

**CITY OF BILOXI  
AGENDA ITEM  
FACT SHEET**

Item No.: 4B

Council Meeting Date: May 26, 2026

**ITEM TITLE:** RESOLUTION

**INTRODUCED BY:** Mayor Andrew "FoFo" Gilich

**CONTACT PERSON:** Rick Weaver, CAO

Jerry Cree, *Jerry Cree* Director of Community Development

**SUMMARY EXPLANATION:**

Resolution granting Conditional Use approval to authorize an existing duplex to be utilized as Short-Term Rentals upon property situated in a NB Neighborhood Business zone, and identified as 11554 and 11558 Cedar Lake Road.

Case No. 26-028-PC, Ward 6, Erwin Castillo

Resolution  Ordinance \_\_\_\_\_ Public Hearing \_\_\_\_\_ Routine Agenda \_\_\_\_\_

Exhibits for Review

Contract \_\_\_\_\_ Minutes  Plans/Maps \_\_\_\_\_ Deed \_\_\_\_\_ Lease \_\_\_\_\_

Other (Specify): Case Fact Sheet, applications, floor plan, site plan

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:**

RESOLUTION NO. \_\_\_\_\_

RESOLUTION GRANTING **CONDITIONAL USE** APPROVAL TO AUTHORIZE AN EXISTING DUPLEX TO BE UTILIZED AS **SHORT-TERM RENTALS** UPON PROPERTY SITUATED IN A **NB NEIGHBORHOOD BUSINESS ZONE**, AND IDENTIFIED AS 11554 AND 11558 CEDAR LAKE ROAD

WHEREAS, on Thursday, May 7, 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. 26-028-PC, Erwin Castillo (owner) and Martha Ramos (applicant), a request for **Conditional Use** approval, for the property identified as 11554 & 11558 Cedar Lake Road; and

WHEREAS, the Planning Commission members were apprised of the particulars of this case, being made cognizant of the fact that the owner/applicant had submitted a request for **Conditional Use**, to authorize an existing duplex to be utilized as **Short-Term Rentals**, for property situated within a **NB Neighborhood Business** zone, and identified as 11554 and 11558 Cedar Lake Road (re: Tax Parcel No. 1208I-01-006.000); and

WHEREAS, it was determined that this **Conditional Use** request meets all of the standards, as follows:

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

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

WHEREAS, on May 7, 2026, the Biloxi Planning Commission, upon reflection of the information related by the applicant at the public hearing, voted (12-0-0) to recommend approval of the requested **Conditional Use** approval, to authorize an existing duplex situated upon a parcel of land measuring approximately 1 acre (more or less), to be utilized as **Short-Term Rentals**, for a property located within an **NB Neighborhood Business** zone, and identified as 11554 and 11558 Cedar Lake Road (re: Tax Parcel No. 1208I-01-006.000), having determined that the proposed **Conditional Use** had been found to be in compliance with the Land Development Ordinance, and finding also that the use promotes the public interest at this location; that the use has been designed, located and proposed to be operated so that the public health, safety and welfare will be protected; that said use will not cause substantial injury to other properties in the neighborhood in which located; and that the use proposed conforms to all zoning district regulations of the **NB Neighborhood Business** zoning district; and

WHEREAS, the Biloxi City Council, after consideration of all facts presented, hereby adopts the report and findings of the Biloxi Planning Commission, and in so doing, determines that approval of the requested **Conditional Use** is appropriate for the property identified as 11554 and 11558 Cedar Lake Road.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BILOXI, MISSISSIPPI, THAT this requested **Conditional Use** approval to authorize an existing duplex situated upon a parcel of land measuring approximately 1 acre (more or less), to be utilized as Short-Term Rentals, for a property located within an **NB Neighborhood Business** zone, and identified as 11554 and 11558 Cedar Lake Road (re: Tax Parcel No. 1208I-01-006.000), as addressed within Case No. 26-028-PC Erwin Castillo, is appropriate, having determined that the proposed use has been found to be in compliance with the Land Development Ordinance, and finding also that the **Short-Term Rentals**, as presented, promotes the public interest at this location; that the use has been designed, located and proposed to be operated so that the public health, safety and welfare will be protected; that said use will not cause substantial injury to other properties in the neighborhood in which located; and that this **Conditional Use** conforms to all zoning regulations, as required to proceed with the establishment of this use at these locations.

.....A

RESOLUTION NO. \_\_\_\_\_

RESOLUTION CALLING FOR A PUBLIC HEARING WITH RESPECT TO A REQUEST FOR A **CONDITIONAL USE** APPROVAL TO AUTHORIZE AN EXISTING DUPLEX TO BE UTILIZED AS **SHORT-TERM RENTALS** UPON PROPERTY SITUATED IN A **NB NEIGHBORHOOD BUSINESS ZONE**, AND IDENTIFIED AS 11554 AND 11558 CEDAR LAKE ROAD

WHEREAS, on Thursday, May 7, 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. 26-028-PC, Erwin Castillo (owner) and Martha Ramos (applicant), a request for **Conditional Use** approval, for the property identified as 11554 & 11558 Cedar Lake Road; and

WHEREAS, the Planning Commission members were apprised of the particulars of this case, being made cognizant of the fact that the owner/applicant had submitted a request for **Conditional Use**, to authorize an existing duplex to be utilized as **Short-Term Rentals**, for property situated within a **NB Neighborhood Business** zone, and identified as 11554 and 11558 Cedar Lake Road (re: Tax Parcel No. 1208I-01-006.000); and

WHEREAS, it was determined that this **Conditional Use** request meets all of the standards, as follows:

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

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

WHEREAS, on May 7, 2026, the Biloxi Planning Commission, upon reflection of the information related by the applicant at the public hearing, voted (12-0-0) to recommend approval of the requested **Conditional Use** approval, to authorize an existing duplex situated upon a parcel of land measuring approximately 1 acre (more or less), to be utilized as **Short-Term Rentals**, for a property located within an **NB Neighborhood Business** zone, and identified as 11554 and 11558 Cedar Lake Road (re: Tax Parcel No. 1208I-01-006.000), having determined that the proposed **Conditional Use** had been found to be in compliance with the Land Development Ordinance, and finding also that the use promotes the public interest at this location; that the use has been designed, located and proposed to be operated so that the public health, safety and welfare will be protected; that said use will not cause substantial injury to other properties in the neighborhood in which located; and that the use proposed conforms to all zoning district regulations of the **NB Neighborhood Business** zoning district; and

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

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF

THE CITY OF BILOXI, MISSISSIPPI, THAT an additional public hearing will be conducted by the City Council in reference to Case No. 26-028-PC, Erwin Castillo, on a date to be set and in accordance with all requirements of Section 23-2-3 (F) of the City of Biloxi Land Development Ordinance governing the conduct of public hearings.

