



Case No.: 10-082

Names of Applicants: Michael Cavanaugh, Esq., on behalf of Diamond Bay, L.L.C.; Donn R. Mitchell, Marsha B. Mitchell, Paladin Beach Investments, L.L.C.; RCP Enterprises, L.L.C.; South Beach I, L.L.C.; South Beach II, L.L.C.; South Beach III, L.L.C.; South Beach Development, L.L.C.; and South Beach North, L.L.C. (owner/applicants), and Thomas J. Angelos, Mohanbhai Gordhanbhai Bhakta, Kamalaben Mohanbhai Bhakta, Dayarambhai Ranchhodji Bhakta, Shantaben Dayaranbhai Bhakta Sheba A. Blevins, Bombay Investment Company, L.L.C.; Jean Chansena, Sylvie Chansena, Daigle Biloxi Investments, Inc.; Good Lee Properties, L.L.C.; Hancock Bank, Craig Kuhn, Karen Kuhn, Ken Kuhn, Krupalu Corp., Martha J. Martin, Roy D. Martin, Mladinich Holdings, L.P. *[included by the City of Biloxi]*; Billy R. Mooney, Margaret E. Mooney, Paris Hotel, L.L.C.; Pen-Bay Limited Partnership, John J. Pierotich, Rodenberg Properties, L.L.C. *[included by the City of Biloxi]*; Le Thi Tran, and Waffle House, Inc. (owner/non-applicants).

Address of Properties: 1703, 1704, 1708, 1712, 1713, 1716, 1719, 1723, 1726, 1732, 1735, 1736, 1743, 1746, 1748, 1749, 1753, 1759, 1762, 1763, 1766, 1768, 1775, 1776, 1782, 1785, 1797, and 1798, Beach Boulevard, a portion of 1667 Irish Hill Drive, 139 McDonnell Avenue, 125 Rodenberg Avenue, 135, 140, and 141 Travia Avenue, an unnumbered parcel of land having frontage upon U.S. Highway 90, and an unnumbered parcel of land having frontage upon Rodenberg Avenue.

Tax Parcels/Ward: 1210J-02-001.000, 1210J-02-002.000, 1210J-02-003.000, 1210J-02-004.000, 1210J-02-005.000, 1210J-02-006.000, 1210J-02-016.000, 1210J-03-001.000, 1210J-03-001.001, 1210J-03-002.000, 1210J-03-003.000, 1210J-03-004.000, 1210J-03-005.000, 1210I-03-003.000, 1210I-03-003.002,

1210I-03-004.000, 1210I-03-005.000, 1210I-03-006.000,
1210I-03-007.000, 1210I-03-008.000, 1210I-03-008.001,
1210I-03-008.002, [a portion of Tax Parcel No.]
1210I-04-002.000, 1210I-04-009.000, 1210I-04-010.000,
1210I-04-011.000, 1210I-04-012.000, 1210I-04-013.000,
1210I-04-014.000, 1210I-04-015.000, 1210I-04-016.000,
1210I-04-017.000, 1210I-04-018.000, 1210I-04-040.000,
1210I-04-041.000, 1210I-04-041.001, 1210I-04-042.000, and
1210I-04-043.000/Ward 3

Request: **Zoning Map Amendment**

Purpose of Request: To consider a **Zoning Map Amendment**, to authorize a change in zoning district classification for thirty-eight (38) separate parcels totaling approximately sixty-one and twenty-eight one-hundredths (61.28) acres of land, from **CB Community Business** and **RMH Residential Manufactured/Mobile Home** to **WF Waterfront**, which zoning change would allow said properties to accommodate potential, but unspecified, hospitality and/or gaming accessory uses.

Size of Property: 61.28 Acres (More or Less)

Present Zoning: **CB Community Business** and **RMH Residential Manufactured/Mobile Home**

Present Use: Various Commercial Businesses and Vacant Property

Most Nearly Bounded By (streets): To the North by and adjacent to Irish Hill Drive; to the South by and adjacent to the Mississippi Sound; to the East by and adjacent to Rodenberg Avenue; and to the West by Veterans Avenue.

Adverse Influences: Care must be exercised to ensure that only those certain, limited areas be re-classified to **WF Waterfront District** zoning—which can support the number and intensity of land uses permitted and allowed within the **WF Waterfront District** zone.

Positive Influences: The **WF Waterfront** zoning district, if authorized, will result in the establishment of a higher list of potential uses available for this area of the city—allowing for a broader category of uses available.

Letters or Concerns stated: The Planning Division Office has not received any letters or other written communications relative to this case, as of November 11, 2010.

Comments/**Recommendations:**

Michael Cavanaugh, Esq., on behalf of Diamond Bay, L.L.C.; Donn R. Mitchell, Marsha B. Mitchell, Paladin Beach Investments, L.L.C.; RCP Enterprises, L.L.C.; South Beach I, L.L.C.; South Beach II, L.L.C.; South Beach III, L.L.C.; South Beach Development, L.L.C.; and South Beach North, L.L.C. (owner/applicants), and Thomas J. Angelos, Mohanbhai Gordhanbhai Bhakta, Kamalaben Mohanbhai Bhakta, Dayarambhai Ranchhodji Bhakta, Shantaben Dayarambhai Bhakta Sheba A. Blevins, Bombay Investment Company, L.L.C.; Jean Chansena, Sylvie Chansena, Daigle Biloxi Investments, Inc.; Good Lee Properties, L.L.C.; Hancock Bank, Craig Kuhn, Karen Kuhn, Ken Kuhn, Krupalu Corp., Martha J. Martin, Roy D. Martin, Mladinich Holdings, L.P. *[included by the City of Biloxi]*; Billy R. Mooney, Margaret E. Mooney, Paris Hotel, L.L.C.; Pen-Bay Limited Partnership, John J. Pierotich, Rodenberg Properties, L.L.C. *[included by the City of Biloxi]*; Le Thi Tran, and Waffle House, Inc. (owner/non-applicants) have requested a **Zoning Map Amendment**, to authorize a change in zoning district classification for thirty-eight (38) separate parcels totaling approximately sixty-one and twenty-eight one-hundredths (61.28) acres of land, from **CB Community Business** and **RMH Residential Manufactured/Mobile Home** to **WF Waterfront**, which zoning change would allow these properties to accommodate potential, but unspecified, hospitality and/or gaming accessory uses, as well as a large assortment of commercial uses, for properties presently identified as 1703, 1704, 1708, 1712, 1713, 1716, 1719, 1723, 1726, 1732, 1735, 1736, 1743, 1746, 1748, 1749, 1753, 1759, 1762, 1763, 1766, 1768, 1775, 1776, 1782, 1785, 1797, and 1798, Beach Boulevard, a portion of 1667 Irish Hill Drive, 139 McDonnell Avenue, 125 Rodenberg Avenue, 135, 140, and 141 Travia Avenue, an unnumbered parcel of land having frontage upon U.S. Highway 90, and an unnumbered parcel of land having frontage upon Rodenberg Avenue (i.e., Municipal Tax Parcel Nos. 1210J-02-001.000, 1210J-02-002.000, 1210J-02-003.000, 1210J-02-004.000, 1210J-02-005.000, 1210J-02-006.000, 1210J-02-016.000, 1210J-03-001.000, 1210J-03-001.001, 1210J-03-002.000, 1210J-03-003.000, 1210J-03-004.000, 1210J-03-005.000, 1210I-03-003.000, 1210I-03-003.002, 1210I-03-004.000, 1210I-03-005.000, 1210I-03-006.000, 1210I-03-007.000, 1210I-03-008.000, 1210I-03-008.001, 1210I-03-008.002, [a portion of Tax Parcel No.] 1210I-04-002.000, 1210I-04-009.000, 1210I-04-010.000, 1210I-04-011.000, 1210I-04-012.000, 1210I-04-013.000, 1210I-04-014.000, 1210I-04-015.000, 1210I-04-016.000, 1210I-04-017.000, 1210I-04-018.000, 1210I-04-040.000, 1210I-04-041.000,

1210I-04-041.001, 1210I-04-042.000, and 1210I-04-043.000).

It must be noted that all land areas presently zoned **SB Sand Beach** (situated to the south of U. S. Highway 90) are not under consideration for **Zoning Map Amendment** at this time.

As with all requests for Zoning Map Amendment, the Planning Commission should analyze the properties suggested for re-zoning to determine if the new zoning district classification proposed is appropriate to the neighborhood, consistent within existing uses or anticipated uses for the properties under consideration. In addition, the size of the lots and the accessibility to roadways, utilities and infrastructure should be fully explored. And finally, the ability of the properties (or aggregation of lots) should be investigated to determine if their proximity to the water (in this instance, to the Mean High Water Line) and also to nearby land areas currently Zoned **WF Waterfront** District would allow for the plausible creation of a site capable of handling a waterfront development—as would be expected to justify the level and intensity of the Zoning Change proposed by this re-zoning request.

