

AGENDA
GAUTIER PLANNING COMMISSION
April 4, 2024
5:30 PM

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE (VOLUNTEER)

III. APPROVAL OF AGENDA

IV. APPROVAL OF MINUTES

1. Approval of Minutes from February 1, 2024

V. PUBLIC COMMENTS
(MATTERS OF THE PLANNING COMMISSION NOT LISTED ON THE AGENDA)

VI. OLD BUSINESS

VII. NEW BUSINESS

1. Presentation of the Larry Moran Award of Excellence to Merideth Dickerson
2. Consider a request for a two and one half (2.5) acre Variance to lot size requirements for a Recreational Vehicle (RV) Park in the MURC-MW Mixed Use Recreation Commercial-Mary Walker Zoning District. 3101 Oak Street, (GPC #24-07-VAR)
3. Consider a request for an eighteen-foot seven inch (18.7) square foot variance to sign square footage requirements in a C-2 Community Commercial Zoning District. 4343 Gautier Vancleave Road, (GPC #24-09-VAR)
4. Consider a request for a Property Owner Initiated Rezoning of Property located at 4416 Highway 57, PID #82430100.050, from C-3 Highway Commercial to PUD Planned Unit Development. (GPC Case No. 24-10-RZ)
5. Consider a request for a Property Owner Initiated Rezoning of Property located on Carter Road, PID #85298083.000, from AG Agricultural to PUD Planned Unit Development. (GPC Case No. 24-11-RZ)

VIII. GENERAL DISCUSSION

1. PREVIOUS CASE UPDATES
2. PERMIT & TRC REPORTS

IX. ADJOURN

FEBRUARY 1, 2024
GAUTIER, MISSISSIPPI

BE IT REMEMBERED that a meeting of the Gautier Planning Commission of The City of Gautier, Mississippi, was held on February 1, 2024, at 5:30 PM in the Council Chambers of the Gautier Municipal Building at 3330 Highway 90, Gautier, Mississippi.

Commission Members present were: Chairman Kay C. Jamison, Commissioners Josh Ward, DeAnna McManus, Maurice Hudson, Chris Hoover, William Davis, and Ricky Decoteau. Also present were Scott Ankerson, Planning Director, and Babs Logan, Planning Technician.

AGENDA

GAUTIER PLANNING COMMISSION

FEBRUARY 1, 2024

5:30 P.M.

- I. CALL TO ORDER**
- II. PLEDGE OF ALLEGIANCE (VOLUNTEER)**
- III. APPROVAL OF AGENDA**
- IV. APPROVAL OF MINUTES (DECEMBER 7, 2023 & JANUARY 4, 2024)**
- V. PUBLIC COMMENTS
(MATTERS OF THE PLANNING COMMISSION NOT LISTED ON THE AGENDA)**
- VI. OLD BUSINESS**
- VII. NEW BUSINESS**
 - 1. Consider a request for a Special Exception that would allow an expansion of an existing Child Care Center, Commercial, located in a R-1 Low Density Single-Family Residential Zoning District. 3005 Holly Drive, (GPC #24-05-SE)
 - 2. Consider a request for a one-foot (1') Variance to fence height requirements in a R-1 Low Density Single-Family Residential Zoning District. 725 Graveline Road, (GPC #24-06-VAR)
 - 3. Nominations for the Larry Moran Excellence Award for 2023

VIII. GENERAL DISCUSSION

A. PREVIOUS CASE UPDATES

B. PERMIT & TRC REPORTS

IX. ADJOURN

Commissioner Ward made a motion to approve the Agenda as presented.

Commissioner Decoteau seconded the motion, and the following vote was recorded:

AYES:	Kay C. Jamison
	Josh Ward
	DeAnna McManus
	Maurice Hudson
	Chris Hoover
	William Davis
	Ricky Decoteau

Motion Passed

Commissioner Ward made a motion to approve the December 7, 2023, minutes.

Commissioner Davis seconded the motion, and the following vote was recorded:

AYES:	Kay C. Jamison
	Josh Ward
	DeAnna McManus
	Maurice Hudson
	William Davis
	Ricky Decoteau

ABSTAINED:	Chris Hoover
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Motion Passed.

Commissioner Ward made a motion to approve the January 4, 2024, minutes.

Chairman Jamison seconded the motion, and the following vote was recorded:

AYES: Kay C. Jamison
Josh Ward
Chris Hoover
William Davis
Ricky Decoteau

ABSTAINED: DeAnna McManus
Maurice Hudson

Motion Passed.

PUBLIC COMMENTS (MATTERS OF THE PLANNING COMMISSION NOT LISTED ON THE AGENDA) – None

OLD BUSINESS - None

NEW BUSINESS

1. Consider a request for a Special Exception that would allow an expansion of an existing Child Care Center, Commercial, located in a R-1 Low Density Single-Family Residential Zoning District. 3005 Holly Drive, (GPC #24-05-SE)

Scott Ankerson, Planning Director, gave a brief overview of the case. He stated that the applicant was proposing expansion of the current use. The current use is a daycare and is grandfathered in because it has been there for several years. The Unified Development Ordinance (UDO) does not allow a daycare by right in a R-1 District, therefore the applicant needs a Special Exception to expand. Upon expanding the daycare would be able to remain as long as it stayed occupied and did not go vacant for more than 180 days. The applicant would like to add a playground area that would include an area for hopscotch and basketball, and a parking area for employees. There will be no expansion of the existing daycare building.

REQUEST:

The Planning Department has received a request from Jackie Conerly dba Divine Inspirations Learning Center for a Special Exception that would allow an expansion of an existing Child Care Center, Commercial, located in a R-1 Low Density Single-Family Residential Zoning District at 3005 Holly Drive. PID #85455022.000 & #85455024.000 (GPC #24-05-SE). The application fee of \$250 was paid on January 11, 2024. All public notice requirements have been met.

BACKGROUND:

The request property is zoned R-1 Low Density Single-Family Residential.

1. Location: 3005 Holly Drive, PID #85455022.000 & #85455024.000 (See Exhibit A)
2. General features of the proposed project:
Existing Daycare
Total Lot Size (both lots): approximately 0.71 acres
3. Potable Water and Wastewater Services: Existing at current location
4. Current Zoning (See Exhibit B): R-1 Low Density Single-Family Residential
5. Current Surrounding Zoning (See Exhibit B): R-1 Low Density Single-Family Residential
6. Current Surrounding Existing Land Use (See Exhibit C): Vacant, and Very Low to Low Density Residential.
7. Comprehensive Plan Future Land Use Designation (See Exhibit D): Low Density Residential.

DISCUSSION:

The following addresses the review criteria for a Special Exception outlined in Section 4.16.4 of the UDO.

1. Explain how a literal interpretation of the City of Gautier's Unified Development Ordinance would deprive the applicant of rights commonly enjoyed by others of the district in which the property is located, and would work unnecessary hardship upon the applicant?

Applicant Response: Existing daycare has been here in Gautier over 20 years.

Staff Finding: There are other Child Care facilities currently operating within this district.

2. Explain how the requested Special Exception will be in harmony with the purpose of the City of Gautier's Unified Development Ordinance and will not be injurious to the neighborhood or the general welfare?

Applicant Response: Existing daycare has been here in Gautier for over 20 years.

Staff Finding: The existing daycare has been at this location for many years. Staff's opinion is that approval of the request may not negatively affect the neighborhood as long as any such expansion will not result in an increase in traffic to and from the facility.

3. Explain how the special circumstances requiring the proposed Special Exception are not results of actions of the applicant.

Applicant Response: Existing daycare. Proposed for safety of the children and parking for employees.

Staff Finding: None

DETERMINATION OF APPLICABLE LAW:

1. The UDO defines a Special Exception as a relaxation of the terms of the Unified Development Ordinance where such an exception will not be contrary to the public interest, and where, owing to conditions peculiar to the property, a literal enforcement of the ordinance would result in undue hardship. Special Exceptions are necessary when an applicant seeks to establish or expand a use not ordinarily permitted in a specific zoning district. "Special Exceptions" are not transferable from one (1) owner of land to another.
2. Special Exception requires a public hearing before the Planning Commission and approval by the City Council (Section 4.14 of the UDO).
3. Once an application for a Special Exception is submitted to the Planning Department, the procedures outlined in UDO Section 4.14.1 will be followed. At the appropriate time, The Planning Commission will conduct a public hearing to determine whether the applicant meets all relevant criteria, and make a recommendation to City Council pursuant to UDO Section 4.14.4. City Council, pursuant to UDO Section 4.14.4(C), will then consider the matter at its next regularly scheduled meeting and approve or deny the Special Exception.
4. A Special Exception is required for uses not ordinarily permitted in a specific zoning district. Special Exceptions are not permitted by right, and may only be granted when certain criteria are established. (4.16.4)
5. Special Exceptions do not run with the land, and may be revoked by the Planning Department if any of the following circumstances are discovered:
 - A. The property changes ownership
 - B. The property is being utilized in a manner not permitted under the zoning regulations or the special exception; or
 - C. The property ceases to be used for the purpose allowed in the Special Exception for a period of one hundred eighty (180) days during the existence of the Special Exception.

The UDO defines **Hardship** as:

Hardship means the unnecessary hardship that would result from a failure to grant the requested variance or special exception. An unnecessary hardship exists if:
(1) the land in question cannot yield a reasonable return if used only
(a) for a purpose allowed in that zone (applicable to special exceptions), or

- (b) as permitted by the dimensional requirements of this ordinance (applicable to variances);
- (2) that the plight of the owner is due to unique circumstances of the land for which the variance or special exception is sought; and
- (3) that the use to be authorized by the variance will not alter the essential character of the locality.

RECOMMENDATION & CONCLUSION:

If recommending approval, Planning Commission shall record that the evidence presented meets the "Criteria for Approval" from the UDO as listed above.

The Planning Commission may:

1. Recommend that City Council approve the Special Exception;
2. Recommend that City Council approve the Special Exception with changes; or
3. Recommend that City Council deny the Special Exception.

Chairman Jamison asked the applicant to present her case.

Jackie Conerly, the applicant, explained that she wanted to expand the playground because when it is cold or wet the kids have nowhere to play. At one time the lot had trees, mulch, water, mosquitos, and snakes, but she has had it cleared for the safety of the kids. She feels it would be beneficial to the kids and herself to make the expansion.

Chairman Jamison asked if the hopscotch and basketball area would be concrete.

Ms Conerly said that it would be concrete so the kids could play when it was cold or wet. She said she planned to get them some little cars/toys to ride on in that area also.

Chairman Jamison noted that there was a small shed behind the current building, another shed in the front side-yard of the daycare, and a dumpster in front of that. She asked if the parking spots in front were for employees and parents dropping off kids.

Ms. Conerly said her employees would park in the new parking area of the proposed expansion. The parents don't normally park, they just drive through to drop off their kids. Since Covid, she doesn't usually allow anyone in unless it is for Enrollment Open House.

Commissioner Hudson asked Mr. Ankerson what type of material the parking would have to be.

Mr. Ankerson stated that the UDO requires hard surface such as asphalt, concrete, or pavers, unless the applicant gets special permission from the Technical Review Committee to use gravel or limestone. He advised that the first fifteen feet from the road into the property must be hard surface to keep limestone or gravel from spilling out into the roadway.

Chairman Jamison stated that the Commission had done a review regarding what they thought needed to be done regarding the request. In their opinion, they felt that an eight-foot privacy fence needed to be put in all the way around the daycare because it would help keep the noise down for the residents since it is in a residential area. A five-foot

sound buffer on the applicant's side of the fence, made of bushes or something similar, would also help keep the noise down from the kids playing. The dumpster would need to be enclosed with a fence like other businesses are required to have.

Commissioner Ward explained that some of the stipulations the Commission is requesting is to get the daycare up to standards that the commercial use of a daycare would have to have if it were on a commercial lot. In a Commercial District dumpsters have to be enclosed.

Commissioner Hudson thought the dumpster, as is, should be grandfathered in.

Commissioner Ward stated that things could stay as they are, but his understanding was that once they start reviewing the use for an exception to extend what is there, they can review the existing conditions that are there. For instance, the shed that is in the front yard is not allowed in any Residential or Commercial District.

Josh Danos, City Attorney, stated that any of the permanent structures that were grandfathered in before the UDO have a certain amount of protection, but things that are transient like certain structures that didn't get a permit, or something like a dumpster that is not permitted in that area, those types of things are to be addressed by code.

Commissioner Ward asked if it was known whether there were permits issued for the shed or dumpster.

Mr. Ankerson stated that from what he can tell from the district maps the shed in front was placed there sometime between January 1, 2015, and January 1, 2016. There is no permit in the file for that shed.

Commissioner Ward asked if that time period would have been after the Ordinance was in place. If that was the case it would not be grandfathered in.

Chairman Jamison stated that the shed in front would need to be moved to the back because sheds are not allowed in the front yard. The last thing the Commission discussed was to ensure that no vehicles would be parked in front of the building at night. The vans that would be parked in the new parking area overnight would be alright. Chairman Jamison then asked Ms. Conerly which stipulation she wanted to discuss first.

Ms. Conerly said she would do whatever needed to be done.

Commissioner Ward said that by clearing the lot up to the property line no sound buffer was in place. There has to be some kind of sound buffer between the residential homes and the commercial use. It would need to be whatever is required by the Ordinance.

Mr. Ankerson said a transitional landscape buffer is called out depending on what the transition is. Certain districts that abut each other require certain things. Transitioning from a C-3 to an R-1 District is different than going from a C-2 to an R-3. He advised considering the use difference to decide what type of buffer to require.

Ms. Conerly said that once she put the concrete down a fence would have to be put up because of licensing regulations. She would have a fence on all three sides of the daycare. She currently has a chain link fence up on the back and side.

Chairman Jamison asked what the enclosure requirements were for dumpsters.

Mr. Ankerson said for a commercial dumpster it had to be fenced on three sides with six-foot gates in front and shrubs planted around that.

Commissioner McManus asked if the dumpster could be placed somewhere else on the property where the trash people could still get to it.

Ms. Conerly stated that traffic from the daycare didn't interfere with the dumpster being emptied because it is emptied during the night, usually between 2:00 a.m. to 3:00 a.m.

Commissioner Ward said that would be very loud for the residents trying to sleep.

Mr. Ankerson stated there was no requirement that she have a dumpster. She could use regular trash cans.

Kim Riser, who lives directly across the street from the lot where the proposed playground and employee parking will be, stated that she and her husband, Davin Riser, are opposed to the request. She said since the lot has been cleared there is more noise coming from the daycare, and they can see the daycare playground in the backyard now. The daycare was there when they bought their house but since the years have gone on the property has got more commercial. This is a residential area, and they should be able to enjoy their property with peace and quiet, and not have all the traffic that comes and goes all day. She stated that the Ordinance says that a residential area should have well defined boundaries and should be protected from the encroachment of commercial uses and heavy through-traffic and that this is not the case. There are three vans and a personal vehicle that are on the property 24/7. There is a shed and a dumpster in front of the daycare that should be behind the building. They shouldn't have to look at commercial vehicles every day. Also, the dumpster is emptied early in the morning and wakes them. Ms. Riser said that when people come to pick up their children there are usually lines in the road waiting to pull through to get their children and she has had to wait to get past those cars to get into her driveway. She said that putting up a privacy fence and shrubbery is not going to help them if the front of that lot is not fenced in.

Commissioner McManus stated that approving the request with stipulations would probably be better for Mrs. Riser than leaving it as is.

Commissioner Ward stated he would like to know that the parking lot and egress for this building is the same as required for any other commercial business because it sounds like there is a traffic problem.

Mr. Ankerson explained that the Ordinance bases the number of parking spaces required by the use and gross floor area.

Chairman McManus asked how close a fence could be to the property line.

Mr. Ankerson said that it depends on the fence height. If it is four feet or below it can go to the property line.

Chairman Jamison asked Mrs. Riser what she meant earlier when she said that it had become more commercial over the years. Did she mean that there were more children there because her understanding was that fifty children are allowed.

Ms. Conerly said that she had forty-six children, but she can have fifty and it has been that way since the daycare began. It is based on the square footage of the building.

Mrs. Riser said it has become more commercial because of the commercial vehicles in front of the daycare 24/7. There used to never be vehicles there. If they could put a buffer up around the basketball goal and new play area, then she would be OK with the parking lot being open.

Ms. Conerly said that she would do whatever she was required to do. She said that the new parking area will be accessed by the current circular driveway. There will not be a new driveway made.

Carol Wess, who lives directly behind the daycare, said she is not opposed to the request, but she would like to see an eight-foot privacy fence and a plant buffer between her property and the daycare for her privacy. She said she would be opposed to expanding the existing building.

ACTION TAKEN:

Commissioner Ward made a motion to recommend approval of the Special Exception with the following changes: 1) a six foot privacy fence be installed on the three sides that abut other properties. All three sides, and the front sixty-six feet of Lot 27, shall also have a five foot sound buffer per the UDO, 2) no overnight vehicles in front of the building, 3) the shed currently in front of the building must be moved behind the front plane of the structure, 4) the parking square footage must meet requirements of a commercial daycare, 5) no dumpster is allowed on the property, and 6) the sound buffer on the rear must have mature growth of ten feet.

Commissioner McManus seconded the motion, and the following vote was recorded:

AYES: **Kay C. Jamison**
 Josh Ward
 DeAnna McManus
 Maurice Hudson
 Chris Hoover
 William Davis
 Ricky Decoteau

Motion passed.

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2. Consider a request for a one-foot (1') Variance to fence height requirements in a R-1 Low Density Single-Family Residential Zoning District. 725 Graveline Road, (GPC #24-06-VAR)

Scott Ankerson, Planning Director, gave a brief overview of the case.

REQUEST:

The Planning Department has received a request from Stephen and Micki Chodrick for a one-foot (1') Variance to fence height requirements in a R-1 Low Density Single-Family Residential Zoning District at 725 Graveline Road, PID #87100002.000 (GPC #24-06-VAR) The application fee of \$175 was paid on January 5, 2024. All public notice requirements have been met.

BACKGROUND:

The applicants would like to place a five foot (5') open aluminum decorative fence along the front and side yard of their property. This is a corner lot and the area where the applicant proposes to place the fence would be considered a secondary front yard and would need to meet the requirements set forth for fences in a front yard. The Unified Development Ordinance (UDO) Section 11.10.2 (D) states that fences shall not exceed four feet (4') in height within a designated front yard. The applicants will need a one-foot (1') variance to fence height requirements in a front/secondary-front yard.

DISCUSSION:

The applicants would like to put up a five foot (5') open aluminum decorative fence along their front yard which abuts Graveline Road, and along their side yard which abuts Soundview Drive. The side yard that abuts Soundview Drive is considered a secondary front yard. According to the UDO Section 11.10.2 (D) fences cannot exceed four feet (4') in height within a designated front yard. The applicants are asking for a one-foot (1') variance to fence height requirements in a front/secondary-front yard to put up the proposed five-foot (5') fence.

DETERMINATION OF APPLICABLE LAW:

The Unified Development Ordinance (UDO) defines **Variances** as:

A Variance is a relaxation of the terms of the Unified Development Ordinance where such Variance will not be contrary to the public interest and where, owing to conditions peculiar to the property, a literal enforcement of the Ordinance would result in an unnecessary or undue hardship. As used in this Ordinance, a Variance is authorized only for height, area and size of structure, or size of yards, separation of uses, open spaces, off-street parking spaces and some subdivision of property. The establishment or expansion of a use not permitted shall not be allowed by Variance.

The UDO defines **Hardship** as:

Hardship means the unnecessary hardship that would result from a failure to grant the requested variance or special exception. An unnecessary hardship exists if:

- (1) the land in question cannot yield a reasonable return if used only
- (a) for a purpose allowed in that zone (applicable to special exceptions), or
- (b) as permitted by the dimensional requirements of this ordinance (applicable to variances);

- (2) that the plight of the owner is due to unique circumstances of the land for which the variance or special exception is sought; and
- (3) that the use to be authorized by the variance will not alter the essential character of the locality.

UDO SECTION 4.18: Variance

In certain circumstances, a Variance from the dimensional requirements (i.e. height, setbacks, square footage) of this ordinance may be granted if the applicant can prove that because of physical constraints of the property involved, he is not able to build the same type of structure that other persons with the same zoning classification can build. Variances for uses permitted will not be considered in as much as “use Variances” are not legal in the State of Mississippi.

Most Variances must be granted by the City Council; however, certain minor Variances may be granted by the Economic Development Director in accordance with *Section 4.18.3* below.

4.18.1 Who May Initiate

A request for a Variance may be initiated by the property owner or agent of the owner provided that said property has not been denied a previous request for a Variance for the same property or portion of property within the past twelve (12) months.

4.18.2 Application for Variance

Applications for a Variance (from dimensional requirements) may be filed on the appropriate application available from the Economic Development/Planning Department and shall include all requested information, attachments and submittals:

4.18.3 Administrative Variances

The following dimensional variances may be granted by the Economic Development Director at his/her discretion (Note: Within the COR, Corridor Overlay District, applicants shall be required to mitigate a requested dimensional variance in accordance with the Tier Land Use Provisions in Section 5.11):

- A. 30% of required off-street parking spaces and/or
- B. 30% of required setbacks from property lines

4.18.4 Criteria for Approval

The Variance application shall demonstrate the following:

- A. That special conditions and circumstances exist which are peculiar to this particular site (lot or parcel), structure or building involved and which are not applicable to other sites (lots or parcels) or structures or buildings in the same district;
- B. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the provisions of this Ordinance;
- C. That the special conditions and circumstances do not result from actions of the applicant; and

- D. That granting the Variance requested will not confer upon the applicant any special privilege that is denied by this Ordinance to other similar sites (lots or parcels) structures or buildings in the same district.

RECOMMENDATION & CONCLUSION:

If recommending approval, Planning Commission shall record that the evidence presented meets all "Criteria for Approval" from the UDO as listed above.

The Planning Commission may:

1. Recommend that City Council approve the variance request as presented;
2. Recommend that City Council approve the variance request with changes; or
3. Recommend that City Council deny variance request.

Chairman Jamison asked the applicants to present their case. She noted that the fence was already in place.

Micki Chodrick, one of the applicants, stated that they wanted to keep the fence in line with the Twelve Oaks property and Mr. Fondren's property. They also wanted an ornamental fence to make sure they didn't block the view when people were pulling out of Soundview Drive. The other property's fences are over six feet, but they only wanted to go five feet.

Stephen Chodrick, the other applicant, stated that they have grandchildren and dogs they want to protect because Graveline Road is a very busy road. They also wanted to keep in line with what Twelve Oaks and Mr. Fondren had up. He said he also wanted something that would be sturdy against any strong winds. Because Graveline Road is such a busy road, they had put the fence back off the property line so there would be a clear view when pulling out of Soundview Drive.

Chairman Jamison noted that a letter was on file from Mr. Fondren saying he had no objection to the requested variance.

Commissioner Davis said he wasn't sure what the hardship was on this case.

Commissioner Ward said that it was an extremely busy road and the safety concern for the individuals of the house could be a hardship.

Commissioner Davis stated that having looked at the fence, he felt that the visibility was somewhat marginal. He also said he wasn't sure about approving a variance to a fence in the front after construction, although Mr. Ankerson said they had done so previously.

Commissioner Ward reminded him about a fence they approved a few years ago off Hastings Road. It was for a one-foot variance where the applicant had put up a five-foot fence to join with the neighbor's existing fence and the applicant was trying to keep with the design of the existing fence.

Chairman Jamison stated the fence would be harmonious with the area because other people in the area have a similar fence.

Commissioner Davis said he was trying to decide what made this situation unique.

Commissioner Ward noted that a four-foot wooden privacy fence would be allowed by right.

Mr. Ankerson said that a four-foot fence could go there but would have to meet the site line triangle. He noted that the site line triangle isn't usually considered if you are not dealing with an opaque fence.

Commissioner Davis said that in his opinion a fence because of a busy road clearly could be a hardship but he didn't see where having a five-foot fence was better than a four-foot fence. He was also a little concerned about whether it matched the rules concerning how close to the edge of the road it could be for clear visibility. He suggested that for the Council's information a measurement be made to determine if this fence meets the site line triangle that a four-foot solid fence would have to meet.

There were none in attendance speaking in opposition of the request.

ACTION TAKEN:

Chairman Jamison made a motion to recommend that the City Council approve the variance request as presented with there being a hardship because of it being a busy street, that the site line is not an issue because you can see through the fence, and the fence protects pets and children that may be in the yard as well as the safety of the applicant's home.

Commissioner Ward seconded the motion, and the following vote was recorded:

AYES:	Kay C. Jamison
	Joshua Ward
	Maurice Hudson
	Chris Hoover
	Ricky Decoteau
NAYS:	William Davis
ABSENT:	DeAnna McManus*

Motion passed.

*Note: Commissioner McManus had to leave the meeting after the previous case.

3. Nominations for the Larry Moran Excellence Award for 2023.

Chairman Jamison asked for nominations for the Larry Moran Excellence Award for 2023.

Commissioner Ward nominated Meredith Dickerson owner of Black Door Boutique and State Farm Insurance. He stated that she had done a great job with her business and that she is a great supporter of the community. He also nominated Riverside Auto Sales stating that they are also a big supporter of the community and are improving their site by taking down some older accessory buildings on their property and putting up newer ones.

Commissioner Hudson nominated O'Pink's Sweets Treats and More.

Chairman Jamison stated that Meredith Dickerson donates a lot of money to the school district for cheerleading, band, and football.

Commissioner Ward stated that Ms. Dickerson arranged something with her boutique for girls that didn't have prom dresses and allowed them to shop free of charge for one. She partnered with last year's recipient Monica Mingo, who owns That Gumbo Life, on this project.

Chairman Hudson stated that O'Pink's helps their church, as well as others in the community, when they need a cake for an event or something. She is also beginning to expand her business.

Chairman Jamison agreed that she has heard great things about O'Pink's. She also noted that Riverside Auto Sales is making changes to improve their business site and are a successful business.

Chairman Jamison asked for a vote on the nominees. Meredith Dickerson, owner of Black Door Boutique and State Farm Insurance, was voted to be the recipient of the Larry Moran Excellence Award for 2023.

GENERAL DISCUSSION

A. PREVIOUS CASE UPDATES

Mr. Ankerson advised Commissioners that City Council approved the three cases from the January 4, 2024, meeting.

B. PERMIT & TRC REPORT

Mr. Ankerson advised Commissioners that the computers were down, and January's report would be presented at next month's meeting.

Commissioner Ward made a motion to adjourn the meeting.

Commissioner Decoteau seconded the motion, and the following vote was recorded:

AYES: **Kay C. Jamison**
 Josh Ward
 Marcus Hudson
 Chris Hoover
 William Davis
 Ricky Decoteau

ABSENT: **DeAnna McManus**

Motion Passed.

APPROVED BY:

Scott Ankerson
Planning Director/Building Official

DATE: _____

Kay C. Jamison, Chairman
Gautier Planning Commission

DATE: _____

BACKUP DOCUMENTATION

Gautier Planning Commission

Regular Meeting Agenda

February 1, 2024

GPC #24-05-SE

Jackie Conerly

dba

Divine Inspirations Learning Center

3005 Holly Drive

VII. NEW BUSINESS

1. Consider a request for a Special Exception that would allow an expansion of an existing Child Care Center, Commercial, located in a R-1 Low Density Single-Family Residential Zoning District. 3005 Holly Drive, (GPC #24-05-SE)

CITY OF GAUTIER STAFF REPORT

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: January 19, 2024

Subject: Consider a request for a Special Exception that would allow an expansion of an existing Child Care Center, Commercial, located in a R-1 Low Density Single-Family Residential Zoning District. 3005 Holly Drive, (GPC #24-05-SE)

REQUEST:

The Planning Department has received a request from Jackie Conerly dba Divine Inspirations Learning Center for a Special Exception that would allow an expansion of an existing Child Care Center, Commercial, located in a R-1 Low Density Single-Family Residential Zoning District at 3005 Holly Drive. PID #85455022.000 & #85455024.000 (GPC #24-05-SE). The application fee of \$250 was paid on January 11, 2024. All public notice requirements have been met.

BACKGROUND:

The request property is zoned R-1 Low Density Single-Family Residential.

1. Location: 3005 Holly Drive, PID #85455022.000 & #85455024.000 (See Exhibit A)
2. General features of the proposed project:
Existing Daycare
Total Lot Size (both lots): approximately 0.71 acres
3. Potable Water and Wastewater Services: Existing at current location
4. Current Zoning (See Exhibit B): R-1 Low Density Single-Family Residential
5. Current Surrounding Zoning (See Exhibit B): R-1 Low Density Single-Family Residential
6. Current Surrounding Existing Land Use (See Exhibit C): Vacant, and Very Low to Low Density Residential.
7. Comprehensive Plan Future Land Use Designation (See Exhibit D): Low Density Residential.

DISCUSSION:

The following addresses the review criteria for a Special Exception outlined in Section 4.16.4 of the UDO.

1. Explain how a literal interpretation of the City of Gautier's Unified Development Ordinance would deprive the applicant of rights commonly enjoyed by others of the district in which the property is located, and would work unnecessary hardship upon the applicant?

Applicant Response: Existing daycare has been here in Gautier over 20 years.

Staff Finding: There are other Child Care facilities currently operating within this district.

2. Explain how the requested Special Exception will be in harmony with the purpose of the City of Gautier's Unified Development Ordinance and will not be injurious to the neighborhood or the general welfare?

Applicant Response: Existing daycare has been here in Gautier for over 20 years.

Staff Finding: The existing daycare has been at this location for many years. Staff's opinion is that approval of the request may not negatively affect the neighborhood as long as any such expansion will not result in an increase in traffic to and from the facility.

3. Explain how the special circumstances requiring the proposed Special Exception are not results of actions of the applicant.

Applicant Response: Existing daycare. Proposed for safety of the children and parking for employees.

Staff Finding: None

DETERMINATION OF APPLICABLE LAW:

1. The UDO defines a Special Exception as a relaxation of the terms of the Unified Development Ordinance where such an exception will not be contrary to the public interest, and where, owing to conditions peculiar to the property, a literal enforcement of the ordinance would result in undue hardship. Special Exceptions are necessary when an applicant seeks to establish or expand a use not ordinarily permitted in a specific zoning district. "Special Exceptions" are not transferable from one (1) owner of land to another.
2. Special Exception requires a public hearing before the Planning Commission and approval by the City Council (Section 4.14 of the UDO).
3. Once an application for a Special Exception is submitted to the Planning Department, the procedures outlined in UDO Section 4.14.1 will be followed.

At the appropriate time, The Planning Commission will conduct a public hearing to determine whether the applicant meets all relevant criteria, and make a recommendation to City Council pursuant to UDO Section 4.14.4. City Council, pursuant to UDO Section 4.14.4(C), will then consider the matter at its next regularly scheduled meeting and approve or deny the Special Exception.

4. A Special Exception is required for uses not ordinarily permitted in a specific zoning district. Special Exceptions are not permitted by right, and may only be granted when certain criteria are established. (4.16.4)
5. Special Exceptions do not run with the land, and may be revoked by the Planning Department if any of the following circumstances are discovered:
 - A. The property changes ownership
 - B. The property is being utilized in a manner not permitted under the zoning regulations or the special exception; or
 - C. The property ceases to be used for the purpose allowed in the Special Exception for a period of one hundred eighty (180) days during the existence of the Special Exception.

The UDO defines **Hardship** as:

Hardship means the unnecessary hardship that would result from a failure to grant the requested variance or special exception. An unnecessary hardship exists if:

- (1) the land in question cannot yield a reasonable return if used only
 - (a) for a purpose allowed in that zone (applicable to special exceptions), or
 - (b) as permitted by the dimensional requirements of this ordinance (applicable to variances);
- (2) that the plight of the owner is due to unique circumstances of the land for which the variance or special exception is sought; and
- (3) that the use to be authorized by the variance will not alter the essential character of the locality.

RECOMMENDATION & CONCLUSION:

If recommending approval, Planning Commission shall record that the evidence presented meets the "Criteria for Approval" from the UDO as listed above.

The Planning Commission may:

1. Recommend that City Council approve the Special Exception;
2. Recommend that City Council approve the Special Exception with changes; or
3. Recommend that City Council deny the Special Exception.

ATTACHMENTS:

1. Applicant's Exhibit 1 – Application
2. City's Exhibit A – Location Map
3. City's Exhibit B – Existing Zoning Map
4. City's Exhibit C – Existing Land Use Map
5. City's Exhibit D – Future Land Use Map

PLANNING DEPARTMENT
GAUTIER, MISSISSIPPI

SPECIAL EXCEPTION HEARING APPLICATION

Public Hearing Number

24-05-SE

TYPE OF REQUEST:	FEE:
Special Exception	\$251.00
*Includes \$1.00 filing fee per MS Code §25-60-5	

Special Exception— These uses are not allowed by right and **require** a recommendation by the Planning Commission and approval of the City Council.

Name of Applicant: Jackie Conerly

Name of Business: Divine Inspirations Learning Center

Address: 3005 Holly Dr Gautier, MS 39553

Mailing Address (if different): _____

Email Address: Conerly43@aol.com divineinspirationslc@outlook.com

Phone: 228-497-3222 Cell Phone: 228-235-9007

Reason for request, location and intended use of Property: Expand Day care / for parking + Placing a Basketball goal there + Hopscotch area for the children to play.

ATTACHMENTS REQUIRED AS APPLICABLE:

- ☒ 1. Diagram of intended use, showing dimensions and distances of property, building with setbacks, parking spaces, entrances and exits.
- ☒ 2. Legal descriptions and street address.
- ☒ 3. A detailed project narrative that also addresses the questions on the "Criteria for Approval" page of this application.
- NA 4. Copy of protective covenants or deed restrictions, if any.
- NA 5. Copies of approvals, or requests for approval, from other agencies, such as, but not limited to, the Mississippi State Department of Health, U.S. Army Corp of Engineers, Mississippi Department of Environmental Quality and Department of Marine Resources.
- NA 6. Any other information requested by the Planning Director.
- NA 7. Owner's Consent form if anyone other than 100% sole owner makes application (see attached).

Signature of Applicant: Jackie Conerly

FOR OFFICE USE ONLY

Date Received 1/11/24 Verify as Complete Babs

Fee Amount Received paid online - advertised on CLE

Initials of Employee Receiving Application Babs

SPECIAL EXCEPTION

Criteria for Approval Special Exception

- A. Explain how a literal interpretation of the City of Gautier's Unified Development Ordinance would deprive the applicant of rights commonly enjoyed by others of the district in which the property is located, and would work unnecessary hardship upon the applicant? *Existing daycare been here in Gautier over 20 years.*
- B. Explain how the requested Special Exception will be in harmony with the purpose and intent of the City of Gautier's Unified Development Ordinance and will not be injurious to the neighborhood or the general welfare? *Existing daycare been here in Gautier for over 20 years.*
- C. Explain how the special circumstances requiring the proposed Special Exception are not results of actions of the applicant? *Existing daycare for Safety of the Children and parking for employees.*

Special Exception

Divine Inspirations Learning Center
3005 Holly Drive
Gautier, MS 39553
228-497-3222

Petitioners Mrs. Jackie Conerly, resident and owner of the above property to apply to the City of Gautier, Planning Dept for Special Exception Use.

