

**CITY OF BILOXI
AGENDA ITEM
FACT SHEET**

Item No.: 4D

Council Meeting Date: May 19, 2026

ITEM TITLE: RESOLUTION

INTRODUCED BY: Mayor Andrew "FoFo" Gilich

CONTACT PERSON: Rick Weaver, CAO
Jerry Creech, Director of Community Development

SUMMARY EXPLANATION:

Resolution denying Conditional Use approval to authorize construction of a 6,700 square feet plaza to include a convenience store, with gas sales and two tenant spaces, situated within LB Neighborhood Business zone and identified as 416 Popp's Ferry Road.

Case No. 26-022-PC, Ward 4, Ulhas Sawant/Bobby Heinrich

Resolution Ordinance _____ Public Hearing _____ Routine Agenda _____

Exhibits for Review

Contract _____ Minutes Plans/Maps _____ Deed _____ Lease _____

Other (Specify): application, case fact sheet, site plan

Submittal Authorization: Council President _____ Mayor

STAFF RECOMMENDATION: Planning Commission recommends DENIAL

COUNCIL ACTION: Motion By: _____ Second By: _____

Vote:	Councilmember	Yes	No	AFR	ABST	Councilmember	Yes	No	AFR	ABST
	Gray	___	___	___	___	Tisdale	___	___	___	___
	Marshall	___	___	___	___	Glavan	___	___	___	___
	Nail	___	___	___	___	Shoemaker	___	___	___	___
	Creel	___	___	___	___					

ACTION TAKEN:

Resolution No.

RESOLUTION DENYING CONDITIONAL USE APPROVAL TO AUTHORIZE
CONSTRUCTION OF A CONVENIENCE STORE WITH GAS SALES, WITHIN A LB -
LIMITED BUSINESS ZONE AND IDENTIFIED AS 416 POPP'S FERRY ROAD

WHEREAS, on Thursday, April 2, 2026, 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. 26-022-PC, Ulhas Sawant (owner) and Robert Heinrich (applicant), a request for Conditional Use approval, for the property identified as 416 Popp's Ferry Road; and

WHEREAS, the Planning Commission members were apprised of the particulars of this case, being made cognizant of the fact that Ulhas Sawant (owner) and Robert Heinrich (applicant), has submitted this request for Conditional Use approval, to authorize construction of a 6,700 square feet Plaza to include a Convenience Store, with Gas Sales and two tenant spaces, upon a parcel of land measuring approximately 215' x 270.76', presently situated within LB Neighborhood Business zone, and identified as 416 Popp's Ferry Road (re: Tax Parcel No.1110A-01-051.001); and

WHEREAS, on April 2, 2026, the Biloxi Planning Commission, after much discussion and citizens comments, voted 11-1-0, to recommend denial of the Conditional Use, to authorize construction of a 6,700 square feet Plaza to include a Convenience Store, with Gas Sales and two tenant spaces, upon a parcel of land measuring approximately 215' X 270.76', presently situated within a LB Neighborhood Business zone, and identified as 416 Popp's Ferry Road (re: Tax Parcel No.1110A-01-051.001), having determined that said project, as presented, has not been found to promote the public interest at this location, that said use has not been designed, located, and proposed to be operated so that the public health, safety, and welfare will be protected, that said

use will cause substantial injury to other property in the neighborhood which located, and that the use does not conform to all regulations of the LB Neighborhood Business zoning; and

WHEREAS, the Biloxi City Council, after consideration of all facts presented, hereby adopts the report and findings of the Biloxi Planning Commission, and in so doing, determines that denial of the request for Conditional Use is appropriate.

NOW, THEREFORE, BE IT RESOLVED, THAT THE MAYOR AND CITY COUNCIL OF THE CITY OF BILOXI, MISSISSIPPI, hereby denies the Conditional Use approval, to authorize construction of a 6,700 square feet Plaza to include a Convenience Store, with Gas Sales and two tenant spaces, upon a parcel of land measuring approximately 215' X 270.76', presently situated within a LB Neighborhood Business zone, and identified as 416 Popp's Ferry Road (re: Tax Parcel No.1110A-01-051.001), in Case No. 26-022-PC, Ulhas Sawant (owner) and Robert Heinrich (applicant), having determined that the proposed Conditional Use does not fully meet all standards required by the Land Development Ordinance, specifically determining that said use does not promote the public interest at this location, has not been designed, located and proposed to be operated so that the public health, safety and welfare will be protected, and that said use could result in substantial injury to other properties in the neighborhood in which it is located.

..... A

Resolution No.

RESOLUTION CALLING FOR A PUBLIC HEARING WITH RESPECT TO A REQUEST FOR CONDITIONAL USE APPROVAL TO AUTHORIZE CONSTRUCTION OF A CONVENIENCE STORE WITH GAS SALES, WITHIN A LB -LIMITED BUSINESS ZONE AND IDENTIFIED AS 416 POPP'S FERRY ROAD

WHEREAS, on Thursday, April 2, 2026, 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. 26-022-PC, Ulhas Sawant (owner) and Robert Heinrich (applicant), a request for Conditional Use approval, for the property identified as 416 Popp's Ferry Road; and

WHEREAS, the Planning Commission members were apprised of the particulars of this case, being made cognizant of the fact that Ulhas Sawant (owner) and Robert Heinrich (applicant), has submitted this request for Conditional Use approval, to authorize construction of a 6,700 square feet Plaza to include a Convenience Store, with Gas Sales and two tenant spaces, upon a parcel of land measuring approximately 215' x 270.76', presently situated within LB Neighborhood Business zone, and identified as 416 Popp's Ferry Road (re: Tax Parcel No.1110A-01-051.001); and

WHEREAS, on April 2, 2026, the Biloxi Planning Commission, after much discussion and citizens comments, voted 11-1-0, to recommend denial of the Conditional Use, to authorize construction of a 6,700 square feet Plaza to include a Convenience Store, with Gas Sales and two tenant spaces, upon a parcel of land measuring approximately 215' X 270.76', presently situated within a LB Neighborhood Business zone, and identified as 416 Popp's Ferry Road (re: Tax Parcel No.1110A-01-051.001), having determined that said project, as presented, has not been found to promote the public interest at this location, that said use has not been designed, located, and proposed to be operated so that the public health, safety, and welfare will be protected, that said

use will cause substantial injury to other property in the neighborhood which located, and that the use does not conform to all regulations of the LB Neighborhood Business zoning; and

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

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BILOXI, MISSISSIPPI, will conduct a public hearing in reference to Case No. 26-022-PC, Ulhas Sawant (owner) and Robert Heinrich (applicant), on a date to be set and in accordance with all requirements, as prescribed by the City of Biloxi Land Development Ordinance governing the conduct of public hearings.

..... B

Resolution No.

RESOLUTION GRANTING CONDITIONAL USE APPROVAL TO AUTHORIZE
CONSTRUCTION OF A CONVENIENCE STORE WITH GAS SALES, WITHIN A LB -
LIMITED BUSINESS ZONE AND IDENTIFIED AS 416 POPP'S FERRY ROAD

WHEREAS, on Thursday, April 2, 2026, 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. 26-022-PC, Ulhas Sawant (owner) and Robert Heinrich (applicant), a request for Conditional Use approval, for the property identified as 416 Popp's Ferry Road; and

WHEREAS, the Planning Commission members were apprised of the particulars of this case, being made cognizant of the fact that Ulhas Sawant (owner) and Robert Heinrich (applicant), has submitted this request for Conditional Use approval, to authorize construction of a 6,700 square feet Plaza to include a Convenience Store, with Gas Sales and two tenant spaces, upon a parcel of land measuring approximately 215' x 270.76', presently situated within LB Neighborhood Business zone, and identified as 416 Popp's Ferry Road (re: Tax Parcel No.1110A-01-051.001); and

WHEREAS, on April 2, 2026, the Biloxi Planning Commission, after much discussion and citizens comments, voted 11-1-0, to recommend denial of the Conditional Use, to authorize construction of a 6,700 square feet Plaza to include a Convenience Store, with Gas Sales and two tenant spaces, upon a parcel of land measuring approximately 215' X 270.76', presently situated within a LB Neighborhood Business zone, and identified as 416 Popp's Ferry Road (re: Tax Parcel No.1110A-01-051.001), having determined that said project, as presented, has not been found to promote the public interest at this location, that said use has not been designed, located, and proposed to be operated so that the public health, safety, and welfare will be protected, that said

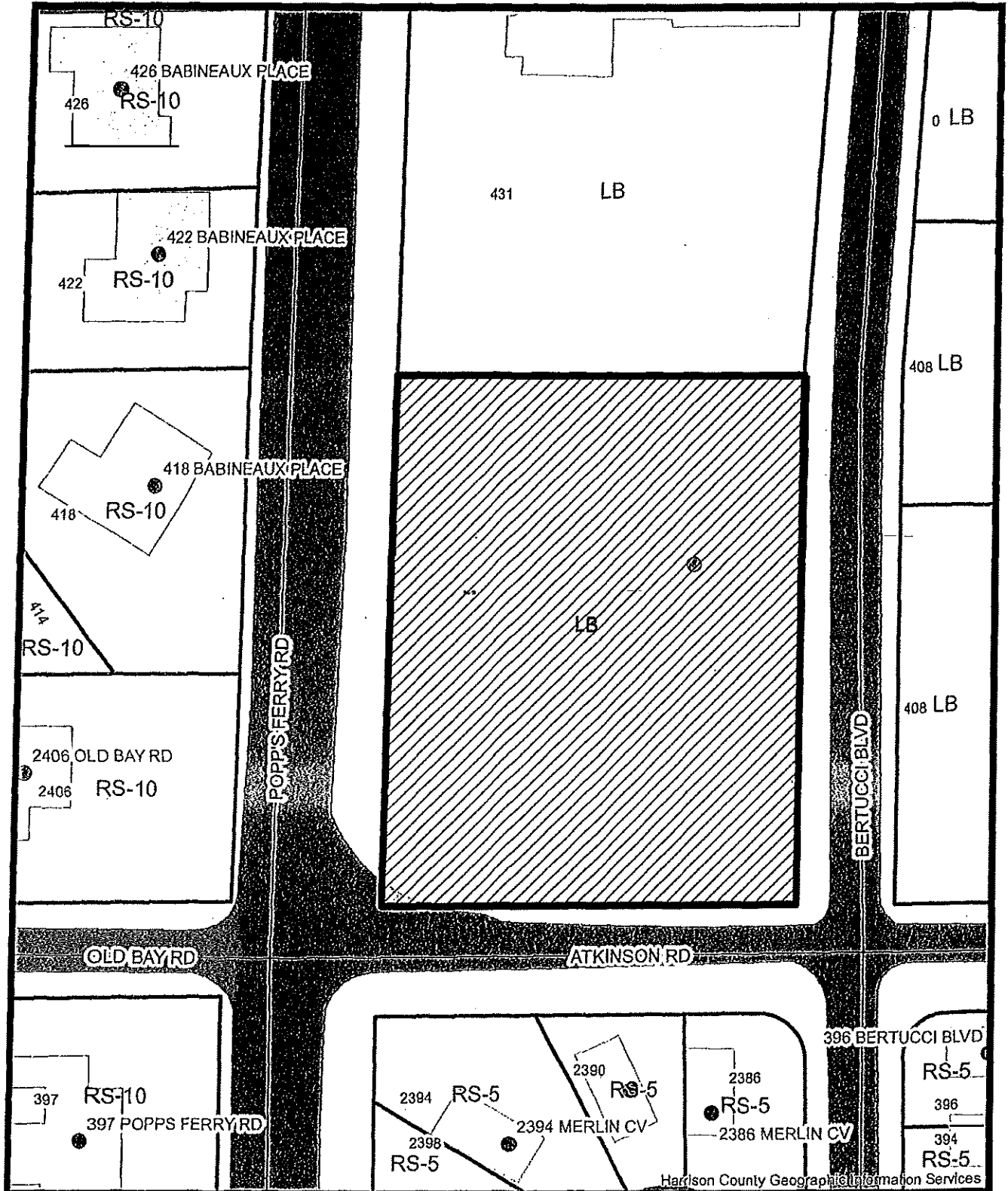
use will cause substantial injury to other property in the neighborhood which located, and that the use does not conform to all regulations of the LB Neighborhood Business zoning; and

WHEREAS, the Biloxi City Council, after consideration of all facts presented, hereby rejects the report and findings of the Biloxi Planning Commission, and in so doing, determines that this Convenience Store with gas sales is appropriate for the site identified as 416 Popp's Ferry Road.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BILOXI, MISSISSIPPI, hereby approves the requested Conditional Use, to authorize construction of a 6,700 square feet Plaza to include a Convenience Store, with Gas Sales, and two more tenant spaces upon a parcel of land measuring approximately 215' X 270.76', presently situated within a LB Limited Business zone, and identified as 416 Popp's Ferry Road (re: Tax Parcel No.1110A-01-051.001), in Case No. 26-022-PC, Ulhas Sawant (owner) and Robert Heinrich (applicant), having determined that said project, as presented, has been found to promote the public interest at this location, that said use has been designed, located, and proposed to be operated so that the public health, safety, and welfare will be protected, that said use will not cause substantial injury(ies) to other property(ies) in the neighborhood in which located, and with this approval, the use conforms to all regulations for the LB Limited Business zoning district.

..... C

Case Nos. 26-022-PC
Ulhas Sawant/Bobby Heinrich
416 Popp's Ferry Rd
Conditional Use-Convenience Store with Gas Sales



Scheduled for
April 2, 2026
PC Meeting

Ulhas Sawant (owner)
Bobby Heinrich (applicant)
Case No. 26-022-PC
Conditional Use



Planning Commission
Case Fact Sheet

Case No.: 26-022-PC
Name of Owner: Ulhas Sawant
Applicant: Bobby Heinrich
Address of Property: 416 Popp's Ferry Road
Tax Parcels/Ward: 1110A-01-051.001/ Ward 4

Request: **Conditional Use**

Purpose of Request: To consider an application requesting **Conditional Use** approval, to authorize construction of a 6,700 square foot Plaza to include a Convenience Store, with Gas Sales, upon a parcel of land measuring approximately 215' X 270.76', presently situated within **LB Neighborhood Business** zone, and identified as 416 Popp's Ferry Road (re: Tax Parcel No. 1110A-01-051.001).

Size of Property: 215' X 270.76' (more or less)

Flood Zone: X

Present Zoning: **LB Limited Business**

Present Use: Vacant Land

Most Nearly Bounded By (streets): To the North of and adjacent to Atkinson Road; to the South of Bertucci Boulevard; to the East of and fronting upon Popp's Ferry Road, and to the West of Bertucci Boulevard.

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

Positive Influences: The requested Conditional Use will allow the applicant to construct a 6,700-square-foot Plaza, including a convenience store with gas sales, with two additional tenant spaces, on a

vacant parcel of land.

**Letters or
Concerns stated:**

The Planning Division Office has received two letters in opposition to this case as of March 26, 2026.

**Comments/
Recommendations:**

Ulhas Sawant submitted an application for **Conditional Use** approval, to authorize construction of a 6,700 square feet Plaza to include a Convenience Store, with Gas Sales, and two more tenant spaces upon a parcel of land measuring approximately 215' X 270.76', presently situated within **LB Limited Business** zone, and identified as 416 Popp's Ferry Road (re: Tax Parcel No.1110A-01-051.001).

The applicants stated they are proposing to construct 6,700 square feet +/- plaza that will contain approximately 3,700 square feet for a proposed convenience store, and two 1,500 square feet tenant spaces. The convenience store will also consist of gas sales with 6 gas pump dispensers.

As part of any Conditional Use application review, the Planning Commission must determine that the Conditional Use, as proposed, will provide for the public interest at this location, is compatible with the neighborhood, avoids adverse impacts on neighbors, maintains safe traffic flow, protects property values in the neighborhood, and complies with all relevant city, state and federal laws and regulations.

The Development Review Committee (DRC) has reviewed this project, and authorized the applicant to make an application to the Planning Commission and City Council for **Conditional Use** approval.



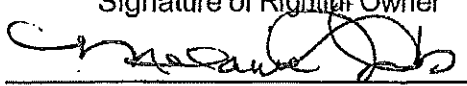
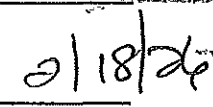
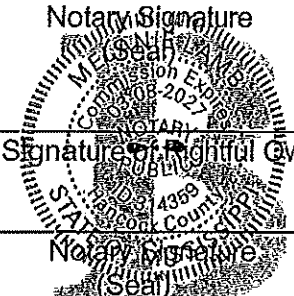
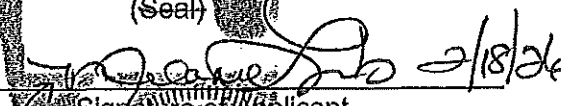
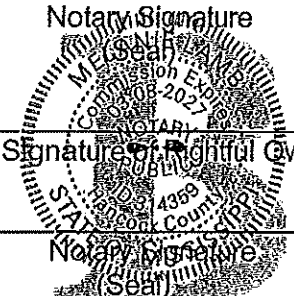
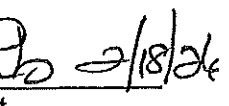
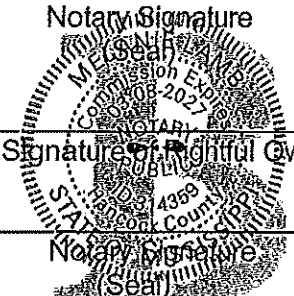
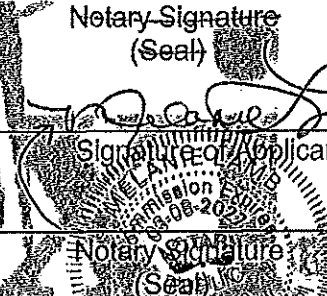
Options:

1. Recommend approval of this request for **Conditional Use**, to authorize construction of a 6,700 square feet Plaza to include a Convenience Store, with Gas Sales, and two more tenant spaces upon a parcel of land measuring approximately 215' X 270.76', presently situated within **LB Limited Business** zone, having determined that the proposed use at this location promotes and protects the public health, safety, and welfare of the City, that said use will have no significant negative impact upon the surrounding area, and that said Conditional Use meets or exceeds all Conditional Use Standards, as prescribed by the Land Development Ordinance.

