

**CITY OF BILOXI
AGENDA ITEM
FACT SHEET**

Item No.: 4B

Council Meeting Date: September 15, 2026

ITEM TITLE: **RESOLUTION**

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

CONTACT PERSON: **Rick Weaver, CAO**

Jerry Creek, Director of Community Development

SUMMARY EXPLANATION:

Resolution granting Conditional Use approval to authorize the construction of a new commercial building to establish a dental clinic upon a parcel of land presently identified as 420 Bertucci Boulevard.

Case No. 26-043-PC, Ward 4, Austin Murphy

Resolution ☒ Ordinance ☐ Public Hearing ☐ Routine Agenda ☐

Exhibits for Review

Contract ☐ Minutes ☒ Plans/Maps ☐ Deed ☐ Lease ☐

Other (Specify): applications, case fact sheet

Submittal Authorization: Council President ☐ Mayor ☒

STAFF RECOMMENDATION: Staff recommends approval

COUNCIL ACTION: Motion By: _____ Second By: _____

<u>Vote:</u>	<u>Councilmember</u>	<u>Yes</u>	<u>No</u>	<u>AFR</u>	<u>ABST</u>	<u>Councilmember</u>	<u>Yes</u>	<u>No</u>	<u>AFR</u>	<u>ABST</u>
	Gray	_____	_____	_____	_____	Tisdale	_____	_____	_____	_____
	Marshall	_____	_____	_____	_____	Glavan	_____	_____	_____	_____
	Nail	_____	_____	_____	_____	Shoemaker	_____	_____	_____	_____
	Creel	_____	_____	_____	_____					

ACTION TAKEN:

cdl/091526bpc

RESOLUTION NO. _____

RESOLUTION GRANTING **CONDITIONAL USE** APPROVAL TO AUTHORIZE THE
CONSTRUCTION OF A NEW COMMERCIAL BUILDING TO ESTABLISH A DENTAL
CLINIC UPON A PARCEL OF LAND PRESENTLY IDENTIFIED AS 420 BERTUCCI
BOULEVARD

WHEREAS, on Thursday, August 20, 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. 26-043-PC, Austin McMurphy (owner) and Beau Lebatard on behalf of Lebatard Architecture (applicant), a request for **Conditional Use** approval, for the property identified as 420 Bertucci Boulevard; and

WHEREAS, the Planning Commission members were apprised of the particulars of this case, being made cognizant of the fact that Austin McMurphy (owner) and Beau Lebatard on behalf of Lebatard Architecture (applicant) have submitted this request for **Conditional Use** approval to authorize the construction of a new commercial building to establish a **Dental Clinic**, located within an **LB Limited Business** zoning district, for property identified as 420 Bertucci Boulevard (Tax Parcel No. 1110A-01-051.006); and

WHEREAS, on Thursday, August 20, 2026, the Biloxi Planning Commission, after some discussion, voted 12-0-0, to recommend approval of the proposed **Conditional Use** to authorize the construction of a new commercial building to establishment a **Dental Clinic**, located within an **LB Limited Business** zoning district, for property identified as 420 Bertucci Boulevard (Tax Parcel No. 1110A-01-051.006), having determined that said project, as presented, has been found to promote the public interest at this location, that said use has been designed, located, and proposed to be operated so that the public health, safety, and welfare will be protected, that said use will not cause substantial injury to other property in the neighborhood which located, and that the use conforms to all regulations of the **LB Limited Business** zoning district in which

located; 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 this **Dental Clinic** is appropriate for the site identified as 420 Bertucci Boulevard.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BILOXI, MISSISSIPPI, hereby approves the requested **Conditional Use** to authorize the construction of a new commercial building to establishment a **Dental Clinic**, located within an **LB Limited Business** zoning district, for property identified as 420 Bertucci Boulevard (Tax Parcel No. 1110A-01-051.006), in Case No. 26-043-PC, Austin McMurphy (owner) and Beau Lebatard on behalf of Lebatard Architecture (applicant), having determined that said project, as presented, has been found to promote the public interest at this location, that said use has been designed, located, and proposed to be operated so that the public health, safety, and welfare will be protected, that said use will not cause substantial injury(ies) to other property(ies) in the neighborhood in which it is located, and the use conforms to all regulations for the **LB Limited Business** zoning district.

.....A

RESOLUTION NO. _____

RESOLUTION CALLING FOR A PUBLIC HEARING WITH RESPECT TO A REQUEST FOR **CONDITIONAL USE** APPROVAL TO AUTHORIZE THE CONSTRUCTION OF A NEW COMMERCIAL BUILDING TO ESTABLISH A DENTAL CLINIC UPON A PARCEL OF LAND PRESENTLY IDENTIFIED AS 420 BERTUCCI BOULEVARD

WHEREAS, on Thursday, August 20, 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. 26-043-PC, Austin McMurphy (owner) and Beau Lebatard on behalf of Lebatard Architecture (applicant), a request for **Conditional Use** approval, for the property identified as 420 Bertucci Boulevard; and

