

**CITY OF BILOXI
AGENDA ITEM
FACT SHEET**

Item No.:

4 C

Council Meeting Date: May 7, 2024

ITEM TITLE: RESOLUTION

INTRODUCED BY: Mayor Andrew "FoFo" Gilich

CONTACT PERSON: E. Michael Leonard, CAO

Jerry Creek, Director of Community Development

SUMMARY EXPLANATION:

Resolution granting Conditional Use approval with two Distance Variances, to authorize the establishment of a bar/lounge within an existing structure for property located within an NB Neighborhood Business and located 70' from an adult bookstore and 1260' from an adult theatre instead of the 1500' required by ordinance, identified as 1621 Pass Road, Units A & B.

Ward 1, Case No. 24-020-PC, Korean Nobles

Resolution ✓ Ordinance _____ Public Hearing _____ Routine Agenda _____

Exhibits for Review

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

Other (Specify): Application, Case Fact Sheet

Submittal Authorization: Council President _____ Mayor ✓

STAFF RECOMMENDATION: Staff recommends approval

COUNCIL ACTION: Motion By: _____ Second By: _____

Vote:	Councilmember	Yes	No	AFR	ABST	Councilmember	Yes	No	AFR	ABST
	Lawrence	—	—	—	—	Tisdale	—	—	—	—
	Gines	—	—	—	—	Glavan	—	—	—	—
	Newman	—	—	—	—	Shoemaker	—	—	—	—
	Deming	—	—	—	—					

ACTION TAKEN:

cdl/050724bpc

RESOLUTION NO. _____

RESOLUTION GRANTING CONDITIONAL USE APPROVAL WITH TWO DISTANCE VARIANCES, TO AUTHORIZE THE ESTABLISHMENT OF A BAR/LOUNGE WITHIN AN EXISTING STRUCTURE FOR PROPERTY LOCATED WITHIN AN NB NEIGHBORHOOD BUSINESS AND LOCATED 70' FROM AN ADULT BOOKSTORE AND 1260' FROM AN ADULT THEATRE INSTEAD OF THE 1500' REQUIRED BY ORDINANCE, IDENTIFIED AS 1621 PASS ROAD, UNITS A & B

WHEREAS, on Thursday, April 18, 2024, the Biloxi Planning Commission held a public hearing in the Auditorium of the Dr. Martin Luther King, Jr., Municipal Building, 676 Dr. Martin Luther King, Jr. Boulevard, Biloxi, Mississippi, to hear Case No. 24-020-PC, Virginia Viator and Sheri Clement (owners) and Korrean Nobles (applicant), a request for **Conditional Use** approval for property identified as 1621 Pass Road Units A&B; and

WHEREAS, the Planning Commission members were apprised of the particulars of the case, being made cognizant of the fact that the owners had submitted a request for **Conditional Use** approval with two **Distance Variances**, to authorize the establishment of a **Bar/Lounge** within an existing structure for property located within an **NB Neighborhood Business** and located 70' from an adult bookstore and 1260' from an adult theatre instead of the 1500' required by ordinance, identified as 1621 Pass Road, Units A & B (re: Tax Parcel No. 1210H-02-001.000); and

WHEREAS, it was noted that the Development Review Committee (DRC) had reviewed the above-referenced project and had determined that it complies with the rules and regulations of the City of Biloxi, subject to obtaining Conditional Use approval by the Biloxi City Council; and

WHEREAS, on April 18, 2024, the Biloxi Planning Commission, upon careful reflection of the information related by the applicant at the public hearing, voted to recommend approval of the requested **Conditional Use** approval with two **Distance**

Variances, to authorize the establishment of a **Bar/Lounge** within an existing structure for property located within an **NB Neighborhood Business** and located 70' from an adult bookstore and 1260' from an adult theatre instead of the 1500' required by ordinance, identified as 1621 Pass Road, Units A & B (re: Tax Parcel No. 1210H-02-001.000), having determined that the proposed **Conditional Use** had been found to be in compliance with the Land Development Ordinance, and finding also that the use promotes the public interest at this location; that the use has been designed, located and proposed to be operated so that the public health, safety and welfare will be protected; that said use will not cause substantial injury to other properties in the neighborhood in which located; and that the use proposed conforms with all zoning district regulations of the **NB-Neighborhood Business** zoning district classification; and

WHEREAS, the Biloxi City Council, after consideration of all facts presented, hereby adopts the report and findings of the Biloxi Planning Commission and, in so doing, determines that approval of the requested **Conditional Use**, as submitted and recommended by the Planning Commission, is appropriate for the property identified as 1621 Pass Road, Units A & B.

NOW, THEREFORE, BE IT RESOLVED, THAT THE CITY COUNCIL OF THE CITY OF BILOXI, MISSISSIPPI, hereby approves the requested **Conditional Use** with two **Distance Variances**, to authorize the establishment of a **Bar/Lounge** within an existing structure for property located within an **NB Neighborhood Business** and located 70' from an adult bookstore and 1260' from an adult theatre instead of the 1500' required by ordinance, identified as 1621 Pass Road, Units A & B (re: Tax Parcel No. 1210H-02-001.000), Virginia Viator and Sheri Clement (owners) and Korrean Nobles (applicant), having determined that the proposed use has been found to be in

compliance with the Land Development Ordinance, and that this **Bar /Lounge** use promotes the public interest at this location; has been designed, located and proposed to be operated so that the public health, safety and welfare will be protected; that this use will not cause substantial injury to other properties in the neighborhood in which located.

.....A

RESOLUTION NO. _____

**RESOLUTION CALLING FOR A PUBLIC HEARING WITH RESPECT TO A REQUEST
FOR CONDITIONAL USE APPROVAL WITH TWO **DISTANCE VARIANCES**, TO
AUTHORIZE THE ESTABLISHMENT OF A BAR/LOUNGE WITHIN AN EXISTING
STRUCTURE FOR PROPERTY LOCATED WITHIN AN **NB NEIGHBORHOOD
BUSINESS** AND LOCATED 70' FROM AN ADULT BOOKSTORE AND 1260' FROM AN
ADULT THEATRE INSTEAD OF THE 1500' REQUIRED BY ORDINANCE, IDENTIFIED
AS 1621 PASS ROAD, UNITS A & B**

WHEREAS, on Thursday, April 18, 2024, the Biloxi Planning Commission held a public hearing in the Auditorium of the Dr. Martin Luther King, Jr., Municipal Building, 676 Dr. Martin Luther King, Jr. Boulevard, Biloxi, Mississippi, to hear Case No. 24-020-PC, Virginia Viator and Sheri Clement (owners) and Korrean Nobles (applicant), a request for **Conditional Use** approval for property identified as 1621 Pass Road Units A&B; and