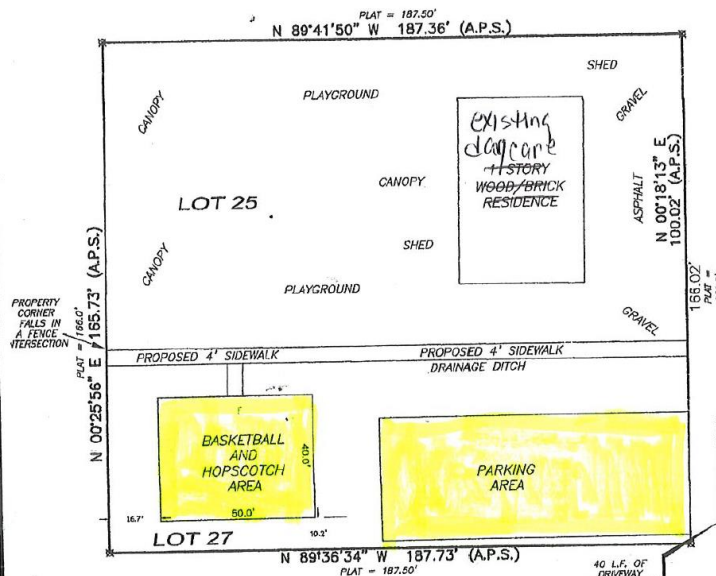
I Jackie Conerly currently owns the childcare program under the name of Divine Inspirations Learning Center. The program is licensed for (50) children ages 6 weeks to the age of 12.

The program provides early care and educational activities for infants, toddlers, preschoolers, and school age children after care. To enhance their social, emotional, cognitive, language and physical development.

Divine Inspirations Learning Center is well known program in the Jackson County area. Parents and guardians are extremely satisfied knowing that their child/children are well taken care of when they are at work.

There is a great need for the Special Exception for the safety and well being for the children. The children will have a play area when the grounds are wet from the weather. The employees will have parking for their vehicles. The property was cleared for the children safety. The addition will bring a positive impact to the community. The children are our future. Every worker is required a criminal background check before employment.

Will the project adversely affect vehicular or pedestrian traffic in the vicinity? No, Holly Drive is a circle driveway the parents can turn left or go right that brings the driver back to Old Spanish Trail.



HOLLY DRIVE
PUBLIC ASPHALT SURFACE

- LEGEND:**
- | | | | |
|--------|------------------------------------|----|---|
| ⊗ | 1/2" IRON ROD FOUND (UNLESS NOTED) | FH | --- FIRE HYDRANT |
| ⊙ | IRON PIPE FOUND (DIP) SIZE VALUES | W | --- WATER VALVE |
| ⊖ | 1/2" IRON ROD SET W/DIP (HS) | U | --- UTILITY WITNESS POST |
| ⊕ | RAIL ROAD SPIKE/ NAIL FOUND | ⊗ | --- SEWER WHORLE |
| ⊙ | FENCE POST | ⊕ | --- CONTROL POINT |
| ⊖ | CONCRETE MONUMENT FOUND | S | --- SEWER |
| ⊙ | IRON OR FORMERLY | W | --- WATER |
| ⊖ | STAKE SET | G | --- GAS |
| A.P. | AS PER RECORD | FO | --- UNDERGROUND FIBER OPTIC |
| A.P.S. | AS PER SURVEY | ⊙ | --- EXISTING SPOT ELEVATION (GLA.D, '86 VERTICAL DATUM) |
| A.P.S. | AS PER PREVIOUS SURVEY | | |
| PLAT | DIMENSIONS ON RECORD PLAT | | |
| P.O.B. | POINT OF BEGINNING | | |
| P.O.C. | POINT OF COMMENCEMENT | | |
| ⊗ | BARBED WIRE (FIELD) FENCE LINE | | |
| ⊙ | WOOD/CHAIN LINK FENCELINE | | |
| ⊖ | POKER POLE | | |
| W | UNDER GROUND WATER | | |
| --- | SUBJECT PROPERTY LINE | | |
| E | OVER HEAD ELECTRIC | | |
| ⚡ | NOT TO SCALE | | |

THE FOLLOWING SURVEY IS BASED ON THE MISSISSIPPI STATE PLANE COORDINATE SYSTEM, GRID NORTH (NAD 83-2011: MISSISSIPPI EAST ZONE), ALL IN GRID DISTANCES AND DIRECTIONS AND HAVING STATE PLANE COORDINATE VALUES OF (NORTHING = 321885.51' EASTING = 1045879.98') IN U.S. SURVEY FEET USING A CONVERGENCE ANGLE OF 00°05'54.76" AND A SCALE FACTOR OF 0.99995432 AT A 1/2" IRON ROD FOUND WITH CAP "ALDRED" AT THE NORTHEAST CORNER OF LOT 25, HOLLY PARK S/D, JACKSON COUNTY, MISSISSIPPI AND IS BASED ON A SURVEY PERFORMED BY LARRY P. SAUCIER, MISSISSIPPI REGISTRATION NUMBER 2939 DATED OCTOBER 19, 2023.

SURVEYOR'S NOTES:
-SURVEYOR HAS NOT PERFORMED AN INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE CHANGES, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
-VARIATIONS BETWEEN RECORD CALLS AND SURVEY CALLS ARE DUE TO AN EXCESS OR SHORTAGE BETWEEN FOUND MONUMENTS AND OBSERVED POSSESSION LINES AS WELL AS FIELD SURVEY COLLECTION PROCEDURES.
-UTILITY LOCATIONS INCLUDE ABOVE GROUND, THOSE APPARENT, AS WELL AS REASONABLY ACCESSIBLE LOCATIONS ON EXISTING UTILITY AND DRAINAGE FEATURES OBTAINED DURING FIELD SURVEY.
-THIS SURVEY IS SUBJECT TO ALL APPLICABLE GOVERNMENTAL REGULATIONS, BUILDING OR OTHER RESTRICTIONS, LEGAL RESTRICTIONS OF ANY NATURE AND FURTHER SUBJECT TO ANY AND ALL EASEMENTS, RESTRICTIVE COVENANTS, AND RIGHT-OF-WAYS OF RECORD.

REFERENCES:
1.) JACKSON COUNTY PROPERTY/TAX MAPS
2.) DEED OF SUBJECT PROPERTY AND AD JOINERS AS FURNISHED BY CLIENT.
3.) THE FOLLOWING ADDITIONAL REFERENCES:
RECORDED PLAT OF HOLLY PARK SUBDIVISION FOUND AT PLAT BOOK 4, PAGE 59 IN THE OFFICE OF THE CHANCERY CLERK OF JACKSON COUNTY, MS.
SURVEY OF SUBJECT PROPERTY BY LEWIS ALDRED, JR. DATED DECEMBER 7, 2021.

FLOOD DATA This property is in Zone(s) 2022C-DIVIDE of the Flood Insurance Rate Map Community Panel No. 2022C-DIVIDE of JACKSON COUNTY, MISSISSIPPI. This map is not to be used for determining flood hazard areas. Flood insurance coverage is not available in areas determined to be in a flood hazard area. Flood insurance coverage is not available in areas determined to be in a flood hazard area. Flood insurance coverage is not available in areas determined to be in a flood hazard area.



925 TOMMY MUNRO
DRIVE,
SUITE G, BILOXI, MS
39532
228-365-2350

A RE-SURVEY LOTS 26 AND 27, HOLLY PARK
SUBDIVISION LOCATED AT PLAT BOOK 4, PAGE
59, OFFICE OF THE CHANCERY CLERK,
JACKSON COUNTY, MISSISSIPPI.

FOR: JACKIE
CONERLY

DRAWING NO. 823-10-040
DATE OF FIELD SURVEY:
OCTOBER 19, 2023

85455022.000 CONERLY JACKIE

PIDN: 85455022.000

GISP: 777.36-04-0091.00

Owner Information

Percent of Ownership: 100

Name: CONERLY JACKIE

Name 2:

Mailing Address: 3005 HOLLY DR

GAUTIER MS

39553

Site Address: 3005 HOLLY DR GAUTIER

Land Information

Section: 36

Acreage: 0

Township: 7

Range: 7

Street Name HOLLY
DR

Value and Tax Information

Total Assessed Value: 8326

Total Appraised Value: 55508

Improvement Value: 47468

Land Value: 8040

Tax Amount: 1197

SQ FT: 2400

Year Built: 1978

Legal Description

Description: LOT 25 HOLLY PARK S/D PB 4-59 DB

1874-650 (91 MAP777.36-04)

Deed Book / Page: 1874 / 650

85455022.000 CONERLY JACKIE



Jackson County GIS

85455024.000 CONERLY JACKIE

PIDN: 85455024.000

GISP: 777.36-04-0092.00

Owner Information

Percent of Ownership: 100

Name: CONERLY JACKIE

Name 2:

Mailing Address: 3005 HOLLY DR
GAUTIER MS
39553

Site Address: HOLLY DR GAUTIER

Land Information

Section: 36 Acreage: 0

Township: 7

Range: 7

Street Name HOLLY
DR

Value and Tax Information

Total Assessed Value: 477

Total Appraised Value: 3180

Improvement Value: 0

Land Value: 3180

Tax Amount: 68

SQ FT: 0

Year Built: 0

Legal Description

Description: LOT 27 HOLLY PARK S/D PB 4-59 DB
1874-650 (92 MAP777.36-04)

Deed Book / Page: 1874 / 650

85455024.000 CONERLY JACKIE



Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department

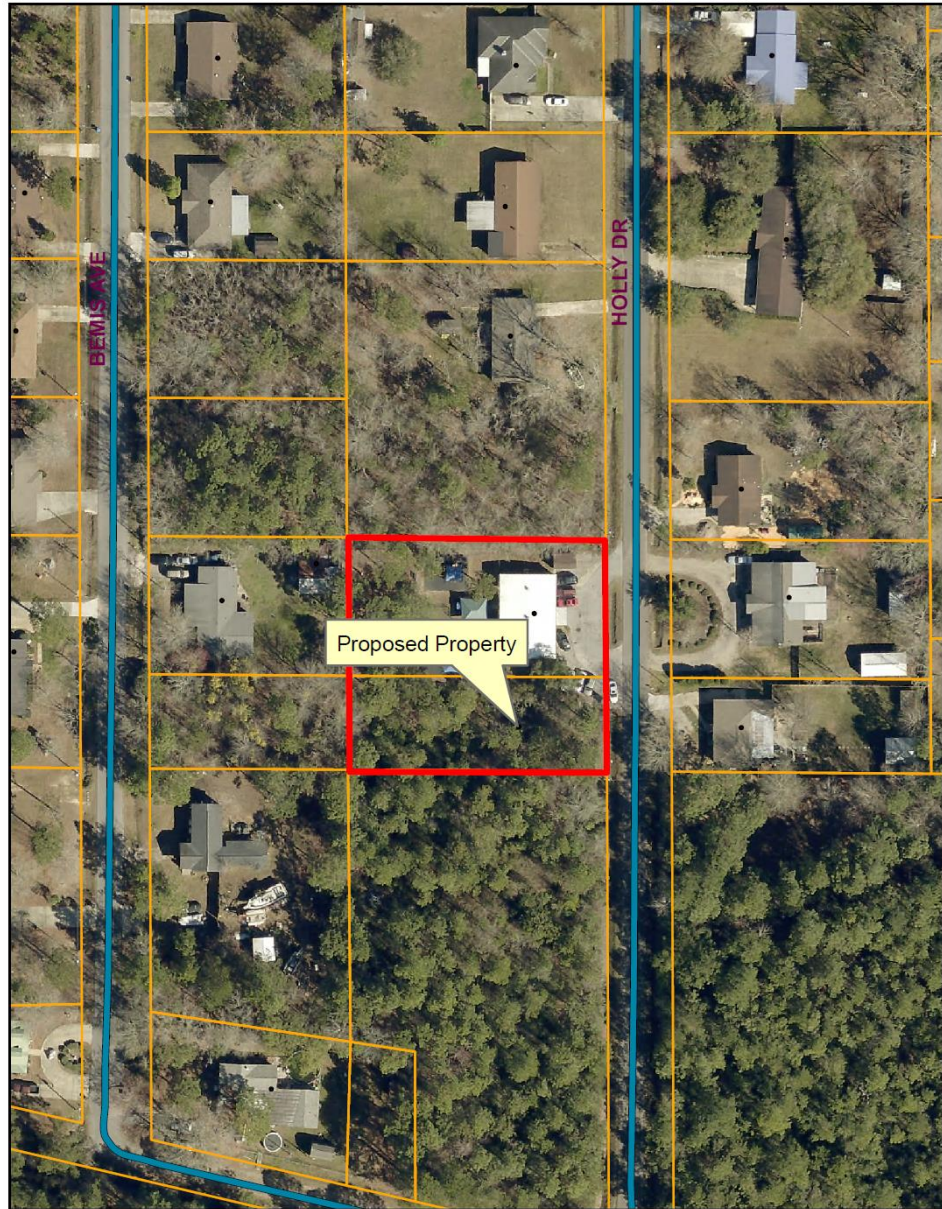


Exhibit B Existing Zoning

Prepared by:
City of Gautier
Planning Department

Legend

Zoning

ZONECODE

	AG
	C-1
	C-2
	C-3
	I-2
	MURC-1
	MURC-2
	MURC-MW
	PL
	PUD
	R-1
	R-2
	R-3
	RE
	TC

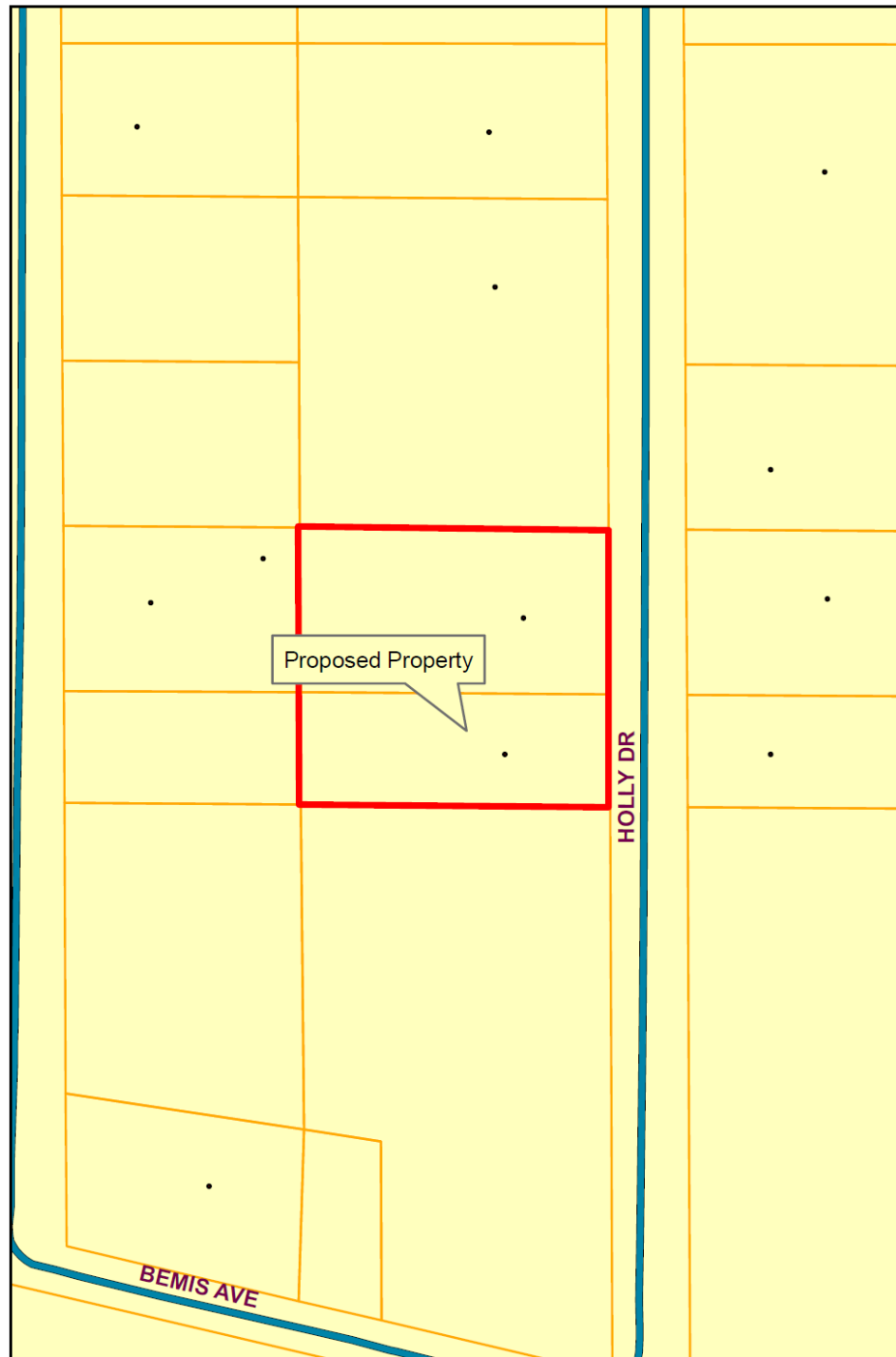


Exhibit C

Existing Land-Use

Prepared by:
City of Gautier
Planning Department

Legend

EXISTING LAND USE

ELU_08

- commercial-retail
- conservation
- civic
- industrial
- marina/fish camps
- high density residential
- mobile home
- mobile home park
- medium density residential
- office
- recreation
- very low to low density residential
- utility
- vacant

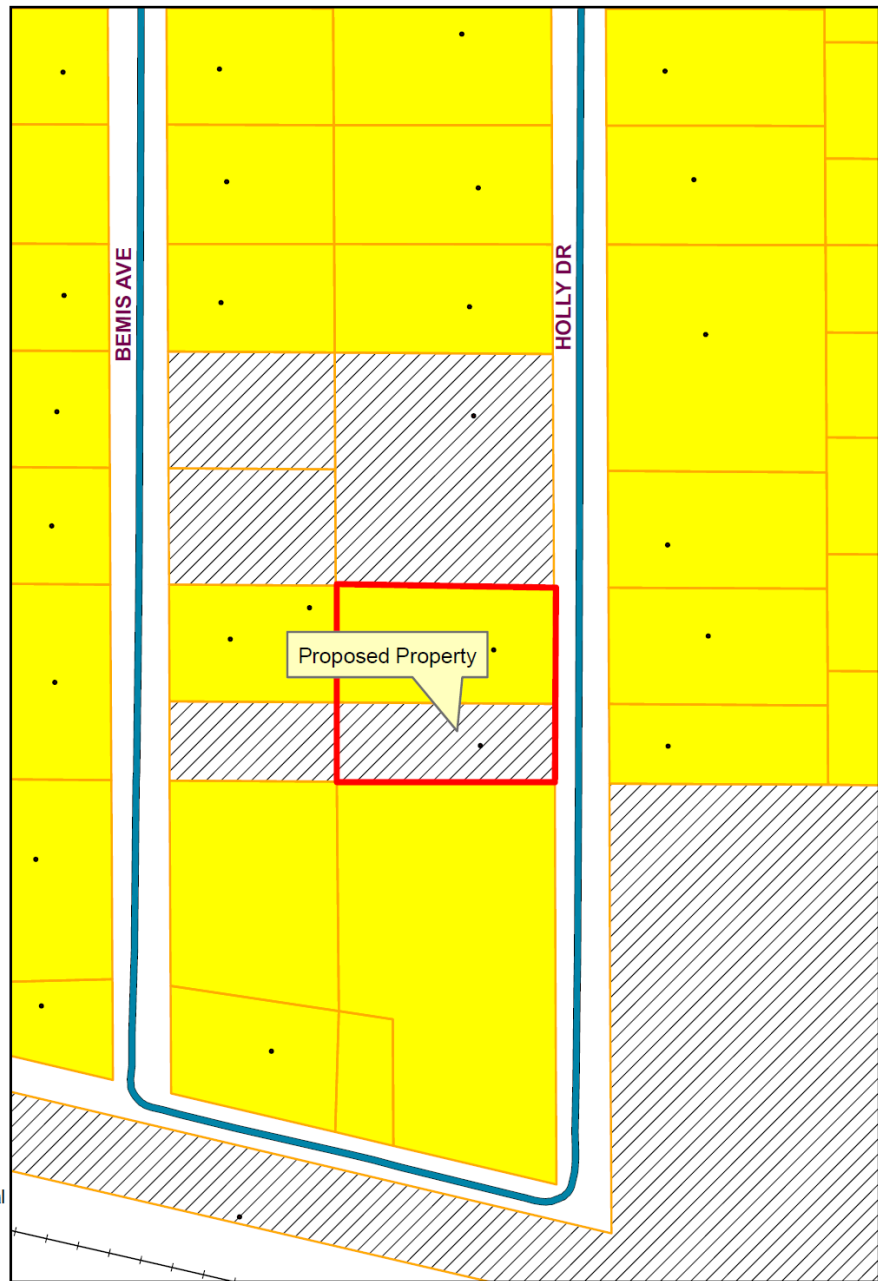


Exhibit D

Future Land-Use

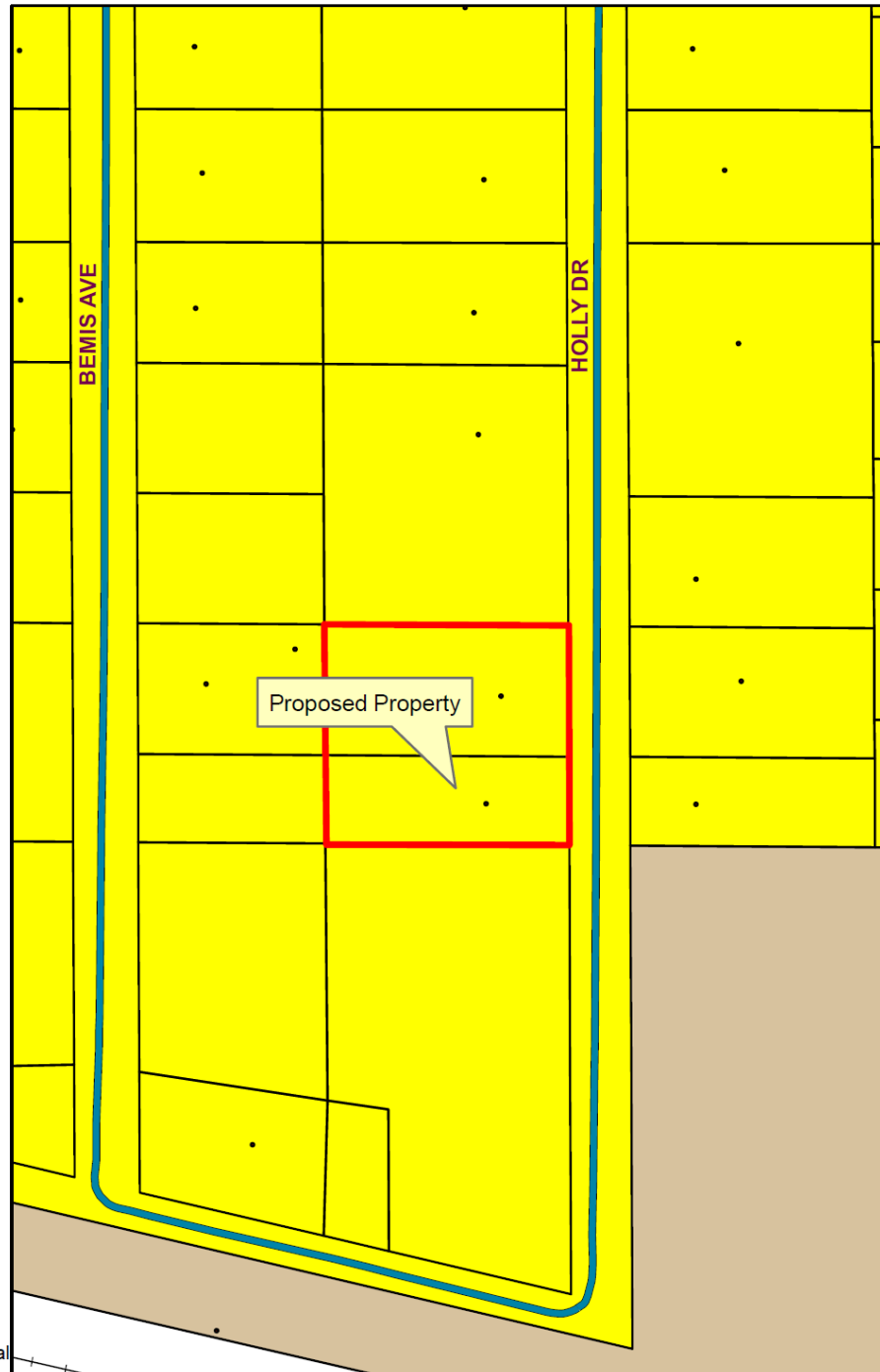
Prepared By:
City of Gautier
Planning Department

Legend

FUTURE LAND USE

FLU_Class

-  Civic
-  high impact commercial
-  Conservation
-  High Density Residential
-  Industrial
-  Low Density Residential
-  Medium Density Residential
-  Mobile Home Residential
-  low impact Commercial
-  Recreational
-  recreational commercial
-  Regional Scale Commercial
-  mixed use residential
-  Town Center
-  Very Low Density Residential



Gautier Planning Commission

Regular Meeting Agenda

February 1, 2024

GPC #24-06-VAR

725 Graveline Road

VII. NEW BUSINESS

2. Consider a request for a one-foot (1') Variance to fence height requirements in a R-1 Low Density Single-Family Residential Zoning District. 725 Graveline Road, (GPC #24-06-VAR)

CITY OF GAUTIER

STAFF REPORT

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: January 19, 2024

Subject: Consider a request for a one-foot (1') Variance to fence height requirements in a R-1 Low Density Single-Family Residential Zoning District. 725 Graveline Road, PID #87100002.000 (GPC #24-06-VAR)

REQUEST:

The Planning Department has received a request from Stephen and Micki Chodrick for a one-foot (1') Variance to fence height requirements in a R-1 Low Density Single-Family Residential Zoning District at 725 Graveline Road, PID #87100002.000 (GPC #24-06-VAR) The application fee of \$175 was paid on January 5, 2024. All public notice requirements have been met.

BACKGROUND:

The applicants would like to place a five foot (5') open aluminum decorative fence along the front and side yard of their property. This is a corner lot and the area where the applicant proposes to place the fence would be considered a secondary front yard and would need to meet the requirements set forth for fences in a front yard. The Unified Development Ordinance (UDO) Section 11.10.2 (D) states that fences shall not exceed four feet (4') in height within a designated front yard. The applicants will need a one-foot (1') variance to fence height requirements in a front/secondary-front yard.

DISCUSSION:

The applicants would like to put up a five foot (5') open aluminum decorative fence along their front yard which abuts Graveline Road, and along their side yard which abuts Soundview Drive. The side yard that abuts Soundview Drive is considered a secondary front yard. According to the UDO Section 11.10.2 (D) fences cannot exceed four feet (4') in height within a designated front yard. The applicants are asking for a one-foot (1') variance to fence height requirements in a front/secondary-front yard to put up the proposed five-foot (5') fence.

DETERMINATION OF APPLICABLE LAW:

The Unified Development Ordinance (UDO) defines **Variances** as:

A Variance is a relaxation of the terms of the Unified Development Ordinance where such Variance will not be contrary to the public interest and where, owing to conditions peculiar to the property, a literal enforcement of the Ordinance would result in an unnecessary or undue hardship. As used in this Ordinance, a Variance is authorized only for height, area and size of structure, or size of yards, separation

of uses, open spaces, off-street parking spaces and some subdivision of property. The establishment or expansion of a use not permitted shall not be allowed by Variance.

The UDO defines **Hardship** as:

Hardship means the unnecessary hardship that would result from a failure to grant the requested variance or special exception. An unnecessary hardship exists if:

- (1) the land in question cannot yield a reasonable return if used only
 - (a) for a purpose allowed in that zone (applicable to special exceptions), or
 - (b) as permitted by the dimensional requirements of this ordinance (applicable to variances);
- (2) that the plight of the owner is due to unique circumstances of the land for which the variance or special exception is sought; and
- (3) that the use to be authorized by the variance will not alter the essential character of the locality.

UDO SECTION 4.18: Variance

In certain circumstances, a Variance from the dimensional requirements (i.e. height, setbacks, square footage) of this ordinance may be granted if the applicant can prove that because of physical constraints of the property involved, he is not able to build the same type of structure that other persons with the same zoning classification can build. Variances for uses permitted will not be considered in as much as “use Variances” are not legal in the State of Mississippi.

Most Variances must be granted by the City Council; however, certain minor Variances may be granted by the Economic Development Director in accordance with *Section 4.18.3* below.

4.18.1 Who May Initiate

A request for a Variance may be initiated by the property owner or agent of the owner provided that said property has not been denied a previous request for a Variance for the same property or portion of property within the past twelve (12) months.

4.18.2 Application for Variance

Applications for a Variance (from dimensional requirements) may be filed on the appropriate application available from the Economic Development/Planning Department and shall include all requested information, attachments and submittals:

4.18.3 Administrative Variances

The following dimensional variances may be granted by the Economic Development Director at his/her discretion (Note: Within the COR, Corridor Overlay District, applicants shall be required to mitigate a requested dimensional variance in accordance with the Tier Land Use Provisions in Section 5.11):

- A. 30% of required off-street parking spaces and/or
- B. 30% of required setbacks from property lines

4.18.4 Criteria for Approval

The Variance application shall demonstrate the following:

- A. That special conditions and circumstances exist which are peculiar to this particular site (lot or parcel), structure or building involved and which are not applicable to other sites (lots or parcels) or structures or buildings in the same district;
- B. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the provisions of this Ordinance;
- C. That the special conditions and circumstances do not result from actions of the applicant; and
- D. That granting the Variance requested will not confer upon the applicant any special privilege that is denied by this Ordinance to other similar sites (lots or parcels) structures or buildings in the same district.

RECOMMENDATION & CONCLUSION:

If recommending approval, Planning Commission shall record that the evidence presented meets all “Criteria for Approval” from the UDO as listed above.

The Planning Commission may:

- 1. Recommend that City Council approve the variance request as presented;
- 2. Recommend that City Council approve the variance request with changes; or
- 3. Recommend that City Council deny variance request.

ATTACHMENTS:

- 1. Applicant’s Exhibit 1 – Application
- 2. City’s Exhibit A – Location Map
- 3. City’s Exhibit B – Existing Zoning Map
- 4. City’s Exhibit C – Existing Land Use Map
- 5. City’s Exhibit D – Future Land Use Map

GAUTIER, MISSISSIPPI

PLANNING DEPARTMENT
PUBLIC HEARING APPLICATION

Public Hearing Number

24-06-VAR

TO BE HEARD BY GAUTIER PLANNING COMMISSION:

FEE:

Variance

\$176.00

*Includes \$1.00 filing fee per MS Code §25-60-5

Name of Applicant: STEPHEN & MICKI CHODRICK

Name of Business: _____ Phone: 417-850-1511

Property Address: 725-GRAVELINE Mailing Address (if Different): _____

E-Mail Address: swchodrick@attglobal.net

Reason for request, location and intended use of Property: VARIANCE FOR FENCE HEIGHT ON
PROPERTY. - 1 ft VARIANCE

ATTACHMENTS REQUIRED AS APPLICABLE:

- X 1. Diagram of intended use, showing dimensions and distances of property, building with setbacks, parking spaces, entrances and exits.
- X 2. A detailed project narrative.
- N/A 3. Copy of protective covenants or deed restrictions, if any.
- N/A 4. Copies of approvals, or requests for approval, from other agencies, such as, but not limited to, the Mississippi State Department of Health, U.S. Army Corp of Engineers, Mississippi Department of Environmental Quality and Department of Marine Resources.
- N/A 5. Any other information requested by the Planning Director.

Signature of Applicant: Adya Chodrick Date of Application: 1/5/23

FOR OFFICE USE ONLY

Date Received 1-5-24 Verify as Complete SOH

Fee Amount Received 176.00 Initials of Employee Receiving Application Bals

VARIANCE

Criteria for Approval

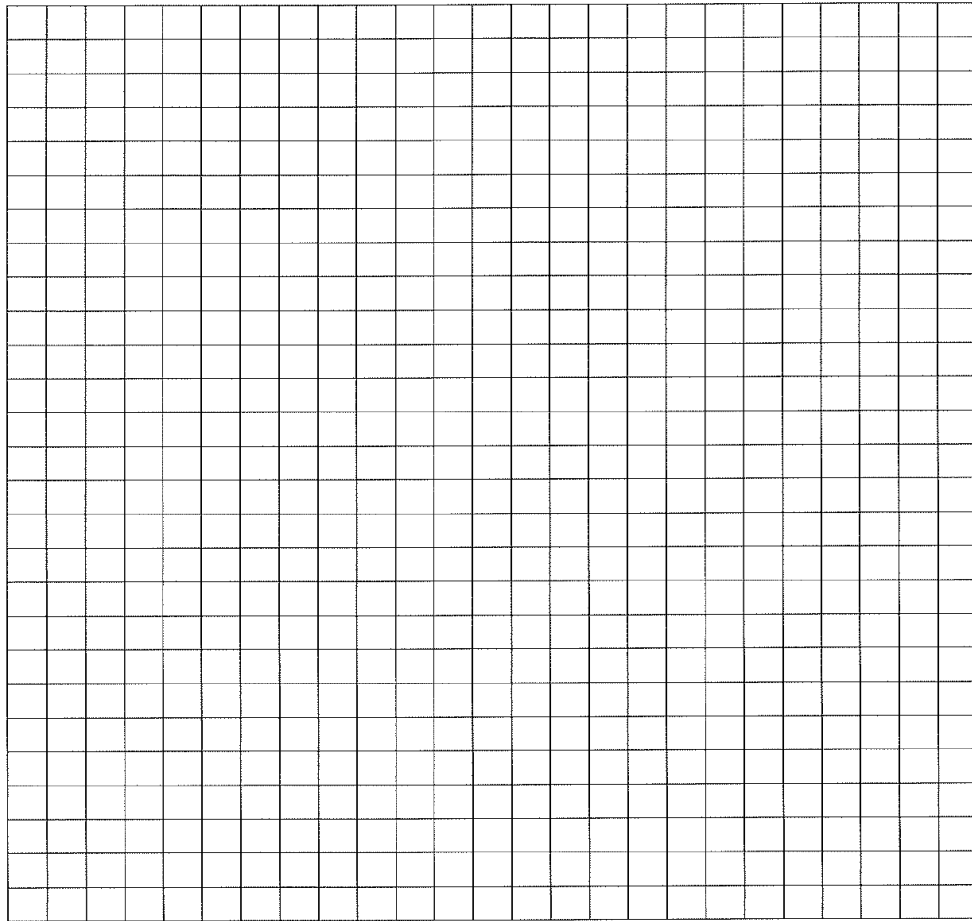
1. What special conditions and circumstances exist which are peculiar to this particular site (lot or parcel), structure or building involved and which are not applicable to other sites (lots or parcels), or structures or buildings in the same district?
NEW FENCE IS CONSISTENT WITH NEIGHBOR'S FENCE THAT IS OPEN IN DESIGN AND DOES NOT OBSTRUCT VIEW. OTHER FENCES IN PROXIMITY ARE SIMILAR AND THE NEIGHBORS ARE IN APPROVAL WITH THIS FENCE.
2. Are these special conditions and circumstances a result of your actions? Explain.
A FENCE IS NEEDED OF THIS HEIGHT BECAUSE OF TRAFFIC ON GRAVELINE TO PROTECT OUR GRANDCHILDREN AND PET DOGS. WE CHOSE A FENCE THAT IS CONSISTENT WITH OUR NEIGHBORS AND DOES NOT OBSTRUCT DRIVERS VIEW FROM THE STREET. FENCE IS SET BACK INSIDE PROPERTY LINE.
3. How will the literal interpretation of the provisions of this Ordinance deprive you of rights commonly enjoyed by other properties in the same district under the provisions of this Ordinance? Explain. WE BELIEVE THE 5ft FENCE HEIGHT IS A SECURITY MEASURE FOR OUR HOME.
4. Will the granting of the Variance requested confer upon you any special privilege that is denied by this Ordinance to other similar sites (lots or parcels), structures or buildings in the same district? Explain. NONE KNOWN.

