

**CITY OF BILOXI
AGENDA ITEM
FACT SHEET**

Item No.:

4B

Council Meeting Date:

September 22, 2026

ITEM TITLE: ORDINANCE (1st Reading)

INTRODUCED BY: Mayor Andrew "FoFo" Gilich

CONTACT PERSON: Rick Weaver, CAO

Jerry Creel  Director of Community Development

SUMMARY EXPLANATION:

An Ordinance to approve a Zoning Map Amendment to authorize a change in zoning district classification for two parcels of land from their present zoning district classification of RM-30 Multi-Family to I Industrial, both identified as 0 Magnolia Street.

Ward 2, Case No. 26-046, Patrick Martino

Resolution _____

Ordinance ☒

Public Hearing _____

Routine Agenda _____

Exhibits for Review

Contract _____

Minutes ☒

Plans/Maps _____

Deed _____

Lease _____

Other (Specify): application, case fact sheet

Submittal Authorization:

Council President _____

Mayor ☒

STAFF RECOMMENDATION: Staff recommends approval

COUNCIL ACTION: Motion By: _____ Second By: _____

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

ACTION TAKEN:

cdl/092226bpc

ORDINANCE NO. _____

AN ORDINANCE TO APPROVE A **ZONING MAP AMENDMENT** TO AUTHORIZE A CHANGE IN ZONING DISTRICT CLASSIFICATION FOR TWO PARCELS OF LAND FROM THEIR PRESENT ZONING DISTRICT CLASSIFICATION OF **RM-30 MULTI-FAMILY** TO **I INDUSTRIAL**, BOTH IDENTIFIED AS 0 MAGNOLIA STREET

WHEREAS, on Thursday, September 3, 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. 26-046-PC, Cletis & Brezena Avery (owners) and Patrick Martino (applicant), a request for a **Zoning Map Amendment**; and

WHEREAS, the Planning Commission members were apprised of the particulars of this case, being made cognizant of the fact that Patrick Martino had submitted the request for a **Zoning Map Amendment**, to authorize a change in zoning district classification for two parcels of land measuring approximately 100' x 95' in total size, from their present zoning district classification of **RM-30 Multi-Family** to **I Industrial**, both identified as 0 Magnolia Street (Tax Parcel Nos. 1410F-06-059.000 & 1410F-06-060.000); and

WHEREAS, September 3, 2026, the Biloxi Planning Commission, after some discussion, voted 11-0-0, to recommend approval for this **Zoning Map Amendment** to authorize a change in zoning district classification for two parcels of land measuring approximately 100' x 95' in total size, from their present zoning district classification of **RM-30 Multi-Family** to **I Industrial**, both identified as 0 Magnolia Street, having determined that a Change in the Character of the Neighborhood is of notice in this area of the City of Biloxi; and

WHEREAS, the Biloxi City Council, after consideration of all facts presented, hereby adopts the report and findings of the Biloxi Planning Commission, and in so doing, determines that approval of the **Zoning Map Amendment** is appropriate for the properties as related in Case No.

26-046-PC, both identified as 0 Magnolia Street.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BILOXI, MISSISSIPPI, THAT AS PER THE FINDINGS OF THE PLANNING COMMISSION, BASED UPON A DETERMINATION THAT A CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD IN THIS AREA OF THE CITY OF BILOXI IS OF NOTICE, THAT THE FOLLOWING SHALL BE AUTHORIZED:

Section 1. That the boundaries of the Geographical Information System Format Zoning District Map of the City of Biloxi, Mississippi, be hereby further amended by a change in zoning district classification from **RM-30 Multi-Family** to **I Industrial**, for the properties identified as 0 Magnolia Street (Tax Parcel Nos. 1410F-06-059.000 & 1410F-06-060.000), more fully described as follows:

Beginning at a point on the west margin on magnolia street between division street and the right of way of the Louisville and Nashville railroad company which point marks the southeast corner of the lot of land conveyed by gulf refining company to Mrs. Stella G. Joachim by deed dated October 21, 1943, and which point is also the northeast corner of the lot of land conveyed to Louis August Trammel by u. S. Joachim by deed dated November 8, 1944, thence running westerly on the line dividing the properties of Joachim and Trammel for a distance of 95 feet to a point, thence running southerly on a line parallel to the west margin of magnolia street for a distance of 50 feet to a point. Thence running easterly on a line parallel to the north boundary of the lot herein described for a distance of 95 feet to the west margin of magnolia street; thence running north along said west margin of magnolia street for a distance of 50 feet to the point of beginning; the lot of land herein described having a frontage of 50 feet of the west margin of magnolia street and extending back west between parallel lines for a distance of 95 feet and being bounded on the east by magnolia street, on the north by the property of Mrs. Stella G. Joachim and on the west by the property of Trammel and south by the property of camp.