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2. Recommend denial of the **Conditional Use**, having determined that said use does not promote the public interest at this location, and has not been found to meet all requirements for said use, as outlined in the Standards for Conditional Use approval contained within the Land Development Ordinance.

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.

 _____ Signature of Rightful Owner	 _____ Signature of Rightful Owner Applicant
 _____ Notary Signature	 _____ Date
 _____ Signature of Rightful Owner	 _____ Notary Signature (Seal)
 _____ Signature of Applicant	 _____ Date
 _____ Notary Signature (Seal)	 _____ Notary Signature (Seal)

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

NOTES:

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, Biloxi, MS 39533
Office Location: 676 Dr. MLK Blvd,
Building (228) 435-6270 Planning (228) 435-6266 Fax: (228)

TO BE COMPLETED BY APPLICANT | DATE: 2/19/2026

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.

SEPARATE STATEMENT OF SUPPORT MUST BE ATTACHED - 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.

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

Criteria: Please respond to all yes answers.

1. Is the use necessary to promote the public interest at that location? Yes [X] No []

Please explain: A convenience store with gas pumps would benefit and promote the public interest by providing convenient access to fuel and everyday essentials, saving time and reducing the need to travel farther.

2. Is the use designed, located, and proposed to be operated so that the public health, safety, and welfare will be protected? Yes [X] No []

Please explain: Yes, the proposed project will not cause harm to the public and will continue to protect the public health, safety, and welfare.

3. Will the use cause substantial injury to other property in the Neighborhood in which it is located? Yes [] No [X]

Please explain: No, the proposed project will not cause substantial injury to other nearby properties.

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 [X] No []

Please explain: Yes, the proposed will conform to all district regulations of the applicable 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?		✓	
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?		✓	
4. Utilities, with reference to location, availability, and compatibility?		✓	
5. Screening and buffering, with reference to type, dimensions, and character?		✓	
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?		✓	
7. Required yards and other open spaces?		✓	
8. General compatibility with adjacent properties and other property in the Zoning district?		✓	
Comments:			
<p>Note: If approved by City Council, a Conditional Use Permit will be issued. If no action is taken within one-year, the Conditional Use Permit will expire.</p>			

CONDITIONAL USE NARRATIVE

**1.31+/- Acre Parcel
Popp's Ferry Road, Biloxi, Mississippi
PIDN No.: 1110A-01-051.001**

The official name and address of the applicant for this application is as follows:

**Ulhas Sitaram
1896 Paul David Drive
Biloxi, MS, 39532**

The official name and address of the applicant's agent for this application is as follows:

**Robert Heinrich
Heinrich & Associates, LLC
1806 23rd Ave., Ste B
Gulfport, MS 39501
228-896-6768**

The subject property is generally located directly at the northeastern intersection of Popp's Ferry Road and Atkinson Road. The parcel is currently zoned LB (Limited Business District) per the Official Zoning Map of the City of Biloxi, and the application is to request conditional use approval for the construction of a convenience store with gasoline service.

1. Narrative:

This application requests Conditional Use approval to develop and operate a convenience store with gasoline sales within the Limited Business (LB) zoning district in the City of Biloxi. The proposed development consists of a single-story commercial retail building that is 6,700 square feet in total. This commercial building will be split into 3 separate retail spaces, with the proposed convenience store with gas pumps being 3,700 square feet, and two lease spaces each 1,500 square feet. The proposed convenience store with gasoline sales will consist of 6 fuel pumps covered by a metal canopy. The site will also include the required number of off-street parking spaces in compliance with the City regulations, as well as landscaping, signage, and lighting all designed in accordance with City regulations. The proposed project is intended to provide neighborhood-serving retail goods and fuel services to residents, commercial businesses, commuters, and visitors within the surrounding area.

The proposed commercial development will fully adhere to all the city's LB zoning requirements regarding lot size, setbacks, impervious surface area, and building heights. The 6,700 square foot building has been oriented towards the primary roadway to maintain a commercial streetscape presence, while the fueling canopy has been positioned to minimize visual and operation impacts on adjacent properties. Gas stations and fuel storage tanks are a highly regulated use that will comply with all state and local environmental standards, including fiberglass tank, spill containment, and ongoing monitoring as required. Traffic impacts are expected to be limited, as many customers will be from pass-by trips, nearby residents, or commercial businesses. The site has been designed with safe access and clear circulation, specifically there will be

three points of ingress/egress with a clear direction of traffic flow around the six pump stations. Hours of operation are proposed to be limited to 5:00 a.m. to 11:00 p.m., reducing late-night activity, and while the gas station lighting will remain on for safety, all lighting will be fully shielded and directed downward to prevent light spillover into nearby homes. Deliveries will be scheduled during reasonable hours to minimize disturbance. Additional landscaping and buffering will further ensure compatibility with nearby commercial businesses and residential properties.

LB zoning is intended to accommodate low-intensity commercial uses that primarily serve nearby residential neighborhoods and limited regional traffic while maintaining compatibility with surrounding properties. The proposed convenience store with gasoline sales is consistent with this intent, as it provides daily goods and services to nearby residents, commuters, and commercial businesses and supports existing traffic patterns along established roadways without generating excessive heavy commercial traffic. The proposed development has been carefully designed to ensure compatibility with adjacent uses through appropriate site planning, buffering, landscaping, and operational considerations.

The proposed convenience store with gasoline sales will serve the surrounding community by providing accessible fuel and daily necessities within close proximity to residential neighborhoods. This reduces travel distances for routine shopping trips, supports local employment opportunities, and enhances economic activity within the LB corridor. The use is consistent with the character and intent of the Limited Business zoning district and will not adversely affect public health, safety, or general welfare.

The design features, operational controls, and regulatory compliance measures described above, the proposed development satisfies the criteria for Conditional Use approval within the LB zoning district. Based on this information, the applicant respectfully requests the Planning Commission approval for Conditional Use.

ATKINSON ROAD
LOT 1, POPPS FERRY MEDICAL PARK, PHASE 1
BILOXI, MISSISSIPPI
PARCEL #1110A-01-051.001

LEGAL DESCRIPTION (OR 2007-3354-D-J2)

Lot One (1), Poppa Ferry Medical Park Subdivision, Phase 1, a subdivision according to the official map or plat thereof on file and of record in the office of the Chancery Clerk of the Second Judicial District of Harrison County, Mississippi, in Plat Book 14 at Page 49 thereof.

For a Point of Beginning, commence at the point of intersection of the North margin of Atkinson Road with the East margin of Poppa Ferry Road, as they are now laid out and maintained; hence run N 00°54'55" E along the East margin of Poppa Ferry Road, for a distance of 270.80 feet to a point; thence run East 210.67 feet to a point along Bertucci Boulevard; thence South a distance of 270.75 feet to a point along Atkinson Road; thence West along Atkinson Road a distance of 215.00 feet to the Point of beginning.

LESS AND EXCEPT that part more particularly described as follows, to-wit:

Commencing at the Southwest corner of the Northwest 1/4 of the Northeast 1/4 of Section 27, Township 7 South, Range 10 West, thence run N 00°54'55" E a distance of 25.0 feet to the Southwest corner of Lot 1 of the Poppa Ferry Medical Park Subdivision, Phase 1, and recorded in the office of the Chancery Clerk, Second Judicial District, Biloxi, Harrison County, Mississippi, in Plat Book 14 at Page 49 thereof, said point being the Point of Beginning, from said Point of Beginning, continue thence N 00°54'55" E and along the East margin of Poppa Ferry Road, for a distance of 30.00 feet to a point, thence run S 52°45'05" E a distance of 49.52 feet to a point on the North margin of Atkinson Road, thence run West and along said North margin of Atkinson Road for a distance of 40.00 feet to the Point of Beginning. Containing 600 square feet or approximately 0.0138 acres.

NOTE:
Land Surveys do not transfer title or ownership. No part of this map should be interpreted as an instrument conveying ownership or any other rights between parties. Further more this map does not create an easement. Easements shown do not exist unless or until recordation of a properly prepared instrument.

This survey does not reflect a title search by Gary A. Durbin, P.L.S., nor should it be considered as such. This survey therefore does not depict all easements and encumbrances that could affect this property.

This is a Class "B" survey per "The Standards of Practice for Land Surveying in the State of Mississippi".

Bearings and Elevations based on GPS Observation of the east margin of Poppa Ferry Road, NAD 83, MS East Zone, convergence angle -0.130449, scale factor 0.999960. Contours shown at 0.5 foot interval

This property is situated in Zone "X" per FEMA Flood Insurance Rate Map, City of Biloxi, Harrison County, Mississippi, Community Panel Number 28047C-0286-C. Revised: 6/16/09. This does not warranty that this property will not or could not flood.

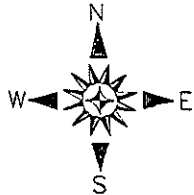
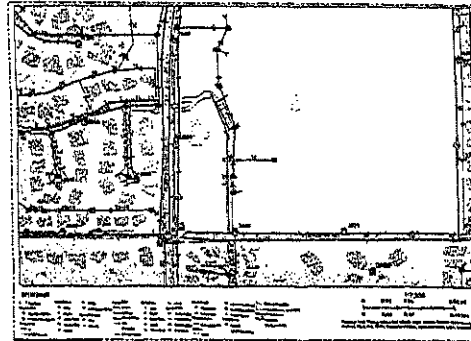
It is to CERTIFY that this plat or map and the survey on which it is based were made in accordance with "The Standards of Practice for Land Surveying in the State of Mississippi".

Gary A. Durbin, P.L.S. 2401
February 16, 2026



JOB 11542

GARY A. DURBIN, P.L.S.
PROFESSIONAL LAND SURVEYOR
13048 RIVERWALK CIRCLE, DORVILLE, MS. 39540
PH. (662) 363-2832 gdurbin@bnet.com



SCALE: 1"=40'

REFERENCE:
SURVEY BY LARRY
RUMSEY, P.L.S.
DATED 1/28/03

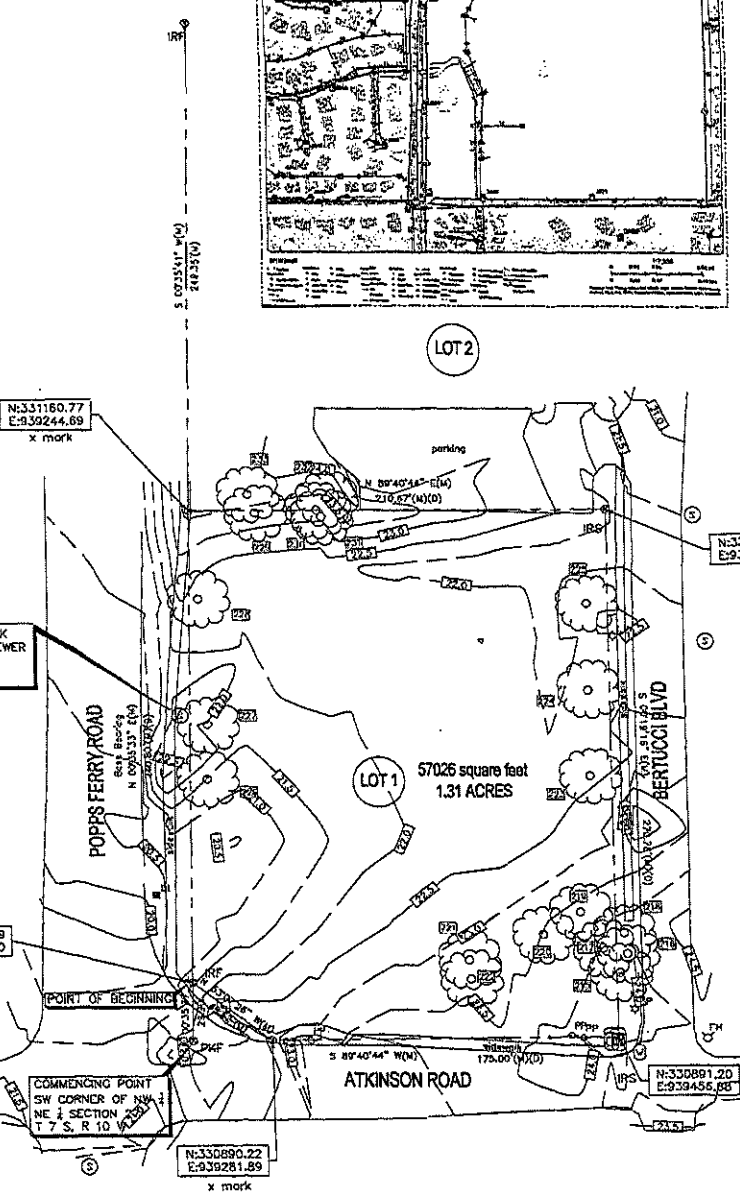
IRF 1/2" IRON ROD FOUND
IPF 3/4" IRON PIPE FOUND
IRS 1/2" IRON ROD SET
CMF CONCRETE MONUMENT
PKS PK NAIL SET

P=PLAT OF RECORD
M=MEASURED
O=DEED

DATE	TIME	TYPE	STATUS
2/16/21	10:00	IRF	FOUND
2/16/21	10:05	IPF	FOUND
2/16/21	10:10	IRS	FOUND
2/16/21	10:15	CMF	FOUND
2/16/21	10:20	PKS	FOUND
2/16/21	10:25	IRF	FOUND
2/16/21	10:30	IPF	FOUND
2/16/21	10:35	IRS	FOUND
2/16/21	10:40	CMF	FOUND
2/16/21	10:45	PKS	FOUND
2/16/21	10:50	IRF	FOUND
2/16/21	10:55	IPF	FOUND
2/16/21	11:00	IRS	FOUND
2/16/21	11:05	CMF	FOUND
2/16/21	11:10	PKS	FOUND
2/16/21	11:15	IRF	FOUND
2/16/21	11:20	IPF	FOUND
2/16/21	11:25	IRS	FOUND
2/16/21	11:30	CMF	FOUND
2/16/21	11:35	PKS	FOUND
2/16/21	11:40	IRF	FOUND
2/16/21	11:45	IPF	FOUND
2/16/21	11:50	IRS	FOUND
2/16/21	11:55	CMF	FOUND
2/16/21	12:00	PKS	FOUND

BENCHMARK
TOP OF SEWER
MANHOLE
EL=22.20

N:330919.99
E:939242.20



S:023541' W(M)
218.25'(M)

N:331160.77
E:939244.69
x mark

N:331161.95
E:939455.36

N:330890.22
E:939281.89
x mark

COMMENCING POINT
SW CORNER OF NW 1/4
NE 1/4 SECTION
17 S. R 10 W

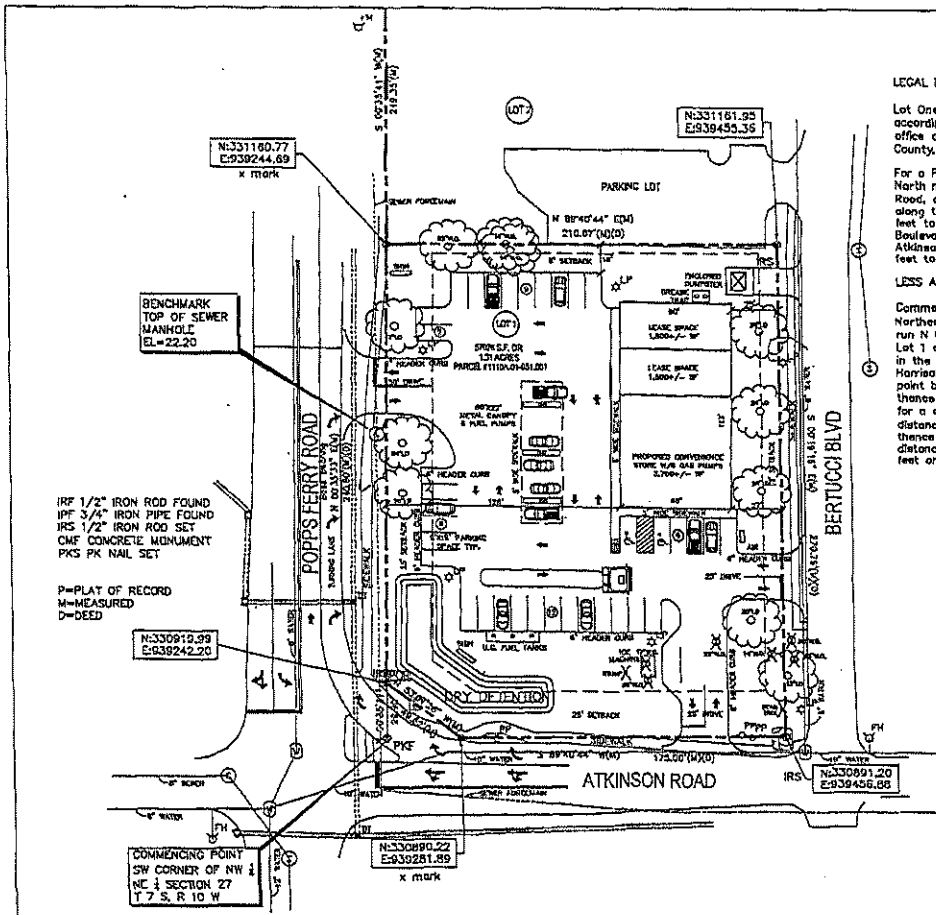
ATKINSON ROAD

LOT 2

LOT 1
57026 square feet
1.31 ACRES

POPPA FERRY ROAD

BERTUCCI BLVD



LEGAL DESCRIPTION (OR 2007-3354-D-12)

Lot One (1), Popps Ferry Medical Park Subdivision, Phase 1, a subdivision according to the official map or plot thereof on file and of record in the office of the Chancery Clerk of the Second Judicial District of Harrison County, Mississippi, in Plat Book 14 at Page 49 thereof.