NARRATIVE

WE ARE REQUESTING A VARIANCE FOR A 5 FT
OPEN ALUMINUM DECORATIVE FENCE TO BE
PLACED ON THE FRONT YARD OF OUR PROPERTY
OF 725 GRAVELINE. THE FENCE IS CONSISTENT
WITH OUR NEIGHBOR'S FENCE AND OUR NEIGHBOR
SUPPORTS THIS FENCE. THE DESIGN OF THE FENCE
IS OPEN AND WILL NOT IMPEDS THE VIEW OF
THE DRIVERS ON GRAVELINE RD. WE SELECTED
THIS FENCE TYPE FOR IT'S EYE APPEAL BUT
ALSO IT'S ABILITY TO HELP PROTECT OUR
GRANDCHILDREN AND PET DOGS FROM THE
BUSY TRAFFIC ON GRAVELINE.

(LETTER FROM ADJACENT NEIGHBOR ATTACHED)

DIAGRAM



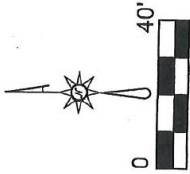
SEE ATTACHED SURVEY
WITH FOWLE LOCATION

e Sea
unity,
age 1,
/

cording
126 G,
/

Graveline Road

Soundview Drive



North
Class B Survey
Date of Field Survey
December 21, 2023

Area - 0.617 acres

e/p - edge of pavement
boc - back of curb
r/w - right-of-way
OHP - overhead power
fence - X-X-X-X

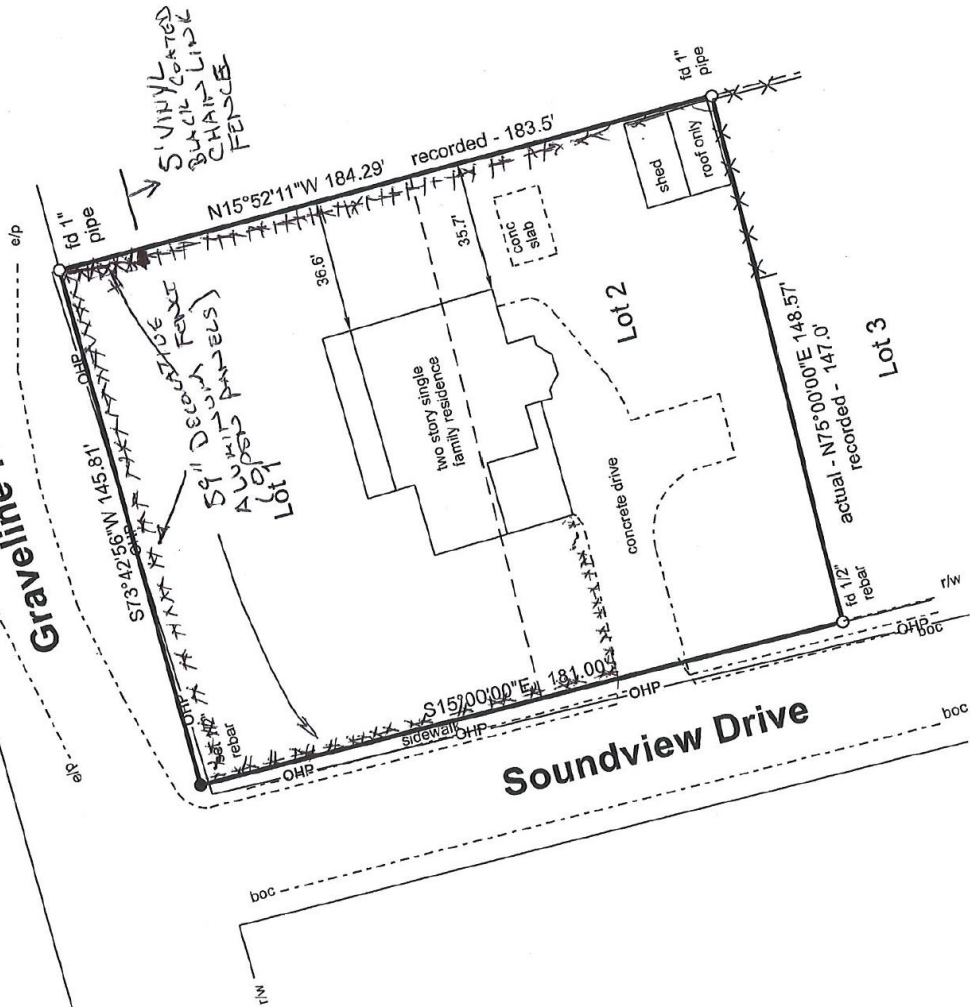
Reference Materials

DB 2105, page 851

All bearings on this plat are based
on the west line of Lot 3

Aldred Surveying Co.
P.O. Box 2201
Pascagoula, Ms 39569
228-762-7374
A23266

Lewis Aldred, Jr. P.L.S.
December 21, 2023



MICHAEL L. FONDREN
ATTORNEY AT LAW
906 CONVENT AVENUE
PASCAGOULA, MS 39567
228-762-5110
mlfondren@hotmail.com

December 28, 2023

City of Gautier
Planning Commission &
Mayor and City Council

Dear Ladies and Gentlemen,

I have no objection to the variance requested for the fence for my neighbor Steve Chodrick. The house he owns is located on a busy street, Graveline. He is on a corner lot and I think the fence and the variance he is requesting will work good and look very good and tie in with the rest of the neighborhood.

I am his adjoining neighbor. If you have any questions, please contact me. Thanks,

Sincerely,



MICHAEL L. FONDREN

PREPARED BY:

Hannah B. Morgan, Esq.
Mississippi Bar No. 105377
2711 University Blvd., Suite 201
Tuscaloosa, Alabama 35401
(205) 633-0279

RETURN TO:

Steve Chodrick
725 Graveline Rd.
Gautier, MS 39553
(417) 850-1511

GRANTOR:

Secretary of Veterans Affairs
Department of Veterans Affairs
810 Vermont Ave. N.W.
Washington, DC 20420
(877) 880-7720

GRANTEE:

Steve Chodrick
3300 Magnolia Lane
Ocean Springs, MS 39564
(417) 850-1511

INDEXING INSTRUCTIONS:

Lots 1 and 2, Sandalwood-by-the-Sea Subdivision, Part A,
Jackson County, MS

**STATE OF MISSISSIPPI
COUNTY OF JACKSON**

SPECIAL WARRANTY DEED

This Indenture, made on the 14th day of December, 2023 by and between the Secretary of Veterans Affairs, an Officer of the United States of America, whose address is Department of Veterans Affairs, 810 Vermont Ave. N.W., Washington, DC 20420, hereinafter

referred to as Grantor, and Steve Chodrick, whose address is 3300 Magnolia Lane, Ocean Springs, MS 39564, hereinafter referred to as Grantee.

FOR AND IN CONSIDERATION of the sum of Ten Dollars (\$10.00) cash in hand paid and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Grantor does hereby grant, bargain, sell, convey, and warrant specially unto Grantee the following described real property situated and being located in Jackson County, Mississippi, as follows, to-wit:

See Exhibit "A" attached hereto and incorporated herein by reference.

Property Address: 725 Graveline Rd., Gautier, MS 39553

This conveyance is subject to any and all restrictive covenants and conditions, easements, rights-of-way, and prior reservations of oil, gas and other minerals of record pertaining to the above subject property.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

[SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF I have hereunto set my hand and seal this the 14th day
of December, 2023.

THE SECRETARY OF VETERANS AFFAIRS,
An officer of the United States of America
by the Secretary's duly authorized property
management contractor, Vendor Resource
Management, pursuant to a delegation of authority
found at 38 C.F.R. 36.4345(f)



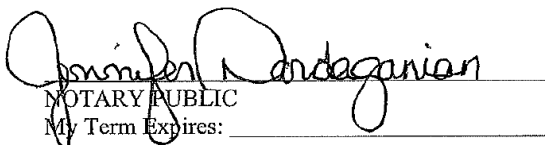
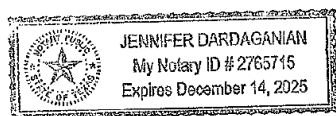
Printed Name: Brenda Garcia

Title: AVP

STATE OF Texas
Denton COUNTY

On this date, before me personally appeared Brenda Garcia, pursuant to
a delegation of authority contained in 38 C.F.R. 36.4345(f), to me known to be the person who
executed the foregoing instrument on behalf of the Secretary of Veterans Affairs, and
acknowledged that he executed the same as the free act and deed of said Secretary.

In Witness Whereof, I have hereunto set my hand and affixed my official seal in the State
of Texas aforesaid, this 14th day of December, 2023.



NOTARY PUBLIC
My Term Expires: _____

This deed was prepared by Hannah B. Morgan, Mississippi Bar No. 105377, who certifies that it
is in a form that is in accordance with applicable local, state, and Federal law.

EXHIBIT "A"

Legal Description of Property

Lots 1 and 2, Sandalwood-by-the-Sea Subdivision, Part A, as per map or plat thereof on file and of record in the Office of the Chancery Clerk of Jackson County, Mississippi in Plat Book 7, Page 1.

Said parcel of property carries the County Parcel Number 87100002.000.

Said parcel of property is the same recorded in Deed Book 1800, Page 715 Land Deed Records of Jackson County, Mississippi.

Physical Address: 725 Graveline Road, Gautier, MS 39553

Prepared by:
The Casano Law Firm, P.A.
4403 West Aloha Drive
Diamondhead, MS 39525
(228) 255-0035
23-0825

Return to:
The Casano Law Firm, P.A.
4403 West Aloha Drive
Diamondhead, MS 39525
(228) 255-0035

-----[Space Above This Line For Recording Data]-----

**State of Mississippi
County of Jackson**

QUITCLAIM DEED

For and in consideration of the sum of Ten Dollars (\$10.00), cash in hand, paid, and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, it

**Steve Chodrick, Grantor
3300 Magnolia Lane,
Ocean Springs, MS 39564
Phone: 417-850-1511**

Do hereby, convey, and quitclaim to

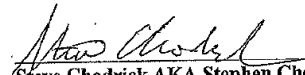
**Stephen Chodrick and Micki Lynn Robbins, Grantee(s)
3300 Magnolia Lane,
Ocean Springs, MS 39564
Phone: 417-850-1511**

As joint tenants with right of survivorship and not as tenants in common, the following described land and property situated in Jackson County, Mississippi to wit:

Lots 1 & 2, Sandalwood-by-the-Sea Subdivision, Part A, as per map or plat thereof on file and of record in the Office of the Chancery Clerk of Jackson County, Mississippi in Plat Book 7, Page 1.

Together with all and singular the rights, privileges, improvements and appurtenances to the same belonging or in any wise appertaining.

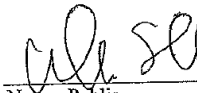
WITNESS my signature, this the 21st day of December, 2023.


Steve Chodrick AKA Stephen Chodrick

State of Mississippi
County of Hancock

Personally, came and appeared before me, the undersigned authority in and for the aforesaid
County and State on this the 21 day of December, 2023, **Steve Chodrick AKA**
Stephen Chodrick who acknowledged that he signed and delivered the foregoing instrument of
writing on the day and year therein mentioned.




Notary Public
My Commission Expires:

87100002.000 SECRETARY OF VETERANS AFFAIRS

PIDN: 87100002.000

GISP: 863.05-03-0146.00M

Owner Information

Percent of Ownership: 100

Name: SECRETARY OF VETERANS AFFAIRS

Name 2:

Mailing Address: 3401 WEST END AVE STE 760W
NASHVILLE TN
37203

Site Address: 725 GRAVELINE RD GAUTIER

Land Information

Section: 5 Acreage: 0

Township: 8

Range: 6

Street Name GRAVELINE
RD

Value and Tax Information

Total Assessed Value: 23550

Total Appraised Value: 235500

Improvement Value: 221270

Land Value: 14230

Tax Amount: 1928

SQ FT: 3476

Year Built: 1994

Legal Description

Description: LOTS 1 & 2 SANDALWOOD BY THE SEA
S/D PT A DB 2105-851 (146M Map8
63.05-03)

Deed Book / Page: 2105 / 851

87100002.000 SECRETARY OF VETERANS AFFAIRS

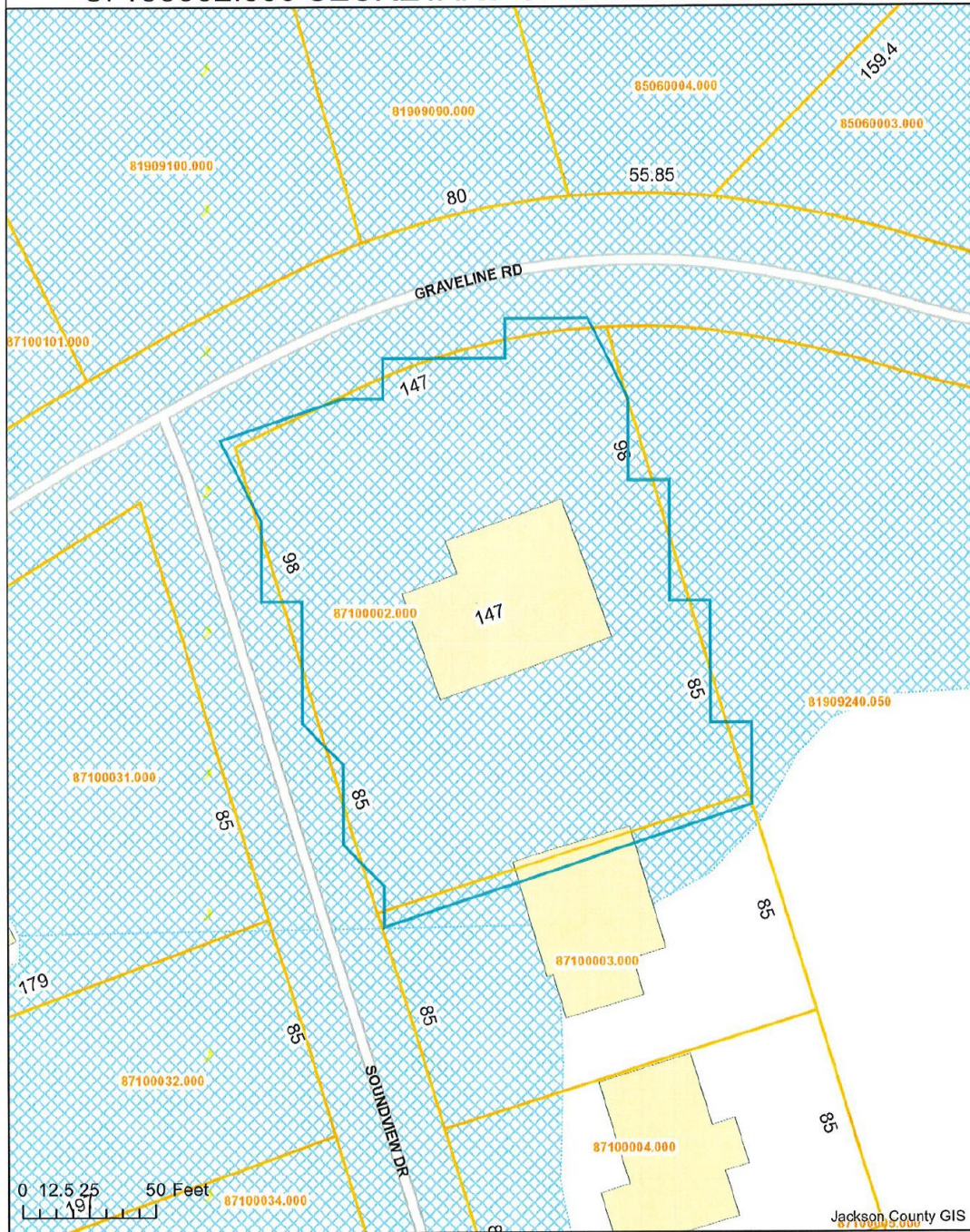


Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department

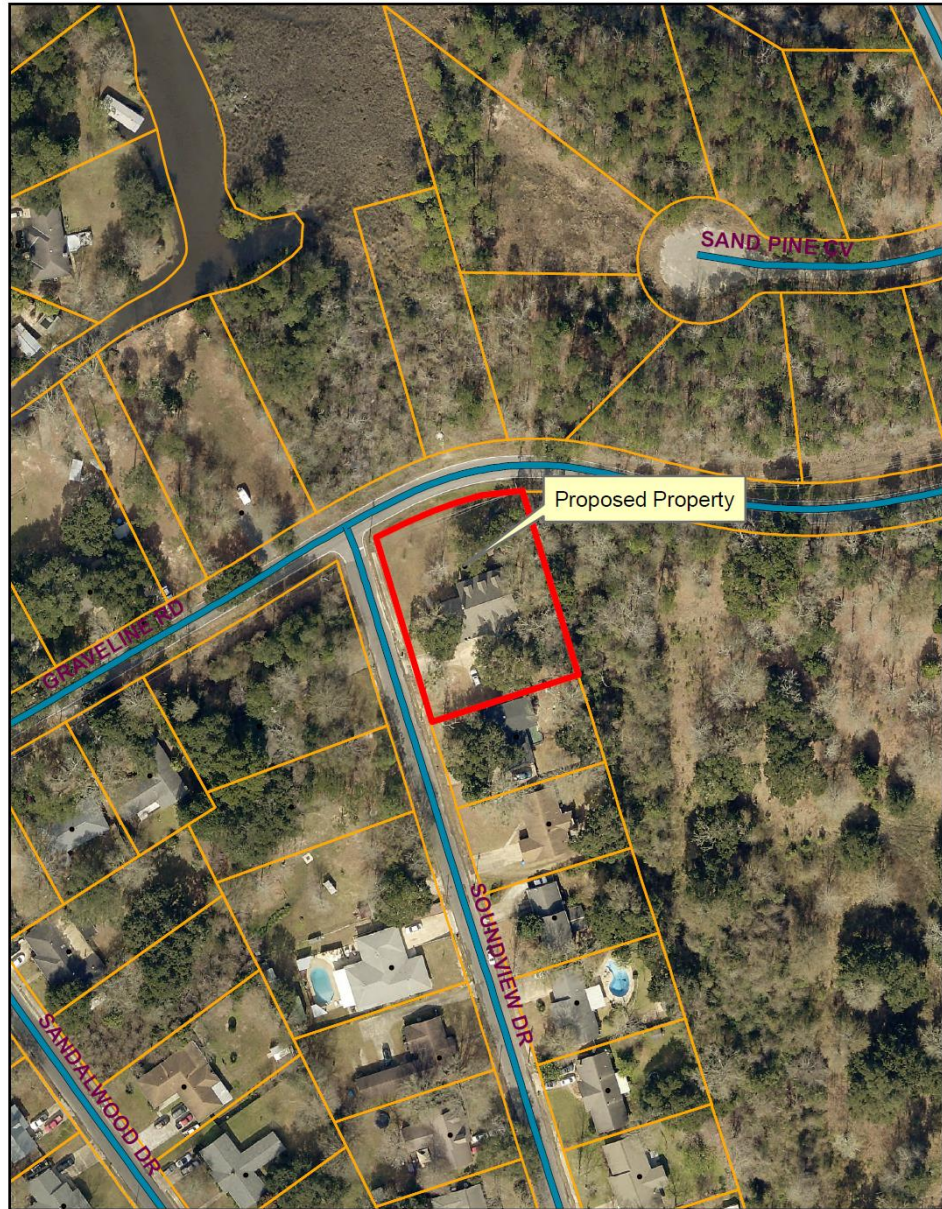


Exhibit B

Existing Zoning

Prepared by:
City of Gautier
Planning Department

Legend

Zoning

ZONECODE

AG
C-1
C-2
C-3
I-2
MURC-1
MURC-2
MURC-MW
PL
PUD
R-1
R-2
R-3
RE
TC

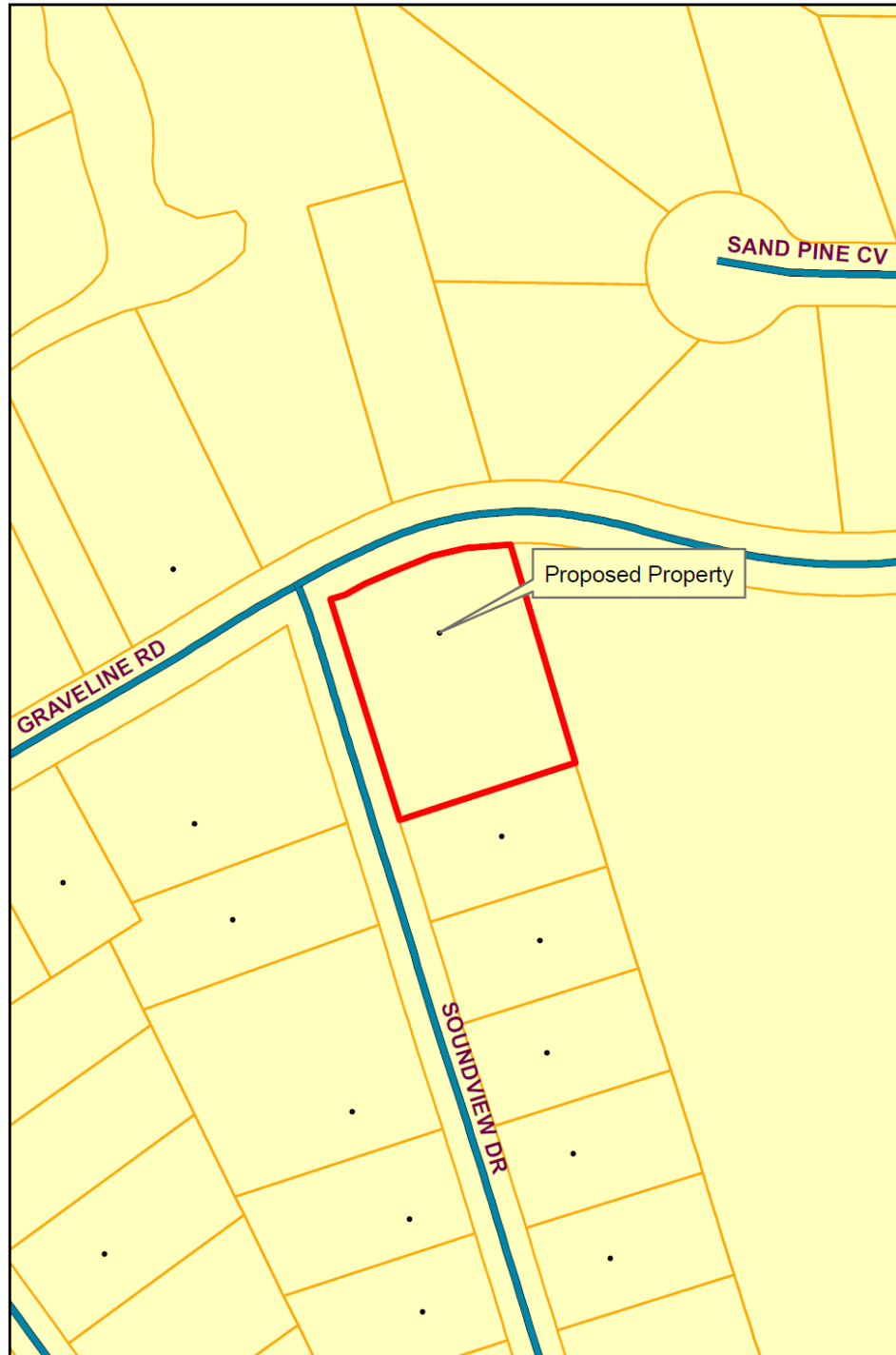


Exhibit C

Existing Land-Use

Prepared by:
City of Gautier
Planning Department

Legend

EXISTING LAND USE

ELU_08

- commercial-retail
- conservation
- civic
- industrial
- marina/fish camps
- high density residential
- mobile home
- mobile home park
- medium density residential
- office
- recreation
- very low to low density residential
- utility
- vacant

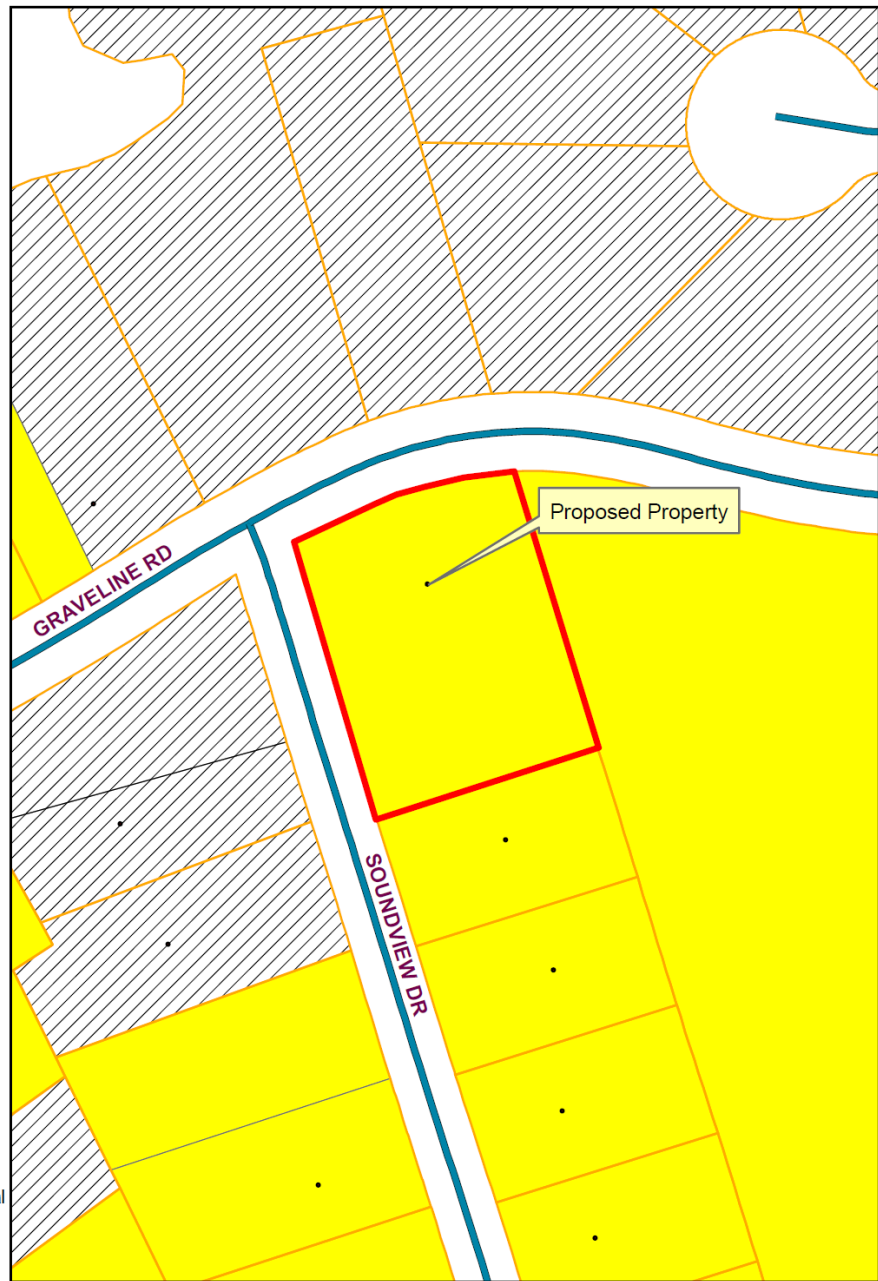


Exhibit D

Future Land-Use

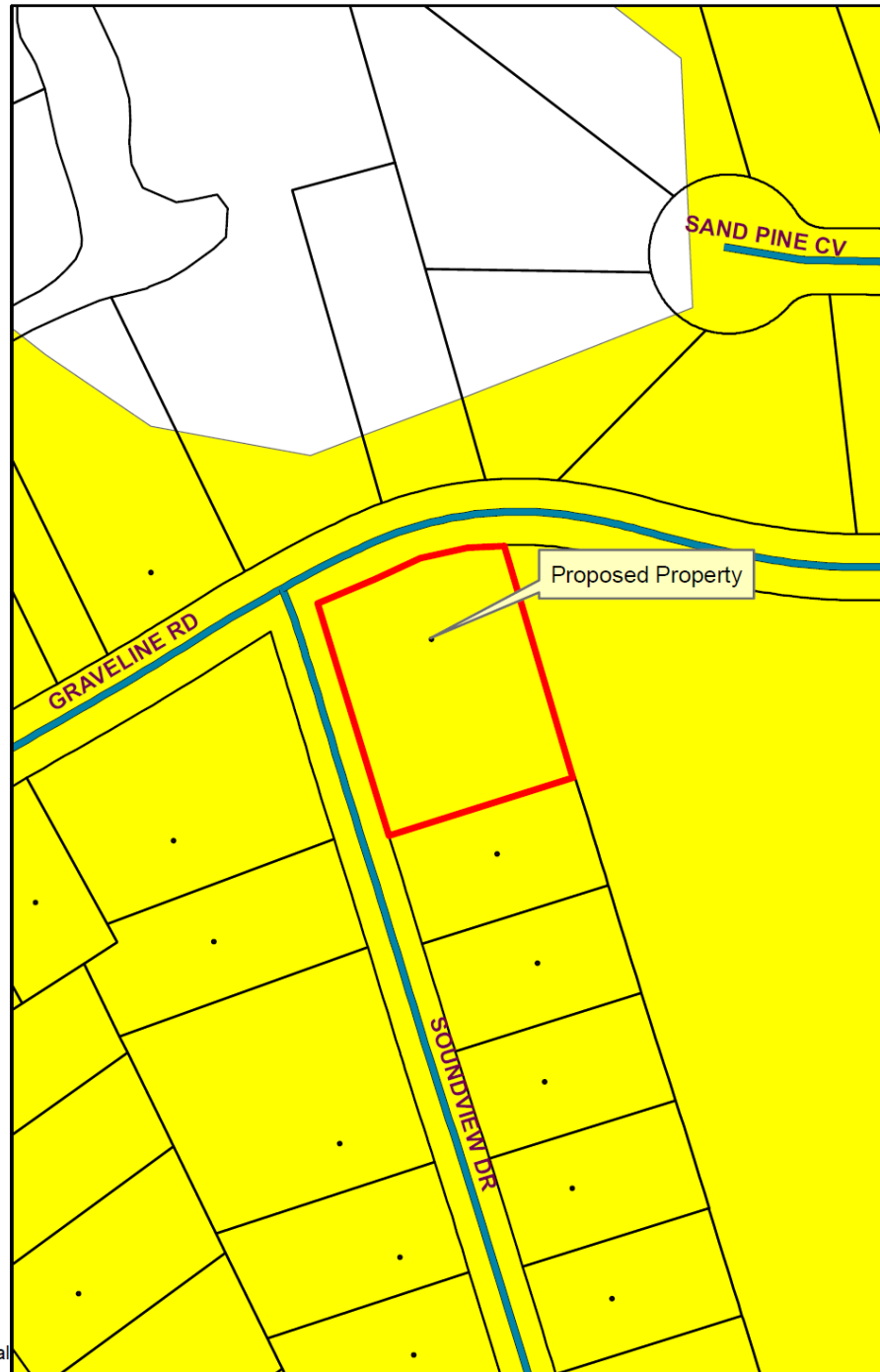
Prepared By:
City of Gautier
Planning Department

Legend

FUTURE LAND USE

FLU_Class

-  Civic
-  high impact commercial
-  Conservation
-  High Density Residential
-  Industrial
-  Low Density Residential
-  Medium Density Residential
-  Mobile Home Residential
-  low impact Commercial
-  Recreational
-  recreational commercial
-  Regional Scale Commercial
-  mixed use residential
-  Town Center
-  Very Low Density Residential



Gautier Planning Commission

Regular Meeting Agenda

April 4, 2024

GPC #24-07-VAR

3101 Oak Street

VII. NEW BUSINESS

2. Consider a request for a two and one half (2.5) acre Variance to lot size requirements for a Recreational Vehicle (RV) Park in the MURC-MW Mixed Use Recreation Commercial-Mary Walker Zoning District. 3101 Oak Street, (GPC #24-07-VAR)

**CITY OF GAUTIER
STAFF REPORT**

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: February 26, 2024

Subject: Consider a request for a two and one half (2.5) acre Variance to lot size requirements for a Recreational Vehicle (RV) Park in the MURC-MW Mixed Use Recreation Commercial-Mary Walker Zoning District. 3101 Oak Street, (GPC #24-07-VAR)

REQUEST:

The Planning Department has received a request from Al Easom for a two and one half (2.5) acre Variance to lot size requirements for a Recreational Vehicle (RV) Park in the MURC-MW Mixed Use Recreation Commercial-Mary Walker Zoning District at 3101 Oak Street, PID #87010065.000 (GPC #24-07-VAR). The application fee of \$175 was paid on December 12, 2023. All public notice requirements have been met.

BACKGROUND:

The applicant would like to parcel off 2.5 acres of his property at 3101 Oak Street, PID #87010065.000, for a Recreational Vehicle (RV) Park. The property is part of a five-acre parcel that is part of Southern Hideaway, which is an existing mobile home park. The Unified Development Ordinance (UDO) Section 6.5.4(A) states that the minimum area requirement for an RV Park is five (5) acres. The applicant needs a 2.5 acre variance to minimum lot size requirements for an RV Park.

DISCUSSION:

The applicant is asking for a 2.5 acre variance to minimum lot size requirements for an RV Park. He would like to parcel off 2.5 acres of his property at 3101 Oak Street and make it an RV Park. There is an existing mobile home park on the other part of this property. He plans to have twelve spots for RVs. Per the UDO, the minimum lot size for an RV Park is five acres. The property is located in the MURC-MW District.

DETERMINATION OF APPLICABLE LAW:

The Unified Development Ordinance (UDO) defines **Variances** as:

A Variance is a relaxation of the terms of the Unified Development Ordinance where such Variance will not be contrary to the public interest and where, owing

to conditions peculiar to the property, a literal enforcement of the Ordinance would result in an unnecessary or undue hardship. As used in this Ordinance, a Variance is authorized only for height, area and size of structure, or size of yards, separation of uses, open spaces, off-street parking spaces and some subdivision of property. The establishment or expansion of a use not permitted shall not be allowed by Variance.

The UDO defines **Hardship** as:

Hardship means the unnecessary hardship that would result from a failure to grant the requested variance or special exception. An unnecessary hardship exists if:

- (1) the land in question cannot yield a reasonable return if used only
 - (a) for a purpose allowed in that zone (applicable to special exceptions), or
 - (b) as permitted by the dimensional requirements of this ordinance (applicable to variances);
- (2) that the plight of the owner is due to unique circumstances of the land for which the variance or special exception is sought; and
- (3) that the use to be authorized by the variance will not alter the essential character of the locality.