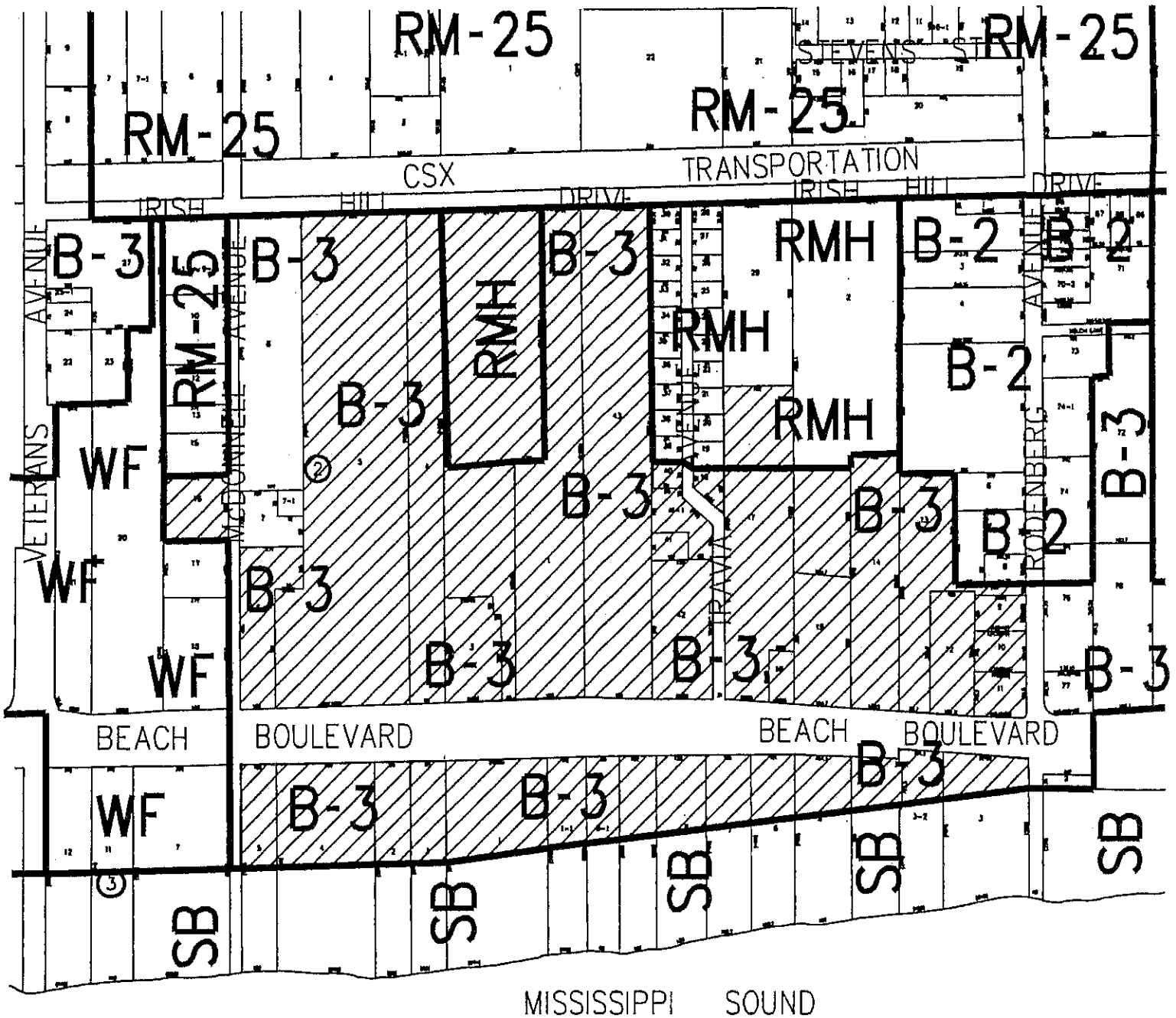
The Development Review Committee (DRC), it should be noted, reviewed the project and authorized the applicant to apply for a Zoning Map Amendment, subject to further review when an available project is presented.

Options:

1. Recommend approval of the request for a **Zoning Map Amendment**, to authorize a change in zoning district classification for thirty-eight (38) separate parcels totaling approximately sixty-one and twenty-eight one-hundredths (61.28) acres of land, from **CB Community Business** and **RMH Residential Manufactured/Mobile Home** to **WF Waterfront**, which zoning change would allow said properties to accommodate potential, but unspecified, hospitality and/or gaming accessory uses, having determined that a change has occurred in the circumstances and conditions of the neighborhood and areas surrounding the petitioned property, and further, that an established community need for said zoning district and the uses it will allow is apparent at this location.
2. Recommend **denial** of the request for a **Zoning Map Amendment**, having determined that no plausible argument for mistake in original zoning or change in the character of the neighborhood coupled with an established community need is of evidence at this location.
3. Refer this case to the Zoning Text and Map Committee for full consideration and recommendation to be forwarded to the Planning Commission at its next meeting.

10-082 MICHAEL CAVANAUGH, ET AL

Request a Zoning Map
Amendment from B-3
(now CB Community
Business) and RMH
Residential Manufactured
/Mobile Home to WF
Waterfront
District.





Planning Commission Application

City of Biloxi Planning Division

676 Martin Luther King Jr., Boulevard Biloxi, MS 39530 (228)435-6270 Fax(228)435-6188

TO BE COMPLETED BY APPLICANT

DATE:

Shaded Areas for Staff Only

Case No. Assigned:

PC----

Name of Rightful Owner:

RW DEVELOPMENT, LLC, ET AL (See attached list)

Name of Applicant (if different than Owner)

WEST BEACH OWNERS GROUP

Property Address:

SEE ATTACHED LIST

Ward Number

3

Tax Parcel Identification Number(s):

- -

SEE LIST ATTACHED

- -

- -

Mailing Address of Property Owner:

c/o Michael Cavanaugh

998 Howard Ave.

Mailing Address of Applicant (if different than

Owner):

City: BILOXI

City:

State: MS

State:

Zip: 39530

Zip:

County HARRISON

County

Telephone: (228) 374.2247

Telephone: ()

Property Information:

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

Present Zoning Classification (Certificate of Zoning Compliance must be attached): B-3

Is the property located within an AHRC District?

If so, which District?

NO

Flood Zone(s) of Property:

	North	South	East	West
	Hwy 90	Sand Beach	Rodenberg	McDonnell
Property is most nearly bounded by what streets?				
If property directly fronts or is adjacent one of the streets above please indicate with a ✓.	X	X		

Please attach

1. A deed which includes a legal description of the specific piece of property involved in the request.
2. If several parcels are included in a request, individual parcel deeds AND a composite legal description of all parcels involved in the request must be provided. Large developments and/or projects shall provide said legal description to the Planning Division with this application; said legal shall be provided on a three and one-half inch (3½") diskette in Microsoft Word format. Conditional Use or a Subdivision, a blue line of the proposed plat shall be provided with the application.
3. Boundary map of the subject property, drawn to scale.

A complete site plan of the property shall also be submitted with the application, to include any existing structures, easements, or other significant physical features.

✓	Requested Action by the Planning Commission (A separate supplement form is required for each):		
	Preliminary Subdivision Review		
	Map Amendment		
X	Conditional Use B-3 to WF		
	Master Plan		
	Dockside Gaming		
	B-3 Hospitality		
	Text Amendment		

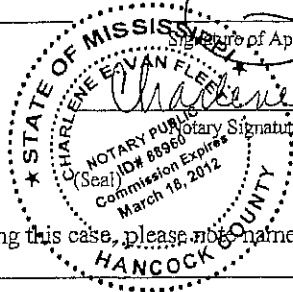
Revised July 2003

Planned Unit Development
Tree Removal
Public ROW Vacation
Administrative Appeal
Variance

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 Planned 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.



SEE ATTACHED LIST



Michael P. Cavanaugh o/b/o
West Beach Owners Group

If someone other than the applicant needs to be notified concerning this case, please provide name(s) and address(es) below:

Case No. Assigned: PC- <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>			Staff Initials:
Application Checklist:			
Code Violations on Property?			
Detailed Site Plan Attached?	Yes	No	
Deed Attached?	Yes	No	
Supplement Attached	Yes	No	
Site Plan Review Required?	Yes	No	
If yes, date of approval			
Application	Accepted for Process	Rejected for Process (state reason)	
Publication Date(s):			
Fee Received?		Receipt Number?	
Staff Person Assigned to Case			
Initial Planning Commission Hearing Appearance:		Date:	
Case Assigned to Committee:		Date(s):	
Planning Commission Action (please check):		Approval	Denial
Date:			
Approved with Conditions (explain)			
Project Appealed to City Council		Yes	No

MUTUAL AGREEMENT FOR
ZONING MAP AMENDMENT APPLICATION

WE, THE UNDERSIGNED individual property owners of certain real property being located in Biloxi, Mississippi, and generally described as being those properties bound on the north by Highway 90, on the east by Rodenberg Avenue, on the south by the beach and on the west by McDonnell Avenue, do hereby mutually agree to apply for a zoning map amendment before the City of Biloxi, said application for a zoning change from B-3 to WF pursuant to the City of Biloxi's Land Development Ordinance, Article 7.

