

**CITY OF BILOXI
AGENDA ITEM
FACT SHEET**

Item No.: 4G

Council Meeting Date: October 20, 2026

ITEM TITLE: ORDINANCE (2nd 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 of NB Neighborhood Business to RB Regional Business, identified as 280 Eisenhower Drive & 2649 Pass Road.

Ward 5, Case No. 26-048-PC, Freddie Fountain

Resolution _____ Ordinance ✓ Public Hearing _____ Routine Agenda _____

Exhibits for Review

Contract _____ Minutes ✓ Plans/Maps _____ Deed _____ Lease _____

Other (Specify): case fact sheet

Submittal Authorization: Council President _____ Mayor ✓

STAFF RECOMMENDATION: Staff recommends approval

COUNCIL ACTION: Motion By: Tisdale Second By: Creel

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

ACTION TAKEN: First reading was on October 6, 2026

cdl/100626kpc

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 OF **NB NEIGHBORHOOD BUSINESS** TO **RB REGIONAL BUSINESS**, IDENTIFIED AS 280 EISENHOWER DRIVE & 2649 PASS ROAD

WHEREAS, on Thursday, September 17, 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. 26-048-PC, Freddie Fountain on behalf of MS Edgewater Square Investors, LLC, 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 Freddie Fountain had submitted the request for a **Zoning Map Amendment** to authorize a change in zoning district classification for two parcels of land measuring approximately 11.2 acres (more or less) in size, from their present zoning district classification of **NB Neighborhood Business** to **RB Regional Business**, identified as 280 Eisenhower Drive & 2649 Pass Road (Tax Parcel Nos. 1110F-02-006.000 & 1110K-01-046.000); and

WHEREAS, September 17, 2026, the Biloxi Planning Commission, after some discussion, voted 15-0, to recommend approval for this **Zoning Map Amendment** to authorize a change in zoning district classification for two parcels of land measuring approximately 11.2 acres (more or less) in size, from their present zoning district classification of **NB Neighborhood Business** to **RB Regional Business**, identified as 280 Eisenhower Drive & 2649 Pass Road, 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. 26-048-PC, and identified 280 Eisenhower Drive & 2649 Pass Road.

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 **NB Neighborhood Business** to **RB Regional Business**, identified as 280 Eisenhower Drive & 2649 Pass Road (Tax Parcel Nos.1110F-02-006.000 & 1110K-01-046.000), more fully described as follows:

A parcel of land situated in Section 28, Township 7 South, Range 10 West, and in Section 33, Township 7 South, Range 10 West, City of Biloxi, Harrison County, Mississippi, Second Judicial District, more particularly described as follows:

Commencing at the intersection of the South right-of-way line of Pass Road and the East right-of-way line of Edgewater Gulf Drive, said point being the POINT OF BEGINNING: Thence North 77 degrees 11 minutes 00 seconds East along said South right-of-way a distance of 716.99 feet; thence South 9 degrees 58 minutes 35 seconds East a distance of 714.44 feet; thence South 77 degrees 11 minutes 00 seconds West a distance of 647.20 feet to the East margin of Edgewater Gulf Drive; thence North 1 degree 55 minutes 00 seconds West along said East margin a distance of 17.48 feet to the beginning of a curve having a central angle of 19 degrees 29 minutes 15 seconds, a radius of 1164.69 feet, and whose radius point bears South 88 degrees 05 minutes 01 seconds West; thence Northerly along said curve and said East margin a distance of 396.14 feet; thence North 21 degrees 24 minutes 15 seconds West along said East margin a distance of 305.68 feet to the point of beginning. Being the same property conveyed to Palm Court, LLC, by Instrument Number 2006-2322-D-J2.

Less and except that certain property conveyed to the City of Biloxi for a Right-of-way Acquisition and subject to a Temporary Construction Easement recorded as Instrument Number 2008-3114-D-J1 and by Warranty Deed recorded as Instrument Number 2008-3113-D-J1.

Further described as land situated North and West, and adjacent to Rue Petit Bois; South of and fronting Pass Road; and East of and adjacent to Eisenhower Drive.