..... B

RESOLUTION NO. \_\_\_\_\_

RESOLUTION TO DENY **CONDITIONAL USE** APPROVAL TO AUTHORIZE AN EXISTING DUPLEX TO BE UTILIZED AS **SHORT-TERM RENTALS** UPON PROPERTY SITUATED IN A **NB NEIGHBORHOOD BUSINESS ZONE**, AND IDENTIFIED AS 11554 AND 11558 CEDAR LAKE ROAD

WHEREAS, on Thursday, May 7, 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. 26-028-PC, Erwin Castillo (owner) and Martha Ramos (applicant), a request for **Conditional Use** approval, for the property identified as 11554 & 11558 Cedar Lake Road; and

WHEREAS, the Planning Commission members were apprised of the particulars of this case, being made cognizant of the fact that the owner/applicant had submitted a request for **Conditional Use**, to authorize an existing duplex to be utilized as **Short-Term Rentals**, for property situated within a **NB Neighborhood Business** zone, and identified as 11554 and 11558 Cedar Lake Road (re: Tax Parcel No. 1208I-01-006.000); and

WHEREAS, it was determined that this **Conditional Use** request meets all of the standards, as follows:

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

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

WHEREAS, on May 7, 2026, the Biloxi Planning Commission, upon reflection of the information related by the applicant at the public hearing, voted (12-0-0) to recommend approval of the requested **Conditional Use** approval, to authorize an existing duplex situated upon a parcel of land measuring approximately 1 acre (more or less), to be utilized as **Short-Term Rentals**, for a property located within an **NB Neighborhood Business** zone, and identified as 11554 and 11558 Cedar Lake Road (re: Tax Parcel No. 1208I-01-006.000), having determined that the proposed **Conditional Use** had been found to be in compliance with the Land Development Ordinance, and finding also that the use promotes the public interest at this location; that the use has been designed, located and proposed to be operated so that the public health, safety and welfare will be protected; that said use will not cause substantial injury to other properties in the neighborhood in which located; and that the use proposed conforms to all zoning district regulations of the **NB Neighborhood Business** zoning district; and

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

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BILOXI, MISSISSIPPI, THAT having given the Planning Commission's

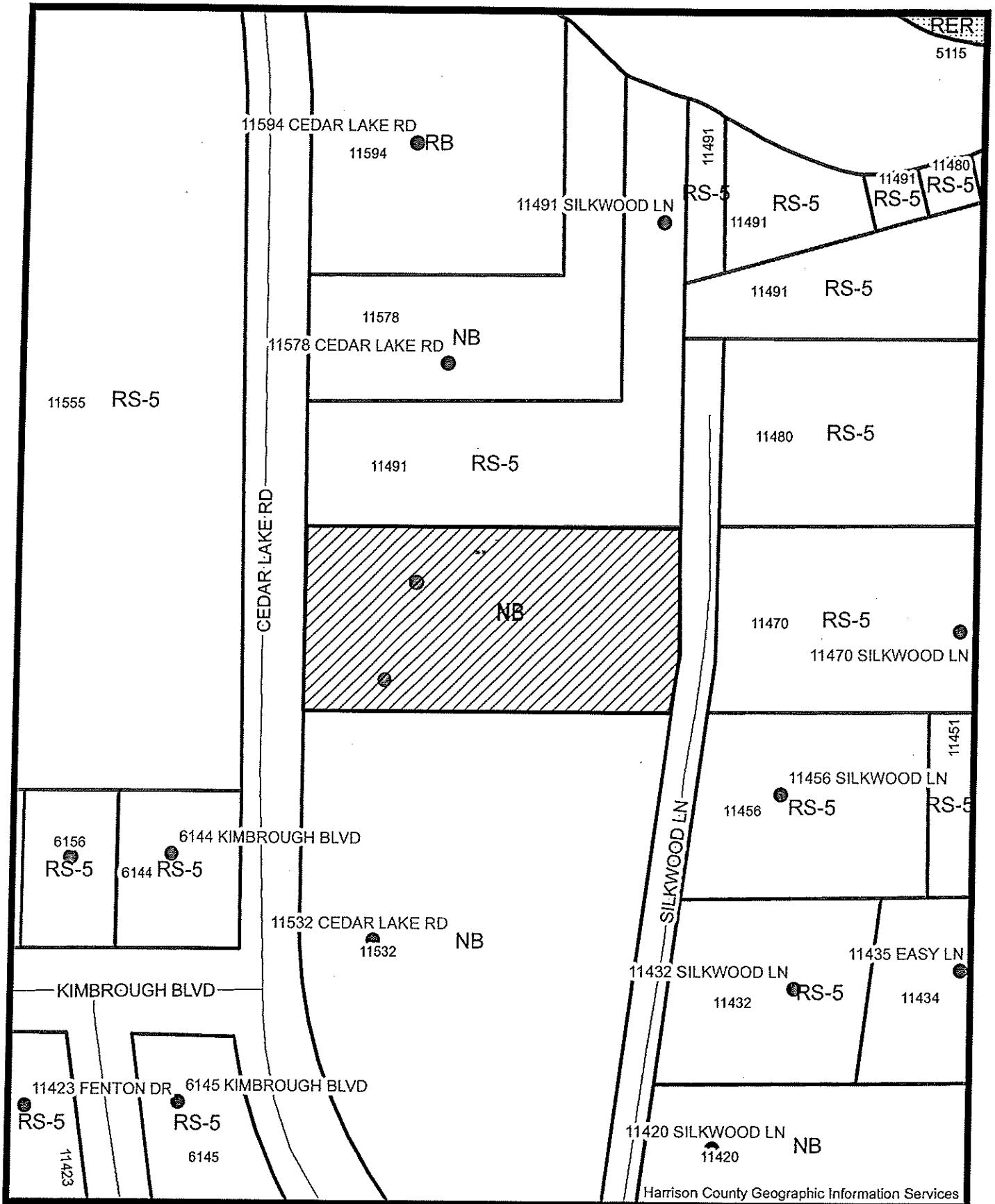
recommendation full consideration, hereby rejects said recommendation and hereby denies the requested **Conditional Use** for the property identified as 11554 Cedar Lake Road, Case No. 26-028-PC, Erwin Castillo, based upon a determination that \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

..... C

Case No. 26-028-PC  
Erwin Castillo  
~~11558~~ 11554 Cedar Lake Rd  
Comnditional Use-STR in NB zone



Scheduled for  
May 7, 2026  
PC Meeting

Erwin Castillo /Martha Ramos  
Case No. 26-028-PC  
**Conditional Use**  
**Short-Term Rentals**



**Planning Commission  
Case Fact Sheet**

---

**Case No.:** 26-028-PC  
**Name of Owner:** Erwin Castillo  
**Applicant:** Martha Ramos  
**Address of Property:** 11554 and 11558 Cedar Lake Road  
**Tax Parcel/Ward:** 12081-01-006.000/Ward 6

---

**Request:** **Conditional Use**

**Purpose of Request:** To consider an application requesting **Conditional Use** approval, to authorize an existing duplex situated upon a parcel of land measuring approximately 1 acre (more or less), to be utilized as a **Short-Term Rental**, for a property located within an **NB Neighborhood Business** zone, and identified as 11554 and 11558 Cedar Lake Road (re: Tax Parcel No. 12081-01-006.000).

**Present Zoning:** **NB Neighborhood Business**

**Size of Property:** 1 acre (more or less)

**Flood Zone:** SX

**Present Use:** Duplex

**Most Nearly Bounded By (streets):** To the North of Cedar Lake Road; to the South of Road 536; to the West of and adjacent to Silkwood Lane; and to the East of and fronting to Cedar Lake Road.