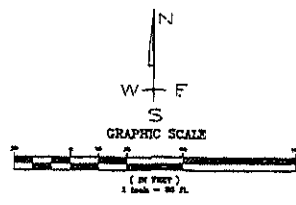
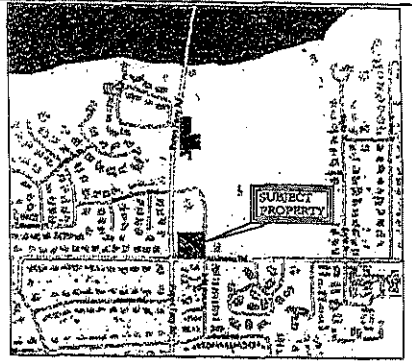
For a Point of Beginning, commence at the point of intersection of the North margin of Atkinson Road with the East margin of Popps Ferry Road, as they are now laid out and maintained; thence run N 00°34'55" E along the East margin of Popps Ferry Road, for a distance of 270.80 feet to a point; thence run East 210.67 feet to a point along Bertucci Boulevard; thence South a distance of 270.76 feet to a point along Atkinson Road; thence West along Atkinson Road a distance of 213.00 feet to the Point of Beginning.

LESS AND EXCEPT that part more particularly described as follows, to-wit: Commencing at the Southwest corner of the Northwest 1/4 of the Northeast 1/4 of Section 27, Township 7 South, Range 10 West, thence run N 00°34'55" E a distance of 23.0 feet to the Southwest corner of Lot 1 of the Popps Ferry Medical Park Subdivision, Phase 1, and recorded in the office of the Chancery Clerk, Second Judicial District, Biloxi, Harrison County, Mississippi, in Plat Book 14 at Page 49 thereof, said point being the Point of Beginning, from said Point of Beginning, continue thence N 00°34'55" E and along the East margin of Popps Ferry Road, for a distance of 30.00 feet to a point, thence run S 32°48'05" E a distance of 43.32 feet to a point on the North margin of Atkinson Road, thence run West and along said North margin of Atkinson Road for a distance of 40.00 feet to the Point of Beginning. Containing 600 square feet or approximately 0.0138 acres.

SITE DATA TABLE	
PROPOSED ZONING	LD
ACREAGE	0.038 AC
SETBACKS	FRONT - 20 FT (CONCRETE SIDE 12.5 FT) SIDE - 5 FT REAR - 10 FT
PARKING PROVIDED	33 SPACES
REGULAR PARKING	2 SPACES
HANDICAP PARKING	2 SPACES
TOTAL PARKING PROVIDED	36 SPACES
MAX IMPERVIOUS SURFACE	0.0%
MAX BUILDING HEIGHT NOT TO EXCEED	35 FT
PERVIOUS AREA	0.28 ACRES
PERVIOUS PERCENTAGE	41.8%
IMPERVIOUS AREA	0.75 ACRES
IMPERVIOUS PERCENTAGE	66.0%

BOUNDARY AND TOPOGRAPHIC INFORMATION BASED ON SURVEY BY GARY A. FURSKA, P.L.S.

SUBJECT PROPERTY LIES WITHIN 75' FLOOD ZONES SHOWN HEREON PER FEMA PANEL 20047C02030 DATED JUNE 16, 2009



Sheets

Sheet	Area	Volume	Perch	Notes
1-10	100	10.00	10	100
1-11	100	10.00	10	100
1-12	100	10.00	10	100
1-13	100	10.00	10	100

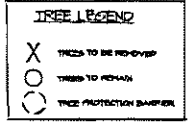
Notes for Determining Post Top Landmark

Material	Length	Remaining to Left	Area
Asphalt	10'	10'	100
Concrete	10'	10'	100

- SITE NOTES:**
1. ALL DIMENSIONS ARE FROM BACK OF CURB TO BACK OF CURB.
 2. ALL ROADWAY RADIUS DIMENSIONS ARE 20' UNLESS NOTED.
 3. CONTRACTOR TO ENSURE ALL CURB RAMP AND SIDEWALKS MEET ADA REQUIREMENTS.
 4. STREET LIGHT LOCATIONS AND TYPES TO BE DESIGNED AND SUBMITTED BY MS POWER.
 5. SHOULD CONTRACTOR FIND ANY DISCREPANCIES IN DIMENSIONS, PROJECT ENGINEER SHALL BE NOTIFIED IMMEDIATELY.



- TREE PROTECTION NOTES**
1. CONTRACTOR SHALL FENCE AROUND AND PRESERVE ALL TREES LOCATED WITHIN PROPERTY, NOT DESIGNATED TO BE REMOVED. NO TREES 6" IN DIAMETER OR LARGER SHALL BE REMOVED UNLESS SPECIFICALLY PERMITTED IN WRITING BY OWNER. ANY DAMAGES TO ANY TREE NOT DESIGNATED TO BE REMOVED SHALL BE BORNE BY CONTRACTOR.
 2. PROTECTIVE TREE BARRIERS MUST BE ORANGE SAFETY WASH PLACED NOT MORE THAN A DISTANCE OF 3' FROM THE TRUNK LINE OF THE PROTECTED TREE EXCEPT WHERE NEEDED FOR CONSTRUCTION OF DRIVEWAYS AND PARKING.



CONDITIONAL USE SITE PLAN

SCALE: 1" = 30'-0"

NOTE: NO ON SITE SUPERVISION OR INSPECTIONS ARE PROVIDED WITH THE USE OF THESE PLANS BY THE DESIGNER. BUILDER/CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS, CONDITIONS, AND SECS OF EQUIPMENT ALONG WITH SITE CONDITIONS BEFORE STARTING CONSTRUCTION. BUILDER/CONTRACTOR SHALL SEE THAT CONSTRUCTION IS IN COMPLIANCE WITH THE LATEST EDITION OF THE INTERNATIONAL BUILDING CODE (IBC) AND WITH THE COUNTY'S BUILDING INSPECTOR. THE USE OF THESE PLANS FOR CONSTRUCTION SHALL BE DONE SO THAT THE REQUIREMENTS STATED ARE ACCOMPLISHED BY THE BUILDER/CONTRACTOR.

BEFORE UNDERTAKING EACH PART OF THE WORK, THE CONTRACTOR SHALL CAREFULLY STUDY AND CORRELATE THE PLANS & SPECIFICATIONS AND CHECK AND VERIFY PERMITS, EROSION CONTROL AND ALL APPLICABLE FIELD MEASUREMENTS. IF ANY CONFLICTS, OMISSIONS, DISCREPANCIES, OR OTHER UNSATISFACTORY CONDITIONS ARE DISCOVERED OTHER THAN THE CONTRACTOR'S DOCUMENTS OR IN THE FIELD, THE CONTRACTOR SHALL PROMPTLY NOTIFY IN WRITING THE DESIGNER OR HIS REPRESENTATIVE BEFORE PROCEEDING WITH ANY WORK AFFECTED THEREBY.

MEIT

Tony Moran & Associates, PLLC
 Terrell J. Moran, P.E., P.L.S.
 1806 23rd Ave., Suite B
 Gulfport, MS 39501
 PH 228.896.6723 FAX 228.896.6762

HEINRICH & ASSOCIATES
 REGISTERED PROFESSIONAL ENGINEER
 1000 N. GULFPORT BLVD. SUITE 100
 GULFPORT, MISSISSIPPI 39501

CONDITIONAL USE SITE PLAN
 CONVENTIONAL BUILDING

Scale: 1" = 30'-0"

3
 Project # 26-008

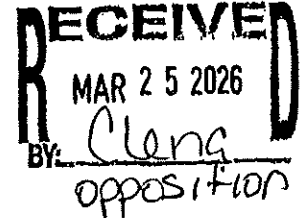
415 De Jean Cove
Biloxi, MS 39531
Phone: 1.228.265.2228
sdummer@dlg-pllc.com

STEPHEN W. DUMMER ESQ

Case No.: 26-022-PC

Hearing Date: April 2, 2026

To: Biloxi Planning Commission
Re: Conditional Use Application – Convenience Store with Gas Sales
Location: 416 Popp's Ferry Road, Biloxi, Mississippi 39531



To Whom it May Concern,

I write in opposition to the proposed convenience store located at 416 Popp's Ferry Road. The proposed convenience store with fuel service is respectfully not appropriate at this location due to its direct, foreseeable, and adverse impact on traffic operations, public safety, and overall corridor functionality. While fuel service within the corridor is currently distributed in a manner that generally accommodates both directions of travel (i.e. Clark Oil at northeast corner of Popp's/Pass serving northbound traffic and Chevron at Pass/Beauvoir serving southbound traffic), the proposed development, when considered alongside the Popp's Ferry Road extension, will clearly disrupt this balance and create an inefficient and uncoordinated service pattern moving forward and irrevocably change the culture and appearance of the neighborhood.

The extension of Popp's Ferry Road to Highway 90 represents a fundamental shift in how traffic will move through this corridor. This is not a minor change; it redefines the primary north-south connection to the beach area. As a result, the existing fuel station at Beauvoir Road and Pass Road, while technically serving southbound traffic today, will no longer function as an effective or logical service point for a significant portion of corridor users. This change will not eliminate demand; it will relocate and concentrate it. As a result, the proposed location along Popp's Ferry Road will capture not only northbound traffic, but also a substantial share of southbound traffic that no longer passes through the Beauvoir/Pass intersection. This creates a predictable and unavoidable convergence of traffic demand at a single signalized intersection that is already constrained and operating under existing congestion. It is not uncommon that northbound traffic is backed up from the Popp's Ferry Bridge to Pass Road due to congestion caused by traffic volume, the bridge being elevated or nearly any other traffic incident. The proposed gas station would compound that situation to a level rendering the road untraversable during critical hours.

With the foreseeable expansion of the Popp's Ferry Road, this proposed gas station will further compound the complications from the proposed bridge and lane widening. Further, because of the unique character of the neighborhood, creating another location, that will likely be near or under the proposed expansion bridge, will provide additional locations for transients and/or homeless to gather which should be avoided.

Fuel stations are not passive land uses. They generate a high volume of short, frequent trips with continuous ingress and egress throughout the day. This increase in volume would result in even more accidents and traffic incidents. Introducing this intensity of turning movements at an already overburdened signal will degrade its performance. In addition, the current intersection design relies on designated, limited-length turn lanes to manage vehicle stacking for movements onto Atkinson Road and into the adjacent neighborhood. These stacking lanes are already constrained (whereby it is not uncommon to sit through multiple green lights before one can pass through). The introduction of additional turning movements associated with the proposed fuel station, particularly from southbound traffic, creates a high likelihood that vehicle queues will exceed available storage capacity. When this occurs, queued vehicles will extend beyond the designated turn lanes and spill back into the through lanes of Popp's Ferry Road. This condition would obstruct through

traffic, reduce overall roadway efficiency, and create a cascading delay effect along the corridor. Given that no physical improvements are feasible to expand these storage areas, this represents a predictable and unmitigated operational failure point. Southbound vehicles will be required to make left turns across opposing traffic to access the site, increasing conflict points, delay, and the likelihood of queue stacking into through lanes. These conditions are widely recognized as contributing factors to both operational inefficiency and elevated crash risk. Importantly, this impact cannot be mitigated through typical means. There is no feasible opportunity for roadway widening, additional turn lanes, or other physical improvements that would offset the added demand. As such, the burden is not whether the intersection can be adjusted to accommodate the use, but whether the use itself is appropriate given known constraints. In this case, it is not.

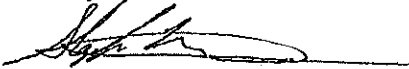
Furthermore, the placement of both the existing and proposed fuel stations does not create a coordinated or intuitive service pattern along the corridor. Instead, it produces a disjointed system that encourages inefficient and conflicting turning movements, particularly as traffic patterns shift following completion of the extension. Rather than supporting a balanced distribution of access, the proposal concentrates activity at a single, constrained node, amplifying congestion instead of alleviating it.

Because this is a conditional use, approval is not automatic. The movant must prove that there are no alternatives to overcome the foreseeable hardships that the development will cause. Because there are no foreseeable cures the hardship the approval should not be granted. The movant is unable to clearly demonstrate that the proposed development will not adversely affect surrounding infrastructure or public safety. That standard has not been met. In fact, the opposite is evident: the proposal introduces additional turning conflicts, concentrates traffic demand at a known bottleneck, and exacerbates conditions that cannot be physically improved.

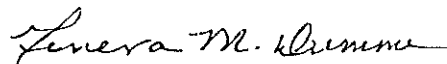
Approving this request would also set a concerning precedent, signaling that high-intensity, traffic-generating uses may be placed at constrained intersections despite clear limitations and foreseeable negative impacts. Conditional use standards exist specifically to prevent this type of outcome.

This is not simply a matter of preference or proximity, it is a matter of system performance, safety, and responsible planning. The anticipated impacts are not speculative; they are the logical and predictable result of introducing a high-turnover use at a location that cannot support it. For these reasons, the proposed development fails to meet the criteria for conditional use approval and should be denied.

Thank you,



Stephen W. Dummer



Geneva M. Dummer

415 De Jean Cove
Biloxi, Mississippi, 39531

Dear Members of the Biloxi Planning Commission,

The Anatole Bay Homeowners' Association, representing owners and residents of 60 townhomes in Biloxi, MS, is writing to express strong and unequivocal opposition to the proposed construction of a convenience store with gasoline sales at the intersection of Atkinson Road and Popp's Ferry Road in Biloxi, Mississippi (case# 26-022-PC).

The proposed site is currently zoned as a **Limited Business District**.

Limited Business (LB) District is intended to:

- Accommodate **primarily small-scale office uses** (professional, administrative, general office)
- Allow **limited small-scale retail and service uses**
- Permit certain **institutional uses** (e.g., churches, schools, daycares)
- Allow **medium-density residential uses**
- Serve as a **transition zone** between:
 - More intense commercial areas, and
 - Nearby residential neighborhoods

The church and the eye clinic located nearby are consistent with this zoning.

The proposed rezoning of this parcel of land raises serious and legitimate concerns regarding public safety, traffic congestion, neighborhood integrity, and the absence of any demonstrated community need.

1. Significant Traffic and Safety Concerns

The intersection of Atkinson Road and Popp's Ferry Road is already heavily traveled and presents ongoing traffic management challenges with an average of 20,000 vehicles per day traveling this route. The situation is further exacerbated by the frequent openings of the Popp's Ferry drawbridge (approximately 10 times daily), which routinely halt traffic flow for extended periods (typically 10-20 minutes). These interruptions create substantial vehicle backups, erratic driving behavior, and unsafe conditions for motorists attempting to navigate or avoid congestion. This area has been cited as a major bottleneck.

Introducing a high-traffic commercial use such as a convenience store and gas station at this location will inevitably increase turning movements, ingress and egress conflicts, and pedestrian risks. Vehicles entering and exiting the site—particularly during peak hours or bridge openings—will compound existing hazards and significantly increase the likelihood of accidents.

opposition

RECEIVED
MAR 25 2026
BY: C. Leng

2. Proximity to Existing Residential Neighborhoods

This proposed development is incompatible with the surrounding residential character. Gas stations and convenience stores are intensive uses that generate continuous traffic, noise, light pollution, and late-night activity. These impacts will directly diminish the quality of life, safety, and property values of nearby residents.

3. Documented Public Safety Concerns in the Immediate Area

There are well-documented concerns regarding transient and vagrant activity underneath and around the Popp's Ferry bridge, including the already existing nearby convenience store at the intersection of Pass Rd and Popp's Ferry Rd. The introduction of another convenience store—particularly one open extended hours—has the potential to further attract loitering and undesirable activity. This raises legitimate concerns for crime, public safety, and increased demand on local law enforcement resources.

4. Lack of Demonstrated Need

There is no clear public necessity for an additional convenience store or gas station at this location. An existing convenience store with fuel services is located approximately 0.7 miles away at the intersection of Pass Road and Popp's Ferry Road. The proximity of this existing business adequately serves the needs of the area. Approval of another similar use in such close proximity would lead to unnecessary duplication, potential over-saturation, and avoidable negative externalities without corresponding public benefit.

5. Failure to Meet Conditional Use Standards

Based on the concerns outlined above, the proposed development fails to meet fundamental conditional use criteria typically required under zoning regulations, including:

- Compatibility with surrounding land uses
- Protection of public health, safety, and welfare
- Avoidance of undue traffic congestion and hazards
- Preservation of neighborhood character

Conclusion

For these reasons, we respectfully urge the Planning Commission to deny the conditional use application for this project. The risks to public safety, traffic conditions, and neighborhood stability are substantial and clearly outweigh any limited convenience the development might offer.

Thank you for your time and careful consideration of this matter.

Sincerely,

Anatole Bay Homeowners' Association Board of Directors

495 Popps Ferry Rd

Biloxi, MS 39531

Carolyn Suarez, President

Dinah Jordan, Secretary/Treasurer

Sherry Roberts

Barbara Broome

Jason Campbell

To: Biloxi Planning Commission, c/o Felicia Serpas, Senior Planner
Re: Conditional Use Application – Convenience Store with Gas Sales
Location: 416 Popp's Ferry Road, Biloxi, Mississippi 39531
Case No.: 26-022-PC
Hearing Date: April 2, 2026

Dear Ms. Serpas,

The proposed convenience store with fuel service is not appropriate at this location due to its direct, foreseeable, and adverse impact on traffic operations, public safety, and overall corridor functionality. While fuel service within the corridor is currently distributed in a manner that generally accommodates both directions of travel (i.e. Clark Oil at northeast corner of Popp's/Pass serving northbound traffic and Chevron at Pass/Beauvoir serving southbound traffic), the proposed development, when considered alongside the Popp's Ferry Road extension, will disrupt this balance and create an inefficient and uncoordinated service pattern moving forward.

