

AGENDA

GAUTIER PLANNING COMMISSION

JUNE 6, 2024

5:30 P.M.

- I. CALL TO ORDER**
- II. PLEDGE OF ALLEGIANCE (VOLUNTEER)**
- III. APPROVAL OF AGENDA**
- IV. APPROVAL OF MINUTES (APRIL 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 Conditional Use-Major that would allow a Recreational Vehicle (RV) on an individual lot in the MURC-MW Mixed Use Recreation Commercial – Mary Walker Zoning District. 3309 Gatti Place (GPC #24-13-CU)
 - 2. Consider a request for a Special Exception that would allow an accessory structure to be located on a lot without a primary structure in the MURC-MW Mixed Use Recreation Commercial – Mary Walker Zoning District. 3216 Willis Street, (GPC #24-14-SE)
 - 3. Consider a request for a Property Owner Initiated Rezoning of Property located at 900 Hickory Hill Drive, PID #82000001.000, #85700001.000, #85700001.050, & #85700002.000, from an existing PUD Planned Unit Development to a new PUD Planned Unit Development (GPC Case No. 24-15-RZ)
 - 4. Consider a request for a Property Owner Initiated Rezoning of Property located at 304 De La Pointe, PID #87010076.000, from R-2 High Density Multi-Family Residential to C-3 Highway Commercial (GPC Case No. 24-16-RZ)
 - 5. Consider a request for a four hundred seventy-seven (477) square foot variance for a dwelling in an AG Agricultural Zoning District. 5900 Brown Road, (GPC #24-17-VAR)
- VIII. GENERAL DISCUSSION**
 - A. PREVIOUS CASE UPDATES**
 - B. PERMIT & TRC REPORTS**
- IX. ADJOURN**

APRIL 4, 2024
GAUTIER, MISSISSIPPI

BE IT REMEMBERED that a meeting of the Gautier Planning Commission of The City of Gautier, Mississippi, was held on April 4, 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, and Chris Hoover. Absent were William Davis, and Ricky Decoteau. Also present were Scott Ankerson, Planning Director, Josh Danos, City Attorney, and Babs Logan, Planning Technician.

AGENDA

GAUTIER PLANNING COMMISSION

APRIL 4, 2024

5:30 P.M.

- I. CALL TO ORDER**
- II. PLEDGE OF ALLEGIANCE (VOLUNTEER)**
- III. APPROVAL OF AGENDA**
- IV. APPROVAL OF MINUTES (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

- A. PREVIOUS CASE UPDATES
- B. PERMIT & TRC REPORTS

IX. ADJOURN

Josh Danos, City Attorney, asked for Item 5 under New Business to be heard before Item 4.

Chairman Jamison made a motion to approve the Agenda as amended.

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

AYES: **Kay C. Jamison**
 Josh Ward
 DeAnna McManus
 Maurice Hudson
 Chris Hoover

ABSENT: **William Davis**
 Ricky Decoteau

Motion Passed

Commissioner Ward made a motion to approve the February 1, 2024, minutes.

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

AYES: Kay C. Jamison
Josh Ward
DeAnna McManus
Maurice Hudson
Chris Hoover

ABSENT: William Davis
Ricky Decoteau

Motion Passed.

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

OLD BUSINESS - None

NEW BUSINESS

1. Presentation of the Larry Moran Award of Excellence to Merideth Dickerson

Chairman Jamison explained the history behind the Larry Moran Award of Excellence. Mr. Larry Moran served as a Planning Commissioner for 11 years from 1997 to 2008. He served as Chairman of the Planning Commission for the last 10 years of his service. During his Planning Commission service, Mr. Moran was diagnosed with cancer. While undergoing treatment, Mr. Moran still fulfilled his duties as Planning Commissioner. When he could not attend the meetings in person, due to his declining health, he would phone into the meeting and would be present via conference call.

In 2008 Mr. Moran lost his battle with cancer. The Planning Commission created the Larry Moran Excellence Award to honor the memory of Mr. Larry Moran and his dedicated service to the City of Gautier. The first award was presented in 2009.