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

**Positive Influences:** The requested **Conditional Use** would allow the applicants

the right to offer an existing duplex for rental periods of less than 30 days in duration.

**Letters or  
Concerns stated:**

The Planning Division Office has not received any written communication relative to this case as of April 30, 2026.

**Comments/  
Recommendations:**

Erwin Castillo, has submitted an application requesting **Conditional Use** approval, to authorize an existing duplex situated upon a parcel of land measuring approximately 1 acre (more or less), to be utilized as a **Short-Term Rental**, for a property located within an **NB Neighborhood Business** zone, and identified as 11554 and 11558 Cedar Lake Road (re: Tax Parcel No. 12081-01-006.000).

It should be noted that all **Short-Term Rentals** in the City of Biloxi are subject to specific regulations, as provided by City Ordinance. Should this duplex be recommended for approval as **Short-Term Rentals**, all city regulations involved must be fully addressed.

As part of any Conditional Use application review, the Planning Commission must determine that the use will provide for the public interest at this location, will be designed, located, and proposed to be operated so that the public health, safety, and welfare will be protected; that the use will not cause substantial injury to other property (ies); and that the use will conform to all district regulations in which located.

**Options:**

1. Recommend approval of this request for **Conditional Use**, finding that the use promotes the public interest at this location, that the use has been designed, located, and proposed to be operated so that the public health, safety and welfare will be protected, and that said use should not cause substantial injury to other properties in the neighborhood in which it is located.
2. Recommend denial of this request for **Conditional Use**, having determined that said use does not promote the public interest at this location, and has not been found to meet all Zoning District Regulations, as outlined in 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.**

Erwin Waldiny Castillo Escobar

*[Handwritten signature]*

Signature of Rightful Owner

Signature of Rightful Owner

Notary Signature (Seal)      Date

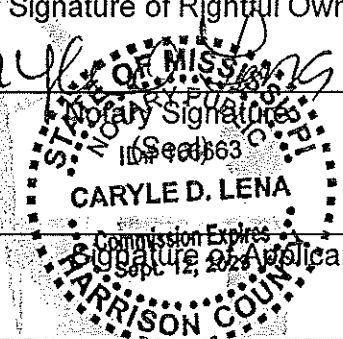
Notary Signature (Seal)      Date

Signature of Rightful Owner

Signature of Applicant

Notary Signature (Seal)      Date

Notary Signature (Seal)      Date



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:

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

**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. Be specific as to development proposals, sale of property, or other transactions/plans proposed or scheduled for preparation subject to this rezoning request being granted approval.

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

**Criteria: Please respond to all yes answers.**

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

Please explain: \_\_\_\_\_

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

Please explain: \_\_\_\_\_

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

Please explain: \_\_\_\_\_

4. Does the use conform to all district regulations of the applicable zoning district in which it is to be located, unless other provisions are specifically set forth in the requirements governing specific Conditional Uses? Yes  No

Please explain: \_\_\_\_\_

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?	X		
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>			

**Property Address: 11554 Cedar Lake Rd**

**Jurisdiction: City of Biloxi**

**This application is respectfully submitted to request a zoning change, variance, or determination of allowable use under the Land Development Ordinance of Biloxi city, to permit the operation of a short-term rental (Airbnb) at the property located at 11554 Cedar Lake Rd.**

**The purpose of this request is to bring the current and intended use of the property into full compliance with applicable county zoning regulations. The applicant seeks to operate the property as a short-term rental in a manner that is consistent with county ordinances governing residential uses, occupancy standards, and land use compatibility.**

**The subject property is located within an area characterized by residential development, where single-family dwellings are the predominant use. The proposed short-term rental will maintain the residential nature of the property, as it will continue to function as a dwelling unit. No commercial alterations, structural expansions, or changes to the external character of the property are proposed. The use will be limited to transient guests on a short-term basis, consistent with the definition of short-term lodging where permitted or conditionally allowed.**

**The reason for this request is to adapt the use of the property to meet the growing demand for short-term accommodations in City of Biloxi particularly due to the area's proximity to coastal attractions, employment centers, and tourism-related activities. The applicant recognizes that short-term rentals are an evolving land use and is seeking formal approval to ensure full compliance with all applicable county requirements, including any permitting, taxation, and operational standards.**

**The applicant's objective is to establish a legally compliant short-term rental that contributes positively to the local economy while preserving neighborhood character. The applicant is committed to responsible property management practices, including:**

- Adhering to occupancy limits as defined by county regulations**
- Providing adequate on-site parking to avoid street congestion**
- Enforcing quiet hours and noise control measures**
- Maintaining the property in accordance with health, safety, and building codes**
- Ensuring compliance with all licensing and tax obligations required by the county**

**The proposed use is not expected to generate significant traffic, noise, or other impacts beyond what is typical for a single-family residence. As such, it is compatible with surrounding land uses and consistent with the intent of the**

county's zoning regulations to promote orderly and appropriate development.

In summary, this request is made to ensure compliance with the Land Development Ordinance of City of Biloxi, to support responsible and regulated short-term rental activity, and to allow the applicant to utilize the property in a manner that aligns with current housing and tourism trends while respecting the surrounding community.

1  
 BILOXI PLANNING COMMISSION MEETING  
 MAY 7, 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.

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

3  
 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

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

CONTINUED PUBLIC HEARING(S) :	PAGE:
(None)	
<b>NEW PUBLIC HEARING(S) :</b>	
26-027-PC	6
26-028-PC	19
<b>TREE HEARINGS:</b>	
TR-26-002	29

4  
 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 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

Simpson Burdine & Miguez 228 388 3130

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-PC Erwin Castillo, a request for a  
24 conditional use to authorize an existing  
25 single-family residence situated upon a parcel of

Simpson Burdine & Miguez 228 388 3130

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,

Simpson Burdine & Miguez 228 388 3130

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

Simpson Burdine & Miguez 228 388 3130

1 structure part of the same parcel next to our  
2 house.

3 Wow. I'm very nervous.

4 But for the last five, six years, we  
5 have been purchasing a lot of properties along  
6 Biloxi. The lady back there has been our biggest  
7 witness in how we're very compromised (sic) and  
8 make a better appearance of the properties that we  
9 have been buying. And we are very compromised to  
10 have, you know, the City of Biloxi looking better.

11 This business, that's just another thing  
12 that we thought it's going to help to -- the city  
13 because if you have people come down to your  
14 Airbnb in the City of Biloxi, you're basically not  
15 obligated, but help to buy local and stay local in  
16 the City of Biloxi.

17 So that's it. We are just looking  
18 forward to see what questions or comments you  
19 have.

20 CHAIRMAN DELLENGER:

21 And so you do currently live on property  
22 as well?

23 MS. RAMOS:

24 On the next property -- on the property  
25 next to.

Simpson Burdine & Miguez 228.388.3130

1 You're the only neighbor.

2 MS. RAMOS:

3 No one -- I guess in order to have this,  
4 you guys have to send some letters to see if  
5 anyone complained or anything. We don't have  
6 neighborhoods on any of the sides. In the front,  
7 we've got the church, so basically it won't affect  
8 them with the noise or anything.