WHEREAS, the Planning Commission members were apprised of the particulars of the case, being made cognizant of the fact that the owners had submitted a request for **Conditional Use** approval with two **Distance Variances**, to authorize the establishment of a **Bar/Lounge** within an existing structure for property located within an **NB Neighborhood Business** and located 70' from an adult bookstore and 1260' from an adult theatre instead of the 1500' required by ordinance, identified as 1621 Pass Road, Units A & B (re: Tax Parcel No. 1210H-02-001.000); and

WHEREAS, it was noted that the Development Review Committee (DRC) had reviewed the above-referenced project and had determined that it complies with the rules and regulations of the City of Biloxi, subject to obtaining Conditional Use approval by the Biloxi City Council; and

WHEREAS, on April 18, 2024, the Biloxi Planning Commission, upon careful reflection of the information related by the applicant at the public hearing, voted to recommend approval of the requested **Conditional Use** approval with two **Distance Variances**, to authorize the establishment of a **Bar/Lounge** within an existing structure for property located within an **NB Neighborhood Business** and located 70' from an adult bookstore and 1260' from an adult theatre instead of the 1500' required by ordinance, identified as 1621 Pass Road, Units A & B (re: Tax Parcel No. 1210H-02-001.000), having determined that the proposed **Conditional Use** had been found to be in compliance with the Land Development Ordinance, and finding also that the use promotes the public interest at this location; that the use has been designed, located and proposed to be operated so that the public health, safety and welfare will be protected; that said use will not cause substantial injury to other properties in the neighborhood in which located; and that the use proposed conforms with all zoning district regulations of the **NB-Neighborhood Business** zoning district classification; and

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

NOW, THEREFORE, BE IT RESOLVED, THAT THE CITY COUNCIL OF THE CITY OF BILOXI, MISSISSIPPI, will conduct a public hearing in reference to Case No. 24-020-PC, Virginia Viator and Sheri Clement (owners) and Korrean Nobles (applicant), on a date to be set and in accordance with all requirements of Section 23-2-3 (F) of the City of Biloxi Land Development Ordinance governing the conduct of public hearings.

RESOLUTION NO. _____

RESOLUTION TO DENY CONDITIONAL USE APPROVAL WITH TWO DISTANCE VARIANCES, TO AUTHORIZE THE ESTABLISHMENT OF A BAR/LOUNGE WITHIN AN EXISTING STRUCTURE FOR PROPERTY LOCATED WITHIN AN NB NEIGHBORHOOD BUSINESS AND LOCATED 70' FROM AN ADULT BOOKSTORE AND 1260' FROM AN ADULT THEATRE INSTEAD OF THE 1500' REQUIRED BY ORDINANCE, IDENTIFIED AS 1621 PASS ROAD, UNITS A & B

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WHEREAS, the Planning Commission members were apprised of the particulars of the case, being made cognizant of the fact that the owners had submitted a request for **Conditional Use** approval with two **Distance Variances**, to authorize the establishment of a **Bar/Lounge** within an existing structure for property located within an **NB Neighborhood Business** and located 70' from an adult bookstore and 1260' from an adult theatre instead of the 1500' required by ordinance, identified as 1621 Pass Road, Units A & B (re: Tax Parcel No. 1210H-02-001.000); and

WHEREAS, it was noted that the Development Review Committee (DRC) had reviewed the above-referenced project and had determined that it complies with the rules and regulations of the City of Biloxi, subject to obtaining Conditional Use approval by the Biloxi City Council; and

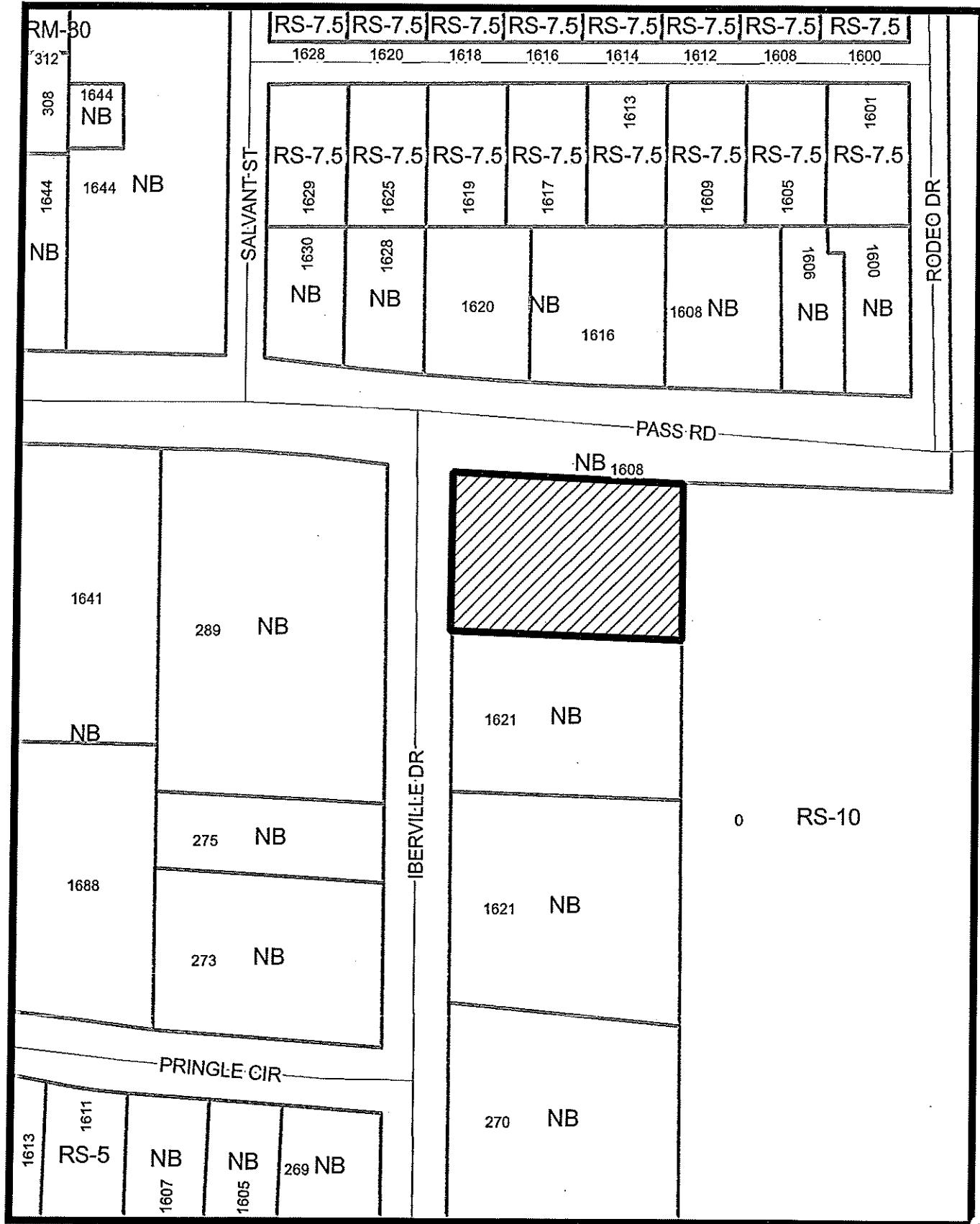
WHEREAS, on April 18, 2024, the Biloxi Planning Commission, upon careful reflection of the information related by the applicant at the public hearing, voted to recommend approval of the requested **Conditional Use** approval with two **Distance**

