Father Ryan.
4 MR. TODARO:
5 What's the planned used of that
6 property, just parking?
7 MR. BLESSEY:
8 Well, parking and trees. As you see,
9 the 60-inch oak takes up about two-thirds of the
10 Father Ryan lot. You will have some parking there
11 and then some parking in the rest of that lot, but
12 it's mostly trees and tree cover and then, of
13 course, the other 200-something feet would be
14 parking and trees.
15 MR. CARRON:
16 What is the proposed height of the fence
17 abutting up to the neighbors?
18 MR. POLEN:
19 Currently, it's proposed at seven feet,
20 but, I mean, that's something that if there were a
21 request for it to be higher or lower, I mean,
22 that's not really a sticking point to us.
23 MR. CARRON:
24 Could we go up to eight feet in that
25 zoning?

73

1 MR. CREEL:
2 Yes, we could.
3 MR. CARRON:
4 Maybe that might be something the
5 neighbors would rather have than seven feet.
6 CHAIRMAN WASHER:
7 All right. Any other questions?
8 Mr. Stanovich.
9 MR. STANOVICH:
10 A couple of questions on ingress and
11 egress. On your plan here, you've got on here
12 potential turning lane extension. Now, are y'all
13 going to do that through the highway department or
14 what's the thoughts on that?
15 MR. POLEN:
16 That's correct. Nick Moody perhaps
17 could speak to that. He's been in discussion with
18 the MDOT. There is an existing turn lane off of
19 Highway 90. The only question is, would the
20 beginning of that turn lane need to be extended
21 back east a little bit or not.
22 MR. STANOVICH:
23 And my understanding is on the only
24 exit, ingress and egress, onto 90, they will have
25 to go west, correct? There is no crossover there

75

1 Ms. Bankston.
2 MS. BANKSTON:
3 Okay. You said the question from the
4 AHRC was about the height of the building of the
5 Residence Inn or the number of stories. What was
6 your answer to them?
7 MR. POLEN:
8 If I remember correctly, the concerns
9 about height were as much from some of the
10 neighbors as it was from some of the committee.
11 MS. BANKSTON:
12 Okay. I thought it was from the AHRC
13 that someone said.
14 MR. POLEN:
15 It's possible that that's the case,
16 but --
17 MS. BANKSTON:
18 Okay. And that seems to be a concern.
19 Okay. The front building, the suites,
20 the Aqua Suites are beautiful and really
21 complement that piece of property, but the
22 Residence Inn does not complement the Aqua Suites.
23 The Residence Inn looks like something off an
24 interstate, and it is so high. There is no way it
25 cannot infringe on the privacy and the backyards

74

1 to get to Highway 90?
2 MR. POLEN:
3 I believe that's correct.
4 Is that right, Nick? If you're coming
5 out of the property, you do have to go west?
6 MR. MOODY:
7 That's correct.
8 MR. STANOVICH:
9 Is there any plans trying to get a
10 crossover? Y'all are not figuring on that, right?
11 MR. MOODY:
12 No, sir.
13 MR. BLESSEY:
14 We would not ask for a crossover and we
15 would not want one.
16 MR. STANOVICH:
17 Okay.
18 MR. CARRON:
19 I just want to interject on that. You
20 know, I've looked at it and just down the road is
21 a turning bay to make a left turn to get back to
22 go east, so it's not that far for them make a
23 right, get into the turning lane and go back to
24 the east.
25 CHAIRMAN WASHER:

76

1 of the people on Father Ryan. There is no way
2 that could possibly --
3 MR. POLEN:
4 I certainly understand that that's a
5 concern. Again, in trying to design the site
6 plan, what the developer is proposing, our primary
7 focus on the front of them is trees, right, trying
8 to locate within the existing context as much as
9 possible.
10 You know, perhaps one item I would point
11 out is that as the property is currently zoned,
12 you could build multifamily up to 50 feet right
13 now. Obviously, that's not as tall as a proposed
14 six-story building, but I think it could be argued
15 that any concerns that someone might have with a
16 six-story building, they'd probably also have with
17 a structure that could be 50 feet high as a
18 multifamily development.
19 MS. BANKSTON:
20 Thank you. One more question with that.
21 Is there any way to approve or to have this in two
22 different hearings, two different hearings for
23 each building?
24 MR. BLESSEY:
25 No. This is an economically

77

1 penciled-out, return-on-investment project.
2 MS. BANKSTON:
3 Okay.
4 MR. BLESSEY:
5 And in order to have the economies of
6 scale, okay, this developer is willing to bet his
7 32 million that 148 rooms together -- I think it's
8 148, the two in combination, to have 24/7
9 security, 24/7 management. So the two together
10 make it worth it financially, and so the
11 feasibility of it is an economic issue.
12 The number of rooms, 108 on the
13 Residence Inn, to be honest with you, if you go
14 below 100, which is only eight rooms, and if you
15 take a floor or two off, it doesn't work. Even
16 one floor off doesn't work.
17 So, I mean, that's the reality of the
18 cost these days and inflation going up.
19 MS. BANKSTON:
20 On this particular property? It could
21 not fit on another piece of property? It could
22 not go to another piece of property? I know this
23 property they already have and decided on, but
24 this particular one infringes on not only Father
25 Ryan -- and I'm an old Biloxian and I know this.

79

1 the best we can do with this property.
2 I will remind you that Seashore Manor is
3 in the Holy Land. It's been there for a long time
4 and it has high rooms for their residences. I'm
5 not saying that this is the same thing by any
6 means and I'm not saying -- a four-story-high
7 apartment building is lower than six floors. But
8 if you turn this down and somebody -- the next
9 person comes along with this property and does
10 four floors that would still be over the tree
11 level and looking into the backyards. There's
12 really virtually nothing we can do to totally
13 satisfy that problem, even by whatever would come
14 next.
15 Now, you have -- I would just like to
16 remind everybody in terms of evaluating uses of
17 property, this particular property is in a block
18 that to the west has the old Saxony Apartments
19 which, I think, have been turned into condos.
20 It's a massive structure. It's not six floors,
21 but it's pretty high.
22 THE AUDIENCE:
23 It's two.
24 MR. BLESSEY:
25 And that particular property -- that

78

1 It's not only a very historic neighborhood. It's
2 a very historic community, and the fact that it's
3 there, it's -- they're not being protected.
4 MR. BLESSEY:
5 Certainly a legitimate concern, and the
6 observation, we certainly are trying to do what we
7 can to preserve those values.
8 Let me just say, as Neil pointed out, we
9 still have to get final approval from the AHRC on
10 the final design. It will -- I'm confident, based
11 on what I heard at the AHRC, it will not look like
12 this one that's on the screen right now. It will
13 begin to look more and more like whatever is going
14 to satisfy AHRC. That's the look, that's the
15 design.
16 Now, the floors are a different issue
17 and a different problem. Now, just imagine that
18 four other hotels with similar neighborhood
19 relationships in historic areas -- we love all
20 Biloxi historic areas, and we love the Holy Land.
21 We love all of this. But it's -- you know, the
22 rest of the citizens have an interest in the
23 economic development of Highway 90, which is our
24 front door and is our crucial tourism land use.
25 We don't own some other property, and so this is

80

1 particular property, unfortunately, I think,
2 whoever it was some years ago, so many years ago
3 did not honor their request to not have an
4 entrance on Father Ryan Avenue. And we have done
5 our best to guarantee that that won't happen in
6 our property, so that's a legitimate concern that
7 wasn't satisfied there.
8 Now, to our east, there is a beautiful
9 project that I have seen in the newspaper and that
10 Greg Stewart and the White Avenue -- I mean, the
11 White House Hotel will be building next door to
12 us, which is on the much smaller piece of
13 property. And so what we have here, it's just --
14 the likelihood of it being, whatever happens in
15 the future, a structure that won't have some
16 overlook into neighbors' yards or to have some
17 view that others may not like is just not likely.
18 I mean, if -- in other words doing nothing is not
19 really reasonable.
20 MS. BANKSTON:
21 I understand that.
22 MR. BLESSEY:
23 And so we're trying to do the best we
24 can within this context. And I understand height
25 may make a difference. We will hear what the

81

1 residents have to say, if they have any
2 recommendation on how high would be acceptable to
3 them. We'll listen to that. I don't think you're
4 going to hear six stories, but I don't know. We
5 will see. I wish would we could satisfy every one
6 of those issues. I just want to remind our good
7 friends -- and they're all wonderful people, these
8 old Biloxi families and new Biloxi families.
9 We've got some new retirees here, wonderful
10 people.
11 But we have 49,000 people in this city.
12 And in this ward, Ward 1, there's 7,000 people. I
13 mean, we have a tax base to be concerned about.
14 We have future jobs to be concerned about.
15 And, you know, whatever you say about
16 this project, you know, it is a high-level, very
17 expensive, well-maintained type project. And I
18 think it really is as good a highest and best use
19 as can happen on this property. But that's a
20 value judgment and you certainly have a right to
21 disagree and we hear that.
22 MS. BANKSTON:
23 Thank you.
24 MR. DELAHOUSEY:
25 Mr. Blessey, I have one more question.