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 OF **NB NEIGHBORHOOD BUSINESS** TO **RB REGIONAL BUSINESS**, IDENTIFIED AS 280 EISENHOWER DRIVE & 2649 PASS ROAD

WHEREAS, on Thursday, September 17, 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. 26-048-PC, Freddie Fountain on behalf of MS Edgewater Square Investors, LLC, 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 Freddie Fountain had submitted the request for a **Zoning Map Amendment** to authorize a change in zoning district classification for two parcels of land measuring approximately 11.2 acres (more or less) in size, from their present zoning district classification of **NB Neighborhood Business** to **RB Regional Business**, identified as 280 Eisenhower Drive & 2649 Pass Road (Tax Parcel Nos. 1110F-02-006.000 & 1110K-01-046.000); and

WHEREAS, September 17, 2026, the Biloxi Planning Commission, after some discussion, voted 15-0, to recommend approval for this **Zoning Map Amendment** to authorize a change in zoning district classification for two parcels of land measuring approximately 11.2 acres (more or less) in size, from their present zoning district classification of **NB Neighborhood Business** to **RB Regional Business**, identified as 280 Eisenhower Drive & 2649 Pass Road, 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. 26-048-PC, Freddie Fountain on behalf of MS Edgewater Square Investors, LLC, 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 **NB
NEIGHBORHOOD BUSINESS** TO **RB REGIONAL BUSINESS**, IDENTIFIED AS 280
EISENHOWER DRIVE & 2649 PASS ROAD

WHEREAS, on Thursday, September 17, 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. 26-048-PC, Freddie Fountain on behalf of MS Edgewater Square Investors, LLC, 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 Freddie Fountain had submitted the request for a **Zoning Map Amendment** to authorize a change in zoning district classification for two parcels of land measuring approximately 11.2 acres (more or less) in size, from their present zoning district classification of **NB Neighborhood Business** to **RB Regional Business**, identified as 280 Eisenhower Drive & 2649 Pass Road (Tax Parcel Nos. 1110F-02-006.000 & 1110K-01-046.000); and

WHEREAS, September 17, 2026, the Biloxi Planning Commission, after some discussion, voted 15-0, to recommend approval for this **Zoning Map Amendment** to authorize a change in zoning district classification for two parcels of land measuring approximately 11.2 acres (more or less) in size, from their present zoning district classification of **NB Neighborhood Business** to **RB Regional Business**, identified as 280 Eisenhower Drive & 2649 Pass Road, 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 due consideration of the application, the report

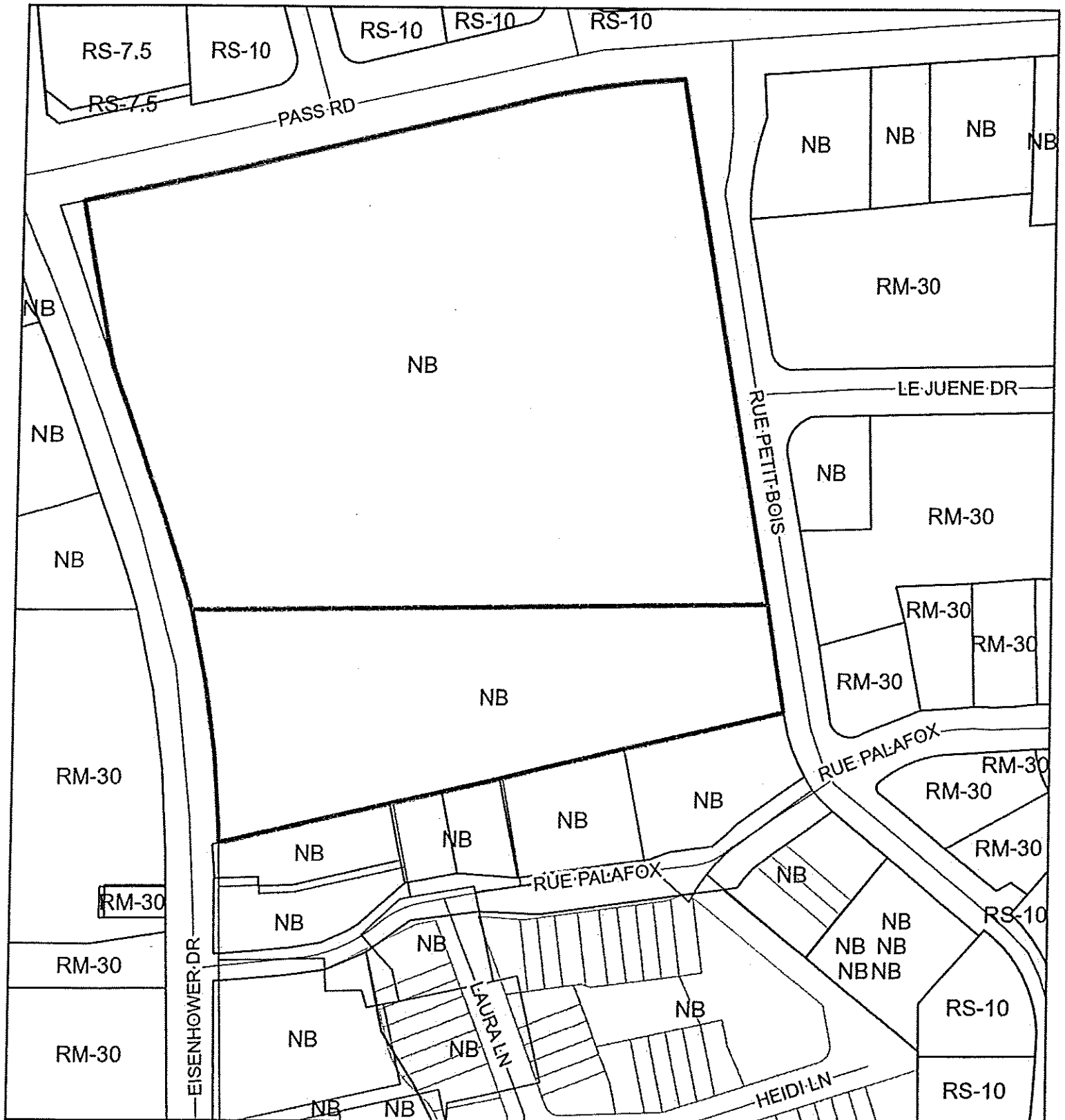
and findings of the Biloxi Planning Commission, and all facts and information presented at the public hearing, hereby rejects the report and findings of the Biloxi Planning Commission and determines that denial of the requested **Zoning Map Amendment** is warranted and appropriate; said request being for a change in zoning district classification for two parcels of land containing approximately 11.2 acres, more or less, from their present **NB Neighborhood Business** zoning classification to **RB Regional Business**, said properties being identified as 280 Eisenhower Drive and 2649 Pass Road (Tax Parcel Nos. 1110F-02-006.000 and 1110K-01-046.000).