Diamond Bay, LLC

By: MF Biloxi, LLC

Its: Member

By: 

Arthur G. Nevid

Its: Managing Director

By: _____

South Beach Development, LLC

South Beach North, LLC

South Beach I, LLC

South Beach II, LLC

South Beach III, LLC

By: _____

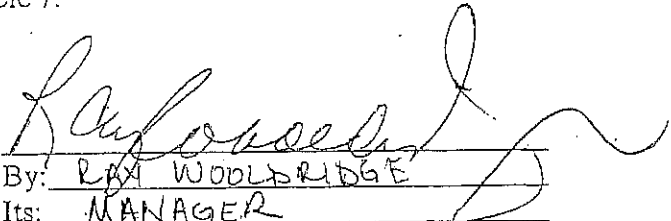
Its: _____

Paladin Beach Investments, LLC

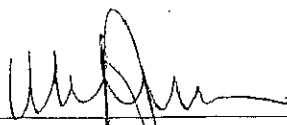
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By: _____
Its: _____
Seaside Residences, LLC
Portofino By The Sea, LLC


By: RAY WOOLDRIDGE
Its: MANAGER
South Beach Development, LLC
South Beach North, LLC
South Beach I, LLC
South Beach II, LLC
South Beach III, LLC

By: _____
Its: _____
RCP Enterprises, LLC


By: WILLIAM ADAMS
Its: MANAGER
Paladin Beach Investments, LLC

MUTUAL AGREEMENT FOR
ZONING MAP AMENDMENT APPLICATION

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By: _____
Its: _____
Seaside Residences, LLC
Portofino By The Sea, LLC

By: _____
Its: _____
South Beach Development, LLC
South Beach North, LLC
South Beach I, LLC
South Beach II, LLC
South Beach III, LLC

By: R. D. Patel
Its: Mangsm
RCP Enterprises, LLC

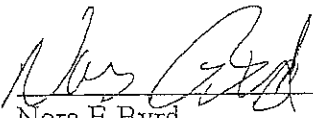
By: _____
Its: _____
Paladin Beach Investments, LLC

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ZONING MAP AMENDMENT APPLICATION

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Donn Mitchell


Marsha Mitchell


Nora E Byrd

PARCEL #

OWNERSHIP NAME & ADDRESS

1210J-03-005.000 Diamond Bay, LLC
1210J-02-006.000 c/o MF Biloxi, LLC
1210J-02-005.000 13860 Ballantyne Corporation Place, Suite 130
1210J-03-004.000 Charlotte, NC 28277

1210I-04-016.000 South Beach Development, LLC
1210I-04-017.000 South Beach North, LLC
1210I-03-007.000 South Beach III, LLC
1210I-03-006.000 South Beach I, LLC
1210I-03-005.000 South Beach II, LLC
c/o RW Development, LLC
234 Caivallet St., Suite 100
Biloxi, MS 39530

1210J-03-002.000 ~~Sterling Beach Biloxi, LLC~~
1210J-03-003.000 4393 Commons Drive
East Destin, FL 32541

Hancock Bank per deed
2009 2178 D - J2
Attn. William E. Wilson
5025 Main St.
Moss Point, MS 39653

1210J-03-001.000 RCP Enterprises, LLC
2007 Bayou LaPorte Dr.
Biloxi, MS 39531

1210J-03-001.001 Waffle House, Inc.
Attn: Tax Department
P.O. Box 6450
Norcross, GA 30091

1210I-03-008-000 Donn & Marsha Mitchell
1210I-03-008.001 P.O. Box 265
1210I-03-008.002 Bilxoi, MS 39533

1210I-04-013.000 Bombay Investment Companies, LLC
1686 Beach Blvd.
Biloxi, MS 39531.

1210I-04-014.000 Don Craig & Ken Kuhn
Economy Inn Resort
1716 Beach Blvd.
Biloxi, MS 39531

Don Kuhn to Karen Kuhn 2008-493-D-J2
Craig Kuhn
Ken Kuhn

PARCEL #

OWNERSHIP NAME & ADDRESS

1210I-04-015.000

Kamalaben Bhakta, et al
3009 Cypress Creek Dr.
Biloxi, MS 39532

1210I-04-042.000

Jean & Sylvia Chansena
1746 Beach Blvd.
Biloxi, MS 39531

1210I-04-043.000

1210J-02-001.000

Paladin Beach Investments, LLC
700 Brookstone Center Pkwy., Suite 300
Columbus, GA 31904

1210I-03-004.000

1210I-03-003.000

1210I-03-003.002

John J. Pierotich
2646 Bay Point Dr.
Biloxi, MS 39531

1210I-04-011.000

Le Thi Tran
3131 Wayne Dr.
Biloxi, MS 39532

1210J-03-007.000

Byrd, Barney J & Nora E
334 Eastview Drive
Biloxi, MS 39531

*already
zoned w/*

1210I-04-012.000

Paris Hotel, LLC
1686 Beach Blvd.
Biloxi, MS 39531

1210J-02-002.000

Margaret & Billy Mooney
1766 Beach Blvd.
Biloxi, MS 39531

1210J-02-003.000

Digle Biloxi Investments, Inc.
1768 Beach Blvd.
Biloxi, MS 39531

1210J-02-004.000

Krupalu Corp.
1776 Beach Blvd.
Biloxi, MS 39531

1210I-04-002.000

Pen-Bay Limited Partnership
1250 24th St. NW, Suite 300
Washington, DC 20037

PARCEL #

OWNERSHIP NAME & ADDRESS

1210I-04-018.000 Roy D & Martha J Martin
82 Hoskins Creek Rd.
Ellisville, MS 39437

1210I-04-040.000 Thomas J Angelos
141 Travia Ave.
Biloxi, MS 39530

1210I-04-041.000 Sheba A Blevins
1210I-04-041.001 135 Travia Ave.
Biloxi, MS 39531

1210J-02-016.000 Good Lee Properties LLC
1465 Miller St.
Biloxi, MS 39530

1210I-04-010.000 Mladinich Holdings, LP
1210I-04-009.000 Rodenberg Properties, LLC



PLANNING COMMISSION SUPPLEMENT

Map Amendment

City of Biloxi Planning Division 676 Martin Luther King Jr., Boulevard Biloxi, MS 39530 (228)435-6270 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.*

Statement of Support - This narrative must set forth proposed use and justification for the change, utilizing criteria set forth in Section 23-7-1(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.

Since the property was last rezoned, the ability to develop has been thwarted and a change would allow for more flexibility in development.

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

Criteria: Detailed plan attached.

✓

Yes

No

X

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

Please explain:

Development of the Waterfront.

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

X

Please explain:

Adjacent to WF zoned property.



BILOXI PLANNING COMMISSION SUPPLEMENT -- Map Amendment

Page 2

City of Biloxi Planning Division

676 Martin Luther King Jr., Boulevard Biloxi, MS 39530 (228)435-6270 Fax(228)435-6188

Criteria (continued)	✓	
	Yes	No
3. Is the property suitable for uses permitted in the present zoning district?	X	
Please explain:		
Waterfront; developable		
4. Is the property suitable for uses permitted in the proposed zoning district?	X	
Please explain:		
Adjacent to water and WF zoned property		
5. Has there been a change in the character of the neighborhood?	X	
Please explain:		
6. Is there an established community need for uses permitted in the proposed zoning district?	X	
Please explain:		
More conducive for economic development with WF zoning.		
7. Was there a mistake in the original zoning of the property?		X
Please explain:		
No mistake in original zoning.		
8. Are utilities and infrastructure sufficient to address the impacts associated with allowed uses in the proposed district?	X	
Please explain:		
These are already in place and being used.		
Site Plan attached: (please circle): Yes No Case No. PC- <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> -MA		



*Community Development
Department*
Jerry Creel, Director

To: Chair, Biloxi Planning Commission

From: Eric Nolan, Development Review Committee Chair

Date: November 9, 2010

Re: Zoning Map Amendment
Beach BOulevard
DRC Project No. 2010-113

**Development Review
Committee**

Eric Nolan, Arborist/Chair

John Wilson, Engineering

Mark Dronet,
Fire Prevention

Bill Raymond, Planning/AHRC

Edward H. Shambra, Planning

Rick Stickler,
Flood Plan Manager


James Leahy,
Building

The Development Review Committee (DRC) has reviewed the above-referenced project development and has authorized the applicant to apply to Planning Commission and Biloxi City Council for Zoning Map Amendment for both sides of Beach Boulevard from McDonnell Avenue to Rodenberg Road from B-3 to WF.

The City will require further review and approval by DRC prior to permitting, and no Building Permits shall be issued, until a site plan is approved by the Development Review Committee and construction documents are approved by the Building Division and the City Fire Marshal.

Your assistance in this matter will be greatly appreciated.

Yours truly,


Eric Nolan, Chair

cc: file

676 Dr. Martin Luther King Blvd.
P.O. Box 508
Biloxi, MS 39533
228-435-6280
Fax: 228-435-6188

Visit online at
biloxi.ms.us

MR. STABLER:

Yes, that is all I need. One of my main concerns is the hours of operation because it will effect my life in the back there.

MR. WASHER:

Okay. Mr. Stabler, thank you. Anyone else in opposition or with concerns? Mr. Harmon, would you come up and answer the questions. As far as Ms. Saucier's side of the property, are you beyond the fence?

MS. SAUCIER:

We are within the fence. Hours of operation are Monday through Friday 8:00 to 5:00 and Saturday 9:00 to 12:00. We don't, as a general rule we don't take in any old radiators. Sometimes someone will bring one in. We don't have chemicals on the property. We don't sell antifreeze. All we sell is parts.

From a bayou hazards chemical standpoint we don't have anything. I'm sorry. What else?

MR. WASHER:

CRYSTAL LYNN MORRIS, CSR

Just future expansion plans, I guess.

MR. HARMON:

Future expansion plans, nothing in the future. Our core business is the radiators and the surrounding parts that go along with it in the automobile. So we don't have anything else that would go along with our product line.

MR. WASHER:

Your whole product line will be housed within the building?

MR. HARMON:

Yes, sir.

MR. WASHER:

Thank you very much. We will consider that hearing closed.