9 MR. DELAHOUSEY:

10 Have you talked to any people in the  
11 neighborhood?

12 MS. RAMOS:

13 I do. We talk with the people of the  
14 church and I talk to the people in the back, in  
15 the rear, but they're just too far away. I mean,  
16 the house sits on the front of Cedar Lake and the  
17 people on the back, as you see, on the back area,  
18 it's --

19 MR. DELAHOUSEY:

20 Do any of your neighbors have any  
21 problem with you changing it to short-term rental?

22 MS. RAMOS:

23 No. They actually very happy because  
24 when -- my husband was passing the property and it  
25 was looking very bad before we purchased it and

Simpson Burdine & Miguez 228.388.3130

1 CHAIRMAN DELLENGER:

2 Okay. Next door to it?

3 MS. RAMOS:

4 Yes, sir, on that property.

5 MS. LENA:

6 Charlie, the one that was on the video,  
7 the big house is where they live. The small house  
8 is on the right.

9 CHAIRMAN DELLENGER:

10 Will you guys be managing the  
11 property --

12 MS. RAMOS:

13 Yes.

14 CHAIRMAN DELLENGER:

15 -- or will you have a management  
16 company?

17 MS. RAMOS:

18 No. I do -- I'm a real estate agent  
19 also and I'm planning to be the one to manage.

20 MR. DELAHOUSEY:

21 Do you have any other neighbors adjacent  
22 to this property?

23 MS. RAMOS:

24 No. Actually --

25 MR. DELAHOUSEY:

Simpson Burdine & Miguez 228.388.3130

1 before we renovate it, so they are just like, oh,  
2 thank you so much. It looks very nice. And no.

3 MR. DELAHOUSEY:

4 So just to make sure, I want to make  
5 sure what you just said, that the property was  
6 maybe not in as good of shape as it is now and you  
7 repaired the property to make it more attractive  
8 so that you could convert it to short-term rental?

9 MS. RAMOS:

10 Yes, sir. It wasn't a first thought.

11 Honestly, I was thinking on having my mom and dad  
12 care and living with us, but they have to travel  
13 back to Mexico, so it was kind of just vacant.

14 And then we felt it was a good addition to -- and,  
15 again, since we don't have any complaining  
16 neighborhoods or something, we don't see any  
17 problem. Again, we are here and happy to hear  
18 whatever you guys think about it.

19 MR. DELAHOUSEY:

20 And not to put any words in your mouth,  
21 would it be fair to say that if it was a  
22 short-term rental, you would be more motivated to  
23 keep it in good operating order and good  
24 condition?

25 MS. RAMOS:

Simpson Burdine & Miguez 228.388.3130

1 Absolutely.  
 2 MR. DELAHOUSEY:  
 3 Thank you.  
 4 CHAIRMAN DELLENGER:  
 5 How many bedrooms is the house that  
 6 you're going to be renting or wanting to do the  
 7 short-term rental?  
 8 MS. RAMOS:  
 9 The small one, it has three bedrooms and  
 10 two bathrooms. It's 3/2.  
 11 MR. CARRON:  
 12 This being a duplex, are you planning on  
 13 having two short-term rentals?  
 14 MS. RAMOS:  
 15 Well, our thoughts for now is just have  
 16 that one working on it, but I would -- don't say  
 17 no. We're thinking probably on the long future  
 18 have the other property working as an Airbnb as  
 19 well.  
 20 MR. CARRON:  
 21 I just wasn't sure whether you were  
 22 going to have one or two and that if it was going  
 23 to be two, I figured it needed to have two.  
 24 MR. CREEL:  
 25 What would happen is if you approve

Simpson Burdine &amp; Miguez 228 388 3130

1 about has a lot of commercial around it, even  
 2 though the zoning across is RS-5. It's the  
 3 central church over there and they're just down  
 4 from the -- what used to be Ya Momma's House and  
 5 an RV park across the street and some other  
 6 things, so it kind of gives the neighborhood a  
 7 commercial feel to it.  
 8 The staff really doesn't have any  
 9 opposition to it, but we would ask that if y'all  
 10 feel like it needs to be limited to the one  
 11 building, that y'all make that part of the motion  
 12 for the approval, that it would be limited to that  
 13 one building, and specifically -- otherwise, the  
 14 house that they're living in, they can actually  
 15 use that as a short-term rental because a  
 16 conditional use runs with the land, not with the  
 17 structure but with the land.  
 18 MR. TODARO:  
 19 Would there be a reason why we would  
 20 want to limit it?  
 21 MR. CREEL:  
 22 It's up to you.  
 23 MR. TODARO:  
 24 I mean, that may be a choice that they  
 25 want to make.

Simpson Burdine &amp; Miguez 228 388 3130

1 this, the conditional use runs with the land and  
 2 they would be -- unless you specifically spell it  
 3 out, they would be able to use both houses or both  
 4 for -- all tenants' space for short-term rental.  
 5 MR. CARRON:  
 6 Okay. Thank you.  
 7 CHAIRMAN DELLENGER:  
 8 Does anyone have any other questions?  
 9 There being no other questions, thank  
 10 you.  
 11 MS. RAMOS:  
 12 Uh-huh. Thank you.  
 13 CHAIRMAN DELLENGER:  
 14 Is there anyone in the audience to speak  
 15 in favor of the applicant's request? Anyone to  
 16 speak in favor?  
 17 (No response.)  
 18 CHAIRMAN DELLENGER:  
 19 Is there anyone to speak in opposition?  
 20 Anyone to speak in opposition of the  
 21 request?  
 22 There being none, we'll consider that  
 23 hearing closed. Mr. Creel.  
 24 MR. CREEL:  
 25 Well, the area that they're talking

Simpson Burdine &amp; Miguez 228 388 3130

1 MR. CREEL:  
 2 It's up to y'all whether or not y'all  
 3 want to do that.  
 4 MR. TODARO:  
 5 I move that it be approved.  
 6 MR. DELAHOUSEY:  
 7 I second it.  
 8 MR. CARRON:  
 9 Jerry, don't we have some other ones  
 10 fairly close to there as a short-term rental? I  
 11 thought we approved one just right in that general  
 12 area.  
 13 MR. CREEL:  
 14 The property back in there behind this  
 15 is zoned RE, and you have some short-term rentals  
 16 that are uses-by-right back in there.  
 17 CHAIRMAN DELLENGER:  
 18 Motion to approve by Mr. Todaro;  
 19 seconded by Mr. Delahousey.  
 20 Is there any discussion?  
 21 MR. CARRON:  
 22 Are we going to limit it to just --  
 23 MR. TODARO:  
 24 No. I just say down the road, they may  
 25 want to make that.