Variances, to authorize the establishment of a **Bar/Lounge** within an existing structure for property located within an **NB Neighborhood Business** and located 70' from an adult bookstore and 1260' from an adult theatre instead of the 1500' required by ordinance, identified as 1621 Pass Road, Units A & B (re: Tax Parcel No. 1210H-02-001.000), having determined that the proposed **Conditional Use** had been found to be in compliance with the Land Development Ordinance, and finding also that the use promotes the public interest at this location; that the use has been designed, located and proposed to be operated so that the public health, safety and welfare will be protected; that said use will not cause substantial injury to other properties in the neighborhood in which located; and that the use proposed conforms with all zoning district regulations of the **NB-Neighborhood Business** zoning district classification; and

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

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF BILOXI, MISSISSIPPI, that having given the Planning Commission's recommendation full consideration, hereby rejects said recommendation and hereby denies the requested **Conditional Use** for the property identified as 1621 Pass Road Units A&B, Case No. 24-020-PC, Virginia Viator and Sheri Clement (owners) and Korrean Nobles (applicant), based upon a determination that _____

Case No. 24-020-PC
 Virginia Viator and Sheri Viator Clement (owners)
 Korrean Nobles (applicant)
 1621 Pass Road Units A&B
 Conditional Use W/Variance - Bar/Lounge in NB



Scheduled for:
April 18, 2024
PC Meeting

Virginia Viator and Sheri Clement (owners)
Korrean Nobles (applicant)
Case No. 24-020-PC
Request for Conditional Use with Variances
Bar/Lounge in an NB zone



**Planning Commission
Case Fact Sheet**

Case No.: 24-020-PC
Names of Owners: Virginia Viator and Sheri Clement
Applicant: Korrean Nobles
Address of Property: 1621 Pass Road Units A&B
Tax Parcels/Ward: 1210H-02-001.000/Ward 1

Request: **Conditional Use with Variances**

Purpose of Request: To consider an application requesting **Conditional Use** approval with two **Distance Variances**, to authorize the establishment of a **Bar/Lounge** within an existing structure for property located within an **NB Neighborhood Business** and located 70' from an adult bookstore and 1260' from an adult theatre instead of the 1500' required by ordinance, identified as 1621 Pass Road, Units A & B (re: Tax Parcel No. 1210H-02-001.000).

Size of Property: 180' X 120' (More or Less)

Present Zoning: **NB Neighborhood Business**

Present Use: Vacant Commercial Units

Most Nearly Bounded By (streets): To the North of Irish Hill Drive; to the South of and fronting to Pass Road; to the East of and adjacent to Iberville Drive; and to the West of Keesler Air Force Base.

Adverse Influences: Care must be exercised before granting any **Conditional Use** approval, to ensure that the objectives of City regulations are fully followed.

Positive Influences: The requested **Conditional Use** will allow the applicant to

Virginia Viator and Sheri Viator Clement (owners)
Korrean Nobles (applicant)
Case No. 24-020-PC
Request for **Conditional Use with Variances**
Bar/Lounge in an **NB** zone
Page 2

open a Bar/Lounge within an existing structure currently situated in an **NB–Neighborhood Business** zoning.

Letters or Concerns stated: The Planning Division Office has not received any letters or other written communications relative to this case, as of April 11, 2024.

Comments/ Recommendations: Virginia Viator and Sheri Clement (owners) and Korrean Nobles (applicant) have submitted an application for **Conditional Use** approval with two **Distance Variances**, to authorize the establishment of a **Bar/Lounge** within an existing structure for property located within an **NB Neighborhood Business** and located 70' from an adult bookstore and 1260' from an adult theatre instead of the 1500' required by ordinance, identified as 1621 Pass Road, Units A & B (re: Tax Parcel No. 1210H-02-001.000).

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

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

- a. The Conditional Use complies with all applicable zoning district standards;
- b. The Conditional Use complies with all Use-Specific Standards;
- c. The Conditional Use is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands;
- d. The Conditional Use avoids significant adverse odor, noise, glare, and vibration impacts on surrounding lands regarding refuse collection, service delivery, parking and loading, signs, lighting, and other site elements;

Virginia Viator and Sheri Viator Clement (owners)
Korrean Nobles (applicant)
Case No. 24-020-PC
Request for Conditional Use with Variances
Bar/Lounge in an NB zone
Page 3

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

1. Recommend approval of the request for **Conditional Use with Variances**, to authorize the establishment of the **Bar/Lounge** within an existing structure for property located within an **NB Neighborhood Business**, having determined that said use has been found to promote the public interest at this location; that said use have been designed, located, and proposed to be operated so that the public health, safety, and welfare will be protected; that said use will not cause substantial injury to other property(ies) in the neighborhood in which located; and that the Bar/Lounge will conform to all district regulations of the **NB Neighborhood Business** zoning district.
2. Recommend denial of the **Conditional Use** having determined that the establishment of this Conditional Use at this location would not be in harmony with the list of standards mandated for all Conditional Uses, as required by Ordinance.

Scheduled for:
April 18, 2024
PC Meeting

Virginia Viator and Sheri Clement (owners)
Korrean Nobles (applicant)
Case No. 24-020-PC
Request for Conditional Use with Variances
Bar/Lounge in an NB zone



**Planning Commission
Case Fact Sheet**

Case No.: 24-020-PC
Names of Owners: Virginia Viator and Sheri Clement
Applicant: Korrean Nobles
Address of Property: 1621 Pass Road Units A&B
Tax Parcels/Ward: 1210H-02-001.000/Ward 1

Request: **Conditional Use with Variances**

Purpose of Request: To consider an application requesting **Conditional Use** approval with two **Distance Variances**, to authorize the establishment of a **Bar/Lounge** within an existing structure for property located within an **NB Neighborhood Business** and located 70' from an adult bookstore and 1260' from an adult theatre instead of the 1500' required by ordinance, identified as 1621 Pass Road, Units A & B (re: Tax Parcel No. 1210H-02-001.000).