Case No. 10-082 Michael

Cavanaugh, Esq., on behalf of Diamond Bay, L.L.C.; Donn R. Mitchell, Marsha B. Mitchell, Paladin Beach Investments, L.L.C.; RCP Enterprises, L.L.C.; South Beach I, L.L.C.; South Beach II, L.L.C.; South Beach III, L.L.C.; South Beach Development, L.L.C.; and South Beach

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North, L.L.C. (owner/applicants), and Thomas J. Angelos, Mohanbhai Gordhanbhai Bhakta, Kamalaben Mohanbhai Bhakta, Dayarambhai Ranchhodji Bhakta, Shantaben Dayaranbhai Bhakta Sheba A. Blevins, Bombay Investment Company, L.L.C.; Jean Chansena, Sylvie Chansena, Daigle Biloxi Investments, Inc.; Good Lee Properties, L.L.C.; Hancock Bank, Craig Kuhn, Karen Kuhn, Ken Kuhn, Krupalu Corp., Martha J. Martin, Roy D. Martin, Mladinich Holdings, L.P. [included by the City of Biloxi]; Billy R. Mooney, Margaret E. Mooney, Paris Hotel, L.L.C.; Pen-Bay Limited Partnership, John J. Pierotich, Rodenberg Properties, L.L.C. [included by the City of Biloxi]; Le Thi Tran, and Waffle House, Inc. (Owner/non-applicants).

The purpose of the hearing is to consider a Zoning Map Amendment, to authorize a change in zoning district classification for thirty-eight (38) separate parcels totaling approximately sixty-one and twenty-eight one-hundredths

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(61.28) acres of land, from CB Community Business and RMH Residential Manufactured/Mobile Home to WF Waterfront, which zoning change would allow said properties to accommodate potential, but unspecified, hospitality and/or gaming accessory uses, for the properties presently identified as 1703, 1704, 1708, 1712, 1713, 1716, 1719, 1723, 1726, 1732, 1735, 1736, 1743, 1746, 1748, 1749, 1753, 1759, 1762, 1763, 1766, 1768, 1775, 1776, 1782, 1785, 1797, and 1798, Beach Boulevard, a portion of 1667 Irish Hill Drive, 139 McDonnell Avenue, 125 Rodenberg Avenue, 135, 140, and 141 Travia Avenue, an unnumbered parcel of land having frontage upon U.S. Highway 90, and an unnumbered parcel of land having frontage upon Rodenberg Avenue (i.e., Municipal Tax Parcel Nos. 1210J-02-001.000, 1210J-02-002.000, 1210J-02-003.000, 1210J-02-004.000, 1210J-02-005.000, 1210J-02-006.000, 1210J-02-016.000, 1210J-03-001.000, 1210J-03-001.001, 1210J-03-002.000,

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1 1210J-03-003.000, 1210J-03-004.000,
 2 1210J-03-005.000, 1210I-03-003.000,
 3 1210I-03-003.002, 1210I-03-004.000,
 4 1210I-03-005.000, 1210I-03-006.000,
 5 1210I-03-007.000, 1210I-03-008.000,
 6 1210I-03-008.001, 1210I-03-008.002, [a
 7 portion of Tax Parcel No.]
 8 1210I-04-002.000, 1210I-04-009.000,
 9 1210I-04-010.000, 1210I-04-011.000,
 10 1210I-04-012.000, 1210I-04-013.000,
 11 1210I-04-014.000, 1210I-04-015.000,
 12 1210I-04-016.000, 1210I-04-017.000,
 13 1210I-04-018.000, 1210I-04-040.000,
 14 1210I-04-041.000, 1210I-04-041.001,
 15 1210I-04-042.000, and 1210I-04-043.000).
 16 This case was also advertised October
 17 28th, November 4th, and November 11th.
 18 Mr. Cipolla.

19 MR. CIPOLLA:

20 This is the back of McDonnell
 21 Drive back here where this comes down.
 22 This is looking down Irish Hill back
 23 towards the beach -- sorry, back towards
 24 the East. There is the other sign down
 25 in back of the old movie theater right

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1 here. You come in traffic down McDonnell
 2 Avenue to the beach. It does not include
 3 this section here. But way down at the
 4 end is where I filmed on the beach.
 5 That's next. This is down at the corner
 6 of Rodenburg where Snappers is across the
 7 Pillars sign remnants and the hotel/condo
 8 on the south side of Beach Boulevard.
 9 The service drive at the Waffle House.
 10 And this continues all the way down from
 11 McDonnell Avenue to there. Also coming
 12 back I want to make sure I get to the
 13 end. That sign I did not realize that
 14 had been knocked down. I replaced it
 15 back this morning on Travia. This is the
 16 on the north side of Beach Boulevard.
 17 This is the Star Inn and looking back
 18 towards the White Pillars and Holiday Inn
 19 and that's Rodenburg. I filmed from the
 20 back side down that way.

21 AUDIENCE MEMBER: But the area of
 22 interest is from Highway 90 up?

23 MR. CIPOLLA:

24 This is all the way down
 25 McDonnell Avenue on the service drive and

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1 looking back towards the water back to
 2 the East towards the condos up McDonnell
 3 where I was up filming back down this
 4 way. And I will try -- there you go.

5 MR. WASHER:

6 Mr. Cavanaugh.

7 MR. CAVANAUGH:

8 Michael Cavanaugh, 998 Howard
 9 Avenue, and I represent the applicants of
 10 the property. We are here for a zoning
 11 change on the property identified, and of
 12 course, the request is a change in the
 13 character of the neighborhood and a
 14 community need for a change in zoning.

15 Since the last zoning of this
 16 property there has been two substantial
 17 dramatic changes in the character of the
 18 neighborhood, most notably the businesses
 19 on this property have been destroyed and
 20 of course not rebuilt.

21 The other change in the character
 22 of the neighborhood is the property
 23 adjacent to this property requesting to
 24 be rezoned has been rezoned already,
 25 which extends from McDonnell Avenue to

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1 Veterans Boulevard on the West.

2 The community need is simply, we
 3 need development in the community. We
 4 need job and taxes and we need
 5 redevelopment to get back to where we
 6 were before the storm.

7 First off, I want to tell you
 8 there is no casino project being proposed
 9 or being discussed in this area at this
 10 point in time.

11 Secondly, I met with Mr. Creel on
 12 a couple occasions and I want to be sure
 13 that under the current regulated use or
 14 adult entertainment ordinance that you
 15 have that was placed into WF zone, it is
 16 my understanding that even though this
 17 would be WF zoned, because of the
 18 limitation on distances between churches,
 19 schools and other regulated residential
 20 use, even though it would be zoned
 21 waterfront, it would still not be able or
 22 able to be used for an adult
 23 entertainment business. And no one I
 24 know had any interest in doing that
 25 anyway. I want to put that out there

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1 that none of those are existing and one
2 that could not happen anyway, the adult
3 entertainment, because of the other
4 footage.

5 This property, as you may recall,
6 originally was zoned waterfront back in
7 the 90s until a certain point in time
8 when you adopted the ordinances for
9 reasons to be quite honest I still to
10 this day don't know why the property was
11 removed from waterfront and put into B-3.

12 I will tell you that there is a
13 development that is being planned, but I
14 don't know if I would use the word
15 development on the area down here. It is
16 at this point in time it is still in the
17 early stages. But I will tell you we met
18 with the two supervisors, Supervisor
19 Rockco and Supervisor Swetman, who have
20 this in their districts from the
21 standpoint of the county and how this
22 happened I don't know. But for some
23 reason this land is in two different
24 beats, like it used to be one and five.
25 It is divided near the highway, and once

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1 again one of those things that just sort
2 of happened over the years, with no real
3 explanation, so both of those supervisors
4 have an interest and we have been meeting
5 with the supervisors about the
6 development that is mostly an educational
7 type of development in the area that
8 requires a good bit of parking and
9 requires landowners to get better usage
10 of the property, which is why the timing
11 of this is today.

12 Like I said, there is no casino
13 planned or anything else. There is no
14 adult book stores or anything in that
15 neighborhood.

16 One thing I also want to mention
17 to you is we realize that when you file
18 your application, of course you file your
19 applications based on the parcels that
20 are identified, and you file it with
21 whatever that legal description is,
22 whether in totality that is what may come
23 out at the end of the day.

24 As a practical consideration
25 simply from the development standpoint,

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1 the likelihood of any sort of high volume
2 or high development coming off of Irish
3 Hill is unlikely. It just would not
4 happen.

5 In discussions with the planning
6 staff, we talked about the possibility of
7 instead of going all the way to Irish
8 Hill with the rezoning, we just simply
9 take a more logical line all the way
10 along here. And then we go to this point
11 and come across to there. And you would
12 have -- then you would not have the same
13 level of high level of development
14 opportunities coming in off of Irish
15 Hill. Because I think in the real world
16 I don't believe that was ever intended
17 Irish Hill to be an access to a high
18 volume tourist type destination. It has
19 always meant to be off Highway 90, which
20 is logical. And there would be no need
21 to have this zoned higher.

22 Applicant's would not have any
23 opposition other than just to modify it
24 to this point. But you have to file the
25 application with the real descriptions

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1 that you have when you file it and these
2 include going all the way back to here.

3 The White Pillars, just to be
4 clear, is not in the application and
5 neither is Snappers in the application.
6 Simply, the reason being is I was trying
7 to be consistent with history as in what
8 was previously zoned waterfront back in
9 the original designation of waterfront
10 and the original designation ending here
11 and it went to Pat Harrison, which is
12 here. And it picked up here as you went
13 further west and some other waterfront
14 zoning, and so that is why the reason we
15 cut it off at Rodenburg. And the cut off
16 is at McDonnell to Veterans and that is
17 already zoned waterfront. So it would
18 not change that, it would just make this
19 property consistent with the waterfront.
20 We would -- the land owners believe that
21 the predesignation going back to what it
22 used to be to waterfront in this request
23 is really very identical actually to
24 other owners requests to rezone the
25 property in other parts of the City on

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1 East Beach and also Back Bay and also on
2 Point Cadet where the landowners have
3 gotten together and believe for reasons
4 their land is more valuable and will be
5 developed in the future and rezoned
6 waterfront. And this is consistent with
7 that pattern in that regard.