And also

Beginning at a point on the west margin of magnolia street between division street and the right-of-way of the Louisville and Nashville railroad company, which point is fifty (50') feet

south of the southeast corner of the lot of land conveyed by gulf refining company to Mrs. Stella G. Joachim by deed dated October 21, 1943, and which point is fifty (50') feet south of the northeast corner of the lot of land conveyed to Louis August Tremmel by U.S. Joachim by deed dated November 8, 1944; thence running westerly on the line dividing the properties of camp and hayes for a distance of ninety-five (95') feet to the west margin of magnolia street; thence running north along the said west margin of magnolia street for a distance of fifty (50') feet to the point of beginning. The lot of land hereby described having a frontage of fifty (50') feet on the west margin of magnolia street and extending back west between parallel lines for a distance of ninety-five (95') feet, and being bounded on the east by magnolia street; on the north by property now or formerly of hayes; on the west by property now or formerly of Tremmel; and on the south by property now or formerly of Tremmel. Being the south fifty (50') feet of that property conveyed by Louis August Tremmel to R.A. camp by deed dated September 22, 1950, of record in book 36, at pages 42-43, of the land deed records of Harrison County, Mississippi.

Further described as land most nearly bounded by the following streets: North of Esters Boulevard; South of Division Street; to the East of Reynoir Street; and West and fronting Magnolia Street.

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

.....A

RESOLUTION NO. _____

RESOLUTION CALLING FOR A PUBLIC HEARING WITH RESPECT TO AN APPLICATION FOR **ZONING MAP AMENDMENT** TO AUTHORIZE A CHANGE IN ZONING DISTRICT CLASSIFICATION FOR TWO PARCELS OF LAND FROM THEIR PRESENT ZONING DISTRICT CLASSIFICATION OF **RM-30 MULTI-FAMILY** TO **I INDUSTRIAL**, BOTH IDENTIFIED AS 0 MAGNOLIA STREET

WHEREAS, on Thursday, September 3, 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. 26-046-PC, Cletis & Brezena Avery (owners) and Patrick Martino (applicant), a request for a **Zoning Map Amendment**; and

WHEREAS, the Planning Commission members were apprised of the particulars of this case, being made cognizant of the fact that Patrick Martino had submitted the request for a **Zoning Map Amendment**, to authorize a change in zoning district classification for two parcels of land measuring approximately 100' x 95' in total size, from their present zoning district classification of **RM-30 Multi-Family** to **I Industrial**, both identified as 0 Magnolia Street (Tax Parcel Nos. 1410F-06-059.000 & 1410F-06-060.000); and

WHEREAS, September 3, 2026, the Biloxi Planning Commission, after some discussion, voted 11-0-0, to recommend approval for this **Zoning Map Amendment** to authorize a change in zoning district classification for two parcels of land measuring approximately 100' x 95' in total size, from their present zoning district classification of **RM-30 Multi-Family** to **I Industrial**, both identified as 0 Magnolia Street, having determined that a Change in the Character of the Neighborhood is of notice in this area of the City of Biloxi; 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 public concern, and being so, it is in the best interest of the community to hold a public hearing on this

matter before the City Council.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BILOXI, MISSISSIPPI, will conduct a public hearing in reference to Case No. 26-046-PC, Cletis & Brezena Avery (owner) and Patrick Martino (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 A REQUEST FOR **ZONING MAP AMENDMENT** TO
AUTHORIZE A CHANGE IN ZONING DISTRICT CLASSIFICATION FOR TWO PARCELS
OF LAND FROM THEIR PRESENT ZONING DISTRICT CLASSIFICATION OF **RM-30**
MULTI-FAMILY TO I INDUSTRIAL, BOTH IDENTIFIED AS 0 MAGNOLIA STREET

WHEREAS, on Thursday, September 3, 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. 26-046-PC, Cletis & Brezena Avery (owners) and Patrick Martino (applicant), a request for a **Zoning Map Amendment**; and

WHEREAS, the Planning Commission members were apprised of the particulars of this case, being made cognizant of the fact that Patrick Martino had submitted the request for a **Zoning Map Amendment**, to authorize a change in zoning district classification for two parcels of land measuring approximately 100' x 95' in total size, from their present zoning district classification of **RM-30 Multi-Family to I Industrial**, both identified as 0 Magnolia Street (Tax Parcel Nos. 1410F-06-059.000 & 1410F-06-060.000); and

WHEREAS, September 3, 2026, the Biloxi Planning Commission, after some discussion, voted 11-0-0, to recommend approval for this **Zoning Map Amendment** to authorize a change in zoning district classification for two parcels of land measuring approximately 100' x 95' in total size, from their present zoning district classification of **RM-30 Multi-Family to I Industrial**, both identified as 0 Magnolia Street, having determined that a Change in the Character of the Neighborhood is of notice in this area of the City of Biloxi; and