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Bounded By (streets):** To the North of Irish Hill Drive; to the South of and fronting to Pass Road; to the East of and adjacent to Iberville Drive; and to the West of Keesler Air Force Base.

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Positive Influences: The requested **Conditional Use** will allow the applicant to

Virginia Viator and Sheri Viator Clement (owners)
Korean Nobles (applicant)
Case No. 24-020-PC
Request for **Conditional Use with Variances**
Bar/Lounge in an **NB** zone
Page 2

open a Bar/Lounge within an existing structure currently situated in an **NB–Neighborhood Business** zoning.

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- a. The Conditional Use complies with all applicable zoning district standards;
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- c. The Conditional Use is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands;
- d. The Conditional Use avoids significant adverse odor, noise, glare, and vibration impacts on surrounding lands regarding refuse collection, service delivery, parking and loading, signs, lighting, and other site elements;

Virginia Viator and Sheri Viator Clement (owners)

Korrean Nobles (applicant)

Case No. 24-020-PC

Request for **Conditional Use with Variances**

Bar/Lounge in an **NB** zone

Page 3

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

1. Recommend approval of the request for **Conditional Use with Variances**, to authorize the establishment of the **Bar/Lounge** within an existing structure for property located within an **NB Neighborhood Business**, having determined that said use has been found to promote the public interest at this location; that said use have been designed, located, and proposed to be operated so that the public health, safety, and welfare will be protected; that said use will not cause substantial injury to other property(ies) in the neighborhood in which located; and that the Bar/Lounge will conform to all district regulations of the **NB Neighborhood Business** zoning district.
2. Recommend denial of the **Conditional Use** having determined that the establishment of this Conditional Use at this location would not be in harmony with the list of standards mandated for all Conditional Uses, as required by Ordinance.



Planning Commission Application

City of Biloxi Planning Division

Mailing Address: P.O. Box 508, Biloxi, MS 39530

Office Location: 676 Dr. MLK Blvd.,

Building (228) 435-6270 Planning (228) 435-6266 Fax (228) 435-6188

Case No. 04-020-PC

To Be Completed by Owner/Applicant

Date:

Name of Rightful Owner(s):

Sheri Clement, Virginia Viator Korrean Nobles

Property Address:

1621 Pass Road Biloxi, MS 39531

Ward Number

Tax Parcel Identification Number(s):

12104-02-007.000

Mailing Address of Property Owner:

1317 Father Ryan Ave

Mailing Address of Applicant (if different than Owner):

1857 Jupiter Rd

City: Biloxi

City: Mendenhall

State: MS

State: MS

Zip: 39530

Zip: 39114

County Harrison

County Simpson

Telephone: (228) 324-3359

Telephone: (601) 927-1025

Property Size (please give in acres or by dimension): 180 x 120'

Present Zoning Classification:

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

Is this property a Historic Landmark? Yes No

Flood Zone(s) of Property:

North

South

East

West

Property is most nearly bounded by what streets?

Pass Road

Irish Hill

KAFB

Iberville Dr

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

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

Text Amendment

Zoning Map Amendment – must include zone classification change in narrative

Planned Development

Master Plan/Update

Preliminary Subdivision Review

Conditional Use

Public ROW Vacation

Street Name Change

Variance

Appeal

Tree Removal

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

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

Shari Clement

Signature of Rightful Owner

Carol E. Griffey

Notary Signature
(Seal) October 17, 2024

Signature of Rightful Owner

Carol E. Griffey

Notary Signature
(Seal) Oct 17, 2024

Signature of Rightful Owner

Notary Signature
(Seal)

Signature of Applicant

Caryle D. Lena

Notary Signature
(Seal) Sept 12, 2024

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

NOTES:

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



PLANNING COMMISSION SUPPLEMENT

Conditional Use

City of Biloxi, Planning Division

Mailing Address: P.O. Box 508, Blvd., Biloxi, MS 39530

Office Location: 676 Dr. MLK Blvd.,

Building (228) 435-6270 Planning (228) 435-6266 Fax (228)

TO BE COMPLETED BY APPLICANT

DATE:

Shaded Areas for Staff Only

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

PLEASE ATTACH A SEPARATE STATEMENT OF SUPPORT - The narrative must set forth proposed use and justification for the change, utilizing criteria set forth in Section 23-6-1(e) of the Biloxi Code of Ordinances and including all proposed and existing structures as well as the uses planned for the site in question. Be specific as to development proposals, sale of property, or other transactions/plans proposed or scheduled for preparation subject to this rezoning request being granted approval.

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

Criteria:

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

Please explain: Yes, by the location being close to a military base and busy intersection. There will be different event during the week. IE: paint n sip, poetry nights, ect.

Yes No

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

Please explain: Yes, everything will be protected by proper planning and preparation that will negate mishaps.

Yes No

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

No

Please explain: The establishment will not cause substantial injury to other property in the area by promoting a safe environment.

4. Does the use conform to all district regulations of the applicable zoning district in which it is to be located, unless other provisions are specifically set forth in the requirements governing specific Conditional Uses?

Yes No

Please explain: Yes, all utility areas will be marked appropriately, and will fall within the regulations of the zoning district.

5. Have satisfactory provisions and arrangements been made concerning the following, where applicable:
Please explain

Conditional Use Supplement	N/A	Yes	No
1. Ingress and egress?		yes	
2. Off-street parking and loading areas, where required, with particular attention to the economic, noise, glare or odor effects of the Conditional Use on adjoining properties and properties generally in the zoning district?			✓
3. Refuse and service areas?		yes	
4. Utilities, with reference to location, availability, and compatibility?		yes	
5. Screening and buffering, with reference to type, dimensions, and character?	N/A		
6. Signs, if any, and proposed exterior lighting, with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the zoning district?		yes	
7. Required yards and other open spaces?		yes	
8. General compatibility with adjacent properties and other property in the Zoning district?		yes	
Comments:			

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VARIANCE SUPPLEMENT

City of Biloxi Planning Division

Mailing Address: P.O. Box 508, Biloxi, MS 39530

Office Location: 676 Dr. MLK Blvd.,

Building (228) 435-6270 Planning (228) 435-6266 Fax (228) 435-6188

email: planning@biloxi.ms.us

Case No. 24-020-PC

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Applicant Name: _____
Address: _____

Date: _____

VARIANCE – Authorization may be granted by the **Board of Zoning Adjustments** to allow a property owner to deviate from the Land Development Ordinance dimensional standards when it can be determined that strict application of certain standard(s) would create a hardship due to a special condition or circumstance peculiar to the property, which warrants the variance relief requested. [Note: Variances should never be requested to compensate for an economic hardship or to correct a problem created by the owner of the property.]