8 Like I said, once again there is
9 no pending project of any nature other
10 than possible educational use for
11 property somewhat west of Rodenburg on
12 the south side. Thank you.

13 MR. WASHER:

14 Any questions of Mr. Cavanaugh of
15 members of the Commission?

16 We will ask anyone in the
17 audience want to speak in favor? No one
18 speaking in favor, anyone speaking in
19 opposition? No one speaking in
20 opposition -- you have a question, please
21 come forward.

22 MS. SANFORD:

23 My name is Barbara Sanford and my
24 question is my property is on the other
25 end of Travia Avenue, half way to Irish

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1 Hill Drive. And my question is, and I
2 think maybe he answered it -- this part
3 is not going to be zoned waterfront
4 property; correct?

5 MR. WASHER:

6 Correct.

7 MS. SANFORD:

8 If it should, would that effect
9 the insurance and taxes?

10 MR. WASHER:

11 No, ma'am.

12 MS. SANFORD:

13 Thank you.

14 MR. WASHER:

15 Yes, sir.

16 MR. ANGELOS:

17 I would like to find out what you
18 mean by educational area?

19 MR. WASHER:

20 Give us your name and address for
21 the record.

22 MR. ANGELOS:

23 I'm sorry. My name is Thomas
24 Angelos. I live at 141 Travia Avenue
25 here in Biloxi, Mississippi 39531.

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1 MR. WASHER:

2 Is that your only question?

3 MR. ANGELOS:

4 When it comes down to the
5 educational interpretation, what do you
6 mean by that? Because my major at the
7 University of Illinois is Special
8 Education Transitional Training For
9 Handicapped. Now, that is a hell of a
10 big umbrella. And when you mention
11 education, I feel I'm more into this than
12 a lot of the people within the area of
13 this type of education. And it is in
14 more and more demand.

15 MR. WASHER:

16 Any other questions? We will get
17 Mr. Cavanaugh to try to answer them all
18 at one time.

19 MR. ANGELOS:

20 Okay.

21 MR. WASHER:

22 Any other questions? Mr.
23 Cavanaugh. Wait. One more question.

24 MS. BROWN:

25 Sheba Brown. I own some

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1 apartments on Travia Avenue, and I wanted
2 to make sure I understand correctly when
3 Barbara Sanford asked the question she
4 was talking about the other end of Travia
5 and you said her taxes and insurance
6 would not change; would it change for me?

7 MR. WASHER:

8 No, ma'am, it would be based on
9 use. Mr. Cavanaugh.

10 MR. CAVANAUGH:

11 Of course, the big question is
12 taxes and insurance. I guess the
13 clearest answer is your taxes and
14 insurance are based upon the use of your
15 specific property, not other property in
16 the area so it would not affect your
17 insurance at all for your housing.

18 The educational, it's like I
19 said, it is preliminary at this point.
20 But some of the land owners in that area
21 have been in discussions with an entity
22 that is already operating and in business
23 in the area where we would provide access
24 to the water for tours for sort of an
25 interpretative type center where students

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or visitors at another facility could be bussed to the area and have a hands on interaction so to speak with the water, and you would get in the water and see the fish. And there would be interpretative stations much like you see in Ocean Springs where you walk around the Gulf Island National Seashore you have the centers. And in D'Iberville basically a stand about this size that shows you a flounder and you hit a button and it tells you what it is. We have been working with -- we deal with it out there with five different state agencies and the landowners.

I am not saying it's a done deal. I meant to say that the only development being considered or discussed at this point in time is that development and nothing else. And I can't say much more than that.

MR. WASHER:

Thank you, Mr. Cavanaugh. Mr. Angelos, that project may or may not happen. It is not what goes in there, we

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have to look at the land and what the zoning allows for.

MR. ANGELOS:

But for the professionalism of education in that one area I have a proven track record of pitching a low amount of money per hour, such as \$20 an hour over five years for therapies regarding aquatic, speech, and behavioral management. A proven track record.

MR. WASHER:

I will let you take that up with Mr. Cavanaugh. We are beyond the input part.

MR. ANGELOS:

No, I understand, but I'm a professional.

MR. WASHER:

That hearing is adjourned. We will move on to the next case.

~~Case No. 10-083 DE Biloxi, L.L.C.; Don Gulf Coast, L.L.C.; and Wal-Mart Real Estate Business Trust. The purpose of the hearing is to consider an application for Preliminary Subdivision~~

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Plat, said request to authorize four (4) separate, but contiguous, parcels of land, twenty-one and sixty-seven one-hundredths (21.67) acres in overall size, to be reconfigured and re-subdivided into five (5) separate lots of record to be known as Wal-Mart Subdivision, as follows:

Parcel I a sixteen and eighteen one-hundredths (16.18) acre parcel, having seven hundred ten and nineteen one-hundredths feet (710.19') of frontage upon C.T. Switzer, Sr. Drive, said parcel to be comprised of the northeast portion of said parcels under consideration for re-subdivision;

Parcel II a five and forty-two one-hundredths (5.42) acre parcel, having two hundred thirty-three and twenty-three one-hundredths feet (233.23') of frontage upon Beach Boulevard (or U.S. Highway 90), said parcel to be comprised of the southernmost portion of said parcels under consideration for re-subdivision;

Parcel III a one and ninety-two

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one-hundredths (1.92) acre parcel, having five hundred sixty-two and sixty-three one-hundredths feet (562.63') of frontage upon the west side of a proposed road to be constructed and dedicated as city right-of-way, said unnamed road presently identified as Parcel V upon said proposed subdivision plat;

Parcel IV a one and three one-hundredths (1.03) acre parcel of land identified upon said proposed subdivision plat as "Retention Parcel," having three hundred and eighty-eight feet (388') of frontage upon the west side of the aforementioned unnamed road presently identified as Parcel V upon said proposed subdivision plat; and

Parcel V a two and fifty-four one-hundredths acre (2.54) parcel of land, extending from Beach Boulevard (U.S. Highway 90) northward to C.T. Switzer, Sr. Drive, which parcel will be dedicated as city right-of-way and utilized as municipal roadway access to the future commercial development of said

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1 unanimous.

2 Next case. 10-082 Michael
3 Cavanaugh.

4 MR. CREEL:

5 Case No. 10-082 Michael

6 Cavanaugh, Esq., on behalf of Diamond
7 Bay, L.L.C.; Donn R. Mitchell, Marsha B.
8 Mitchell, Paladin Beach Investments,
9 L.L.C.; RCP Enterprises, L.L.C.; South
10 Beach I, L.L.C.; South Beach II, L.L.C.;
11 South Beach III, L.L.C.; South Beach
12 Development, L.L.C.; and South Beach
13 North, L.L.C. (owner/applicants), and
14 Thomas J. Angelos, Mohanbhai Gordhanbhai
15 Bhakta, Kamalaben Mohanbhai Bhakta,
16 Dayarambhai Ranchhodji Bhakta, Shantaben
17 Dayaranbhai Bhakta Sheba A. Blevins,
18 Bombay Investment Company, L.L.C.; Jean
19 Chansena, Sylvie Chansena, Daigle Biloxi
20 Investments, Inc.; Good Lee Properties,
21 L.L.C.; Hancock Bank, Craig Kuhn, Karen
22 Kuhn, Ken Kuhn, Krupalu Corp., Martha J.
23 Martin, Roy D. Martin, Mladinich
24 Holdings, L.P. [included by the City of
25 Biloxi]; Billy R. Mooney, Margaret E.

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1 Mooney, Paris Hotel, L.L.C.; Pen-Bay
2 Limited Partnership, John J. Pierotich,
3 Rodenberg Properties, L.L.C. [included by
4 the City of Biloxi]; Le Thi Tran, and
5 Waffle House, Inc.

6 (Owner/non-applicants). The purpose of
7 the hearing is to consider a Zoning Map
8 Amendment, to authorize a change in
9 zoning district classification for
10 thirty-eight (38) separate parcels
11 totaling approximately sixty-one and
12 twenty-eight one-hundredths (61.28) acres
13 of land, from CB Community Business and
14 RMH Residential Manufactured/Mobile Home
15 to WF Waterfront, which zoning change
16 would allow said properties to
17 accommodate potential, but unspecified,
18 hospitality and/or gaming accessory uses,
19 for the properties presently identified
20 as 1703, 1704, 1708, 1712, 1713, 1716,
21 1719, 1723, 1726, 1732, 1735, 1736, 1743,
22 1746, 1748, 1749, 1753, 1759, 1762, 1763,
23 1766, 1768, 1775, 1776, 1782, 1785, 1797,
24 and 1798, Beach Boulevard, a portion of
25 1667 Irish Hill Drive, 139 McDonnell

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1 Avenue, 125 Rodenberg Avenue, 135, 140,
2 and 141 Travia Avenue, an unnumbered
3 parcel of land having frontage upon U.S.
4 Highway 90, and an unnumbered parcel of
5 land having frontage upon Rodenberg
6 Avenue.

7 This property contains the
8 property as you saw with the one revision
9 with the use and scope of the project to
10 the halfway point between Highway 90 and
11 Irish Hill. This is actually it will
12 disqualify this property for considered
13 for any type regulated use or adult
14 entertainment. I had negotiations with
15 Mr. Cavanaugh on this property and we
16 know they have a project coming.