Simpson Burdine &amp; Miguez 228 388 3130

1 MR. DELAHOUSEY:  
 2 No.  
 3 CHAIRMAN DELLENGER:  
 4 Motion for the property, not --  
 5 MR. TODARO:  
 6 They should have the liberty to do that.  
 7 MR. CARRON:  
 8 So they could have three of them,  
 9 correct?  
 10 CHAIRMAN DELLENGER:  
 11 Is Jason okay with this, Mr. Parker?  
 12 MR. PARKER:  
 13 Everything's fine.  
 14 MR. TODARO:  
 15 Are we raising our hands yet?  
 16 CHAIRMAN DELLENGER:  
 17 Is there any other discussion?  
 18 Okay. There being no other discussion,  
 19 please vote by raising your hands. Mr. Lechner,  
 20 Mr. Parker, Mr. Todaro, Ms. Shaw, Mr. Stanovich,  
 21 Mr. Bogard, Mr. Delahousey, Mr. Carron, Mr. King,  
 22 Mr. Snow, Mr. Poulos; myself, Mr. Dellenger. Let  
 23 the record show that's unanimous.  
 24 The next case we'll hear is a tree  
 25 hearing. Case Number TR-26-002, Jordan Bursch on

1 the development of this new site plan here, so I  
 2 will provide you with it.  
 3 As you know, Phase 1 where -- the houses  
 4 that you've seen that run along West Oaklawn Road  
 5 and Shorecrest Drive, that's Phase 1 and there are  
 6 22 houses that have been built along there.  
 7 This is Phase 2 that's being proposed,  
 8 and the subdivision plat, again, has already been  
 9 approved. That part has gone through and gotten  
 10 the necessary approval, so the issue now is the  
 11 trees.  
 12 As they came back, there was some  
 13 confusing language in the tree ordinance and in  
 14 the definitions. And what it is, is that in the  
 15 main text of the tree ordinance what it says is  
 16 that a protected tree is a live oak, a bald  
 17 cypress or a southern magnolia that is  
 18 eight inches or more in diameter. Anything less  
 19 than that is not a protected tree.  
 20 The non-protected trees -- in the text,  
 21 it talks about a non-protected tree that is over  
 22 16 inches, but it doesn't say that a non-protected  
 23 is a protected tree.  
 24 Basically, what it says is that you have  
 25 to -- when you're talking about taking down five

1 behalf of Meritage Homes, a request to remove 39  
 2 protected trees: 29 live oaks, seven magnolias,  
 3 two black Tupelos larger than 16 inches and one  
 4 sweet gum larger than 16 inches to authorize the  
 5 construction of a new single-family subdivision  
 6 listed as Hawk Creek Phase 2 containing 49 lots  
 7 for a parcel of land identified as Lot 23, Hawk  
 8 Creek Subdivision, located on West Oaklawn Road,  
 9 Tax Parcel Number 1108M-01-003.023. When was this  
 10 advertised?  
 11 MR. CREEL:  
 12 This is different.  
 13 CHAIRMAN DELLENGER:  
 14 If we can please see the video.  
 15 MS. SERPAS:  
 16 (Video played.) Okay.  
 17 CHAIRMAN DELLENGER:  
 18 Thank you.  
 19 MR. CREEL:  
 20 I'm actually doing this one.  
 21 CHAIRMAN DELLENGER:  
 22 Is Mr. Bursch not here?  
 23 MR. CREEL:  
 24 Mr. Bursch had a conflict on his  
 25 schedule and we've worked very closely with him on

1 or more, you have to have a public hearing and  
 2 then you have to show all of your protected trees  
 3 and all of your non-protected trees that are  
 4 16 inches or more on the site plan. And then you  
 5 have to obtain a permit to remove the  
 6 non-protected trees that are over 16 inches, but  
 7 it doesn't make them a protected tree.  
 8 But when you get over into the back of  
 9 the book into the definitions and you look under  
 10 protected trees, it lists both protected trees'  
 11 definition that says any of those three species  
 12 that are over eight inches in diameter and then  
 13 it's got non-protected trees under there that are  
 14 16 inches or more.  
 15 So the argument that we have been  
 16 dealing with is that if a non-protected tree grows  
 17 to more than 16 inches in diameter, it becomes a  
 18 protected tree, which was never the intent of the  
 19 ordinance.  
 20 Now, if we had gone through and met to  
 21 correct these things -- and that's something  
 22 that's going to be coming to the Planning  
 23 Commission in the near future, a revised tree  
 24 ordinance with these revisions in there where  
 25 we've gone back and we've made corrections to a

1 lot of these things that just don't make sense.

2 So what it is with this particular case  
3 is that we went back and we took every protected  
4 tree that meets the protected tree ordinance on  
5 here. We put it on here. We also took the  
6 non-protected trees that are 16 inches or more in  
7 diameter to show them on here.

8 If there was a tree that had a multiple  
9 trunk on it, we counted those as separate trees.  
10 That's the difference between what y'all reviewed  
11 before and what you're reviewing now, is we didn't  
12 want any questions to happen about how many trees  
13 were being removed, so we even took the trees that  
14 had multi-trunks on it and counted those as  
15 individual trees so that we can make sure that  
16 y'all had all the information that you needed.

17 What Meritage has agreed to do -- they  
18 submitted a tree survey. They're showing all the  
19 trees that are going to be removed. They're  
20 showing all the trees that are going to remain.  
21 They're showing all the trees that are going to be  
22 planted as a part of their mitigation, which  
23 they've agreed to mitigate for all of the trees.

24 We talked before, they're going to not  
25 only plant protected trees along the highway

Simpson Burdine & Miguez 228 388 3130

1 staff has no objection and would recommend  
2 approval.

3 MR. STANOVICH:

4 Jerry, these little yellow Xs, those are  
5 the trees to be removed, correct?

6 MR. CREEL:

7 Yes.

8 MR. STANOVICH:

9 I have counted about three or four  
10 times. It comes up to 30, so is that the  
11 difference between the 30 and 39?

12 MR. CREEL:

13 If you look to the side of some of those  
14 trees, in very small print, it will say two of  
15 this kind of species and two of that kind of  
16 species. That's where the difference came in.  
17 This one may be a little bit easier to understand,  
18 David. I went back and highlighted this with  
19 yellow to show the multi-trunk trees that --

20 CHAIRMAN BELLENGER:

21 So if the tree is really split out, you  
22 know, at the base, they counted that as two trees.

23 MS. LENA:

24 You see them, David? Some of them were  
25 two. Some of them were three.

Simpson Burdine & Miguez 228 388 3130

1 right-of-way, which was one of the sticking  
2 points, you know. It was recommended that there  
3 would be cedars back there and there was some  
4 people that objected to the cedars. Well, now,  
5 they've got a survey -- a legend on here that  
6 shows they'll be planting live oaks and southern  
7 magnolias along that right-of-way line.

8 They'll also be putting fences up along  
9 that right-of-way line. So between the houses  
10 that will be built, the fences that will be  
11 installed and the trees that they're going to  
12 plant there according to this tree survey and  
13 mitigation plan, they've complied with everything  
14 that the ordinance requires of them.

15 And so we have looked at this. We've  
16 had the consulting arborist go out and walk the  
17 property. The Tree Committee has gone out and  
18 walked the property. I think Caryle has some  
19 letters.

20 MS. LENA:

21 Yeah.

22 MR. CREEL:

23 A copy of the letter where the Tree  
24 Committee voted 4/0/1 to approve -- the  
25 recommendation that this be approved and so the

Simpson Burdine & Miguez 228 388 3130

1 MR. STANOVICH:

2 So the last time we looked at this, we  
3 were removing 30 trees, right?

4 MR. CREEL:

5 That's right. Twenty-seven.

6 CHAIRMAN BELLENGER:

7 Twenty-seven.

8 MR. DELAHOUSEY:

9 Mr. Chairman, I'm just wondering if --  
10 given the current state of affairs in Biloxi where  
11 everybody is under a microscope, I'm just  
12 wondering if -- questioning the appropriateness  
13 of -- if Mr. Creel is presenting the case  
14 basically on behalf of applicant and then is also  
15 making a recommendation, you might be setting --  
16 you don't need any more problems.