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 11.2 acres (more or less) in size, from their present zoning district classification of **NB Neighborhood Business** to **RB Regional Business**, identified as 280 Eisenhower Drive & 2649 Pass Road (Tax Parcel Nos. 1110F-02-006.000 & 1110K-01-046.000), as related in Case No. 26-048-PC, Freddie Fountain on behalf of MS Edgewater Square Investors, LLC, 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

26-048-PC

MS Edgewater Square Investors, LLC/Freddie Fountain
280 Eisenhower Dr. & 2649 Pass Rd
Map Amendment - NB to RB



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: 9/8/2026 10:44 AM



Scheduled for
September 17, 2026
PC Meeting

Freddie Fountain
MS Edgewater Square Investors, LLC
Case No. 26-048-PC
Zoning Map Amendment
NB to RB



**Planning Commission
Case Fact Sheet**

Case No.:	26-048-PC
Name of Owner:	Freddie Fountain on behalf of MS Edgewater Square Investors, LLC
Address of Properties:	280 Eisenhower Drive & 2649 Pass Road
Tax Parcels/Ward:	1110F-02-006.000 & 1110K-01-046.000/Ward 5

Request:	Zoning Map Amendment
-----------------	-----------------------------

Purpose of Request:	To consider an application for a Zoning Map Amendment to authorize a change in zoning district classification for two parcels of land measuring approximately 11.2 acres (more or less) in size, from their present zoning district classification of NB Neighborhood Business to RB Regional Business , identified as 280 Eisenhower Drive & 2649 Pass Road (Tax Parcel Nos. 1110F-02-006.000 & 1110K-01-046.000).
----------------------------	--

Size of Property:	11.2 acres (More or Less)
--------------------------	---------------------------

Present Zoning:	NB Neighborhood Business
------------------------	---------------------------------

Flood Zone:	X
--------------------	---

Present Use:	Commercial Uses
---------------------	-----------------

Most Nearly Bounded By (streets):	To the North, West and adjacent to Rue Petit Bois, South of and fronting Pass Road, East of and adjacent to Eisenhower Drive.
--	---

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: If approved, this rezoning would allow the applicant to apply for Conditional Use to allow an Outdoor Storage facility.

Concerns stated: The Planning Division Office has not received any letters or other written communications relative to this case, as of September 10, 2026.