The extension of Popp's Ferry Road to Highway 90 represents a fundamental shift in how traffic will move through this corridor. This is not a minor change; it redefines the primary north-south connection to the beach area. As a result, the existing fuel station at Beauvoir Road and Pass Road while technically serving southbound traffic today, will no longer function as an effective or logical service point for a significant portion of corridor users. This change will not eliminate demand; it will relocate and concentrate it. As a result, the proposed location along Popp's Ferry Road will capture not only northbound traffic, but also a substantial share of southbound traffic that no longer passes through the Beauvoir/Pass intersection. This creates a predictable and unavoidable convergence of traffic demand at a single signalized intersection that is already constrained and operating under existing congestion.

Fuel stations are not passive land uses. They generate a high volume of short, frequent trips with continuous ingress and egress throughout the day. Introducing this intensity of turning movements at an already overburdened signal will degrade its performance. In addition, the current intersection design relies on designated, limited-length turn lanes to manage vehicle stacking for movements onto Atkinson Road and into the adjacent neighborhood. These storage areas are already constrained. The introduction of additional turning movements associated with the proposed fuel station, particularly from southbound traffic, creates a high likelihood that vehicle queues will exceed available storage capacity. When this occurs, queued vehicles will extend beyond the designated turn lanes and spill back into the through lanes of Popp's Ferry Road. This condition would obstruct through traffic, reduce overall roadway efficiency, and create a cascading delay effect along the corridor. As delays increase, drivers will divert through surrounding residential neighborhoods to avoid congestion, creating additional traffic, safety concerns, and disruption within the neighborhood. Given that no physical improvements are feasible to expand these storage areas, this represents a predictable and unmitigated operational failure point. Southbound vehicles will be required to make left turns across opposing traffic to access the site, increasing conflict points, delay, and the likelihood of queue stacking into through lanes. These conditions are widely recognized as contributing factors to both operational inefficiency and elevated crash risk. Importantly, this impact cannot be mitigated through typical means. There is no feasible opportunity for roadway widening, additional turn lanes, or other physical improvements that would offset the added demand. As such, the burden is not whether the intersection can be adjusted to accommodate the use, but whether the use itself is appropriate given known constraints. In this case, it is not.

Furthermore, the placement of both the existing and proposed fuel stations does not create a coordinated or intuitive service pattern along the corridor. Instead, it produces a disjointed system that encourages inefficient and conflicting turning movements, particularly as traffic patterns shift following completion of the extension. Rather than supporting a balanced distribution of access, the proposal concentrates activity at a single, constrained node, amplifying congestion instead of alleviating it.

Because this is a conditional use, approval is not automatic and should not be granted unless it can be clearly demonstrated that the proposed development will not adversely affect surrounding infrastructure or public safety. That standard has not been met. In fact, the opposite is evident: the proposal introduces additional turning conflicts, concentrates traffic demand at a known bottleneck, and exacerbates conditions that cannot be physically improved.

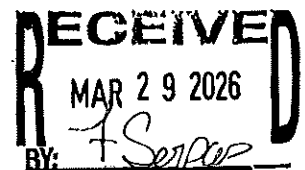
Approving this request would also set a concerning precedent, signaling that high-intensity, traffic-generating uses may be placed at constrained intersections despite clear limitations and foreseeable negative impacts. Conditional use standards exist specifically to prevent this type of outcome. This is not simply a matter of preference or proximity, it is a matter of system performance, safety, and responsible planning. The anticipated impacts are not speculative; they are the logical and predictable result of introducing a high-turnover use at a location that cannot support it. For these reasons, the proposed development fails to meet the criteria for conditional use approval and should be denied.

Thank you for your consideration,



Kristen L. Manners

Biloxi Resident and Director of Valuation for a National Commercial Real Estate Appraisal Firm



opposition

To: Community Development Department
Planning Division (c/o Felicia Serpas, Senior Planner)
676 Dr. Martin Luther King Jr. Blvd.
Biloxi, MS 39530

Date: March 28, 2026

Subject: Opposition to Proposed Convenience Store and Gas Station Near Residential Neighborhood

Dear Members of the Planning Commission,

As residents of the La Bonne Terre Subdivision, we are writing to express our opposition to the proposed development of a convenience store and gas station in close proximity to our residential neighborhood. While we understand the importance of economic development and access to services, this particular project raises several significant concerns that we believe warrant careful reconsideration.

First, the introduction of a gas station and convenience store at the proposed location will increase traffic congestion in an area already experiencing growth. Traffic volume is expected to rise further with the opening of the road connecting directly to the Coast. Increased vehicle flow, delivery truck traffic, and frequent customer turnover will pose safety risks for nearby residents.

Second, the proposed development will negatively impact the character and quality of life within our neighborhood. Residents have chosen this area for its quiet, residential nature. A convenience store operating extended hours, potentially late into the night, will introduce noise, light pollution, and increased activity that is inconsistent with the surrounding environment.

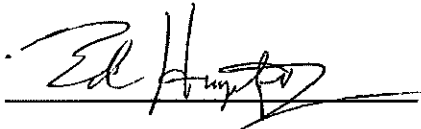
Additionally, there are environmental and public health considerations that should not be overlooked. Gas stations carry inherent risks, including fuel spills, underground tank leaks, and increased air pollution from vehicle emissions. These factors could have long-term consequences for both the environment and the well-being of nearby residents.

Property values are also a concern. The placement of a commercial fuel station adjacent to residential homes may deter potential buyers and reduce the desirability of the area, ultimately affecting homeowners' investments.

Finally, there is the question of necessity. Similar services are already readily available, and the need for an additional convenience store and gas station in such close proximity to homes should be carefully evaluated. Development should align not only with economic goals but also with the best interests of the community it impacts.

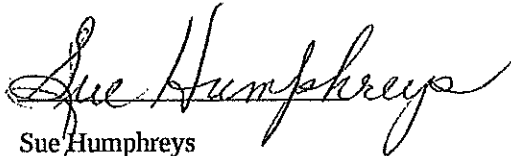
For these reasons, we respectfully urge the Planning Commission to deny approval of this project, or at a minimum, to explore alternative locations away from our neighborhood that are better suited for this type of development and less disruptive to established residential areas.

Thank you for your time and consideration of community input on this important matter.

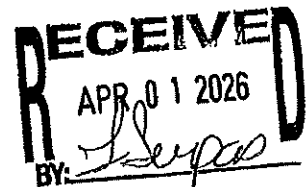


Ed Humphreys

440 Carmargue Lane, Biloxi. MS 39531



Sue Humphreys



Opposition via Mail

March 28, 2026

Community Development Department
Planning Division (Attn: Felicia Serpas, Senior Planner)
676 Dr. Martin Luther King Jr. Blvd.
Biloxi, MS 39530

Re: Objection to Proposed Convenience Store and Gas Station Development

Dear Planning Commission Members,

I am writing on behalf of residents of the La Bonne Terre Subdivision to formally oppose the proposed construction of a convenience store and gas station near our neighborhood. While we recognize the value of economic growth, this project presents concerns that we believe outweigh its potential benefits in this location.

The most immediate issue is increased traffic. The proposed site is already experiencing rising congestion, and future roadway connections to the Coast are expected to intensify this trend. Adding a high-turnover business such as a gas station would significantly increase vehicle flow, including large delivery trucks, creating heightened safety risks for residents, pedestrians, and families in the area.

Equally important is the impact on neighborhood character. La Bonne Terre is a residential community valued for its quiet environment and quality of life. A commercial operation with extended or late-night hours would introduce noise, lighting, and activity inconsistent with the existing surroundings, diminishing the peaceful nature residents expect and rely upon.

There are also environmental and health considerations associated with fuel stations. Risks such as underground tank leaks, fuel spills, and increased emissions could have lasting effects on both the local environment and the well-being of nearby residents. These concerns are particularly significant given the close proximity to homes.

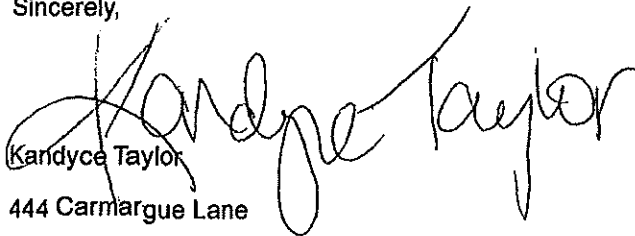
In addition, property values can be adversely affected. The presence of a gas station adjacent to residential properties can reduce market appeal and deter prospective buyers, ultimately impacting homeowners' investments and financial stability.

Finally, the necessity of this development is unclear. Similar services are already available within a reasonable distance, and the addition of another convenience store and gas station does not appear to meet a critical unmet need. Development decisions should carefully balance economic interests with the long-term welfare of the surrounding community.

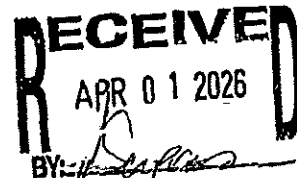
For these reasons, we respectfully request that the Planning Commission deny approval of this proposal or consider relocating it to a more appropriate commercial area where it will have less impact on residential neighborhoods.

Thank you for your time and thoughtful consideration.

Sincerely,


Kandyce Taylor
444 Carmarogue Lane

Biloxi, MS 39531



Opposition / Via mail

To: Biloxi Planning Commission
c/o Felicia Serpas, Senior Planner
Re: Conditional Use Application – Convenience Store with Gas Sales
Location: 416 Popp's Ferry Road, Biloxi, Mississippi 39531
Case No.: 26-022-PC
Hearing Date: April 2, 2026

Dear Ms. Serpas:

I am writing as a resident and teacher at Popp's Ferry Elementary School to express my concerns regarding the proposed convenience store with gas pumps at the intersection of Popp's Ferry Road and Atkinson Road.

One of my primary concerns is the impact this development could have on safety for children in the area. The nearby neighborhood of Popp's Ferry Place is made up of families whose children regularly walk to and from Popp's Ferry Elementary School. In addition, children in surrounding neighborhoods, including my own located just west of the proposed site (La Bonne Terre), are often outside walking, biking, and playing. These are quiet residential streets that were never intended to handle increased traffic volumes.

If congestion worsens at the intersection, as expected with the addition of a gas station, drivers will begin looking for ways around the delays. This will result in more vehicles cutting through nearby neighborhoods, including Popp's Ferry Place and our own. Increased cut-through traffic in these areas raises real safety concerns for children who are walking to school, riding bikes, or simply playing outside.

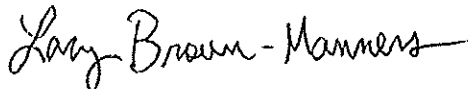
In addition to these neighborhood impacts, the intersection itself is already difficult to navigate, particularly during peak traffic times. There are designated turn lanes for vehicles turning onto Atkinson Road and into the adjacent neighborhood, but these lanes are limited in length. It does not take much for traffic to extend beyond those areas. With the added turning movements from a gas station, there is a strong likelihood that traffic will spill back onto Popp's Ferry Road, blocking through traffic and creating significant delays.

With the extension of Popp's Ferry Road to Highway 90 nearing completion, traffic patterns in this area are expected to change significantly. Placing a high-traffic use like a gas station at this already constrained intersection will only add to those challenges rather than improve them.

This is not simply about adding another business, it is about how that business will affect the safety and daily lives of the people who live here. From a resident's perspective, this location is not appropriate for a use that will increase traffic, congestion, and safety risks in an area where children and families are present every day.

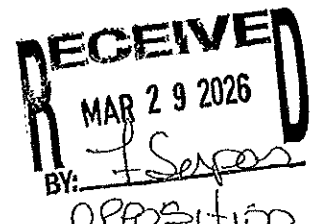
For these reasons, I respectfully ask that the Planning Commission deny this request.

Thank you for your time and consideration,



Lacy Brown-Manners

Biloxi Resident and Education Professional, Popp's Ferry Elementary School



Community Development Director
Jerry Creel



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To: Biloxi Planning Commission

From: Jerry Creel, Development Review Committee Chair

Date: March 27, 2026

Re: Ulhas Sawant (Owner)
Robert Heinrich with Heinrich & Associates, LLC (applicant)
Convenience store with gas
Parcel: 1110A-01-051.001
DRC Case No. 2026-012

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

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
 APRIL 2ND, 2026
 COMMUNITY DEVELOPMENT,
 DR. MARTIN LUTHER KING JR. MUNICIPAL BUILDING,
 676 DR. MARTIN LUTHER KING JR. BOULEVARD,
 BILOXI, MISSISSIPPI,
 BEGINNING AT 2:00 P.M.

PLANNING COMMISSION MEMBERS PRESENT:

Charlie Dellenger, Chairman
 Ronnie Bogard
 Kyle Carron
 Robert Collier
 Steve Delahousey
 Dr. Larry Drawdy
 Joe King
 Debora Magee
 Jimmy Poulos
 John Snow
 David Stanovich
 Michael Todaro

ALSO PRESENT:

Jerry Creel, Director of Community Development
 Felicia Serpas, Senior Planner
 Caryle Lena, Planner I
 Wayne Gray, Councilman Ward 1
 Mike Nail, Councilman Ward 3
 Jamie Creel, Councilman Ward 4
 Dr. Paul Tisdale, Councilman Ward 5
 David Shoemaker, Councilman Ward 7

REPORTED BY:

Melissa Burdine-Rodolfich
 Simpson Burdine & Miguez

3

CHAIRMAN DELLENGER:
 We're going to call the Planning
 Commission meeting to order.
 We'll record the members present:
 Mr. Todaro, Ms. Magee, Mr. Stanovich, Mr. Bogard,
 Mr. Collier, Mr. Delahousey, Dr. Drawdy,
 Mr. Carron, Mr. King, Mr. Snow, Mr. Poulos; and
 myself, Mr. Dellenger.
 We also have Councilman Nail, Councilman
 Tisdale, Councilman Creel and Councilman Shoemaker
 in the audience, as well as Felicia Serpas, Senior
 Planner; Jerry Creel, Director of Community
 Development; Caryle Lena, Planner; and Melissa
 Rodolfich, our court reporter. Theresa Shelton is
 here from Keesler as well.
 MS. LENA:
 She's right here.
 CHAIRMAN DELLENGER:
 Mr. Delahousey, would you lead us in a
 moment of prayer, please?
 (Moment of prayer.)
 CHAIRMAN DELLENGER:
 Please stand for the Pledge.
 Mr. Poulos, if you'd lead us in the
 Pledge.

2

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

CONTINUED PUBLIC HEARING(S) :	PAGE:
26-015-FC	5
NEW PUBLIC HEARING(S) :	
26-018-FC	11
26-019-FC	20
26-020-FC	20
26-021-FC	20
26-022-FC	32
TREE HEARING(S) :	
TR-26-001	106

4

(Pledge of Allegiance.)
 CHAIRMAN DELLENGER:
 I would like to welcome everybody here
 to the Planning Commission meeting. It looks like
 we have a full house, so, you know, if we can,
 please turn the cell phones off, put them on
 silent. And when you come to the podium, you will
 have four minutes to speak. And please state your
 name and address for the record when you come up
 to the podium and sign in to the podium when you
 come up.
 Has everyone had a chance to review the
 Planning Commission minutes from the last meeting?
 MR. DELAHOUSEY:
 Motion to approve.
 MR. BOGARD:
 Second.
 CHAIRMAN DELLENGER:
 Motion by Mr. Delahousey to approve;
 second by Mr. Bogard.
 All those in favor, please state by
 saying "aye."
 (Unanimous vote.)
 CHAIRMAN DELLENGER:
 Motion carries.

1 CHAIRMAN DELLENGER:
 2 It's all on record.
 3 Any discussion?
 4 There being no discussion, please vote
 5 by raising your hand.
 6 Mr. Tedaro, Ms. Hagee, Mr. Stanovich,
 7 Mr. Bogard, Mr. Collins, Mr. Lelahousey,
 8 Dr. Drawdy, Mr. Carron, Mr. King, Mr. Snow,
 9 Mr. Parker; and myself, Mr. Dellenger. That
 10 motion carries unanimously.
 11 That is going to be for all three cases.
 12 That's going to be for Case Number 26-019-PC, Case
 13 Number 26-020-PC and Case Number 26-021-PC.
 14 The next case on the agenda is Case
 15 Number 26-022-PC, Ulhas Sawant, owner, and Bobby
 16 Heinrich, applicant, a request for a conditional
 17 use approval to authorize construction of a
 18 6,700-square-foot plaza including a convenience
 19 store with gas sales with two additional tenant
 20 spaces upon a parcel of land measuring
 21 approximately 1.31 acres, more or less, presently
 22 situated within an IB, Limited Business, zone and
 23 identified as 416 Popp's Ferry Road. Tax Parcel
 24 1110A-01-051.001. And this case was advertised on
 25 March 20th and March 27th.