17 The City would recommend approval
18 of the zoning change.

19 MR. POULOS:

20 Make a motion to approve
21 applicant's request.

22 MR. HARRISON:

23 Second.

24 MR. WASHER:

25 We have a motion by Mr. Poulos

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1 recommending approval and a second by Mr.
2 Harrison. Any discussion? Question.

3 A year or so back we approved
4 overlay district in that area. What
5 would be allowed or covered under that?

6 MR. CREEL:

7 The overlay districts that were
8 approved last year are not included in
9 the new Land Development Ordinance, so
10 anything that was approved at that time
11 if the subdivision or development has not
12 asked for approved extensions through the
13 Planning Commission and City Council.
14 They would have lost any approvals above
15 and beyond the scope. Simply to answer
16 your question, there is no longer an
17 overlay district in this area. So only
18 the things that have approved extensions
19 would retain the approvals.

20 MR. WASHER:

21 How about East Biloxi?

22 MR. CREEL:

23 The same.

24 MR. WASHER:

25 Any other questions? Motion on

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the floor. All in favor raise your hand.

Mr. Delahousey; Ms. Smith; Mr. King; Mr. Stanovich; Mr. Covacevich; Mr. Tootle; Ms. Humphries; Mr. Hunt; Mr. Parker; Mr. Harrison; Mr. Poulos.

Any abstentions?

Any opposed?

I will oppose.

Next is Walmart, LLC.

MR. CREEL:

~~Case No. 10-083 DB Biloxi, L.L.C.; Don Gulf Coast, L.L.C.; and Wal-Mart Real Estate Business Trust. The purpose of the hearing is to consider an application for Preliminary Subdivision Plat, said request to authorize four (4) separate, but contiguous, parcels of land, twenty-one and sixty-seven one-hundredths (21.67) acres in overall size, to be reconfigured and re-subdivided into five (5) separate lots of record to be known as Wal-Mart Subdivision, as follows:~~

Parcel I a sixteen and eighteen one-hundredths (16.18) acre parcel,

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having seven hundred ten and nineteen one-hundredths feet (710.19') of frontage upon CT Switzer, Sr. Drive, said parcel to be comprised of the northeast portion of said parcels under consideration for re-subdivision;

Parcel II a five and forty-two one-hundredths (5.42) acre parcel, having two hundred thirty-three and twenty-three one-hundredths feet (233.23') of frontage upon Beach Boulevard (or U.S. Highway 90), said parcel to be comprised of the southernmost portion of said parcels under consideration for re-subdivision;

Parcel III a one and ninety-two one-hundredths (1.92) acre parcel, having five hundred sixty-two and sixty-three one-hundredths feet (562.63') of frontage upon the west side of a proposed road to be constructed and dedicated as city right-of-way, said unnamed road presently identified as Parcel V upon said proposed subdivision plat;

Parcel IV a one and three one-hundredths (1.03) acre parcel of land identified

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upon said proposed subdivision plat as "Retention Parcel," having three hundred and eighty-eight feet (388') of frontage upon the west side of the aforementioned unnamed road presently identified as Parcel V upon said proposed subdivision plat; and

Parcel V a two and fifty-four one-hundredths acre (2.54) parcel of land, extending from Beach Boulevard (U.S. Highway 90) northward to CT Switzer, Sr. Drive, which parcel will be dedicated as city right-of-way and utilized as municipal roadway access to the future commercial development of said properties, all for the properties presently identified as 2681 and 2781 CT Switzer, Sr. Drive, 2660 Beach Boulevard, and an unnumbered parcel of land having frontage upon Beach Boulevard.

The staff has been working with engineering for about a year on in project. We believe they made a wonderful effort to create a very nice project. Usually a project this

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complicated has a number of variances for them. And so we applaud their effort to make a project work and we wholeheartedly recommend approval.

MR. POULOS:

Motion to approve as recommended.

MR. PARKER:

Second.

MR. WASHER:

Motion recommending approval and seconded by Mr. Parker.

Any discussion?

All in favor raise your hand, please. Mr. Delahousey; Ms. Smith; Mr. King; Mr. Stanovich; Mr. Covacevich; Mr. Tootle; Ms. Humphries; Mr. Hunt; Mr. Parker; Mr. Harrison; Mr. Poulos; myself, David Washer.

Let the record show that vote was unanimous.

Then Case 10-084 as to the impervious coverage variance.

MR. CREEL:

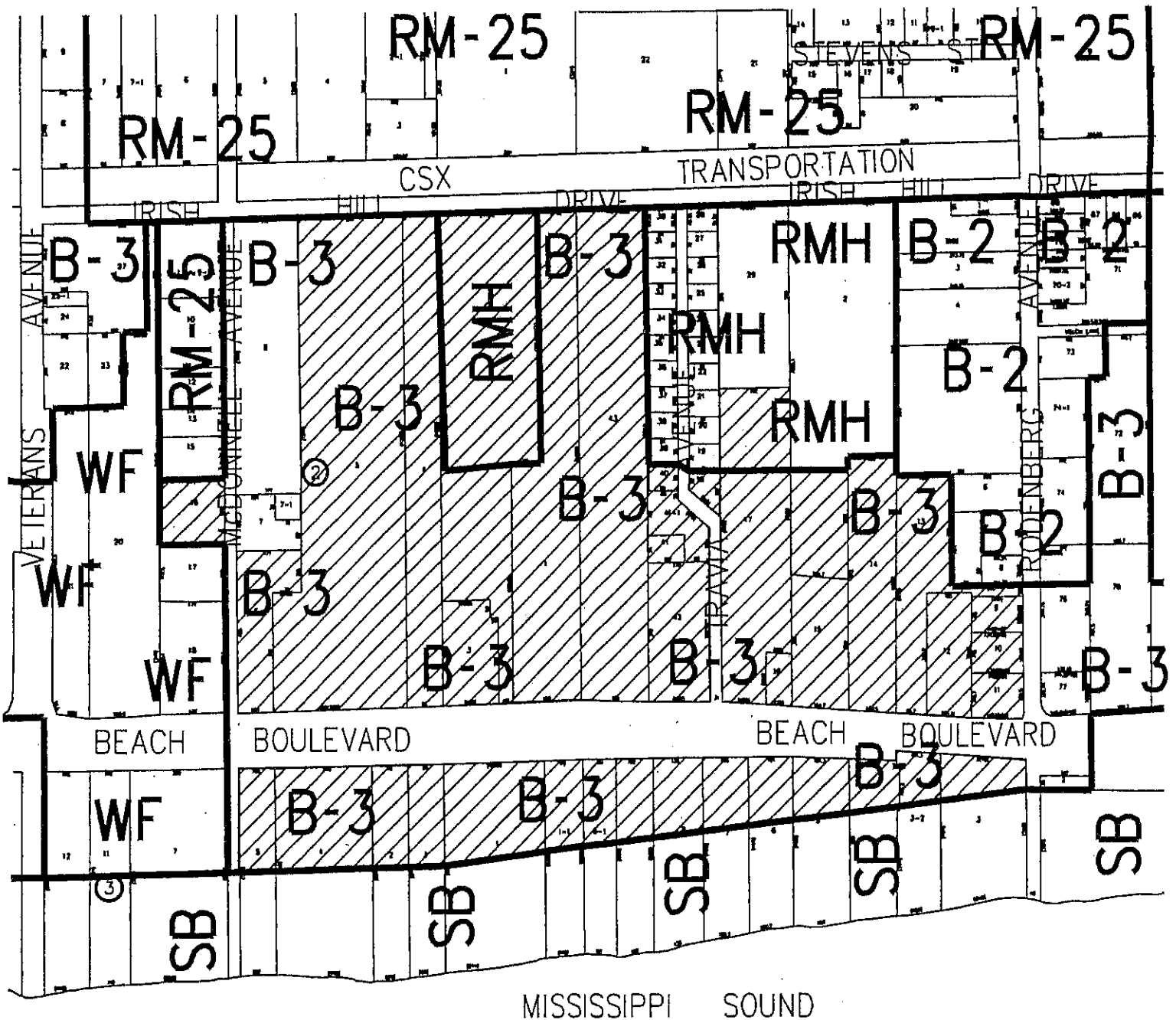
Case No. 10-084 DB Biloxi, L.L.C.; Don Gulf Coast, L.L.C.; and

CRYSTAL LYNN MORRIS, CSR

10-082 MICHAEL CAVANAUGH, ET AL

AS REQUESTED
BY APPLICANTS
61.28 ACRES
(MORE OR LESS)

Request a Zoning Map
Amendment from B-3
(now CB Community
Business) and RMH
Residential Manufactured
/Mobile Home to WF
Waterfront
District.