The Larry Moran Excellence Award is presented annually by the Gautier Planning Commission to a deserving Gautier business or business leader who has exhibited planning and/or zoning excellence.

Chairman Jamison then acknowledged the 2023 award winner, Merideth Dickerson, owner of State Farm Insurance Agency and Black Door Boutique, by giving a little history about the owner and her business.

Merideth and her husband Lee relocated to Gautier from the Mississippi Delta in 2002, establishing her own State Farm agency. She chose Gautier as her business and residential location due to its appealing coastal setting and charming small-town feel. Merideth is a strong advocate for conducting business in the town she resides in. It was important to her to send both of her children to Gautier schools and support the local sports and academics by always being the first to sponsor and volunteer. She spent many years as president of the schools' Parent Teacher Organizations – even being awarded Parent of The Year twice.

Merideth launched her second business venture in Gautier five years ago, identifying a need for an inclusive women's boutique offering sizes and styles to accommodate all females. Her top priority is to make sure women of all ages as well as body types leave Black Door Boutique feeling confident and that they received exceptional service while they were there.

Her favorite local event is The Gautier Mullet Festival, where she sets up tents for both businesses and gives out freebies to her community. She also puts on an annual blood drive and a customer appreciation day where she hires a local ice cream truck to give away cones.

With pride, Merideth is thrilled to announce her dual sponsorship of the new Sound Amphitheater in Gautier, representing both her insurance agency and Black Door Boutique. She is eagerly awaiting opening night and to see the city thrive with its new opening. It is her hope that it will enrich nearby residents' lives culturally while generating opportunities for jobs and new support of local businesses.

She wants to thank the City of Gautier for being so supportive of both of her small businesses. It has been a pleasure to partner with them on many projects and events over the years. She hopes the city continues to grow and flourish and that everyone can see the potential and charm of our little coastal town.

Chairman Jamison then presented the award to Merideth Dickerson, owner of State Farm Insurance Agency and Black Door Boutique. Mrs. Dickerson, Mr. Moran's widow, and his daughter were presented with a bouquet of flowers.

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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)

Scott Ankerson, Planning Director, gave a brief overview of the case. He explained that the applicant wants to section off 2.5 acres of the existing property at 3101 Oak Street for a Recreational Vehicle (RV) Park. He has an existing mobile home park on the property and is asking to take an unused section of the property for the RV Park. The ordinance requires a five (5) acre minimum for an RV park, and he is asking for a reduction in that size by 2.5 acres.

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.

Chairman Jamison asked the applicant to present his case.

Al Easom, the applicant, stated he has approximately fourteen acres at 3101 Oak Street, and he would like to use some of the undeveloped wooded area to put RVs for camps. The RVs would not be for permanent living but basically for fish camps, which is pretty much what the mobile home park has. The mobile home park has 36 mobile homes but only 5 are used for full-time residency.

Chairman Jamison noted that the plan showed sites for twelve RVs. She also reminded Mr. Easom that the RVs could not be tied down and would need to be ready to be removed in case of a hurricane.

Mr. Easom stated that the drawing presented was only a preliminary drawing because he had not been told where the water, sewer, or power would be located. He noted that he did not want to pay for engineered drawings if the park was not approved.

Mr. Ankerson advised the Commissioners that Article 6 of the UDO addresses RV Parks with specific instructions on how they are to be constructed which will have to be followed.

Commissioner Ward asked if there might be plans to expand the RV Park beyond 2.5 acres if the permanent residents of the mobile home park moved.

Mr. Easom said that he did not intend to expand beyond 2.5 acres because there is a low-lying area at one end of the property that he doesn't want to disturb.

Commissioner Hudson asked Mr. Ankerson if there was a stipulation on what type, what size, or how new the RV had to be.

Mr. Ankerson stated that the standards in place addressed RVs in flood zones. A Recreational Vehicle in an RV park must be ready to be hooked up and moved at any time. The UDO does not specify age or size of RVs.

Chairman Jamison and Commissioner Hudson said they would like for the applicant not to allow any RVs older than ten years in the park.

Commissioner Hudson also asked if there was something in place that would eliminate someone turning an RV into a permanent residence with porches, etc.