UDO SECTION 4.18: Variance

In certain circumstances, a Variance from the dimensional requirements (i.e. height, setbacks, square footage) of this ordinance may be granted if the applicant can prove that because of physical constraints of the property involved, he is not able to build the same type of structure that other persons with the same zoning classification can build. Variances for uses permitted will not be considered in as much as "use Variances" are not legal in the State of Mississippi.

Most Variances must be granted by the City Council; however, certain minor Variances may be granted by the Economic Development Director in accordance with *Section 4.18.3* below.

4.18.1 Who May Initiate

A request for a Variance may be initiated by the property owner or agent of the owner provided that said property has not been denied a previous request for a Variance for the same property or portion of property within the past twelve (12) months.

4.18.2 Application for Variance

Applications for a Variance (from dimensional requirements) may be filed on the appropriate application available from the Economic Development/Planning Department and shall include all requested information, attachments and submittals:

4.18.3 Administrative Variances

The following dimensional variances may be granted by the Economic Development Director at his/her discretion (Note: Within the COR, Corridor Overlay District, applicants shall be required to mitigate a requested dimensional variance in accordance with the Tier Land Use Provisions in Section 5.11):

- A. 30% of required off-street parking spaces and/or
- B. 30% of required setbacks from property lines

4.18.4 Criteria for Approval

The Variance application shall demonstrate the following:

- A. That special conditions and circumstances exist which are peculiar to this particular site (lot or parcel), structure or building involved and which are not applicable to other sites (lots or parcels) or structures or buildings in the same district;
- B. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the provisions of this Ordinance;
- C. That the special conditions and circumstances do not result from actions of the applicant; and
- D. That granting the Variance requested will not confer upon the applicant any special privilege that is denied by this Ordinance to other similar sites (lots or parcels) structures or buildings in the same district.

RECOMMENDATION & CONCLUSION:

If recommending approval, Planning Commission shall record that the evidence presented meets all "Criteria for Approval" from the UDO as listed above.

The Planning Commission may:

- 1. Recommend that City Council approve the variance request as presented;
- 2. Recommend that City Council approve the variance request with changes; or
- 3. Recommend that City Council deny variance request.

ATTACHMENTS:

- 1. Applicant's Exhibit 1 – Application
- 2. City's Exhibit A – Location Map
- 3. City's Exhibit B – Existing Zoning Map
- 4. City's Exhibit C – Existing Land Use Map
- 5. City's Exhibit D – Future Land Use Map

PLANNING DEPARTMENT
PUBLIC HEARING APPLICATION

Public Hearing Number

24-07-VAR
24-07-VAR

<u>TO BE HEARD BY GAUTIER PLANNING COMMISSION:</u>	<u>FEE:</u>
Variance _____	\$176.00
*Includes \$1.00 filing fee per MS Code §25-60-5	

Name of Applicant: Ad EganName of Business: Southern Hideaway Phone: 601-507-0348Property Address: 3101 Oak St Mailing Address (if Different): P.O. Box 20
Sebastopol MS 39359

E-Mail Address: _____

Reason for request, location and intended use of Property: 2.5 acre
Variance For lotSize of RV Park

ATTACHMENTS REQUIRED AS APPLICABLE:

- ☒ 1. Diagram of intended use, showing dimensions and distances of property, building with setbacks, parking spaces, entrances and exits.
- _____ 2. A detailed project narrative.
- _____ 3. Copy of protective covenants or deed restrictions, if any.
- _____ 4. Copies of approvals, or requests for approval, from other agencies, such as, but not limited to, the Mississippi State Department of Health, U.S. Army Corp of Engineers, Mississippi Department of Environmental Quality and Department of Marine Resources.
- _____ 5. Any other information requested by the Planning Director.

Signature of Applicant: Ad Egan Date of Application: 12-12-23

FOR OFFICE USE ONLY	
Date Received <u>12/12/23</u>	Verify as Complete <u>Babs (SA)</u>
Fee Amount Received <u>176.00</u>	Initials of Employee Receiving Application <u>Babs</u>

VARIANCE

Criteria for Approval

1. What special conditions and circumstances exist which are peculiar to this particular site (lot or parcel), structure or building involved and which are not applicable to other sites (lots or parcels), or structures or buildings in the same district?

like to add RV Spots To Existing
Trailer Park

2. Are these special conditions and circumstances a result of your actions? Explain.

NO

3. How will the literal interpretation of the provisions of this Ordinance deprive you of rights commonly enjoyed by other properties in the same district under the provisions of this Ordinance? Explain.

I Can Not Use Property For Full
Potential

4. Will the granting of the Variance requested confer upon you any special privilege that is denied by this Ordinance to other similar sites (lots or parcels), structures or buildings in the same district? Explain.

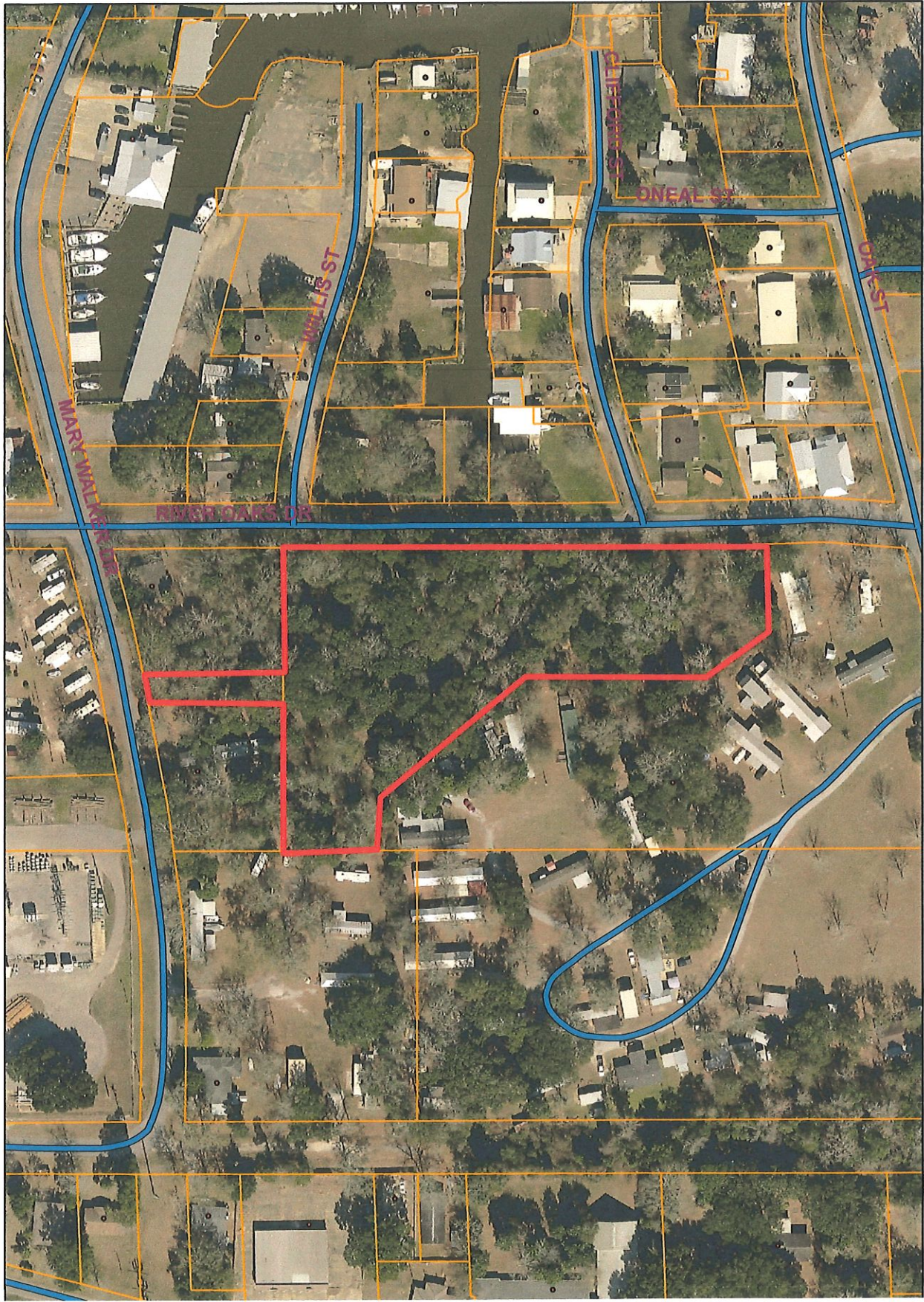
Not In This Area

NARRATIVE

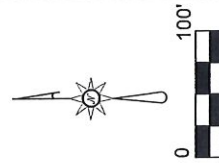
Have Trailer Park want to
add 12 RV spots on section off
Property for this purpose

3101 Oak St.

2.5 Acres Proposed



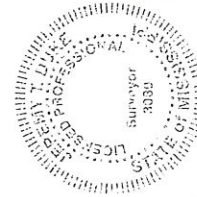
PRELIMINARY SKETCH FOR
PROPOSED CAMPER SITES,
SOUTHERN HIDEAWAY ESTATES, LLC.
3101 OAK STREET
GAUTIER, MISSISSIPPI



GENERAL NOTES

1. This survey was performed without the benefit of a Title Search.
2. The field date of this Class B survey is November 27, 2023.
3. Bearings are based on State Plane coordinates, MS East 2301, with a base station located at N325376.431, E1043584.851, a convergence angle of 00°06'38" and a combined scale factor of 0.99995545.

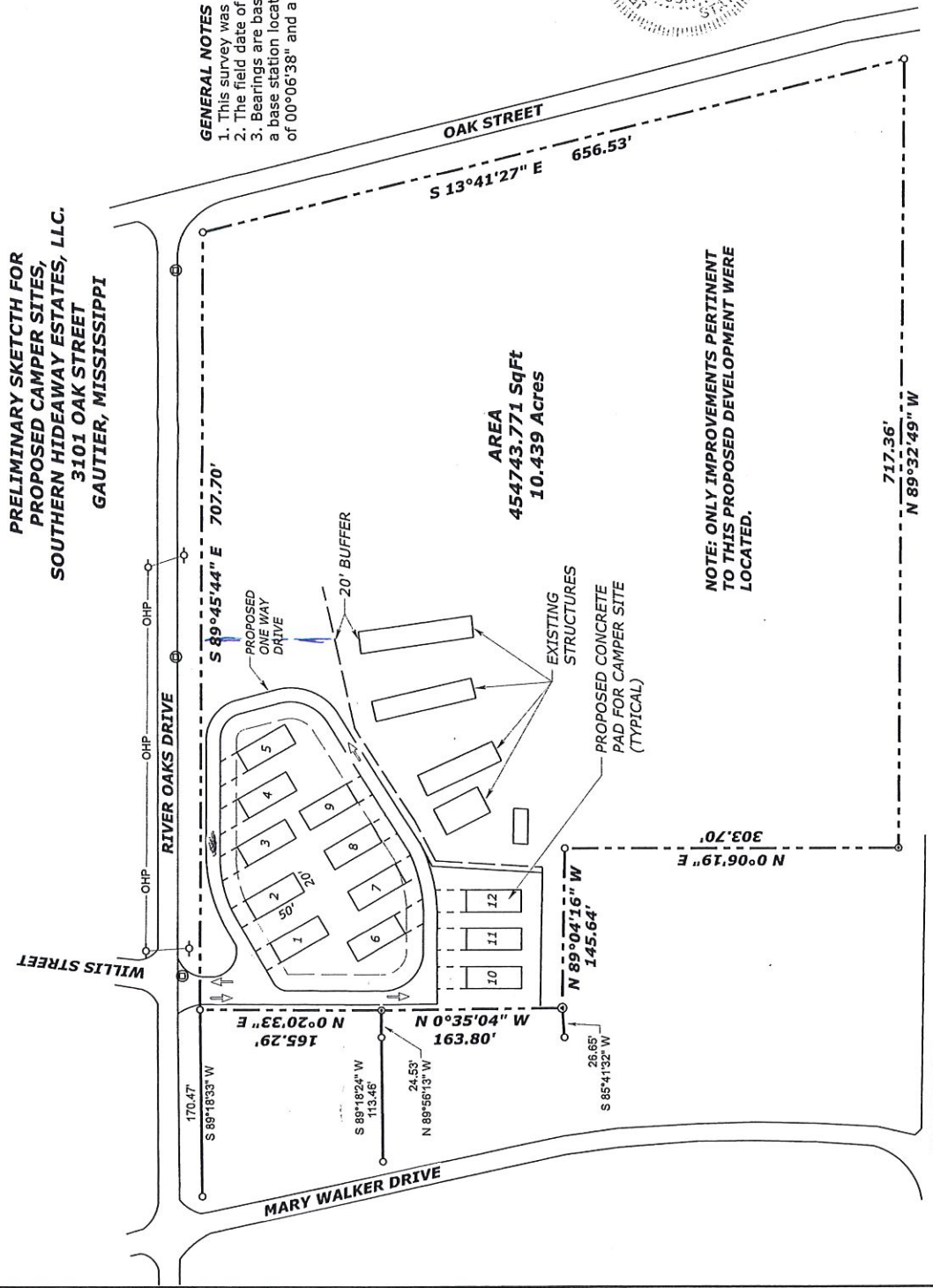
LEGEND	
⊙	Found Iron Pipe
○	Found Rebar
⊗	Found Concrete Monument
⊕	Sanitary Manhole
—○—	Power Pole

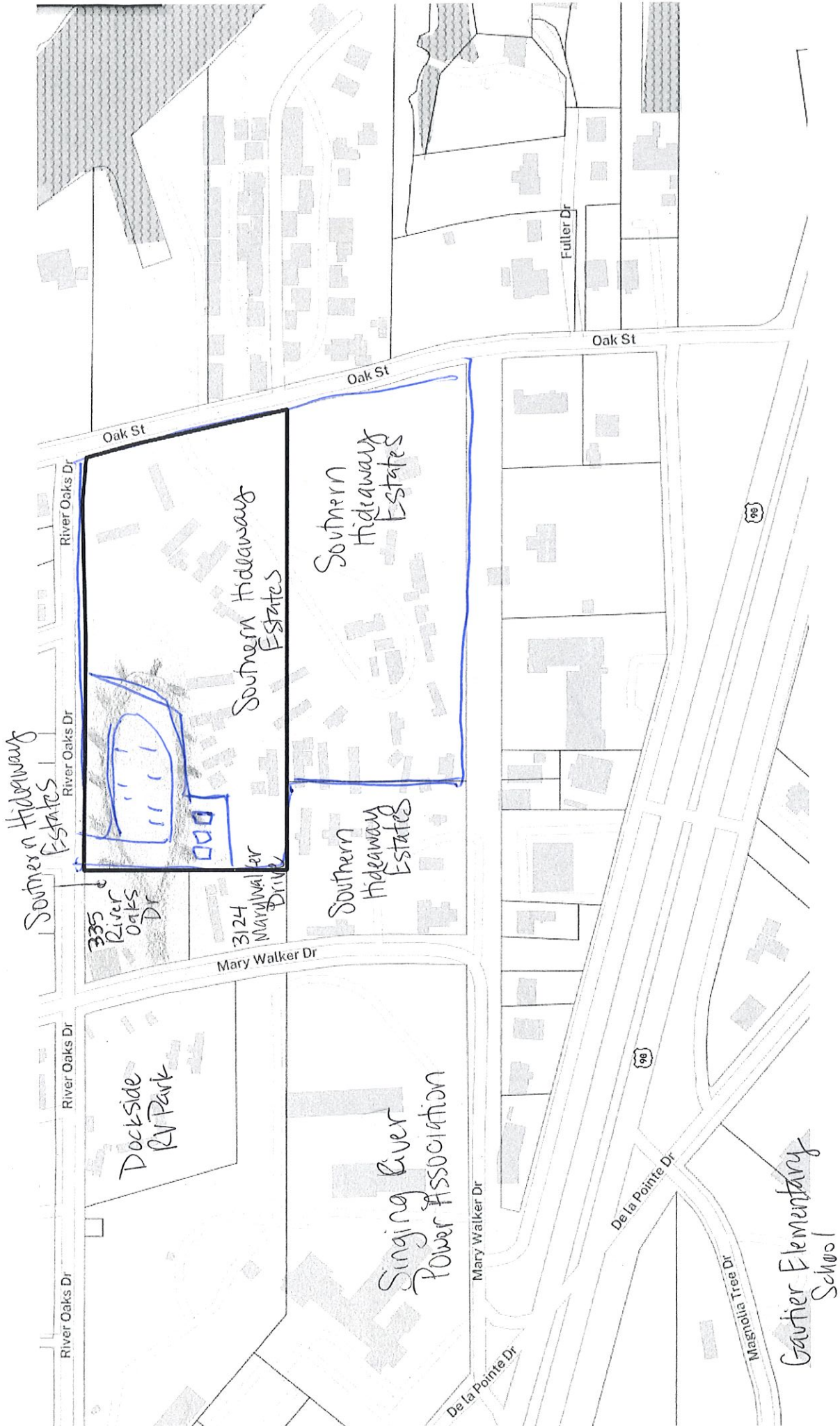


Jeremy T. Duke
Jeremy Duke, PLS
MS PLS No. 3080

DUKE LAND SURVEYING
4101 GAUTIER VANCELEAVE RD
SUITE 101
GAUTIER, MS 39553
228-202-1828
jeremyduke@gmail.com

FILE NAME	RIVER OAKS.TRV	DRAWING	223-119
SCALE	100 F/In	DATE	11-28-2023
JOB	223-119	REVISION	0
SHEET	1/1		





001-507-0348

*Mayor
Casey Vaughan*

City of Gautier
Gautier, Mississippi



*City Manager
Paula Yancey*

*City Clerk
Teresa Montgomery*

*3330 Highway 90
Gautier, MS 39553
1-228-497-8000 phone
1-228-497-8028 fax*

Email: gautier@gautier-ms.gov

*Council
At Large Adam College
Ward 1 Cameron George
Ward 2 Richard "DJ" Jackson
Ward 3 Gordon Gollott
Ward 4 Rusty Anderson
Ward 5 Dante Elin*

October 10, 2023

Albert Easom III
P O Box 213
Sebastopol, MS 39359

Re: Availability of Water and Sewer

To Whom It May Concern:

This letter certifies that public water and sewer utilities are available, on Parcel ID: 87010049.000 in Gautier, MS. If you have any questions concerning this matter please feel free to contact me at 228-497-4283.

Sincerely,

Russell Davis
Public Works Manager - Clearwater Solutions LLC

87010065.000 SOUTHERN HIDEAWAY ESTATES LLC

PIDN: 87010065.000

GISP: 769.32-04-0120.00

Owner Information

Percent of Ownership: 100

Name: SOUTHERN HIDEAWAY ESTATES LLC

Name 2:

Mailing Address: P O BOX 108
SEBASTOPOL MS
39359

Site Address: 3101 OAK ST GAUTIER

Land Information

Section: 32 Acreage: 5

Township: 7

Range: 6

Street Name OAK
ST

Value and Tax Information

Total Assessed Value: 21615

Total Appraised Value: 144100

Improvement Value: 29260

Land Value: 114840

Tax Amount: 3108

SQ FT: 0

Year Built: 0

Legal Description

Description: LOT 1 & E1/2 WILLOW ST ADJ ON W
BLK G RIVER OAKS S/D SEC 8-7-6 D
B 1313-54 DB 2095-299 (120 MAP76
9.32-04)

Deed Book / Page: 2095 / 299

87010065.000 SOUTHERN HIDEAWAY ESTATES LLC

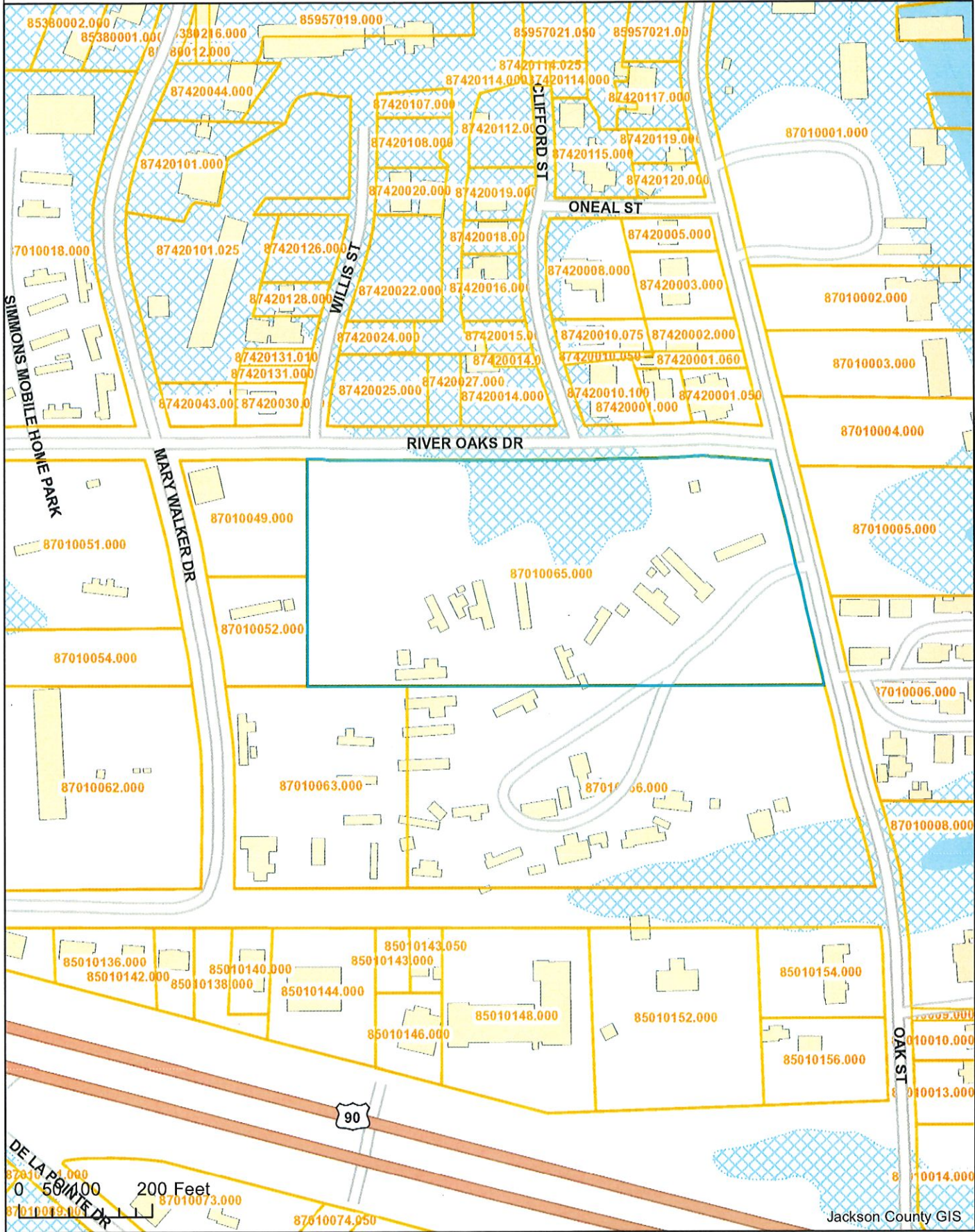


Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department

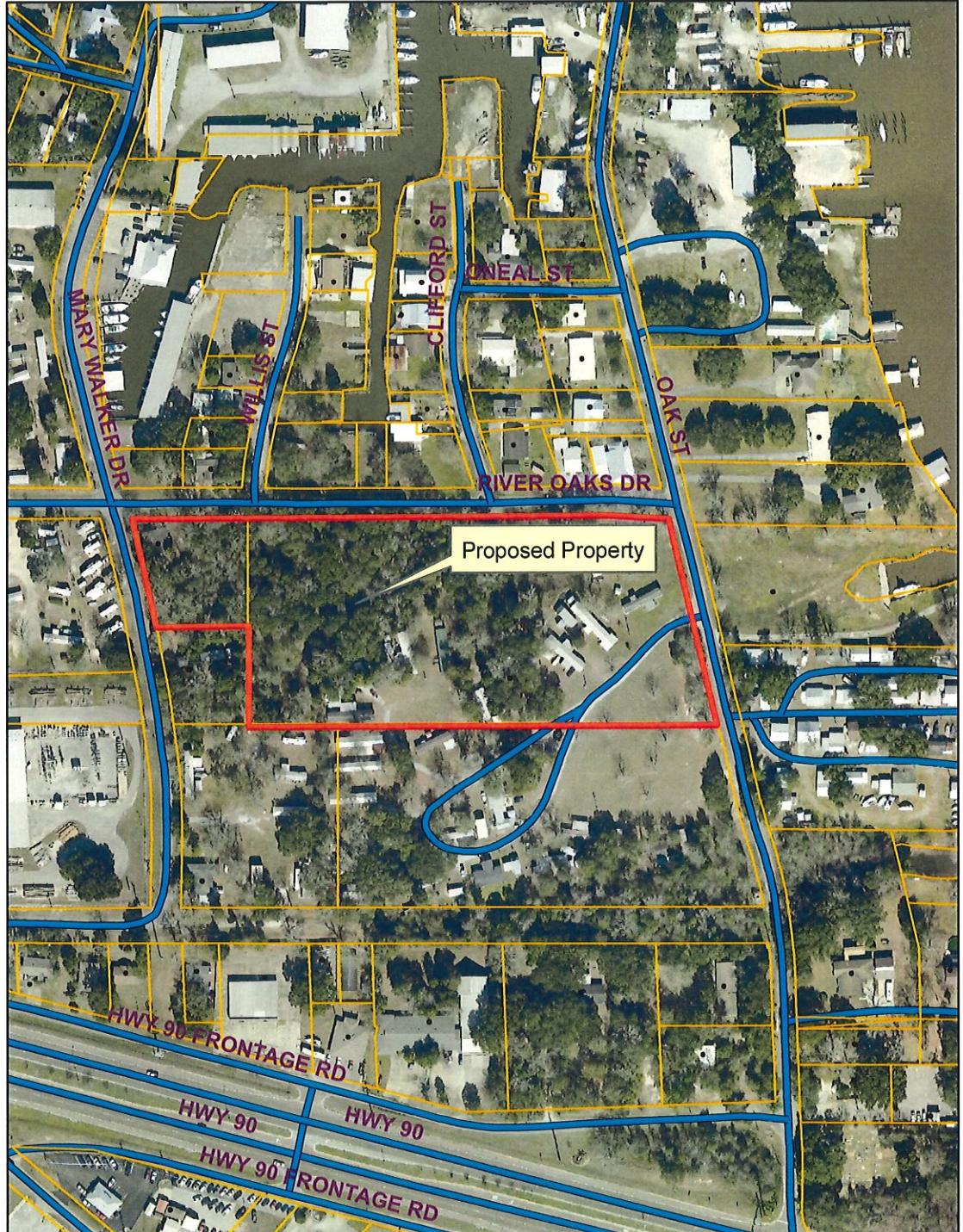


Exhibit B

Existing Zoning

Prepared by:
City of Gautier
Planning Department

Legend

Zoning

ZONECODE

	AG
	C-1
	C-2
	C-3
	I-2
	MURC-1
	MURC-2
	MURC-MW
	PL
	PUD
	R-1
	R-2
	R-3
	RE
	TC

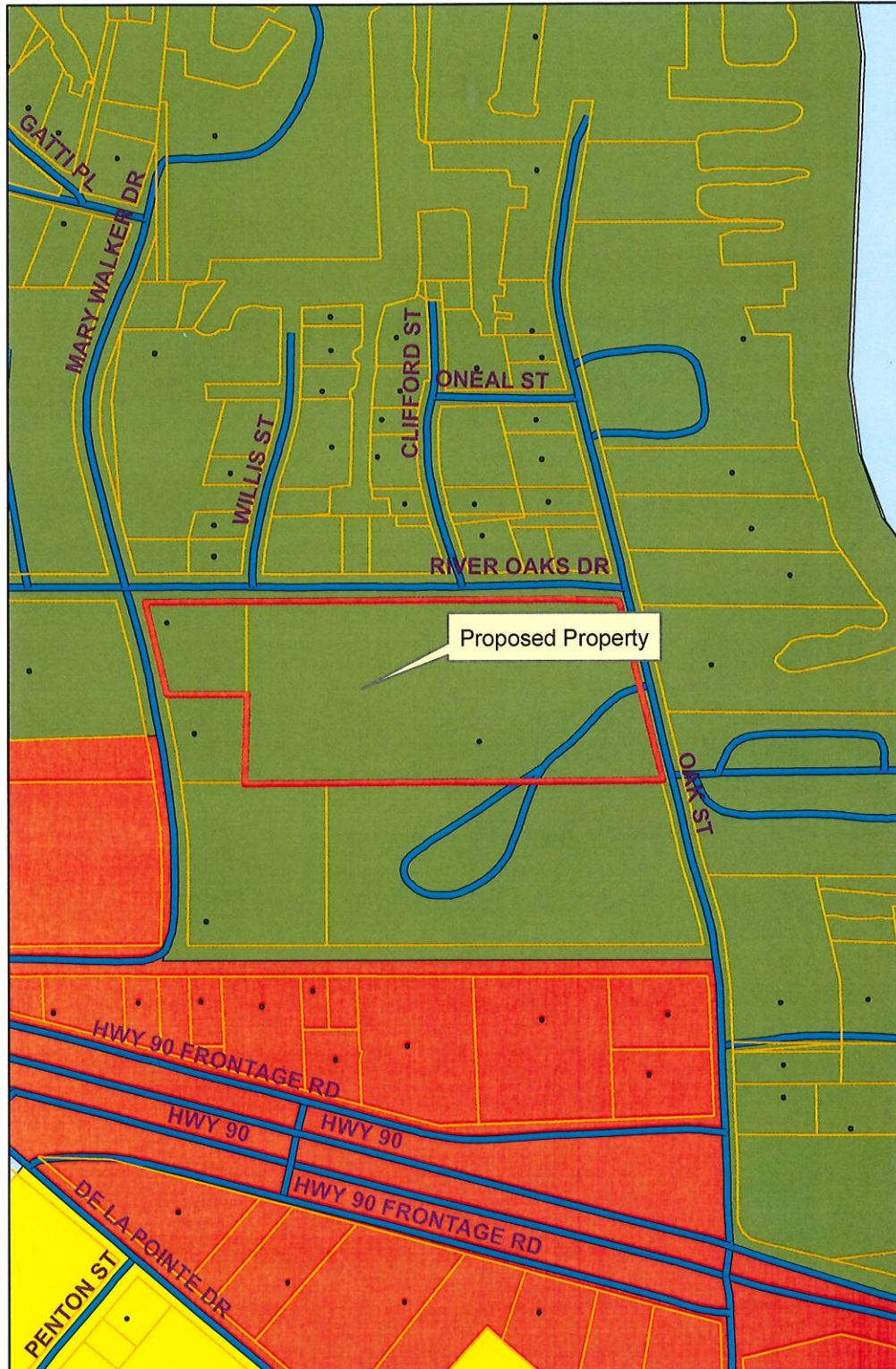


Exhibit C

Existing Land-Use

Prepared by:
City of Gautier
Planning Department

Legend

EXISTING LAND USE

ELU_08

- commercial-retail
- conservation
- civic
- industrial
- marina/fish camps
- high density residential
- mobile home
- mobile home park
- medium density residential
- office
- recreation
- very low to low density residential
- utility
- vacant

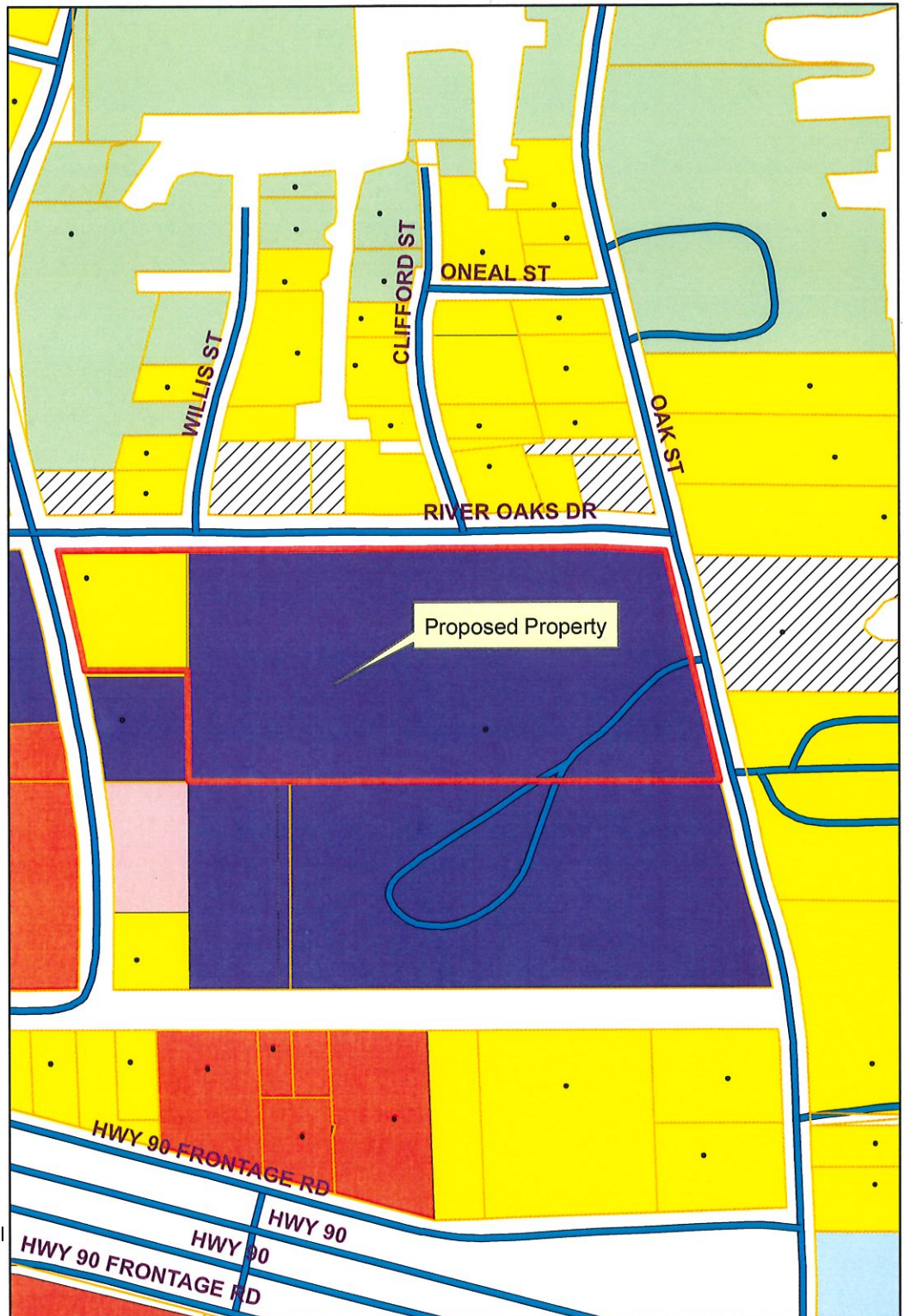


Exhibit D

Future Land-Use

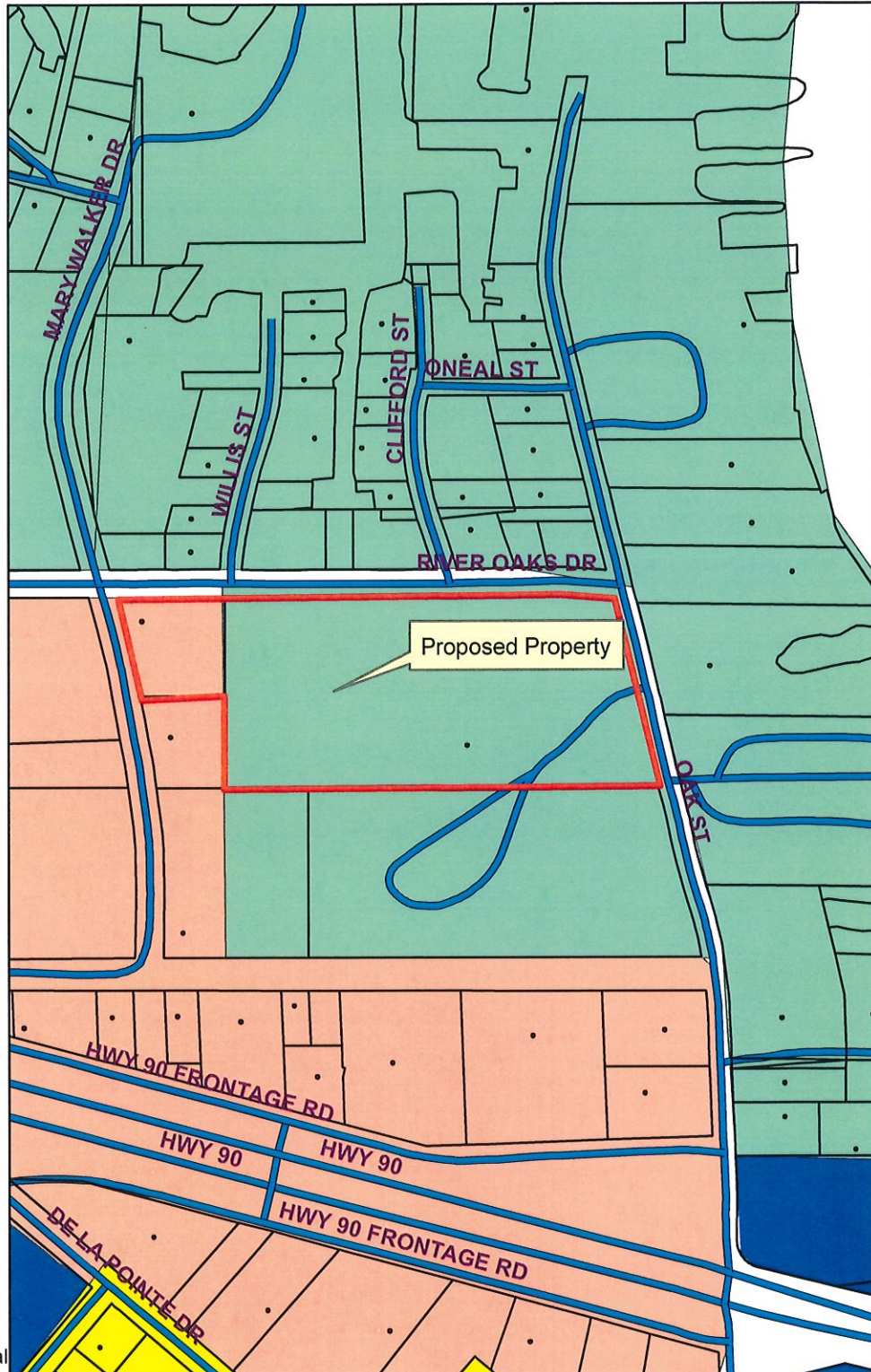
Prepared By:
City of Gautier
Planning Department

Legend

FUTURE LAND USE

FLU_Class

- Civic
- high impact commercial
- Conservation
- High Density Residential
- Industrial
- Low Density Residential
- Medium Density Residential
- Mobile Home Residential
- low impact Commercial
- Recreational
- recreational commercial
- Regional Scale Commercial
- mixed use residential
- Town Center
- Very Low Density Residential



Gautier Planning Commission

Regular Meeting Agenda

April 4, 2024

GPC #24-09-VAR

4343 Gautier Vancleave Road

VII. NEW BUSINESS

3. Consider a request for an eighteen-foot seven inch (18.7) square foot variance to sign square footage requirements in a C-2 Community Commercial Zoning District. 4343 Gautier Vancleave Road, (GPC #24-09-VAR)

**CITY OF GAUTIER
STAFF REPORT**

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: February 26, 2024

Subject: Consider a request for an eighteen-foot seven inch (18.7) square foot variance to sign square footage requirements in a C-2 Community Commercial Zoning District at 4343 Gautier Vancleave Road, (GPC #24-09-VAR)

REQUEST:

The Planning Department has received a request from Jessica Kimball dba Block Therapy Quilt Shop for an eighteen-foot seven inch (18.7) square foot variance to sign square footage requirements in a C-2 Community Commercial Zoning District at 4343 Gautier Vancleave Road, PID #82426590.190 (GPC #24-09-VAR). The application fee of \$175 was paid on February 14, 2023. All public notice requirements have been met.