83

1 really don't remember. Of course, we all
2 treasured and loved all those old antebellum homes
3 and homestead homes.
4 MR. CIPOLLA:
5 That's April 2005 homes. There is a
6 house there and a house there.
7 MS. BANKSTON:
8 Okay. Very good. Thank you.
9 MR. DELAHOUSEY:
10 What was the date?
11 MR. CIPOLLA:
12 2005.
13 MS. BANKSTON:
14 April 2005, before the hurricane.
15 MR. BLESSEY:
16 Before Katrina.
17 So put yourself in the shoes of a person
18 who can afford to build a \$1 million mansion.
19 Would you pick this block? I mean, there are
20 other empty blocks.
21 UNIDENTIFIED SPEAKER:
22 Sure. I did.
23 UNIDENTIFIED SPEAKER:
24 Yes.
25 UNIDENTIFIED SPEAKER:

82

1 I know the answer, but I'm going to ask it anyway,
2 for the record. What's been on that property the
3 past 17 years?
4 MR. BLESSEY:
5 To my knowledge, nothing.
6 MS. BANKSTON:
7 Do you know what was there before?
8 MR. BLESSEY:
9 I can't remember.
10 THE AUDIENCE:
11 Homes.
12 MS. BANKSTON:
13 Houses. There were historic houses.
14 UNIDENTIFIED SPEAKER:
15 There was a big mansion on one part.
16 CHAIRMAN WASHER:
17 We will give everybody time to speak.
18 We're going to take it one at a time.
19 UNIDENTIFIED SPEAKER:
20 Just answering the question.
21 CHAIRMAN WASHER:
22 All right. Questions from the members
23 of the Commission? No other questions.
24 MR. BLESSEY:
25 Let me answer just that one question. I

84

1 Yeah, we did.
2 CHAIRMAN WASHER:
3 Keep your comments to yourself, please.
4 Mr. Blessey is not going to interrupt you, and I
5 ask that you extend to him the same courtesy.
6 MR. BLESSEY:
7 On Highway 90, facing Highway 90, the
8 likelihood of a person building post-Katrina, not
9 on Father Ryan but on Highway 90, a highly
10 expensive single-family residence is very
11 unlikely. Not impossible, but not likely.
12 MS. BANKSTON:
13 I understand.
14 MR. BLESSEY:
15 So what we're saying here is this is a
16 land use decision in the context of this
17 particular site and block. It's in between two
18 commercial things. I mean, the condos and
19 apartments are commercial. The new hotel that --
20 the beautiful thing next to it, that's commercial
21 and that's all on Highway 90.
22 And so, you know, I may be wrong. Maybe
23 somebody would be willing to buy it and build
24 something for single-family or maybe a
25 single-family subdivision would come in. All

85

1 those are possible. But it's been here 17 years.
2 Do you want to wait another 17 years?
3 Some of us are old enough, Kay, to
4 remember Camille, you know, and we still have
5 property empty from Camille, not to mention
6 Katrina. So how many generations go by before
7 somebody is willing to do what is desired rather
8 than what is practical?
9 MS. BANKSTON:
10 I just want to say one more thing. I
11 appreciate the efforts of the whole group who has
12 worked with this community, first of all. And I
13 appreciate all your efforts in answering my
14 questions. And I certainly am for Biloxi and
15 doing better in Biloxi with the taxes. I am for
16 that. Okay. Thank you.
17 MR. BLESSEY:
18 We know that, and believe that for all
19 of you, no matter how you vote. We know it's all
20 to do with what you think is right.
21 CHAIRMAN WASHER:
22 Thank you very much.
23 Is there anyone in the audience that
24 wants to speak in favor of the applicant's
25 request? Anyone speaking in favor. No one

87

1 MR. GENZER:
2 No. You'll get four minutes because all
3 I want to say is I was the architect when the
4 Planning Commission agreed to change the first
5 half from RS-7.5 to RM-20. And I designed a
6 project for Mr. Henry Lee that was in the process
7 of undergoing construction documents when
8 Hurricane Katrina hit.
9 This same group, not made up of the same
10 people, insisted -- they didn't recommend. They
11 insisted that the property facing Father Ryan be
12 maintained as RS-7.5 because they wanted to
13 maintain and ensure the integrity of Father Ryan.
14 Now, with that, I wish that we could --
15 and the question has been asked. You can't pick
16 and choose which one you would like under this PUD
17 consideration. I wish it was individual so we
18 could say that the Aqua Suites that were designed
19 by the Dale Architects have done a fantastic job
20 and it will be a great benefit to Biloxi, but
21 there's nothing that you can do to that -- to
22 their suggestions of putting parking and an
23 attractive fence on the Father Ryan and make it
24 reasonable. If you could just still simply take
25 that part off and eliminate the six-story hotel, I

86

1 speaking in favor.
2 Anyone speaking in opposition. Anyone
3 with any questions?
4 Mr. Genzer.
5 MR. GENZER:
6 My name is Frank Genzer. I live on the
7 corner of St. Jude and Father Ryan. I have lived
8 in that neighborhood for 40 years.
9 What I would like to express to the
10 Planning Commission is in the 1990s, I was the
11 architect for Mr. Henry Lee, who owned this piece
12 of property, and it was with my design of building
13 six buildings on this site that he had, that
14 doesn't include the Father Ryan --
15 CHAIRMAN WASHER:
16 Mr. Genzer, may I ask, are you speaking
17 for a group or just for yourself?
18 MR. GENZER:
19 I'm speaking for the whole group, but
20 I'm --
21 CHAIRMAN WASHER:
22 Okay. Because I want to make everybody
23 aware, we're going to limit everybody to four
24 minutes; but if you're speaking for a group, we'll
25 give you a little more time.

88

1 think that would be a fantastic compromise, but
2 unfortunately, I understand you can't do this
3 under a PUD configuration. So I just urge you to
4 not approve it because of that.
5 CHAIRMAN WASHER:
6 Thank you, sir.
7 Anyone else? Yes, sir.
8 MR. GILL:
9 Hi. How you doing today? My name is
10 Steven Gill. I'm the adjacent property on the
11 east side of the development.
12 You know, I'm basically here today -- I
13 understand that this city has to develop your
14 stuff. It's about business. It's about money. I
15 get it. That's what makes us all go around.
16 That's why we're here. Y'all want to bring more
17 in? I understand.
18 We're on that side street. We've been
19 here a little over two years now. I have got two
20 kids. We came to Biloxi. We were actually from
21 Gulfport. Most of our family lives here already,
22 but we came in -- my kids fell in love when they
23 came to see the house. We brought them to tour
24 it. They were on the corner. They ran down to
25 the beach. The kids sold me on the house because

89

1 I've never seen them love a house as much as when
2 we walked into this one. And the area and trees,
3 it's beautiful down there. And that's kind of
4 what's going to be changed when it's coming in.
5 And I don't think anybody is in a fight
6 about the front half. Everybody agrees that
7 that's pretty. That's good for Biloxi. It brings
8 business. It's the showpiece. And it's actually
9 the showpiece that's getting in the Residence Inn
10 because they're not breaking it up. They're not
11 offering that as a development. They're not
12 offering a different option. They're saying, hey,
13 if you want this, you've got to take that. I
14 mean, I understand where they're coming from.
15 You've got to make money. That's what's going to
16 drive the profits up, is -- the back end looks
17 like junk, and it's stuck in between our two
18 houses. That's what's going to be facing Father
19 Ryan Road. That's what everybody is going to see
20 when they're walking their dogs and they're coming
21 along the street.
22 I don't know how long it's been since
23 y'all have been there. I believe this was deemed
24 a historic drive or trail down the road this way,
25 and people come when they visit the city and they

