

**CITY OF BILOXI
AGENDA ITEM
FACT SHEET**

Item No.: 4A

Council Meeting Date: May 26, 2026

ITEM TITLE: ORDINANCE (1st Reading)

INTRODUCED BY: Mayor Andrew "FoFo" Gilich

CONTACT PERSON: Rick Weaver, CAO

Jerry Creech, *Jerry Creech* Director of Community Development

SUMMARY EXPLANATION:

Ordinance to approve a Zoning Map Amendment, to authorize a change in zoning district classification for four (4) parcels of land from their present zoning district of RE-Residential Estate to A-Agricultural for properties identified as 13582, 0, 13524 and 13506 Old Highway 67.

Ward 7, Case No. 26-027-PC, Brandy Hamilton

Resolution _____ Ordinance Public Hearing _____ Routine Agenda _____

Exhibits for Review

Contract _____ Minutes Plans/Maps _____ Deed _____ Lease _____

Other (Specify): Case Fact Sheet, applications

Submittal Authorization: Council President _____ Mayor

STAFF RECOMMENDATION: Staff recommends approval

COUNCIL ACTION: Motion By: _____ Second By: _____

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

ACTION TAKEN:

ORDINANCE NO. _____

ORDINANCE TO APPROVE A **ZONING MAP AMENDMENT**, TO AUTHORIZE A CHANGE IN ZONING DISTRICT CLASSIFICATION FOR FOUR (4) PARCELS OF LAND FROM THEIR PRESENT ZONING DISTRICT OF **RE-RESIDENTIAL ESTATE** TO **A-AGRICULTURAL** FOR PROPERTIES IDENTIFIED AS 13582, 0, 13524 AND 13506 OLD HIGHWAY 67

WHEREAS, the Biloxi Planning Commission conducted a public hearing on May 7, 2026, to hear the application of David & Glenda Shackelford & John & Brandy Hamilton, Case No. 26-027-PC, to consider an application for a **Zoning Map Amendment** for properties identified as 13582, 0, 13524 and 13506 Old Highway 67; and

WHEREAS, the Planning Commission members were apprised of the particulars of this case, being made cognizant of the fact that David & Glenda Shackelford & John & Brandy Hamilton (owners) have submitted a **Zoning Map Amendment**, to authorize a change in zoning district classification for four (4) parcels of land measuring approximately 15.8 acres (more or less) in size, from their present zoning district classification of **RE-Residential Estate** to **A-Agricultural**, identified as 13582, 0, 13524 and 13506 Old Highway 67 (Tax Parcel Nos.1207K-01-001.000, 1207K-01-001.001, 1207K-01-002.000, and 1207K-01-003.000); and

WHEREAS, on May 7, 2026, the Biloxi Planning Commission, after discussion and careful consideration of the particulars of this case, voted unanimously (12-0) to recommend approval of this **Zoning Map Amendment**, having determined that a mistake existed in the zoning designation and noting that this action would bring the properties into compliance with the existing use, namely animal husbandry, which has existed since prior to annexation; and

WHEREAS, the Biloxi City Council, after consideration of all facts presented, hereby adopts the report and findings of the Biloxi Planning Commission, and in so doing, determines that

approval of the **Zoning Map Amendment** is appropriate for the properties as related in Case No. 26-027-PC and identified as 13582, 0, 13524 and 13506 Old Highway 67.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILOXI, MISSISSIPPI, THAT AS PER THE FINDINGS OF THE PLANNING COMMISSION, AND BASED UPON THOSE DETERMINATIONS, THAT THE FOLLOWING SHALL BE AUTHORIZED:

Section 1. That the boundaries of the Geographical Information System Format Zoning District Map of the City of Biloxi, Mississippi, be hereby further amended by a change in zoning district classification from **RE-Residential Estate** to **A-Agricultural**, for the properties identified as 13582, 0, 13524 and 13506 Old Highway 67 (re: Tax Parcel No. Tax Parcel No. 1207K-01-001.000, 1207K-01-001.001, 1207K-01-002.000, and 1207K-01-003.000), more fully described as follows:

1207K-01-001.000

2.2 ac(c) com at ne corner of sec 35-6-10 w 200 ft to branch crossing w 525.4 ft to pob s 31 dg e 340.1 ft s 53 dg w 224.3 ft to e mar of old Hwy 67 n 31 dg w 203.9 ft n 34 dg w 176.5 ft n 35 dg w 123.8 ft e 282.9ft to pob part of ne 1/4 of ne 1/4 of sec 35-6-10

1207K-01-001.001

4.7 ac(c) beg 200 ft w of ne cor of sec 35-6-10 w 525.4 ft s 31 dg e 340.1 ft s 53 dg w 224.3 ft to e mar of old Hwy 67 s 31 dg e 179.4 ft along Hwy to branch nely following meandering of branch to pob part of ne 1/4 of ne 1/4 of sec 35-6-10

1207K-01-002.000

5.8 ac(c) beg at ne cor sec 35 s 620 ft s 82 dgs w 550 ft m/l to e mar of old hwy 67 nwly along Hwy 99.1 ft to center of pond nely 720 ft to a pt 200 ft w of pob e 200 ft to pob in ne 1/4 of ne 1/4 of sec 35-6-10

1207K-01-003.000

3.1 ac (c) com nw cor sec 36-6-10 e 488 ft s 595 ft s 82 dg w 201 ft to beg s 82 dg w 294 ft w to line between sec 35/36-6-10 contd s 82 dg w 565 ft to e r/w Hwy 67 s 31 dge 182.1 ft n 83 dg e 470 ft to line between sec 35/36-6-10 n 83 dg e 335 ft n 09 dg w 172.4 ft to pob sec 35/36-6-10,

and further described as land situated to the North of Allegheny Drive, South of Fayard Road, East of and fronting upon Old Hwy 67, and West of Roxanne Way.