Approximately 42 Acres

As APPROVED BY
PLANNING COMMISSION
ON NOVEMBER 18, 2010

STEVENS ST

IRISH HILL DR

MCDONNELL AVE

TRAVIA AVE

RODENBERG AVE

BEACH BLVD

1 inch = 350 feet



PARCEL #**OWNERSHIP NAME & ADDRESS**

1210J-03-005.000	Diamond Bay, LLC
1210J-02-006.000	c/o MF Biloxi, LLC
1210J-02-005.000	13860 Ballantyne Corporation Place, Suite 130
1210J-03-004.000	Charlotte, NC 28277
1210I-04-016.000	South Beach Development, LLC
1210I-04-017.000	South Beach North, LLC
1210I-03-007.000	South Beach III, LLC
1210I-03-006.000	South Beach I, LLC
1210I-03-005.000	South Beach II, LLC
	c/o RW Development, LLC
	234 Caivallet St., Suite 100
	Biloxi, MS 39530
1210J-03-002.000	Sterling Beach Biloxi, LLC
1210J-03-003.000	4393 Commons Drive
	East Destin, FL 32541
1210J-03-001.000	RCP Enterprises, LLC
	2007 Bayou LaPorte Dr.
	Biloxi, MS 39531
1210J-03-001.001	Waffle House, Inc.
	Attn: Tax Department
	P.O. Box 6450
	Norcross, GA 30091
1210I-03-008-000	Donn & Marsha Mitchell
1210I-03-008.001	P.O. Box 265
1210I-03-008.002	Bilxoi, MS 39533
1210I-04-009.000	Rodenberg Properties, LLC
	P.O. Box 4899
	Biloxi, MS 39535
1210I-04-010.000	John M. Mladinich
	286 Beauvoir Rd., Suite 200
	Biloxi, MS 39531

PARCEL #**OWNERSHIP NAME & ADDRESS**

1210I-04-013.000

Bombay Investment Companies, LLC
1686 Beach Blvd.
Biloxi, MS 39531

1210I-04-014.000

Don Craig & Ken Kuhn
Economy Inn Resort
1716 Beach Blvd.
Biloxi, MS 39531

1210I-04-015.000

Kamalaben Bhakta, et al
3009 Cypress Creek Dr.
Biloxi, MS 39532

1210I-04-042.000

Jean & Sylvia Chansena
1746 Beach Blvd.
Biloxi, MS 39531

1210I-04-043.000

1210J-02-001.000

Paladin Beach Investments, LLC
700 Brookstone Center Pkwy., Suite 300
Columbus, GA 31904

1210I-03-004.000

1210I-03-003.000

1210I-03-003.002

John J. Pierotich
2646 Bay Point Dr.
Biloxi, MS 39531

1210I-04-011.000

Le Thi Tran
3131 Wayne Dr.
Biloxi, MS 39532

1210J-03-007.000

Byrd, Barney J & Nora E
334 Eastview Drive
Biloxi, MS 39531

1210I-04-012.000

Paris Hotel, LLC
1686 Beach Blvd.
Biloxi, MS 39531

1210J-02-002.000

Margaret & Billy Mooney
1766 Beach Blvd.
Biloxi, MS 39531

1210J-02-003.000

Digle Biloxi Investments, Inc.
1768 Beach Blvd.
Biloxi, MS 39531

PARCEL #

OWNERSHIP NAME & ADDRESS

1210I-04-018.000

Roy D & Martha J Martin
82 Hoskins Creek Rd.
Ellisville, MS 39437

1210I-04-040.000

Thomas J Angelos
141 Travia Ave.
Biloxi, MS 39530

1210I-04-041.000

1210I-04-041.001

Sheba A Blevins
135 Travia Ave.
Biloxi, MS 39531

1210J-02-004.000

Krupalu Corp.
1776 Beach Blvd.
Biloxi, MS 39531



Community Development Department

Planning Division
676 Dr. Martin Luther King Jr. Blvd.
Biloxi, MS 39530-3975
Post Office Box 508
Biloxi, MS 39533-0508

Edward Shambra, City Planner
Bill Raymond, Executive Planner
Bobby R. Wentzell, Sr. Planner
Telephone: 228-435-6266
Facsimile: 228-435-6188

November 3, 2010

TO WHOM IT MAY CONCERN:

The Biloxi Planning Commission will conduct a public hearing on Thursday, November 18, 2010, at 2:00 p.m. in the Auditorium of the Dr. Martin Luther King, Jr., Municipal Building located at 676 Dr. Martin Luther King, Jr. Boulevard, Biloxi, Mississippi, to hear the application of Michael Cavanaugh, Esq., on behalf of Diamond Bay, L.L.C.; Donn R. Mitchell, Marsha B. Mitchell, Paladin Beach Investments, L.L.C.; RCP Enterprises, L.L.C.; South Beach I, L.L.C.; South Beach II, L.L.C.; South Beach III, L.L.C.; South Beach Development, L.L.C.; and South Beach North, L.L.C. (owner/applicants), and Thomas J. Angelos, Mohanbhai Gordhanbhai Bhakta, Kamalaben Mohanbhai Bhakta, Dayarambhai Ranchhodji Bhakta, Shantaben Dayarambhai Bhakta Sheba A. Blevins, Bombay Investment Company, L.L.C.; Jean Chansena, Sylvie Chansena, Daigle Biloxi Investments, Inc.; Good Lee Properties, L.L.C.; Hancock Bank, Craig Kuhn, Karen Kuhn, Ken Kuhn, Krupalu Corp., Martha J. Martin, Roy D. Martin, Mladinich Holdings, L.P. *[included by the City of Biloxi]*; Billy R. Mooney, Margaret E. Mooney, Paris Hotel, L.L.C.; Pen-Bay Limited Partnership, John J. Pierotich, Rodenberg Properties, L.L.C. *[included by the City of Biloxi]*; Le Thi Tran, and Waffle House, Inc. (owner/non-applicants), Case No. 10-082.

The purpose of the hearing is to consider a **Zoning Map Amendment**, to authorize a change in zoning district classification for thirty-eight (38) separate parcels totaling approximately sixty-one and twenty-eight one-hundredths (61.28) acres of land, from **CB Community Business** and **RMH Residential Manufactured/Mobile Home** to **WF Waterfront**, which zoning change would allow said properties to accommodate potential, but unspecified, hospitality and/or gaming accessory uses, for the properties presently identified as 1703, 1704, 1708, 1712, 1713, 1716, 1719, 1723, 1726, 1732, 1735, 1736, 1743, 1746, 1748, 1749, 1753, 1759, 1762, 1763, 1766, 1768, 1775, 1776, 1782, 1785, 1797, and 1798, Beach Boulevard, a portion of 1667 Irish Hill Drive, 139 McDonnell Avenue, 125 Rodenberg Avenue, 135, 140, and 141 Travia Avenue, an unnumbered parcel of land having frontage upon U.S. Highway 90, and an unnumbered parcel of land having frontage upon Rodenberg Avenue (i.e., Municipal Tax Parcel Nos. 1210J-02-001.000, 1210J-02-002.000, 1210J-02-003.000, 1210J-02-004.000, 1210J-02-005.000, 1210J-02-006.000, 1210J-02-016.000, 1210J-03-001.000, 1210J-03-001.001, 1210J-03-002.000, 1210J-03-003.000, 1210J-03-004.000, 1210J-03-005.000, 1210I-03-003.000, 1210I-03-003.002, 1210I-03-004.000, 1210I-03-005.000, 1210I-03-006.000, 1210I-03-007.000, 1210I-03-008.000, 1210I-03-008.001, 1210I-03-008.002, [a portion of Tax Parcel No.] 1210I-04-002.000, 1210I-04-009.000, 1210I-04-010.000, 1210I-04-011.000, 1210I-04-012.000, 1210I-04-013.000, 1210I-04-014.000, 1210I-04-015.000, 1210I-04-016.000, 1210I-04-017.000, 1210I-04-018.000, 1210I-04-040.000, 1210I-04-041.000, 1210I-04-041.001, 1210I-04-042.000, and 1210I-04-043.000), and more fully described as follows:

Three tracts of land lying and being situated within the Second Judicial District of Harrison County, Mississippi, and being more particularly described as follows, to-wit:

For the Point of Beginning, commencing at the Northeast corner of McDonnell Avenue and Beach Boulevard (or U.S. Highway 90); thence run North along the East margin of McDonnell Avenue for a distance of 435 feet, more or less; thence run East for a distance of 177 feet, more or less, to a point; thence run South for a distance of 115 feet, more or less, to a point; thence run West for a distance of 77 feet, more or less, to a point; thence run South a distance of 319 feet, more or less, to the North margin of Beach Boulevard (or U.S. Highway 90); thence run West along the North margin of Beach Boulevard (or U.S. Highway 90) a distance of 100 feet, more or less, to the Point of Beginning; and also,

Commencing at the intersection of the East margin of McDonnell Avenue and North margin of Beach Boulevard (or U.S. Highway 90), thence run along the North margin of Beach Boulevard (or U.S. Highway 90) a distance of 100 feet, more or less, to the Point of Beginning. From said Point of Beginning, thence run North a distance of 319 feet, more or less, to a point; thence run East a distance of 77 feet, more or less, to a point; thence run North a distance of 1014 feet, more or less, to the South margin of Irish Hill Road; thence run East along the South margin of Irish Hill Road a distance of 952.55 feet, more or less, to the Northwest corner of Lot 1, Travia Subdivision, as per Plat Book 17, Page 11, First [Second] Judicial District of Harrison County; thence run South a distance of 698.36 feet, more or less, along the West line of said Travia Subdivision to a point at the Northwest corner of Lot 11, Travia Subdivision; thence run East along the North property line of Lot 11, Travia Subdivision, a distance of 84 feet, more or less, to the West margin of Travia Avenue; thence run South along the West margin of Travia Avenue, a distance of 95 feet, more or less, to a point; thence run Southeast along the West margin of Travia Avenue, a distance of 115 feet, more or less, to a point; thence run South along the West Margin of Travia Avenue, a distance of 467.40 feet, more or less, to the corner of Travia Avenue and the North margin of Beach Boulevard (or Highway 90); thence run West

along the North margin of Beach Boulevard (or U.S. Highway 90) a distance of 1207.05 feet, more or less, to the Point of Beginning; and also,