Mr. Ankerson advised that what prevents it from becoming a permanent structure is that it must be road-ready to move out if necessary. They would have to keep the tires in good condition, and maintenance up on the vehicle. It cannot be tied down and there cannot be anything permanent attached to the RV. A free-standing porch could be placed as an accessory structure. He also advised that conditions could be placed on the request, such as how old the RV could be.

Chairman Jamison said that some parks have a limit on the size of RVs allowed due to being able to maneuver into a site. The size is usually not longer than 28' or 30'.

Mr. Ankerson stated that Article 6 of the UDO also gives specifics on road widths and widths for turnarounds along with other egress requirements.

Mr. Easom reminded that Commissioners that the plan he had presented was only preliminary. He will have to find out where the power, water, and sewer will be before he can determine exactly where the roads will go. He also said there was a big magnolia and some live oaks that he wants to have the RVs center around.

Commissioner McManus asked if the Commission would be hearing the request if the site for the RV Park would total 5 acres.

Mr. Ankerson explained that the use was allowed by right in the MURC-MW District and the only reason they were hearing the request was because Mr. Easom was asking that the park only consist of 2.5 acres instead of the 5-acre minimum requirement set forth in the UDO.

Commissioner Ward stated that it sounded like the smaller acreage was needed because of the characteristics of the property, which included low lying areas, natural springs, etc.

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

ACTION TAKEN:

Commissioner Hudson made a motion to recommend that the City Council approve the variance request with the condition that RVs cannot be more than ten years old.

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

AYES: **Kay C. Jamison**
 Joshua Ward
 DeAnna McManus
 Maurice Hudson
 Chris Hoover

ABSENT: **William Davis**
 Ricky Decoteau

Motion passed.

-
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)

Scott Ankerson, Planning Director, gave a brief overview of the case. He explained that the applicant had a business on Hwy 90 which was in a C-3 Highway Commercial District but has moved the business to 4343 Gautier Vancleave Road which is in a C-2 Community Commercial District. This change in districts decreases the amount of signage she can have for the business. She would like to use the sign that she had at her previous location at her new site, but because of the change in districts and signage regulations she needs a variance.

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.

Chairman Jamison asked the applicant to present her case.

Jessica Kimball, the applicant, said that she had bought Block Therapy Quilt Shop in February of this year, but the business has been located in Gautier since 2011. She said she decided to move the business because she liked the new location on Gautier Vancleave better than the previous location. One of the reasons she wanted to use the existing sign was because a lot of her customers come only once or twice a year and having the old familiar sign would help them in locating the new store.

Chairman Jamison asked Ms. Kimball is she occupied the entire building at 4343 Gautier Vancleave Road.

Ms. Kimball answered that she did.

Chairman Jamison noted that Ms. Kimball's proposed sign was far enough away from the sign for the restaurant and businesses next door that it would not hinder being able to see their sign.

Commissioner Ward noted that the proposed sign would only be 8' in height which was substantially lower than the sign next door.

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

ACTION TAKEN:

Commissioner McManus made a motion to recommend that the City Council approve the variance as presented.

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

AYES: **Kay C. Jamison**
 Joshua Ward
 DeAnna McManus
 Maurice Hudson
 Chris Hoover

ABSENT: **William Davis**
 Ricky Decoteau

Motion passed.

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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)

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

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.

Chairman Jamison asked the applicant to present his case.

Donovan Scruggs, representing Dr. Adlakha the potential purchaser of the property in question, and representing the applicant Charles Roberts, stated they are asking for rezoning to a Planned Unit Development (PUD) because they are wanting to do a very unique development. The development is almost like a town center or a mixed-use development. The C-3 Highway Commercial Zoning District lays out a lot of uses they like but comes with larger setbacks and issues that would make their development look like a Highway 90 development instead of a downtown or mixed-use development. The PUD is the best way to be able to develop the site with a downtown look. This PUD will include a hotel, dining and retail opportunities, medical clinics, and office spaces. All uses allowed in a C-3 district. As for changes in the character of the area, there are now apartments to the north, and a medical complex, as well as other commercial activities, to the south. The primary change in the character of the area is in the unincorporated area of Jackson County to the south with at least 2500 new residents. The PUD will help meet the needs of these residents with retail establishments, restaurants, etc.