SECTION 2. Upon unanimous vote of the members of the City Council, this ordinance shall be in full force and effect from and after passage, because it serves the public peace, health and safety of the citizens of Biloxi, and good cause exists for same. If not a unanimous vote this Ordinance shall become effective as soon thereafter as is signed, certified, and as is otherwise provided by law.

.....A

RESOLUTION NO. _____

RESOLUTION CALLING FOR A PUBLIC HEARING WITH RESPECT TO A **ZONING MAP AMENDMENT**, TO AUTHORIZE A CHANGE IN ZONING DISTRICT CLASSIFICATION FOR FOUR (4) PARCELS OF LAND FROM THEIR PRESENT ZONING DISTRICT OF **RE-RESIDENTIAL ESTATE** TO **A-AGRICULTURAL** FOR PROPERTIES IDENTIFIED AS 13582, 0, 13524 AND 13506 OLD HIGHWAY 67

WHEREAS, the Biloxi Planning Commission conducted a public hearing on May 7, 2026, to hear the application of David & Glenda Shackelford & John & Brandy Hamilton, Case No. 26-027-PC, to consider an application for a **Zoning Map Amendment** for properties identified as 13582, 0, 13524 and 13506 Old Highway 67; and

WHEREAS, the Planning Commission members were apprised of the particulars of this case, being made cognizant of the fact that David & Glenda Shackelford & John & Brandy Hamilton (owners) have submitted a **Zoning Map Amendment**, to authorize a change in zoning district classification for four (4) parcels of land measuring approximately 15.8 acres (more or less) in size, from their present zoning district classification of **RE-Residential Estate** to **A-Agricultural**, identified as 13582, 0, 13524 and 13506 Old Highway 67 (Tax Parcel Nos. 1207K-01-001.000, 1207K-01-001.001, 1207K-01-002.000, and 1207K-01-003.000); and

WHEREAS, on May 7, 2026, the Biloxi Planning Commission, after discussion and careful consideration of the particulars of this case, voted unanimously (12-0) to recommend approval of this **Zoning Map Amendment**, having determined that a mistake existed in the zoning designation and noting that this action would bring the properties into compliance with the existing use, namely animal husbandry, which has existed since prior to annexation; 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. 26-027-PC, David & Glenda Shackelford & John & Brandy Hamilton, relative to a **Zoning Map Amendment** for the property sites presently identified as 13582, 0, 13524 and 13506 Old Highway 67, 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 TO DENY THE REQUEST FOR A **ZONING MAP AMENDMENT**, TO AUTHORIZE A CHANGE IN ZONING DISTRICT CLASSIFICATION FOR FOUR (4) PARCELS OF LAND FROM THEIR PRESENT ZONING DISTRICT OF **RE-RESIDENTIAL ESTATE TO A-AGRICULTURAL** FOR PROPERTIES IDENTIFIED AS 13582, 0, 13524 AND 13506 OLD HIGHWAY 67

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WHEREAS, the Planning Commission members were apprised of the particulars of this case, being made cognizant of the fact that David & Glenda Shackelford & John & Brandy Hamilton (owners) have submitted a **Zoning Map Amendment**, to authorize a change in zoning district classification for four (4) parcels of land measuring approximately 15.8 acres (more or less) in size, from their present zoning district classification of **RE-Residential Estate to A-Agricultural**, identified as 13582, 0, 13524 and 13506 Old Highway 67 (Tax Parcel Nos.1207K-01-001.000, 1207K-01-001.001, 1207K-01-002.000, and 1207K-01-003.000); and