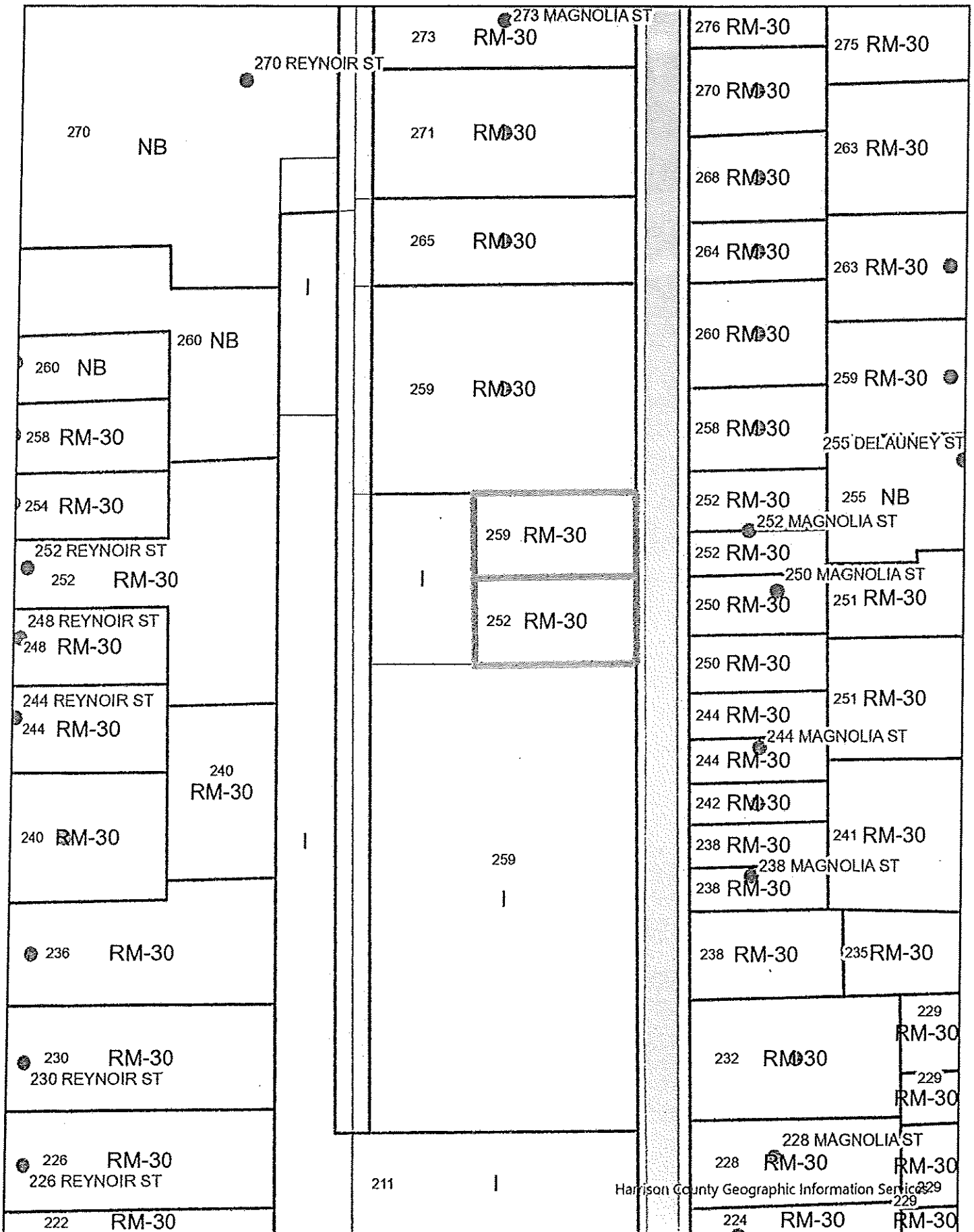
WHEREAS, the Biloxi City Council, after consideration of all facts presented, hereby rejects the report and findings of the Biloxi Planning Commission and, in so doing, determines that denial of this **Zoning Map Amendment** is appropriate; said request seeks to authorize a change in zoning district classification for two parcels of land measuring approximately 100' x 95' (more or less) in total, from their present zoning classification of **RM-30 to I**, both identified as 0 Magnolia

Street (Tax Parcel Nos. 1410F-06-059.000 & 1410F-06-060.000).