Comments/

Recommendations: Freddie Fountain on behalf of MS Edgewater Square Investors, LLC, has submitted a **Zoning Map Amendment**, to authorize a change in zoning district classification for two parcels of land measuring approximately 11.2 acres (more or less) in size, from their present zoning district classification of **NB Neighborhood Business** to **RB Regional Business**, identified as 280 Eisenhower Drive & 2649 Pass Road (Tax Parcel Nos. 1110F-02-006.000 & 1110K-01-046.000).

The applicant explained that they would like to change the zoning to fill the vacant suites within the existing shopping center with a tenant that has submitted a letter of intent. The tenant would need outdoor storage and would like to remain anonymous at this time. The tenant would still need to go to DRC and come back to the Planning Commission for a Conditional Use.

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

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

7) Mistake in the original zoning

Options:

1. Recommend approval of this request for **Zoning Map Amendment**, for a parcel of land from its present zoning district classification **NB Neighborhood Business** to **RB Regional Business**, having determined that an established community need for uses permitted by the RB district are needed in the area.
2. Recommend denial of this **Zoning Map Amendment**, having determined that insufficient evidence has been provided to establish that a mistake in the original zoning is evident, or a Change in the Character of the Neighborhood, coupled with no valid Community need to warrant the level of zoning change herein proposed for the parcels of land under consideration for zoning change.



Planning Commission Application

City of Biloxi Planning Division

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

Office Location: 676 Dr. MLK Blvd.,

Building (228) 435-6270 Planning (228) 435-6266 Fax (228) 435-6188

Case No. 24-048-PC

To Be Completed by Owner/Applicant

Date: 8-5-26

Name of Rightful Owner(s):
Mississippi Edgewater Square Investors, LLC

Name of Applicant: (if different than Owner)
Freddie Fountain w/ Fountain & Associates, LLC

Property Address: 280 Eisenhower Drive & 0 Edgewater Gulf Drive

Ward Number
5

Tax Parcel Identification Number(s):

1110F-02-006.000 000000-00-000.000
1110K-01-046.000 000000-00-000.000
000000-00-000.000 000000-00-000.000

Mailing Address of Property Owner:
148 Runway Road, Suite F

Mailing Address of Applicant (if different than Owner): 2318 Pass Road, Unit 3

City: Picayune

City: Biloxi

State: MS

State: MS

Zip: 39466

Zip: 39531

County Pearl River County

County Harrison

Telephone: (601) 273-0215

Telephone: (228) 574-3659

Property Size (please give in acres or by dimension): 11.2

Present Zoning Classification: NB

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

Is this property a Historic Landmark? Yes ___ No X

Flood Zone(s) of Property: X

North

South

East

West

Property is most nearly bounded by what streets?

Pass Road

Rue Petit Bois

Rue Petit Bois

Eisenhower Drive

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

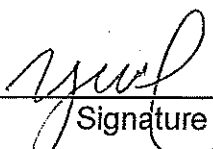
Variance

Appeal

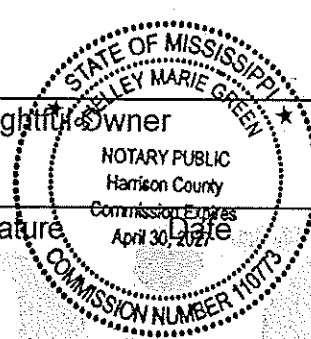
Tree Removal

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.

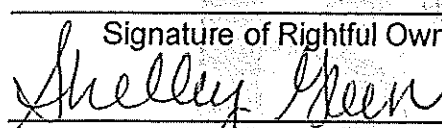


Signature of Rightful Owner



Notary Signature (Seal)

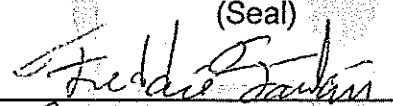
Signature of Rightful Owner

 8/5/2024

Notary Signature (Seal) Date

Signature of Rightful Owner

Notary Signature (Seal) Date

 8/5/26

Signature of Applicant

 8/5/24

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

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: 8-5-26

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:	NB	RB

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

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

Criteria:

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

Please explain: The proposed zoning is the same as other parcels in the area.

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

Please explain: The proposed zoning district is the same as parcels to the south.