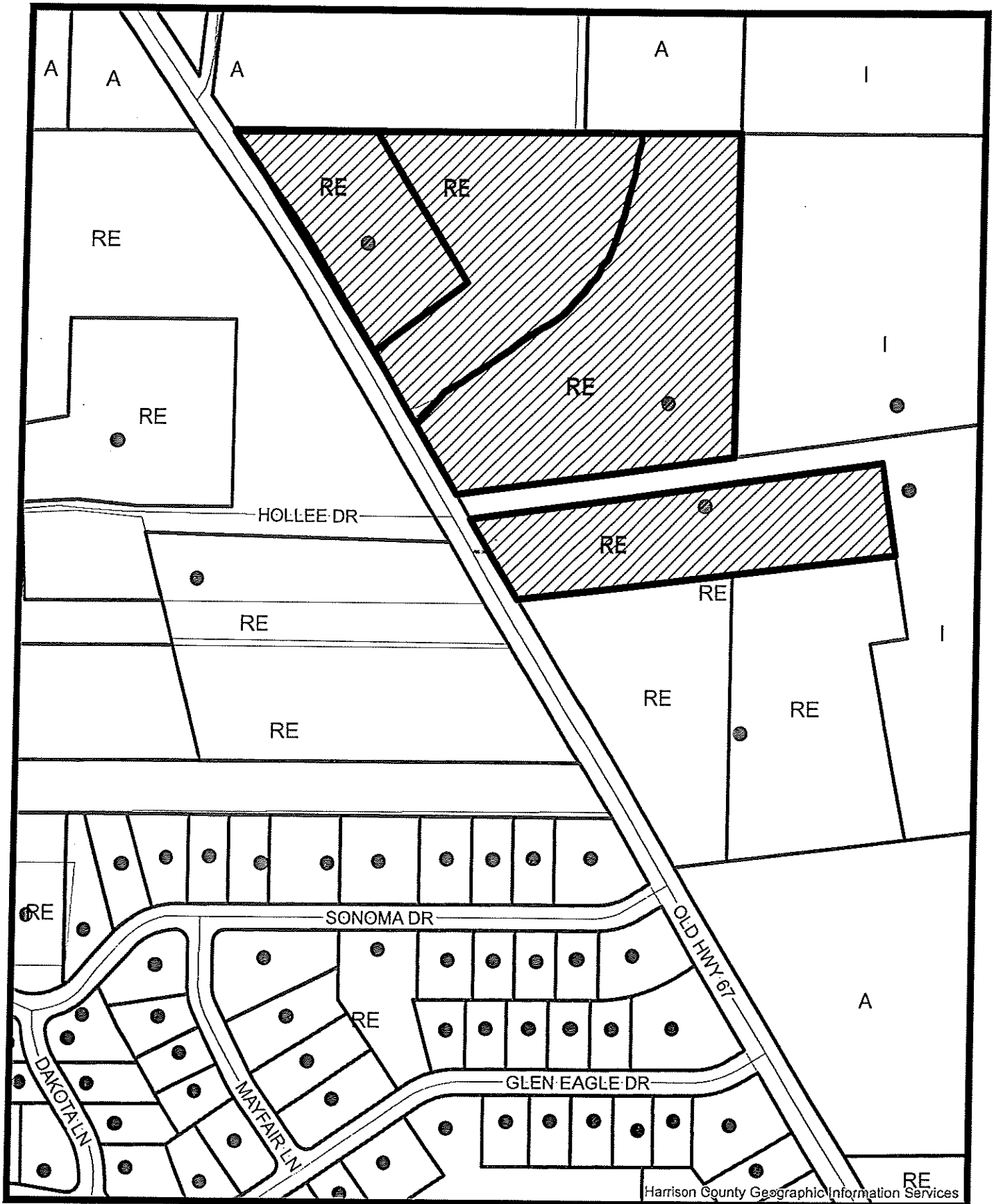
WHEREAS, on May 7, 2026, the Biloxi Planning Commission, after discussion and careful consideration of the particulars of this case, voted unanimously (12-0) to recommend approval of this **Zoning Map Amendment**, having determined that a mistake existed in the zoning designation and noting that this action would bring the properties into compliance with the existing use, namely animal husbandry, which has existed since prior to annexation; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BILOXI, MISSISSIPPI, that having given the Planning Commission's recommendation full consideration, the Biloxi City Council hereby rejects said recommendation and hereby denies the requested **Zoning Map Amendment**, for the properties identified as 13582, 0,

13524 and 13506 Old Highway 67 as related in Case No. 26-027-PC, David & Glenda Shackelford & John & Brandy Hamilton, based upon a determination that _____

..... C

Case No. 26-027-PC
Brandy&John Hamilton/David&Glenda Shackelford
0, 13582, 13506 &13524 Old Hwy 67
Map Amendment RE to A



Scheduled for
May 7, 2026
PC Meeting

David & Glenda Shackelford
John & Brandy Hamilton
Case No. 26-027-PC
Zoning Map Amendment
RE to A



**Planning Commission
Case Fact Sheet**

Case No.:	26-027-PC
Name of Owners:	David & Glenda Shackelford & John & Brandy Hamilton
Address of Properties:	13582, 0, 13524 and 13506 Old Highway 67
Tax Parcels/Ward:	1207K-01-001.000, 1207K-01-001.001, 1207K-01-002.000, and 1207K-01-003.000/Ward 7

Request:	Zoning Map Amendment
Purpose of Request:	To consider an application for a Zoning Map Amendment , to authorize a change in zoning district classification for four (4) parcels of land measuring approximately 15.8 acres (more or less) in size, from their present zoning district classification of RE-Residential Estate to A-Agricultural .
Size of Property:	15.8 acres (More or Less)
Present Zoning:	RE-Residential Estate
Flood Zone:	X
Present Use:	Vacant land, Single-Family Residences
Most Nearly Bounded By (streets):	To the North of Allegheny Drive, South of Fayard Road, East of and fronting upon Old Hwy 67, and West of Roxanne Way.
Adverse Influences:	A Zoning Map Amendment should only be authorized when conditions clearly suggest that a change in zoning is warranted, that a change in the character of the neighborhood is evident, coupled with a community need to address this change, and that the change proposed is consistent with uses found upon adjacent or nearby properties.
Positive Influences:	This rezoning, if approved, would bring the accessory use into

compliance (i.e., animal husbandry).

Concerns stated: The Planning Division Office has not received any letters or other written communications relative to this case, as of April 30, 2026.

**Comments/
Recommendations:** David & Glenda Shackelford & John & Brandy Hamilton (owners) have submitted a **Zoning Map Amendment**, to authorize a change in zoning district classification for four (4) parcels of land measuring approximately 15.8 acres (more or less) in size, from their present zoning district classification of **RE-Residential Estate** to **A-Agricultural**, identified as 13582, 0, 13524 and 13506 Old Highway 67 (Tax Parcel Nos. 1207K-01-001.000, 1207K-01-001.001, 1207K-01-002.000, and 1207K-01-003.000).