WHEREAS, the Planning Commission members were apprised of the particulars of this case, being made cognizant of the fact that Austin McMurphy (owner) and Beau Lebatard on behalf of Lebatard Architecture (applicant) have submitted this request for **Conditional Use** approval to authorize the construction of a new commercial building to establish a **Dental Clinic**, located within an **LB Limited Business** zoning district, for property identified as 420 Bertucci Boulevard (Tax Parcel No. 1110A-01-051.006); and

WHEREAS, on Thursday, August 20, 2026, the Biloxi Planning Commission, after some discussion, voted 12-0-0, to recommend approval of the proposed **Conditional Use** to authorize the construction of a new commercial building to establishment a **Dental Clinic**, located within an **LB Limited Business** zoning district, for property identified as 420 Bertucci Boulevard (Tax Parcel No. 1110A-01-051.006), having determined that said project, as presented, has been found to promote the public interest at this location, that said use has been designed, located, and proposed to be operated so that the public health, safety, and welfare will be protected, that said

use will not cause substantial injury to other property in the neighborhood which located, and that the use conforms to all regulations of the **LB Limited Business** zoning district in which located; 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, that a public hearing will be held in reference to Case No. 26-043-PC, Austin McMurphy (owner) and Beau Lebatard on behalf of Lebatard Architecture (applicant), on a date to be set and in accordance with all requirements, as prescribed by the City of Biloxi Land Development Ordinance governing the conduct of public hearings.

..... B

RESOLUTION NO. _____

RESOLUTION DENYING **CONDITIONAL USE** APPROVAL, TO AUTHORIZE THE
CONSTRUCTION OF A NEW COMMERCIAL BUILDING TO ESTABLISH A DENTAL
CLINIC UPON A PARCEL OF LAND PRESENTLY IDENTIFIED AS 420 BERTUCCI
BOULEVARD

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WHEREAS, the Planning Commission members were apprised of the particulars of this case, being made cognizant of the fact that Austin McMurphy (owner) and Beau Lebatard on behalf of Lebatard Architecture (applicant) have submitted this request for **Conditional Use** approval to authorize the construction of a new commercial building to establish a **Dental Clinic**, located within an **LB Limited Business** zoning district, for property identified as 420 Bertucci Boulevard (Tax Parcel No. 1110A-01-051.006); and

WHEREAS, on Thursday, August 20, 2026, the Biloxi Planning Commission, after some discussion, voted 12-0-0, to recommend approval of the proposed **Conditional Use** to authorize the construction of a new commercial building to establishment a **Dental Clinic**, located within an **LB Limited Business** zoning district, for property identified as 420 Bertucci Boulevard (Tax Parcel No. 1110A-01-051.006), having determined that said project, as presented, has been found to promote the public interest at this location, that said use has been designed, located, and proposed to be operated so that the public health, safety, and welfare will be protected, that said

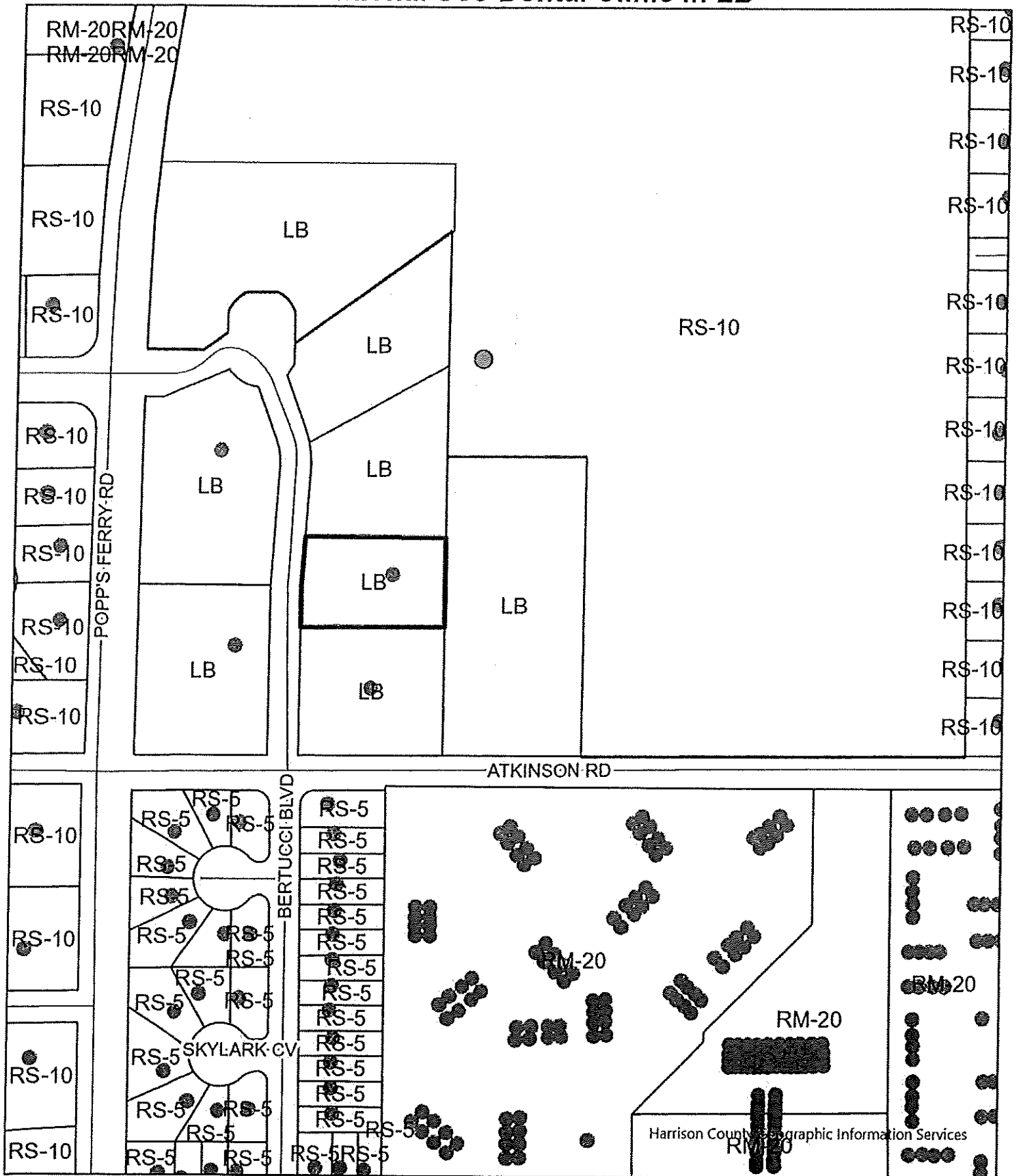
use will not cause substantial injury to other property in the neighborhood which located, and that the use conforms to all regulations of the **LB Limited Business** zoning district in which located; and