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 current uses are all allowed uses in this zoning district.		
	Yes	No
4. Is the property suitable for uses permitted in the proposed zoning district?	☒	☐
Please explain: All infrastructure, parking, etc. is in place to properly support the proposed zoning district.		
	Yes	No
5. Has there been a change in the character of the neighborhood?	☒	☐
Please explain: There has been a lot of new residential development in the area which changed the neighborhood to have a need for supporting uses.		
	Yes	No
6. Is there an established community need for uses permitted in the proposed zoning district?	☒	☐
Please explain: With the new residential developments, there is now a need for supporting uses to residential units.		
	Yes	No
7. Was there a mistake in the original zoning of the property?	☐	☒
Please explain: Prior to the new residential developments the current zoning was sufficient and there was no need for the supporting uses.		
	Yes	No
8. Are utilities and infrastructure sufficient to address the impacts associated with allowed uses in the proposed district?	☒	☐
Please explain: The proposed zoning district will not require any additional impacts to the existing infrastructure and the current infrastructure is sufficient to support the area.		
Site Plan attached: (please circle): Yes		
No	Case No. ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	



Narrative for Zoning Map Amendment
for
Mississippi Edgewater Square
Parcel #s -1110F-02-006.000 & 1110K-01-046.000

The proposed application is for a zoning map amendment for two parcels located in an NB zoning district. The developer is requesting to change the zoning to RB in order to fill the vacant suites within the existing shopping center with a tenant that has submitted a letter of intent. This tenant needs the zoning change to allow for outdoor storage. The tenant would like to remain anonymous due to having competition seeking a location in this general area. The area where storage would occur would be fenced to secure their product/belongings, prevent visibility of the surrounding neighborhood, and deter homeless in the area from loitering at the property. The use would be compatible with the existing tenants within the complex and not be detrimental to the surrounding properties. This existing shopping center has all the required infrastructure to support the existing and proposed uses. There are multiple points of ingress/egress along Pass Road, Eisenhower Drive, and one for deliveries in the rear of the buildings along Rue Petit Bois. All water, sewer, and drainage infrastructure are in place and will remain unaffected. Majority of the spaces within this shopping center already have fire suppression sprinkler systems in place in the event any use needs them. This center is at a prominent corner of Biloxi and has recently improved the new large name tenants in spaces that were previously vacant for a lengthy period of time. The Owners have been working diligently to fill the remaining vacant spaces with something that will bring the center to full occupancy as well as maintain or increase the appearance and value of the large investment they made into the community. The proposed rezone will help fill that need for the community.

BILOXI PLANNING COMMISSION MEETING
 SEPTEMBER 17, 2026
 COMMUNITY DEVELOPMENT,
 DR. MARTIN LUTHER KING JR. MUNICIPAL BUILDING,
 676 DR. MARTIN LUTHER KING JR. BOULEVARD,
 BILOXI, MISSISSIPPI,
 BEGINNING AT 2:03 P.M.

PLANNING COMMISSION MEMBERS PRESENT:

Charlie Dellenger, Chairman
 Ronnie Bogard
 Kyle Carron
 Robert Collier
 Dr. Larry Drawdy
 Harry Joachim
 Joe King
 Gary Lechner
 Debora Magee
 August Parker
 Jimmy Poulos
 Shante' Shaw
 John Snow
 David Stanovich
 Michael Todaro

ALSO PRESENT:

Jerry Creel, Director of Community Development
 Felicia Serpas, Senior Planner
 Caryle Lena, Planner I
 Teresa Shelton, Keesler
 Jamie Creel, Councilman Ward 4
 Dr. Paul Tisdale, Councilman Ward 5

REPORTED BY

Melissa Burdine-Rodolfich
 Simpson Burdine & Miques

Simpson Burdine & Miques 228.388.3130

CHAIRMAN DELLENGER:

We will go ahead and call the Planning
 Commission meeting to order.

We can record the members present:

Mr. Lechner, Mr. Parker, Mr. Todaro, Ms. Magee,
 Ms. Shaw, Mr. Stanovich, Mr. Bogard, Mr. Collier,
 Mr. Joachim, Dr. Drawdy, Mr. Carron, Mr. King,
 Mr. Snow, Mr. Poulos and myself, Mr. Dellenger.

We also have Felicia Serpas, Senior
 Planner; Jerry Creel, Director of Community
 Development; Caryle Lena, Planner; Melissa
 Rodolfich, court reporter.

And I see Mr. Creel, Councilman, and
 Dr. Tisdale, Councilman, and Teresa Shelton from
 Keesler is here too. Glad to have you.

MS. SHELTON:

Thank you.

CHAIRMAN DELLENGER:

Mr. Parker, would you mind leading us in
 a moment of prayer, please?

(Moment of prayer.)

CHAIRMAN DELLENGER:

Would everyone please stand for Pledge?
 Mr. Stanovich, will you please lead us in the
 Pledge?