The applicants explained that they would like to bring the properties into compliance with the existing use (i.e., animal husbandry) that has been in place since prior to annexation by the City of Biloxi.

As with all requests for **Zoning Map Amendment**, discussion points should focus on the merits or demerits of the Zoning Map change proposed, considering the following criteria:

- 1) Consistency (or lack thereof) with the Comprehensive Plan;
- 2) Compatibility with the present zoning and conforming uses of nearby property and to the character of the neighborhood;
- 3) Suitability of the property affected by the amendment for uses permitted by the present district;
- 4) Suitability of the property affected by the amendment for uses permitted by the proposed amendment;
- 5) Change in the character of the neighborhood and established community need for uses permitted by the district applicable to the property at the time of the proposed amendment;
- 6) Availability of utilities and infrastructure sufficient to address the impacts associated with the allowed uses in the proposed district; and
- 7) Mistake in the original zoning

Options:

1. Recommend approval of the requested **Zoning Map Amendment** for four parcels of land from their current zoning classification of **RE-Residential Estate** to **A-Agricultural**, based on a finding that the original zoning designation applied at the time of annexation was made in error, and that the proposed **A-Agricultural** classification is consistent with the existing character of the surrounding area.
2. Recommend denial of this **Zoning Map Amendment**, having determined that insufficient evidence has been provided to establish that a mistake in original zoning is of evidence, or a Change in the Character of the Neighborhood, coupled with no valid Community need to warrant the level of zoning change, as proposed for the parcels of land under consideration for zoning change.



Planning Commission Application
 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) 435-6188
 Case No. 26-027-PC

To Be Completed by Owner/Applicant Date:

Name of Rightful Owner(s): David & Linda Shackelford; John & Brandy Hamilton Name of Applicant: (if different than Owner) Brandy Hamilton

Property Address: 13506 Old Highway 67 Biloxi, MS 39532 Ward Number 7

Tax Parcel Identification Number(s):

1207K-01-001-000	1207K-01-003-000
1207K-01-001-001	
1207K-01-002-000	

Mailing Address of Property Owner: 13506 Old Highway 67 Mailing Address of Applicant (if different than Owner): 13582 Old Highway 67

City: Biloxi City: Biloxi

State: MS State: MS

Zip: 39532 Zip: 39532

County: Harrison County: Harrison

Telephone: (228) 697-4758 Telephone: (228) 348-6262

Property Size (please give in acres or by dimension): 15.8

Present Zoning Classification: RE

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

Is this property a Historic Landmark? Yes No

Flood Zone(s) of Property: North South East West

Property is most nearly bounded by what streets? Fayard Overby Rd. Allegheny Dr. Roxannellay Old Highway 67

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

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

- Text Amendment
- Zoning Map Amendment – must include zone classification change in narrative RE to A
- Planned Development
- Master Plan/Update
- Preliminary Subdivision Review
- Conditional Use
- Public ROW Vacation
- Street Name Change
- Variance
- Appeal
- Tree Removal

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

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

[Signature]
Signature of Rightful Owner

[Signature]
Signature of Rightful Owner

Natasha D. Dronet 12/19/25
State of Mississippi
Notary Public
Harrison County
My Commission Expires 08-10-2029
Commission Number 292293

Natasha D. Dronet 12/15/25
State of Mississippi
Notary Public
Harrison County
My Commission Expires 08-10-2029
Commission Number 292293

[Signature]
Signature of Rightful Owner

[Signature]
Signature of Applicant

Natasha D. Dronet 12/15/25
State of Mississippi
Notary Public
Harrison County
My Commission Expires 08-10-2029
Commission Number 292293

Natasha D. Dronet 12/25/25
State of Mississippi
Notary Public
Harrison County
My Commission Expires 08-10-2029
Commission Number 292293

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

Map Amendment

(Master Plan update)

City of Biloxi Planning Division

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

Office Location: 676 Dr. MLK Blvd.,

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

TO BE COMPLETED BY APPLICANT

DATE: 03/25/2026

Shaded Areas for Staff Only

MAP AMENDMENT – When the public necessity, convenience, general welfare or appropriate land use practices justify such action, and after the required review, public notice and report by the Planning Commission, the City Council may undertake the necessary steps to amend the Zoning District Map.

Please note that no application for the same parcel(s) requesting the same change may be made more often than once every 24 months.

PLEASE ATTACH A SEPARATE STATEMENT OF SUPPORT - This *narrative* must set forth proposed use and justification for the change, utilizing criteria set forth in Section 23-2-4(B)(3) of the Biloxi Code of Ordinances and including all proposed and existing structures as well as the uses planned for the site in question. Be specific as to development proposals, sale of property, or other transactions/plans proposed or scheduled for preparation subject to this rezoning request being granted approval.

Existing New

I am requesting a zoning change from this zone to this zone: Residential (RE) Agricultural (A)

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

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

Criteria:

Yes	No
✓	

1. Is the proposed map amendment consistent with the Comprehensive Plan?

Please explain:

This plan is consistent with the area as it had previously been agriculturally zoned and is adjacent to both agricultural and industrial zoning lots.

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

✓	
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Please explain:

The map amendment seeks to correct an error of rezoning back to the previous zone of Agricultural so that it may return to compliance within that zone.