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 **Zoning Map Amendment**, to authorize a change in zoning district classification for two parcels of land measuring approximately 100' x 95' in total size, from their present zoning district classification of **RM-30 Multi-Family** to **I Industrial**, identified as 0 Magnolia Street (Tax Parcel Nos. 1410F-06-059.000 & 1410F-06-060.000), as related in Case No. 26-046-PC, Cletis & Brezena Avery (owner) and Patrick Martino (applicant), based upon a determination that the rezoning requested is not warranted, as submitted, due to a finding that no Mistake in Original Zoning is apparent, and that no Change in the Character of the Neighborhood with an established community need is of notice at this location.

..... C

Case No. 26-046-PC
Cletis & Brezena Avery/Patrick Martino
0 Magnolia St.
Map Amendment-RM-30 to I





**Planning Commission
Case Fact Sheet**

Case No.:	26-046-PC
Names of Owners:	Cletis & Brezena Avery
Name of Applicant:	Patrick Martino
Address of Properties:	0 Magnolia Street
Tax Parcels/Ward:	1410F-06-059.000 & 1410F-06-060.000/Ward 2

Request:	Zoning Map Amendment
Purpose of Request:	To consider an application requesting a Zoning Map Amendment , to authorize a change in zoning district classification for two parcels of land measuring approximately 100' x 95' in total size, from their present zoning district classification of RM-30 Multi-Family to I Industrial , and identified as 0 Magnolia Street.
Size of Property:	100' x 95'
Present Zoning:	RM-30 Multi-Family
Flood Zone:	AE-17
Present Use:	2 Vacant Parcels
Most Nearly Bounded By (streets):	Situated North of Esters Boulevard; South of Division Street; to the East of Reynoir Street; and West and fronting Magnolia Street.
Adverse Influences:	A Zoning Map Amendment should only be authorized when conditions clearly suggest that a change in zoning is warranted, that a change of the character of the neighborhood is evident, coupled with a community need to address this change, and that the change proposed is consistent with uses found upon adjacent or nearby properties.
Positive Influences:	This rezoning, if approved, will be a continuation of the existing Industrial zoning located south of these properties, allowing for

the existing business to expand.

Concerns stated: The Planning Division Office has not received any letters or other written communications relative to this case, as of August 27, 2026.

Comments/

Recommendations: Cletis & Brezena Avery (owner) and Patrick Martino (applicant), have submitted an application for a **Zoning Map Amendment**, to authorize a change in zoning district classification for two parcels of land measuring approximately 100' x 95' in total size, from their present zoning district classification of **RM-30 Multi-Family** to **I Industrial**, identified as 0 Magnolia Street (Tax Parcel Nos. 1410F-06-059.000 & 1410F-06-060.000).

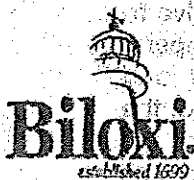
The applicant explained that they intend to sell the parcels to the adjacent property owner, who operates an existing roofing company that is already zoned for industrial use. The sale would allow the roofing company to expand its operations.

It should be explained that this request is for Zoning Map Amendment, and as such, discussion points should be focused upon the merits or demerits of this Zoning Change, as follows:

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

Options:

1. Recommend approval of the requested **Zoning Map Amendment**, to authorize a change in zoning district classification for two parcels of land, from their present zoning district classification of **RM-30 Multi-Family** to **I Industrial**, having determined that compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood has been found.
2. Recommend denial of the requested **Zoning Map Amendment**, to authorize a change in zoning district classification for two parcels of land, from their present zoning district classification of **RM-30 Multi-Family** to **I Industrial**, having determined that no plausible argument for Mistake in Original Zoning, or for Change in the Character of the Neighborhood with an established Community Need, has been offered.



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. 26-046-PC

To Be Completed by Owner/Applicant

Date:

Name of Rightful Owner(s):

Name of Applicant: (if different than Owner)

CLOTIS B. AVERY & BRZEZNA AVERY

PATRICK MARTINO

Property Address:

Ward Number

MAGNOLIA STREET

2

Tax Parcel Identification Number(s):

1410F-06-059-000

1410F-06-060-000

1410F-06-061-000

Mailing Address of Property Owner:

Mailing Address of Applicant (if different than

2677 MOONING PKWY

Owner): PATRICK MARTINO

City: SNEELVILLE

City: Biloxi

State: GA

State: MS

Zip: 30039

Zip: 39532

County GWINNETT

County HARRISON COUNTY

Telephone: (404) 246-6947

Telephone: (228) 518-0722

Property Size (please give in acres or by dimension): 50' x 95' (x 2) 2 ADJACENT LOTS

Present Zoning Classification: RM 30

Is the property located within an AHRO District? Yes ☐ No ☒ If so, which District?

Is this property a Historic Landmark? Yes ☐ No ☒

Flood Zone(s) of Property: AE BFE 17

North

South

East

West

Property is most nearly bounded by what streets?