Simpson Burdine & Miques 228.388.3130

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

CONTINUED PUBLIC HEARING(S) : **PAGE:**
 (None) --

NEW PUBLIC HEARING(S) :

26-047-PC	6
26-048-PC	24
26-049-PC (Withdrawn by applicant)	--
26-050-PC	32
26-051-PC	42

TREE HEARINGS:

(None) --

Simpson Burdine & Miques 228.388.3130

(Pledge of Allegiance.)

CHAIRMAN DELLENGER:

I'd like to welcome everybody to the
 Planning Commission meeting today. If you would,
 please silence all your cell phones.

And I would like to remind you, if you
 come up to speak at the podium, sign in and state
 your name and address for the record on the sheet
 there on the podium.

And if everyone has had a chance to
 review the minutes from the last meeting, I would
 like a motion to approve.

MR. JOACHIM:

So moved.

MR. BOGARD:

Second.

CHAIRMAN DELLENGER:

So moved by Mr. Joachim; second by
 Mr. Bogard.

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

(Unanimous vote.)

CHAIRMAN DELLENGER:

Any opposed?

(None opposed.)

Simpson Burdine & Miques 228.388.3130

1 situation to children.

2 CHAIRMAN DELLENGER:

3 Correct. You're not just talking about
4 the current tenant. You're talking about the
5 future?

6 DR. DRAWDY:

7 We can't determine what's going to be
8 there. I understand that, but I think it's
9 something we need to be very cognizant of.

10 MR. CREEL:

11 Well, one thing about that, Dr. Drawdy,
12 Industrial zoning is only one step up from RB, so
13 there is very little difference between the two.
14 But the manufacturing aspect of this is what kicks
15 it into industrial.

16 DR. DRAWDY:

17 Thank you.

18 MR. CARRON:

19 Jerry, I've got a question. It kind of
20 relates to why we're changing it. If Kennedy is
21 still operating as legally non-conforming, why is
22 it changed back to RB? Why can't it stay legally
23 non-conforming?

24 MR. CREEL:

25 Because you can't extend or expand a

Simpson Burdine & Migue 228.388.3130

1 In my opinion -- I'm not representing
2 the Planning Commission, but in my opinion, then
3 you could object to that kind of usage, regardless
4 of what the zoning is, because it's not there now.
5 What's there now is not going to be obnoxious.

6 So it's a little -- it's not a zoning
7 issue in that sense. It's a legal issue as to
8 whether or not somebody's next door property --
9 that's like people living next door to me, if they
10 came in and started having banging loud noise
11 every night with a band, just because they're
12 zoned residential doesn't mean that they can do
13 that.

14 So I think you have that comfort in the
15 future that the school system will still have a
16 way of preventing that kind of inference.

17 DR. DRAWDY:

18 Thank you, Gerald.

19 I just wanted to make sure that we get
20 that for the record because I think it's important
21 that we look at it.

22 CHAIRMAN DELLENGER:

23 We have a motion by Mr. Parker. Do we
24 have a second?

25 MR. JOACHIM:

Simpson Burdine & Migue 228.388.3130

1 non-conforming use without getting the zoning
2 correct. That's the reason they're here today.

3 MR. CARRON:

4 Just trying to clear that up.

5 MR. BLESSEY:

6 Mr. Chairman, would it be out of order
7 for me to try to answer Dr. Drawdy?

8 CHAIRMAN DELLENGER:

9 Yes, sir, absolutely.

10 MR. BLESSEY:

11 Of course, he's speaking about the
12 future and I think Kyle is too. If someone
13 10 years from now or whenever, 20 years came in
14 and wanted to change that usage there -- well, the
15 usage, use of the exterior, not only would they
16 have to go through the Development Review
17 Committee and everything with regard to particular
18 usage, but the general law of nuisance -- you're
19 concerned, as we all are, that the children not be
20 affected by it.

21 So the general law of nuisance, the
22 common law for 200 years, you would still have
23 that barrier to go through. You couldn't come in
24 there and do something obnoxious to the school
25 system.

Simpson Burdine & Migue 228.388.3130

1 Second.

2 CHAIRMAN DELLENGER:

3 Second by Mr. Joachim.

4 Any further discussion?

5 Okay. There being no discussion, please
6 vote by raising your hand. Mr. Lechner,
7 Mr. Parker, Mr. Todaro, Ms. Magee, Ms. Shaw,
8 Mr. Stanovich, Mr. Bogard, Mr. Collier,
9 Mr. Joachim, Dr. Drawdy, Mr. Carron, Mr. King,
10 Mr. Snow, Mr. Poulos, and myself, Mr. Dellenger.
11 That motion carries.