17 MR. CREEL:

18 Well, let me just tell you, y'all can  
19 agree with my recommendation or not. We don't go  
20 back with hurt feelings and cry over something.  
21 We've got plenty of stuff to work on that keeps us  
22 busy.

23 MR. DELAHOUSEY:

24 If we were to table this, would it --  
25 from what you know, would it cause any significant

Simpson Burdine & Miguez 228 388 3130

1 problem with the developer if we were to table it  
2 until he could -- or someone could represent him?  
3 MR. CREEL:

4 It's up to y'all if y'all want to do  
5 that. It's not going to cause any grief for us,  
6 no.

7 CHAIRMAN DELLENGER:

8 I mean -- well, let's stop for a second  
9 and let's see if there is anybody in the audience  
10 that agrees or disagrees with the case first.

11 Is there in the audience in favor of the  
12 applicant's request? Anyone in favor?

13 (No response.)

14 CHAIRMAN DELLENGER:

15 Is there anyone against? Is there  
16 anyone against this?

17 (No response.)

18 CHAIRMAN DELLENGER:

19 Okay. Then, we'll consider that hearing  
20 closed.

21 Now, we can discuss that further.

22 MR. DELAHOUSEY:

23 Yeah.

24 CHAIRMAN DELLENGER:

25 I mean, honestly, we've heard this case

Simpson Burdine & Miguez 228.388.3130

1 Committee on these meetings. Like I say, they've  
2 walked the property. They've discussed this.  
3 They understood the reason that we are going back  
4 just because, you know, in the environment we're  
5 working in right now. We're -- everybody is  
6 nitpicking and everybody is looking for anything.

7 And, you know, a lot of these comments  
8 that we're having to deal with, they offer no  
9 solutions. It's just no to everything, you know.  
10 And so we have to make decisions in the department  
11 based on common sense sometimes about these  
12 things.

13 And so our question about this  
14 particular site is, has this developer done  
15 everything that the tree ordinance would require  
16 of any developer in order to submit his  
17 application to the Tree Committee and to the  
18 Planning Commission and for them to render a  
19 decision. I mean, if there was information left  
20 off of here or something like that, then there  
21 would be good grounds for an argument.

22 But we have doubled down to make  
23 absolutely sure that everything that the ordinance  
24 requires is on here. You have a tree survey. You  
25 have a mitigation plan. You have plans showing

Simpson Burdine & Miguez 228.388.3130

1 three times and I think that we've gotten about as  
2 in depth as you can get on it now. I mean, I  
3 think by splitting it out that obviously makes it  
4 more trees, but, you know, you can split hairs  
5 there where they split the trunks.

6 But, I mean, I'm good if you want to  
7 table it just to further keep this -- I mean,  
8 because the developer has got the money and  
9 everything. I mean, you know, to me, it doesn't  
10 matter if the guy from Meritage comes up and says  
11 the exact thing. We're still looking at --  
12 nothing has changed, I guess, is my -- somebody  
13 else may have --

14 MR. DELAHOUSEY:

15 Well, you're educating me. I didn't  
16 realize that this is one of the cases that we've  
17 heard before.

18 CHAIRMAN DELLENGER:

19 Yes.

20 MR. DELAHOUSEY:

21 Mr. Creel, would it be fair to say that  
22 your department would approve of the  
23 recommendation of the Tree Committee?

24 MR. CREEL:

25 Yes. I actually sit in with the Tree

Simpson Burdine & Miguez 228.388.3130

1 all the trees that are going to be removed. We've  
2 added the multi-trunk trees on there. We have  
3 done everything that we can to make sure that we  
4 didn't leave any loopholes in here.

5 Now, will we still run into some  
6 opposition? Probably. I fully expect that this  
7 will be appealed to the City Council again like it  
8 was last time. But from a staff standpoint, we  
9 believe that we have everything that we're  
10 supposed to have to open the door for y'all to  
11 make a decision on this.

12 CHAIRMAN DELLENGER:

13 Jerry, I want to state for the record  
14 that we -- in opposition, we did receive an e-mail  
15 from Debra Balins, who is opposed to this, so -- I  
16 mean, she is not in attendance, but she did send  
17 an e-mail that she is opposed to this.

18 MR. DELAHOUSEY:

19 I would offer -- make a motion that we  
20 approve of the applicant's request based -- also  
21 based on the recommendations of the Tree  
22 Committee.

23 MR. FOULOS:

24 I second it.

25 CHAIRMAN DELLENGER:

Simpson Burdine & Miguez 228.388.3130

1 Okay. We have a motion by  
2 Mr. Delahousey; second by Mr. Poulos.

3 Is there any discussion?

4 MR. CARRON:

5 Just one short comment. Jerry kind of  
6 just mentioned it lightly. He said that they were  
7 going to mitigate trees, and in case you didn't  
8 read this close, we're talking about 78 trees that  
9 they're mitigating.

10 MR. CREEL:

11 Well, their mitigation said that they  
12 would mitigate either through planting or --  
13 through planting and by paying into the tree bank,  
14 so they're going to do both. I think that they've  
15 looked at the property and that everywhere that  
16 they can plant a tree, they intend to plant one.  
17 But, you know, you can oversaturate a park or  
18 whatever by planting too many trees.

19 MR. CARRON:

20 I'm just looking at the ones that  
21 they've got on here that they're showing. It is  
22 78 trees.

23 MR. DELAHOUSEY:

24 Is this the new mitigation number or we  
25 haven't even approved that yet?

Simpson Burdine & Miguez 228 388 3130

1 developer has gone above and beyond what's  
2 technically required by them. I mean, you know,  
3 they're not required to put a buffer in between  
4 the interstate and this neighborhood or these  
5 houses, you know, that -- they've done that by the  
6 request of all the people that live around that  
7 area, you know. They're even going to put a fence  
8 up there as well.

9 I'm not sure what requires MIOT to put a  
10 wall up like they're doing around Diamondhead, you  
11 know, by the interstate, but, I mean, you know,  
12 maybe people could petition MIOT, if it's that big  
13 of a problem for noise, to put a wall up. I mean,  
14 you know, I don't know if anybody has been by  
15 Diamondhead lately --

16 MR. CARRON:

17 Yeah, I have.

18 CHAIRMAN BELLENGER:

19 -- but they've got a huge wall going up,  
20 you know, I guess, separating the interstate. You  
21 see it in Louisiana a lot as well where you have  
22 these big walls put up, you know. I think they've  
23 gone above and beyond to try to appease as many  
24 people as they can and still build.

25 MR. DELAHOUSEY:

Simpson Burdine & Miguez 228 388 3130

1 MR. CREEL:

2 No. The new ordinance has not gone into  
3 effect. Y'all will have to have a public hearing  
4 on that and vote on it and then Council will have  
5 to vote to approve it before we can start  
6 enforcing that number.