PLANNING COMMISSION SUPPLEMENT

Map Amendment

City of Biloxi Planning Division
 Mailing Address: P.O. Box 508, Blvd., Biloxi, MS 39530
 Office Location: 676 Dr. MLK Blvd.,
 Planning (228) 435-6266 Fax (228) 435-6188

Criteria (continued)	✓	
	Yes	No
3. Is the property suitable for uses permitted in the present zoning district?	✓	
Please explain:		
The property was previously zoned agricultural. This property has continued to have pastures and livestock for over 20 years.		
4. Is the property suitable for uses permitted in the proposed zoning district?	✓	
Please explain:		
These properties and the homes and structures on their acreage are suitable for agricultural zoning. Several barns and equipment coverage buildings have been erected		
5. Has there been a change in the character of the neighborhood?		✓
Please explain: NO, for the past 20 years no drastic changes to the neighborhood have occurred. This is why we seek to move back to the previous zoning of agricultural.		
6. Is there an established community need for uses permitted in the proposed zoning district?		✓
Please explain: Our community is growing and needs to keep its green spaces and protect its wildlife and waterways.		
7. Was there a mistake in the original zoning of the property?		✓
Please explain: We have not been able to see exactly when this change was made or why, but this property has remained the same use with pastures for small group of livestock and farming areas.		
8. Are utilities and infrastructure sufficient to address the impacts associated with allowed uses in the proposed district?		✓
Please explain: Yes, no utilities or infrastructure changes are needed.		
Site Plan attached: (please circle): Yes	Case No. <input type="checkbox"/> <input type="checkbox"/> - <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> - <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
No		

many years ago.



BRANDY HAMILTON
13582 OLD HIGHWAY 67
BILOXI, MS 39532

228.348.6262.CELL
BRANDY.HAMILTON11@GMAIL.COM
WWW.THELONELYJACKFARM.COM

City of Biloxi

PLANNING COMMISSION APPLICATION: MAP AMENDMENT

676 Dr. Martin Luther King, Jr. Blvd. Biloxi, Mississippi

NARRATIVE REQUEST

The property owners respectfully submit this request to the City of Biloxi for the rezoning of their property from its current Residential Estate designation back to Agricultural zoning. This request is made in good faith and with the intention of restoring the property to compliance with its longstanding and historical use.

The subject property has traditionally been utilized for agricultural purposes, consistent with its original zoning classification. The current Residential Estate designation does not accurately reflect the functional use of the land and has created limitations that place the property in a position of nonconformity. By returning the zoning classification to Agricultural, the City would align the designation with the property's actual use, thereby resolving existing compliance concerns.

Rezoning the property to Agricultural would not introduce new or incompatible uses to the surrounding area. Rather, it would preserve the established character of the land while supporting responsible land stewardship. The agricultural use of the property contributes positively to the local environment by maintaining open space, supporting small-scale food production, and promoting sustainable practices.

The property owners are committed to maintaining the land in a manner that is respectful of the neighboring properties, this rezoning request represents a practical and reasonable solution that benefits both the property owners and the community by bringing the property back into compliance with its intended and historical use.

Best regards,

Brandy J. Hamilton, property owner and applicant

1 BILOXI PLANNING COMMISSION MEETING
 2 MAY 7, 2026
 3 COMMUNITY DEVELOPMENT,
 4 DR. MARTIN LUTHER KING JR. MUNICIPAL BUILDING,
 5 676 DR. MARTIN LUTHER KING JR. BOULEVARD,
 6 BILOXI, MISSISSIPPI,
 7 BEGINNING AT 2:00 P.M.

9 **PLANNING COMMISSION MEMBERS PRESENT:**
 10 Charlie Dellenger, Chairman
 11 Ronnie Bogard
 12 Kyle Carron
 13 Steve Delahousey
 14 Joe King
 15 Gary Lechner
 16 August Parker
 17 Jimmy Poulos
 18 Shante' Shaw
 19 John Snow
 20 David Stanovich
 21 Michael Todaro

22 **ALSO PRESENT:**
 23 Jerry Creel, Director of Community Development
 24 Felicia Serpas, Senior Planner
 25 Caryle Lena, Planner I
 Dr. Paul Tisdale, Councilman Ward 5

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

1 CHAIRMAN DELLENGER:
 2 If we can, we'll call the Planning
 3 Commission meeting to order.
 4 We can record the members present:
 5 Mr. Lechner, Mr. Parker, Mr. Todaro, Ms. Shaw,
 6 Mr. Stanovich, Mr. Bogard, Mr. Delahousey,
 7 Mr. Carron, Mr. King, Mr. Snow, Mr. Poulos; and
 8 myself, Mr. Dellenger.
 9 We have Felicia Serpas, Senior Planner;
 10 Jerry Creel, Director of Community Development;
 11 Caryle Lena, Planner; Melissa Rodolfich, Court
 12 Reporter; and Dr. Paul Tisdale, Councilman Ward 5.
 13 Steve, if you will, please, lead us in a
 14 moment of prayer, please.
 15 MR. DELAHOUSEY:
 16 Sure. I'm going to change it up a
 17 little bit today. Today's prayer is going to
 18 focus more on issues closer to home.
 19 (Moment of prayer.)
 20 CHAIRMAN DELLENGER:
 21 Please stand for the Pledge. Ms. Shaw,
 22 if you'd lead us in the Pledge.
 23 (Pledge of Allegiance.)
 24 CHAIRMAN DELLENGER:
 25 I would like to welcome everybody here

1 **C-O-N-T-E-N-T-S**

2 CONTINUED PUBLIC HEARING(S) :	PAGE:
3 (None)	
4 NEW PUBLIC HEARING(S) :	
5 26-027-PC	6
6 26-028-PC	19
7 TREE HEARINGS:	
8 TR-26-002	29