WHEREAS, the City Council, having given the Biloxi Planning Commission's recommendation serious thought and consideration, has determined that this **Conditional Use**, as presented, is not appropriate for the site 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** approval, to authorize the establishment of a **Dental Clinic**, located within an **LB Limited Business** zoning district, for property identified as 420 Bertucci Boulevard (Tax Parcel No. 1110A-01-051.006), in Case No. 26-043-PC, Austin McMurphy (owner) and Beau Lebatard on behalf of Lebatard Architecture (applicant), based upon a determination that _____

..... C

26-043-PC
Austin McMurphy/Beau Lebatard
420 Bertucci Blvd
Conditional Use-Dental Clinic in LB



DATA DISCLAIMER:
This map is provided by the City of Biloxi for informational purposes only. No warranties are expressed or implied regarding accuracy or completeness. This map is not a legal survey; users should rely on licensed surveys and professional services before acting on this information. Not for resale.
Date Exported: 8/4/2026 9:57 AM



Scheduled for
August 20, 2026
PC Meeting

Austin McMurphy (owner)
Beau Lebatard on behalf of Lebatard Architecture (applicant)
Case No. 26-043-PC
Conditional Use



**Planning Commission
Case Fact Sheet**

Case No.:	26-043-PC
Owner:	Austin McMurphy
Applicant:	Beau Lebatard on behalf of Lebatard Architecture
Address of Property:	420 Bertucci Boulevard
Tax Parcel/Ward:	1110A-01-051.006/Ward 4
Request:	Conditional Use
Purpose of Request:	To consider an application requesting Conditional Use approval to authorize the construction of a new commercial building to establishment a Dental Clinic , located within an LB Limited Business zoning district, for property identified as 420 Bertucci Boulevard (Tax Parcel No. 1110A-01-051.006).
Size of Property:	.75 of an acres (more or less)
Present Zoning:	LB Limited Business
Present Use:	Vacant
Most Nearly Bounded By (streets):	To the North of Atkinson Road; South of Back Bay of Biloxi; West of Saylor Drive; and East of and fronting to Bertucci Boulevard.
Adverse Influences:	Care should be exercised before granting any Conditional Use approval to ensure that the objectives of City regulations are fully followed.
Positive Influences:	The requested Conditional Use , if granted, would allow the applicant to construct a Dental Clinic .
Concerns stated:	The Planning Division Office has not received any letters or other written communications regarding this case, as of

August 13, 2026.

**Comments/
Recommendations:**

Austin McMurphy (owner) and Beau Lebatard on behalf of Lebatard Architecture (applicant) have submitted a request for **Conditional Use** approval to authorize the construction of a new commercial building to establishment a **Dental Clinic**, located within an **LB Limited Business** zoning district, for property identified as 420 Bertucci Boulevard (Tax Parcel No. 1110A-01-051.006).

As with all **Conditional Use** applications [as per Section 23-2-4(D)(4) of the Land Development Ordinance] a **Conditional Use** permit shall be approved only upon finding that all of the following standards are met:

- a. The **Conditional Use** complies with all applicable zoning district standards;
- b. The **Conditional Use** complies with all standards in Section 23-4-3, 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 economic, odor, noise, glare, and vibration impact 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 the uses permitted in the zoning district; and
- i. The **Conditional Use** complies with all other relevant city, state and federal laws and regulations.

The Development Review Committee (DRC) has reviewed this proposed project and authorized the owner/applicant to apply to the Planning Commission for consideration of this Conditional Use.