Property Zoning:

Type of Variance Requested (Please check all that apply)		Required by zoning district	Requested deviation from required	Variance Total
Setback	Front Yard			
	Side Yard			
	Rear Yard			
Impervious Surface Coverage				
Square Footage	a. Signs			
	b. Lot Density			
	c. Other (please specify)			
Parking	Number of Spaces			
	Access to Vehicular ROW			
Driveway	Loading/Unloading Areas			
	Width of Drive			
	Additional Drive			
	Paving Material			
Land- scaping	Interior			
	Perimeter			
Height (Main structure, Accessory Structure, Fencing or Signage)				

Distance from an adult book - 70 - 1500 - 1430
Distance from an adult theatre - 1260 - 1500 - 240

EUPHORIA LOUNGE

I, Korrean Nobles, am interested in **1621 Pass Rd. Biloxi, MS 39531 Suite A** to expand my business opportunity from a mobile catering business. Euphoria Lounge will be an establishment for food, cocktails, and relaxation for the ages 21 and up. My intentions are to welcome and attract anyone who would like to enjoy a place to unwind after a long day. However, this particular location is also perfect for me to provide a military friendly environment. With, as I continue to serve my country, I plan to provide a sustainable and safe environment for my fellow sisters and brothers in arms to have a location where they are welcomed and shown appreciation. Throughout the week of being open, there will be events such as "wine & paint", "open mic poetry" and karaoke nights.

Hours of Operations:

Sunday "Brunch Day" 12pm-7pm

Monday- CLOSED

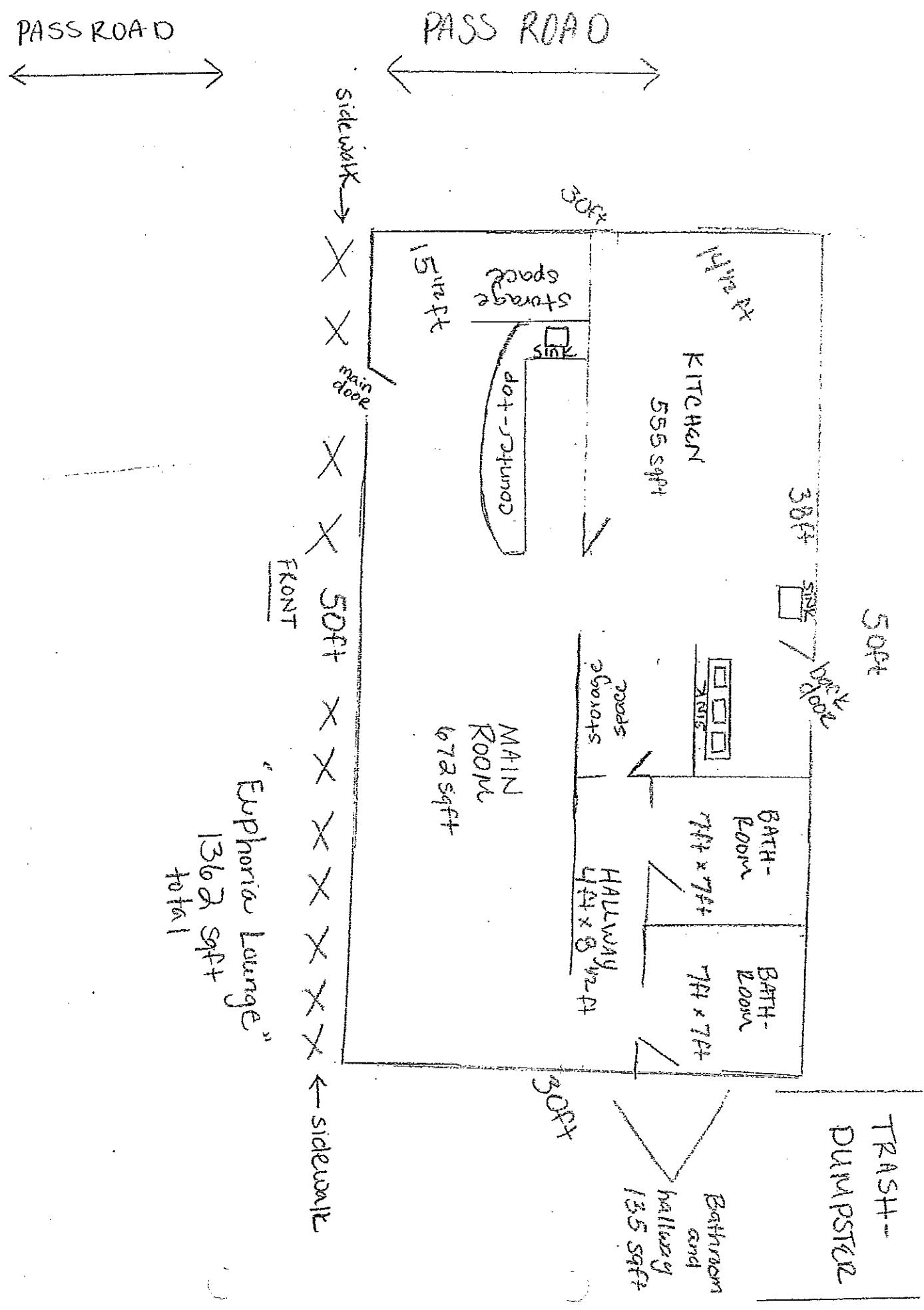
Tuesday-CLOSED

WEDNESDAY-7pm-12am

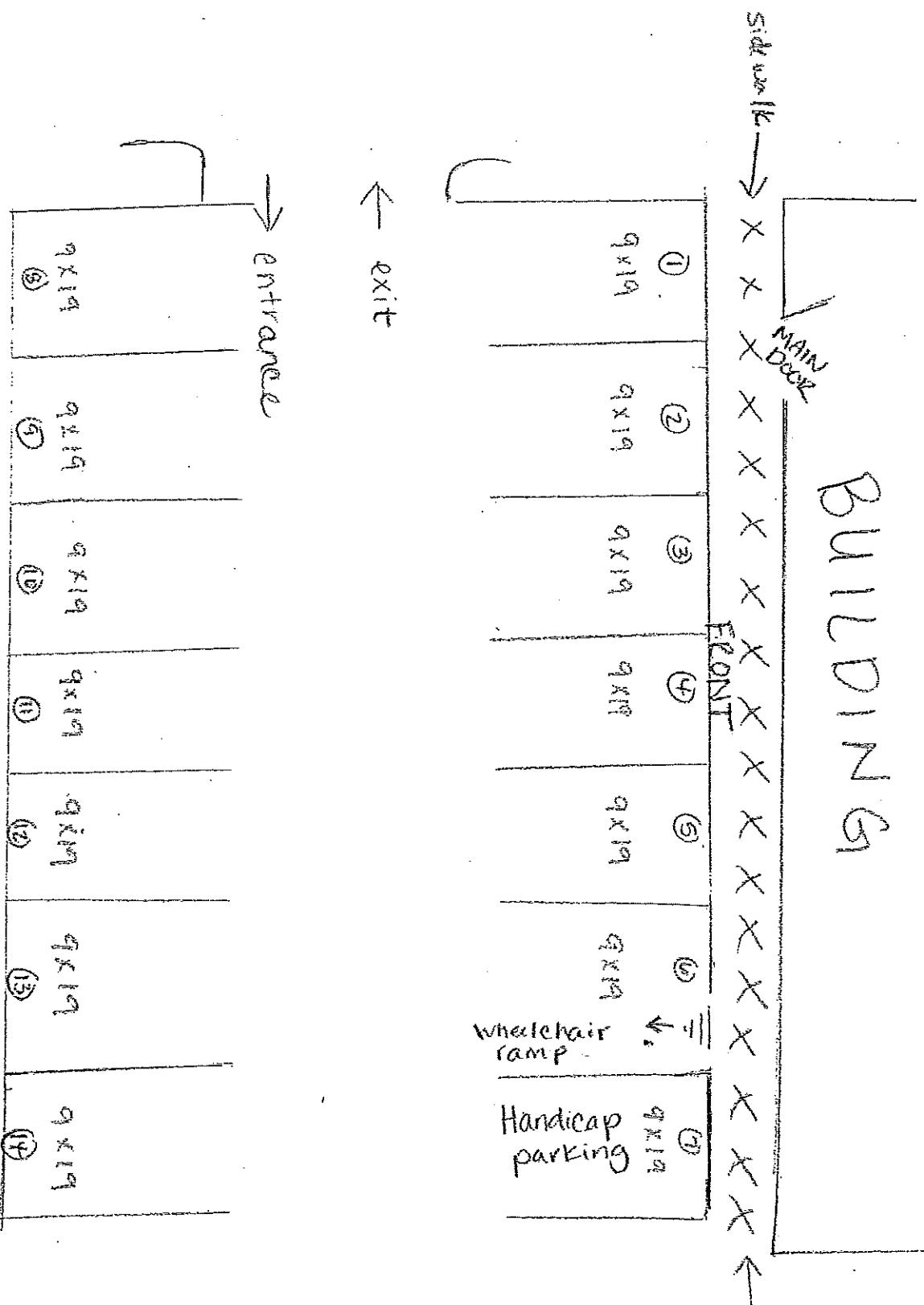
THURSDAY-7pm-12am

FRIDAY-7pm-1am

SATURDAY-7pm-1am



BUILDING



Iberville De

Community Development Director
Jerry Creel



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

To: Biloxi Planning Commission

From: Jerry Creel, Development Review Committee Chair

Date: April 11, 2024

Re: Virginia Viator and Sheri Clement (owner)
and Korrean Nobles (applicant)
1621 Pass Road/Ward 1

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

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

Yours truly,

Jerry Creel

Jerry Creel, Chair

cc: file

1 BILOXI PLANNING COMMISSION MEETING
 2 APRIL 18th, 2024
 3 COMMUNITY DEVELOPMENT,
 4 DR. MARTIN LUTHER KING JR. MUNICIPAL BUILDING,
 5 676 DR. MARTIN LUTHER KING JR. BOULEVARD,
 6 BILOXI, MISSISSIPPI,
 7 BEGINNING AT 2:00 P.M.

9 PLANNING COMMISSION MEMBERS PRESENT:

10 David Washer, Chairman
 11 Ronnie Bogard
 12 Kyle Carron
 13 Steve Delahousey
 14 Charlie Dellenger
 15 Dr. Larry Drawdy
 16 Joe King
 17 Gary Lechner
 18 Debora Magee
 19 August Parker
 20 Jimmy Poulos
 21 John Snow
 22 David Stanovich
 23 Michael Todaro

18 ALSO PRESENT:

19 Jerry Creel, Director of Community Development
 20 Zach Harris, City Arborist
 21 Mandy Hornsby, Historic Administrator
 22 Angel Hutchins, Planner
 23 Dr. Paul Tisdale, Councilman Ward 5

23 REPORTED BY:

24 Melissa Burdine-Rodolfich
 25 Simpson Burdine & Migue

1 C-O-N-T-E-N-T-S
 2 CONTINUED PUBLIC HEARING(S): PAGE:
 3 (None) --
 4 NEW PUBLIC HEARING(S):
 5 24-019-PC 5
 6 24-020-PC 13
 7 24-021-PC (Tabled) --
 8 24-026-PC 21
 9
 10 TREE HEARING(S):
 11 (None) --
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25

1 CHAIRMAN WASHER:
 2 Let us call the Planning Commission
 3 meeting to order, please.
 4 We'll record the members present. Mr.
 5 Lechner, Mr. Parker, Mr. Todaro, Ms. Magee, Mr.
 6 Stanovich, Mr. Bogard, Mr. Dellenger, Mr. Poulos,
 7 Dr. Drawdy, Mr. Carron, Mr. King, Mr. Snow, Mr.
 8 Delahousey; myself, David Washer; Jerry Creel,
 9 Director of Community Development; Angel Hutchins
 10 sitting in for Caryle today.

11 On the table in the front, Zach Harris
 12 sitting in for Jon. Behind him is Mandy Hornsby,
 13 Historical Administrator, and our court reporter
 14 today is Melissa Rodolfich. Also, in the audience,
 15 we have Dr. Paul Tisdale, Councilman for Ward 5.
 16 We welcome you all here with us.

17 Mr. Todaro, would you open the
 18 meeting -- let me get Mr. Delahousey to open the
 19 meeting with a moment of prayer, and then we'll
 20 get you to do the pledge.