BACKGROUND:

The applicant is moving her business from 424 Highway 90 to 4343 Gautier Vancleave Road. She would like to use her existing signs from her previous location. The existing signs are 5' x 7'. She wants to frame the two existing signs back-to-back for her free-standing sign. With the framing, the square footage of the signage will be 8' x 5'4" or 42.66 square feet. The Unified Development Ordinance (UDO) allows twenty-four (24) square feet of signage for a free-standing sign at that location. She is asking for a variance of 18.66 square feet.

DISCUSSION:

The applicant is asking for an 18.66 square foot variance to the allowed square footage for a free-standing sign at 4343 Gautier Vancleave Road. She wants to use her existing signs from her old location on Highway 90. The two existing signs are 5' x 7'. She would like to frame them back-to-back and use them for her free-standing sign at her new location on Gautier Vancleave Road. With the frame, the sign will be 8' x 5'4" or 42.66 square feet. The UDO only allows twenty-four (24) square feet of signage for a free-standing sign at the Gautier Vancleave location. She will need an 18.66 square foot variance in order to use the existing signs.

DETERMINATION OF APPLICABLE LAW:

The Unified Development Ordinance (UDO) defines **Variances** as:

A Variance is a relaxation of the terms of the Unified Development Ordinance where such Variance will not be contrary to the public interest and where, owing to conditions peculiar to the property, a literal enforcement of the Ordinance would result in an unnecessary or undue hardship. As used in this Ordinance, a Variance is authorized only for height, area and size of structure, or size of yards, separation of uses, open spaces, off-street parking spaces and some subdivision of property. The establishment or expansion of a use not permitted shall not be allowed by Variance.

The UDO defines **Hardship** as:

Hardship means the unnecessary hardship that would result from a failure to grant the requested variance or special exception. An unnecessary hardship exists if:

- (1) the land in question cannot yield a reasonable return if used only
 - (a) for a purpose allowed in that zone (applicable to special exceptions), or
 - (b) as permitted by the dimensional requirements of this ordinance (applicable to variances);
- (2) that the plight of the owner is due to unique circumstances of the land for which the variance or special exception is sought; and
- (3) that the use to be authorized by the variance will not alter the essential character of the locality.

UDO SECTION 4.18: Variance

In certain circumstances, a Variance from the dimensional requirements (i.e. height, setbacks, square footage) of this ordinance may be granted if the applicant can prove that because of physical constraints of the property involved, he is not able to build the same type of structure that other persons with the same zoning classification can build. Variances for uses permitted will not be considered in as much as "use Variances" are not legal in the State of Mississippi.

Most Variances must be granted by the City Council; however, certain minor Variances may be granted by the Economic Development Director in accordance with *Section 4.18.3* below.

4.18.1 Who May Initiate

A request for a Variance may be initiated by the property owner or agent of the owner provided that said property has not been denied a previous request for a Variance for the same property or portion of property within the past twelve (12) months.

4.18.2 Application for Variance

Applications for a Variance (from dimensional requirements) may be filed on the appropriate application available from the Economic Development/Planning Department and shall include all requested information, attachments and submittals:

4.18.3 Administrative Variances

The following dimensional variances may be granted by the Economic Development Director at his/her discretion (Note: Within the COR, Corridor Overlay District, applicants shall be required to mitigate a requested dimensional variance in accordance with the Tier Land Use Provisions in Section 5.11):

- A. 30% of required off-street parking spaces and/or
- B. 30% of required setbacks from property lines

4.18.4 Criteria for Approval

The Variance application shall demonstrate the following:

- A. That special conditions and circumstances exist which are peculiar to this particular site (lot or parcel), structure or building involved and which are not applicable to other sites (lots or parcels) or structures or buildings in the same district;
- B. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the provisions of this Ordinance;
- C. That the special conditions and circumstances do not result from actions of the applicant; and
- D. That granting the Variance requested will not confer upon the applicant any special privilege that is denied by this Ordinance to other similar sites (lots or parcels) structures or buildings in the same district.

RECOMMENDATION & CONCLUSION:

If recommending approval, Planning Commission shall record that the evidence presented meets all "Criteria for Approval" from the UDO as listed above.

The Planning Commission may:

1. Recommend that City Council approve the variance request as presented;
2. Recommend that City Council approve the variance request with changes; or
3. Recommend that City Council deny variance request.

ATTACHMENTS:

1. Applicant's Exhibit 1 – Application
2. City's Exhibit A – Location Map
3. City's Exhibit B – Existing Zoning Map
4. City's Exhibit C – Existing Land Use Map
5. City's Exhibit D – Future Land Use Map

PLANNING DEPARTMENT
PUBLIC HEARING APPLICATION

Public Hearing Number

24-09-VAR

TO BE HEARD BY GAUTIER PLANNING COMMISSION:

FEE:

Variance _____

\$176.00

*Includes \$1.00 filing fee per MS Code §25-60-5

Name of Applicant: Jessica KimballName of Business: Block Therapy Quilt Shop Phone: 228-219-6317Property Address: 4343 Gautier Vandevan Mailing Address (if Different): _____E-Mail Address: jesse@blocktherapyquiltshop.comReason for request, location and intended use of Property: Requesting to use existingsignage which exceeds zone allowance; 18.66 sq. ft variance

ATTACHMENTS REQUIRED AS APPLICABLE:

- ☒ 1. Diagram of intended use, showing dimensions and distances of property, building with setbacks, parking spaces, entrances and exits.
- ☒ 2. A detailed project narrative.
- ☒ 3. Copy of protective covenants or deed restrictions, if any.
- ☒ 4. Copies of approvals, or requests for approval, from other agencies, such as, but not limited to, the Mississippi State Department of Health, U.S. Army Corp of Engineers, Mississippi Department of Environmental Quality and Department of Marine Resources.
- _____ 5. Any other information requested by the Planning Director.

Signature of Applicant: [Signature] Date of Application: 2-14-24

FOR OFFICE USE ONLY

Date Received 2/14/24 Verify as Complete BalsFee Amount Received 176.00 Initials of Employee Receiving Application Bals

I, David McKee, the fee simple owner of the following described property (give legal description):

4343 Gautier Vandevent Road

hereby petition to the City of Gautier to *Grant a Variance of* _____

_____ in _____

and affirm that Jessica Kimball is hereby

designated to act as agent on my behalf to accomplish the above.

I certify that I have examined the application and that all statements and diagrams submitted are true and accurate to the best of my knowledge. Further, I understand this application; attachments and fees become part of the official records of the City of Gautier, MS, and are not returnable.

[Signature]
(Owner's Signature)

The foregoing instrument was acknowledged before me this 13th day of Feb., 2023 by David McKee, who is personally known to me or has produced known personally as identification and who did take an oath.

[Signature]
(Printed Name of Notary Public)

[Signature]
(Signature of Notary Public)

Commission # _____ My commission expires _____

(Notary's Seal)



VARIANCE

Criteria for Approval

1. What special conditions and circumstances exist which are peculiar to this particular site (lot or parcel), structure or building involved and which are not applicable to other sites (lots or parcels), or structures or buildings in the same district?

The property at 4343 Gautier Vandave Road is unique to its immediate neighbors as this building is a single unit with one business operating out of it.

2. Are these special conditions and circumstances a result of your actions? Explain.

no, I'm asking to use existing signs at our new location

3. How will the literal interpretation of the provisions of this Ordinance deprive you of rights commonly enjoyed by other properties in the same district under the provisions of this Ordinance? Explain. Other properties have multiple tenants, and when their signage is totalled, it exceeds the allotted 24 ft². As such, I believe a single building should be granted the same visibility.

4. Will the granting of the Variance requested confer upon you any special privilege that is denied by this Ordinance to other similar sites (lots or parcels), structures or buildings in the same district? Explain.

I don't believe so.

NARRATIVE

Block Therapy Quilt Shop is moving to 4343 Gauthier Vandervee Road, and is requesting to use their existing signage at the new location. The signs are 5ft x 7ft. These signs already exist and are easily recognizable by our customers.

We are asking to use the existing signs and post them in front of 4343 Gauthier Vandervee Road. Please see attached diagram for more information.

The sign will be 15 feet from the road. We are proposing to install it at 8 feet high, but are open to making it higher if the city deems that more appropriate for visibility of drivers leaving the commercial properties near us.

Please note that this sign is not larger, or higher, than signs of other businesses in our area. It will also be set back further from the street.

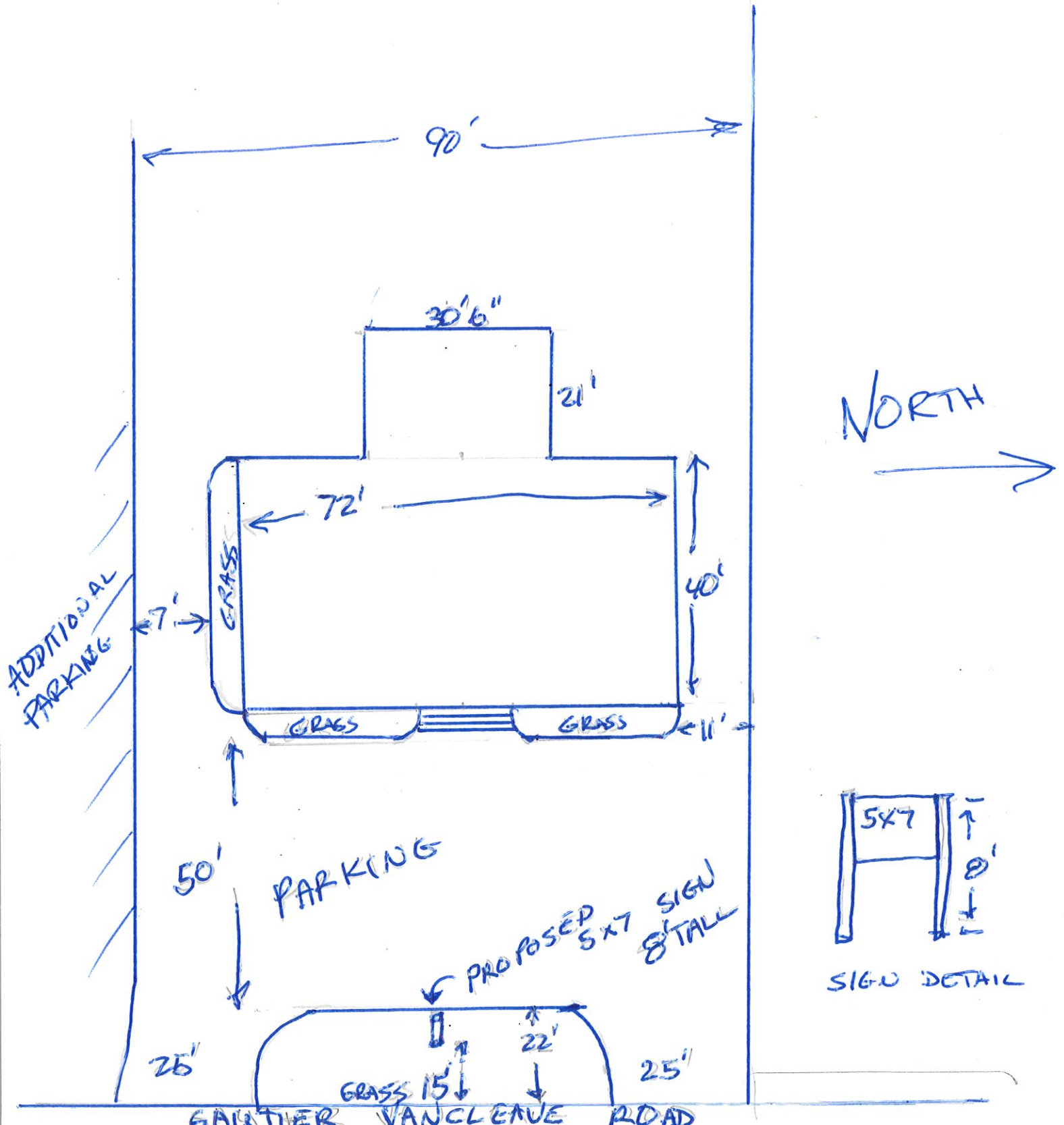
Thank you for considering this proposal.



This is our existing sign. We have 2 of them, and they measure 5 ft x 7 ft.

We are asking to frame these back-to-back at our new location of 4343 Gauthier Vandeventer Road

4343 GAUTIER VANCELEAVE RD



82426590.190 DRM PROPERTIES LLC

PIDN: 82426590.190

GISP: 777.26-03-0002.00

Owner Information

Percent of Ownership: 100

Name: DRM PROPERTIES LLC

Name 2:

Mailing Address: P O BOX 960
OCEAN SPRINGS MS
39566

Site Address: 4343 GAUTIER VANCLEAVE RD GAUTIER

Land Information

Section: 26 Acreage: 0.39

Township: 7

Range: 7

Street Name GAUTIER VANCLEAVE
RD

Value and Tax Information

Total Assessed Value: 24667

Total Appraised Value: 164444

Improvement Value: 126224

Land Value: 38220

Tax Amount: 3546

SQ FT: 3466 Year Built: 1985

Legal Description

Description: COM SWC SEC 26 N 2753.06' E 2731
.34'TO POB E 170'TO GAUTIER VAN
RD N 100'W 170' S100' TO POB DB
1199-5 (2 Map777.26-03)

Deed Book / Page: 1199 / 5

82426590.190 DRM PROPERTIES LLC

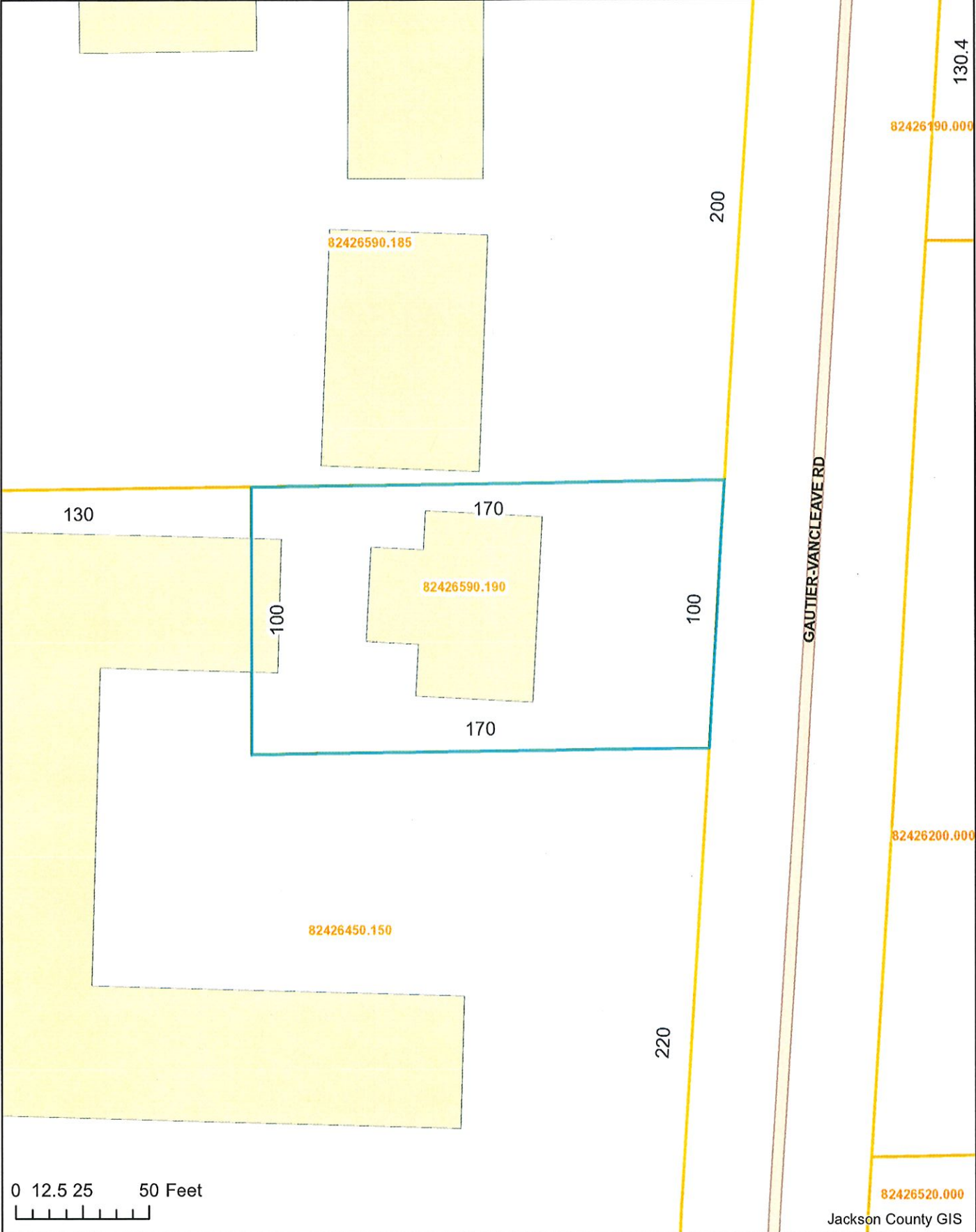


Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department

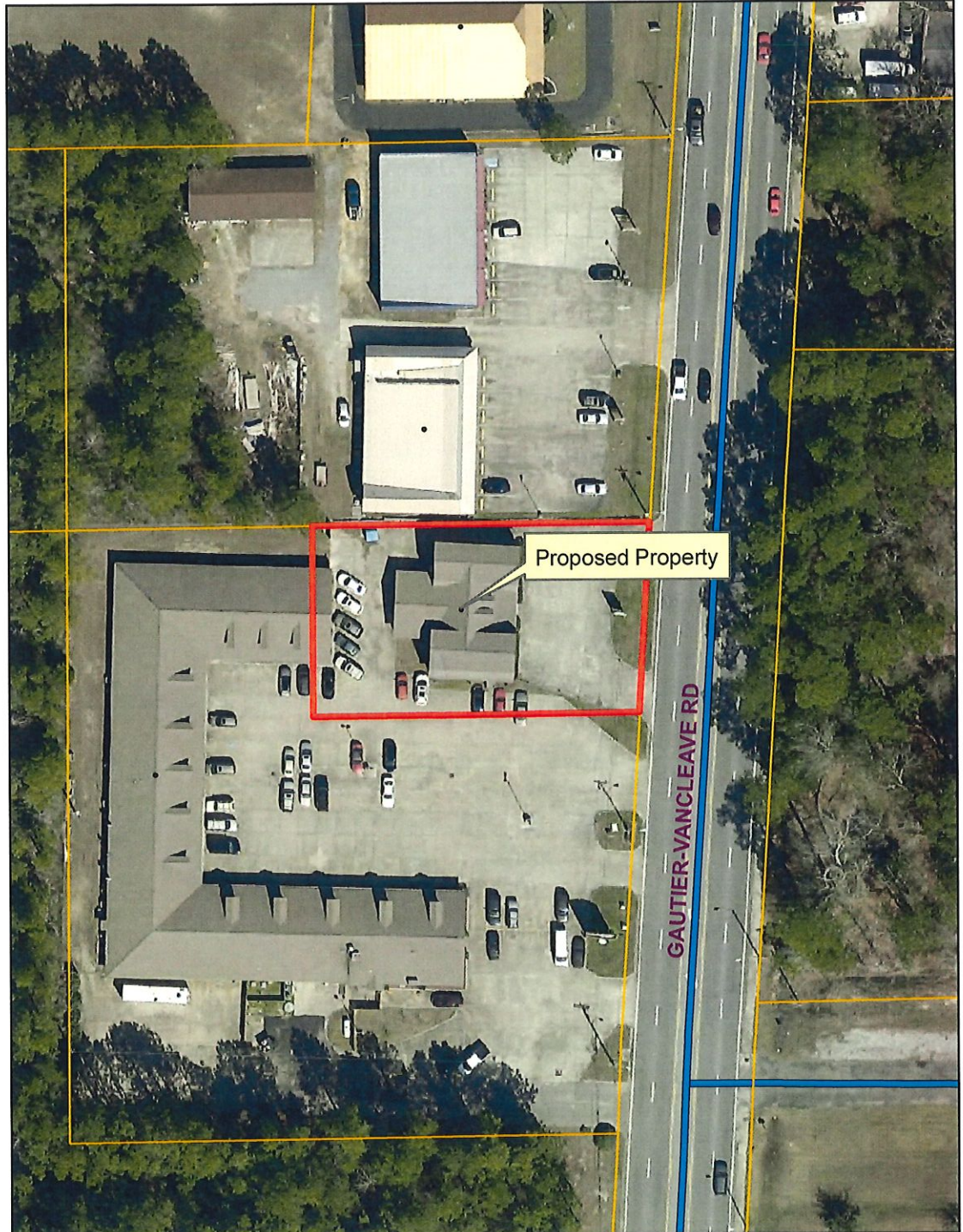


Exhibit B

Existing Zoning

Prepared by:
City of Gautier
Planning Department

Legend

Zoning

ZONECODE

	AG
	C-1
	C-2
	C-3
	I-2
	MURC-1
	MURC-2
	MURC-MW
	PL
	PUD
	R-1
	R-2
	R-3
	RE
	TC

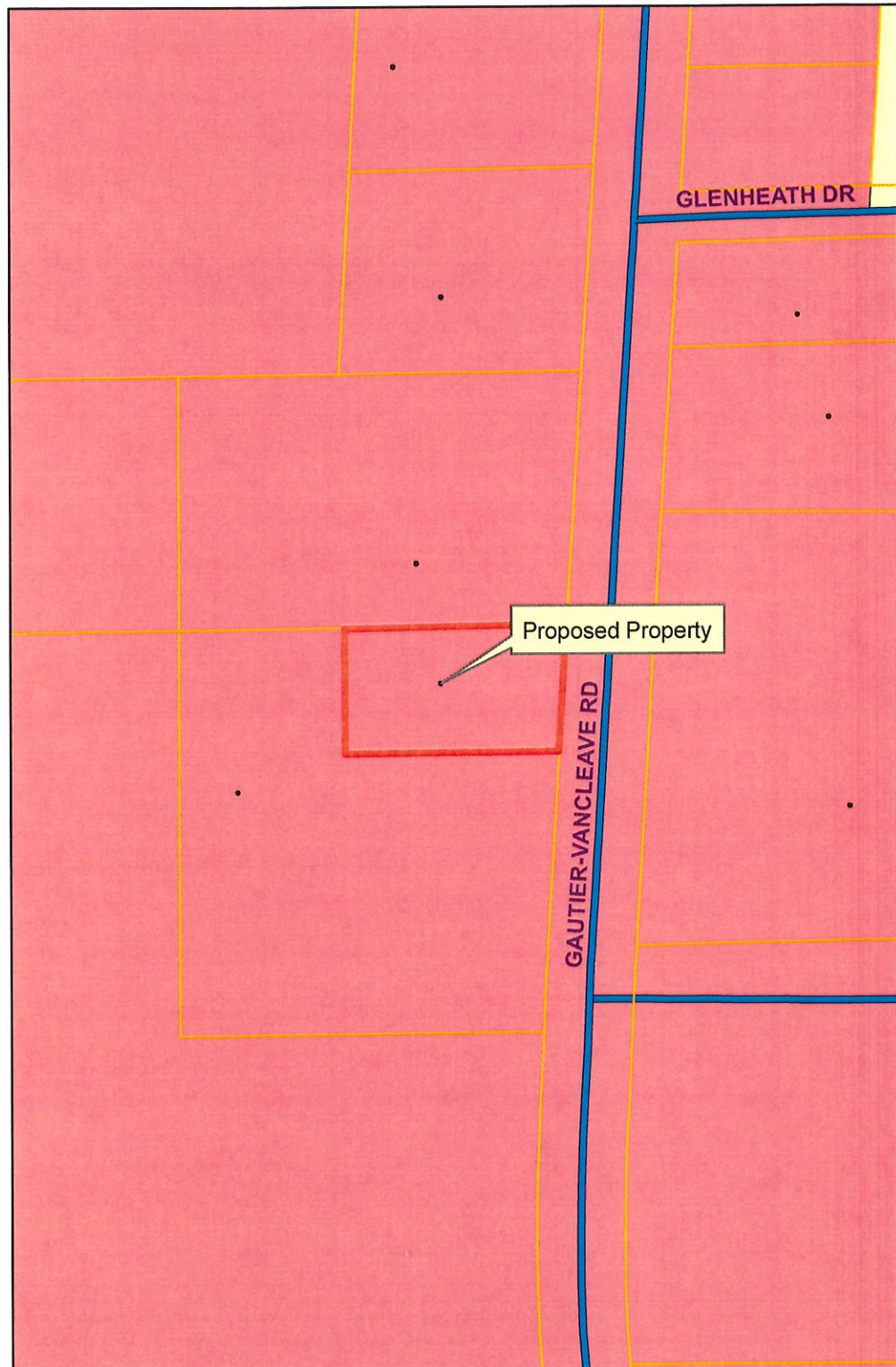


Exhibit C

Existing Land-Use

Prepared by:

City of Gautier
Planning Department

Legend

EXISTING LAND USE

ELU_08

- commercial-retail
- conservation
- civic
- industrial
- marina/fish camps
- high density residential
- mobile home
- mobile home park
- medium density residential
- office
- recreation
- very low to low density residential
- utility
- vacant

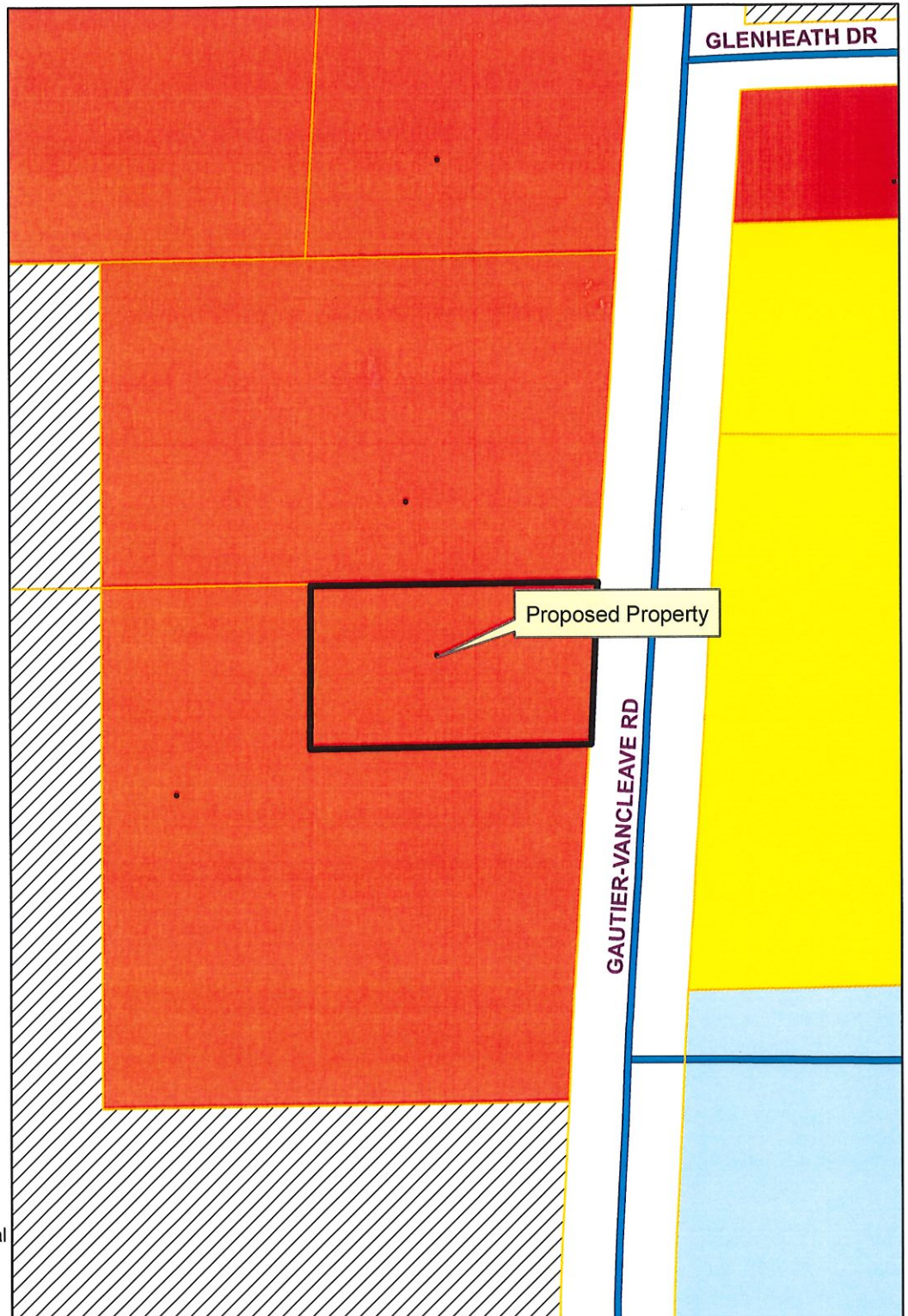


Exhibit D

Future Land-Use

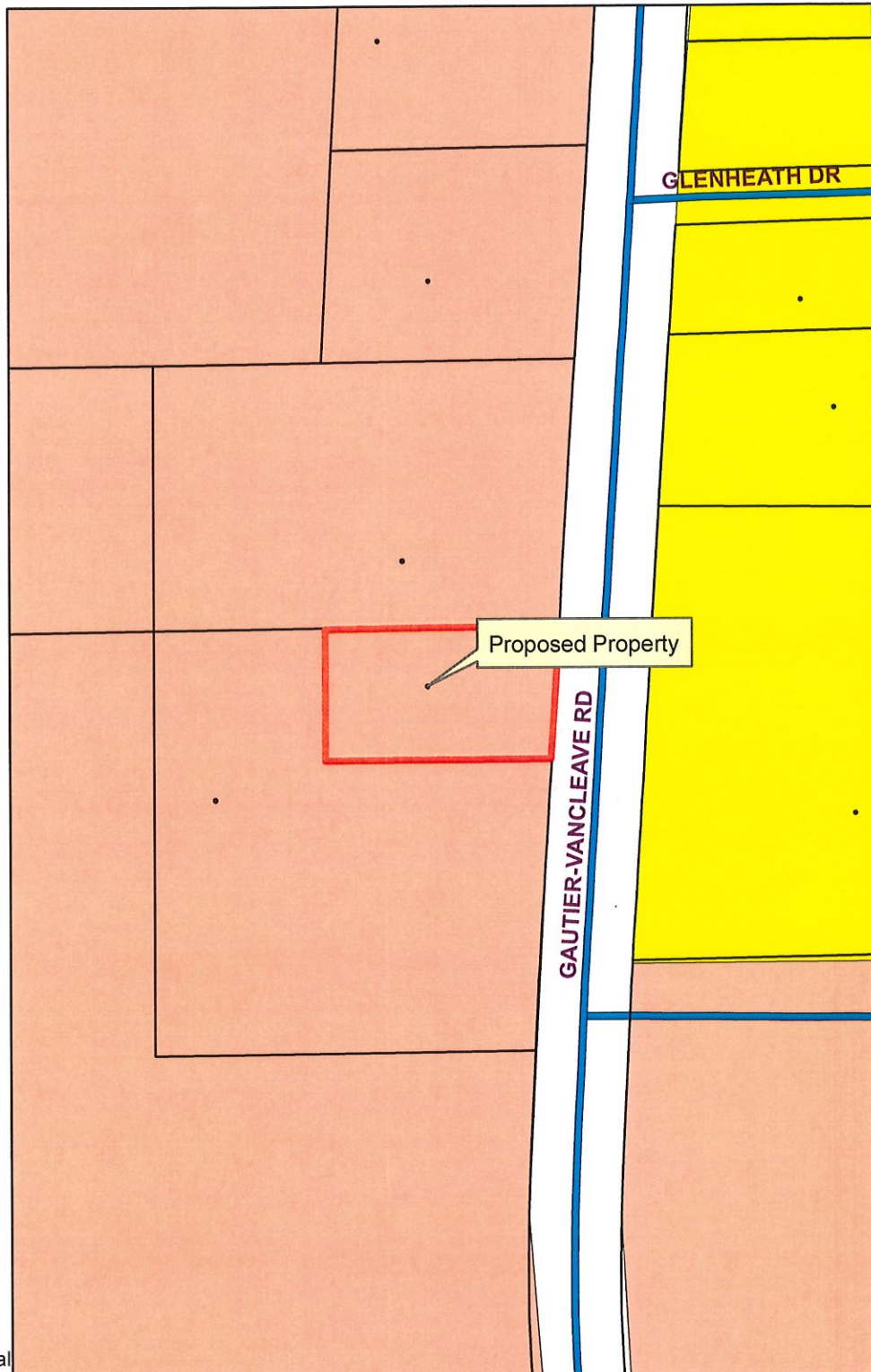
Prepared By:
City of Gautier
Planning Department

Legend

FUTURE LAND USE

FLU_Class

-  Civic
-  high impact commercial
-  Conservation
-  High Density Residential
-  Industrial
-  Low Density Residential
-  Medium Density Residential
-  Mobile Home Residential
-  low impact Commercial
-  Recreational
-  recreational commercial
-  Regional Scale Commercial
-  mixed use residential
-  Town Center
-  Very Low Density Residential



Gautier Planning Commission

Regular Meeting Agenda

April 4, 2024

GPC #24-10-RZ

Charles Roberts

4416 Highway 57

PID #82430100.050

VII. NEW BUSINESS

4. Consider a request for a Property Owner Initiated Rezoning of Property located at 4416 Highway 57, PID #82430100.050, from C-3 Highway Commercial to PUD Planned Unit Development. (GPC Case No. 24-10-RZ)

**CITY OF GAUTIER
STAFF REPORT**

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: February 27, 2024

Subject: Consider a request for a Property Owner Initiated Rezoning of Property located at 4416 Highway 57, PID #82430100.050, from C-3 Highway Commercial to PUD Planned Unit Development. (GPC Case No. 24-10-RZ)

REQUEST:

The Planning Department has received a request from Charles Roberts for a Rezoning of property known as 4416 Highway 57, PID #82430100.050, from C-3 Highway Commercial to PUD Planned Unit Development. The parcel is approximately 19.91 acres. The application fee of \$300 was paid on January 26, 2024. All public notice requirements have been met.