DIVISION

ESTERS

MAGNOLIA

REYNOLDS

If property directly fronts or is adjacent one of the

streets above, please indicate with a ☒

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

Text Amendment

☒ Zoning Map Amendment – must include zone classification change in narrative

Planned Development

Master Plan/Update

Preliminary Subdivision Review

Conditional Use

Public ROW Vacation

Street Name Change

Variance

Appeal

Tree Removal



PLANNING COMMISSION SUPPLEMENT

Map Amendment

(Master Plan update)

City of Biloxi Planning Division

Mailing Address: P.O. Box 508, Biloxi, MS 39533

Office Location: 676 Dr. MLK Blvd.,

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

TO BE COMPLETED BY APPLICANT | DATE:

Shaded Areas for Staff Only

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

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

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

	Existing	New
I am requesting a zoning change from this zone to this zone:	RM-30	INDUSTRIAL

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

Detailed Site Plan Attached (If no site plan is attached, this application is considered incomplete and will not be accepted.) NEW OWNER IS EXPANDING HIS AREA TO STORE STINGLES.

Criteria:

	Yes	No
1. Is the proposed map amendment consistent with the Comprehensive Plan?	☒	☐

Please explain: THE ADJACENT PROPERTY IS CURRENTLY ZONED

INDUSTRIAL AND IN THE FUTURE WILL BE A PART OF THAT COMMERCIAL BUSINESS

2. Is the proposed map amendment compatible with present zoning and conforming uses of nearby property and with the character of the neighborhood?	Yes	No
	☒	☐

Please explain:

GOING FROM RM-30 TO INDUSTRIAL WOULD ALLOW FOR EXPANSION OF THE CURRENT COMMERCIAL PROPERTY



PLANNING COMMISSION SUPPLEMENT

Map Amendment

City of Biloxi Planning Division
Mailing Address: P.O. Box 508, Blvd., Biloxi, MS 39533
 Office Location: 676 Dr. MLK Blvd.,
 Planning (228) 435-6266 Fax (228) 435-6188

Criteria (continued)	✓	
----------------------	---	--

	Yes	No
3. Is the property suitable for uses permitted in the present zoning district?	☒	☐

Please explain:

THE PROPERTY WOULD SIMPLY BE AN EXTENSION OF THE CURRENT USE.

	Yes	No
4. Is the property suitable for uses permitted in the proposed zoning district?	☒	☐

Please explain:

ADJOINING PROPERTY IS CURRENTLY ZONED INDUSTRIAL

	Yes	No
5. Has there been a change in the character of the neighborhood?	☒	☐

Please explain: *THERE ARE MORE COMMERCIAL BUSINESSES*

	Yes	No
6. Is there an established community need for uses permitted in the proposed zoning district?	☒	☐