91

1 and we can fit more people in the room but we have
2 less parking spaces, that doesn't seem like a good
3 math problem to me. It seems like we're going to
4 have more cars, especially if you have people
5 working there. You're going to have multiple
6 people coming in with multiple trucks to do work,
7 if that's the idea that they're picturing. So
8 when you have that, you're going to have that
9 overflow. You're going to have that excess
10 traffic.
11 And we've seen the demand for the fire
12 exit on the back. I understand you guys have put
13 a proposal in here for a lockbox, and that's all
14 good. They did the same thing with the property
15 around the corner, the blue one, the two-story
16 building right there. They did the same thing.
17 Where it comes out on the side road, that was
18 supposed to be emergency access as well and over
19 time, it's just become the main access -- the main
20 access because nobody wants to get out onto the
21 beach and people want to loop around and get to
22 the traffic light, whatever, whatever.
23 It's just whatever you guys decide and
24 approve today we have to live with indefinitely.
25 And I think that's everybody's main concern, is it

90

1 actually go down that street just look at the old
2 historic houses. There is placards on the side of
3 the walls. There's a lot of just charm that's
4 there that you can't reproduce.
5 Everybody around as well -- they
6 mentioned the White House development. Everybody
7 has seen those plans. Nobody is up in arms about
8 the White House Development. They've done a good
9 job. They've kept it in the corner. They're
10 clean. They live in that area. They're really
11 good about that.
12 I just think that the whole access on
13 the backside is a problem. I don't know if you
14 guys have seen the design. In making sure they
15 don't affect the neighbors too much, they've
16 slapped a dumpster next to the corner of my house
17 where we're at. I mean, that doesn't seem
18 friendly to the neighborhood.
19 You know, there's just -- and then
20 parking spots as well, there -- we have -- it's
21 listed at 138, which is less than per room and the
22 Residence Inn section is supposed to be extended
23 stay, larger development, so they're going to have
24 a bathroom, kitchen and they're going to expect
25 people to stay longer. So if we're staying longer

92

1 all sounds good and they give us what we want to
2 hear today, and then 10 years from now, it's not
3 working the way that was it was planned out and
4 what everybody agreed to.
5 But that's all I wanted to say and I
6 appreciate y'all's time. Thank y'all.
7 MS. WARD:
8 Hi, my name is Donna Ward. I live at
9 1327 Father Ryan Avenue. I'm at the corner of
10 St. Peter. The next block over would be St. Jude.
11 I came to the first meeting and I was
12 not extremely informed. But sitting in the first
13 meeting, my first thought goes to how are we going
14 to possibly negotiate these long fire trucks
15 turning onto St. Jude? How are they going to
16 possibly turn into the emergency entrance/exit on
17 Father Ryan? The length of the vehicles just
18 totally negates this idea.
19 And if you approach it from White Avenue
20 from where Mr. Gill lives, then they're going to
21 have to make a U-turn at St. Jude. How is the
22 fire truck going to make a U-turn at St. Jude? So
23 I have trouble with the logistics. Blocking it
24 off, great, but I don't see how they're even going
25 to get there to block it off. I don't get that.

93

1 And if they do use it as an exit mainly and not an
2 entrance, they're going to have to take a right.
3 Talking about our children, there's
4 children that live right across the street from
5 Father Ryan from where they're talking about
6 dumping onto Father Ryan. Steven has children.
7 They've got to make the corner right there to go
8 to White Avenue right by Steven's children. It
9 makes no logistic sense to me.
10 You talk about this not being a
11 historical area, why have I been up here twice to
12 stand to ask for permission to do things to my
13 1941 house if this is not a historical area? And
14 the times I have sat up here in the hot seat --
15 which I am not a public speaker. Yes, I did take
16 public speaking at Mississippi State. They did a
17 very good job with me evidently. But why are we
18 even here talking about it? It just makes no
19 logistical sense.
20 Yes. We're Number 33 on the city
21 website of the Essence of Biloxi Driving and
22 Bicycle Trail.
23 The next thing I wanted to say is
24 about the number of hotels rooms. There aren't
25 enough places for people to park to have this many

95

1 neighborhood is not permanently changed. The
2 buildings on the neighborhood are permanently
3 changed, but the property is still there. The
4 trees are still there. The community is still
5 there. We are pumping money into these historic
6 homes, filling them full of money and love, making
7 a family neighborhood and this is what we get.
8 Totally against two properties.
9 CHAIRMAN WASHER:
10 Anybody else to speak in opposition?
11 MR. SCHWARTZ:
12 Robert Schwartz, here on behalf of
13 Victor Mavar, Jr. I'll try and be short, but
14 sticking a lawyer with four minutes doesn't
15 normally work very well.
16 We're here today and what you're really
17 looking at is a zoning amendment. You can call it
18 an overlay. You can call it anything you would
19 like, but they are attempting to amend the zoning
20 of the current properties. You have split zoning.
21 Right now, part of this RS-7.5 and part of it is
22 RM-20. The RS-7.5 has a height requirement that
23 does not allow buildings to exceed 35 feet. The
24 RM-20 has a height requirement that does not allow
25 buildings to exceed 50 feet.

94

1 hotel rooms. We have should have one nice hotel.
2 You're doing a really, really nice -- shooting the
3 cannon off with the first one, and then you're
4 doing a non-complementary residential inn behind
5 it.
6 Why not make one nice property, have a
7 massive pool, kind of like the Broadwater used to
8 be or what they've done at Centennial Plaza in
9 Gulfport with the waterpark? Why not make a nice
10 hotel and make use of our green space? It's
11 beautiful.
12 We have changed from eight protected
13 trees to come down to nine, and if it's -- there
14 is one deceased, it can be treated, as arborists
15 know.
16 The last thing I want to say is that you
17 look at the National Register of Historic Homes,
18 they're gone.
19 CHAIRMAN WASHER:
20 Time is getting short.
21 MS. WARD:
22 I see my time. I see it.
23 They're gone. We can't help that. We
24 can't help what Mother Nature does, but we can
25 help what we do. The buildings are gone. No, the

96

1 And what do you have proposed here? A
2 six-story hotel closest to Father Ryan. So you're
3 talking about a minimum of a 72-foot hotel.
4 That's more than double what's allowed in RM -- or
5 RS-7.5, and it's 50 percent more than is currently
6 allowed in RM-20. That's why they're seeking an
7 overlay, because they know they can't do it with
8 the zoning as it exists today.
9 In looking at your LDO, the general
10 purposes for residential zoning districts -- and
11 specifically, it says that they are "intended to
12 provide a comfortable, healthy, safe and pleasant
13 environment in which to live and recreate." That
14 is the purpose for your residential zoning,
15 including the two parcels that are at issue.
16 The burden of proof in this matter is on
17 the applicant, and he has to prove two different
18 things, which they didn't prove today. They
19 didn't even mention one of these factors. They
20 have to, first, either show that there was a
21 mistake in the original zoning, and they don't
22 claim that. Their application is clear that they
23 claim that that's an issue. So they have to then
24 show that there is a change in the character of
25 the neighborhood and also that there is a public

1 need for the specific zoning use that is
2 requested.
3 Mr. Blessey made a nice presentation,
4 and I have a world of respect for Mr. Blessey and
5 for the people that are here applying. They have
6 every right to make an application before the
7 city. But they gave you one document that shows
8 that -- as the basis for their application, that
9 there are slightly less, about 80 percent, of the
10 hotel rooms in Biloxi that were here pre-Katrina.
11 That does not show, in and of itself, that there's
12 a need for hotel rooms in Biloxi. It's just a
13 statistical analysis that shows you what's present
14 today versus what was present previously.
15 That does not get them anywhere, though,
16 because there's no change in the character of the
17 neighborhood. And, in fact, the testimony, and as
18 you all know from living here -- and I've been
19 here for 25 years -- that has not changed in that
20 particular area. Father Ryan area has been a
21 residential area for a lot longer than the
22 25 years that I have lived on the Gulf Coast.
23 My client, Victor Mavar's house is the
24 one that is the closest to this.
25 Tim, if you wouldn't mind pulling up the

97

1 behalf, but I know a lot of the neighbors share
2 the same concern.
3 But there is a duty that is on the
4 applicant that they have to meet for you to be
5 able to consider the zoning change, and they
6 didn't meet that burden and they put on no
7 evidence for you regarding their burden. Without
8 showing both a public need and a change in the
9 character of the neighborhood, you can't grant
10 their request. And if you do, it is reversible
11 error and there are a litany of cases that provide
12 for that.
13 And I see I'm out of time, already
14 inside the four minutes.
15 CHAIRMAN WASHER:
16 Go ahead and continue.
17 MR. SCHWARTZ:
18 Thank you.
19 The city has to, of course, weigh what
20 it wants done with the property, and I -- we
21 respect that that's the Planning Commission's job.
22 And certainly, there are plenty of sites where
23 this would be a fantastic project. Personally, I
24 think that the suites that they showed you has a
25 fantastic architectural design that would be on --