Options:

1. Recommend approval of the request for a **Conditional Use** to authorize the establishment of a **Dental Clinic**, located within a **LB Limited Business** zoning district, having determined that approval of this **Conditional Use**, as requested, promotes and protects the public health, safety, and welfare of the City, that said use will have no significant negative impact upon the surrounding area, and that said **Conditional Use** meets or exceeds all **Conditional Use** Standards, as prescribed by the Land Development Ordinance.
2. Recommend denial of the requested **Conditional Use** for the **Dental Clinic**, having determined that said use does not promote the public interest at this location, and has not been found to meet all requirements for said use, as outlined in the Standards for Conditional Use approval contained within the Land Development Ordinance.



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. 26-043-PC

To Be Completed by Owner/Applicant

Date:

Name of Rightful Owner(s):

Austin McMurphy

Name of Applicant: (if different than Owner)

BEAU LEBATARD, LEBATARD ARCHITECTURE

Property Address:

LOT 4A BERTUCCI BLVD, Biloxi MS

Ward Number

WARD 4

Tax Parcel Identification Number(s):

1110A-01-051.006 0000-00-000.000
0000-00-000.000 0000-00-000.000
0000-00-000.000 0000-00-000.000

Mailing Address of Property Owner:

1070 JUDGE SEKUL AVE

Mailing Address of Applicant (if different than

Owner): 1011 DESOTO ST. A

City: Biloxi

City: OCEAN SPRINGS

State: MS

State: MS

Zip: 39530

Zip: 39564

County: HARRISON

County

Telephone: (228) 671-1730

Telephone: (228) 388 5099

Property Size (please give in acres or by dimension): 0.75 ACRES

Present Zoning Classification: LB - LIMITED BUSINESS

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: <u>"X"</u>	North	South	East	West
Property is most nearly bounded by what streets?	<u>Biloxi BACK BAY</u>	<u>ATKINSON RD</u>	<u>SAYLOR DRIVE</u>	<u>POPPY FERRY RD</u>
If property directly fronts or is adjacent one of the streets above, please indicate with a <u> </u> .				<u>BERTUCCI BLVD</u> <u> </u>

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

<u> </u>	Text Amendment
<u> </u>	Zoning Map Amendment – must include zone classification change in narrative
<u> </u>	Planned Development
<u> </u>	Master Plan/Update
<u> </u>	Preliminary Subdivision Review
<u> </u>	Conditional Use
<u> </u>	Public ROW Vacation
<u> </u>	Street Name Change
<u> </u>	Variance
<u> </u>	Appeal
<u> </u>	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 of Rightful Owner

Signature of Rightful Owner

Notary Signature
(Seal)

Date

Signature of Rightful Owner

Notary Signature
(Seal)

Date

Notary Signature
(Seal)

Date

Signature of Applicant

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: PROVIDES PEDIATRIC DENTISTRY CARE FOR AREA

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: BUILDING WILL BE SPRINKLED, MEET LIFE SAFETY REQUIREMENTS & ADA COMPLIANT

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

Yes ☐ No ☒

Please explain: SURROUNDING PROPERTIES ARE AN EYE CLINIC & ORTHODONTICS. BUSINESS USE SUPPORTS THESE TWO EXISTING BUSINESSES

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: BUILDING MEET ZONING SET BACKS & DEVELOPABLE AREA LIMIT.

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

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

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.

CONDITIONAL USE NARRATIVE

McMurphy Pediatric Dentistry
Bertucci Boulevard, Biloxi, Mississippi

The Applicant respectfully requests approval of a Conditional Use Permit to allow the construction and operation of a pediatric dental clinic within the existing LB (Limited Business) zoning district.

The proposed development consists of a new dental clinic with associated parking, access drives, utilities, landscaping, and related site improvements. The clinic will provide pediatric dental services to residents of Biloxi and the surrounding area.

The property is located on Bertucci Boulevard, north of Atkins Road and west of Popp's Ferry Road. Bertucci Boulevard serves the subject property as well as the surrounding healthcare-related developments. The property immediately south is developed as an orthodontic office, and the property immediately west contains an eye clinic. Both properties are located within the same LB Zoning District and are accessed from the same roadway network. The surrounding area functions as a medical campus, with multiple healthcare-related uses located in close proximity. The proposed pediatric dental clinic is compatible with these existing uses and will complement the established character of the development by providing additional healthcare services within an area already serving similar medical and professional office functions.