12 Next case is Case Number 26-048-FC,
13 Freddie Fountain on behalf of Mississippi
14 Edgewater Square Investors, LLC, which is a
15 request for a zoning amendment to authorize a
16 change in zoning district classification of two
17 parcels of land measuring approximately 11.2 acres
18 more or less in size from their present zoning
19 district classification of NB, Neighborhood
20 Business, to RB, Regional Business, identified at
21 280 Eisenhower Drive and 2469 Pass Road, Tax
22 Parcel Numbers 1110F-02.006.000 and
23 1110K-01.046.000. These were advertised on 8/28,
24 9/4 and 9/11. If we could see the video, please.
25 MS. SERPAS:

Simpson Burdine & Migue 228.388.3130

1 (Video played.)
 2 Okay.
 3 CHAIRMAN DELLENGER:
 4 Mr. Fountain, if you would like to come
 5 up.
 6 MR. FOUNTAIN:
 7 Freddie Fountain with Fountain and
 8 Associates, 2318 Pass Road, Biloxi, Mississippi.
 9 I'm here today representing Mississippi
 10 Edgewater Square Investors, and as stated, we're
 11 trying to get rezoned to an RB zoning district.
 12 Within the last couple of years, this
 13 property went from a blighted property with a ton
 14 of vacancies since Hobby Lobby moved out. The new
 15 owners have done a great job of revitalizing the
 16 space. They have added The Picklr, the Goodwill.
 17 They have the Adventures Tavern that they've
 18 brought there and really brought a new life to
 19 this area that had a lot of vagrants.
 20 There is still some special space that's
 21 available for lease. They're negotiating with
 22 some prospective tenants, and what we're asking
 23 for today is to rezone to RB. One of the tenants
 24 is looking to have some outdoor storage. It will
 25 be screened. They're going to have a privacy

Simpson Burdine & Miguez 228.388.3130

1 Does anyone have any questions of
 2 Mr. Fountain? Does anybody have any questions?
 3 (No response.)
 4 CHAIRMAN DELLENGER:
 5 All right. Thank you, Mr. Fountain.
 6 MR. FOUNTAIN:
 7 Thank you.
 8 MR. CARRON:
 9 Is there anyone in the audience to speak
 10 in favor? Anyone in the audience to speak in
 11 favor of the applicant's request?
 12 (No response.)
 13 CHAIRMAN DELLENGER:
 14 Anyone to speak in opposition?
 15 There being no one to speak in
 16 opposition, we will consider that case closed.
 17 MR. CREEL:
 18 Okay. This is an area of Edgewater
 19 Square shopping center that's basically not used
 20 for anything right now other than for trucks to
 21 come in and to unload for the tenants that are in
 22 there. It's not on the face side, so you won't be
 23 able to see it from Pass Road.
 24 But they need the RB zoning in order to
 25 do boat and RV storage. If they are approved,

Simpson Burdine & Miguez 228.388.3130

1 fence and things like that to eliminate a negative
 2 view from the surrounding area.
 3 So that's really what we're going for
 4 today. It would also allow us to fence in that
 5 area that's kind of a dead area in the southeast
 6 corner of the property and keep the additional
 7 vagrants there and block the view from some of the
 8 dropoff line from the Goodwill space.
 9 CHAIRMAN DELLENGER:
 10 Where would the storage space be that
 11 you're speaking of if somebody was looking at
 12 that? Where would that go?
 13 MR. FOUNTAIN:
 14 In the southeast corner where Felicia is
 15 panning the street view to.
 16 CHAIRMAN DELLENGER:
 17 Okay. So it wouldn't be on the front
 18 portion where you see it from Pass Road driving
 19 by?
 20 MR. FOUNTAIN:
 21 No, sir, not at all. That southeast
 22 corner of the property would be the area that
 23 would be fenced.
 24 CHAIRMAN DELLENGER:
 25 Okay.

Simpson Burdine & Miguez 228.388.3130

1 they would be required to put up an eight-foot
 2 solid fence around the property that will actually
 3 wind up solving two problems because we continue
 4 to get complaints about the people dropping off
 5 stuff at the Goodwill back there. The people who
 6 live back there in the Enclave and those other
 7 areas that come out through this area are
 8 constantly complaining about the couches and
 9 everything else that they can see from the road.
 10 So putting this in and building this
 11 fence solves two problems: The visibility of
 12 Goodwill. It would also create a buffer for the
 13 trucks that are coming in to unload for those
 14 tenants that are in there.
 15 So boat and RV storage requires RB
 16 zoning. It's currently NB right now. This is
 17 basically a dead-use space. If you look at the
 18 property around it, the uses on Pass Road are
 19 commercial. The properties around it are
 20 apartments, and then the back side, which is the
 21 south side, it's commercial over there with the
 22 new apartments that were built. So staff has no
 23 objection and would recommend approval.
 24 MR. FOULOS:
 25 Motion we approve the applicant's