99

1 Google Earth imagery that showed Mr. Mavar's
2 house.
3 His is on the right-hand side of the
4 map. He's at 1263 Father Ryan, and he is going to
5 be the most directly affected by the construction
6 of the Residence Inn hotel because that's going to
7 be closest to his home.
8 Now, the question was posed to the
9 developer and his staff earlier about the distance
10 from Father Ryan to the hotel, which they told you
11 was about 200 feet. That's true. My client's
12 property extends 120 feet from Father Ryan south,
13 so that hotel that is going to be six stories tall
14 is going to be 80 feet away from his windows. And
15 Tim is showing you now the property line for
16 Mr. Mavar's property that extends to the south.
17 So we have a major problem with that.
18 Obviously, my client didn't spend
19 hundreds of thousands of dollars to build a home
20 near his parents in the historic Father Ryan area
21 expecting to see a six-story hotel looming in his
22 backyard so people can watch him from a hotel
23 room. Nobody would want that as a neighbor. I
24 wouldn't want it in my backyard. And he's only
25 one of many neighbors. I'm only here on his

98

1 you know, closest to Highway 90. That's not our
2 real issue. Our issue is a 108-room, six-story
3 hotel that's located behind that. And I get that,
4 according to the applicant's request, you can't
5 have one without the other. They want an
6 all-or-nothing proposition.
7 But the law is clear that they didn't
8 meet their burden, and you never heard a single
9 word about the change in the character of the
10 neighborhood today. So respectfully, I do not
11 believe that you can grant them their request, and
12 if you do, I think it would clearly be reversed.
13 I have for you just a couple of
14 documents that I'm going to enter into your
15 record. The first of which is simply a portion of
16 your land development ordinance to remind the
17 board of the purposes of the residential zoning
18 district. I have a little short, three-page
19 summary that provides to you the cases of the
20 relevant authority for the proposition of what
21 they are seeking, which is, in fact, a zoning
22 change of the property.
23 And the last item I have is a letter
24 from Victor Mavar, Sr. -- not my client, but
25 Mr. Victor, Sr., who lives down the street on

100

101

1 Beach Boulevard, also lodging an objection to this
2 for the same reasons, that there is neither a
3 change in the character of the neighborhood, nor
4 is there an established need for the requested
5 zoning. And I'd ask that those be made part of
6 the record.
7 MR. PARKER:
8 I've got a question.
9 MR. SCHWARTZ:
10 Yes, sir.
11 MR. PARKER:
12 Did Victor Mavar ever own the land south
13 of him?
14 MR. SCHWARTZ:
15 Mr. Victor did not own this land, to my
16 knowledge. I believe that --
17 MR. PARKER:
18 Victor, Jr. owned it?
19 MR. SCHWARTZ:
20 No, sir. Originally -- Victor, Jr.
21 owns, of course, the lot where his house is
22 located that is shown on Father Ryan. His
23 parents' property is about a block and a half away
24 and it's further down the beach.
25 Tim, if you could scroll over to it.

103

1 on the corner of Father Ryan and Hubbard. I moved
2 here in July of last year, so kind of a new
3 Biloxian person.
4 And what I have gathered from this --
5 what's going on here is that the highest demand
6 would be for something to be in, like, 31 days or
7 longer. For the development of a house to be --
8 it shouldn't be -- they have enough hotels and
9 everything in the area. There's places I know of
10 right now that you can go get a room today if you
11 want one on the beach. The demand for the area
12 would be more -- better, like you said, the really
13 nice place that you've seen that you showed and
14 how you said you're going to decorate it. That's
15 kind of unique and pretty and falls in with White
16 House and everything.
17 I oppose of what they're talking about,
18 the whole project together, because it will hurt
19 my value of my house that I built -- that I
20 bought. I'm sorry. And when I bought it, it was
21 a big house and I could have been told that I
22 would have to rent it out for 31 days if I wanted
23 to. It would have to be a long-term rental
24 because it's in -- it's the type of -- that's the
25 way it is in that neighborhood. They don't want

102

1 Part of this property may have been
2 owned many, many years by another Mavar, but not
3 by Victor Mavar, Jr. or his father, is my
4 understanding. I have not run the chain of title
5 all the way back to the early 1900s, but I have
6 looked for the last 20 or 30 years.
7 Does that answer your question, sir?
8 MR. PARKER:
9 Yes, it does.
10 MR. SCHWARTZ:
11 Okay. Any other questions that I can
12 answer for the commission members?
13 CHAIRMAN WASHER:
14 Any questions?
15 (None indicated.)
16 CHAIRMAN WASHER:
17 Thank you, sir.
18 MR. SCHWARTZ:
19 Thank you.
20 CHAIRMAN WASHER:
21 All right. Any other objections?
22 Yes, ma'am.
23 MS. BESSELIEVRE:
24 Okay. I just want to say my name is
25 JoAnne Besselievre. I live at 1342 Father Ryan,

104

1 short-term rentals going on.
2 And to make a long story short, is there
3 is already one on St. Jude. There is already a
4 small, like, condo development right there
5 established. They use the neighborhood. They
6 walk in the neighborhood and -- the same way we
7 do. It's all part of that one community.
8 And I don't think this would be in the
9 interest of what it will come out -- I don't think
10 this will be positive for the homeowners and it
11 will make our property go down. And I'm all
12 about, you know, the highest and best use.
13 And so I would like to know what -- the
14 question is, to -- me to you, what would be the
15 way, the right procedure that I can take to oppose
16 this project, this one that they're talking about?
17 What do I need to do to go about doing this? So
18 that would be my question to you guys. As a
19 homeowner, how do I oppose this and what do I need
20 to do?
21 And all that's -- basically, I have
22 listened to everything. There is some pros and
23 cons. Keesler can't come in and help people off
24 of six-story buildings because the place can't --
25 an emergency truck can't get in there and out.

105

1 When a hurricane comes and people are
2 leaving, you know, there is going to be chaos
3 right in that area and -- plus, all the time when
4 the kids are out playing. And you know, you're
5 going to change the whole community, and I don't
6 think that's the best place to put that because
7 it's too much in one little spot. There needs to
8 be more acres for that beautiful development that
9 they want to put in. It's just not the right
10 place, you know, and it would change the whole
11 neighborhood. All right. Thank you.

12 CHAIRMAN WASHER:
13 I think you took the right approach
14 today to come here and let us know what your
15 opinion is.

16 MR. LECHNER:
17 How you doing today? My name is Jeff
18 Lechner. I live at 1275 Father Ryan with my wife
19 and two young kids. I have been there 10 years.

20 And the past three years, we currently
21 purchased -- my family purchased the property
22 directly behind me, which runs all the way to
23 Highway 90. So you had a double -- bed and
24 breakfast there prior to Katrina, but we bought it
25 for serenity, safety for the kids and to raise my

107

1 now I live here. We bought a house in September
2 on St. Paul. I live right next to Donna Ward.
3 She is right on the corner of Father Ryan and
4 St. Paul, and I'm right next to her.

5 And speaking for all of my neighbors, we
6 would like to hold the removal talks of the
7 trees -- I think you guys call it, to table it --
8 until the proposal response of the next meeting.
9 And we also think as a group that we should be
10 able to meet with the Tree Committee and have a
11 walk-through on the property.

12 I just walked the property last night.
13 In fact, I love to walk the property that's there
14 with my husband and my dog. And they talked
15 about -- I'm not sure. They say a 12-inch palm, a
16 30-inch live oak. 18, 36 inches, 48 inches, all
17 of these numbers are too small. These trees are
18 much bigger than this. I don't know where they
19 get 48 inches. These trees are like 10 feet
20 around, you know, like, six feet around, 12 feet
21 around. So I don't really understand this tree
22 thing.

23 But I did notice that Mr. Blessey stayed
24 away from Column Number 4 where it shows the
25 percentage of total rooms on the Coast. Biloxi

106

1 family there.

2 And prior to my purchasing it, we looked
3 into the zoning of each property, particularly the
4 one that is in question now, developing into a
5 development, but -- and it was an R-20, I believe,
6 which would be townhomes or condos of that nature,
7 nothing that would be a high-rise. So after that
8 point, we went ahead and made the purchase.