Please explain: *STORMS CAUSE ROOF DAMAGE AND THIS IS A SHINGLE SUPPLY COMPANY.*

	Yes	No
7. Was there a mistake in the original zoning of the property?	☐	☒

Please explain: *NO THE AREA HAS JUST GROWN IN COMMERCIAL DEVELOPMENT*

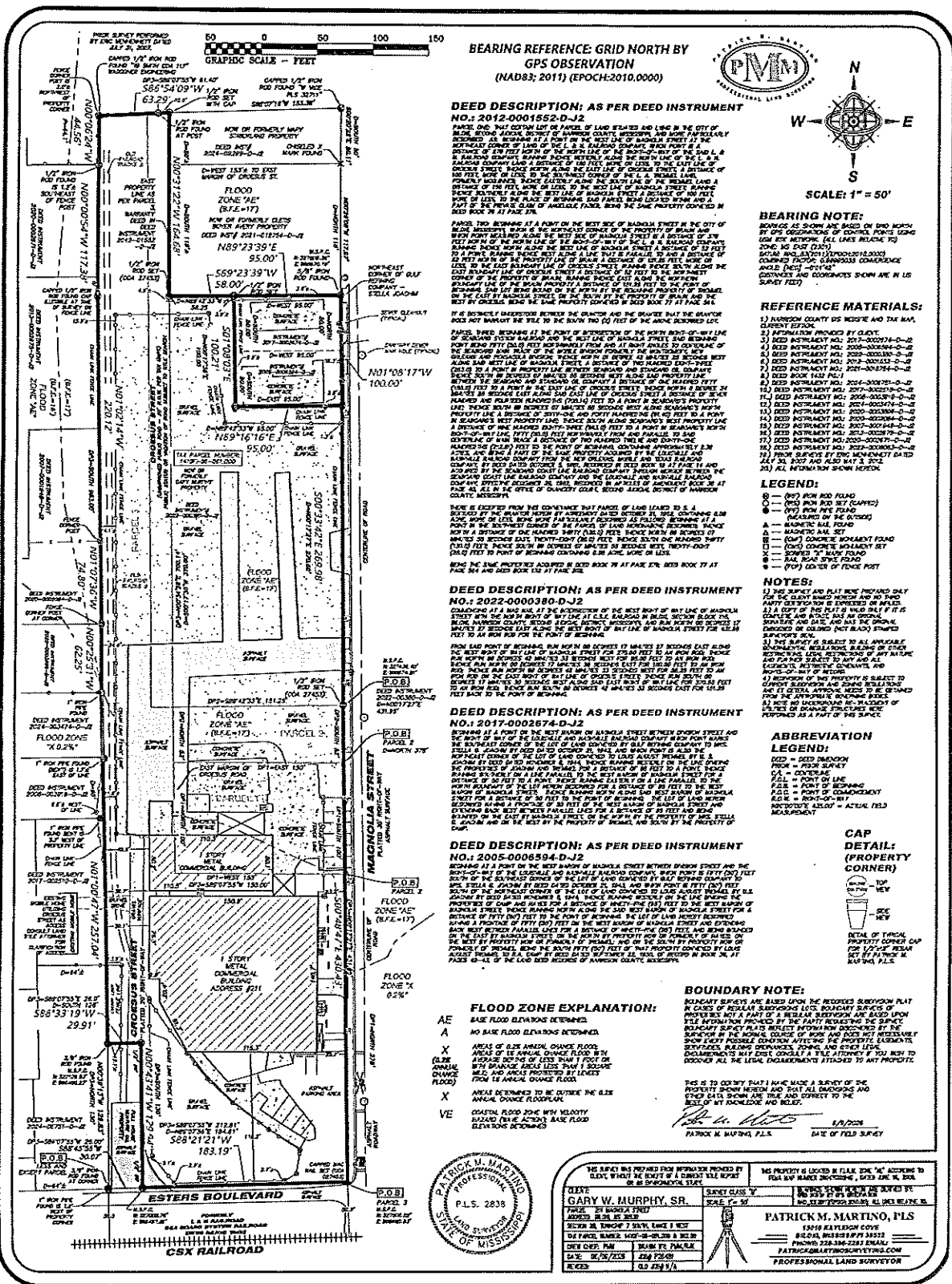
	Yes	No
8. Are utilities and infrastructure sufficient to address the impacts associated with allowed uses in the proposed district?	☒	☐

Please explain: *CITY WATER AND SEWER ARE AVAILABLE*

Site Plan attached: (please circle): Yes

☒ No *@ Purchaser is expanding lay down yard*

Case No. ☐☐☐☐☐☐☐☐☐☐



BILOXI PLANNING COMMISSION MEETING

SEPTEMBER 3, 2026

COMMUNITY DEVELOPMENT,

DR. MARTIN LUTHER KING JR. MUNICIPAL BUILDING,

676 DR. MARTIN LUTHER KING JR. BOULEVARD,

BILOXI, MISSISSIPPI,

BEGINNING AT 2:04 P.M.

PLANNING COMMISSION MEMBERS PRESENT:

Ronnie Bogard
 Kyle Carron
 Robert Collier
 Dr. Larry Drawdy
 Harry Joachim
 Joe King
 Gary Lechner
 Debora Magee
 August Parker
 Shante' Shaw
 John Snow
 Michael Todaro

ALSO PRESENT:

Jerry Creel, Director of Community Development
 Felicia Serpas, Senior Planner
 Caryle Lena, Planner I
 Anthony Marshall, Councilman Ward 2
 Dr. Paul Tisdale, Councilman Ward 5
 David Shoemaker, Councilman Ward 7
 Teresa Shelton, Keesler
 Christina Castleberry, Keesler

REPORTED BY

Melissa Burdine-Rodolfich
 Simpson Burdine & Miguez

Simpson Burdine & Miguez 228.388.3130

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

CONTINUED PUBLIC HEARING(S) :	PAGE:
26-040-PC	5
NEW PUBLIC HEARING(S) :	
26-044-PC	16
26-046-PC	59
TREE HEARING(S) :	
TR-26-003	62

Simpson Burdine & Miguez 228.388.3130

MR. TODARO:

We're going to call the Planning
 Commission meeting to order. I'd like to welcome
 everyone this afternoon.

The chairman and co-chairman are both
 sick today, so I'm Mike Todaro, a member, sitting
 in, so thank you for being here and being patient.

We'll begin with a word of prayer. I'll
 ask Jerry to lead us in a word of prayer.

(Moment of prayer.)

MR. TODARO:

We'll stand for the Pledge of
 Allegiance. We'll ask Ronnie Bogard to lead us.

(Pledge of Allegiance.)

MR. TODARO:

So we'll do a roll call for the meeting.