BACKGROUND:

Section 4.15 of the City's Unified Development Ordinance (UDO) establishes the procedure to amend the City's Official Zoning Map. The Gautier Planning Commission (GPC) shall review a proposal for a rezoning and shall make an advisory recommendation to the City Council as to the need and justification for the change when the public welfare justifies such action. The GPC shall include in its recommendation to the City Council findings that the required rezoning criteria have been met.

DISCUSSION:

1. Location: 4416 Highway 57, PID #82430100.050. (See Exhibit A)
2. Existing Zoning: C-3 Highway Commercial. (See Exhibit B)

UDO 5.3.9 C-3, Highway Commercial District - Purpose and intent. The purpose of this district is to provide for areas where relatively high intensity commercial and retail uses, office buildings, medical facilities, automobile car lots and regional shopping areas may be located. C-3 Districts are to be located along major highways or major arterials. Due to the high intensity of some of the

permitted uses and the variety of uses, most C-3 uses are not compatible with low- to medium-density residential uses, but may be adjacent to high-density residential uses if adequately buffered.

UDO 5.3.17 PUD, Planned Unit Development - Purpose and intent. The PUD zoning district is applied to specific areas to encourage flexibility in the development of land, in order to promote its most appropriate use; to improve the design, character and quality of new developments; to encourage a harmonious and appropriate mixture of uses; to facilitate the adequate and economic provision of streets, utilities, and city services; to preserve the natural, environmental and scenic features of the site; to encourage and provide a mechanism for arranging improvements on sites so as to preserve desirable features; to mitigate the problems which may be presented by specific site conditions; and to encourage subdivisions which address the affordable housing goals, objectives and policies of the city's comprehensive plan. Uses permitted "by right" are established by the intent of the underlying Comprehensive Plan Future Land Use Map. It is anticipated that PUDs will offer one or more of the following advantages:

- A. Provide substantial buffers and transitions between areas of different land use and development densities;*
- B. Enhance the appearance of neighborhoods by conserving areas of natural beauty, and natural green spaces;*
- C. Counteract urban monotony and congestion on streets;*
- D. Promote architecture that is compatible with the surroundings;*
- E. Buffer differing types of land use and intensities of development from each other so as to minimize any adverse impact which new development may have on existing or zoned development; and*
- F. Promote and protect the environmental integrity of the site and its surroundings and provide suitable design responses to the specific environmental constraints of the site and surrounding area.*

DATA AND ANALYSIS:

Property requested for Rezoning: 4416 Highway 57, PID #82430100.050.

Location: Ward 1

Current Zoning of the Request Property: C-3 Highway Commercial

Existing Land Use: Vacant. (See Exhibit C)

Future Land Use: Regional Scale Commercial. (See Exhibit D)

Surrounding Zoning: C-3 Highway Commercial to the North and South, AG Agricultural to the East.

HISTORY:

This property is vacant and currently zoned C-3 Highway Commercial.

REVIEW CRITERIA:

The Planning Commission, in its report and recommendation to the City Council on the appropriateness of the request, shall study and consider the following criteria and record that the evidence presented meets the "Criteria for Approval" from the UDO, if applicable.

- A. There was a mistake in the original zoning; **or**
- B. The character of the surrounding area has changed to such an extent as to justify rezoning **AND** there is a public need for additional property to be zoned in accordance with the request.

The Planning Commission shall not recommend approval of a rezoning unless the applicant has proven by clear and convincing evidence that either of the required criteria items above have been met.

STAFF RECOMMENDATION:

If recommending approval, Planning Commission shall record that the evidence presented meets all "Criteria for Approval" from the UDO as listed above.

CONCLUSION:

Based on the required Review Criteria established by Section 4.15 of the Unified Development Ordinance and the appropriateness of the request relevant to the criteria, the Commission may:

1. Recommend that City Council approve to Rezone the subject area from C-3 Highway Commercial to PUD Planned Unit Development; or
2. Recommend that City Council deny the Rezoning.

ATTACHMENTS:

1. Applicant's Exhibit 1 – Application
2. City's Exhibit A – Location Map
3. City's Exhibit B – Existing Zoning Map
4. City's Exhibit C – Existing Land Use Map
5. City's Exhibit D – Future Land Use Map

Revised 2/8/23

GAUTIER, MISSISSIPPI
PLANNING DEPARTMENT
PUBLIC HEARING APPLICATION

Public Hearing Number

024-10-RZ

TO BE HEARD BY GAUTIER PLANNING COMMISSION:

FEE:

Zoning Change

\$301.00

*Includes \$1.00 filing fee per MS Code §25-60-5

Name of Applicant: Charles Roberts

Name of Business: NA Phone: 228-366-0963

Property Address: 4416 HWY 57 GAUTIER, MS Mailing Address (if Different): 4513 Radio Road, Ocean Springs, MS

E-Mail Address: donovan@scruggsplanning.com (agent)

Reason for request, location and intended use of Property: Change in Neighborhood Character and Public Need

Summary of change in character and need to be provided on separate document

ATTACHMENTS REQUIRED AS APPLICABLE:

- X 1. Diagram of intended use, showing dimensions and distances of property, building with setbacks, parking spaces, entrances and exits.
- X 2. A detailed project narrative.
- NA 3. Copy of protective covenants or deed restrictions, if any.
- NA 4. Copies of approvals, or requests for approval, from other agencies, such as, but not limited to, the Mississippi State Department of Health, U.S. Army Corp of Engineers, Mississippi Department of Environmental Quality and Department of Marine Resources.
- NA 5. Any other information requested by the Planning Director.

Signature of Applicant: Charles H. Roberts III Date of Application: _____

Donovan Scruggs (PH: 228-348-1315) will serve as agent to provide additional documents and representations for this application.

FOR OFFICE USE ONLY

Date Received 1/26/24 Verify as Complete Scott

Fee Amount Received 301.00 Initials of Employee Receiving Application Baba

January 25, 2024



Scott Ankerson, Planning Director &
Building Official
City of Gautier
3330 US-90
Gautier, MS 39553

RE: Property located along East Side of Hwy. 57 & North of Hwy. 90
4416 Hwy. 57 Gautier, MS PIDN: 82430100.050
PUD Approval / Preliminary (Conceptual) Plat

Dear Mr. Ankerson:

Attached for your review and consideration are documents and the applications related to a Planned Unit Development (PUD) for the proposed Legacy Park project located along the east side of Highway 57. The site includes approximately 20 acres of land that is proposed to be rezoned with a PUD overlay and constructed as a small, mixed use development. The development will include a number of uses to include medical, retail, dining, and hospitality.

The site is modeled as a small downtown that will include shallow setbacks, parallel (on-street) parking, and pedestrian amenities. The street and right of way widths will vary to provide a more compact character. The majority of the site's parking will be oriented towards the rear of the buildings. These parking areas will largely be assembled on common lots or properties with cross-parking easements for the entire development. The parking stalls and drives will be slightly reduced to decrease the amounts of impervious surfaces and the related stormwater runoff.

The property is currently designated as a C-3 Highway Commercial District. This will serve as the 'base' district. The attached application includes a request for a PUD that meets the following standards outlined in 5.3.17:

- B. Enhance the appearance of neighborhoods by conserving areas of natural beauty, and natural green spaces.
- C. Counteract urban monotony and congestion on streets.
- D. Promote architecture that is compatible with the surroundings.

The PUD request is based on a change in neighborhood character and public need. The change in character has resulted in construction of small commercial strip center to the south and the multi-family development to the north. This character is also impacted by the construction of the Ocean Springs High School and the residential areas to the south in unincorporated Jackson County. This growth has created a need for additional services within the area. The provision of water and sewer infrastructure further defines the character and potential use of the parcel.

The PUD and Preliminary Plat will permit the development of a mixed use center that is more compatible with the adjacent uses. The property is within close proximity to the Sand Hill Crane Refuge and larger areas of wetlands. The PUD will provide greater flexibility in 'clustering' building and uses for enhanced compatibility with these environmentally sensitive areas.

If you have any questions, please feel free to contact me at 228.348.1315.

Sincerely,

Donovan Scruggs, AICP

LEGACY PARK:
A PLANNED UNIT DEVELOPMENT
OF GAUTIER, MISSISSIPPI

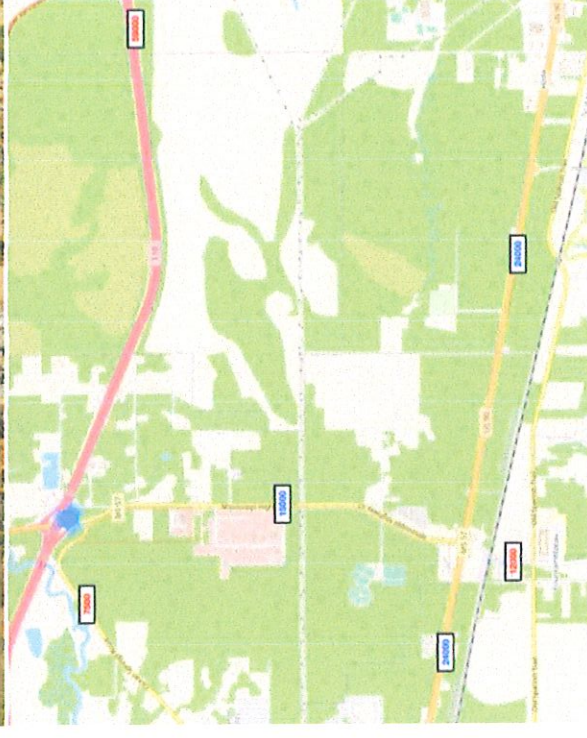
Introduction

Legacy Park is proposed as a mixed use development that will include restaurants, medical facilities, retail, hospitality, and residential uses. The development will be located within the City of Gautier and along Highway 57. This site is located between Interstate 10 and Highway 90, and this portion of the Highway 57 corridor is relatively undeveloped. The roadway serves as the common line of incorporation among the City of Gautier, the City of Ocean Springs, and Jackson County. These three corridors are primary arterials that move high volumes of traffic on a daily basis making the site ideal for a mixed-use development. Much of this movement is between cities and counties, but the traffic is also among states. Highway 57 includes an access ramp to Interstate 10, and this provides an efficient route to Highway 90 and from the Interstate.

According to traffic volumes of the Mississippi Department of Transportation, Interstate 10 has daily volumes between 59,000 and 63,000 vehicle trips. Highway 90 within the subject area has daily vehicle volumes of approximately 24,000. Highway 57 demonstrates a daily vehicle volume of approximately 15,000. In recent years, the volumes along Highway 57 and south of Highway 90 have significantly increased. This is due to the construction of the Ocean Springs High School and the residential growth located to its south that has occurred in unincorporated Jackson County.

In 2010 Ocean Springs developed its recreational complex northwest of the site and similarly, Jackson County developed its soccer complex to the east of the subject site years earlier. The County's soccer complex is now within the City of Gautier, but it was initially constructed within an unincorporated area. Within the last few years a small medical complex was constructed within the City of Gautier at the northeast corner of Highways 57 and 90. A large convenience store with gasoline sells was constructed within the southeast corner of this intersection. Immediately north and adjacent to the site is a large, multi-family apartment complex.

With the traffic related to large employment centers and new and existing developments within close proximity to this intersection, it is expected that Highway 57 will emerge as primary commercial corridor for the area. The proposed Planned Unit Development is expected to enhance the corridor by establishing an attractive mixed use development.



Zoning Requirements

The location of Legacy Park is north of Highway 90 and along Highway 57. The site has a zoning designation of C-3 Highway Commercial. While the C-3 District permits “all forms of Restaurants (specialty, fast food, dine-in), Hotels, Mixed Use Building with upper story residential, Neighborhood and Community Shopping Centers, Office, Retail, and Medica/Dental Clinic”, the dimensional and site layout standards are not favorable for a mixed use development. Setbacks, street configurations, lot coverage ratios, parking and other characteristics create issues with the desired layout of Legacy Park.

Legacy Park will be designed with a Main Street feel with buildings situated with shallow setbacks. Parking will be primarily on common lots utilizing cross access and parking easements. Legacy Park will include residential uses, a hotel, dining and retail opportunities, medical clinics, and office spaces. It is anticipated that visitors, residents, and employees on the site can spend hours or days on the site without the need for a vehicle. The Planned Unit Development, as requested, provides flexibility in numerous dimensional requirements, but the underlying permitted uses are not expanded or changed.

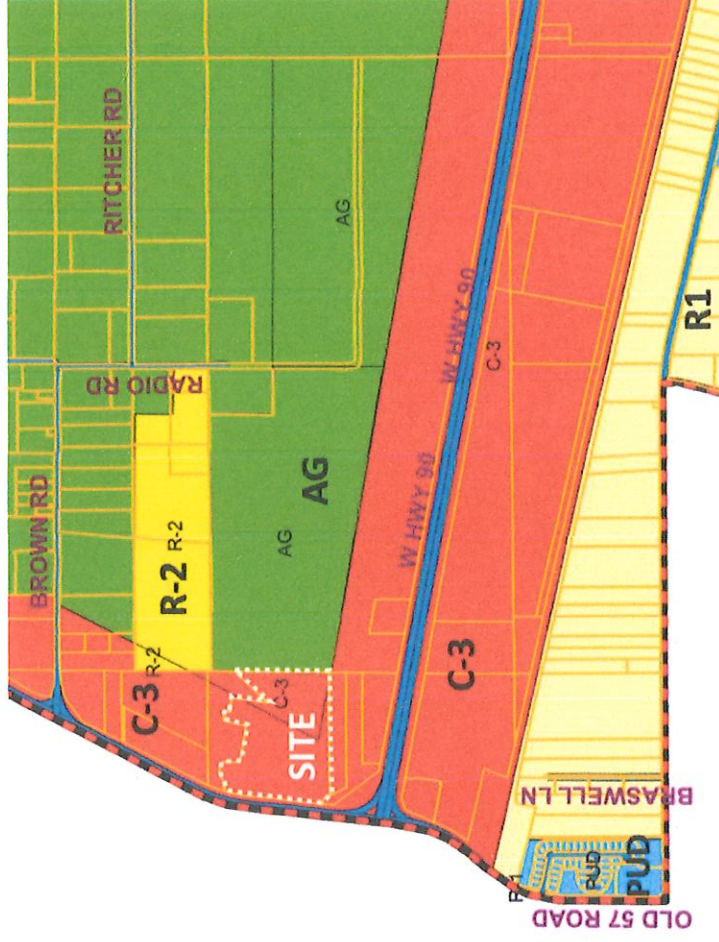


Table 7. Intensity and Dimensional Standards

Zoning District	Min. Lot Area (sq. ft.)	Min. Lot Width	Maximum Building Height			Setbacks			Maximum Density (units per acre)			Maximum Floor Area Ratio			Max % of area covered on lot		
			*Tier 1	Tier 2	Tier 3	Front	Side	Rear	*Tier 1	Tier 2	Tier 3	*Tier 1	Tier 2	Tier 3	*Tier 1	Tier 2	Tier 3
C-1	None	100	15	25	35	25/15	15/35/40	15/25/35	none	N/A	N/A	N/A	N/A	N/A	75	80	80
C-2	None	100	25	30	35	40/25	15/35	0/35	none	N/A	N/A	N/A	N/A	N/A	75	80	85
C-3	None	None	35	45	60	40/25	15/35/40	0/35	none	N/A	N/A	N/A	N/A	N/A	75	80	85

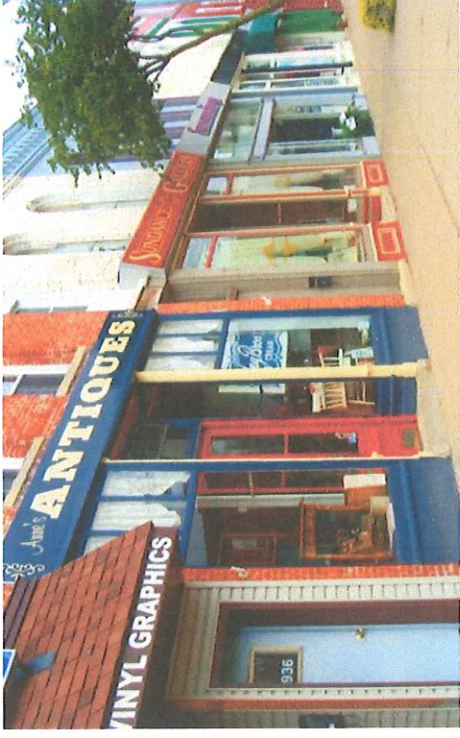
Legacy Park: Mixed Use Development

In recent years there has been a national trend toward the development or redevelopment of mixed use locations. These developments include a mix of residential, commercial, retail, medical and dining opportunities. Often these developments resemble traditional Main Streets and provide an alternative to enclosed malls or conventional shopping centers. These developments often include residential units above commercial spaces or single-purpose residences to the commercial spaces. This allows workers or customers to live within walking distances to the commercial spaces. Legacy Park will include residential units above many of the commercial spaces and plans to incorporate a hotel within the eastern portion of the site. Legacy Park will also include a large retention pond that will serve as a water feature with a walking track and public spaces. The mixture of uses expands the activity cycle of a development from day light or working hours to evening and nighttime hours.

While many cities are able to repurpose the vacant upstairs spaces within existing downtowns, Legacy Park will involve new construction. This will permit the establishment of an architectural theme that is regulated by covenants and an architectural review board. Through these steps quality and style can be consistent and maintained.

The City of Gautier's Planned Unit Development (PUD) regulations permit a deviation from standard sections of the Unified Development Code. While the site will adhere to the uses permitted within the C-3 Highway Commercial section of the Code, deviations from setbacks, road widths, site layout, and similar standards are being requested to foster a mixed use development that will resemble a downtown environment. The regulations associated with the existing C-3 District do not encourage compact, mixed use developments.

Images on this page are from an APA publication on mixed uses, Denton, Texas, and Superior Colorado. These images only serve as examples of mixed use development and are not illustrative of the proposed project.



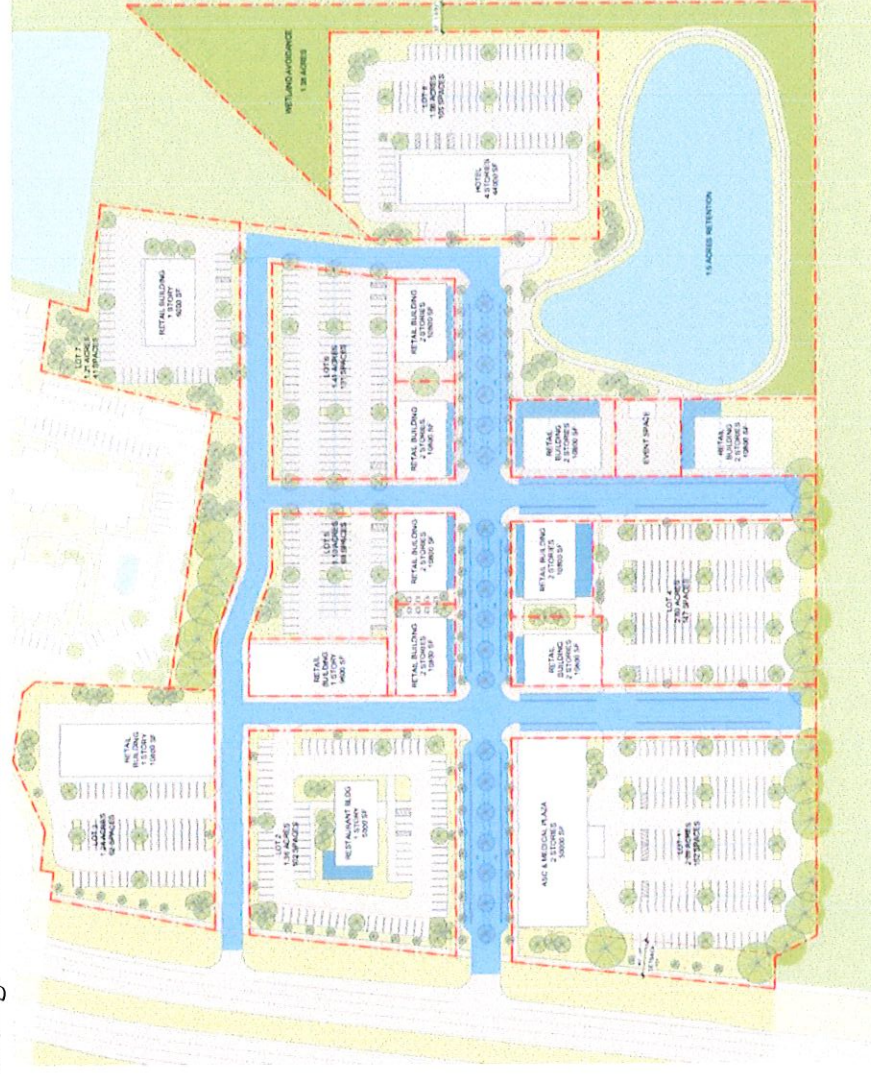
Legacy Park: Plan Overview

Legacy Park is proposed to be a mixed-use development that is regulated as a Planned Unit Development (PUD). Legacy Park will include a small grid layout arranged along a Main Street and buildings with shallow setbacks.

Legacy Boulevard is its Main Street. Unlike most contemporary commercial corridors, this drive will include on-street, parallel parking. This provides convenient access to buildings and encourages lower vehicle speeds within the development.

Legacy Boulevard is proposed as a divided roadway with a landscaped median. This provides an additional element of safety for street crossings. Buildings are arranged in a compact manner along the corridor to encourage 'single-stops' so that visitors can park and patronize multiple businesses within Legacy Park without the use of a car. The arrangement encourages street crossings for easy 'store to store' movement. Parking, in most cases is arranged in the rear of buildings in common or shared parking areas.

Along Highway 57 will be three parcels that will provide convenient access for visitors with a single purpose. These site will provide medical services, dining opportunities, or similar needs. The interior lots will be arranged in a more compact nature. These lots will incorporate shared parking and upper floor residential units above some commercial spaces. Two lots along the eastern edge of the development (lots 7 and 8) will accommodate a hotel and an undetermined use. The hotel is considered an integral part of the project as it will provide customers and visitors to the site.



A conceptual layout of Legacy Park. Final building areas and parking details will be determined.

Legacy Park: The Lots

Legacy Park is proposed to be developed as a single site, but subdivided and platted for potential conveyances of lots. Within the development five (5) lots are likely to be conveyed to other parties for development. These include Lots 1, 2, 3, 7, and 8. The buildings within these parcels will be developed with design standards that are consistent with Legacy Park, but may be constructed by other parties.

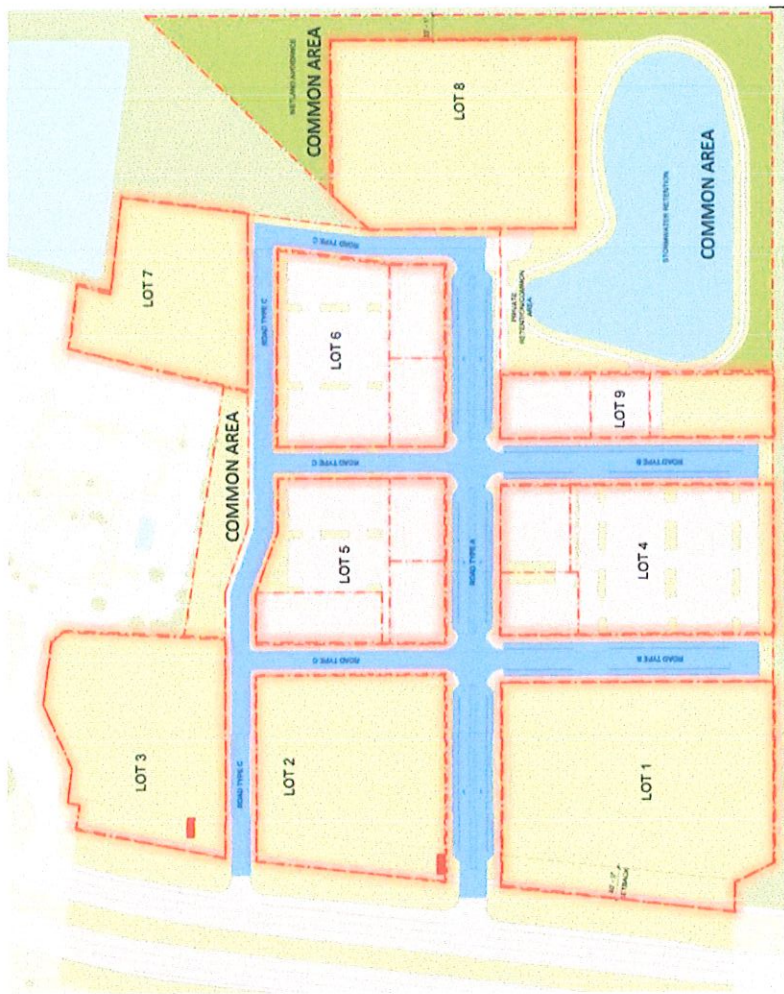
Lots 4, 5, 6, and 9 are the interior lots of the development and will likely be developed by the construction team of Legacy Park. These lots include smaller sub-parcels to accommodate the construction of buildings. These sub-parcels will include buildings that occupy approximately the entire footprint. Parking for these sub-parcels will be provided with cross parking easements situated on the primary lots and throughout Legacy Park.

Unlike typical commercial parcels or buildings within the City of Gautier, parking areas within Legacy Park may not be contained on each individual lot or parcel. Parking is expected to be shared among the majority of tenants or uses. Parking calculations will be based on the overall site requirements and spread throughout Legacy Park. Similarly, stormwater retention requirements will not be imposed on individual lots or parcels. It is expected that buildings constructed on the lots and parcels will occupy the majority of the respective footprints. A common retention/detention pond located in the southeast corner of the property will serve the entire site.

To establish a Main Street environment, setback requirements will be significantly reduced. No setback requirements are proposed on any lots or sub-parcels within Legacy Park with the exception of a 40 setback along Highway 57.

Legacy Park Lots Standards

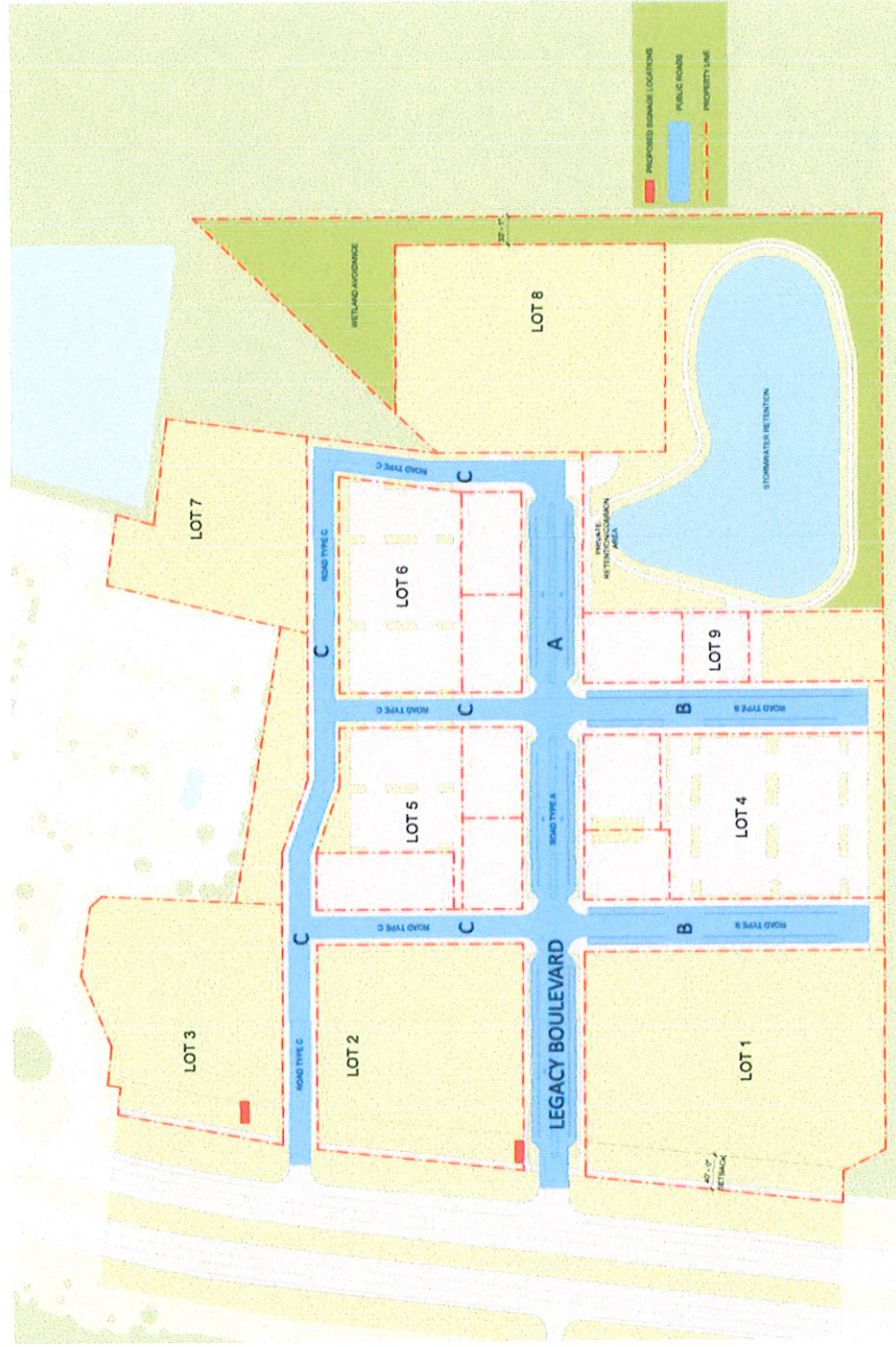
Front Yard Setback (Minimum)	0
Side Yard Setback (Minimum)	0
Rear Yard Setback (Minimum)	0
Highway 57 Setback (Minimum)	40
Percent Coverage (Maximum)	100



Legacy Park: The Streets

Legacy Park will include streets that are constructed and dedicated to the City of Gautier. The streets will form a small grid pattern with two access points to Highway 57 along the west property line. The streets will also 'stub' to the south for potential connection to future developments. Similarly, the common area along the north side of Lot 5 and the roadway could include a connection to the existing multifamily development located north of the site. With the open space available, this access could include vehicular or pedestrian access for improved connectivity.

Legacy Boulevard is the Main Street and will include a center median. This Street will also include parallel parking for improved access to adjacent buildings.