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1 use from you guys to let us move forward.
 2 So I have -- I was able to read some of
 3 the stuff over here, some of the comments that
 4 you've had on this project and I would like to
 5 hold that back and listen and I would like to
 6 address those afterwards, if that's okay.
 7 But I've got a -- I'm sure y'all have
 8 seen the site plan, but we've met. We've got
 9 these driveways away from the intersection as far
 10 as we can to make it possible for a truck to come
 11 in from the north to come in early hours of the
 12 day. They do this. This is not during the day.
 13 This is -- no traffic is going to be held up by a
 14 gas truck to put in fuel.
 15 We were asked to put this drive out here
 16 onto Bertucci Drive so the truck could go out this
 17 way and come back around and have a smooth way of
 18 coming in and out the property when they do their
 19 delivery.
 20 The building is back here in the corner.
 21 We have two lease spaces that we would like to
 22 provide for this. There is ample amount of
 23 parking.
 24 We -- all these dark trees right there,
 25 these are all live oak trees, and I've already --

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1 Can we see the video, please?
 2 MS. SERPES:
 3 (Video played.)
 4 Okay.
 5 CHAIRMAN DELLENGER:
 6 Thank you.
 7 Is Mr. Heinrich here?
 8 MR. HEINRICH:
 9 Yes.
 10 CHAIRMAN DELLENGER:
 11 Mr. Heinrich, if you could, please tell
 12 us what your plans are.
 13 MR. HEINRICH:
 14 Okay. Thank y'all for being here today.
 15 My name is Bobby Heinrich at 1806 23rd
 16 Avenue in Gulfport.
 17 I'm here to represent Mr. Sawant on this
 18 project here. So we've gone through DRC. We
 19 received comments. We went through LRC twice and
 20 received comments. We've updated the plan to meet
 21 all of the guidelines. We're not asking for
 22 variances. We're not asking for tree cutting.
 23 We're not asking for anything. Everything meets
 24 the ordinance. This property is already zoned
 25 correctly for this project. It needs conditional

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1 me and the tree ladies have already gotten along
 2 with that and we're going to leave those trees
 3 alone.
 4 There's some water oaks up in this area
 5 right there. A lot of them are rotten. And if
 6 you know anything about a water oak, they die from
 7 the inside out, so a lot of -- all of those will
 8 be gone. I mean, some of them don't even have, I
 9 mean, they're just stumps.
 10 But anyway, all of this will meet
 11 everything that the City of Biloxi requires for
 12 detention. We have utilities there. We're
 13 putting our grease trap and our dumpster back here
 14 in the corner so it's easy access back here to
 15 take care of that.
 16 I was asked to do a rendering. This is
 17 just a real quick rendering. This may not be the
 18 final product on the outside, but it will be
 19 either a stone or a brick feature. This is not a
 20 Buc-ees. And this is not -- you know, a big, huge
 21 convenience -- you know, it's a convenience store
 22 with gas. That's what this is.
 23 It's not -- I understand there is some
 24 concerns about, you know, more traffic and all
 25 that. This is a convenience for people going home

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1 and leaving and going to work or whatever, so it's
2 going to be for that area. People are not going
3 to drive from somewhere else, you know, another
4 city to come to this convenience store. I mean,
5 it's for the community.

6 So, again, I would like to either answer
7 any of your questions that you might have for me
8 or I want to listen to the comments and then I can
9 address those afterwards.

10 CHAIRMAN DELLEGER:

11 How many pumps will you have there?

12 MR. HEINRICH:

13 So on the drawing here, I've got --
14 there is six units, but you've got a pump on each
15 side, so it will be a total of 12 on -- in the
16 front under our canopy.

17 CHAIRMAN DELLEGER:

18 How big of a canopy does that require?

19 MR. HEINRICH:

20 I've got them drawn right here. I don't
21 have a dimension.

22 CHAIRMAN DELLEGER:

23 Okay,

24 MR. HEINRICH:

25 But it meets the gas company's

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1 property, we have one entrance right here.

2 There's a live oak tree there and there's two
3 right here, so our entrance will come in here.

4 The truck will come in here.

5 Our pumps or tanks will be down in this
6 area, and then we've got an entrance going out.
7 That's mainly for the truck to make circulation
8 and be able to maneuver in there. And so they'll
9 come out on Bertucci.

10 And then we have the other, you know,
11 for residents to come in, and there is another
12 drive right here. Now, you know, I could get rid
13 of that drive if need be. We'll just use the
14 other drive for both -- you know, for residents
15 and -- or customers and the trucks.

16 DR. DRAWDY:

17 Could you move to the other side and
18 show us because we couldn't see it?

19 MR. HEINRICH:

20 I'm sorry. I'm sorry. So right here,
21 about where that pin is right there is the
22 entrance. The trucks will be coming in here.
23 I've got an entrance here -- it's way back from
24 this intersection -- for cars. No trucks. No
25 trucks will be entering. No service trucks or

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1 requirements for those cars to flow in there. If
2 you look real close, it -- this is 25 feet off the
3 sidewalk here, so you've got traffic going both
4 ways here. This is really wide right in here.
5 I've got that dimension. That's about 35 feet
6 from the edge of the canopy to this island right
7 here.

8 But the canopy will be drawn and
9 designed to where it will meet -- that comes from
10 the gas company.

11 Like I said, if y'all have any questions
12 about this, I will be happy to answer them.

13 MR. DEIAHOUSEY:

14 Felicia, would you pull up Google Earth?

15 So where -- did you say there are going
16 to be three entrances in there?

17 MR. HEINRICH:

18 Yes, sir. We have one coming from the
19 north. This is north coming down.

20 MR. DEIAHOUSEY:

21 Can you point them out on that? Just
22 don't touch the screen.

23 MR. HEINRICH:

24 Yep. Don't touch the screen. Okay.
25 So this being the north end of the

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1 anything like that or delivery trucks will be
2 using that driveway. They will be using this one
3 and entering out on this one. And there is a
4 couple of live oak trees right in there that we're
5 going to protect.

6 MR. CARRON:

7 Will southbound traffic be able to come
8 in on that entrance that's flagged right there?

9 MR. HEINRICH:

10 On what? I'm sorry.

11 Okay. So you're going south here. So
12 they'll be able to go here. They can either turn
13 here and go in and they can go up here and go in.
14 There is actually a turning bay, a turning lane on
15 that side.

16 MR. CARRON:

17 But right now, that's divided, though.
18 You've got pylons out there.

19 CHAIRMAN DELLEGER:

20 Yes. You can't turn left there. Going
21 south.

22 MR. HEINRICH:

23 I don't think it goes down that far.

24 CHAIRMAN DELLEGER:

25 It goes all the way to the light.

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1 MR. HEINRICH:
 2 But I'm talking back to here where that
 3 driveway is.
 4 CHAIRMAN DELLENGER:
 5 Right. There is pylons in the -- in
 6 Popp's Ferry Road that go all the way down.
 7 MR. COLLIER:
 8 I think they end at the entrance to --
 9 UNIDENTIFIED SPEAKER:
 10 Into La Bonne Terre.
 11 MR. COLLIER:
 12 -- La Bonne Terre, I think. Is that --
 13 CHAIRMAN DELLENGER:
 14 Correct, but I don't think you can turn
 15 left.
 16 MR. HEINRICH:
 17 See this turning lane?
 18 CHAIRMAN DELLENGER:
 19 That's going north.
 20 MR. HEINRICH:
 21 Right. But when you say you can't turn,
 22 you're talking about this turning bay right here?
 23 UNIDENTIFIED SPEAKER:
 24 Where are the pylons, though, because
 25 they're there?

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1 CHAIRMAN DELLENGER:
 2 But I believe those pylons go all the
 3 way to the light.
 4 UNIDENTIFIED SPEAKER:
 5 That's an old picture.
 6 MR. HEINRICH:
 7 So our entrance is between these trees
 8 right here.
 9 CHAIRMAN DELLENGER:
 10 Okay.
 11 MR. DELAHOUSEY:
 12 Mr. Heinrich, I have concerns for
 13 traffic that's going south coming from across the
 14 bridge. If they want to turn into there, they are
 15 not going to go to the intersection of Atkinson
 16 Road. They are going to stop before that and try
 17 to turn in.
 18 And we have similar situations. One
 19 that comes to mind is at Popp's Ferry (sic) and
 20 Big Lake Road where the Taco Sombrero is. I live
 21 in the subdivision behind there, and they have the
 22 same problem when people turn in or wanting to
 23 turn to go into Taco Sombrero and I want to turn
 24 to go down Big Lake Road and have to wait,
 25 sometimes a long time to get to the intersection.

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1 UNIDENTIFIED SPEAKER:
 2 Yeah. The pylons aren't there.
 3 UNIDENTIFIED SPEAKER:
 4 Why are they removed?
 5 MR. HEINRICH:
 6 I don't know.
 7 MR. DELAHOUSEY:
 8 These Google Earth pictures are old.
 9 They're several years old.
 10 MR. HEINRICH:
 11 I had it surveyed.
 12 CHAIRMAN DELLENGER:
 13 There are pylons that go all the way --
 14 I believe they go all the way down to the light,
 15 if I'm correct.
 16 MS. SERPAS:
 17 There's too many people talking at once.
 18 THE COURT REPORTER:
 19 There's too many people talking.
 20 MS. LENA:
 21 You cannot talk over each other. You've
 22 got to wait till you get to the podium, please.
 23 MR. HEINRICH:
 24 See how you have your turning areas
 25 here?

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1 It seems like we're going to be creating
 2 that same traffic quagmire here because, you know,
 3 it's -- they're not going to turn at the
 4 intersection. They're going to want to turn
 5 before they get to the intersection.
 6 And everybody knows that Atkinson Road
 7 right now is a de facto shortcut for Popp's Ferry
 8 Road and all the traffic that goes there, so you
 9 have a lot of congestion, especially in the
 10 mornings and the afternoon when you go by there.
 11 That is a heavily congested area, and for people
 12 to stop before they get to the intersection and
 13 those that are wanting to turn, it's going to
 14 block those that are wanting to turn onto
 15 Atkinson. So it seems to me like it's going to
 16 cause a hardship on a lot of people that live in
 17 that area.
 18 MR. HEINRICH:
 19 I'm not going to deny that there's a lot
 20 of traffic going down through there, but that's
 21 why there's the --
 22 MR. CREEL:
 23 Let me explain to the audience. We're
 24 not trying to be rude about this. We have a court
 25 reporter here that's trying to record everything

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1 that's said and if more than one person is talking
 2 at a time, she has trouble picking that up. So
 3 please -- everybody will get a chance to speak.
 4 We just want to make sure that she gets
 5 everything. Thank you.
 6 MR. HEINRICH:
 7 Bobby Heinrich, 1806 23rd Avenue.
 8 I agree. There's plenty of traffic.
 9 That's why we want to put a convenience store
 10 there, but these are turning lanes. And they're
 11 there for a reason and we discussed this, you
 12 know, about traffic and all that. That's why we
 13 moved the driveway and had one going out the other
 14 way to the east, so that there won't be any
 15 blockage or anything like that. So there is a
 16 backed up turning lane there.
 17 MR. DELAHOUSEY:
 18 There is a turning lane.
 19 MR. CARRON:
 20 That's one of my concerns there because
 21 you actually have a turning lane there now on the
 22 west side of the road that goes to the optical
 23 place, so they're actually going to be trying to
 24 cross two lanes of traffic to get into your
 25 facility.

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1 MR. COLLIER:
 2 All right. I see your entrance -- what
 3 I'm not seeing is where is the entrance for the
 4 development over here?
 5 MR. HEINRICH:
 6 That's what's way up here. That's
 7 somewhere up here.
 8 MR. COLLIER:
 9 Where? I mean, no, it's not. I can
 10 guarantee you. I cross it every day. So you're
 11 coming out there and it's already difficult for
 12 them to come out. If you look and see -- okay.
 13 MR. HEINRICH:
 14 See La Bonne Terre Drive?
 15 MR. COLLIER:
 16 Yeah, it's right there.
 17 MR. HEINRICH:
 18 Okay.
 19 MR. COLLIER:
 20 All right. Right here is where -- look
 21 at this where the turn goes in. Okay? Back here
 22 is the optical place.
 23 MR. HEINRICH:
 24 Right here is the entrance onto our
 25 property.

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1 MR. DELAHOUSEY:
 2 There is a turning lane, but in my
 3 opinion, the turning lane is there to allow people
 4 to turn onto Atkinson Road, not before Atkinson
 5 Road.
 6 MR. CARRON:
 7 I agree with you, Steve, but what I'm
 8 talking about on the west side of the road, there
 9 is another turning lane like if you come off of
 10 Atkinson Road that parallels Popp's Ferry Road so
 11 you can go to the optical place.
 12 So if somebody is southbound and wants
 13 to turn in and off of Popp's Ferry Road, they're
 14 going to have to cross two lanes of traffic to get
 15 in there.
 16 MR. HEINRICH:
 17 So that's our north end. Okay? So
 18 people are going to come in. If you're going to
 19 stop, you're going to stop here. These folks are
 20 going to go and they can get in this lane right
 21 here and turn and go to Atkinson. This is a
 22 turning lane.
 23 So that's -- I'm not trying to argue.
 24 I'm just saying that's -- there's provisions for
 25 that.

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1 MR. DELAHOUSEY:
 2 Bobby, can you point it out on that map
 3 so that we can all see what you're talking about?
 4 Show us where the entrance to La Bonne Terre is.
 5 MR. HEINRICH:
 6 Zoom out a little bit more, please.
 7 Here's La Bonne Terre right here. We're
 8 up here where that pin is right there.
 9 MR. COLLIER:
 10 So where is your -- all right. What
 11 we're looking at now, where is your entrance going
 12 into your business right now?
 13 MR. HEINRICH:
 14 Right here where this pin is. It's not
 15 down here.
 16 MR. COLLIER:
 17 All right. So if you do that -- just a
 18 question.
 19 MR. HEINRICH:
 20 Yeah, yeah.
 21 MR. COLLIER:
 22 Those pilings, those little yellow
 23 pilings which I seem to be able to run over,
 24 they're almost to the entrance of Le Bonne Terre,
 25 so how are they going to turn left if those

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1 pilings are there?
 2 MR. HEINRICH:
 3 Those are little -- I mean, I think we
 4 could work with the traffic department.
 5 MR. COLLIER:
 6 Well, that's where I'm at. What I'm
 7 getting at is, have you spoken with the traffic
 8 division, let's say, you know --
 9 MR. HEINRICH:
 10 Everybody was in there, yes, sir.
 11 MR. COLLIER:
 12 And nobody said anything?
 13 MR. CARRON:
 14 Apparently, we've got pylons on there
 15 now for southbound traffic to get onto Atkinson so
 16 there is a place for them to pull into and not
 17 back up traffic on Popp's Ferry.
 18 MR. HEINRICH:
 19 Right. And that's to help people know
 20 where they are when they're trying to turn left or
 21 right or whatever or go straight, but it's right
 22 at the edge of where we're talking to turn in
 23 right there, so there is room there to turn in.
 24 MR. DELAHOUSEY:
 25 Mr. Heinrich, where is the -- to the

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1 best of your knowledge, the nearest gas station,
 2 convenience store from that location?
 3 MR. HEINRICH:
 4 It's going to be at Popp's Ferry Road.
 5 MR. DELAHOUSEY:
 6 Popp's Ferry and Pass Road?
 7 MR. HEINRICH:
 8 Yes, sir, I believe so.
 9 MR. DELAHOUSEY:
 10 And we have a Chevron station at
 11 Beauvoir and Pass -- Chevron convenience store at
 12 Beauvoir and Pass, right?
 13 MR. HEINRICH:
 14 Yes, sir.
 15 MR. DELAHOUSEY:
 16 So do you really think there is a need
 17 for another gas station and convenience store?
 18 MR. HEINRICH:
 19 I mean, I'm not trying to be rude
 20 either, but that's the owner's preference to do
 21 that. He bought the property to put a convenience
 22 store there, and he has done his due diligence.
 23 He's done his marketing, and he feels like that's
 24 a great place for this project.
 25 MR. DELAHOUSEY:

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1 Even though, say, a half a mile there's
 2 other gas stations and convenience stores?
 3 Do you happen to know what type of gas
 4 station is going -- he's proposing to put there?
 5 MR. HEINRICH:
 6 He hasn't decided that yet, no, sir.
 7 We're going through conditional use.
 8 This -- a gas station with a convenience store is
 9 allowed in this zoning, but it has to be -- we
 10 have to go through conditional use.
 11 CHAIRMAN DELLENGER:
 12 Dr. Drawdy, you had a question.
 13 DR. DRAWDY:
 14 Here's my question and you haven't
 15 answered it yet.
 16 MR. HEINRICH:
 17 I'll try.
 18 DR. DRAWDY:
 19 I'm trying to understand. You're coming
 20 in off the bridge -- no. I don't need this. I
 21 know what I'm doing. You're coming in off the
 22 bridge and you're going to be turning left
 23 crossing two lanes of traffic.
 24 MR. HEINRICH:
 25 Yes, sir.

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1 DR. DRAWDY:
 2 What -- because people are going to be
 3 going north still. They never quit going north.
 4 If they're going to cross those lanes, what have
 5 you thought about with all those cars that want to
 6 turn in there, two or three maybe, backing up all
 7 that traffic again that's going north? What's
 8 going to happen there?
 9 To me, it looks like what you've done is
 10 you've taken an existing problem right there and
 11 now you've piled on top of it with another
 12 existing problem by bringing this gas station in.
 13 I'm not opposed to development. I
 14 believe in it. But the thing is, how can you
 15 eliminate the first problem when you're going to
 16 pile on a second problem?
 17 MR. HEINRICH:
 18 Well, I mean, what if I did this -- I
 19 mean, that was my -- I'm not a gas truck driver or
 20 nothing like that, but what if you went to the
 21 intersection, went ahead and stopped at the light
 22 and took a left, came in back around the other way
 23 and then exit to go north? You could do that.
 24 DR. DRAWDY:
 25 It's still going to cause additional

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1 problems because people are going in and out of
 2 the gas station all the time like this and then
 3 that's going to slow traffic down. And if anybody
 4 that lives in that particular area -- you don't
 5 have to live there. You can just drive in there.
 6 You can see it any time from about 3:00 till about
 7 7:00 or 8:00 at night. There is traffic backed up
 8 sometimes almost to Pass Road.
 9 MR. HEINRICH:
 10 Would it be any different if there is
 11 any other business there? There's going to be
 12 traffic.
 13 DR. DRAWDY:
 14 Yes.
 15 MR. HEINRICH:
 16 So you can't say nothing can go there
 17 because of traffic. I mean, that's the whole
 18 point of that intersection.
 19 DR. DRAWDY:
 20 But there could be a lot of businesses
 21 put in there that do not require that much traffic
 22 moving in there all the time.
 23 MR. HEINRICH:
 24 Well, that's an early --
 25 DR. DRAWDY:

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1 MR. HEINRICH:
 2 Show me that one.
 3 MR. CARRON:
 4 This is your diagram.
 5 MR. HEINRICH:
 6 That's our survey.
 7 MR. CARRON:
 8 Tree Number 226. When you look at it
 9 over here, it says it's a 43-inch tree.
 10 MR. HEINRICH:
 11 I haven't located the --
 12 THE COURT REPORTER:
 13 You haven't located what? I can't hear
 14 you.
 15 MS. SERPAS:
 16 We can't hear you.
 17 MR. HEINRICH:
 18 The tree we're talking about at the
 19 entrance up here is a 20-inch-diameter tree, not a
 20 42. It may be in diameter, but -- or
 21 circumference, but not diameter. It's a 20-inch
 22 diameter tree.
 23 MR. TODARO:
 24 It would probably be best if you went
 25 back to the microphone so she can pick you up.