21 (Moment of prayer and Pledge of
 22 Allegiance.)

23 CHAIRMAN WASHER:
 24 We welcome everyone in the audience here
 25 with us today. If you would like to speak, we ask

3
 4
 1 that you come to the podium when your case is
 2 called, give us your name and address for the
 3 record and also, please, sign at the pad provided.
 4 Ask if all members of the Commission
 5 received a copy of the minutes from the last
 6 meeting, if there is any additions or corrections?
 7 MR. DELAHOUSEY:
 8 Move to approve.
 9 MR. SNOW:
 10 (Indicating second.)
 11 CHAIRMAN WASHER:
 12 Motion to approve by Mr. Delahousey;
 13 seconded by Mr. Snow.
 14 All those in favor, say "aye."
 15 (Unanimous vote.)
 16 CHAIRMAN WASHER:
 17 Any opposed?
 18 (None opposed.)
 19 CHAIRMAN WASHER:
 20 Thank you.
 21 Committee reports.
 22 MR. CREEL:
 23 Yes, sir. Mr. Chairman and members of
 24 the Commission, over the past four weeks, the
 25 department has issued 266 building permits, with a

<p>1 NB, right?</p> <p>2 MR. CREEL:</p> <p>3 That's correct, yes, sir.</p> <p>4 CHAIRMAN WASHER:</p> <p>5 All right. Our next case today is</p> <p>6 <u>24-020-PC</u>, Virginia Viator and Sheri Clement,</p> <p>7 owners, and Korrean Nobles, applicant. It's an</p> <p>8 application requesting a conditional use approval</p> <p>9 for two distance variances to authorize the</p> <p>10 establishment of a bar/lounge within an existing</p> <p>11 structure for a property located within an NB,</p> <p>12 neighbor business, located 70 feet from an adult</p> <p>13 bookstore, 1,260 feet from an adult theatre</p> <p>14 instead of the 1,500 feet required by the</p> <p>15 ordinance, identified as 1621 Pass Road, Units A</p> <p>16 and B, being Municipal Tax Parcel Number</p> <p>17 1210H-02-001.00.</p> <p>18 MR. HARRIS:</p> <p>19 (Video played.)</p> <p>20 MR. DELAHOUSEY:</p> <p>21 Is that the parcel right there?</p> <p>22 MR. CREEL:</p> <p>23 Yes, it is.</p> <p>24 CHAIRMAN WASHER:</p> <p>25 All right. Is the applicant or their</p>	13	<p>1 representative here, please?</p> <p>2 MS. NOBLES:</p> <p>3 Good afternoon. My name is Korrean</p> <p>4 Nobles, and I'm here on behalf of this property</p> <p>5 located at 1621 Pass Road.</p> <p>6 CHAIRMAN WASHER:</p> <p>7 Get you to speak a little bit louder,</p> <p>8 please.</p> <p>9 MS. NOBLES:</p> <p>10 Yes, sir. You want me to repeat?</p> <p>11 CHAIRMAN WASHER:</p> <p>12 Please.</p> <p>13 MS. NOBLES:</p> <p>14 My name is Korrean Nobles, and I'm here</p> <p>15 on behalf of the property, 1621 Pass Road.</p> <p>16 CHAIRMAN WASHER:</p> <p>17 And you are needing the distance</p> <p>18 variances to open the requested bar/lounge that</p> <p>19 you have?</p> <p>20 MS. NOBLES:</p> <p>21 Yes, sir, that's correct.</p> <p>22 CHAIRMAN WASHER:</p> <p>23 I noticed on the sheet you mentioned</p> <p>24 what you will be using the property as. None of</p> <p>25 that will be live entertainment as such, including</p>	14
<p>1 anything classified as live entertainment. I know</p> <p>2 you've got karaoke.</p> <p>3 MS. NOBLES:</p> <p>4 Yes, sir, that's correct. Karaoke, open</p> <p>5 mic poetry nights. I will have music, but not</p> <p>6 live music, if that makes sense.</p> <p>7 CHAIRMAN WASHER:</p> <p>8 But no --</p> <p>9 MS. NOBLES:</p> <p>10 Bands.</p> <p>11 CHAIRMAN WASHER:</p> <p>12 -- adult entertainment?</p> <p>13 MS. NOBLES:</p> <p>14 No, sir.</p> <p>15 CHAIRMAN WASHER:</p> <p>16 Do we have any questions from the</p> <p>17 members of the Commission?</p> <p>18 MR. STANOVICH:</p> <p>19 What kind of hours will you have?</p> <p>20 MS. NOBLES:</p> <p>21 So the hours will be more like in the</p> <p>22 evening time. Opening 7:00 p.m. to 12:00 a.m. on</p> <p>23 Wednesday, Thursdays. Fridays and Saturdays are</p> <p>24 7:00 a.m. to 1:00 a.m., and on Sundays, it's more</p> <p>25 like a brunch day, so that will be 12:00 p.m. to</p>	15	<p>1 7:00 a.m.</p> <p>2 MR. STANOVICH:</p> <p>3 Who is going to manage it?</p> <p>4 MS. NOBLES:</p> <p>5 Me, sir.</p> <p>6 MR. STANOVICH:</p> <p>7 Are you full time in the Army?</p> <p>8 MS. NOBLES:</p> <p>9 I am, sir.</p> <p>10 MR. STANOVICH:</p> <p>11 Where are you stationed?</p> <p>12 MS. NOBLES:</p> <p>13 CRTC, right behind the airport in</p> <p>14 Gulfport.</p> <p>15 MR. STANOVICH:</p> <p>16 Okay.</p> <p>17 MR. CARRON:</p> <p>18 And we have to discuss the distance</p> <p>19 variances prior -- along with this?</p> <p>20 MR. CREEL:</p> <p>21 Yes.</p> <p>22 CHAIRMAN WASHER:</p> <p>23 Any other questions?</p> <p>24 MR. TODARO:</p> <p>25 Have you spoken with your neighbors in</p>	16