9 And I just wanted to know -- for y'all
10 members to consider and imagine being 25, 35 feet
11 from this property development shadowing,
12 towering, a condo or whatever it might be, coming
13 into your yard, losing your privacy, your
14 serenity, your value of your home and property at
15 the same time and trying to raise a family, you
16 know.

17 So thank you for your time. Mr. Schwartz
18 and all my great, great neighbors have covered
19 most of all my other questions, but I just wanted
20 to add that to it. Okay. Thank you.

21 CHAIRMAN WASHER:
22 Thank you.

23 MS. TORRENCE:
24 Hello. My name is Eva Torrence. I'm
25 from Miami originally. I've lived in Texas, but

108

1 already has 46 percent of the total rooms on the
2 Coast. 9,241 rooms versus Gulfport, which only
3 has 3,400, so we're like three times Gulfport.
4 And we're -- Ocean Springs has only 1,062, so
5 we're eight times what Ocean Springs has. I think
6 there is plenty of rooms if you want to get a room
7 on the Coast.

8 And I'm totally opposed to the Residence
9 Inn because I bought in a residential
10 neighborhood. My house is 105 years old. I have
11 a historical landmark plaque on it. It used to be
12 on the Keesler Air Force Base. They moved it from
13 the base before it was the base and they moved it
14 to St. Paul. And it's just a beautiful home and
15 I'm, like, one block away from this idea, which I
16 hate and we all hate.

17 Actually, we don't mind the one on Beach
18 Boulevard because it's -- you know, that belongs.
19 Well, it doesn't really belong, but it's -- they
20 have done a nice job of designing it. We're just
21 opposed to the Residence Inn being so close to
22 our, you know, place where we walk the grandkids
23 and the dogs.

24 And that's all I have to say, but thank
25 you for listening.

109

1 CHAIRMAN WASHER:
 2 Thank you, ma'am.
 3 MS. HOST:
 4 Hi, I'm Kay Host, and I have been here a
 5 couple of times.
 6 I just wanted to make a debate a little
 7 bit about what Attorney Blessey was saying. I
 8 have a house that's 1889, and I'm three houses
 9 away from this project. I'm on Father Ryan, 1283
 10 Father Ryan. I have Dr. Oden's old house, 1909,
 11 for those you that knew Laurence Oden.
 12 So 29 years it's considered a historical
 13 community because we have that middle part that
 14 everybody gets so excited about, one-way street
 15 here, one-way street there.
 16 Now, when he tries to use emotional
 17 blackmail on this group here saying there are 32
 18 jobs -- I have been living on the Coast for
 19 29 years, and I have seen where these jobs aren't
 20 given to locals. They're given to other people in
 21 Alabama or Florida, but they're not given to us.
 22 So we don't know. When he says 35 permanent jobs,
 23 what are their job titles and how will we secure
 24 that they're even going to go to anybody that
 25 works here and lives here already?

111

1 to make a yacht.
 2 So they are getting ahead of the power
 3 curve, in that they bought the property as
 4 residential when this property is commercial.
 5 It's not commercial. Thank you.
 6 MS. NICOVICH:
 7 Hello, my name is Ellen Nicovich and my
 8 husband and I, Steve, we live on 1269 Father Ryan
 9 Avenue in a historical home established in 1937.
 10 We live on the wonderful,
 11 long-established historical district block of
 12 Father Ryan Avenue. It's personal. We are
 13 emotional. We want to protect our neighborhoods
 14 and our family.
 15 The development, Limited Liability
 16 Corporation, has proposed a huge, dense
 17 development idea, and it's -- you know, Biloxi has
 18 a long history of spot zoning, but we don't have
 19 to give up the entire beach to commercial. Our
 20 neighborhood is very stable. We have no change in
 21 the neighborhood for years. Perhaps the only
 22 thing is it's more stable. We have more families
 23 that have bought homes in recent years. We have
 24 new families in the neighborhood.
 25 The Raintree Condo on the beach, all the

110

1 Then when he says about this
 2 million-dollar project, when I mentioned this at
 3 the VA -- because I take my life to work, back and
 4 forth, because I often work 10, 12 hours a day at
 5 the VA. And we lived through Katrina. They all
 6 pointed out, what's going on with Broadway (sic)?
 7 Why would you want to do that and destroy and hurt
 8 Father Ryan outside of Keesler Air Force where our
 9 troops like to run up and down the street? We
 10 listen to Taps at night. We listen to Reveille
 11 every morning. And we have our troops screaming
 12 every morning when they're doing their exercise.
 13 And those kids love running down Father Ryan. And
 14 I'm just giving you an idea of what it's like for
 15 us to live there.
 16 But when we look at this Broadway thing
 17 that they're going to build, I said, will that
 18 money go to Biloxi? Is that in Gulfport or is
 19 that in Biloxi? So I was to able pull this out,
 20 so I don't know what's going on with this
 21 Broadwater. Maybe you guys know, but this is
 22 going to be some sort of an auditorium where the
 23 bands come in and people are going to be in the
 24 hotels and be able to look down at bands. And
 25 then they're going to build out and they're going

112

1 tenants there, they own their individual units.
 2 They had come to you a couple of years ago
 3 concerning short-stay, and that was -- they did
 4 not want it and y'all all agreed not to have that.
 5 Well, the extended stay hotels, they're
 6 also short-stay hotels. You can call anyone
 7 anytime -- I have done it the last few weeks --
 8 and they -- you can easily get a short stay of two
 9 to three, four days a week. And since you have
 10 decided to go with the Raintree, which -- with no
 11 short-stays, this is just their next-door
 12 neighbors, of course.
 13 So there is a lot of things that we're
 14 unhappy about. Of course, the Father Ryan parking
 15 lot, no one wants that. There is limited parking.
 16 When you don't have enough parking that's one of
 17 the biggest problems. You can't just say that
 18 we're working on that and maybe they can park on
 19 places that aren't paved. That's a problem right
 20 there, so there's just so many issues. Not enough
 21 buffers.
 22 But the main thing with me, I'm at the
 23 backside of this project. And you see this wall
 24 here, this is 25 feet. That six-story building is
 25 going to be 25 feet from my family's residence.

113

1 Would you want that for any of your family?
2 Before I start crying, thank you very much.
3 MR. KAVANAUGH:
4 I think I'm the last person, so y'all
5 can rest easy that -- but I'm not going to go
6 through all my main points because Mr. Schwartz,
7 basically I think he made those points.
8 My name is Michael Kavanaugh. I live at
9 134 St. Jude. I was born and raised in Biloxi. I
10 went to Biloxi High School, moved away and lived
11 away for about 30 years and just recently moved
12 back last fall to -- if you guys remember, I'm
13 sure you do, Della McCaughan. My wife and I,
14 Judy, whose maiden name is Snyder, after the Donal
15 Snyder Community Center, that's her father. We
16 bought Della's house and have redone it. We live
17 across the street from Frank.
18 Just a little perspective on leaving and
19 coming back. We left because, you know, there was
20 opportunity other places, but we visited Biloxi
21 over the years because we both have huge families
22 here. Every time we came back we would always
23 walk through Father Ryan neighborhood. I grew up
24 on Miller and St. Charles, so in the Holy Land, as
25 we like to say.

115

1 St. Jude next to those -- next to the condos. The
2 condos are fine, but emergency exit is right next
3 to my side property line, and cars come in and out
4 constantly. It's gravel roads, so we hear them
5 because, of course, it makes a lot of noise.
6 But anyway, that's all I have. All
7 these other facts and figures, I think you've
8 probably heard the most important. Thank you.
9 CHAIRMAN WASHER:
10 Thank you, sir.
11 I do have two letters of objection that
12 I'll enter into the record.
13 MR. KAVANAUGH:
14 I do too.
15 CHAIRMAN WASHER:
16 Chuck and Debbie Collins, 124 St. Paul
17 Street, and Tony and Kate Salman 167 St. Paul
18 Street.
19 MR. KAVANAUGH:
20 And Chuck and Debbie, theirs is in that
21 stack.
22 CHAIRMAN WASHER:
23 We have got Collins, and Hayes 1295
24 Father Ryan and John and Lehwmmon Skrmetti, at 1289
25 Father Ryan.