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1 It's just my thought.
 2 MR. HEINRICH:
 3 I know.
 4 DR. DRAWDY:
 5 It's just my thought. I don't know much
 6 about anything.
 7 MR. HEINRICH:
 8 But we can tie in -- we can tell that
 9 person, who's ever making that delivery that could
 10 be early in the morning. There is not going to be
 11 that kind of traffic there.
 12 MR. CARRON:
 13 One additional question, Bobby.
 14 THE COURT REPORTER:
 15 Mr. Carron, microphone. There's too
 16 much talking in the audience.
 17 MR. CARRON:
 18 Okay.
 19 THE COURT REPORTER:
 20 Thank you.
 21 MR. CARRON:
 22 One additional question. You mentioned
 23 trees very shortly there. Number 226, I believe,
 24 is a 43-inch tree on the western side of the
 25 property near the road, a rather large tree.

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1 MR. HEINRICH:
 2 Okay. I will.
 3 MR. CARRON:
 4 All we can go by is what's on the
 5 surveyor's --
 6 MR. HEINRICH:
 7 Well, somebody handwrote that. I don't
 8 know who handwrote that.
 9 MR. CARRON:
 10 Well, I handwrote that, but if you look
 11 at the number that surveyor wrote on there, that
 12 is Tree Number 226. If you go over here and look
 13 at Tree Number 226, it is a 43-inch live oak tree.
 14 So my concern is, the root structure on
 15 those trees goes out to the canopy, so you would
 16 be disrupting roots on that. So you're going to
 17 have to put impervious pavers or something like
 18 that in there to protect that tree.
 19 MR. HEINRICH:
 20 So we're here for a conditional use
 21 approval. Okay? We will follow all -- I
 22 assured -- I don't recall the tree lady's name,
 23 but we will follow those rules and guidelines.
 24 That tree, it's -- I can take out two or
 25 three parking spaces to save tree roots if I

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1 needed to right there. This is a conditional use
2 and we still have to go back through planning --
3 or the planning department to get all that
4 straight.

5 MR. CARRON:

6 I understand it has to go back to the
7 DRC, and I have always -- I really don't agree
8 with us ignoring the trees in these type of
9 meetings. If you show it to me now, I know it way
10 up front what's going to happen.

11 So I'm -- there is several more trees
12 that are impacted in here, so I'm just saying
13 that's a lot of impact on the trees there. And I
14 know y'all are trying to save some of them.

15 MR. HEINRICH:

16 Yes, sir.

17 MR. DELAHOUSEY:

18 Mr. Chairman, I have a question for
19 Mr. Creel.

20 CHAIRMAN DELLENGER:

21 Yes.

22 MR. DELAHOUSEY:

23 Jerry, are you aware of any time in the
24 near future about there being a long-term closure
25 of Popp's Ferry Bridge for a period of maybe like

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1 My name Paul Delcambre, Jr. I live at
2 418 Babineaux Place, Biloxi.

3 And if you look at one of those
4 renderings, you'll see that's a -- my back steps
5 are about 250 feet from his gas pumps.

6 Like you said, I won't go over a lot of
7 the same things that a number of the members of
8 the Commission have asked.

9 One thing I noticed in the materials you
10 handed out, it says part of what -- the
11 responsibility and what you have to find in order
12 to have -- grant a conditional use. And two of
13 the ones that caught my attention were that it's
14 compatible with the neighborhood, and that sits on
15 a corner with -- to the west is a residential
16 area. To the southwest, another residential area.
17 To the south, another residential area and nothing
18 commercial, except two medical clinics, which are
19 tucked away in the trees in a quiet -- actually
20 very, you know, quiet -- no one knows they're back
21 there, so I don't see how they can say that's
22 compatible with that neighborhood.

23 The second thing is that it maintains a
24 safe traffic flow. A lot of the questions dealt
25 with that.

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1 a three-month closure of Popp's Ferry Bridge?

2 MR. CREEL:

3 I'm not aware of it no, sir.

4 CHAIRMAN DELLENGER:

5 Are there any other questions for
6 Mr. Heinrich? Are there any other questions?

7 If not, thank you, Mr. Heinrich.

8 MR. HEINRICH:

9 Thank you.

10 CHAIRMAN DELLENGER:

11 Is there anyone in the audience to speak
12 in favor of the applicant's request? Anyone to
13 speak in favor?

14 (No response.)

15 CHAIRMAN DELLENGER:

16 All right. Is there anyone to speak in
17 opposition?

18 Please come up one at a time and, again,
19 state your name and address for the record.
20 You'll have four minutes to speak and please try
21 not to repeat everything the other person in front
22 of you said so that we don't have to hear the same
23 thing over and over and over.

24 MR. DELCAMBRE:

25 I will, Mr. Dellenger.

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1 But something that no one mentioned and
2 the person that was presenting this said that they
3 can drop the gas at any time of the day, early,
4 late or whatever. Not far from there, as the crow
5 flies is the Biloxi Schools' bus barn and all the
6 buses for the City of Biloxi School District come
7 down Popp's Ferry Road and come down Atkinson Road
8 to go over the Popp's Ferry Bridge to pick up
9 students and bring them twice a day in the
10 mornings, early in the mornings and in the
11 afternoons, and that creates -- I mean, when there
12 is a line of buses, that creates traffic and
13 that's not going to be very compatible with a
14 truck at 6:00 in the morning dumping gas.

15 He said he never drove a tanker. I
16 never did either, but I drove a tractor-trailer
17 truck hauling seafood and I can tell you this:
18 Those tractors are about 44 feet -- 40 to 44 feet.
19 Then you've got -- the trailer is, and then you've
20 got the tractor on top of it, so he's going to
21 take up about -- somewhere between 55 and 60 feet
22 of space before he can turn into the gas station
23 to go make the drop.

24 And then he's got to go out the other
25 side, make the turn and end up on Atkinson Road to

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1 come out, and Atkinson is a very narrow two-lane
2 road that has probably been in need of widening
3 and work for years.

4 And so you're going to be bringing that,
5 so it's not just a matter of making a circle like
6 you would drive in a van. And so it's going to --
7 the traffic flow is really going to be disruptive.

8 He talks about the -- we talked about
9 the pylons that are there. Those go down pretty
10 close to the entrance to La Bonne Terre and I know
11 because that's the way I come in and make a hard
12 left to go to the end of the cul-de-sac where I --
13 you know, right behind where this is. And the --
14 at certain times of the day, I've sat there five
15 minutes waiting to get across, and so, you know,
16 it's going to be just that much worse now.

17 And the last thing is, when you say
18 compatible with the neighborhood, a number of you
19 in here remember there was a gas station just on
20 the east side of Beauvoir that had the -- a fatal
21 accident where there was a fire and explosion.
22 That was in a commercial zone. I don't want that
23 right behind my back door. I know it's rare, but
24 you've got gasoline in those underground storage
25 tanks and we've already had that happen once in

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1 never been developed.

2 So I understand what you're saying and
3 I'm being respectful, but let's take the gas
4 station out of it. If somebody wanted to build an
5 office space there, would you still be against it?
6 MR. DELCAMBRE:

7 It doesn't matter whether I'm against it
8 or for it. It's zoned for that.

9 MR. COLLIER:

10 No, no. Forget zoning. Your personal
11 feelings?

12 MR. DELCAMBRE:

13 My person feeling, if it was something
14 that was built and designed and laid out like the
15 eye clinic and whatever else is in there, no. It
16 looks -- they look like basically just large
17 residences, is what it is.

18 MR. COLLIER:

19 That was my question because I think the
20 situation we're looking at here is -- and I agree
21 with you. The traffic there is horrendous and
22 there have been many times we've almost had wrecks
23 trying to get people out of La Bonne Terre.

24 My situation is that I'm looking for
25 future development because we want to have

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1 the city.

2 MR. COLLIER:

3 May I ask a question, please?

4 CHAIRMAN DELLENGER:

5 Yes.

6 MR. COLLIER:

7 You know, I'm conflicted about this
8 because I've been here all my life, you know.
9 Even when I started driving in the early '70s, I
10 used to pass by that corner and never understood
11 why it wasn't developed because it's a beautiful
12 piece of property.

13 MR. DELCAMBRE:

14 It is.

15 MR. COLLIER:

16 And, of course, it isn't until you
17 look -- of course, I was living on the east end of
18 Biloxi, so the traffic flow wasn't a problem.
19 That was before the new Popp's Ferry Bridge. This
20 was the Old Causeway.

21 My question is: Would you be conflicted
22 if this was just an office building because we're
23 talking about danger of the gas station. Let's
24 say -- because that property has been -- it breaks
25 my heart that beautiful piece of property has

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1 development on that corner and what would be
2 acceptable, and I think this is for the whole
3 group to look and say, all right. We don't want a
4 gas station, but we don't want anything there.
5 Well, that's unfair to the -- I'm just trying to
6 get your feeling away from the gas station.

7 What -- in your personal opinion, would
8 an office space be good for you?

9 MR. DELCAMBRE:

10 Just what's there now, the same sort of
11 thing. And part of the reason is, if you will do
12 a traffic count on office buildings, office
13 complexes and a traffic count on a convenience
14 store, you will find that there is a big
15 difference in the number of vehicles coming and
16 going.

17 MR. COLLIER:

18 So you answered my question. Thank you
19 for that.

20 MR. DELCAMBRE:

21 Thank you. Anyone else have a question?

22 (No response.)

23 CHAIRMAN DELLENGER:

24 Thank you, Mr. Delcambre.

25 MR. DELCAMBRE:

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1 Thank you.
 2 CHAIRMAN DELLENGER:
 3 Anyone else to speak in opposition?
 4 MR. CRAFT:
 5 My name is Russell Craft. I reside at
 6 2413 Old Bay Road.
 7 I do feel like the character of this has
 8 not changed to justify the conditional use items
 9 requested by this owner. And I know the piece of
 10 property is already zoned for a limited business,
 11 and we welcome businesses that would comply with
 12 the existing zoning without these impractical
 13 conditional use items.
 14 And my property has been in our family
 15 64 years, and we've watched many, you know, good
 16 things and bad things happen on that corner. And
 17 what Robert was talking about happened in the late
 18 '80s. It was rezoned after Dorothy Brown, I
 19 think, sold it to Mr. Bertucci. But that
 20 particular corner was parcelled out to -- it was
 21 supposed to be a bank there. That was the initial
 22 plan. And I believe Bob Carroll was a councilman.
 23 I'm dating the story, but it never happened.
 24 Fast-forward and, you know, that's --
 25 what we -- you know, they're trying to put in

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1 and, you know, I hope that everybody champions our
 2 cause, especially the supporters of Popp's Ferry
 3 Bridge because it's kind of, you know, in the
 4 footprint of that. But that's all I have to say.
 5 CHAIRMAN DELLENGER:
 6 Thank you, Mr. Craft.
 7 Anyone else to speak in opposition?
 8 MS. JORDAN:
 9 Thank you very much. My name is Dinah
 10 Jordan. I reside at 495 Popp's Ferry Road. I'm
 11 here to represent the 60 homeowners at Anatole
 12 Bay.
 13 We are in strong opposition of this
 14 project. I trust that you received the letter
 15 that we sent to you. We're not opposed to
 16 development, of course, but we travel this road
 17 every single day.
 18 The bridge opens on the average of 10
 19 times a day. At that time, each time it opens,
 20 there's between a 10- and 20-minute delay of
 21 traffic, and, you know, I say you -- sometimes you
 22 have a death wish trying to get home or away from
 23 home during those times. We do not need any
 24 additional impact there.
 25 There is already a gas station. It's .7

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1 there is not acceptable, but if they would put
 2 something, you know, comparable to what they have,
 3 we would go along with it. But putting a
 4 development like this in the middle of four
 5 neighborhoods would not only destroy the character
 6 of the neighborhood, it would make a bad situation
 7 worse with vehicular traffic.
 8 You've got to realize there is a new
 9 upper elementary school going across the Bay.
 10 You've got subdivisions going across the Bay, and
 11 to the west of my house on Old Bay Road, you've
 12 got Keesler Credit Union's world headquarters.
 13 They haven't broken ground yet, but it's coming
 14 and it's making a bad situation worse with this
 15 traffic.
 16 So, you know, you're not only dealing
 17 with the traffic. You're dealing with -- you
 18 know, I'm in the oil business and you're dealing
 19 with -- those drivers, the gas trucks, they run
 20 all night. Whenever they have to make their
 21 delivery, they go do it, and the trash trucks,
 22 too. And I know you're going to have the trash
 23 trucks with the limited business that's there,
 24 but, you know, I can deal with it.
 25 But I go on record opposing this project

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1 miles from the current proposed, and I use that
 2 gas station all the time. And rarely when I pump
 3 gas am I not accosted by a -- you know, homeless
 4 people or vagrants.
 5 We already have a problem. We've had
 6 problems before underneath Popp's Ferry Bridge.
 7 We've kind of got that alleviated right now, but
 8 we all know that this type of business does
 9 attract more vagrants and that kind of thing. So
 10 we're concerned about our safety and our security.
 11 One thing that has not been mentioned
 12 here today was the future. We know that once
 13 Popp's Ferry goes all the way to 90, probably
 14 talks will resume about the building of a new
 15 bridge at some point.
 16 It's my understanding that on the
 17 website that -- for the future bridge that
 18 Atkinson Road is supposed to be used as an access
 19 road for Anatole Bay and La Bonne Terre and even
 20 access ramps were going to be used in that area,
 21 so I can't even imagine the environmental
 22 consequences of having a gas station there already
 23 so just that's something to think about as well.
 24 But we are really concerned about the
 25 safety of our community. We have a lot of

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1 walkers, too, that walk early in the morning, late
2 at night, that kind of thing. So we would ask you
3 just strongly -- we strongly recommend that you
4 deny this request. Thank you so much.

5 CHAIRMAN DELLENGER:

6 Thank you, Ms. Jordan.

7 MR. BERTUCCI:

8 My name is Erile Bertucci, and I'm here
9 on the behalf of Tri-County Eye Clinic and Popp's
10 Ferry Outpatient Surgery Center. I'm here with
11 Dr. Bertucci, who's the owner.

12 Many of things that have been said, I'm
13 going to try not to repeat. But after 20 years of
14 managing the eye clinic and the surgery center on
15 Popp's Ferry Road, the number of accidents that
16 happen at this intersection I believe make this
17 intersection one of the most dangerous in Biloxi.
18 Every two weeks, I mean, there were major
19 accidents at that intersection and that's why
20 those yellow poles, I believe, are there. And,
21 hopefully, they work because I haven't seen as
22 many as we've seen.

23 But what is of grave concern is -- and
24 also, I wanted you all to know that, you know, not
25 only is this a problem intersection. We're an eye

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1 believe that this type of a program with the fuel,
2 the hazard -- let's remove the hazard because I
3 think somebody mentioned what happens if you just
4 remove that? The convenience store, the amount of
5 traffic and the amount of turning in that one
6 spot -- and I have no idea why it's that bad
7 because I'm not a road engineer, but I can tell
8 you the amount of accidents, even with those poles
9 sitting out there and trying to cross those roads
10 because Atkinson Road and Popp's Ferry Road are so
11 heavily trafficked, Keesler, the parks, the
12 schools.

13 UNIDENTIFIED SPEAKER:

14 The VA.

15 MR. BERTUCCI:

16 Beg your pardon?

17 UNIDENTIFIED SPEAKER:

18 The VA.

19 MR. BERTUCCI:

20 What's that?

21 UNIDENTIFIED SPEAKER:

22 The VA.

23 MR. BERTUCCI:

24 The VA, the schools, the school buses,
25 the handicapped --

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1 clinic. The people that come to our place can't
2 see in the first place. We're doing the best we
3 can to improve their vision, but many of them
4 leave after they're dilated and they can't see.
5 I'm just going to warn everybody, you know.

6 So in addition to that, we do about
7 1,500 surgeries and we have ambulance and people
8 that are in a state that they need easy ingress
9 and egress. And this -- listen, we're all for
10 growth and production in the community, but I
11 don't believe that the proposed program fits the
12 limited business zoning. I believe it's more of a
13 commercial business, is what it looks like.

14 The biggest concern is that Popp's
15 Ferry -- many of us here know this, that Popp's
16 Ferry Road is one of the few north-south
17 evacuation corridors in this community.

18 And they have a gas station and those
19 trucks right there not only creates a problem for
20 our patients and the community, which is highly
21 trafficked -- I don't need to tell anybody in
22 here. If they live here, they already know.

23 Our concern is also the hours and that
24 this type of project -- although, we're all in
25 favor of community development, I just don't

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1 UNIDENTIFIED SPEAKER:

2 The problem is when you get stopped.

3 MR. BERTUCCI:

4 Well, listen, I think we've made it --
5 plenty people have said, you know, pretty much
6 what the problems are. We're concerned. We
7 certainly love to see development, but I don't
8 believe that either the convenience store or the
9 gas station -- and I can say this as it exits onto
10 those -- Bertucci Boulevard or onto Atkinson
11 Road -- are so small. There is no way you're
12 going to get a gas truck in there that I can see.