Commissioner McManus asked what the plan was to address the amount of traffic that would be coming in and out of the development because there are a lot of people that use Highway 57 and if the development were approved traffic would increase. She asked if they plan for a crossover or a U-turn to be placed in the area.

Mr. Scruggs said that would be a conversation they would have to have with MDOT. They would like to have a traffic light at that location, but it is so close to the intersection and light at Highway 90 that a light would be problematic. He said they weren't sure whether they want a crossover or a turnaround to help access the development, but ultimately it would be whatever MDOT will approve. He does think the best place for anything would be near the north entrance.

Commissioner Ward stated that he does think there is a need for this type of development and that the surrounding properties will accent this area. It will not change the characteristics of the area but may better what is already there.

Mr. Ankerson reminded the Commission that the use they are proposing on the property are allowed in a C-3.

Mr. Scruggs explained that some of the buildings would occupy almost 100 percent of the lot space on some of the lots. Although there will not be parking on some of the sights there will be adjacent or common parking areas. There will also be easements between properties for walkways. He said they are wanting zero setbacks except where they will need to be enforced by the building code for fire standards, etc. The reason for these zero setbacks is to create a downtown feel. There will be on street parking that should slow down vehicular traffic for the safety of the pedestrian traffic. They have talked to the city about the streets in the development being dedicated to the city as public streets.

Commissioner McManus asked Mr. Ankerson what assurances they have if they approve this rezoning that the plan presented is what will be developed.

Mr. Ankerson explained that he and Mr. Scruggs had discussed not being too specific about the uses such as saying exactly what kind of business would be in which building. They stayed general with the description, but for uses that are allowed within a C-3

District. The request is specific to what has been presented. He explained that tonight the Commission was approving the PUD rezoning with the presented preliminary plat. For the next phase the applicant will present the development agreement to the city, more specifics on the utilities they are asking for the city to take over, the final plat, etc. The final plat would go before the City Council for approval.

Bill Wingfield, owner of the medical complex next to the proposed development, wanted to know how the development would affect his property as for as some of the vacant land between them being an area that stays wet.

Commissioner Ward said the new development would have to have their own water detention plan and they will have a detention pond. Any development on the proposed property will not affect Mr. Wingfield's property or the use of his property.

Commissioner Hudson asked if there were wetlands on the property or was it just wet land.

Mr. Scruggs advised that they were in the process of mitigating wetlands on the subject property.

Commissioner Ward asked if there would be some type of signage stopping tractor trailers or oversize loads from using the roadways since they would be narrow.

Mr. Scruggs said there would be a loop road they could use to get in and out for deliveries. The roads would be passable for them, but they would encourage them to use another route.

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 to rezone the subject area from C-3 Highway Commercial to PUD Planned Unit Development as presented due to the public need.

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

AYES: **Kay C. Jamison**
 Joshua Ward
 DeAnna McManus
 Maurice Hudson
 Chris Hoover

ABSENT: **William Davis**
 Ricky Decoteau

Motion passed.

*Note: This case, Item 4, GPC 24-10-RZ, was the last case heard at the meeting. Josh Danos, City Attorney, recused himself prior to this case being heard.

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)

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

Chairman Jamison asked if the size of the homes should be considered.

Mr. Ankerson advised that this was a request for a Planned Unit Development (PUD) and that the Commission could request any changes to the PUD that they would like to see.

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.

Chairman Jamison asked the applicant to present her case.

Jason Gibson, the applicant’s engineer, stated that he was present to answer any technical questions about the project they might have for the applicant.

Brandi Bosarge, the applicant, said she wants to do a transition program for foster kids aging out of the program. She said the program was for kids that have had no guidance and have been thrown out with no life skills and nothing to set them up for success. The transition program gives them their own little home. Tiny homes make this affordable to do. They are also taught life skills by taking classes with other places that do the same thing.