114

1 And my father loved Father Ryan Avenue.
2 I mean, he was -- he wished he could have a house
3 there, so he just kind of instilled that in me
4 because I always thought it was a fantastic
5 street.
6 So when we did come back, I decided we
7 wanted to move back to Biloxi. I mean, that, of
8 course, is the place we looked and we happened to
9 luck upon Ms. McCaughan's house. And one of the
10 reasons we wanted that street is because as
11 Mr. Schwartz said, the character of that street
12 has not changed. I'm 60 years old. As long as I
13 can remember -- and I lived in that neighborhood
14 and went to Biloxi High right down the street --
15 that street has maintained its character. It has
16 always been one of the premier streets, I think,
17 in Biloxi in terms of older residential areas that
18 have remained. Kensington Drive is probably the
19 only other one I can think of in the older part of
20 Biloxi. So I do believe that the character of the
21 neighborhood has not changed, and from what I
22 understand, that's one of the primary reasons that
23 the development has to give in order to get
24 approval.
25 So I'm definitely against it. I live on

116

1 No one else speaking in opposition?
2 You, sir. All right. You will be the final one
3 in opposition, and then we'll give Mr. Blessey a
4 few minutes for any additional comments. Can you
5 bring that mic over there?
6 MR. STEELE:
7 My name is James Steele. I live at 1280
8 Father Ryan. I've lived there for, as of this
9 coming July, 30 years.
10 There has been very little, if any,
11 change in the neighborhood. It will be changed
12 irreparably if this project goes through. Most of
13 the points I wanted to cover have already been
14 addressed by other speakers.
15 But I want to cover again a little more,
16 too, that what they're saying -- the emergency
17 exit to the condos over on St. Jude, that has
18 turned into an entrance and exit to that property.
19 Now, there used to be lockboxes. There are no
20 longer. The same thing will happen to this
21 proposed lockbox. Sooner or later, we're going to
22 have noise from these special events. We already
23 get them from the White House. I'm not
24 complaining about the White House. We're glad to
25 see it back in operation instead of being a hazard

1 to the neighborhood. 117

2 As to the fire trucks, about a month ago

3 I witnessed a person trying to make a U-turn in

4 one of the crossovers on Father Ryan with a motor

5 home. That motor home has a much smaller and

6 shorter wheelbase than a fire truck and it took

7 them 15 minutes to get turned around. During that

8 time, both lanes and both directions of Father

9 Ryan were blocked.

10 The fact that they had to have an

11 emergency exit shows how inappropriate this

12 project is for the area. Thank you for your time.

13 CHAIRMAN WASHER:

14 Thank you, Mr. Steele.

15 Mr. Blessey.

16 MR. BLESSEY:

17 Thank you, Mr. Chairman. If I may

18 respond to the comments made.

19 First, my dear friend, Frank Genzer,

20 great architect, wonderful Biloxian, he points out

21 that he had planned for this property under Henry

22 Lee and that the Planning Commission had changed

23 zoning to RM-20. That was in the '90s before

24 Katrina. So what we're talking about here is the

25 situation post-Katrina. I'm going to cover that

1 department requires -- and I think understandably 119

2 for public safety -- that -- including for

3 apartments or anything else, they want two

4 entrances and exits in case the primary entrance

5 is blocked by the fire, which can happen, of

6 course, even here. But in most, if not all

7 instances of ambulances, police and fire, they are

8 going to be coming in Highway 90, which we have

9 designated as the primary entrance and we hope

10 they never have to go through Father Ryan. But if

11 they do, certainly it would be to protect the

12 neighborhood as well as these developers' project.

13 And some of the people have said that I

14 said the Holy Land is not a historic district and

15 Father Ryan is not historic. What I tried to say,

16 apparently not very well, is that they're not in

17 the West Biloxi Beach Historic District, which is

18 just the Highway 90 properties. All of the

19 residential properties on Father Ryan are in a

20 different district. So just to clarify, of

21 course, Father Ryan is a beautiful old historic

22 area, as is the Holy Land. In fact, all of Biloxi

23 east of Rodenburg Avenue, I would consider

24 historic because that's really the Old Biloxi

25 before lots of annexations.

1 in just a moment. 118

2 I understand that Steve on the east

3 side -- I apologize for not recognizing the name.

4 We certainly welcome having you in Biloxi, and

5 newcomers are just as welcome as the old-comers.

6 And he mentioned about the dumpster and moving it.

7 I mean, that's something that we could adjust, if

8 that's offensive to you.

9 Steve also mentioned regarding the

10 parking and actually, a Residence Inn tends to

11 have fewer cars because a family of four comes in

12 one car, two rooms or couples going on vacation,

13 but more likely business people who are traveling

14 together, expertise often going to Keesler, for

15 instance. So the likelihood of the Residence Inn

16 needing the full complement of rooms is less

17 likely statistically. If, however, it does

18 happen, parking on the grass temporarily solves

19 the problem.

20 Regarding the fire trucks, several

21 people have mentioned the fire trucks. And first

22 of all, we were required to do that by the fire

23 department. Had the fire department not required

24 it, we would be happy to close it off. But it

25 will not be the primary entrance. The fire

1 Now, let me go to my dear friend and 120

2 colleague, a very good lawyer, Robert Schwartz,

3 who is wrong today, however. His mention about we

4 have to meet a burden of proof for a zoning change

5 is not correct. And, of course, we're not here to

6 really settle legal issues, but let me just say --

7 I mean, I hope it doesn't come to an adversary

8 position on that issue, but we're confident that

9 it's not considered a zoning change. An overlay

10 district is not a zoning change because it applies

11 only to this project, and you can only do this

12 project. It's not a permanent change like a

13 zoning change is. Whenever you have a permanent

14 change, then no matter who owns it, in perpetuity,

15 it applies to them. Here, you can build only this

16 project and nothing else and that's it, so it's

17 not a zoning change.

18 And we do not have to show a change in

19 the character of the neighborhood. Although, we

20 think it's self-evident, the question you've got

21 to really ask yourself if you're trying to answer

22 that question -- which I don't believe you will

23 ever get to legally, but if you're trying to

24 answer that question, we -- you first have to

25 define what neighborhood it is that you're

121

1 contending has had a change. And the change we're
2 talking about that is clearly evident here is all
3 the beachfront properties and to some extent
4 beyond the beach in many areas of Biloxi were
5 changed. The character was changed by Katrina.
6 Frank's project was pre-Katrina. This
7 is post-Katrina. They were changed, and you have
8 voted recently -- I'm not sure exactly when, but
9 it's fairly recent, within the last few years, to
10 change the easternmost lot on Highway 90 which
11 goes all the way to Father Ryan. Just like the
12 one for the White House, you changed to community
13 business, which is a good change. And so you had
14 to -- that's a true zoning change. That's a
15 permanent change. You then endorsed the notion,
16 and so did the City Council, that this particular
17 neighborhood at issue, the Highway 90
18 neighborhood, has had a change in the character.
19 That's the precedent here. This block has been
20 broken based on that change alone.
21 Now, but I'm not here to argue the law
22 so much. I just wanted to make the point that --
23 and I'm sure Robert would disagree and we will
24 have those disagreements later in some --
25 hopefully it doesn't go that far, but I couldn't

123

1 were subdivision covenants and I hope they're
2 still in effect, but that certainly worked.
3 But those covenants never applied to the
4 beachfront area. Part of Father Ryan obviously
5 borders the back of the beachfront area, and
6 that's what's causing the concern today. We've
7 done everything we can not to penetrate beyond
8 what we just said, that is that one emergency
9 entrance.
10 Now, Robert also mentioned about being
11 within eight feet. This is maybe just getting in
12 the weeds a little. He's not within eight feet.
13 Actually, Ms. Nicovich is quite correct, 25 feet
14 away on the side yard is the location, not eight
15 feet.
16 So for Mr. Lechner and his family, I
17 certainly wish we could solve that problem
18 completely, but we can't. And we certainly want
19 to try to do everything possible to be good
20 neighbors. But a four-story apartment is going to
21 be looking down in that backyard as well, so I
22 know it's lower and that may make a difference.
23 It may make a big difference. I don't know. But
24 it's not something that can be prevented because
25 it's already zoned for at least that level.