We'll ask everyone to please be quiet
 because we have a court reporter who needs to have
 quiet so she can record everything. And when
 there is a murmuring and chatter, she has to
 miss -- she's not able to properly record, so
 please. Thank you.

So the members present would be

Mr. Lechner, August Parker, Debora Magee,

Ms. Shante' Shaw, Ronnie Bogard, Mr. Collier,

Simpson Burdine & Miguez 228.388.3130

Larry Drawdy, Mr. Carron, Joe King, John Snow, and
 I think that's all.

MS. LENA:

Harry Joachim.

MR. TODARO:

Oh, I'm sorry. Harry Joachim.

We have Jerry Creel and Caryle Lena here
 representing the City. And we have our court
 reporter, who is Melissa Rodolfich, and Felicia
 Serpas.

We have -- let's see -- City
 Councilperson Marshall, City Councilperson Tisdale
 and City Councilperson Shoemaker and two
 representatives from Keesler. We have
 Ms. Castleberry and Ms. Shelton. So that's all
 the introductions.

For those of you that haven't been to a
 Planning Commission meeting, we're going to have
 an open discussion. The public hearing will be
 the time to speak in favor and a time to speak
 against. And when the person is speaking, please
 respect their time and, hopefully, they'll respect
 your time as well.

So with that being said, Jerry, your
 report?

Simpson Burdine & Miguez 228.388.3130

1 Second.
 2 MR. TODARO:
 3 Motion by Parker; seconded by
 4 Mr. Bogard.
 5 Any discussion?
 6 DR. DRAWDY:
 7 Mr. Chairman, is that all Keesler wants
 8 to add to it or should we --
 9 MR. TODARO:
 10 Any other comments?
 11 DR. DRAWDY:
 12 I know what she said. I just wanted to
 13 know -- make sure.
 14 I think that we just need to protect
 15 Keesler at all avenues that we look at.
 16 MR. COLLIER:
 17 I think she might have something else to
 18 say.
 19 MR. TODARO:
 20 Sure. The floor is yours.
 21 MS. CASTLEBERRY:
 22 No other comments.
 23 MR. CREEL:
 24 One thing I would recommend to the
 25 motion is that the motion include the fact that

Simpson Burdine & Miguez 228.388.3130

1 attendance.
 2 All right. So the next case, 26-046-PC,
 3 Cletis and Brezema Avery, owner, Patrick Martino,
 4 applicant, a request for a zoning map amendment to
 5 authorize a change in zoning district
 6 classification for two parcels of land measuring
 7 approximately 100 by 95 feet in total size from
 8 their present zoning district classification of
 9 RM-30 to Industrial identified as Zero Magnolia
 10 Street. Tax Parcel Numbers 1410F-06-059.000 and
 11 1410F-06-060.000.
 12 So the representative for this request?
 13 MS. SERPAS:
 14 Video.
 15 MR. TODARO:
 16 Oh, we've got the video.
 17 MS. SERPAS:
 18 (Video played.)
 19 MR. TODARO:
 20 Okay. The representatives with the
 21 request, please identify yourself.
 22 MR. MARTINO:
 23 My name is Patrick Martino. I'm a land
 24 surveyor in Biloxi, and I'm here to represent
 25 Mr. Avery. He lives in Atlanta.

Simpson Burdine & Miguez 228.388.3130

1 their height will not go above 79 feet.
 2 MR. PARKER:
 3 So moved.
 4 MS. MAGEE:
 5 Second.
 6 MR. BOGARD:
 7 Second.
 8 MR. TODARO:
 9 That will be a part of Mr. Parker's
 10 motion and seconded by Mr. Bogard to approve the
 11 recommendation that the height not exceed 79 feet.
 12 So any other discussion?
 13 (No response.)
 14 MR. TODARO:
 15 So we will ask for a vote.
 16 All in favor, raise your hand.
 17 MS. LENA:
 18 Ms. Shaw had to leave.
 19 MR. TODARO:
 20 Oh, she had to leave? Okay. So
 21 Ms. Shaw is not here.
 22 So we've got Mr. Lechner, Mr. Parker,
 23 Ms. Magee, Mr. Bogard, Mr. Collier, Mr. Joachim,
 24 Dr. Drawdy, Mr. Carron, Mr. King, Mr. Snow; Mike
 25 Todaro, yes. So that's unanimous with everyone in

Simpson Burdine & Miguez 228.388.3130

1 Mr. Avery is the current owner of the
 2 two parcels of land in question. Him and Mr. Gary
 3 Murphy have come to an agreement for Mr. Murphy to
 4 acquire that property. And the reason Mr. Murphy
 5 would like to acquire it and have it rezoned is he
 6 currently owns the roofing company to the south,
 7 and he currently has run out of room to store
 8 roofing materials -- roofing shingles on that
 9 parcel.
 10 Once he acquires -- or if he acquires
 11 this property, it would kind of square up his
 12 property where it wouldn't jog and make that small
 13 jog there that he has in his property. So he --
 14 at this time, he is just simply wanting to extend
 15 the laydown ground -- the laydown area for his
 16 roofing supplies that he currently operates on.
 17 MR. TODARO:
 18 Any questions?
 19 (No response.)
 20 MR. TODARO:
 21 Anyone else to speak in favor of the
 22 application?
 23 (No response.)
 24 MR. TODARO:
 25 Anyone to speak against this

Simpson Burdine & Miguez 228.388.3130

1 application? No one against.