1 to the Planning Commission meeting today. If you
 2 desire to speak for one of the hearings, if you
 3 can, please come up, state your name and address
 4 for the record, and let us know why you're here to
 5 speak and whether it's for or against the case.
 6 And please, if you could, silence all
 7 your cell phones so we don't have those going off
 8 in the middle of the meeting as well.
 9 If everyone has had a moment to review
 10 the Planning Commission minutes from the last
 11 meeting, if we could have a motion and a second to
 12 approve those.
 13 MR. DELAHOUSEY:
 14 Move to approve.
 15 MR. BOGARD:
 16 Second.
 17 CHAIRMAN DELLENGER:
 18 Move to approve by Mr. Delahousey;
 19 second by Mr. Bogard.
 20 All those in favor, please state by
 21 saying "aye."
 22 (Unanimous vote.)
 23 CHAIRMAN DELLENGER:
 24 Any opposed?
 25 (None opposed.)

1 CHAIRMAN DELLENGER:

2 Motion carries.

3 Jerry, do we have any committee reports?

4 MR. CREEL:

5 We do. Mr. Chairman and members of the
6 Commission, over the past two weeks, the
7 department has issued 214 building permits. We
8 had a total construction valuation of \$10,300,000.

9 We have collected right at \$48,000 in
10 permit fees. We issued licenses for 33 new
11 businesses; 13 of those were for peddlers. We
12 also renewed 15 business licenses.

13 And we issued 34 certificates of
14 occupancy. Three of those were for short-term
15 rental.

16 Of the new permits issued, one was for
17 the Chick-fil-A at 2356 Pass Road. We also issued
18 the electrical permit for the Chick-fil-A. The
19 building was right at \$1.6 million and the
20 electrical was a quarter of a million dollars.

21 Also, a renovation permit for the
22 Walmart Neighborhood Market at 1820 Popp's Ferry
23 Road and one for a new multi-family structure at
24 \$2 million. That was at 1040 Park Circle. That's
25 an apartment building. We also issued permits for

Simpson Burdine & Migues 228.388.3130

1 Thank you.

2 Are the Shackelfords or the Hamiltons
3 here?

4 MS. HAMILTON:

5 Hamilton.

6 CHAIRMAN DELLENGER:

7 Okay. Ms. Hamilton, if you could,
8 please, come up and tell us what you're looking to
9 try to do and all that and state your name and
10 address for the record, please.

11 MS. HAMILTON:

12 Okay. I'm Brandy Hamilton. I'm
13 representing myself and my husband at 13582 Old
14 Highway 67, and my parents, David and Glenda
15 Shackelford, at 13524 and 13506.

16 Basically, as we -- back in 2003, my
17 parents bought the 13582 at -- and it was zoned
18 agricultural then. They had animals then, so did
19 the neighbors.

20 That was -- the Robinsons used to live
21 there. And when they moved next door, I bought
22 this house, which is 13582, from them and they
23 moved to 13524 and it's -- at some point, we've
24 not quite been able to pinpoint exactly when it
25 happened, but it changed from Agricultural to

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1 14 new single-family houses.

2 CHAIRMAN DELLENGER:

3 Thank you, Jerry.

4 We do not have any continued public
5 hearings.

6 New public hearings: We have a case
7 Number 26-027-PC David and Glenda Shackelford and
8 John and Brandy Hamilton, a request for a zoning
9 map amendment to authorize a change in zoning
10 district classification for four parcels of land
11 measuring approximately 15.8 acres, more or less,
12 in size from their present zoning classification
13 of RE, residential estate to A, Agriculture,
14 identified as 13582, 0, 13524, and 13506 Old
15 Highway 67. And there is four separate parcel
16 numbers listed there as well. This was advertised
17 April 17th and April 24th and May 1st.

18 Felicia, if you can, please show the
19 video.

20 MS. SERPAS:

21 (Video played.)

22 There's another video. One second.

23 (Video played.)

24 Okay.

25 CHAIRMAN DELLENGER:

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1 Residential Estate. And we have always had
2 different animals out there. About 18 years ago,
3 we rescued a donkey named AJ and he's kind of
4 become the mascot of our community.

5 CHAIRMAN DELLENGER:

6 I was going to ask you where the donkey
7 was.

8 MS. HAMILTON:

9 Yeah. He's out there somewhere.

10 Probably hanging out by the pond. There's
11 about -- you know, there's three ponds over there.
12 They feed off of the larger pond, and we fish off
13 the back two. But they -- it's kind of always
14 been agricultural and the back, it is industrial.
15 And the -- further back past the ponds, that's
16 where they had the pig barns and everything, so,
17 historically, we're showing that it has always
18 been agricultural.

19 And like I said, we haven't been able to
20 pinpoint exactly when that was changed, but to be
21 in compliance and to be able to keep our lovable
22 AJ, we would like to switch that back to
23 agricultural.

24 And like I said in the narrative
25 request, you know, we want to bring the property

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1 back into compliance into its intended and
2 historical use.

3 CHAIRMAN DELLENGER:

4 I noticed -- and I pass by the property
5 a lot. It looks like in the front left portion
6 that's fenced in, it used to be, I guess, it's
7 a -- for lack of a better word, a large garden.