122

1 let it go unanswered.
2 So as far as the public need, it's a
3 question of judgment like almost everything you've
4 got here. You're not required to determine the
5 public need. I mentioned the public need, though,
6 about the hotel rooms and our 20 percent below
7 pre-Katrina because it is part of the backdrop of
8 what is really needed here, is the kind of
9 development -- and there's no other kind of
10 development like it, maybe apartments, which I
11 submit to you, be careful what you wish for. If I
12 were living in this neighborhood, apartments would
13 be far worse.
14 A hotel like this has 24/7 security and
15 it has management on the property all the time.
16 It has the capacity to react to any problems, and
17 they certainly aren't going to want to have lots
18 of noise and interference with the neighborhoods.
19 That would be the last thing for them to tolerate.
20 So I would also point out that when
21 Jacinto Baltar and the other great Biloxians built
22 the neighborhood on Father Ryan some years ago,
23 that was before there was any zoning in Biloxi,
24 any zoning at all. No zoning in Biloxi, and it
25 has kept its way largely because originally there

124

1 With regard to the lady who mentioned
2 about meeting with the Tree Committee, certainly
3 you have been free to meet with them all along,
4 free to meet again. And if you would really like
5 to walk the property with our arborist -- we've
6 hired an arborist who walked it several -- a
7 number of times. But the city's arborist is the
8 one who has designated dead and deceased trees.
9 We followed that recommendation. So with regard
10 to the size of the trees, I assure you that our
11 professional, licensed surveyors who did the site
12 plan and did the dirt lines and did the diameters,
13 were confirmed -- all that was confirmed by the
14 city arborist.
15 So let's see. We had -- I think some of
16 this was a little bit repetitious. And we
17 certainly understand the Nicovich family and Vick
18 and his family. We don't diminish or belittle
19 that at all. There's just not anything more that
20 we know that we can do to have a feasible project.
21 Now, for my friend Mike Kavanaugh, we're
22 glad you're back, Mike, and we're glad you had
23 opportunities elsewhere. But this illustrates
24 what I'm talking about. Somebody 17 years old
25 now, are they going to be the new Mike Kavanaugh

125

1 that leaves for 30 years because there's not
2 enough jobs, or are we really going to have a
3 thriving economy?
4 MR. KAVANAUGH:
5 I'm still in the same job. I'm working
6 remotely now, which is what a lot of you do. I
7 did not retire. I did not retire.
8 MR. BLESSEY:
9 Touché. Okay, Mike. Very good.
10 Well, and the final is Jim Steele. He's
11 not here any longer, but he's a great guy. And
12 maybe he wasn't here when I talked about the
13 covenant. But the difference between this project
14 and the one that did not honor their promise about
15 the Knox box is that we're going to put it in
16 writing. We will record it in the land records
17 and anybody can enforce that in perpetuity. So
18 that's something the others didn't do, Jim.
19 So with that, I would ask you to please
20 consider -- it's real important -- voting today
21 will be extremely helpful because inflation is
22 killing everything, and every week, every month
23 now really counts. So we appreciate your
24 attention and I want to say, Kay, no matter how
25 y'all vote, we love you. We know you're going to

127

1 trees with what's come up about those? I know
2 they are huge trees, but we have taken them off
3 the list.
4 MR. CREEL:
5 I was going to address that in the
6 recommendation to y'all about the trees. The
7 water oaks at one time were a protected tree. And
8 several months ago we made some revisions to the
9 tree ordinance working with the Tree Committee and
10 we removed the water oaks off the protected list,
11 so the only protected trees located in the city
12 now are live oaks, bald cypress and southern
13 magnolia.
14 CHAIRMAN WASHER:
15 Again, we're going to go ahead and
16 adjourn those hearings in regard to the PD-HB
17 planned development and the tree removal.
18 With that said, I'm going to turn it
19 over to Mr. Shambra.
20 MR. CREEL:
21 I'm going to do the recommendation.
22 This is an application for the approval
23 of a \$32 million planned development-hospitality
24 business district overlay on a property that
25 fronts directly onto business commercial corridor

126

1 do what you think is in the best interest of the
2 City of Biloxi.
3 CHAIRMAN WASHER:
4 We'll call on Mr. Creel to address the
5 Tree Committee reports in which the city arborist
6 serves on.
7 MR. CREEL:
8 I did speak with the city arborist, Eric
9 Nolan, before he came -- I'm not sure how he
10 always manages to be out of town whenever a
11 project like this comes up. But he and the
12 developer's arborist walked the property and
13 before Eric did leave last week to go out of town
14 I asked him if the information on this list was
15 correct. There were, in fact, four dead trees,
16 one in poor condition and of the remaining four,
17 only one of those was a live oak tree. He said,
18 yes, he had looked at those and that all that
19 information is correct.
20 CHAIRMAN WASHER:
21 Thank you. We're going to go ahead and
22 adjourn those two --
23 MR. CARRON:
24 Jerry, will you address it for
25 information to these people as far as water oak

128

1 in Biloxi. The property has been vacant for
2 almost 17 years. The proposed development, which
3 includes 3.78 acres, will include two hotels and
4 will provide 148 rooms for guests.
5 The property is located in the West
6 Biloxi Historic District and revisions for the
7 designs of the structures are currently going
8 through AHRC, the Architectural Historical Review
9 Commission.
10 The case before you today is about the
11 use of property. The developer and their
12 architects have gone to great lengths to design
13 the project that will work economically, while
14 also being sensitive to minimize any adverse
15 impact to the residential neighborhood to the
16 north of this property.
17 This project has been designed for both
18 structures to face south and with the
19 extended-stay Residence Inn by Marriott being
20 located near the center of the subject property.
21 The smaller Aqua boutique hotel will be located
22 directly on Beach Boulevard, away from the
23 neighborhood.
24 The location and the limited footprints
25 of the two hotels and the parking will result in

129

1 saving 56 out of the 65 trees currently located on
2 the property, with only one healthy live oak
3 protected tree being removed. The developers will
4 be required to provide mitigation for any of the
5 trees removed as a part of this project. And we
6 have a letter of support from the Tree Committee
7 actually speaking in favor of this project.
8 The developers are providing an opaque
9 Type B buffer in the form of a six- to seven-foot
10 brick column and panel construction fence that
11 will buffer sound and visibility on the site. The
12 only connectors to the neighborhood will be a
13 solid brick wall with a wrought iron gate, and we
14 have heard today that they're willing to put a
15 solid gate, if that would satisfy the neighbors.
16 Brick column and panel construction fence that
17 will buffer sound and visibility to the site. The
18 only connector to the neighborhood will be the
19 solid brick fence with the wrought iron Knox box
20 gate that will be used only by the emergency
21 vehicles, and the vehicles would only use the
22 Father Ryan entrance and exit if the Beach
23 Boulevard entrance was inaccessible, if there was
24 something blocking that entrance. But they always
25 use the main entrance first and only will go to

131

1 right there. If you will notice that the White
2 House parking lot, it goes all the way back to the
3 next street and has a connector that does not have
4 a gate on it that actually enters into that area.
5 And remember that the White House hotel remained
6 vacant for years. Now, it's already on there.
7 And I mentioned the parking lot extension there
8 and also the proposed expansion of the White House
9 Hotel, which will take place on the west side of
10 White Avenue.
11 The question before the Planning
12 Commission today is have the developers designed
13 the project in a way that would make the project
14 work financially and economically while
15 implementing measures that would protect the
16 neighborhood? The staff can support the
17 application for the PD and we recommend approval.
18 CHAIRMAN WASHER:
19 Mr. Delahousey.
20 MR. DELAHOUSEY:
21 To be clear, we are first considering
22 22-022-PC, and then the tree case will be a
23 separate vote; is that correct?
24 CHAIRMAN WASHER:
25 That's correct.

130

1 the secondary entrance if there's some reason that
2 they can't do it.
3 And as Mr. Blessey mentioned, the
4 city -- we're working on a deed restriction that
5 would allow the city to enforce that. There will
6 be no walk-through or pedestrian gates from this
7 project to Father Ryan. The only ingress/egress
8 for guests has been located on the southwest
9 corner of the property resulting in a right-turn
10 only egress that would channel traffic to the west
11 away from the neighborhood. Transient traffic
12 from hotels typically stay on the main
13 thoroughfares and would have no reason to enter
14 the neighborhood.
15 Considering these efforts by the
16 developer and the designers to minimize adverse
17 impact to the neighborhood and the changes in the
18 immediate area, such as the destruction caused by
19 Hurricane Katrina, the removal of the remaining
20 single houses on this block of Beach Boulevard,
21 the conversion of the former Saxony Apartments
22 into condos, the adoption of more stringent flood
23 maps, the restoration and parking lot extension
24 and proposed expansion of the White House Hotel --
25 and I will point to the map that's on the wall