<p>1 the complex there in the little strip shopping 2 center? 3 MS. NOBLES: 4 I have spoke to two. The guy that's in 5 the liquor store and the barber that's like right 6 like adjacent to that building, yes, sir. The 7 dentist that's also in that strip, I haven't 8 caught up with him yet. He has weird hours, so as 9 I haven't saw him yet. 10 MR. TODARO: 11 Any opposition that you spoke with at 12 all? 13 MS. NOBLES: 14 No, sir. They're kind of excited for 15 me. 16 MS. MAGEE: 17 Will you be serving food? 18 MS. NOBLES: 19 Yes. 20 MS. MAGEE: 21 Hors d'oeuvres, stuff like -- what type 22 is it? 23 MS. NOBLES: 24 Menu-wise, it's going to be more street 25 tacos and smash burgers, fried pickles, just small</p>	17	<p>1 things that can be -- 2 MS. MAGEE: 3 Hors d'oeuvres like? 4 MS. NOBLES: 5 Yes, ma'am. 6 MR. DELAHOUSEY: 7 I noticed in your application you also 8 mentioned you will have activities such as paint 9 and sip, poetry nights, et cetera. Just for my 10 education, can you explain that? It sounds 11 interesting. 12 MS. NOBLES: 13 Yeah. The paint and sip will be more 14 like -- so I will get art canvases, supply 15 everything, like all of the paint and like it will 16 be free to do, just an activity. Since it's 17 Keesler like right there, like literally right 18 there, it's just activities for some of the 19 soldiers to do after a long day. So paint and sip 20 would consist of wine and then you can come paint 21 on a canvas for free. 22 MS. MAGEE: 23 I have done that before. And my 24 organization, we would come together as a group 25 and go to certain art galleries somewhere and we</p>	18
<p>1 would paint and sip wine. You know, some of the 2 senior citizens have done it before. We take a 3 group and paint and sip wine. That's popular now, 4 the paint and sip. 5 MS. NOBLES: 6 Yes, sir. 7 MS. MAGEE: 8 What was the other thing you said? 9 MS. NOBLES: 10 Karaoke and open poetry. 11 MS. MAGEE: 12 Okay. That's poetry. I haven't seen 13 that one, but I know about it. 14 CHAIRMAN WASHER: 15 Any other questions, members of the 16 Commission? 17 (No response.) 18 CHAIRMAN WASHER: 19 Anything else you want to add? 20 MS. NOBLES: 21 No, I think that's it. Thank you. 22 CHAIRMAN WASHER: 23 Appreciate it. 24 We'll ask if there is anyone in the 25 audience that wants to speak in favor of the</p>	19	<p>1 applicant's request. Anyone speaking in favor? 2 No one speaking in favor. 3 Anyone speaking in opposition? No one 4 speaking in opposition. 5 We'll consider that hearing closed. 6 Mr. Creel. 7 MR. CREEEL: 8 This is an application for them to open 9 a bar/lounge in this area with other activities, 10 as has been described. This building has had a 11 number of uses in it and they never seem to make 12 it, and I think a lot of it has to do with the sun 13 going down in the west. It is brutal shining 14 right through the front of this. I think that a 15 business operating during the night or the evening 16 would be much better. 17 The distance variances had to do the 18 laws that address adult entertainment. Where we 19 have adult entertainment, you're not allowed to 20 sell alcohol there. And what this was originally 21 designed to do was to make sure that somebody 22 couldn't have something adult entertainment and to 23 get around the alcohol law would come in right in 24 the next tenant space and have a bar. We've had 25 that in the past before.</p>	20

1 We've actually looked at this. We don't
2 see a problem with the request that's being made,
3 and the staff would recommend approval.

4 MR. TODARO:

5 I move we approve.

6 MR. DELAHOUSEY:

7 Second.

8 CHAIRMAN WASHER:

9 Motion by Mr. Todaro recommending
10 approval; second by Mr. Delahousey.

11 Any discussion?

12 (No response.)

13 CHAIRMAN WASHER:

14 All those in favor, raise your hand,
15 please.

16 Mr. Lechner, Mr. Parker, Mr. Todaro,
17 Ms. Magee, Mr. Stanovich, Mr. Bogard,
18 Mr. Dellenger, Mr. Poulos, Dr. Drawdy, Mr. Carron,
19 Mr. King, Mr. Snow, Mr. Delahousey; myself, David
20 Washer. We'll let the record show that's
21 unanimous.

22 Case Number 24-021 has been continued
23 until the May 2nd meeting.

24 Next case today is Case Number
25 24-026-PC, Jocade Properties, LLC, owner, and

21

1 Integrity Tattoo, LLC, applicant. This is a
2 request for a conditional use approval for a
3 variance to authorize the establishment of a
4 tattoo parlor within the same block as property
5 zoned residential to be situated within a
6 commercial building and located within an NB,
7 Neighborhood Business, zoning district, for
8 property identified as 1604 Pass Road, being
9 Municipal Tax Parcel Number 1310E-01-018.000.

10 MR. TODARO:

11 This is like across the street.

12 MR. HARRIS:

13 This is right across the street from the
14 last case.

15 CHAIRMAN WASHER:

16 Are the applicants or their
17 representative here, please?

18 MR. RUSHER:

19 How you doing?

20 CHAIRMAN WASHER:

21 Name and address for the record?

22 MR. RUSHER:

23 Benjamin Rusher, 286 Eisenhower Drive,
24 Biloxi.

25 CHAIRMAN WASHER:

22

1 Tilt the mic up so we can hear you a
2 little better.

3 MR. RUSHER:

4 Benjamin Rusher, 286 Eisenhower Drive,
5 Biloxi.

6 CHAIRMAN WASHER:

7 All right. Thank you. And if you
8 would, sign in before you leave.

9 MR. CREEL:

10 Tell us about this.

11 MR. RUSHER:

12 I have a shop -- we have a shop right
13 now at 268 Eisenhower. Been there for eight
14 years, seven and a half, eight years. And our
15 lease is up and we're looking to move into a
16 smaller unit, closer to the base, and this
17 happened to be one of the only things that was --
18 fit all the criteria, and it's zoned special use.
19 The same thing we have now. Did that in 2016.

20 CHAIRMAN WASHER:

21 Are you in the shopping center there at
22 Eisenhower and Pass Road?

23 MR. RUSHER:

24 Yes, sir.

25 CHAIRMAN WASHER:

23

1 And basically, you want to just relocate
2 your business?

3 MR. RUSHER:

4 Yes, sir.

5 CHAIRMAN WASHER:

6 Do we have any questions from the
7 members of the Commission?

8 MR. CARRON:

9 How many artists are you going to have
10 there?

11 MR. RUSHER:

12 We have three right now and room for up
13 to six.

14 MR. CARRON:

15 Will you have adequate parking to do
16 that?

17 MR. RUSHER:

18 Yes, we have -- I mean, there is not a
19 lot of parking there, but there is extra parking
20 spots being put in just down the way from there.
21 There is like a gap in between the buildings, and
22 we have so many allotted for our lease.

23 MR. CARRON:

24 And what would be your hours of
25 operation?

24