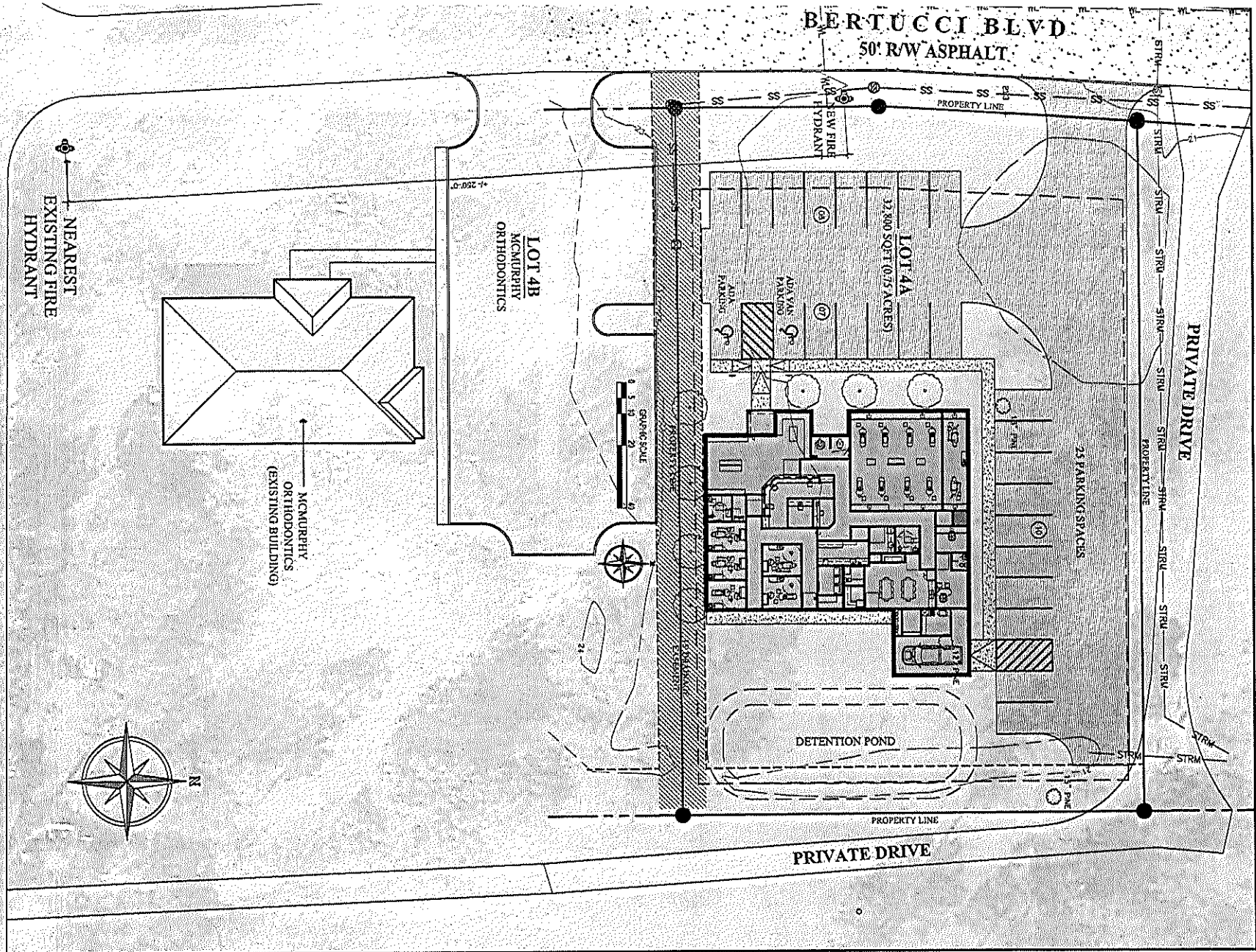
The proposed development will utilize existing public infrastructure and will provide parking, access, and site improvements in accordance with City requirements. The use is not expected to adversely affect neighboring properties and will promote the public health, safety, and welfare by providing needed healthcare services in a location already characterized by compatible medical uses.

For these reasons, the Applicant respectfully requests approval of the Conditional Use Permit.

Regards,



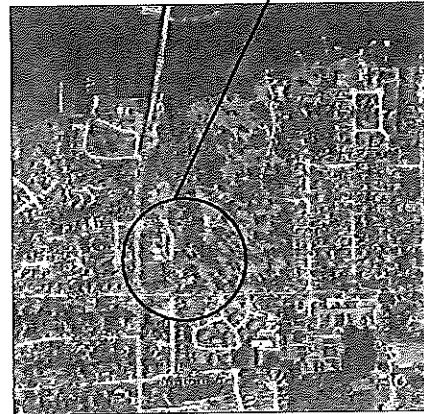
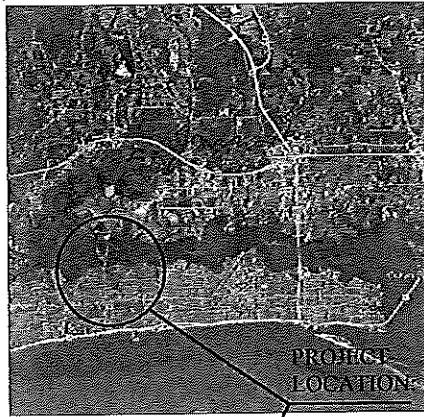
Beau LeBatard, Project Architect, RA, AIA, NCARB
LeBatard Architecture, PLLC



PLAN

5/20/26

SD4	SHEET NUMBER	SHEET TITLE SCHEMATIC SITE PLAN	REVISION <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> </table>									McMURPHY PEDIATRIC DENTISTRY 311 EAST VIEW DRIVE, BILOXI MS 39531	NOT FOR CONSTRUCTION CLIENT REVIEW ONLY LEBATARD ARCHITECTURE, PLLC 311 EAST VIEW DRIVE, BILOXI MS 39531 228-348-5099 www.leb-arc.com	LEBATARD ARCHITECTURE, PLLC 311 EAST VIEW DRIVE, BILOXI MS 39531 228-348-5099 www.leb-arc.com