132

1 MR. DELAHOUSEY:
2 I move that we approve the applicant's
3 request with the following stipulations: That
4 there be a covenant to keep Father Ryan entrance
5 for emergency vehicles as Mr. Blessey has stated,
6 that the fence height be increased to eight feet
7 and that there be a solid gate on Father Ryan.
8 MR. PARKER:
9 Second.
10 And I would like to make a statement, if
11 I could. I looked at the census bureau for
12 Biloxi. 1940 was 17,000 people; 1950 was 37,000;
13 1960 was 44,000; 2020 census says we've got 40,690
14 people. You might say the hurricane did it, but
15 let's look at Gulfport. 1950, they had 22,000;
16 1960, they had 30,000; 2020, they've got 72,000.
17 Ocean Springs had 5,000 people in 1960; they have
18 18,429 today.
19 As far as people not having to leave
20 town to get a job, Mr. Blessey knows very well his
21 brother Walter had to leave town. F. Walker
22 Tucei, Jr. had to leave town to get a job. He
23 wound up being a general partner of Arthur
24 Andersen Corporation. Billy Conway left because
25 he couldn't fulfill his -- he wound up being head

133

1 of a big four accounting firm. And Joe Canizaro,
2 of course, I think that -- you don't have to tell
3 him who he is. And these people all had to leave
4 town. If they wouldn't have left town, they
5 wouldn't have amounted to what they did.
6 I think we owe it to our children to
7 give them the best chances they can to improve
8 themselves.
9 CHAIRMAN WASHER:
10 All right. We have a motion on the
11 floor by Mr. Delahousey and seconded by Mr. Parker
12 recommending approval subject to a covenant
13 regarding the lockbox gate and increasing the
14 height of that gate and entrance and all to eight
15 foot with a solid gate.
16 MR. DELAHOUSEY:
17 Eight-foot and a solid gate in the rear.
18 CHAIRMAN WASHER:
19 All right. We'll open the floor for any
20 discussion.
21 Mr. Stanovich.
22 MR. STANOVICH:
23 I forget your name, the architect.
24 MR. CREEL:
25 Neil.

135

1 approvals.
2 So in answer to your question, yes, we
3 are currently working on revisions that would be
4 re-presented at the next AHRC meeting.
5 MR. STANOVICH:
6 So when you get those new renditions,
7 you have to go back before the AHRC?
8 MR. POLEN:
9 Correct.
10 MR. STANOVICH:
11 Thank you.
12 MR. DELAHOUSEY:
13 I have a comment also for the Commission
14 members, a couple of years ago, we had a case come
15 before us not unsimilar to this with a hotel that
16 wanted to be built on Beach Boulevard and Hopkins.
17 And there was lengthy discussion and we ultimately
18 agreed on that. And not only did we agree on
19 that, the majority of the Planning Commission
20 realized that the days of the million-dollar
21 antebellum homes are gone and that we agreed to
22 extend that zoning to -- all the way to the Biloxi
23 Visitors Center.
24 That's a similar situation here. I
25 drive Highway 90 every day, and I wish all -- I

134

1 MR. STANOVICH:
2 Just a question. From all the comments
3 we heard and everything, I think the general
4 consensus was everybody loved the look of the Aqua
5 Suites. Is the facade of the Residence Inn, I
6 mean, what we saw, is that your -- I mean, can
7 that be tweaked, I mean, maybe to complement what
8 the Aqua looks like and also the White House
9 Hotel, kind of blended in together because I think
10 that was one of the -- other than the height
11 issue, that was one of the most negative things
12 that we heard in all the testimony?
13 MR. POLEN:
14 Sure. So just to be clear, there is
15 another architect that's technically responsible
16 for that building, but we have been presenting
17 both projects on their behalf and we're working
18 together as a team.
19 Out of the AHRC meeting that we had,
20 since then, we have already been working on
21 revisions to the Residence Inn facade to go above
22 and beyond the guidelines that are within the
23 requirements that are within the historic
24 guidelines that we feel like are above and beyond
25 the precedent that's been set with previous

136

1 have lived here all my life and I wish all the
2 beautiful homes were there. They're not coming
3 back. I'm tired of seeing empty lots with slabs,
4 and I think this is a positive thing for Biloxi.
5 CHAIRMAN WASHER:
6 Mr. Todaro.
7 MR. TODARO:
8 I want to be clear on this because we're
9 all empathetic. We don't want a building in our
10 backyard, looking in our back door, but right now
11 as it is, the zoning -- there could be a
12 four-story apartment complex in this entire RM-20
13 portion; is that correct?
14 MR. CREEL:
15 That's correct. And let me just expand
16 on that just a little bit. You know, sometimes
17 when the neighbors get used to having a large open
18 area, it sometimes --
19 UNIDENTIFIED SPEAKER:
20 You said that last time and we didn't
21 agree.
22 CHAIRMAN WASHER:
23 Y'all, please, bear with us.
24 UNIDENTIFIED SPEAKER:
25 Thirty-five jobs.

137

1 MR. CREEL:
2 -- it sometimes kind of gets adopted by
3 the neighborhood as a buffer strip or we heard one
4 lady mention that she's been walking her dog on
5 that property as well.
6 But let's just say that someone did
7 decide to develop a single-family residential
8 subdivision or an apartment complex on this
9 property, the footprint of what they could put on
10 here would take down many, many more of the trees
11 because to put in roads for a single-family
12 subdivision would -- in itself, would remove a lot
13 of trees. The drainage would have to be reshaped.
14 The new flood elevations would require the houses
15 to be elevated for a single-family subdivision.
16 The expanded apartment complex would
17 have to have more than just one building if they
18 could only go four stories high --
19 MR. TODARO:
20 And one of those buildings could go in
21 the footprint of this Residence Inn right now; is
22 that correct?
23 MR. CREEL:
24 That's correct.
25 MR. TODARO:

139

1 MR. CREEL:
2 No. This is clearly an overlay district
3 and I have a packet here with pages right out of
4 the land development ordinance and it, over 20
5 times, mentions that a PD is an overlay district.
6 And what it says about change in character -- and
7 I mentioned several of the character changes in
8 the initial presentation -- is that the city will
9 weigh relevance of and consider whether and to the
10 extent to which the proposed amendment is required
11 to address a mistake in the original zoning or the
12 public need.
13 So that's a decision that could be made,
14 could not be made. We made arguments for changes
15 in the character of the neighborhood with the
16 White House Hotel and the new flood elevations and
17 the Saxony Apartments converting over to
18 condominiums. And the Saxony Apartments, if you
19 actually look at those, it's two floors of living
20 area, but with the mansard roof and the windows on
21 the front, it's almost a three-story building.
22 The six stories that have been designed
23 into this project is duplicating the Hyatt Place
24 Hotel, the Hampton Inn, the Hilton Garden Inn that
25 have all previously been approved by the AHRC, and

138

1 And nothing would have to change. It
2 would just be a four-story building instead of a
3 six-story building.
4 MR. CREEL:
5 And that also, because they could only
6 go four stories high, would require them to build
7 multiple buildings there and require parking for
8 those, which would also result in the removal of
9 the number of trees on this property.
10 The developers have designed to split
11 this hotel with a limited footprint to save as
12 many of those trees as possible. And they've
13 meandered the parking all around the clusters of
14 trees out there to save as many of these trees as
15 possible.
16 So there is a downside to holding the
17 property for possible residential, which no one
18 has approached us about, or multifamily
19 residential, which no one has approached us about.
20 MR. CARRON:
21 Question, Jerry. I have heard a little
22 differences about the zoning. Could you just kind
23 of relate to this what the planned development is
24 compared to the zoning change, that this really is
25 not a zoning change.

140

1 we will continue to go through the AHRC with the
2 design of this building until we get to one that
3 is acceptable to AHRC. But they're trying to
4 remain consistent with the height of those other
5 buildings along the beach.
6 MR. CARRON:
7 And along with that, in an RM-20, by
8 right, they could be put a four-story building?
9 MR. CREEL:
10 They could, but also if that apartment
11 developer decided he wanted to come before the
12 Planning Commission and the council and do it as
13 PD, then that height limit -- they would not be
14 held to that height limit because the numeric
15 equations in development, the setbacks, the
16 height, the density, those kind of things are all
17 presented as a part of the package as a whole.
18 And so you could have an apartment developer come
19 in and ask to exceed that height, you know, also.
20 So it could be a PD for what we're listening to
21 now or it could be a PD for another type of
22 development.
23 CHAIRMAN WASHER:
24 Any other discussion? None.
25 We have a motion and second on the floor

1 recommending approval. 141
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

1 MR. KAVANAUGH: 143
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
25

1 Boulevard and 1257 Father Ryan Avenue. 142
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.

1 All right. Moving on, our next case 144
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