8 MS. HAMILTON:

9 Uh-huh.

10 CHAIRMAN DELLENGER:

11 Do y'all still plan on planting things
12 in there or expanding that at all?

13 MS. HAMILTON:

14 Not expanding. Most of the pastures are
15 all used for any kind of animals. Our main steady
16 animal that we have is the donkey. It seems to be
17 a sanctuary for all of the lost animals in our
18 neighborhood, lost horses, other donkeys. Things
19 just always seem to come in, so we hold them for a
20 little bit.

21 But that side that's next to our house,
22 that is where we do most of the gardening and that
23 will be an orchard at some point, but, you know,
24 small orchard for our family. It's family use.
25 It's not -- you know, we're not having a you-pick

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1 have -- and I have chickens, so we call our little
2 farm the Lonely Jack Farm because the donkey
3 stays, but all the animals kind of come and go and
4 he kind of gets a little lonely. So we try to
5 keep a buddy over there for him, but for the most
6 part, he's kind of our staple.

7 CHAIRMAN DELLENGER:

8 Are there any other questions?

9 Okay. There being no further questions,
10 thank you.

11 MS. HAMILTON:

12 Thank you.

13 CHAIRMAN DELLENGER:

14 Is there anyone in the audience to speak
15 in favor of the request? Anyone to speak in
16 favor?

17 (No response.)

18 CHAIRMAN DELLENGER:

19 Is there anyone to speak in opposition?
20 No one to speak in opposition.

21 Then, we'll consider that hearing
22 closed.

23 Mr. Creel.

24 MR. CREEL:

25 Okay. This is a little complicated.

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1 or anything out that there.

2 MR. DELAHOUSEY:

3 Mr. Creel, did this happen -- this
4 change happen when the LEO was revised?

5 MR. CREEL:

6 We did it in 2010. It's complicated. I
7 will have to explain it after we hear from the
8 comments.

9 CHAIRMAN DELLENGER:

10 Does anybody have any questions?

11 MR. CARRON:

12 Yes. Just a question. It's zoned
13 industrial behind your property. Is that a big
14 issue?

15 MS. HAMILTON:

16 No. That's actually -- my parents own
17 that too.

18 MR. CARRON:

19 Okay. Thank you very much.

20 MR. STANOVICH:

21 Other than the donkey, is there any
22 other animals?

23 MS. HAMILTON:

24 I've got a few goats out there that are
25 looking for homes, so if you know of anybody, we

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1 I'm going to explain it both ways.

2 This property has always been used as a
3 farm. It's 15.8 acres. It was zoned Agricultural
4 when it was in the county. When we annexed it, it
5 came in as Agricultural, but when the last LEO was
6 done, for some reason, it transferred over to RE.

7 Now, you're allowed to have animals in
8 both Agricultural and RE, but there is a statement
9 in the transitional standards and the transitional
10 standards are in the LEO where it says that, you
11 know, properties coming in with the zoning would
12 transfer over to this other type of zoning.

13 This property should have remained
14 Agricultural, but for some reason, again, it was
15 changed to RE.

16 The transitional ordinance says that we
17 can't take a piece of property that was zoned
18 something else and change the zoning back to
19 Agricultural. It makes -- it's a footnote, but it
20 makes a statement in there that no additional
21 property shall be rezoned to Agricultural.

22 So on the one hand, we can take the
23 position that, well, this was a mistake in the
24 original zoning and it never should have been
25 changed and needs to remain Agricultural.

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1 The other side of this is that as RE, as
2 RE zoning, RE zoning does allow animals. Animal
3 husbandry is what it's called. You can have two
4 per three acres of property that you have, which
5 means that she could have up to 10 cattle or
6 horses or goats, whatever it happens to be. They
7 can have 10 with the 15 acres that they've got,
8 but animal husbandry is a conditional use in RE
9 zoning.

10 My recommendation would be that we would
11 not change the zoning back to Agricultural, but
12 that we leave it RE. Let us go back and
13 re-advertise for a conditional use and that would
14 allow them to do what they're going to do. We
15 would advertise it. No fee to you. It would just
16 take a little while longer to do.

17 And with the Agricultural zoning, you
18 can have -- bear with me just a minute. It's
19 allowed one horse or one animal for every acre of
20 land, so they would be allowed to have 15 in the
21 agricultural zoning.

22 In the RE zoning, they would be allowed
23 to have a maximum of 10. That would be really the
24 only difference between the two.

25 But I think the cleanest way to do this

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1 know, we'll probably get some criticism about oh,
2 they're not following the ordinance again and
3 everything else, but that is one of the state law
4 remedies for a change in zoning, is that there was
5 a mistake in the zoning. We just basically
6 corrected that mistake.

7 CHAIRMAN DELLENGER:

8 But can we legally do that?

9 MR. CREEL:

10 Well, that's one of the --

11 MR. CARRON:

12 I've got this right here, if you want
13 it.

14 MR. CREEL:

15 Okay.

16 MS. HAMILTON:

17 May I ask a question or is that --

18 CHAIRMAN DELLENGER:

19 Hold on.

20 MR. CREEL:

21 Yeah. This is just another place where
22 it says no additional land is to be zoned A-1 or
23 Agricultural and it says that in a footnote in the
24 transitional table as well, so --

25 MR. CARRON:

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1 would be for us to advertise it as conditional use
2 under the RE zoning since it was changed. I'll
3 leave the decision up to y'all. You can ask me
4 questions. I will try to answer them as best I
5 can.

6 MR. TODARO:

7 That footnote about being able to go
8 back to the original zoning, even though they
9 didn't petition or like you said, probably a
10 mistake, how can we not -- override that footnote?