13 And we're just concerned. We would like
14 to see something else and we just stand in
15 opposition of what's being proposed at this point.

16 CHAIRMAN DELLENGER:

17 Thank you, Mr. Bertucci.

18 MR. BERTUCCI:

19 Thank you.

20 MS. MANNERS:

21 Hello. My name is Kristen Manners, and
22 I live at 2489 Castille Place in La Bonne Terre.

23 I am the director of valuation for a
24 national commercial real estate appraisal and
25 advisory firm, so I'm very well versed in

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1 development and types of advisory and consulting
2 for these exact types of projects.

3 And I strongly oppose this proposal due
4 to safety, traffic and planning concerns. Fuel
5 stations are not passive land uses.

6 The extension of Popp's Ferry Road to
7 Highway 90 represents a fundamental shift in how
8 traffic will move through this corridor. I don't
9 think a whole lot of people have touched on this
10 today.

11 This isn't a minor change. It redefines
12 the primary north-south connection to the beach
13 area. As a result, the existing gas station at
14 Beauvoir and Pass Road, which is, I believe, a
15 Chevron station, will technically -- you know,
16 that serves the southbound traffic today. All the
17 other gas stations serve northbound traffic or
18 westbound traffic along Pass Road.

19 That will no longer serve as a
20 functional or effective service point for a
21 significant portion of the corridor users. Change
22 won't eliminate the demand. It's only going to
23 relocate it and concentrate it. The same amount
24 of people are going to have to use gas stations.
25 As a result, the proposed gas station along Popp's

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1 because some of these kids are walkers. And if we
2 have got cars trying to skirt traffic going
3 through neighborhoods, that just puts more kids at
4 risk.

5 The intersection already struggles,
6 especially during peak times, and a gas station
7 introduces constant traffic. This is not
8 something like an office building or a bank or
9 anything like that.

10 To answer your question that you asked
11 earlier, I would be happy for an office building,
12 a medical office building. Any other type of use
13 that doesn't create that much traffic demand would
14 be very welcomed. I think a lot of people would
15 agree with that, you know, but a gas station
16 creates a lot of traffic.

17 The turn lanes already exceed capacity
18 sometimes with queues spilling over. Imagine
19 safety vehicles and rescue vehicles when they
20 can't get through. That's going to create that
21 much more of a problem because there's nowhere for
22 them to go. If they get stuck, where are they
23 going to go? And then we're going to see
24 increased, you know, response times and things
25 like that.

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1 Ferry will capture not only northbound traffic but
2 a substantial share of the southbound traffic,
3 which is, I believe, what everybody else has been
4 speaking about today, turning left across two
5 lanes of traffic trying to get into a gas station.
6 You know, all that does is create a predictable
7 and unavoidable convergence of traffic demand at a
8 single signalized intersection. That intersection
9 is already constrained. It's already congested.

10 When that congestion increases at that
11 intersection, drivers are going to divert through
12 nearby neighborhoods like La Bonne Terre, like
13 Popp's Ferry Place that's right there. They
14 already cut through these neighborhoods as it is.
15 We see people cutting through, going 40, 50 miles
16 an hour so that they can skirt, you know, traffic
17 lights and things like that. That shifts traffic
18 risks from a main road into residential areas
19 where people live.

20 The site is adjacent to neighborhoods
21 where kids are walking. They bike. They play
22 outside regularly and with -- increased traffic
23 and cut-through puts those kids directly at risk.
24 This includes kids walking to and from Popp's
25 Ferry Road -- Popp's Ferry Elementary School

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1 Conditional use requires no adverse
2 impact to safety or infrastructure and, here, the
3 impacts are predictable. They're negative.
4 They're unmitigated and the standard is not
5 clearly met.

6 Approving this would signal that
7 high-trafficked uses can be placed at already
8 constrained intersections, which undermines the
9 purpose of conditional use review entirely. Thank
10 you.

11 CHAIRMAN DELLENGER:

12 Thank you, Ms. Manners.

13 MR. DELAHOUSEY:

14 Mr. Chairman, could I ask her question
15 even though her time is up?

16 CHAIRMAN DELLENGER:

17 Yes.

18 MR. DELAHOUSEY:

19 Ms. Manners, do you know, is there an
20 HOA in La Bonne Terre?

21 MS. MANNERS:

22 Yes, there is.

23 MR. DELAHOUSEY:

24 And we don't normally have to -- we
25 don't have to abide by anything that the HOA does,

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1 but has anyone that is proposing this development
2 asked for a meeting with the HOA, to your
3 knowledge, to discuss the pros and cons of this
4 development?

5 MS. MANNERS:

6 I do believe that that has been
7 discussed within our neighborhood and I think that
8 is coming up for review at the next HOA meeting
9 from what my understanding is, yes.

10 And to be clear, you know, there are a
11 lot of people from La Bonne Terre in the audience
12 right here now, and I have spoken to several,
13 probably 20 to 30 of our residents in La Bonne
14 Terre over the past week or so, and I can't tell
15 you one person that is in favor of this. It has
16 all been in opposition.

17 MR. DELAHOUSEY:

18 What about Anatole Bay? Do y'all have
19 an HOA?

20 UNIDENTIFIED SPEAKER:

21 Yes.

22 MR. DELAHOUSEY:

23 And?

24 UNIDENTIFIED SPEAKER:

25 We're opposed. Unanimously opposed.

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1 114 La Bonne Terre houses. We've got 90
2 un-vacated units for Anatole Bay, so that's going
3 to give two vehicles per house, 630 vehicles a day
4 alone coming down Bertucci Boulevard because
5 they've already told us we're getting -- we're
6 going to have to go under the bridge there. So
7 that means whatever business is here, they've got
8 to worry about three subdivisions and all of the
9 traffic there.

10 Business is great, yeah, but the only
11 access we're going to have for years is going to
12 be Bertucci Boulevard, so we can take out
13 Atkinson, take out Popp's Ferry. The only access
14 we'll have for anything there will be Bertucci
15 Boulevard. That's all the plans the City has
16 because I have got it right here in y'all's
17 December -- January 31st. Bertucci already said
18 he would donate the land, as is intended, to
19 provide turn lanes to ease traffic congestion at
20 the intersection of Atkinson Road and Popp's
21 Ferry, particularly in peak hours.

22 That's all that I've got to say.

23 CHAIRMAN DELLENGER:

24 Thank you, Mr. Prine.

25 MS. STEPHENS:

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1 MS. MANNERS:

2 Any other questions?

3 (No response.)

4 MS. MANNERS:

5 Thanks,

6 CHAIRMAN DELLENGER:

7 Thank you.

8 MR. PRINE:

9 My name is a Donald Prine. I also live
10 at Anatole Bay, at 495.

11 But things that have not been discussed
12 and they haven't been realized is where this is
13 located is -- I've been to two deals for the
14 bridge, for Popp's Ferry Bridge. Every one says
15 it's coming down Atkinson, so you're going to take
16 Popp's Ferry Bridge totally off. Anatole Bay is
17 taken totally off. La Bonne Terre is taken off.

18 We have to go through the boulevard
19 right here, Bertucci Boulevard. Bertucci has
20 already offered to donate land for the turning
21 lane to go north, so the only access that any
22 residences will have will be down the boulevard
23 because they're still slotted.

24 You've got 111 single-families for the
25 townhomes for the Bertucci subdivision. We have

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1 My name is Dianne Stephens, and I live
2 down the road at 2189 George Walton Drive.

3 And if you're not familiar with the
4 area, it's about three quarters of a mile to the
5 east of the intersection that we're talking about.
6 And George Walton parallels Atkinson, so there is
7 Woodland Park, Tree Top, and that's right after
8 Melissa and Melinda (sic), so if you're familiar
9 with that area, you know where I am.

10 A couple of things that have not been
11 brought up -- I could repeat everything, but I
12 won't. I'm terribly opposed to this.

13 On Sunday mornings when the church is in
14 session for all of its services, traffic is so
15 heavy through there that they actually have to
16 have police that let the people out of the church
17 and stop traffic on Popp's Ferry Road. So that's
18 on a Sunday morning that is supposed to be a quiet
19 time, and there is already buildup with traffic.

20 No one has mentioned that just down the
21 road on Atkinson is a home for elder care and all
22 hours of the night -- thank goodness, they have
23 the care, but there are ambulances that are coming
24 and going. And, also, sometimes the people from
25 the elder care facility, they come out and they

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1 take walks down the sidewalk and they are out.

2 So children have been mentioned. We
3 also need to mention that population.

4 We also need to mention the fact, again,
5 if you will indulge me, that this is not a -- if I
6 may use the term, "a legal development." This
7 takes conditional use, and the conditional use of
8 this is so hazardous for that neighborhood. Let
9 alone when you pull back, the only businesses you
10 see is Dr. Bertucci, and if you want to count the
11 church, you know, you may. But that is a
12 residential area, and you're going to be putting
13 in a convenience store.

14 I'm not opposed to drinking, but are
15 liquors going to be sold there? Is beer going to
16 be sold there? I don't know. What is going to
17 happen? If you go down to any convenience store
18 at any time of the night, there are people, and
19 the safety issue has been brought up.

20 So it's just not a location -- put a
21 nice retail store there, put a cute little coffee
22 shop that sells sandwiches that people can walk
23 to, but this is not what that lot, that beautiful
24 piece of property was meant for, to have a
25 convenience store. And 12 gas pumps is a lot of

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1 but people are not going to stay in an area or buy
2 in an area where they feel like there's going to
3 be an increase in safety issues, crime,
4 homelessness, you know, right at their backdoor.
5 And I'm pretty sure this is not something most
6 people would want in their backdoor, as one
7 gentleman mentioned.

8 The other thing, too, I want to say
9 about that road -- and this lady that just
10 mentioned all the ambulances that come. I hear
11 them all coming in and out all the time. There
12 are also several residents that live in the
13 neighborhood with special needs and their
14 caregivers, and so this also would endanger those
15 people who need to also have access to care, not
16 just the nursing home and the two retirement
17 communities that are also right there on that
18 street.

19 Atkinson Road is extremely busy already.
20 It's -- you know, drive-through traffic for people
21 who don't live in the neighborhood and it's
22 already a concern.

23 So this is just a huge chokehold and I
24 strongly, strongly oppose it being put there. I'm
25 not opposed -- I would love a retail store, a

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1 gas pumps, folks. That's not a small gas station.

2 Thank you very much.

3 CHAIRMAN DELLENGER:

4 Thank you, Ms. Stephens.

5 MS. SOWELL:

6 Good afternoon. Adeline Sowell, and I
7 live at 409 Jordan Drive, which is right off of
8 Atkinson Road. So I live off Atkinson and
9 probably about a three-minute walk of where this
10 gas station is supposed to be built.

11 Everybody has made amazing points. I
12 had them all written out on my nice little
13 typed-out sheet so I don't have to make most of
14 them, but the one thing I didn't really hear
15 anybody talk about was talking about our
16 neighborhood livability and our property values.
17 And everybody knows that most people do not look
18 to buy a residential home right by a convenience
19 store or a gas station retail area, and I'm
20 concerned about that.

21 I mean, because the reality is -- and I
22 think Mr. Craft said he had been living in this
23 neighborhood over 40 years. Many of those homes
24 have, you know, generational families and we hope
25 to continue to have those generational families,

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1 coffee shop there. That would be awesome and
2 right now, the two -- there is the eye clinic and
3 also the dental place. You don't see them.
4 Unless you're going there, you don't even notice
5 that they're there and that's really how it should
6 be. It should blend in with that community
7 because it is a residential neighborhood. Thank
8 you.

9 CHAIRMAN DELLENGER:

10 Thank you, Ms. Sowell.

11 Anyone else to speak in opposition?

12 MR. LANKFORD:

13 Good afternoon. My name is Jarvis
14 Lankford and I live at 2418 Old Bay Road.

15 A couple of things I would just like to
16 point out in the presentation that you've seen --
17 and I won't go over all the other stuff, make you
18 listen to it again, but may I approach your map?

19 CHAIRMAN DELLENGER:

20 Yes.

21 MR. LANKFORD:

22 Okay. I just wanted to point out a
23 couple of things.

24 As all of you are aware, there is a
25 development going in here, right, a residential --

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1 everybody is aware of that. So if you take -- you
2 imagine that being there and you -- just a visual
3 look at the map, you know, a large gas station
4 right here just doesn't make sense anyway, just on
5 a visual part.

6 Some of the other things I wanted to
7 mention was -- with all the other things that were
8 talked about, is what I call -- have to call light
9 pollution because as you know, when you have
10 something very bright, which your gas station is
11 lit up like the sun, you can see it for blocks.
12 And when you're close -- closer -- and I consider
13 myself closer, 2418, that's already going to be a
14 problem because we already have high lighting that
15 we don't like anyway with the new lighting that
16 was done on Old Bay Road.

17 Just something else I want to point out
18 is, if you'll notice in the bottom left-hand
19 corner of that photo, 1985. I believe that's the
20 year, because I looked at Google Maps for a long
21 time, so that may or may not be accurate. Okay?
22 Now, I know that the photo of the street where
23 they showed no cones, that's actually highly
24 un-accurate.

25 Most of you guys have driven it. You

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1 But I'm estimating 15 to 30 percent
2 reduction in property values depending on the
3 distance and the settings, which way your house is
4 facing, how far away you are, things like that.
5 That's pretty significant, so I just wanted to
6 point those things out and I stand in opposition
7 of this. Thank you very much.

8 CHAIRMAN DELLENGER:

9 Thank you, Mr. Lankford.

10 Anyone else to speak in opposition?

11 MS. BROOME:

12 Yes. My name is Barbara Broome and I
13 live at 495 Popp's Ferry. I'm part of Anatole
14 Bay.

15 What I haven't heard anybody mention is
16 the fact that all the kids walk to the bus at the
17 corner off La Bonne Terre's entrance. That's
18 where they catch the bus, so you've got all these
19 kids walking through that area in the morning and
20 in the afternoon when the bus lets off. You're
21 going to put increased traffic in there and more
22 people. So you're putting them at risk too.

23 CHAIRMAN DELLENGER:

24 Thank you, Ms. Broome.

25 Anyone else?

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1 know, we all drive up and down Popp's Ferry Road
2 and it looks like, you know, a yellow maze right
3 there all the way up to the east entrance to
4 La Bonne Terre. So I don't see how a truck could
5 come out, turn out onto Bertucci Boulevard, which
6 is not built for a heavy 18-wheeler truck, I'm
7 sure. It's narrow. I don't know how they're
8 going to ingress and egress right in there, but
9 that's something else to point out with everything
10 else.

11 Now, he spoke about the trees and he
12 pointed out that the water oaks -- oh, they're
13 going to die. Walk the property, go out there and
14 take a couple of minutes to look around. Those
15 are healthy trees. I think everybody would agree
16 that those trees are beautiful out there. I don't
17 see any evidence of any trees dying on that
18 corner. I drove around it just to get a really
19 good feel, you know.

20 I've been in real estate for about
21 14 years, and I think it was touched on about
22 property values. I estimated -- I did a look at
23 it and I am not an appraiser, okay, but I've gone
24 to many, many appraisal schools for my line of
25 work. I try to stay current.

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1 MS. MILLER:

2 Hello. Good evening. Good afternoon.
3 It's feeling like evening. My name is Tracy
4 Miller.

5 I have two special interests in this. I
6 live on Old Bay Road, but that's not why I'm here
7 today.

8 I'm here because I'm with McMurphy
9 Pediatric Dentistry. We have purchased the
10 property adjacent to Brice McMurphy, so you've got
11 McMurphy Orthodontics and you're going to have
12 McMurphy Pediatrics next door to it.

13 If he puts an entrance to the back of
14 this property on an already narrow drive with
15 children, you know, children and orthodontics --
16 and we're strictly a pediatric dental practice --
17 I'm very concerned about the traffic cutting
18 through and what's going to happen there.

19 And, also, it's nice to hear that
20 everybody is in support of a medical facility
21 because we're going to make it look really nice
22 through there really soon. That's all the time I
23 need. Thank you.