7 MR. DELAHOUSEY:

8 Based on what you know about the new  
9 ordinance, does the mitigation plan meet the  
10 requirements of --

11 MR. CREEL:

12 No.

13 MR. DELAHOUSEY:

14 No.

15 MR. CREEL:

16 No. Because in the new ordinance, we're  
17 basing it on the diameter of the tree.

18 MR. DELAHOUSEY:

19 I see.

20 MR. CREEL:

21 The bigger the diameter, the more trees  
22 you have to plant, so there would be more in the  
23 ordinance.

24 CHAIRMAN BELLENGER:

25 But, I mean, I personally feel that this

Simpson Burdine & Miguez 228 388 3130

1 And I think by putting the language in  
2 there "as recommended by the Tree Committee" for  
3 the optics, it makes it look better and so, you  
4 know, I think it's the right thing to do.

5 MS. SHAW:

6 I have a comment too. During this  
7 discussion, you said that these protected trees  
8 are being removed, but then they're planting more  
9 protected trees. So where are they removing  
10 protected to then plant more protected trees?

11 MR. CREEL:

12 It's been the Tree Committee's position  
13 and a lot of other people's position that if you  
14 take down a protected tree, you need to plant a  
15 protected tree because what was happening is  
16 people were planting crepe myrtles to replace a  
17 protected tree that was removed. They'd take down  
18 a live oak and replace it with a crepe myrtle or  
19 with a Bradford pear or something like that.

20 So the position that everyone is taking  
21 is that if you take down a live oak, you need to  
22 replace it with a live oak or another protected  
23 tree.

24 MR. DELAHOUSEY:

25 I think maybe Ms. Shaw was also -- maybe

Simpson Burdine & Miguez 228 388 3130

1 I read it wrong -- but asking why don't we just --  
2 instead of replacing them with a protected tree,  
3 why don't they just leave the protected trees  
4 there. They need it for location there.

5 MS. SHAW:

6 That's -- yeah.

7 MR. LELAHOUSEY:

8 They need it for location of the  
9 building.

10 CHAIRMAN DELLENGER:

11 Infrastructure and all that.

12 MR. CREEL:

13 That's correct. Subdivisions are --  
14 like we've said before, are different than other  
15 types of development. You know, if you're  
16 building a hotel, for example, the water is  
17 already there. The sewer is already there in most  
18 cases, so, basically, you build a structure and  
19 you tie it into the existing utilities.

20 When you take a piece of raw land and  
21 you're converting it over to a subdivision, you  
22 have to go in there and shape all of that property  
23 so that the drainage flows a certain way. Plus,  
24 you've got to go in there and run underground  
25 water, underground sewer, underground utilities

Simpson Burdine & Miguez 228 388 3130

1 an eight-inch oak and then replace it.

2 Did you notice that? I wondered why  
3 they want to remove it and then go back and  
4 replace it.

5 MR. CREEL:

6 I don't know.

7 MR. TODARO:

8 Unless it's like you said --

9 MR. CREEL:

10 Maybe it's in bad condition or something  
11 like that.

12 CHAIRMAN DELLENGER:

13 Or they may have to shape the land  
14 before --

15 MR. TODARO:

16 I was going to say it may be part of the  
17 sculpture of the land.

18 CHAIRMAN DELLENGER:

19 The sculpture of the land to where the  
20 tree wouldn't survive.

21 MR. TODARO:

22 The sculpture, the subterranean work.  
23 Just looked interesting that they were going to  
24 take it out and redo it.

25 CHAIRMAN DELLENGER:

Simpson Burdine & Miguez 228 388 3130

1 all the way through. Its difficult to save trees  
2 when you're having to do all that reshaping to the  
3 landscape out there.

4 I mean, it's not -- it's not impossible,  
5 but these trees that they're removing, for the  
6 most part, are in the footprints of where the  
7 houses are going to be located.

8 Now, I will say this: The ordinance  
9 does allow me, the administrative authority,  
10 that -- if a house location can be shifted in  
11 order to save a tree, it allows me to adjust the  
12 setback requirements up to 20 percent if I can  
13 show that it's going to save protected trees. And  
14 they have agreed that if they get to a situation  
15 out there, they may ask us to do that shifting.

16 MR. TODARO:

17 It looks like that may be the case in  
18 some of these lots. It just needs, like you said,  
19 an adjustment, just feet, and some of trees could  
20 be saved.

21 You know, I have an interesting  
22 question. They're going to redo or they're going  
23 to put that buffer wall of magnolias and others,  
24 which is the buffer. All the way to lot  
25 Number 28, it looks like they're going to remove

Simpson Burdine & Miguez 228 388 3130

1 Right next to it.

2 MR. TODARO:

3 What?

4 CHAIRMAN DELLENGER:

5 Right next to it.

6 MR. TODARO:

7 Yeah. Right.

8 CHAIRMAN DELLENGER:

9 Okay. Is there any other discussion?

10 MR. CARRON:

11 What it is, that tree is right on the  
12 property line between the two houses. This one  
13 here?

14 MR. TODARO:

15 No. The far -- on the right, right  
16 there. The last one on your right, Lot Number 28.  
17 It looks like it's going to be replaced in the  
18 same spot.

19 MR. CARRON:

20 It's an eight-inch oak. That's right at  
21 the line.

22 CHAIRMAN DELLENGER:

23 All right. There being no further  
24 discussion, if we could all vote to approve by  
25 raising your hands, please. Mr. Lechner,

Simpson Burdine & Miguez 228 388 3130

1 Mr. Parker, Mr. Todaro, Mr. Stanovich, Mr. Eogard,  
2 Mr. Delahousey, Mr. Carron, Mr. King, Mr. Snow,  
3 Mr. Poulos; myself, Mr. Dellenger.

4 Any against? One against, Ms. Shaw.

5 Let the record show that all are in  
6 favor, except one. Motion passes.

7 Jerry, was there any City Council action  
8 for us to hear?

9 MR. CREEL:

10 There was, of course. Last Tuesday, we  
11 had the first reading for the change of zoning at  
12 2003 Lawrence Avenue -- this is the old Beauvoir  
13 school property -- changing it from RS-10 to the  
14 RS-5 for them to move forward with that  
15 subdivision. That's for Elliott Homes. That was  
16 just the first reading.

17 Also had a first reading to change  
18 zoning on Woolmarket Road from LB, NB and RB to  
19 RS-5 single-family residential. That's on the  
20 south side of Woolmarket Road just off the Old 67.

21 We also had the approval -- the Council  
22 voted unanimously to approve the new definition  
23 for a transitional living facility. If you'll  
24 remember, we had an approval for a halfway house.  
25 And that -- there was some council members that

Simpson Burdine & Miguez 228.388.3130

1 were turned down, at least they would have the  
2 ability to appeal it to court, you know, but you  
3 can't just leave it out there.

4 So, basically, what happened is that the  
5 Court ordered that the Council put it back on the  
6 agenda and make a decision voting it up or voting  
7 it down, one way or the other, so that they would  
8 have a direction to go and it passed four to  
9 three. So that short-term rental has been  
10 approved now. So we'll see what happens there.

11 MR. DELAHOUSEY:

12 Mr. Chairman, if I could make a comment.  
13 Mr. Creel mentioned the situation with the  
14 transitional living home at Debuys and Fernwood,  
15 and just a statement. I have been critical of  
16 Biloxi City Council many times with this and the  
17 fact that this has been on our agenda for six  
18 months, I guess.