11 MR. CREEL:

12 Well, you can take the position -- if
13 y'all take the position that we think that this
14 was changed -- because nothing about the property
15 has changed.

16 MR. TODARO:

17 It was a mistake.

18 MR. CREEL:

19 It's the same. This is the way that I
20 used to drive to and from Hattiesburg. I would
21 come by here 23 years ago and it's always been
22 used as a farm. So y'all can take the position
23 that we think that when it was changed with the
24 LEO change that it was done in error and you can
25 change it back. And we'll go from there and, you

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1 Can I ask Ms. Hamilton a question? How
2 many animals are you looking to go up to?

3 MS. HAMILTON:

4 Well, I have three very big, growing
5 boys and so I was going to add more chickens to
6 feed them.

7 MR. CREEL:

8 Well, the chickens are handled
9 differently.

10 MS. HAMILTON:

11 The chickens are. Okay.

12 MR. CREEL:

13 This has to do with animals.

14 MS. HAMILTON:

15 Yeah. It really just is the goats on
16 how they keep the fence line down.

17 MR. CREEL:

18 This would include goats, sheep, cattle
19 and horses or donkeys, you know. That's what
20 would be involved in this.

21 MR. CARRON:

22 But what I'm looking for is to see if
23 they're going to exceed that -- what is that, 10?

24 MR. CREEL:

25 Ten.

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1 CHAIRMAN DELLENGER:
 2 Ten to fifteen is what you get. You get
 3 five extra ones being agricultural.
 4 MS. HAMILTON:
 5 We shouldn't, but I mean, it -- that's
 6 kind of cutting it close with the pasture, with
 7 the -- everything.
 8 MR. DELAHOUSEY:
 9 Ms. Hamilton -- I'm sorry, Kyle. Were
 10 you finished?
 11 MR. CARRON:
 12 Well, what I was alluding to, I mean, if
 13 you're going to stay under 10, then it -- it would
 14 kind of be easier for us, I believe, if we say
 15 there was a mistake in the original zoning.
 16 MR. DELAHOUSEY:
 17 Yeah.
 18 MR. KING:
 19 I agree with that.
 20 MR. DELAHOUSEY:
 21 After hearing basically what options are
 22 available, the two remedies, both of them would
 23 probably satisfy your needs. Would you be more
 24 inclined for it to go back to Agricultural like it
 25 was or for it to remain RE under -- and have a

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1 Mr. Parker, Mr. Todaro, Ms. Shaw, Mr. Bogard,
 2 Mr. Delahousey, Mr. Carron, Mr. King, Mr. Snow,
 3 Mr. Poulos; and myself, Mr. Dellenger.
 4 All right. Let the record show that
 5 carries.
 6 CHAIRMAN DELLENGER:
 7 Any against? Any abstains?
 8 MR. STANOVICH:
 9 No. I voted yes.
 10 CHAIRMAN DELLENGER:
 11 Oh, you did? I'm sorry. I didn't see
 12 your hand. Mr. Stanovich is a yes.
 13 Let the record show that carries.
 14 MR. TODARO:
 15 Was it -- unanimous, right?
 16 CHAIRMAN DELLENGER:
 17 Unanimous.
 18 Thank you.
 19 MS. HAMILTON:
 20 Thank you.
 21 CHAIRMAN DELLENGER:
 22 The next public hearing would be Case
 23 Number 26-028-FC Erwin Castillo, a request for a
 24 conditional use to authorize an existing
 25 single-family residence situated upon a parcel of

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1 hearing for conditional use?
 2 MS. HAMILTON:
 3 I would like it to be back to
 4 Agricultural. I think it would help protect that
 5 land.
 6 MR. DELAHOUSEY:
 7 I would like to make a motion that we --
 8 understanding that it may be challenged, but I
 9 would like to make a motion that we change it back
 10 to Agricultural with the understanding that it's
 11 our opinion that it was a mistake.
 12 MR. TODARO:
 13 I second that.
 14 MS. LENA:
 15 So you're making a motion to approve?
 16 MR. DELAHOUSEY:
 17 Approve, yes.
 18 CHAIRMAN DELLENGER:
 19 We have a motion on the floor by
 20 Mr. Delahousey to approve; seconded by Mr. Todaro.
 21 Is there any discussion?
 22 (No response.)
 23 CHAIRMAN DELLENGER:
 24 There being no further discussion, all
 25 vote by please raising your hand. Mr. Lechner,

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1 land measuring approximately one acre, more or
 2 less, to be utilized as a short-term rental for a
 3 property located within an NB, Neighborhood
 4 Business zone, identified as 11554 Cedar Lake
 5 Road, Tax Parcel Number 1208I-01-006.000. This
 6 was advertised on 4/24 and 5/1. If we could
 7 please see the video.
 8 MS. SERPAS:
 9 (Video played.)
 10 Okay.
 11 CHAIRMAN DELLENGER:
 12 Thank you.
 13 Is Mr. Castillo here?
 14 MS. RAMOS:
 15 Martha Ramos.
 16 CHAIRMAN DELLENGER:
 17 Yes. If you can, come up, please. Let
 18 us know what you're planning to try to do and how
 19 you're going to do that.
 20 MS. RAMOS:
 21 Okay. So first, hi, everyone. I'm
 22 Ms. Martha Ramos and my husband, Erwin Castillo.
 23 So basically what we're trying to do is
 24 to have the conditional use to legally have our
 25 Airbnb or short-term rental on the second

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