24 CHAIRMAN DELLENGER:

25 Thank you, Ms. Miller.

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1 DR. BERTUCCI:
 2 Greg Bertucci. May I speak from here?
 3 CHAIRMAN DELLENGER:
 4 Sure. State your name and address.
 5 DR. BERTUCCI:
 6 Greg Bertucci. May I speak from here?
 7 Can you hear me?
 8 CHAIRMAN DELLENGER:
 9 Yes.
 10 DR. BERTUCCI:
 11 Is it all right with you all?
 12 I bought this property back in 1986.
 13 It's about 50 acres. We still own about 47. We
 14 have planted those trees that are on that lot. I
 15 did.
 16 We've spent these years filling
 17 wetlands, mitigating and filling and trying to
 18 create a very special place. Many people walk
 19 through it. They're welcome to do it. You all
 20 are welcome to come and walk out there. We're
 21 interested in the waterfront being open. We're
 22 trying to put some sort of a park there.
 23 The problem with the Anatole Bay
 24 entrance and egress is very true. That bridge
 25 will come at some point. I don't know if it will

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1 archeological piece over here that's preventing us
 2 from doing anything, but, of course, we will
 3 present anything to the Council when we make that
 4 decision. And we're looking at funds and that
 5 sort of thing. But I'm going to be 78 years old,
 6 so I'm sort of easing out.
 7 I do want to talk a little bit about our
 8 facility, which is right here. We have about --
 9 almost \$2 million in lasers. We have four
 10 different lasers we use to do our cataract
 11 operations. Sometimes we'll do 50 a week. We're
 12 prepared to be able to do that if we need to.
 13 We try to be very good neighbors. We've
 14 never caused a real problem. We are interested in
 15 everything being green, and we're interested in
 16 also supporting the orthodontics and the new
 17 pediatrics clinic. We have a lot of patients who
 18 just walk to our office, and we see them and take
 19 care of them the best we can.
 20 So we're committed to that. We're
 21 committed to the City of Biloxi. I go way back.
 22 As a child, I was at the Edgewater Gulf Hotel with
 23 my parents. We were at the Broadwater Beach.
 24 We're excited about having this piece. We want it
 25 to be special. We know that the Broadwater

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1 be in my lifetime, but it will be there. And we
 2 are interested in helping solve your problem, but
 3 as you come -- we've got an entrance that goes
 4 across to Anatole Bay, but that does not have to
 5 come down Bertucci Boulevard. It can go further
 6 to the east. We can make it bigger because I'm
 7 concerned about what you're concerned about.
 8 The new bridge, if we can turn the --
 9 maybe sideways so we can have this view.
 10 MR. CARRON:
 11 It's at the top.
 12 DR. BERTUCCI:
 13 The new bridge is going to come down
 14 right about here and that's going to close off the
 15 road to La Bonne Terre and it's going to -- this
 16 is going to be the only way out and there may be a
 17 way to get from La Bonne Terre to there, but these
 18 people will have to come that way. But we're --
 19 we've got this -- okay. If you want to see the
 20 whole thing, this is where we live.
 21 We're interested in putting some sort of
 22 a pool area, maybe a very small hotel, but a pool
 23 area for the area and this will be open to the
 24 public.
 25 We have a little problem with an

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1 property -- and we are trying to work with them in
 2 some coordinated thing.
 3 And as far as getting ingress and
 4 egress, we have a lot of property and we should be
 5 able to get that taken care of if you all have
 6 something that you want to talk to us about.
 7 But the type of facility is potentially
 8 toxic. It's a dangerous area when you talk about
 9 gasoline and those sorts of things. We are doing
 10 surgery on elderly people.
 11 CHAIRMAN DELLENGER:
 12 Dr. Bertucci, I'm sorry. Your time is
 13 up.
 14 DR. BERTUCCI:
 15 I'm sorry.
 16 MR. TOMARO:
 17 I have a question for Dr. Bertucci.
 18 When the original presentation was given
 19 years ago, wasn't the goal of this particular
 20 corner to be a medical professional -- that whole
 21 section where your office is all the way to
 22 Atkinson? Was that like the original goal?
 23 DR. BERTUCCI:
 24 There was a presentation made to you all
 25 by some engineers to see what we could build, what

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1 would be possible, and there was a mixture of the
2 professional and commercial -- I mean, and
3 residential. Excuse me. So the residential part
4 is one, but the biggest thing that I'm interested
5 in is green.

6 I'm not interested in a bunch of
7 condominiums. I'm not interested in that. I want
8 the people to be able to walk and enjoy. That's
9 what I do. I live on a 47-acre park. I cut
10 grass. We have three diesel mowers, and so we go
11 and gather turtles, put them away and then we mow.

12 And I have been stopped several times by
13 people who say, do you own that land? And I go,
14 no. Are you Dr. Bertucci? I said, yes. And you
15 don't know own that land? Well, who owns the
16 land? I said, a high-end bank owns the land, and
17 we all get a laugh about that. But it's something
18 that we -- to me, it's a special place and I want
19 that to be a special community. Thank you.

20 CHAIRMAN DELLENGER:

21 Thank you, Dr. Bertucci.

22 Is there anyone else to speak in
23 opposition?

24 , There being no one else, Mr. Heinrich,
25 would you like to come up and discuss any of the

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1 But anyway -- so it's a
2 3,700-square-foot convenience store with gas.
3 That's what this project is.

4 We're not saying that we're -- if you've
5 got a church down the road, you've got to follow
6 those guidelines to even try to get a liquor
7 license in that. I'm sure there will be beer in
8 there, but that's different from liquor, so --
9 that's a convenience store. That's what they do.

10 We're not cutting any live oaks. If
11 y'all want to pull that -- if you did the street
12 view of that corner right there, you can see the
13 trees that I'm talking about. They're water oaks.
14 They're not a protected tree.

15 So all those live oaks that Dr. Bertucci
16 was talking about, those are not leaving. I was
17 told -- and he and I have a mutual friend. He
18 said, do not touch them trees. They were planted
19 by Dr. Bertucci. We're not planning -- we're not
20 touching those trees and we're going to protect
21 them. We're not going to park over the roots or
22 anything.

23 But that back corner back there, so --
24 you see a bunch of pine trees right there. Those
25 are not protected.

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1 issues we heard against this?

2 MR. HEINRICH:

3 Yeah. And I'll keep it short here.
4 Bobby Heinrich, 1806 23rd Avenue in Gulfport.

5 Just going down to comment on some of
6 these and, hopefully, I can explain a little bit.

7 Again, everybody said, this is, you
8 know, a big gas station. This is a convenience
9 store that is a 3,700 square foot. That's how big
10 the convenience store is with two rental spaces
11 there that can be whatever, whatever is allowed in
12 that zoning. We don't -- you know, that's just
13 for the -- my client to rent out to someone. So
14 the size of the building and the parking that's
15 provided there is ample. I have said that.

16 So I want to talk about the trees. I
17 don't want to talk about -- most of it was about
18 traffic. I understand that. There is a lot of
19 traffic there. That's why this project needs to
20 be here. I'm sure that with townhomes and
21 whatever else is going to go around this place,
22 people are going to walk to this store. I just --
23 I don't think anybody in this room is going to say
24 I will never walk in that store. I just don't
25 believe that.

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1 Anyway, I think what -- I wanted to -- I
2 looked up what those little plastic things are in
3 the middle of the road. Those are called flexible
4 traffic delineators. Okay? They just -- the
5 definition is: To enhance road safety by
6 providing high-visibility guidance for traffic, so
7 they're there to help people because there's lines
8 and turning bays and all that kind of stuff. But
9 it's not like you can't -- you know, it's not
10 there for traffic not to take a left right there.
11 That's what it's for, for turning there.

12 But I'm assuming that these trucks will
13 come in from I-10. They may come in from
14 Highway 90. I don't know that. I'm not -- again,
15 I don't know how that procedure works, but if they
16 had to come in and take a left at the light and go
17 down Atkinson and go down that way, then that's
18 what we'll do. If y'all tell us not to cross that
19 right there, that's -- I was asked to put that
20 driveway as far north as we could, which I did.

21 So, again, I've got trees, I've got
22 liquor. We're not doing liquor.

23 Mainly traffic here. It's a heavy
24 intersection. I understand that, but I think
25 anything you put there is going to have the same

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1 traffic. Again, you're not going to have people,
 2 oh, I've got to go to that convenience store.
 3 It's for whoever is in that area right there, so
 4 the traffic is going to be there regardless of
 5 what you put there.
 6 So I'll be happy to answer any more
 7 questions. I just wanted to touch on those few
 8 things there.
 9 MR. DELAHOUSEY:
 10 Mr. Heinrich, in addition to the gas
 11 station/convenience store, you said there is going
 12 to be some space for two additional businesses --
 13 MR. HEINRICH:
 14 Yes, sir.
 15 MR. DELAHOUSEY:
 16 -- to be on property?
 17 Do you have any speculation at this
 18 point what those type businesses might be?
 19 MR. HEINRICH:
 20 I do not. It's like -- they're 1,500
 21 square feet, so you can't -- it's probably an
 22 office or something like that. It could be
 23 anything like that. It wouldn't be a restaurant
 24 or anything like that.
 25 MR. DELAHOUSEY:

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1 DR. DRAWDY:
 2 You've got a proposed gas station or
 3 convenience store that you want to put there.
 4 Would your owner consider any other type of option
 5 for -- besides a convenience store or gas station
 6 and putting it there?
 7 MR. HEINRICH:
 8 That's not what my client does. This is
 9 what he does, convenience stores with a gas
 10 station.
 11 DR. DRAWDY:
 12 He doesn't do anything besides this?
 13 MR. HEINRICH:
 14 That's it.
 15 DR. DRAWDY:
 16 I was just looking for -- most things
 17 have to have a solution somewhere.
 18 MR. HEINRICH:
 19 Yeah.
 20 DR. DRAWDY:
 21 I was looking for solutions that may be
 22 able to meet with what -- the residents of this
 23 area, also reduce the amount of cars that would be
 24 going into a particular area and then trying to
 25 come up with an idea. But if he doesn't do

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1 So in addition to the traffic that is
 2 going to be a factor from the gas
 3 station/convenience --
 4 MR. HEINRICH:
 5 There's going to be traffic. I promise.
 6 MR. DELAHOUSEY:
 7 -- there is going to be additional
 8 traffic for the other two potential businesses?
 9 MR. HEINRICH:
 10 Yes, sir. But you have -- I have the
 11 parking for those two buildings. There's plenty
 12 of parking on that site for those businesses.
 13 CHAIRMAN DELLENGER:
 14 Mr. Heinrich, somebody had asked, what
 15 would the hours of operation be? What would they
 16 be for the convenience store?
 17 MR. HEINRICH:
 18 We wrote on our write-up 5:00 to 11:00,
 19 5:00 a.m. to 11:00 at night.
 20 CHAIRMAN DELLENGER:
 21 Thank you.
 22 DR. DRAWDY:
 23 Question.
 24 CHAIRMAN DELLENGER:
 25 Dr. Drawdy.

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1 anything else, then that answers my question.
 2 MR. HEINRICH:
 3 The traffic is there. It's already
 4 there. Okay? By listening to everyone, it's
 5 already there. So turning in those -- the
 6 question is, how is this truck going to turn in?
 7 We can figure that out. There's other options for
 8 that. That was just the plan that I had on this.
 9 And like I said, we can turn and go in off
 10 Atkinson and come in and go back out to the north.
 11 And then now I'm hearing there is
 12 another exit out to the north one day. We don't
 13 know when that's going to happen. But we have
 14 three driveways going in and out of this property,
 15 so that will eliminate a lot of traffic congestion
 16 just by that just for our project. Now, it's
 17 going to help out all the other traffic coming in
 18 from I-10 and coming from the south and
 19 everything. It's already there.
 20 So I'm certain that these trucks can
 21 come in at an early hour, you know, to deliver
 22 gas. Now, you're going to have other delivery
 23 trucks that provide, you know, supplies to the
 24 store, but, you know, that's in any store. But
 25 anyway, I will be happy to answer anything else.

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1 CHAIRMAN DELLENGER:

2 Is there any other questions from the
3 Commission?

4 There being none, we'll consider that
5 hearing closed.

6 MR. HEINRICH:

7 Thank you.

8 MR. CREEL:

9 Okay. The property that we're
10 discussing is zoned LB. LB is limited business.
11 It is the least intensive business zone in the
12 ordinance. We used to this call this professional
13 business because it was designed to accommodate
14 attorneys' offices and engineering offices and
15 those kind of things.

16 If you will bear with me, I'm going to
17 read just a couple of things to you to kind of put
18 this into perspective.

19 The Limited Business district is
20 established and intended to accommodate
21 principally small-scale office development suited
22 to professional, general administrative, general
23 sales office uses, plus limited small-scale retail
24 and service uses like small restaurants, banks,
25 small businesses, service establishments, dry

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1 canopies shall be designed and installed to
2 prevent glare and excessive light spillover onto
3 all adjacent properties. No source of
4 illumination shall be allowed if such source of
5 illumination would be visible from a
6 residentially-zoned district to the extent that it
7 is a nuisance and interferes with the residential
8 use of that area. That's really the only
9 condition there.

10 Now, real quick, the other seven
11 criteria: The conditional use is compatible with
12 the character of the surrounding lands. That can
13 be argumentative, you know. Hey, it's going be a
14 store. People in the neighborhood can walk to the
15 store to accommodate it. So you can get an
16 argument from both sides on that.

17 The fourth one: The conditional use
18 avoids significant adverse odor, noises, glare,
19 vibration impacts on surrounding lands regarding
20 refuse collection, service delivery, parking and
21 loading signs, lighting and other site elements.
22 We do not believe the request meets that criteria.

23 The next one: The conditional use is
24 configured and designed to screen, buffer or
25 otherwise minimize the adverse visual impacts on

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1 cleaning dropoff establishments and bookshops,
2 institutional uses, libraries, places of worship,
3 daycare facilities and schools and medium-density
4 residential uses of various types.

5 The LB district accommodates standalone
6 businesses development, as well as serve as
7 transitional zoning between the more intensive
8 commercial development and low- to medium-density
9 residential neighborhoods.

10 If you go back to the overhead of this
11 property that we're talking about, there are a
12 couple of business uses around there, but nothing
13 as intense as a convenience store with gas sales.

14 The issue here today that y'all are
15 considering is whether or not this meets all nine
16 of the criteria for conditional use and it has to
17 meet all nine, and I will read those real quick.

18 A conditional use complies with all
19 applicable zoning district standards. That can be
20 argumentative.

21 The conditional use complies with all
22 the use-specific standards in 23-4-3. And I have
23 that here, and the only use-specific standard has
24 to do with lighting, that the lighting can't be
25 too intense. All lighting, including lighting for

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1 adjacent lands. We've seen convenience stores.
2 We see what kind of light they put out. We see
3 what kind of traffic that they generate.

4 The conditional use avoids significant
5 deterioration in water and air resources, wildlife
6 habitat, scenic resources and other natural
7 resources. And as you can see, this property
8 we're talking about -- not just this property but
9 the rest is covered with trees.

10 The conditional use maintains safe and
11 convenient ingress and egress and traffic flow
12 onto and through the site by the vehicles and
13 pedestrians and safe road conditions, and we've
14 had a lot of discussion about the concerns about
15 the traffic here.

16 The next one: The conditional use
17 allows for the protection of property values and
18 the ability of neighboring lands to develop the
19 uses permitted in the zoning district. That can
20 be argumentative.

21 And the last one: The conditional use
22 complies with all other relevant city, state and
23 federal laws and regulations.

24 The first zoning in the ordinance that
25 allows convenience stores with gas sales as a

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1 use-by-right is CB zoning, which is our
 2 hospitality and entertainment zoning, which is
 3 typically along Highway 90 where you have a lot of
 4 traffic and hotels and those kind of things.
 5 This is allowed under the ordinance as
 6 conditional use in LB zoning.
 7 Now, as we've reminded y'all many times
 8 and reminded Council many times that if, for
 9 whatever reason, the use -- if y'all approve the
 10 use and they don't comply with the conditions,
 11 then you can revoke the permit. But once you
 12 build a convenience store and you revoke the
 13 permit, what else is that site or that building
 14 good for? Another convenience store.
 15 So the staff has looked at this. We
 16 have some real concerns about it, and we think
 17 that it's not appropriate for this location and
 18 would recommend that it not be approved.
 19 MR. DELAHOUSEY:
 20 I move that we deny the applicant's
 21 request.
 22 MR. COLLIER:
 23 Second.
 24 CHAIRMAN DELLENGER:
 25 We have a motion to deny the applicant's

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1 110EM-01-003.023. This was advertised on March
 2 20th and March 26th.
 3 MR. BURSCH:
 4 Thank you, sir.
 5 MS. SERPAS:
 6 Hold on.
 7 CHAIRMAN DELLENGER:
 8 View the video, please.
 9 MS. SERPAS:
 10 Watch the video first.
 11 (Video played.)
 12 Okay. All right. We're ready.
 13 CHAIRMAN DELLENGER:
 14 Thank you.
 15 MR. BURSCH:
 16 Jordan Bursch on behalf of Meritage
 17 Homes.
 18 And if you recall, this is the second
 19 time now that we're back looking at these trees,
 20 and the first time, there were a couple of changes
 21 that we needed to make to be able to get to where
 22 we are today. We have gone through the Tree
 23 Committee. We got unanimous approval to bring
 24 this to you all, so I appreciate the opportunity
 25 to present this.

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1 request by Mr. Delahousey; second by Mr. Collier.
 2 Is there any discussion?
 3 There being no discussion, vote by
 4 raising your hands for the motion. Mr. Todaro,
 5 Ms. Magee, Mr. Stanovich, Mr. Bogard, Mr. Collier,
 6 Mr. Delahousey, Dr. Drawdy, Mr. Carron, Mr. King,
 7 Mr. Snow and Mr. Poulos. Mr. Dellenger will
 8 abstain from the vote. So let the record show
 9 that that hearing is denied with one abstaining.
 10 We're going to take a two-minute recess
 11 just to allow the people to leave.
 12 (Off the record.)
 13 CHAIRMAN DELLENGER:
 14 We're going to reconvene the Planning
 15 Commission meeting.
 16 The next case we'll hear is a tree
 17 hearing, which is Case Number TR-26-001, Jordan
 18 Bursch on behalf of Meritage Homes, formerly owned
 19 by Elliott Homes, which is an application to
 20 remove 27 protected trees, live oaks and
 21 magnolias, to authorize the construction of a new
 22 single-family subdivision in Hawk Creek Phase II
 23 containing 49 lots for a parcel of land identified
 24 as Lot 23 of Hawk Creek subdivision located on
 25 West Esklawn Road, Tax Parcel Number

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1 I just want to highlight the overall
 2 project. We have 49 lots that we're going to
 3 build out here, and, you know, of those trees
 4 right now -- let me back up.
 5 Our preliminary plat has been approved
 6 subject to this tree hearing, so the site has
 7 already been reviewed. MDEQ has already reviewed
 8 all of our stormwater. All of those pieces for a
 9 permit-ready subdivision have been reviewed and
 10 approved subject to this tree permit application.
 11 And as part of this tree permit
 12 application, I just wanted to let everybody know
 13 we have gone through the tree survey process and
 14 identified all of the trees. And from that, we
 15 went through the tree approval process last time
 16 and, ultimately, there were concerned citizens
 17 that appealed that to Council. At Council, we
 18 were denied and then we came back and made the
 19 changes that I will address here today and that's
 20 what brings us here a second time.
 21 So with that, overall, we are asking to
 22 remove 27 protected trees, but I will also state
 23 that we have over 30 protected trees that will
 24 remain on the site. Of those, we have 17 of the
 25 49 lots that will have protected trees on the lot.

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