For the Point of Beginning, commencing at the point of intersection of the East margin of Travia Avenue and the North margin of Beach Boulevard (or Highway 90); thence run North along the East margin of Travia Avenue a distance of 495 feet, more or less, to the Southwest corner of Lot 22, Travia Subdivision, as per Plat Book 17, Page 11, Second Judicial District of Harrison County; thence run Northwest along the south property line of Lot 22, Travia Subdivision, a distance of 115 feet, more or less, to the Southwest corner of said Lot 22, Travia Subdivision, thence run North along the West property line of said Lot 22, Travia Subdivision a distance of 52 feet, more or less, to the Northwest corner of said Lot 22, Travia Subdivision; thence run East along the North property line of said Lot 22, Travia Subdivision, a distance of 84 feet, more or less, to the Northeast corner of said Lot 22 Travia Subdivision; thence run North along the East line of said Travia Subdivision a distance of 216 feet, more or less, to a point at the Southeast corner of Lot 18, Travia Subdivision; thence run East a distance of 192 feet, more or less, to a point; thence run North a distance of 500 feet, more or less, to a point on the South Margin of Irish Hill Drive; thence run East along the South margin of Irish Hill Drive, a distance of 284.70, more or less, to a point; thence run South a distance of 737.6 feet, more or less, to a point; thence run East a distance of 154.5 feet, more or less, to a point; thence run South a distance of 300 feet, more or less, to a 30 foot alley; thence run East along the North margin of said 30 foot alley a distance of 194.78 feet, more or less, to the West margin of Rodenberg Avenue; thence run South along the West margin of Rodenberg Avenue, a distance of 30 feet, more or less, to a point; thence continue South along the West margin of Rodenberg Avenue a distance of 326.62 feet, more or less, to the intersection of the West margin of Rodenberg Avenue and the North margin of Beach Boulevard (or U.S. Highway 90); then run West along the North margin of Beach Boulevard (or U.S. Highway 90) a distance of 829.31 feet, more or less, to the Point of Beginning; and also,

For the Point of Beginning, commencing at the point of intersection of the West margin of Rodenberg Avenue and the North margin of Beach Boulevard (or U.S. Highway 90); thence running West a distance of 2166.88 feet, more or less, to a point at the intersection of the East margin of McDonnell Avenue and the North margin of Beach Boulevard (or U.S. Highway 90); thence run South a distance of 150 feet, more or less, to the South margin of Beach Boulevard (or U.S. Highway 90); thence continue in a Southerly direction, a distance of 309.96 feet, more or less, to the seawall; thence run in an Easterly direction along the seawall a distance of 2183.40 feet, more or less, to the West margin of Rodenberg Avenue; thence run North along the West margin of Rodenberg Avenue a distance 225 feet, more or less, to the intersection of the West margin of Rodenberg Avenue and the North margin of Beach Boulevard (or U.S. Highway 90) and the Point of Beginning; and also,

Parcel No. 1210J-02-016.000

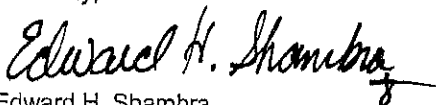
That certain parcel of land situated in Lot Thirteen (13) of the Mansuel White Survey located in Fractional Section 36, Township 7 South, Range 10 West, in Harrison County, Mississippi, and more particularly described as follows, to-wit:

Commencing at the point of intersection of the North line of Old Spanish Trail (U.S. Highway 90) and the East line of the said Lot Thirteen (13) Mansuel White Survey and running thence North along the center line of McDonnell Avenue a distance of 450 feet; run thence West a distance of 15 feet to the Point of Beginning. From said Point of Beginning, running thence along the North line of the property now or formerly of Mrs. Howard McDonnell a distance of 177 feet to the West margin of the said Lot Thirteen (13) of the Mansuel White Survey; run thence North along the West line of Lot Thirteen (13) of the Mansuel White Survey, a distance of 175 feet to a stake; run thence East a distance of 177 feet to a stake on the West margin of McDonnell Avenue; run thence South along the West margin of said McDonnell Avenue a distance of 175 feet to the Point of Beginning,

and further described as being most nearly bounded by the following streets: to the North by and adjacent to Irish Hill Drive; to the South by and adjacent to the Mississippi Sound; to the East by and adjacent to Rodenberg Avenue; and to the West by Veterans Avenue.

The applicant and/or his representative are required to attend the public hearing. All individuals having any potential interest in this request are encouraged to attend the public hearing to insure a complete understanding of the subject proposal. At this public hearing, any person is invited to comment on the particular matters and requests presented by the applications. Written comments can be mailed to the address above or faxed to the facsimile number above at any time *prior* to the scheduled hearing.

Sincerely,



Edward H. Shambra
Executive Planner

EHS:jkn



Community Development Department

Planning Division
676 Dr. Martin Luther King Jr. Blvd.
Biloxi, MS 39530-3975
Post Office Box 508
Biloxi, MS 39533-0508

Edward Shambra, Executive Planner
Bobby R. Wentzell, Senior Planner
Robert W. Fell, Planning Inspector
Telephone: 228-435-6266
Facsimile: 228-435-6188

November 27, 2006

Mr. David Clark, Project Manager
Venezia Resort Condominiums
366 Gulf Breeze Parkway
Gulf Breeze, FL 32561

Re: Planning Commission Case Nos. 05-031, 05-032, and 05-033
Venezia Resort Condominiums

Dear Mr. Clark:

In reference to your request for an extension to the above referenced Planning Commission Cases, a previously approved Preliminary Subdivision Plat, inclusive of a Master Plan, Planned Unit Development (PUD) with Residential Density Bonuses, Conditional Use, and Variances, for property located at 1750, 1756, and 1762 Beach Boulevard, please find enclosed a copy of Certified Resolution No. 558-06, approved by the Biloxi City Council on November 7, 2006.

The City Council granted your extension request for a period of one (1) year, with an expiration date of November 7, 2007. Should you have any further questions, please feel free to contact our office at 435-6266.

Sincerely,

Jan Novotny
Planning Technician

/jkn

Enclosure

SITE PERMITS & APPROVALS

PERMANENT APPROVALS / RESTRICTIONS:

1. PROPERTY ZONING: THE ENTIRE PROPERTY IS ZONED B-3 (HOSPITALITY BUSINESS DISTRICT) PER ZONING MAP AMENDMENT APPROVED BY THE BILOXI PLANNING COMMISSION (CASE NO. 04-079).
2. VERTICAL HEIGHT RESTRICTION AS DEFINED BY THE CITY OF BILOXI HEIGHT / HAZARD OVERLAY: THE PROPERTY IS LOCATED IN AN APZ I ZONE WITH A MAXIMUM VERTICAL HEIGHT RESTRICTION OF 110'-0" ABOVE MEAN SEA LEVEL.

LIMITED APPROVALS PER CERTIFIED RESOLUTION NOS: 204-05, 205-05 AND 206-05 (THE BILOXI PLANNING COMMISSION CASE NUMBERS FOR THE SAME REQUESTED APPROVALS ARE CASE NOS: 05-031, 05-032 AND 05-033). EACH OF THESE APPROVALS IS BASED ON THE DESIGN PRESENTED TO THE PLANNING COMMISSION AND ARE VALID UNTIL NOVEMBER 7TH, 2007 (SEE LETTER ON NEXT PAGE). THE APPROVALS WILL CONTINUE TO BE GOOD THEREAFTER AS LONG AS WORK IS ACTIVELY PROGRESSING ON INSTALLATION OF REQUIRED IMPROVEMENTS TO THE PROPERTY.

(NO. 05-031): VERTICAL SUBDIVISION APPROVAL, MASTER PLAN APPROVAL AND PLANNED UNIT DEVELOPMENT APPROVAL. THESE APPROVALS ALLOW FOR A 2-PHASE CONSTRUCTION PROJECT WITH PHASE ONE CONSISTING OF A 178 UNIT, 7-STORY BUILDING WITH ASSOCIATED PARKING AND PHASE TWO CONSISTING OF A 120 UNIT, 7-STORY BUILDING AS WELL AS A 41 UNIT 7-STORY BUILDING WITH ASSOCIATED PARKING. TOTAL UNITS APPROVED FOR DEVELOPMENT ON THE SITE IS 339 (AN 11% INCREASE IN ALLOWABLE DENSITY FROM THE 303 DEFINED BY CITY ORDINANCES).

1. (NO. 05-032): PERMANENT MULTI-FAMILY RESIDENCES AND 2-LEVEL SUBTERRANEAN PARKING GARAGE TO BE CONSTRUCTED IN A B-3 HOSPITALITY BUSINESS DISTRICT ZONE.
2. (NO. 05-033): A). PARKING VARIANCE TO ALLOW 683 PARKING SPACES (IN LIEU OF 737 REQUIRED PER BILOXI LDO) BY PERMITTING PARKING RATIO OF 2 SPACES PER UNIT FOR UNITS LARGER THAN 1,000 SQ. FT. (IN LIEU OF 2.5 SPACES AS DEFINED BY LDO).

B). A 20'-0" LANDSCAPE BUFFER VARIANCE FOR A 734'-0" PORTION OF THE PROPERTY TO ACCOMMODATE INFRASTRUCTURE DEVELOPMENTS. THE RESULTING BUFFER WOULD BE 10'-0" WIDE OF UNDISTURBED AREA AT THIS LOCATION (IN LIEU OF 30'-0" PER BILOXI LDO).

C). AN IMPERVIOUS AREA VARIANCE TO ALLOW 67% IMPERVIOUS AREA (IN LIEU OF 60% REQUIRED BY BILOXI LDO).