2 Closing comments?

3 MR. MARTINO:

4 That's all the comments that I have.

5 MR. TODARO:

6 All right. We'll consider that hearing
7 closed. Mr. Creel.

8 MR. CREEL:

9 Okay. If you look at the map that's in
10 your package, you can see the majority of the
11 property where the roofing contract operation is
12 is already zoned Industrial. Basically, they've
13 acquired those two lots that are in that northeast
14 corner, so they're not going any further north
15 with the Industrial zoning than what already
16 exists on the lot that they own on the west side.
17 So, again, this is an extension of the zoning that
18 already exists. The staff has reviewed this, has
19 no objection and would recommend approval.

20 MR. PARKER:

21 So moved.

22 MS. MAGEE:

23 Second.

24 MR. TODARO:

25 So it's moved by Mr. Parker; second by

Simpson Burdine & Miguez 228.388.3130

1 1210J-02.015.000 and 1210J-02-013.000 and
2 1210J-02-012.000. And these were advertised on
3 8/21 and 8/28.

4 And I need to go back to that last
5 hearing. I did not give the dates that it was
6 public -- advertised, so we'll add those into the
7 record. The last case, that was advertised on
8 8/14 and 8/21 and 8/28.

9 Thank you. So with that all done, we're
10 going to ask for the presentation for the tree
11 proposal.

12 MS. SERPAS:

13 There is several videos. This one is
14 just one of them. I think his site plan is going
15 to show it better.

16 You want to put yours up?

17 MR. TODARO:

18 Is that it, Felicia?

19 MS. SERPAS:

20 Yes. You want to look at this one? You
21 want to go to this one?

22 MR. STEWART:

23 Yeah, we can use that one.

24 MS. SERPAS:

25 I do have pictures too.

Simpson Burdine & Miguez 228.388.3130

1 Ms. Magee that we accept the recommendation of --
2 the application.

3 Any questions or any comments?

4 (No response.)

5 MR. TODARO:

6 All those in favor of the motion?

7 Mr. Lechner, Mr. Parker, Ms. Magee,
8 Mr. Bogard, Mr. Collier, Mr. Joachim, Dr. Drawdy,
9 Mr. Carron, Mr. King, Mr. Snow; and myself, Mike
10 Todaro.

11 Unanimous as well.

12 So that brings us -- that concludes our
13 public hearings. Now we'll move into a tree
14 hearing.

15 This is a Case Number TR-26-003, RW
16 Development, LLC, owner, and John Stewart,
17 applicant, a request to remove 28 protected trees,
18 25 live oaks and three magnolias, to authorize the
19 construction of a new casino, Black Marlin on
20 seven parcels of the land presently identified as
21 1816 Beach Boulevard, two unaddressed parcels
22 fronting on Beach Boulevard and 105, 155, 157 and
23 163 McDonnell Avenue. Tax Parcel Numbers
24 1210J-02-021.000, 1210J-02-020.000,
25 1210J-02-018.000, 1210J-02-017.000,

Simpson Burdine & Miguez 228.388.3130

1 MR. STEWART:

2 Yeah. I can tell you who I am, I guess.
3 Do I need to do this again?

4 I'm John Stewart and I'm representing,
5 again, the applicant for this project as well.

6 And I will step back over here so I can
7 point to the drawing real quick.

8 So we had the tree survey done and you
9 will see the trees are all outlined on here. The
10 ones that -- I'm not sure who did "save," but
11 those are the ones. Thank you. But the count of
12 each tree is on there, as well as the species and
13 then the -- and also which ones are being saved
14 and which ones we're processing to take out.

15 We did move things around to try to save
16 anything that we could that was not only a live
17 oak, but that was in good condition or a magnolia
18 that was in good condition. So you can see along
19 the edge here, we actually pulled our parking away
20 from the edges. We lost a few parking spaces.
21 And part of this forced us to go to the second
22 level and expand the second level of the garage to
23 be able to get a little more space in between
24 along the edges that -- and preserve some of those
25 trees.

Simpson Burdine & Miguez 228.388.3130