Simpson Burdine & Miguez 228.388.3130

1 request.
 2 MR. STANOVICH:
 3 Jerry, you said it's going to be boat
 4 and RV storage?
 5 MR. CREEL:
 6 Boat and RV storage, yes.
 7 MR. STANOVICH:
 8 In an enclosed area?
 9 MR. CREEL:
 10 Yes, sir.
 11 CHAIRMAN DELLENGER:
 12 Kind of like they have at CubeSmart down
 13 Pass Road.
 14 We have a motion to approve as
 15 presented.
 16 MR. PARKER:
 17 Second.
 18 CHAIRMAN DELLENGER:
 19 Second by Mr. Parker.
 20 Any other discussion?
 21 MR. CARRON:
 22 Could I ask Mr. Fountain a couple more
 23 questions now that I know what they're storing
 24 there?
 25 What's hours of operation, or will the

Simpson Burdine & Miguez 228.388.3130

1 All right. Thank you.
 2 MR. STANOVICH:
 3 What's the size of the storage area?
 4 MR. FOUNTAIN:
 5 I don't have that number off the top of
 6 my head. I want to say it was around -- just over
 7 an acre. I think we had 30-something spaces laid
 8 out there. That's the maximum number of spaces
 9 that could work there.
 10 MR. STANOVICH:
 11 Is there going to be anything other than
 12 boats and RVs stored there?
 13 MR. FOUNTAIN:
 14 No, sir. And, again, open storage.
 15 There is no buildings being constructed or
 16 anything like that.
 17 CHAIRMAN DELLENGER:
 18 Will this affect the -- with it being
 19 enclosed, will this affect the dropoff for
 20 Goodwill because I know the dropoff for Goodwill
 21 is behind that building.
 22 MR. FOUNTAIN:
 23 No, sir. Their lease requires them to
 24 maintain a dropoff driveway.
 25 MR. CARRON:

Simpson Burdine & Miguez 228.388.3130

1 people be able to come and go at any time of the
 2 day?
 3 MR. FOUNTAIN:
 4 They would have controlled access. And
 5 sorry. I forget about the boat and RV portion,
 6 but we are looking to fill those other vacant
 7 spaces at the shopping center as well.
 8 But the boat and RV storage, they would
 9 have key pad access, so it would only be the
 10 people that are leasing there. But as we know,
 11 people aren't going to be bringing boats in and
 12 out during odd hours of the night. They're going
 13 to be using it during the time of the use of the
 14 boats.
 15 MR. CARRON:
 16 Okay. Something else usually associated
 17 with that is boat owners like to wash their boats
 18 down.
 19 Are facilities like that going to be
 20 available?
 21 MR. FOUNTAIN:
 22 No, sir. There's not going to be any
 23 dumping stations. There's not going to be any
 24 washdown areas. It's strictly park and that's it.
 25 MR. CARRON:

Simpson Burdine & Miguez 228.388.3130

1 Is there going to be any covered
 2 storage?
 3 MR. FOUNTAIN:
 4 No, sir. Thank you.
 5 MR. CARRON:
 6 Thank you.
 7 CHAIRMAN DELLENGER:
 8 All right. Any other discussion?
 9 (No response.)
 10 CHAIRMAN DELLENGER:
 11 Okay. We have a motion and a second.
 12 If we could please vote by raising your hand.
 13 Mr. Lechner, Mr. Parker, Mr. Todaro, Ms. Magee,
 14 Ms. Shaw, Mr. Stanovich, Mr. Bogard, Mr. Collier,
 15 Mr. Joachim, Dr. Drawdy, Mr. Carron, Mr. King,
 16 Mr. Snow, Mr. Poulos and myself, Mr. Dellenger.
 17 That motion carries.
 18 CHAIRMAN DELLENGER:
 19 Next case we'll hear is 26-050-PC A-1
 20 Development, LLC and Bobby Heinrich, applicant.
 21 This is a request for conditional use approval to
 22 authorize construction of a convenience store with
 23 gas sales upon a parcel of land measuring
 24 approximately 2.7 acres more or less, situated
 25 within an NB, Neighborhood Business zone and

Simpson Burdine & Miguez 228.388.3130