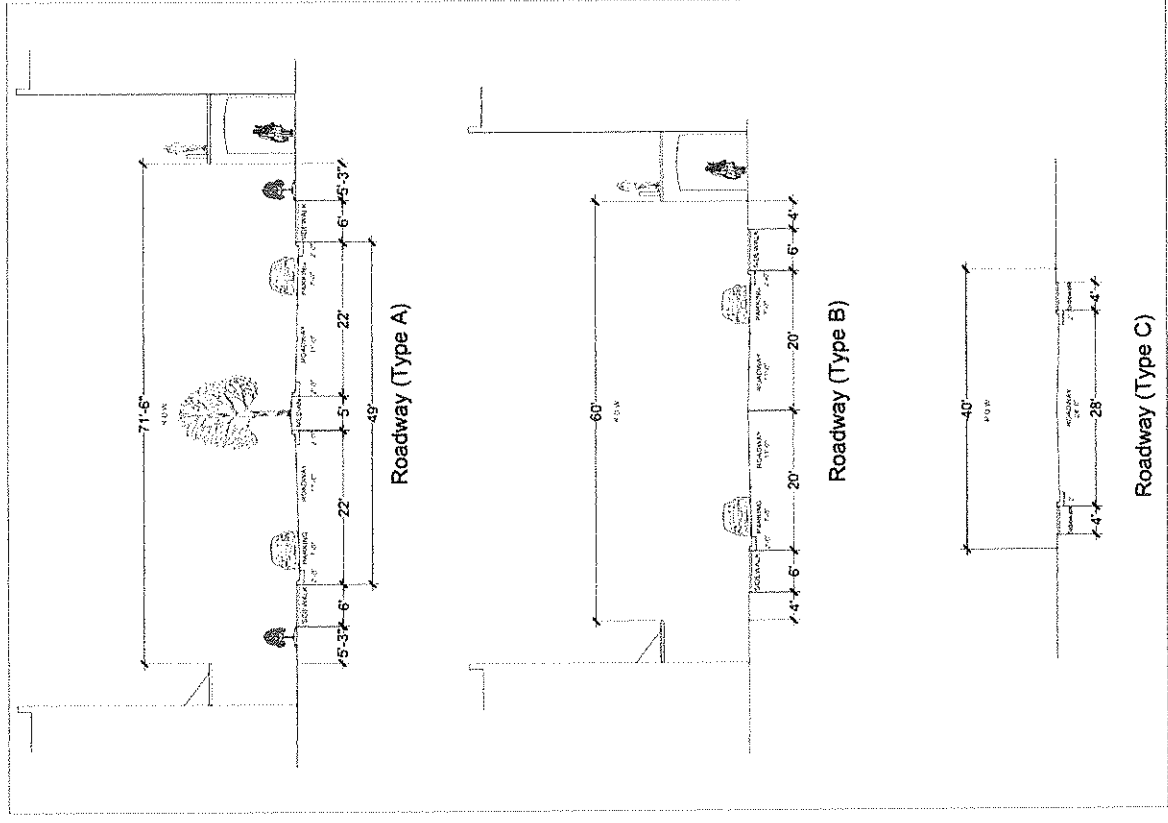


Legacy Park will include three Street Types. These streets will differ greatly in widths and functions.

Type A Streets will include Legacy Boulevard which is the Main Street or primary access to the site. This roadway has a proposed right of way of 71'6". To establish the downtown character, the street will include two vehicular lanes (one east and one west) and a landscaped median. The street will include parallel or on-street parking and sidewalks. Buildings will be arranged either at or near the property line. The right of way is sufficient to accommodate a tree well or landscaping along the exterior boundary or the sidewalk can be widened to enhance pedestrian traffic. This right of way will also accommodate the required infrastructure. As demonstrated in the image to the right, this roadway is expected to permit buildings to be constructed to the common lot line and right of way lay with little or no setback. Additional public or pedestrian areas are expected along within the private areas adjacent to the buildings, in some cases. These areas may be covered by awnings or other structures. Additionally, some buildings may be constructed to the front or side property lines.

The two streets that extend south from Legacy Boulevard will be classified as Type B Streets. These two streets will have a right of way of approximately 60 feet. Similar to Type A Streets, these streets will include on-street parking and are expected to have little to no setback for the adjacent buildings. Depending on the relation to these buildings, the sidewalks can range from 6 to 10 feet in widths. These streets also function as 'stub' streets that can be extended to the southern properties that are not part of this development. The Type B Streets do not include a median.

Type C Streets include the roadway located north of Legacy Boulevard. These are secondary streets that will not include on-street parking or medians. These are functional streets that are provided to access parking areas. Lot 3 and Lot 7 will be accessed by these roadways. While the right of way is 40 feet in width, the driving surface of the roadway is approximately 27 feet. The roadway will include a sidewalk with a width of 4 to 6 feet depending on the location and the relationship to adjacent buildings.



Legacy Park: The Buildings

The mixed-use component of Legacy Park will be most evident on the small sub-parcels of the developments. These sub-parcels are located on Lots 4, 5, 6 and 9. These sub-parcels are compact with sizes ranges from approximately 10,000 to 15,000 square feet.

The buildings that will be constructed on these sites will occupy the majority of the sub-parcels' areas. Areas of the parcels that are not occupied by a building will likely include impervious or hard-surfaced areas for pedestrian movement, outdoor dining, or other uses. The buildings will not have regulated setbacks other than those established by the City's adopted building code. The buildings' sizes and locations will also be subject to established interior easements addressed in Legacy Park: Interior Easements (page 10).

These buildings are expected to be constructed by the Legacy Park development group. These buildings will range in height from one to three stories. The buildings will be designed by the group with a consistent character or theme that will be established by the project architect.



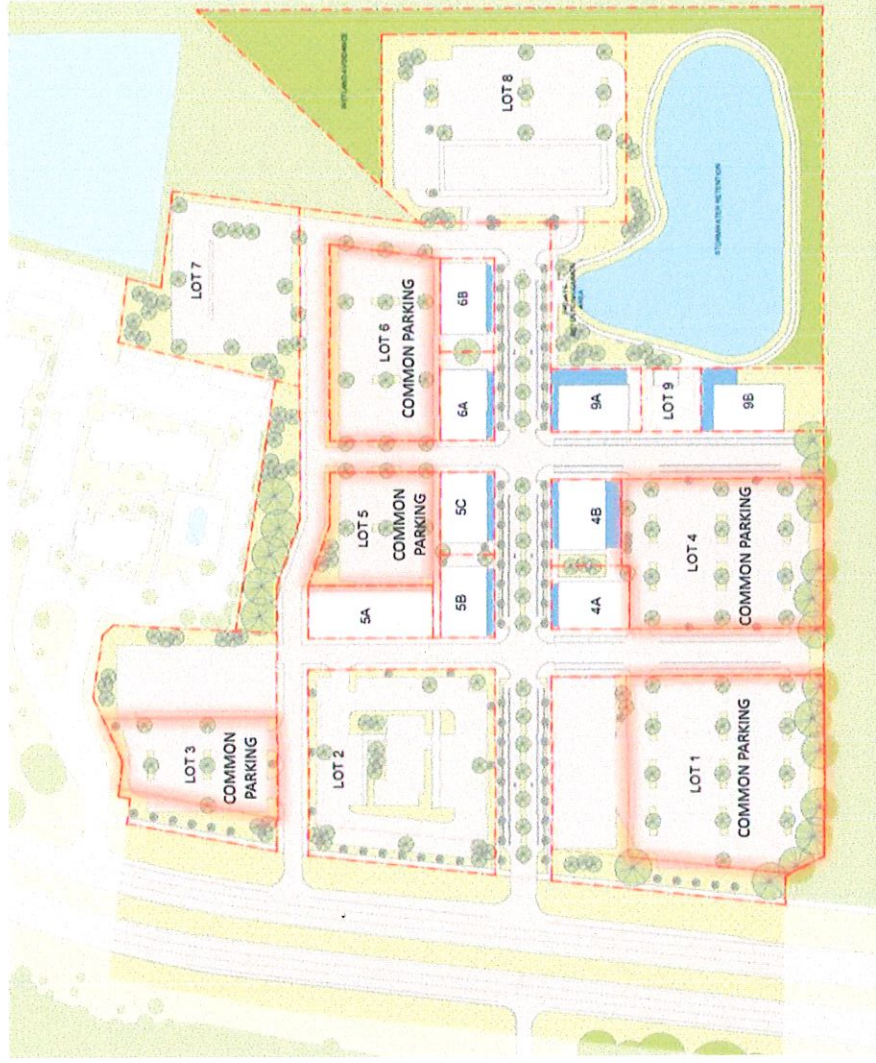
The smaller parcels within the Lots 4, 5, 6, and 9 are referred to as "sub-parcels" in this document.

Legacy Park: Parking

Legacy Park will be developed as a mixed-use site that will include restaurants, offices, retail spaces, medical facilities, hospitality accommodations, residences and other uses. Mixed-use developments, such as Legacy Park, encourage walkability among the various uses and spaces within these developments. With services available, visitors or residents will have opportunities to meet many of their daily needs without traveling off-site. For this reason, there will be a number of common or shared parking areas on the site and most lots are expected to include 'cross-parking easements'. This will allow visitors to park once and visit multiple locations within Legacy Park without needing to drive. Lots 2, 7, and 8 do not include 'common parking' areas but, portions of these lots will include cross-parking easements. Individual sub-parcels will not include parking contained within the footprint of the parcels but within Common Parking Areas throughout the development.

Parking calculations will be based on the total number of spaces required for specific uses and building areas for Lots 1, 4, 5, 6 and 9. Parking spaces for these lots will be provided within five common parking areas. Parking calculations for Lots 2, 7, and 8 will be based on the specific uses for the respective lot. Reductions for the required spaces may be utilized as permitted within the City of Gautier's Unified Development Code. While sufficient parking is necessary and desirable, excessive parking leads to an inefficient use of land, increased stormwater runoff, and heat island effects.

Legacy Park will include 'on-street' parking constructed within the development, and these spaces will be counted towards the site's overall parking calculations. The Unified Development Ordinance only permits consideration of off-street parking, but with the mixed-use character of the site the use of on-street parking will enhance the project. Parking spaces within Legacy Park will be designed with minimum widths of nine (9) feet and minimum depths of eighteen (18) feet. Adjacent drives are expected to have a minimum width twenty-four (24) feet for two-way traffic. On-site parking spaces will primarily be configured perpendicular (90 degree) to the driving lanes.

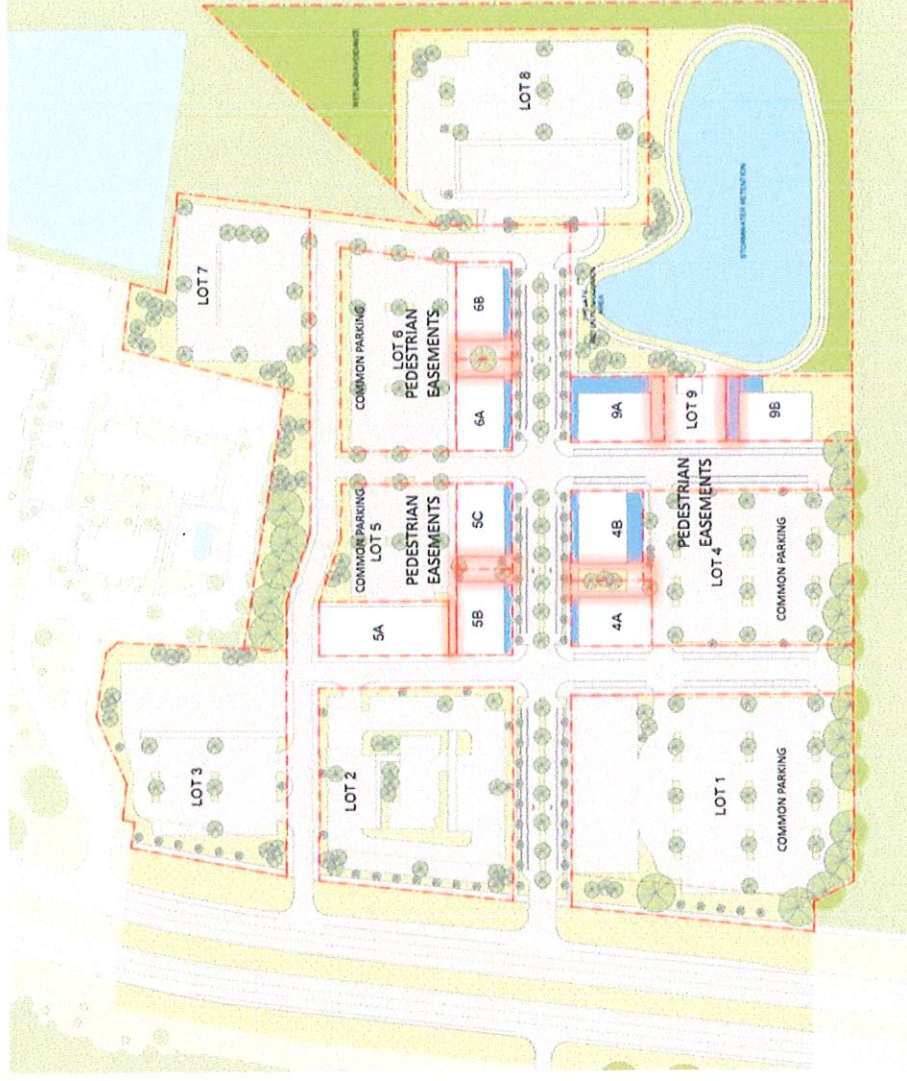


Legacy Park: Interior Easements

Legacy Park is arranged as a small, Main Street development. This will include Legacy Boulevard with buildings located along the front building line with on-street parking. Street parking will not accommodate all the required parking for the development, and the majority of parking will be located to the rear of the lots.

To make these parking areas more accessible, Legacy Park will include a number of pedestrian easements between buildings. These easements are centered along the sub-parcel lines to enhance access from other locations to the parking areas in the rear of the buildings. Similarly, these pedestrian easements are provided along the southeast portion of the property for access to the recreational common area.

While these areas include pedestrian easements, private use is expected. Dining, congregating, and other private uses will be encouraged along the sidewalks and exterior spaces of Legacy Park. Outdoor dining spaces within attractive, walkable areas are desirable and also expands the service areas. These outdoor dining areas enhance communications among visitors and foster a vibrant downtown environment.

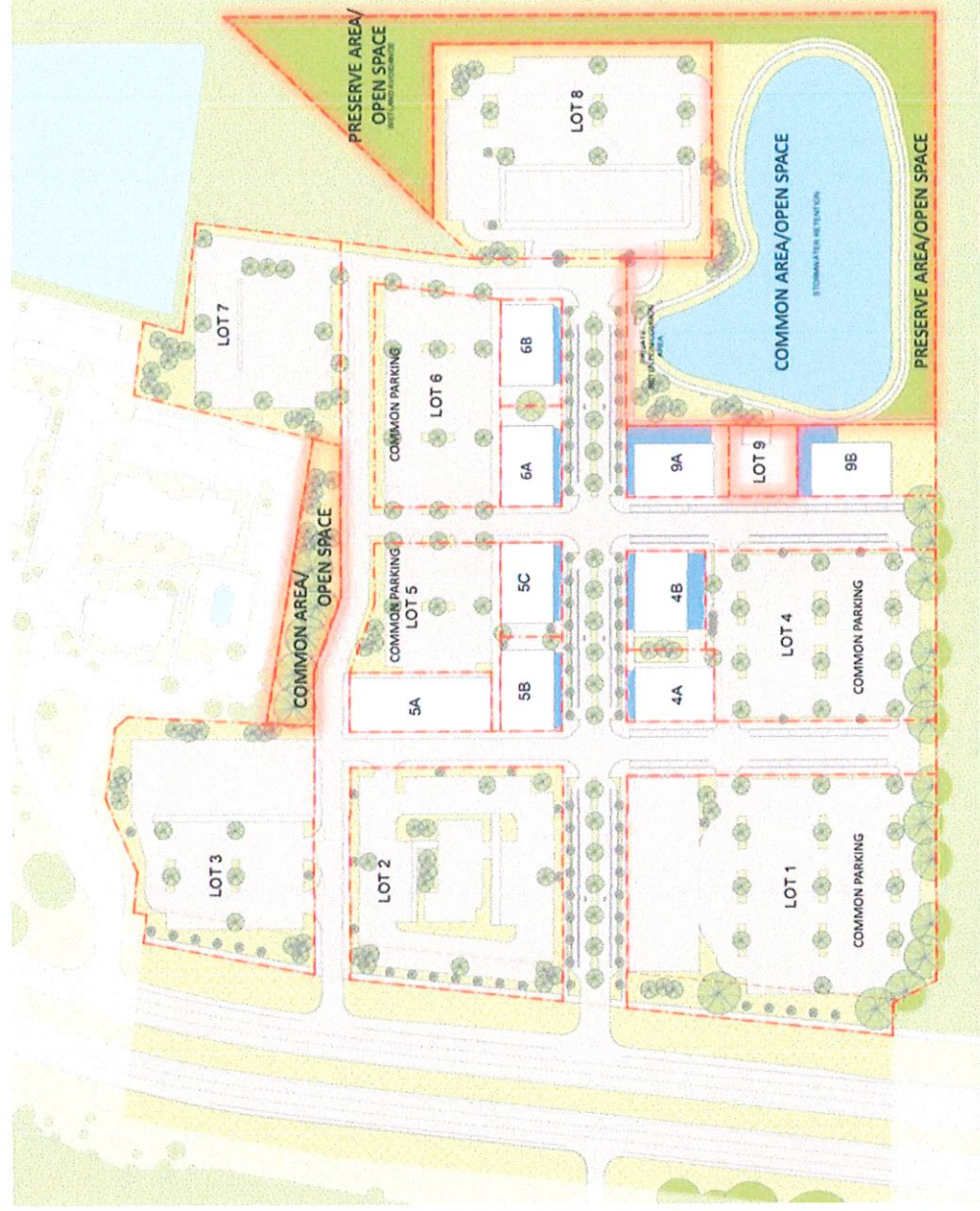


Legacy Park: Open and Common Spaces

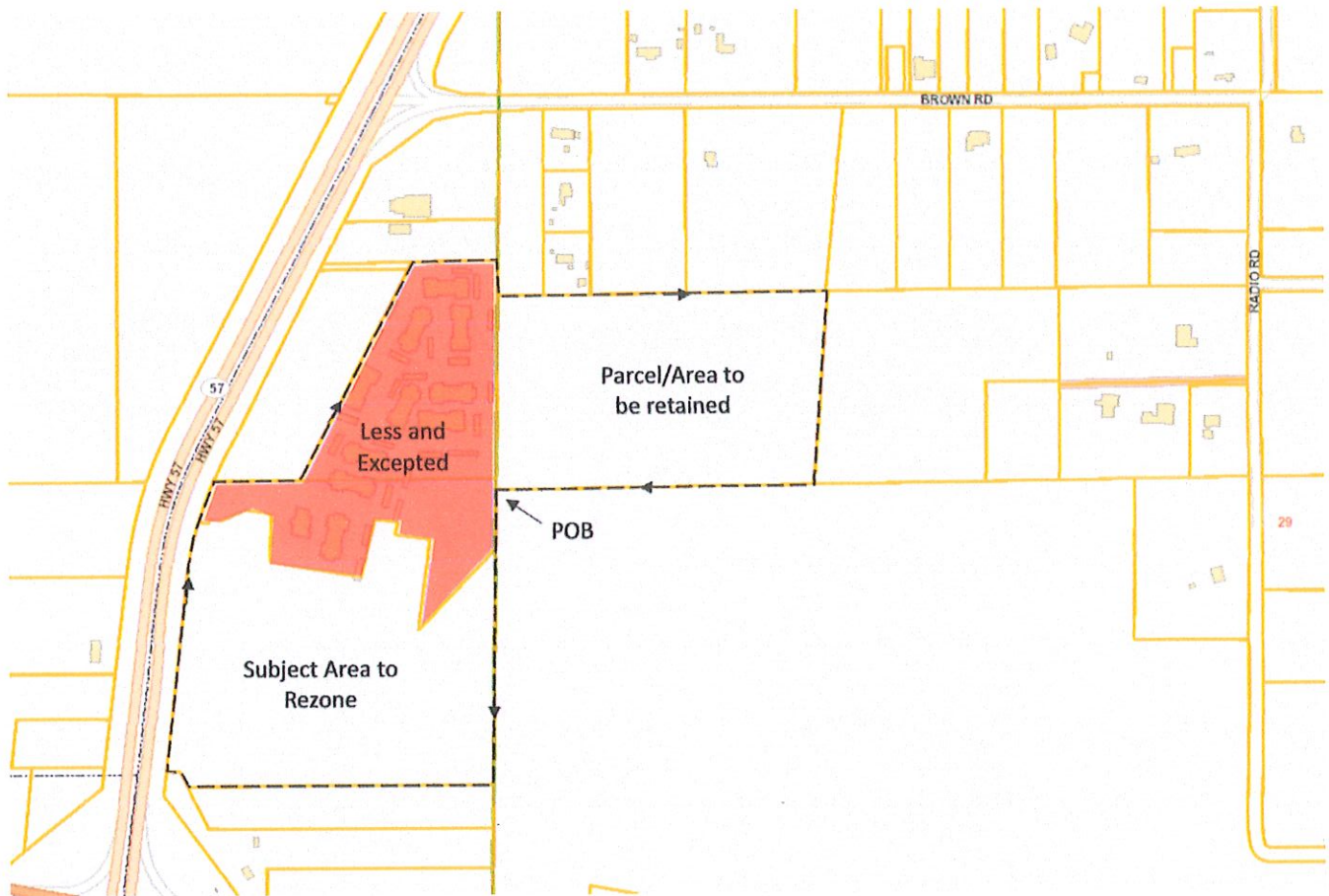
Legacy Park will include three primary Open or Common Spaces within the development.

The largest and primary common area is situated around the stormwater retention pond within the southeast corner of the site. The common area intends to utilize the retention pond as a site amenity for recreational and social uses. The site is adjacent to a small common area with Lot 9. This is envisioned as a more active area for outdoor events and entertainment. Proximity to the water feature enhances this space.

Along the north side of the property is a linear common area. This space assists in providing a buffer area for the multifamily development to the north. It could be used as a dog park or similar amenity for the residents. Because of the proximity to the residential development to the north, it will likely include some form of pedestrian or vehicular access to encourage and enhance interaction.



Deed Detail and Overview



The current deed describes 51.7 acres with a smaller area of 14.8 acres 'less and excepted'. This creates two disconnected areas or parcels. The Subject Area to be rezoned is approximately 19.9 acres. To the northeast of the subject site is a smaller 17 acre area that will be retained by C. Roberts.

Page 1 of 3

Prepared by and return to:
Kaleel "Teal" Salloum, Jr.
Salloum Law Firm, PLLC
Post Office Box 1717
Gulfport, Mississippi 39502
Tel: (228) 863-6727

STATE OF MISSISSIPPI
COUNTY OF JACKSON

Indexing Instructions: Part of SE ¼ of NE ¼ of SE ¼ in Section 30, and part of SW ¼ of NW ¼ in Section 29, all in Township 7 South, Range 7 West, Jackson County, MS

QUITCLAIM DEED

FOR AND IN CONSIDERATION the sum of TEN DOLLARS (\$10.00), cash in hand paid, and other good and valuable considerations, the receipt and sufficiency of all of which is hereby acknowledged, the undersigned

CHARLES H. ROBERTS, III, GRANTOR
4500 HIGHWAY 57
OCEAN SPRINGS, MISSISSIPPI 39564
(228) 366-0963

does hereby sell, convey and quitclaim unto the following Grantees:

CHARLES H. ROBERTS, III AND CAROL ROBERTS AS JOINT TENANTS WITH
RIGHTS OF SURVIVORSHIP, GRANTEEES
4500 HIGHWAY 57
OCEAN SPRINGS, MISSISSIPPI 39564
(228) 366-0963

all of the Grantor's right, title and interest in and to the following described land and property, lying and being situated in Jackson County, Mississippi, to wit:

SEE EXHIBIT "A" ATTACHED HERETO AND
INCORPORATED HEREIN BY REFERENCE

Together with all improvements situated thereon and all appurtenances thereunto belonging.

The above described real property is not part of the homestead of the Grantor nor is it adjacent or contiguous thereto.

This conveyance is made subject to any prior reservation of oil, gas and other minerals and any restrictions or other matters of record.

Taxes for the current year are assumed by the Grantees.

[Signature pages to follow.]

WITNESS MY SIGNATURES, this the 16th day of DEC., 2019.

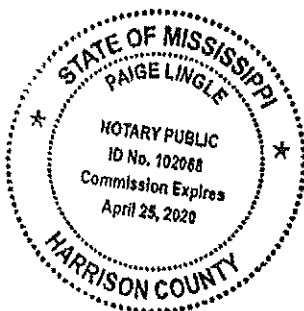


CHARLES H. ROBERTS, III,
GRANTOR

ACKNOWLEDGMENT

STATE OF MISSISSIPPI
COUNTY OF HARRISON

Personally appeared before me, the undersigned authority in and for the said county and state, on this 16th day of December, 2019, within my jurisdiction, the within named Charles H. Roberts, III, who acknowledged that he executed and delivered the above and foregoing instrument.





NOTARY PUBLIC

TITLE NOT EXAMINED

RIDER FOR COMPLETE LEGAL DESCRIPTION

EXHIBIT "A"

Part of the Southeast 1/4 of the Northeast 1/4 and part of the Northeast 1/4 of the Southeast 1/4 of Section 30, and part of the Southwest 1/4 of the Northwest 1/4 of Section 29, Township 7 South, Range 7 West, Jackson County, Mississippi being more particularly described as follows:
Beginning at an iron pipe found at the Northeast corner of the Southeast 1/4 of Section 30;
thence South 00 Degrees 02 Minutes 35 Seconds West a distance of 237.31 feet to an iron rod set;
thence South 00 Degrees 01 Minutes 56 Seconds West a distance of 616.50 feet to an iron pipe found;
thence South 00 Degrees 01 Minutes 56 Seconds West a distance of 187.40 feet to an iron pipe found;
thence North 89 Degrees 40 Minutes 26 Seconds West a distance of 1081.91 feet to an iron pipe found;
thence North 26 Degrees 36 Minutes 10 Seconds West a distance of 53.71 feet to an iron pipe found;
thence North 88 Degrees 03 Minutes 53 Seconds West a distance of 34.41 feet to an iron pipe found on the East Right-of-Way of Mississippi State Highway 57;
thence North 06 Degrees 03 Minutes 58 Seconds East a distance of 641.69 feet to a concrete monument found on the East Right-of-Way of Mississippi State Highway 57;
thence with a curve turning to the right
with an arc length of 204.33 feet,
with a radius of 1247.20 feet,
with a chord bearing of North 11 Degrees 15 Minutes 45 Seconds East,
with a chord length of 204.10 feet,
with a delta angle of 9 Degrees 23 Minutes 13 Seconds to an iron rod set on the East Right-of-Way of Mississippi State Highway 57;
thence with a curve turning to the right
with an arc length of 164.48 feet,
with a radius of 1247.20 feet,
with a chord bearing of North 19 Degrees 44 Minutes 03 Seconds East,
with a chord length of 164.36 feet,
with a delta angle of 7 Degrees 33 Minutes 22 Seconds to an iron rod found on the East Right-of-Way of Mississippi State Highway 57;
thence South 89 Degrees 37 Minutes 03 Seconds East a distance of 284.71 feet to an iron pipe found;
thence North 27 Degrees 58 Minutes 43 Seconds East a distance of 860.62 feet to an iron rod found;
thence North 28 Degrees 42 Minutes 27 Seconds East a distance of 22.61 feet to an iron rod found;
thence South 89 Degrees 22 Minutes 06 Seconds East a distance of 280.27 feet to an iron rod found;
thence South 00 Degrees 43 Minutes 52 Seconds East a distance of 123.05 feet to an iron pipe found;

thence North 89 Degrees 15 Minutes 43 Seconds East a distance of 164.57 feet to an iron rod found;
thence North 89 Degrees 22 Minutes 05 Seconds East a distance of 164.99 feet to an iron pipe found;
thence North 89 Degrees 37 Minutes 43 Seconds East a distance of 819.97 feet to a point in the center of ditch, (said point lies South 89 Degrees 30 Minutes 13 Seconds West a distance of 6.81 feet from an iron rod found which serves as a witness monument);
thence South 04 Degrees 23 Minutes 48 Seconds West a distance of 661.30 feet to a point in the center of a ditch, (said point lies South 89 Degrees 33 Minutes 25 Seconds West a distance of 5.73 feet from an iron rod found which serves as a witness monument);
thence South 89 Degrees 32 Minutes 24 Seconds West a distance of 1102.17 feet to the Point of Beginning, having an area of 51.7 acres, more or less.

LESS AND EXCEPT:

Part of the Southeast 1/4 of the Northeast 1/4 and part of the Northeast 1/4 of the Southeast 1/4 of Section 30, Township 7 South, Range 7 West, Jackson County, Mississippi being more particularly described as follows:

Beginning at an iron pipe found at the Northeast corner of the Southeast 1/4 of said Section;
thence South 00 Degrees 02 Minutes 35 Seconds West a distance of 237.31 feet to an iron rod set;
thence South 43 Degrees 39 Minutes 40 Seconds West a distance of 394.45 feet to an iron rod set;
thence North 07 Degrees 33 Minutes 08 Seconds East a distance of 318.03 feet to an iron rod set;
thence North 82 Degrees 52 Minutes 51 Seconds West a distance of 123.62 feet to an iron rod set;
thence North 15 Degrees 34 Minutes 43 Seconds East a distance of 45.59 feet to an iron rod set;
thence North 82 Degrees 52 Minutes 51 Seconds West a distance of 81.71 feet to an iron rod set;
thence South 13 Degrees 46 Minutes 34 Seconds West a distance of 205.69 feet to an iron rod set;
thence North 80 Degrees 42 Minutes 33 Seconds West a distance of 321.82 feet to an iron rod set;
thence North 02 Degrees 50 Minutes 08 Seconds East a distance of 155.11 feet to an iron rod set;
thence North 41 Degrees 25 Minutes 36 Seconds West a distance of 18.91 feet to an iron rod set;
thence North 81 Degrees 30 Minutes 43 Seconds West a distance of 79.54 feet to an iron rod set;
thence South 65 Degrees 51 Minutes 17 Seconds West a distance of 89.57 feet to an iron rod set;
thence North 83 Degrees 24 Minutes 46 Seconds West a distance of 44.68 feet to an iron rod set;
thence South 10 Degrees 36 Minutes 58 Seconds West a distance of 15.04 feet to an iron rod set;
thence North 83 Degrees 24 Minutes 46 Seconds West a distance of 32.31 feet to an iron rod set on the East margin of Highway 57;
thence with a curve turning to the right with an arc length of 164.48 feet, with a radius of 1247.20 feet, with a chord bearing of North 19 Degrees 44 Minutes 03 Seconds East, with a chord length of 164.36 feet along the East margin of Highway 57 to an iron rod found;
thence South 89 Degrees 37 Minutes 03 Seconds East a distance of 194.44 feet to an iron rod set;
thence South 89 Degrees 37 Minutes 03 Seconds East a distance of 90.27 feet to an iron pipe found;
thence North 27 Degrees 58 Minutes 43 Seconds East a distance of 860.62 feet to an iron rod found;
thence North 28 Degrees 42 Minutes 27 Seconds East a distance of 22.61 feet to an iron rod found;

thence South 89 Degrees 22 Minutes 06 Seconds East a distance of 280.27 feet to an iron rod found;
thence South 00 Degrees 43 Minutes 52 Seconds East a distance of 123.05 feet to an iron pipe found;
thence South 00 Degrees 17 Minutes 25 Seconds West a distance of 658.95 feet to the Point of Beginning, having an area of 14.8 acres more or less.

A PARCEL OF LAND SITUATED IN THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 30, TOWNSHIP 7 SOUTH, RANGE 7 WEST, JACKSON COUNTY, MISSISSIPPI, AS SHOWN ON THE SURVEY PERFORMED BY PATRICK MARTINO PLS INC. DATED JULY 7, 2023 (GEODETIC BEARINGS USED DURING SURVEY BASED ON RTK GPS OBSERVATION-NAD83; CORS96) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 3/4" IRON PIPE FOUND AT THE NORTHEAST CORNER OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 30, TOWNSHIP 7 SOUTH, RANGE 7 WEST, JACKSON COUNTY, MISSISSIPPI; THENCE S00°00'20"E 237.32 FEET TO A 1/2" IRON ROD FOUND WITH CAP STAMPED "VICKERY" AT THE POINT OF BEGINNING, SAID ROD LYING ON THE WEST LINE OF PROPERTY NOW OR FORMERLY OF WALNUT ACQUISITION CORP, BEING DESCRIBED IN DEED BOOK 1249 AT PAGE 311; THENCE ALONG SAID WEST LINE, S00°00'45"W 616.67 FEET TO A 1/2" IRON PIPE FOUND; THENCE CONTINUE ALONG SAID WEST LINE, S00°02'42"W 187.34 FEET TO A 1/2" IRON PIPE FOUND, SAID PIPE LYING AT THE NORTHEAST CORNER OF PROPERTY NOW OR FORMERLY OF TRANSCONTINENTAL GAUTIER LAND, BEING DESCRIBED IN DEED BOOK 1589 AT PAGE 568; THENCE ALONG THE NORTH LINE OF SAID TRANSCONTINENTAL GAUTIER LAND PROPERTY, N89°41'05"W 1081.81 FEET TO A 1/2" IRON PIPE FOUND, SAID PIPE LYING ON THE NORTH LINE OF PROPERTY NOW OR FORMERLY OF MARTIN, BEING DESCRIBED IN DEED BOOK 1280 AT PAGE 1; THENCE ALONG SAID NORTH LINE, N27°21'22"W 56.36 FEET TO A 2" IRON PIPE FOUND; THENCE CONTINUE ALONG SAID NORTH LINE, S88°26'42"W 32.76 FEET TO A 1/2" IRON PIPE FOUND LYING ON THE EAST MARGIN OF STATE HIGHWAY 57; THENCE ALONG SAID EAST MARGIN, N06°02'21"E 641.78 FEET TO A DAMAGED CONCRETE MONUMENT FOUND; THENCE FURTHER ALONG SAID EAST MARGIN, ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 1247.20 FEET, AN ARC LENGTH OF 204.42 FEET, AND A CHORD BEARING AND DISTANCE OF N11°21'35"E 204.19 FEET TO A 1/2" IRON ROD FOUND LYING AT THE SOUTHWEST CORNER OF PROPERTY NOW OR FORMERLY OF A-STRATEGY X LLC, BEING DESCRIBED IN DEED BOOK 2069 AT PAGE 244; THENCE ALONG THE SOUTH LINE OF SAID A-STRATEGY X LLC PROPERTY, S83°25'38"E 32.35 FEET TO A 1/2" IRON ROD FOUND; THENCE CONTINUE ALONG SAID SOUTH LINE, N10°30'21"E 15.08 FEET TO A 1/2" IRON ROD FOUND; THENCE CONTINUE S83°19'20"E 44.61 FEET TO A 1/2" IRON ROD FOUND; THENCE CONTINUE N65°54'09"E 89.57 FEET TO A 1/2" IRON ROD FOUND; THENCE CONTINUE S81°33'58"E 79.56 FEET TO A 1/2" IRON ROD FOUND; THENCE CONTINUE S41°18'04"E 18.79 FEET TO A 1/2" IRON ROD FOUND; THENCE S02°48'29"W 155.18 FEET TO A 1/2" IRON ROD FOUND; THENCE CONTINUE S80°48'16"E 321.74 FEET TO A 1/2" IRON ROD FOUND WITH CAP STAMPED "COA 29046"; THENCE CONTINUE N13°49'19"E 205.26 FEET TO A 1/2" IRON ROD FOUND; THENCE CONTINUE S82°56'55"E 81.58 FEET TO A 1/2" IRON ROD FOUND; THENCE CONTINUE S15°22'55"W 45.60 FEET TO A 1/2" IRON ROD FOUND; THENCE CONTINUE S82°49'26"E 123.38 FEET TO A 1/2" IRON ROD FOUND; THENCE CONTINUE S07°37'29"W 318.05 FEET TO A 1/2" IRON ROD FOUND WITH CAP STAMPED "VICKERY"; THENCE CONTINUE N43°41'57"E 394.86 FEET TO THE POINT OF BEGINNING, CONTAINING 19.84 ACRES, MORE OR LESS.

