

ORDINANCE NO. 2178

AN ORDINANCE TO AMEND THE GEOGRAPHICAL INFORMATION SYSTEM FORMAT ZONING DISTRICT MAP OF THE CITY OF BILOXI, MISSISSIPPI, OF 2010, AS AMENDED, BY A CHANGE IN ZONING DISTRICT CLASSIFICATION FOR CERTAIN DESCRIBED PROPERTIES OR PORTIONS THEREOF FROM **CB COMMUNITY BUSINESS** TO **WF WATERFRONT** ZONING FOR PROPERTIES OR PORTIONS THEREOF, 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, 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

WHEREAS, on Thursday, November 18, 2010, 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. 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 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), a request for **Zoning Map Amendment** for properties, or portions thereof, 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; and

WHEREAS, the Planning Commission members were apprised of the particulars of the case, being made cognizant of the fact 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; and

WHEREAS, it was explained that as with all requests for Zoning Map Amendment, the Planning Commission analyzed the properties petitioned and suggested for re-zoning and determined that the new zoning district classification proposed is appropriate to the neighborhood, and is consistent with existing uses or anticipated uses for the properties under consideration; and

WHEREAS, it was further explained that, in addition, the size of the lots and the accessibility to roadways, utilities and infrastructure was consistent and 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; and

WHEREAS, it was noted that the Development Review Committee (DRC), had reviewed

the project and authorized the applicant to apply for a Zoning Map Amendment, subject to further review when an available project is presented; and

WHEREAS, on November 18, 2010, the Biloxi Planning Commission, upon careful reflection of the particulars of this case, voted to recommend approval of the request for a **Zoning Map Amendment, as modified**, to authorize a change in zoning district classification for thirty-six (36) separate parcels totaling approximately forty-two (42) total acres of land, from **CB Community Business** 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, for the properties or partial 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, 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; and

WHEREAS, the Biloxi City Council, after consideration of all facts presented, hereby adopts the report and findings of the Biloxi Planning Commission and, in so doing, determines that approval of the requested **Zoning Map Amendment** is appropriate for the properties, or partial 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, 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, said **PARTIAL PARCELS TO BE REZONED** to include the following:

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, 1210I-04-043.000, 1210J-02-001.000, 1210J-02-002.000, 1210J-02-004.000, 1210J-02-005.000, 1210J-03-001.000, 1210J-03-001.001, 1210J-03-002.000, 1210J-03-003.000, 1210J-03-004.000, 1210J-03-005.000, and

Said **FULL PARCELS TO BE REZONED** to include the following:

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, 1210J-02-003.000, 1210J-02-006.000,

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, in 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 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.; John J. Pierotich, Rodenberg Properties, L.L.C. *[included by the City of Biloxi]*; Le Thi Tran, and Waffle House, Inc. (owner/non-applicants).

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILOXI, MISSISSIPPI, THAT AS PER THE FINDINGS OF THE PLANNING COMMISSION, AND BASED UPON SAID DETERMINATIONS, 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, of 2003, as amended, are hereby amended by a change in zoning district classification from **CB Community Business** zoning to **WF Waterfront** zoning for those properties presently known by municipal addresses properties presently identified as a Portion of 1703, 1704, 1708, 1712, a Portion of 1713, 1716, a Portion of 1719, a Portion of 1723, 1726, 1732, a Portion of 1735, 1736, a Portion of 1743, 1746, a Portion of 1748, a Portion of 1749, Portion of 1753, a Portion of 1759, a Portion of 1762, a Portion of 1763, a Portion of 1766, 1768, a Portion of 1775, a Portion of 1776, a Portion of 1782, a Portion of 1785, a Portion of 1797, and 1798 Beach Boulevard, 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, further described as follows:

PARTIAL TAX PARCELS TO BE REZONED:

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, 1210I-04-043.000, 1210J-02-001.000, 1210J-02-002.000, 1210J-02-004.000, 1210J-02-005.000, 1210J-03-001.000, 1210J-03-001.001, 1210J-03-002.000, 1210J-03-003.000, 1210J-03-004.000, 1210J-03-005.000.

FULL TAX PARCELS TO BE REZONED:

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, 1210J-02-003.000, 1210J-02-006.000, 1210J-03-005.000, inclusive of

Beginning on the NE corner of McDonnell Avenue and Beach Boulevard (or Highway 90) and continuing north 435 feet (more or less); thence east 177 feet (more or less); thence north 238 feet (more or less); thence east 907 feet (more or less); thence north 216 feet (more or less); thence east 192 feet (more or less); thence south 544 feet (more or less); thence east 154 feet (more or less); thence north 328 feet (more or less); thence east 130 feet (more or less); thence south 70 feet (more or less); thence east 156 feet (more or less); thence south 300 feet (more or less); thence east 194 feet

(more or less); thence south 366 feet (more or less); thence west 2,136 feet (more or less) to the point of beginning; and also beginning on the NW corner of Rodenberg Avenue and Beach Boulevard and continuing west

2166.88 feet (more or less); thence south 580 feet (more or less); thence easterly along the seawall 2183 feet (more or less); thence north 370 feet to the south margin of Beach Boulevard and the point of beginning.

SECTION 2. This ordinance shall become effective thirty days from and after its passage and publication with law.

The foregoing Resolution having first been reduced to writing, was read by the Clerk and moved by Councilmember Denton seconded by Councilmember Wall and was adopted by the following vote:

YEAS:	Stallworth	Wall	NAYS:	Lawrence
	Denton	Gemmill		Fayard
	Griffith			

The President then declared the Ordinance adopted this the 14th day of December, 2010.

ATTEST:
/s/ Karen Brashier
CLERK OF COUNCIL

APPROVED:
/s/ Clark Griffith
PRESIDENT OF THE COUNCIL

Submitted to and approved by the Mayor, this the 17th day of December, 2010.

APPROVED:
/s/ A.J. Holloway
MAYOR