PROJECT INFORMATION

PARCEL ID: 110A-01-051.006

ZONING: LB (LIMITED BUSINESS)

IMPERVIOUS SURFACE AREA ALLOWED: 60%

MAXIMUM HEIGHT: 35'-0"

FLOOD ZONE: "X"

FINISH FLOOR ELEVATION: 24.6'

SPRINKLED: YES

SETBACKS:

FRONT SETBACK: 25'

CORNER SETBACK: 12'-6"

SIDE SETBACK: 5'-0"

REAR SETBACK: 10'-0"

PARKING REQUIREMENTS:

1 PER 400 SQFT (5,560/400)

REQUIRED: 14 SPACES

PROVIDED: 25 SPACES

ADA SPACES: 1 ADA / 1 VAN ADA

SITE INFORMATION

SITE SQUARE FOOTAGE: 32,000 SQFT / 0.75 ACRES

PERVIOUS AREAS: 13,377 SQFT (41%)

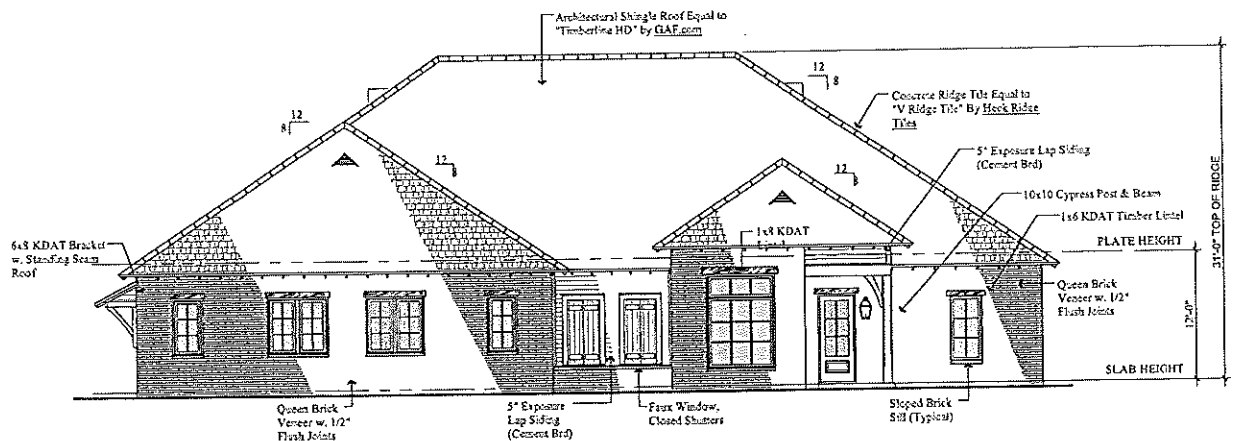
GRASS / LANDSCAPE: 13,377 SQFT

IMPERVIOUS AREAS: 19,423 SQFT (59%)

ROADS / PARKING: 12,765 SQFT

SIDEWALKS: 1,098 SQFT

BUILDING FOOTPRINT: 5,560 SQFT



1 WEST ELEVATION (FRONT)
SD4 1/8" = 1'-0"

Community Development Director
Jerry Creel



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

To: Biloxi Planning Commission

From: Jerry Creel, Development Review Committee Chair

Date: August 13, 2026

Re: Austin McMurphy (Owner)
Beau Lebatard on behalf of Lebatard Architecture (Applicant)
420 Bertucci Boulevard
Parcel: 1110A-01-051.006
DRC Case No. 2026-044

The Development Review Committee (DRC) has reviewed the above-referenced project and has authorized the applicant to apply to Planning Commission and Biloxi City Council for a conditional use allowing a dental clinic in LB -Limited Business zoning district.

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

Yours truly,

Jerry Creel

Jerry Creel, Chair

cc: file

BILOXI PLANNING COMMISSION MEETING

AUGUST 20, 2026

COMMUNITY DEVELOPMENT,

DR. MARTIN LUTHER KING JR. MUNICIPAL BUILDING,

676 DR. MARTIN LUTHER KING JR. BOULEVARD,

BILOXI, MISSISSIPPI,

BEGINNING AT 2:05 P.M.

PLANNING COMMISSION MEMBERS PRESENT:

Charlie Dellenger, Chairman

Kyle Carron

Dr. Larry Drawdy

Harry Joachim

Joe King

Gary Lechner

Debora Magee

August Parker

Jimmy Poulos

John Snow

David Stanovich

Michael Todaro

ALSO PRESENT:

Jerry Creel, Director of Community Development

Caryle Lena, Planner I

Wayne Gray, Councilman Ward 1

Dr. Paul Tisdale, Councilman Ward 5

REPORTED BY

Melissa Burdine-Rodolfich

Simpson Burdine & Migues

Simpson Burdine & Migues 228.388.3130

CHAIRMAN DELLENGER:

It's a little bit after 2:00, so we'll go ahead and get the meeting started for the Planning Commission.