82430100.050 ROBERTS CARRIE J ET AL

PIDN: 82430100.050

GISP: 779.30-04-0007.00

Owner Information

Percent of Ownership: 100

Name: ROBERTS CARRIE J ET AL

Name 2:

Mailing Address: 4513 RADIO RD
OCEAN SPRINGS MS
39564

Site Address: 4416 HWY 57 GAUTIER

Land Information

Section: 30 Acreage: 19.91

Township: 7

Range: 7

Street Name HWY 57

Value and Tax Information

Total Assessed Value: 349

Total Appraised Value: 2320

Improvement Value: 0

Land Value: 2320

Tax Amount: 56

SQ FT: 0

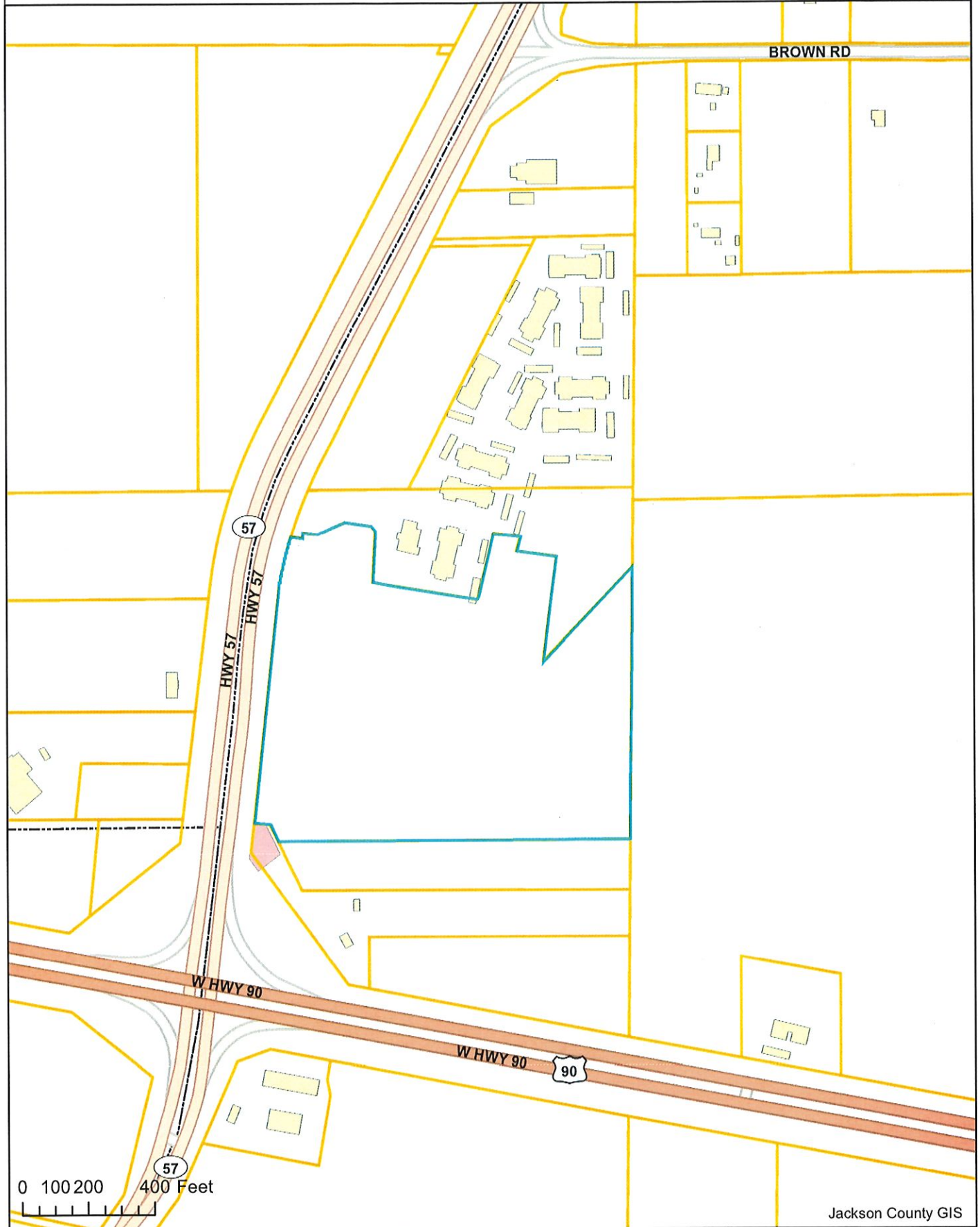
Year Built: 0

Legal Description

Description: COM SEC N 1605 TO POB W 1077.33
N26*W46.75 W34.4 NLY 852.7 ALG E
/M HWY S83*E32.3 N10*E15 S83*E 4
4.68 N65*E89.57 S81*E79.54 S41*
E18.91 S2*W155.11 S80*E321.82 N
13*E194.83 S82*E81.71 S15*W45.59
S82*E128.62 S7*W318.03 N43*E 39
4.45 S804.47 TO POB 1741-723 176
8THRU614(7 MAP779.30-04)

Deed Book / Page: 1960 / 207

82430100.050 ROBERTS CARRIE J ET AL



Jackson County GIS

Exhibit A

Location Map

Prepared by:
City of Gautier
Planning Department



Exhibit B

Existing Zoning

Prepared by:
City of Gautier
Planning Department

Legend

Zoning

ZONECODE

	AG
	C-1
	C-2
	C-3
	I-2
	MURC-1
	MURC-2
	MURC-MW
	PL
	PUD
	R-1
	R-2
	R-3
	RE
	TC

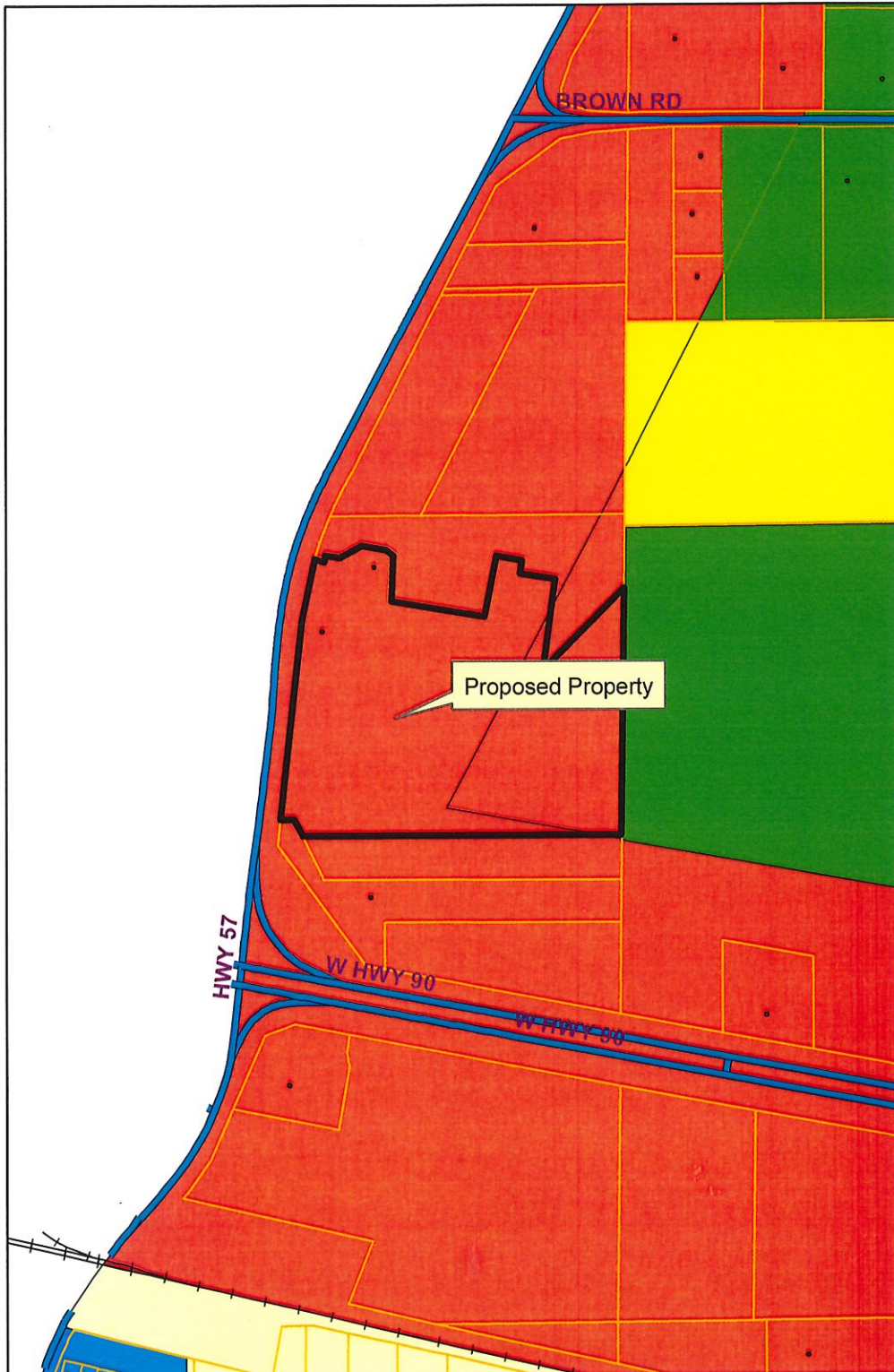


Exhibit C

Existing Land-Use

Prepared by:

City of Gautier
Planning Department

Legend

EXISTING LAND USE

ELU_08

-  commercial-retail
-  conservation
-  civic
-  industrial
-  marina/fish camps
-  high density residential
-  mobile home
-  mobile home park
-  medium density residential
-  office
-  recreation
-  very low to low density residential
-  utility
-  vacant

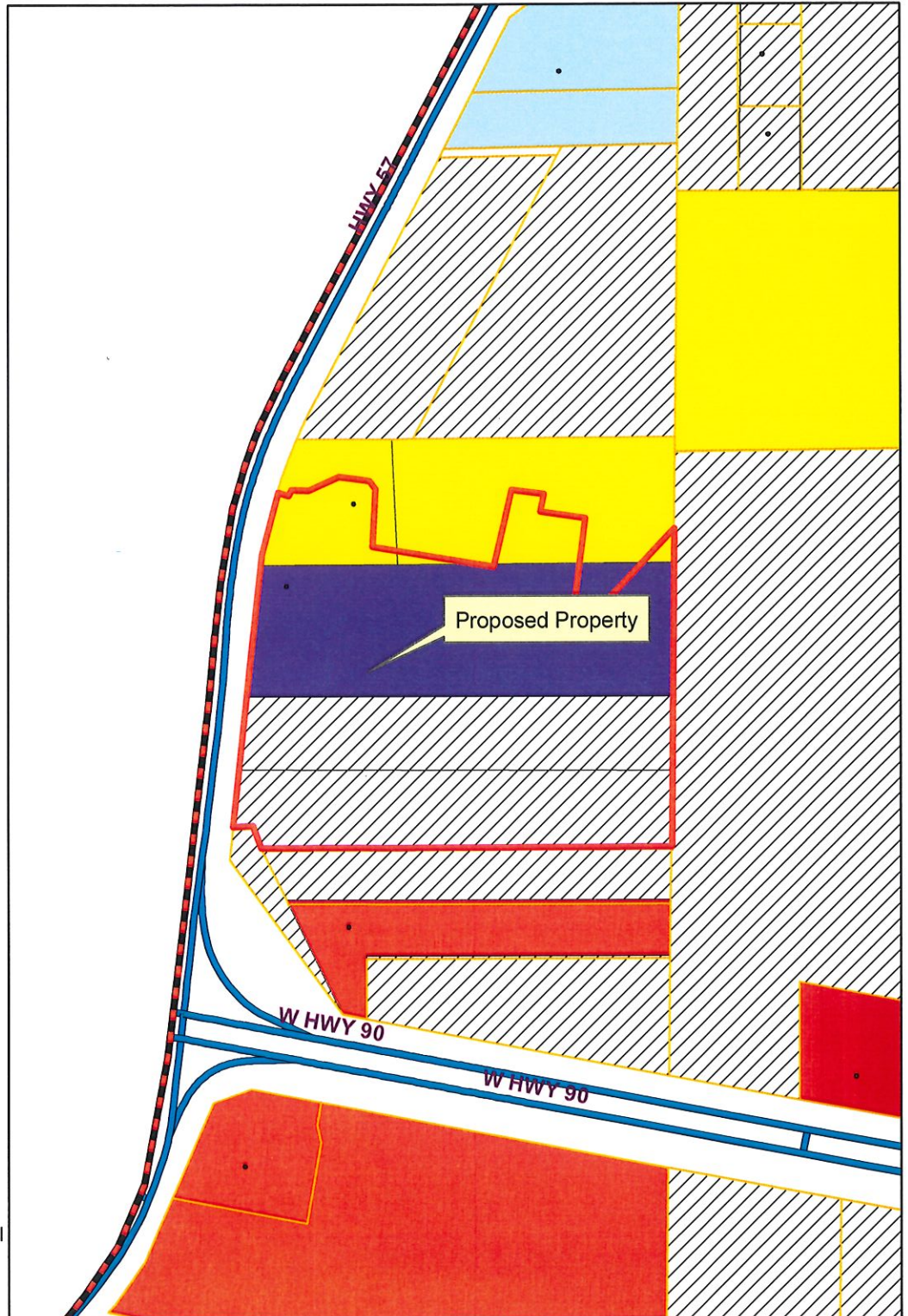


Exhibit D

Future Land-Use

Prepared By:

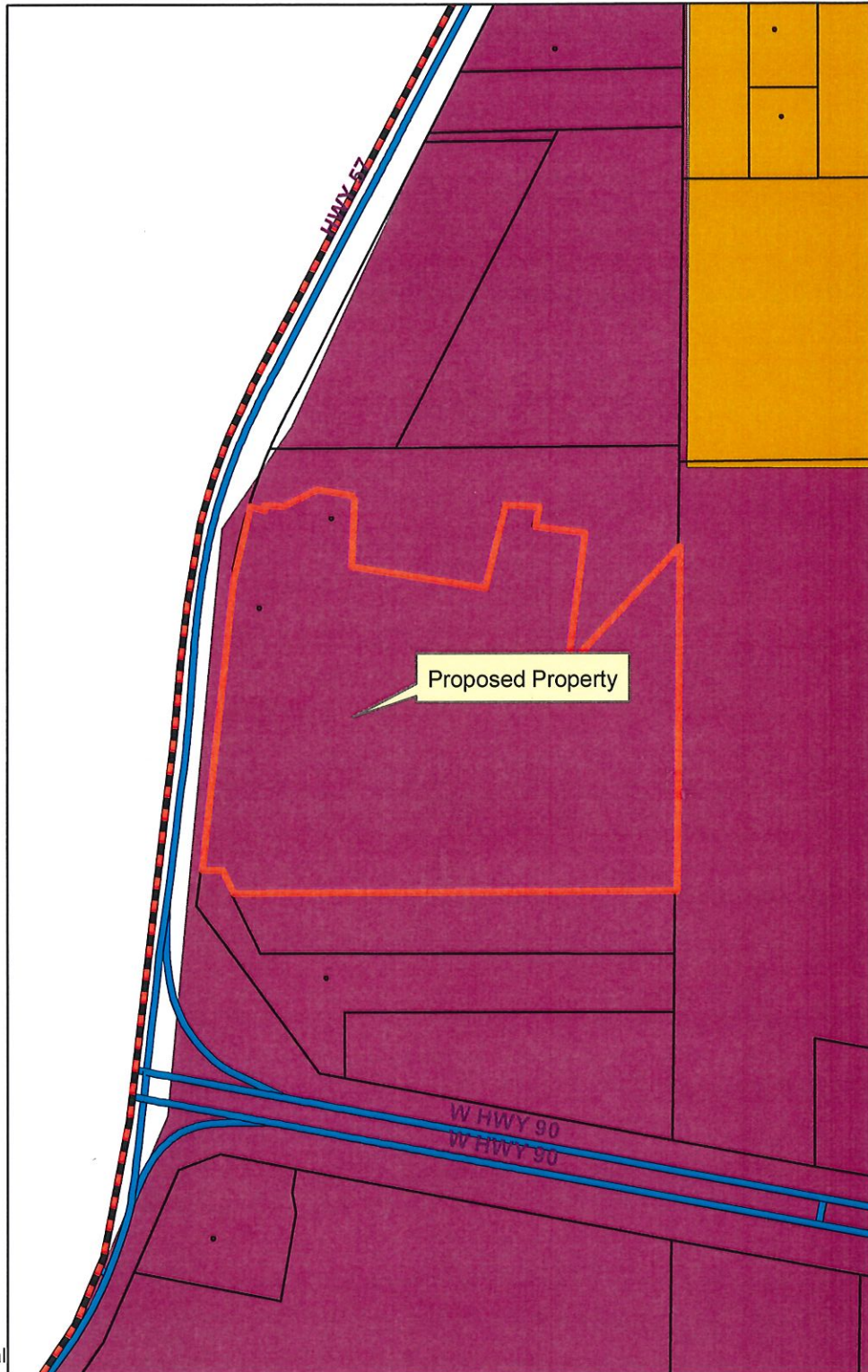
City of Gautier
Planning Department

Legend

FUTURE LAND USE

FLU_Class

-
- Civic
- high impact commercial
- Conservation
- High Density Residential
- Industrial
- Low Density Residential
- Medium Density Residential
- Mobile Home Residential
- low impact Commercial
- Recreational
- recreational commercial
- Regional Scale Commercial
- mixed use residential
- Town Center
- Very Low Density Residential



Gautier Planning Commission

Regular Meeting Agenda

April 4, 2024

GPC #24-11-RZ

Brandi Bosarge

Carter Road

PID #85298083.000

VII. NEW BUSINESS

5. Consider a request for a Property Owner Initiated Rezoning of Property located on Carter Road, PID #85298083.000, from AG Agricultural to PUD Planned Unit Development. (GPC Case No. 24-11-RZ)

**CITY OF GAUTIER
STAFF REPORT**

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: February 27, 2024

Subject: Consider a request for a Property Owner Initiated Rezoning of Property located on Carter Road, PID #85298083.000, from AG Agricultural to PUD Planned Unit Development. (GPC Case No. 24-11-RZ)

REQUEST:

The Planning Department has received a request from Brandi Bosarge for a Rezoning of property known as PID #85298083.000, Carter Road, from AG Agricultural to PUD Planned Unit Development. The parcel is approximately 4.61 acres. The application fee of \$300 was paid on February 8, 2024. All public notice requirements have been met.

BACKGROUND:

Section 4.15 of the City's Unified Development Ordinance (UDO) establishes the procedure to amend the City's Official Zoning Map. The Gautier Planning Commission (GPC) shall review a proposal for a rezoning and shall make an advisory recommendation to the City Council as to the need and justification for the change when the public welfare justifies such action. The GPC shall include in its recommendation to the City Council findings that the required rezoning criteria have been met.

DISCUSSION:

1. Location: Carter Road, PID #85298083.000. (See Exhibit A)
2. Existing Zoning: AG Agricultural. (See Exhibit B)

UDO 5.3.1 AG, Agricultural District - Purpose and intent. The AG District is intended to provide an area for low density residential development and small scale agricultural uses such as farms, and ponds for livestock or fowl. This zoning district is to encourage large lots, open space and single-family detached dwellings in an agricultural environment.

The provision of these zoning regulations shall not be exercised so as to require permits with reference to land used for agricultural purposes, or for the maintenance, repair or extension of farm buildings or farm structures.

UDO 5.3.17 PUD, Planned Unit Development - Purpose and intent. The PUD zoning district is applied to specific areas to encourage flexibility in the development of land, in order to promote its most appropriate use; to improve the design, character and quality of new developments; to encourage a harmonious and appropriate mixture of uses; to facilitate the adequate and economic provision of streets, utilities, and city services; to preserve the natural, environmental and scenic features of the site; to encourage and provide a mechanism for arranging improvements on sites so as to preserve desirable features; to mitigate the problems which may be presented by specific site conditions; and to encourage subdivisions which address the affordable housing goals, objectives and policies of the city's comprehensive plan. Uses permitted "by right" are established by the intent of the underlying Comprehensive Plan Future Land Use Map. It is anticipated that PUDs will offer one or more of the following advantages:

- A. Provide substantial buffers and transitions between areas of different land use and development densities;*
- B. Enhance the appearance of neighborhoods by conserving areas of natural beauty, and natural green spaces;*
- C. Counteract urban monotony and congestion on streets;*
- D. Promote architecture that is compatible with the surroundings;*
- E. Buffer differing types of land use and intensities of development from each other so as to minimize any adverse impact which new development may have on existing or zoned development; and*
- F. Promote and protect the environmental integrity of the site and its surroundings and provide suitable design responses to the specific environmental constraints of the site and surrounding area.*

DATA AND ANALYSIS:

Property requested for Rezoning: PID #85298083.000, Carter Road.

Location: Ward 1

Current Zoning of the Request Property: AG Agricultural

Existing Land Use: Vacant. (See Exhibit C)

Future Land Use: Low Density Residential. (See Exhibit D)

Surrounding Zoning: AG Agricultural to the North, South, East, and West.

HISTORY:

This property is vacant and currently zoned AG Agricultural.

REVIEW CRITERIA:

The Planning Commission, in its report and recommendation to the City Council on the appropriateness of the request, shall study and consider the following criteria and record that the evidence presented meets the "Criteria for Approval" from the UDO, if applicable.

- A. There was a mistake in the original zoning; **or**
- B. The character of the surrounding area has changed to such an extent as to justify rezoning **AND** there is a public need for additional property to be zoned in accordance with the request.

The Planning Commission shall not recommend approval of a rezoning unless the applicant has proven by clear and convincing evidence that either of the required criteria items above have been met.

STAFF RECOMMENDATION:

If recommending approval, Planning Commission shall record that the evidence presented meets all "Criteria for Approval" from the UDO as listed above.

CONCLUSION:

Based on the required Review Criteria established by Section 4.15 of the Unified Development Ordinance and the appropriateness of the request relevant to the criteria, the Commission may:

1. Recommend that City Council approve to Rezone the subject area from AG Agricultural to PUD Planned Unit Development; or
2. Recommend that City Council deny the Rezoning.

ATTACHMENTS:

1. Applicant's Exhibit 1 – Application
2. City's Exhibit A – Location Map
3. City's Exhibit B – Existing Zoning Map
4. City's Exhibit C – Existing Land Use Map
5. City's Exhibit D – Future Land Use Map

GAUTIER, MISSISSIPPI
PLANNING DEPARTMENT
PUBLIC HEARING APPLICATION

Public Hearing Number

24-11-RZ

PUD

TO BE HEARD BY GAUTIER PLANNING COMMISSION:FEE:

Zoning Change _____

\$301.00

*Includes \$1.00 filing fee per MS Code §25-60-5

Name of Applicant: Brandi Bisarge

Name of Business: Transition Blvd. Phone: 228 261 1559

Property Address: 0 Carter Rd., Ocean Springs Mailing Address (if Different): 2012 Magazine Street
Ocean Springs, MS

E-Mail Address: Brandi2485@gmail.com

Reason for request, location and intended use of Property: PUD (from AG)

ATTACHMENTS REQUIRED AS APPLICABLE:

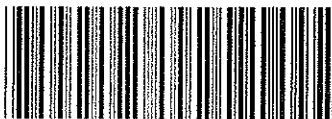
- ☒ 1. Diagram of intended use, showing dimensions and distances of property, building with setbacks, parking spaces, entrances and exits.
- ☒ 2. A detailed project narrative.
- ☐ 3. Copy of protective covenants or deed restrictions, if any.
- ☐ 4. Copies of approvals, or requests for approval, from other agencies, such as, but not limited to, the Mississippi State Department of Health, U.S. Army Corp of Engineers, Mississippi Department of Environmental Quality and Department of Marine Resources.
- ☐ 5. Any other information requested by the Planning Director.

Signature of Applicant: Brandi Bisarge Date of Application: 01/05/24

FOR OFFICE USE ONLY

Date Received 2-8-24 Verify as Complete ScottFee Amount Received 301.00 Initials of Employee Receiving Application Bake

OFFICIAL RECORDS JACKSON COUNTY
Josh Eldridge
CHANCERY CLERK
RECORDING FEE: \$26.00
#202320462 BK:2141 PG:829-830
10/18/2023 08:41:00 AM 2 PGS
JSMALL,DC Rpt#23487



202320462 2 PGS

Prepared by:
David B. Pilger
Attorney at Law
1406 Bienville Blvd.
Ocean Springs, MS 39564
(228) 215-0011

Grantor:
P V & P Farm LLC
a Mississippi Limited Liability Company
P.O. Box 180731
Richland, MS 39218
(601) 608-8293

Return To:
Pilger Title Co.
1406 Bienville Blvd.,
Ocean Springs, MS 39564
(228) 215-0011

Grantee:
Brandi Bosarge
2012 Magazine St.
Ocean Springs, MS 39564
(228) 261-1559

File No. O236008N

INDEXING INSTRUCTIONS: A parcel of land situated in Sec. 17, T7S, R7W, Jackson County, MS

STATE OF MISSISSIPPI
COUNTY OF JACKSON

WARRANTY DEED

FOR AND IN CONSIDERATION OF the price and sum of TEN AND NO/100 DOLLARS (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of all of which is hereby acknowledged, **P V & P Farm LLC, a Mississippi Limited Liability Company**, does hereby sell, convey and warrant unto **Brandi Bosarge**, all of that certain tract, piece or parcel of land situated in Jackson County, Mississippi, together with all improvements, buildings, fixtures, and appurtenances thereunto belonging, and being more particularly described as follows, to-wit:

That certain parcel of land being situated in Section 17, Township 7 South, Range 7 West, Jackson County, MS also being known as Tract 64 in the unrecorded Plat in Fountainblau Acres, being more particularly described as follows: The East Half of the Southwest Quarter of the Southwest Quarter of the Southeast Quarter, Section 17, Township 7 South, Range 7 West, Jackson County, Mississippi.

This being the same property as that conveyed to P V & P Farm LLC, a Mississippi Limited Liability Company, by instrument recorded Deed Book 1934, at Page 612, Land Deed Records of Jackson County, Mississippi.

If this property is bounded by water, this conveyance includes any natural accretion, and is subject to any erosion due to the action of the elements. Such riparian and littoral rights as exist are conveyed herewith but without warranty as to their nature or extent. If any portion of the property is below the mean high tide watermark, or is coastal wetlands as defined in the Mississippi Coastal Wetlands Protection Act it is conveyed by quitclaim only.

Grantor(s) quitclaims any and all oil, gas, and other minerals owned, if any, to Grantee(s). No mineral search was requested or performed by preparer.

This conveyance is subject to any and all covenants, rights of way, easements, restrictions and reservations of record in the office of the Chancery Clerk of Jackson County, Mississippi.

It is agreed and understood that the taxes for the current year have been pro-rated as of this date on an estimated basis, and when said taxes are actually determined, if the proration as of this date is incorrect, the Parties hereto agree to make all necessary adjustments on the basis of an actual proration.

WITNESS MY SIGNATURE, on this the 16th day of October, 2023.

P V & P Farm LLC
a Mississippi Limited Liability Company



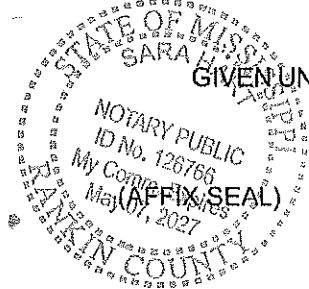
Pertis B. Watts
By: Pertis B. Watts, Sole Member

CORPORATE ACKNOWLEDGMENT

STATE OF MISSISSIPPI
COUNTY OF JACKSON

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the jurisdiction aforesaid, the within named **Pertis B. Watts, the Sole Member of P V & P Farm LLC, a Mississippi Limited Liability Company**, who acknowledged before me that he signed, executed and delivered the above and foregoing instrument on the day and year thereof, for the use and purposes therein mentioned, for and on behalf of the aforesaid entity, after first having been duly authorized so to do.

GIVEN UNDER MY HAND AND OFFICIAL SEAL, on this the 16 day of October, 2023.



Sara H. [Signature]
NOTARY PUBLIC

My commission expires: 5-7-2027

Project Narrative

The overall objective of the proposed planned unit development (PUD) is to develop Transition Blvd, a tiny home community consisting of 12 tiny homes and 1 office. It will develop 2.5 acres out of 4.6 acres of agriculture land.

The proposed PUD will provide safe, secure, and structured housing to youth transitioning out of foster care with a one-way entrance and exit road ensuring low traffic flow. We are asking to re-zone the property to a PUD to give us the flexibility to provide multiple tiny homes and enhance the city of Gautier and current district while creating uniformity in the building look. Public water and sewer utilities are available to service the property. Additionally, all dwellings will be engineered.

The PUD designation will allow us to develop the proposed tiny homes while creating pedestrian walkways, open spaces, and new landscaping, and improved traffic movements throughout the site. This will create a safe, private community for the youth, as well as providing enough space so that there is no inference of the livelihoods of the existing neighbors.

Land Ownership: The PUD consists of one landowner (BRANDI BOSARGE) of LOT 64 FOUNTAINEBLEAU ACRES (E1/2 SW1/4 SW/4 SE1/4) DB 1934-612(107 MAP774.17). The landowner for 0 Carter Rd. is the applicant for this project.

Phasing & Timeline:

The proposed PUD will develop in multiple phases.

Phase 1 Will be the residence and home of the CEO and Dean of Transition Blvd. Sitting on 0.5 acres. The structure will consist of a 40ft high cubed container. The total living space will consist of 320 square ft. with an open front porch of 40ft x 10ft with a roof over both the dwelling and front porch providing an aesthetically, modern curb appeal to the build and district. The residence will provide a driveway to the existing street. Landscaping and an open light living space add value to the overall development and serves as the entrance and forefront of Transition Blvd., as well as adding ad valorem revenue to the district and existing properties.

Projected Timeline of Phases

Phase 1- 6 months beginning March 1st, 2024.

Phase 2 – 1.5 years beginning September 1st, 2024.

All dates pending upon grant approval.

See Preliminary Site Plan for further reference.

85298083.000 P V & P FARM LLC

PIDN: 85298083.000

GISP: 774.17-00-0107.00

Owner Information

Percent of Ownership: 100

Name: P V & P FARM LLC

Name 2:

Mailing Address: P O BOX 180731
RICHLAND MS
39218

Site Address: CARTER RD GAUTIER

Land Information

Section: 17

Acreage: 0

Township: 7

Range: 7

Street Name CARTER
RD

Value and Tax Information

Total Assessed Value: 5694

Total Appraised Value: 37960

Improvement Value: 0

Land Value: 37960

Tax Amount: 842

SQ FT: 0

Year Built: 0

Legal Description

Description: LOT 64 FOUNTAINEBLEAU ACRES (E1/
2 SW1/4 SW1/4 SE1/4) DB 1934-612
(107 MAP774.17)

Deed Book / Page: 1934 / 612

85298083.000 P V & P FARM LLC



Jackson County GIS

Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department

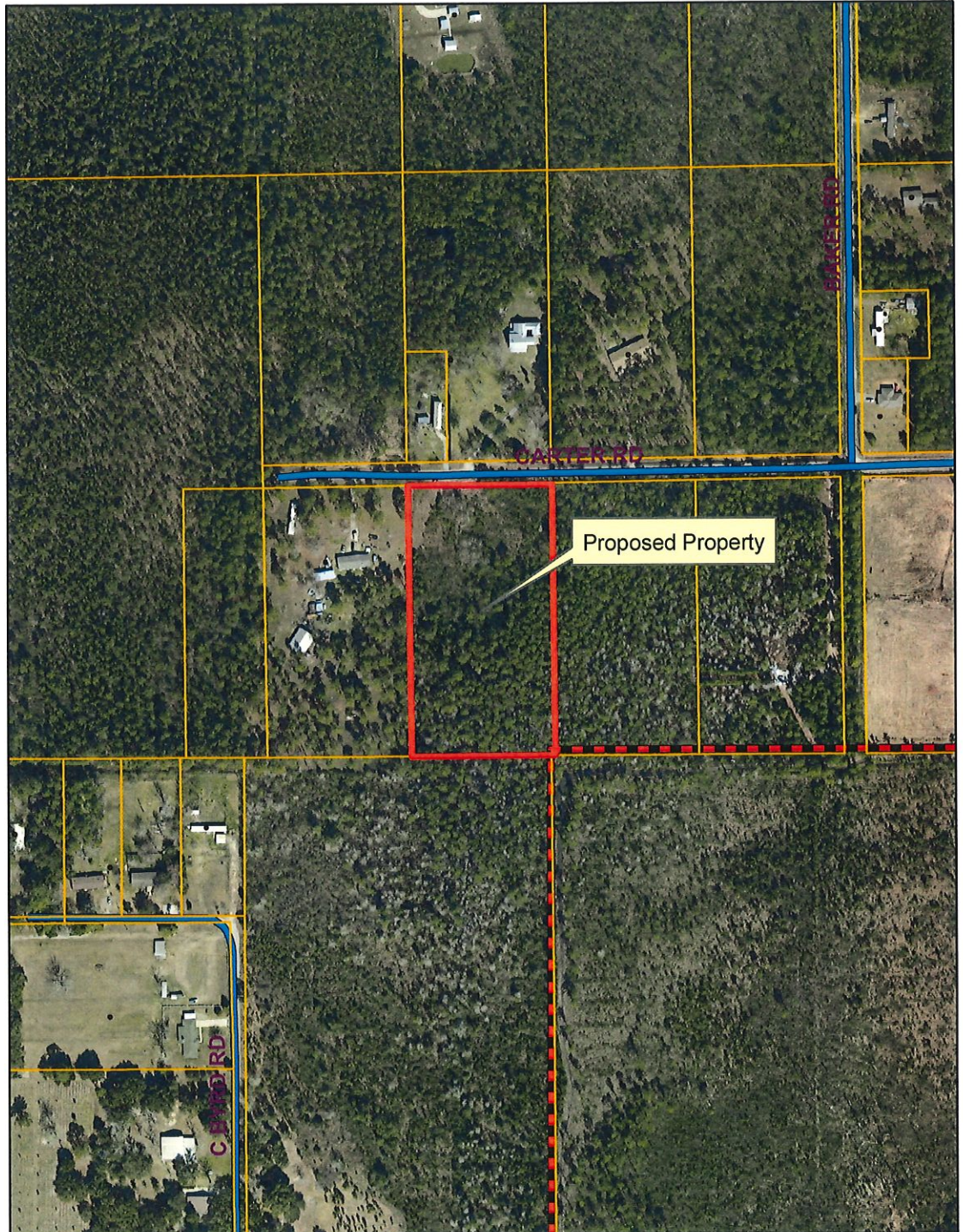


Exhibit B

Existing Zoning

Prepared by:
City of Gautier
Planning Department

Legend

Zoning

ZONECODE

	AG
	C-1
	C-2
	C-3
	I-2
	MURC-1
	MURC-2
	MURC-MW
	PL
	PUD
	R-1
	R-2
	R-3
	RE
	TC



Exhibit C

Existing Land-Use

Prepared by:

City of Gautier
Planning Department

Legend

EXISTING LAND USE

ELU_08

- commercial-retail
- conservation
- civic
- industrial
- marina/fish camps
- high density residential
- mobile home
- mobile home park
- medium density residential
- office
- recreation
- very low to low density residential
- utility
- vacant



Exhibit D

Future Land-Use

Prepared By:
City of Gautier
Planning Department

Legend

FUTURE LAND USE

FLU_Class

- Civic
- high impact commercial
- Conservation
- High Density Residential
- Industrial
- Low Density Residential
- Medium Density Residential
- Mobile Home Residential
- low impact Commercial
- Recreational
- recreational commercial
- Regional Scale Commercial
- mixed use residential
- Town Center
- Very Low Density Residential