19 I commend Mr. Creel and his staff for  
20 not giving up and continuing to fight. I think  
21 this is a good precedent-setting case, and I guess  
22 you can fight City Hall and win. You just have to  
23 be persistent.

24 Maybe you'll move a little bit faster in  
25 the future. I wasn't talking to you.

Simpson Burdine & Miguez 228.388.3130

1 didn't feel comfortable with some of the language  
2 that was there, and so they've been working with  
3 the city attorney to come up with some language  
4 that the City could live with and some of the  
5 neighbors that were concerned about it could too.  
6 And so actually, the person who was a voice of  
7 opposition about this was happy with the new  
8 definition of transitional living facility, so  
9 that was approved unanimously.

10 Also, the -- there was -- if you'll  
11 remember last year, maybe early last year, Pastor  
12 George came to us with a request for a short-term  
13 rental at 115 St. John. That's right off of Beach  
14 Boulevard and it was -- it failed for lack of a  
15 second, you know. It went to -- it came before  
16 this, the Planning Commission and it was approved.  
17 And then it went to Council and there was a motion  
18 to approve it, but it didn't get a second so it  
19 failed.

20 Well, Pastor George hired an attorney.  
21 It went to court, and the Court ruled that you  
22 can't leave somebody in limbo like that, you know.  
23 Essentially, this is a summary. This is my words.  
24 But you can't just leave somebody with no  
25 direction to go for a remedy, you know. If it

Simpson Burdine & Miguez 228.388.3130

1 DR. TISDALE:

2 You must have me confused with somebody  
3 else.

4 MR. DELAHOUSEY:

5 Somebody that sits near you. Thank  
6 y'all, Paul.

7 CHAIRMAN DELLENGER:

8 Okay. Is there any old business?

9 MR. CARRON:

10 I've got some old business.

11 CHAIRMAN DELLENGER:

12 All right.

13 MR. CARRON:

14 It goes back to that cottage that was  
15 approved, not just that one in particular, but I  
16 kind of have a question for Jerry about should we  
17 be calling all -- basically, they're building a  
18 new residence there, an accessory structure,  
19 because that allows them to put it, no matter what  
20 zoning we have, three feet away from the property  
21 lines. You know, that's a 700-square-foot  
22 residence that they're putting in there and we're  
23 calling that an accessory structure. I think it's  
24 more than what we, you know, in our minds, think  
25 an accessory structure is.

Simpson Burdine & Miguez 228.388.3130

1 MR. CREEL:

2 Well, the accessory structure that you  
3 can build that is supposed to be lived in is a  
4 guest cottage, and there are regulations about  
5 guest cottages where -- y'all have heard these  
6 cases before. First of all, you're supposed to  
7 have at least 20,000 square feet in the lot.

8 Number 2, the guest cottage is not  
9 supposed to have over 700 square feet --

10 MS. SERPAS:

11 750.

12 MR. CREEL:

13 -- 750 square feet. It's supposed to be  
14 behind the residential structure in order to be  
15 used as a guest cottage.

16 But one of the things that we deal with  
17 from time to time is that people will take a shed  
18 out in the backyard and try to turn it into a --  
19 oh, and the other thing is that the guest cottage  
20 utilities have to run off of the main house. You  
21 can't have a separate service for it if it's on  
22 the same piece of property.

23 MR. CARRON:

24 And it's the same address too.

25 MR. CREEL:

Simpson Burdine & Miguez 228.388.3130

1 every bit of zoning that we have --

2 MR. CREEL:

3 It does, yes, sir.

4 MR. CARRON:

5 -- that it's only -- it has to -- can  
6 put a -- that structure three feet from the  
7 property line.

8 MR. CREEL:

9 That's correct.

10 MR. CARRON:

11 And I'm saying maybe we need to change  
12 the wording on that.

13 MR. CREEL:

14 Okay. I mean --

15 MR. CARRON:

16 I don't know how everybody else feels  
17 about it, but --

18 MR. CREEL:

19 If y'all charge us with a text  
20 amendment, we'll get the language together and  
21 that's -- Planning Commission, City Council can  
22 charge us.

23 MR. CARRON:

24 Like I say, I'm pointing it out. I  
25 don't know how everybody else feels about it.

Simpson Burdine & Miguez 228.388.3130

1 Yes.

2 But we see these things all the time  
3 where people will try to convert something over to  
4 a living quarters or they'll build a big shed out  
5 in the back and they will have rough-ins for  
6 restrooms and things like that, and we just have  
7 to tell them you can't do that, you know.

8 MR. CARRON:

9 Yeah. And, you know, my concern is that  
10 if I live in the zoning and it's -- there's  
11 supposed to be a 10-foot setback on the side, you  
12 know. Here's my neighbor that's going to build  
13 something three feet away from my fence, and, I  
14 mean, again, we normally think of an accessory  
15 structure as a shed or a workshop, not a residence  
16 and that's basically what you have going in there.

17 MR. CREEL:

18 But let me say this: On our table, on  
19 our list of accessory structures, guest cottage is  
20 listed on there. So according to the code, that  
21 guest cottage can meet that three-foot setback in  
22 the rear.

23 MR. CARRON:

24 I'm not arguing with you on that. I  
25 mean, that's what I said earlier. It applies to

Simpson Burdine & Miguez 228.388.3130

1 MR. CREEL:

2 Okay.

3 MR. CARRON:

4 Maybe that's something we need to  
5 discuss at another time.

6 CHAIRMAN DELLENGER:

7 Is there any other old business?

8 (No response.)

9 CHAIRMAN DELLENGER:

10 Is there any new business? Any new  
11 business?

12 (No response.)

13 CHAIRMAN DELLENGER:

14 Are there any citizens' comments?

15 Citizens' comments?

16 (No response.)

17 CHAIRMAN DELLENGER:

18 The next scheduled Planning Commission  
19 meeting will be held May 21st here at 2:00 in the  
20 same auditorium.

21 And if I can have a motion to adjourn.

22 MR. FOULGS:

23 So moved.

24 MR. DELAHOUSEY:

25 Second.

Simpson Burdine & Miguez 228.388.3130

1 CHAIRMAN EELLENGER:

2 Moved by Mr. Poulos; second by  
3 Mr. Delahousey.

4 (Adjourned at 2:57 p.m.)  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Simpson Burdine & Miguez 228 388 3130

1 **CERTIFICATE OF COURT REPORTER**

2 I, MELISSA BURDINE-RODOLFICH, Court Reporter  
3 and Notary Public, in and for the County of  
4 Harrison, State of Mississippi, hereby certify that  
5 the foregoing pages, and including this page,  
6 contain a true and correct copy of my stenotype  
7 notes and/or electronic tape recording of the  
8 public hearing(s), as taken by me at the time and  
9 place heretofore stated, to the best of my skill  
10 and ability.

11 I further certify that I am not in the employ  
12 of, or related to, any counsel or party in this  
13 matter, and have no interest, monetary or  
14 otherwise, in the final outcome of the proceedings.

15 Witness my signature and seal, this the  
16 14<sup>th</sup> day of May, 2026.



17  
18 *Melissa Burdine-Rodolfich*  
19 \_\_\_\_\_

20 Melissa Burdine-Rodolfich  
21 My Commission Expires 4/03/28  
22  
23  
24  
25

Simpson Burdine & Miguez 228.388.3130