We'll record the members present:

Mr. Lechner, Mr. Parker, Mr. Todaro, Ms. Magee,

Mr. Stanovich, Mr. Joachim, Dr. Drawdy,

Mr. Carron, Mr. King, Mr. Snow, Mr. Poulos and

myself, Mr. Dellenger.

And we have Caryle Lena, Planner; Jerry

Creel, Director of Community Development. We have

Wayne Gray, Councilman for Ward 1, and Dr. Paul

Tisdale, Councilman for Ward 5. And we have

Melissa, court reporter today, Rodolfich.

Mr. Parker, would you mind leading us in

a prayer today, please?

(Moment of prayer.)

CHAIRMAN DELLENGER:

Please stand for the Pledge.

Mr. Poulos, would you lead us in the Pledge?

(Pledge of Allegiance.)

CHAIRMAN DELLENGER:

I'd like to welcome everyone here today

to the Planning Commission. I'd like to note, if

you could, please silence your cell phones. And

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

CONTINUED PUBLIC HEARING(S) :

PAGE:

26-040-EC

5

NEW PUBLIC HEARING(S) :

26-043-EC

96

TREE HEARINGS:

(None)

--

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if you come to the podium to speak, please state your name and address for the record and sign in the book.

And if we could -- if everyone has had a moment to review the Planning Commission minutes from the last meeting, if we could have a motion to approve.

MR. POULOS:

So moved.

MS. MAGEE:

Second.

CHAIRMAN DELLENGER:

Moved by Mr. Poulos; second by

Ms. Magee.

All those in favor, please state by saying "aye."

(Unanimous vote.)

CHAIRMAN DELLENGER:

Any opposed?

(None opposed.)

CHAIRMAN DELLENGER:

Motion carries.

Committee reports, do we have any committee reports, Jerry?

MR. CREEL:

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1 would think they would have to be, yes, sir.
 2 DR. DRAWDY:
 3 And then they would also have to be
 4 upgraded to meet the new requirements?
 5 MR. CREEL:
 6 Yes, sir. That's the position we've
 7 taken.
 8 MR. TODARO:
 9 I move that Map 10 remain the same and
 10 not be approved with any changes.
 11 CHAIRMAN DELLENGER:
 12 We have a motion to keep Map 10 as is --
 13 DR. DRAWDY:
 14 I will second it.
 15 CHAIRMAN DELLENGER:
 16 -- with none of the proposed changes;
 17 second by Dr. Drawdy.
 18 Any other discussion?
 19 MR. CARRON:
 20 I just want to bring up the point again.
 21 I think you really need to look at the
 22 neighborhood to the north and see what kind of
 23 impact you're going to have down there. Those are
 24 a totally different set of apartments compared to
 25 McDonnell Square Apartments.

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1 MR. CARRON:
 2 I thought we were voting for it.
 3 MR. TODARO:
 4 No. I'm saying leave it as it is and
 5 not making the recommended changes.
 6 MR. CREEL:
 7 Can we vote again just so everybody is
 8 clear? Everybody clear about what you're voting
 9 on? You're voting to leave the map as is.
 10 MR. TODARO:
 11 Yeah. Not as recommended, not changing
 12 the zoning, but --
 13 MR. CREEL:
 14 Leave it as it is, is what you're voting
 15 for.
 16 MS. LENA:
 17 Denying the recommendation.
 18 CHAIRMAN DELLENGER:
 19 Okay. All those in favor of leaving the
 20 map as is with no changes, please raise your hand.
 21 Mr. Lechner, Mr. Todaro, Ms. Magee,
 22 Mr. Stanovich, Mr. Joachim, Dr. Drawdy,
 23 Mr. Carron, Mr. King, Mr. Snow, Mr. Poulos;
 24 myself, Mr. Dellenger.
 25 Any against?

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1 CHAIRMAN DELLENGER:
 2 Okay. Any other discussion?
 3 (No response.)
 4 CHAIRMAN DELLENGER:
 5 Okay. Those in favor of the motion,
 6 please raise your hand.
 7 Mr. Lechner, Mr. Todaro, Ms. Magee,
 8 Mr. Stanovich, Mr. Joachim, Dr. Drawdy,
 9 Mr. Poulos, and myself, Mr. Dellenger.
 10 Those against?
 11 MR. CREEL:
 12 Wait a minute. Now, that was to leave
 13 the map the same.
 14 MR. TODARO:
 15 Right. No changes.
 16 MS. LENA:
 17 Not change it.
 18 MR. TODARO:
 19 No recommended changes.
 20 MS. LENA:
 21 So you're voting against that?
 22 MR. CARRON:
 23 Are we changing it?
 24 MS. LENA:
 25 No.

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1 (None against.)
 2 CHAIRMAN DELLENGER:
 3 Motion carries.
 4 Okay. That's --
 5 MS. LENA:
 6 Mr. Parker, did you abstain?
 7 MR. PARKER:
 8 Abstain.
 9 MS. LENA:
 10 Abstained. Okay.
 11 CHAIRMAN DELLENGER:
 12 We have one new public hearing, which is
 13 Case Number 26-043-PC, Austin McMurphy, owner, and
 14 Beau Lebatard on behalf of Lebatard Architecture,
 15 which is a request for a conditional use approval
 16 to authorize the construction of a new commercial
 17 building to establish a dental clinic located
 18 within an LB, Limited Business zoning district for
 19 property identified as 420 Bertucci Boulevard.
 20 Tax Parcel Number 1110A-01-051.006. This case
 21 advertised on August 7th and August 14th. Could
 22 we have the video, please?
 23 MS. LENA:
 24 Hang on. That's looking north on
 25 Bertucci. That's Popp's Ferry Road. That's

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1 looking south. Okay. That's it.
 2 CHAIRMAN DELLENGER:
 3 Mr. LeBatard, if you could, please tell
 4 us what you and Dr. McMurphy are wanting to do
 5 there.
 6 MR. LEBATARD:
 7 Yes. Beau LeBatard. I am the architect
 8 for the project.
 9 And we're asking for conditional use
 10 zoning for a pediatric dental clinic, and we feel
 11 it would be a great fit. To the south of the
 12 property there, adjacent to it there is an
 13 orthodontist. And then across the street in the
 14 same development is an eye clinic, so we think it
 15 would be complementary to the rest of the -- the
 16 rest of the businesses in that area.
 17 CHAIRMAN DELLENGER:
 18 Is the building you're planning on
 19 building, is it going to meet all of the required
 20 setbacks?
 21 MR. LEBATARD:
 22 Yes, it will.
 23 CHAIRMAN DELLENGER:
 24 Parking requirements and all that?
 25 MS. LENA:

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1 MR. JOACHIM:
 2 And what else is that there?
 3 MR. LEBATARD:
 4 An orthodontist.
 5 MR. JOACHIM:
 6 An orthodontist. Welcome to the
 7 neighborhood.
 8 MR. LEBATARD:
 9 Thank you.
 10 CHAIRMAN DELLENGER:
 11 There being no other questions, is there
 12 anybody in the audience to speak in favor? Anyone
 13 to speak in favor of the applicant's request?
 14 (No response.)
 15 CHAIRMAN DELLENGER:
 16 Is there anyone to speak in opposition?
 17 No one to speak in opposition.
 18 We'll consider that hearing closed.
 19 MR. CREEL:
 20 This project has gone through the ERC.
 21 Lebatard has designed it to meet all the
 22 requirements that are necessary. It's right in an
 23 area where you've got other medical facilities
 24 right around there. It seems very appropriate.
 25 Staff has no objection and would recommend

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1 Here's the site plan.
 2 CHAIRMAN DELLENGER:
 3 Does anyone have any questions for
 4 Mr. Lebatard?
 5 MR. JOACHIM:
 6 It's a nice little building.
 7 MR. LEBATARD:
 8 I'm sorry?
 9 MR. JOACHIM:
 10 It's nice little building.
 11 MR. LEBATARD:
 12 Oh, thank you.
 13 CHAIRMAN DELLENGER:
 14 Anyone have any questions?
 15 MR. CARRON:
 16 I just thank you for your patience.
 17 MR. LEBATARD:
 18 Well, thank you. We won't be looking at
 19 a zoning change on this one.
 20 MR. JOACHIM:
 21 Just to make a point, I see your
 22 neighbors to this building would be an eye clinic;
 23 is that right?
 24 MR. LEBATARD:
 25 Yes, sir.

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1 approval.
 2 DR. DRAWDY:
 3 I make the motion.
 4 MR. KING:
 5 Second.
 6 CHAIRMAN DELLENGER:
 7 Motion by Dr. Drawdy; second by
 8 Mr. King.
 9 All those in -- any discussion?
 10 There being no discussion, please vote
 11 by raising your hand.
 12 Mr. Lechner, Mr. Parker, Mr. Todaro,
 13 Ms. Magee, Mr. Stanovich, Mr. Joachim, Dr. Drawdy,
 14 Mr. Carron, Mr. King, Mr. Snow, Mr. Poulos and
 15 myself, Mr. Dellenger. Motion carries.
 16 We do not have tree any hearings.
 17 Jerry, is there any City Council action?
 18 MR. CREEL:
 19 This coming week, the City Council is
 20 going to vote to consider some changes to the
 21 wrecker service and towing service that the
 22 Planning Commission voted on last time, and that's
 23 it.
 24 CHAIRMAN DELLENGER:
 25 Is there any old business? Any old

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business to bring before the Planning Commission?

(No response.)

CHAIRMAN DELLENGER:

Is there any new business to bring?

MR. CREEL:

Excuse me.

There was one other thing. The City Council did vote this past week to approve the next phase of the Frisbee subdivision up there. It was an 89-lot section that came before you a couple of weeks ago. That was approved by the City Council seven to zero.

CHAIRMAN DELLENGER:

Thank you.

Are there any citizens' comments?

(No response.)

CHAIRMAN DELLENGER:

All right. We'll let the record show that our next Planning Commission meeting will be at 2:00 p.m. on Thursday, September 3rd, and with that, we are adjourned.

(Adjourned at 3:40 p.m.)

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CERTIFICATE OF COURT REPORTER

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

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

Witness my signature and seal, this the 29th day of August, 2026.



Melissa Burdine-Rodolfich
My Commission Expires 4/03/28

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