Chairman Jamison asked if they would be paying to live there.

Ms. Bosarge said the program was Federally funded. She said she has her 501(c)(3) and that this is a non-profit program. They will pay rent, but she has a program set up to help them.

Mr. Gibson said it is basically a transition program from foster care to their own place to improve their skills to go out into the world.

Chairman Jamison said her concern is that there is a size limit on houses and the Commission had recently denied a request for Ms. Bosarge for the very same reason, being smaller square footage, on this same property.

Mr. Gibson stated that it would all be on one five-acre parcel and that Ms. Bosarge would manage the young adults there. There would be one home for an assistant to help care for the units and young adults. He noted that there was a FEMA cottage across the street that was kind of run-down, and some trailers and woods in the area. He feels that the PUD would improve the value of the property around it.

Chairman Jamison stated that City Council agreed with the Planning Commission on Ms. Bosarge's last request. The city isn't quite ready to address tiny homes.

Ms. Bosarge said that was why they set in motion to do the PUD.

Mr. Gibson said the whole reason to do the PUD was to get around the square footage requirement and to put more units on one property so that Ms. Bosarge could try and do the transitional program.

Chairman Jamison asked if what was presented was exactly what was being put on the property.

Mr. Gibson said they had not designed a particular home for this site yet. They just had a basic layout for it. He also noted they would only be using about half the property and that it would be a very low-density PUD.

Ms. Bosarge said that with this program there were certain things that they could and could not do with the homes to protect the wellbeing of the young adults. The Board members had to approve the buildings.

Chairman Jamison asked Mr. Ankerson if a PUD had certain requirements that would have to be met regarding road type, road materials, etc.

Mr. Ankerson explained that in this case with the PUD being just one parcel it would be a private road, more like a driveway. Since they would not be dividing it into multiple parcels, they would not be asking the city to take over the roads.

Commissioner Hudson asked who would be living in the homes and how many would be living in each unit. He also asked Ms. Bosarge to help him better understand how she would make sure that these youth did not get out of hand. What kind of guidelines would she have.

Ms. Bosarge said there would only be one person per unit. She said that with these programs being Federally funded they must go through DHS supervisors to choose applicants. She said she would be running a tight ship because she has policies, and handbooks she has to go by, and she has to take courses in order to run the program. This program is only for kids that want to better themselves and have no other resources.

Chairman Jamison asked if they were talking about kids or 18-year-olds.

Ms. Bosarge said they would be between 16 and 18 years old, because at 16 some can get emancipated. They have to be in school and there are other requirements they have to meet before they are approved for the program.

Commissioner Hudson asked if there were any assurances that the requirements discussed would be put in place.

Commissioner Ward said there were Federal mandates that she has to meet as far as her 501(c), etc. All the city can say is what can be done with the property.

Commissioner McManus said her concern is still small houses and property values.

Mr. Gibson stated that small houses are a way to make it affordable and they will be more valuable than the FEMA cottage across the street and the trailers next door.

Commissioner Hudson explained that the city had to set a benchmark to go by to keep up the standards of the City of Gautier. He added that the FEMA cottage and the trailers were grandfathered in.

Commissioner McManus corrected a statement from earlier in the meeting regarding the Planning Commission not recommending approval for Ms. Bosarge's previous request for a tiny home at this location. She noted that the Planning Commission did recommend approval.

Ms. Bosarge stated that this was not about tiny homes, it was about changing the lives of kids that have nothing.

Commissioner Ward was concerned that rezoning to a PUD would raise the issue of Spot Zoning because there is nothing similar to a PUD in the surrounding area. He was concerned that a PUD would open the door for multiple things to be put in the area.

Josh Danos, the City Attorney, explained that a PUD was an overlay zoning district and in allowing a PUD for transitional housing from foster care there were questions that had to be addressed regarding the UDO and rezoning. The questions are: 1) Is there sufficient evidence there is a public need for this, and 2) Has the surrounding area, the area surrounding their property, changed in a sufficient way that will allow rezoning of this property. He didn't think there was a suggestion that there was a mistake in the original zoning.

Commissioner Ward stated that he didn't think there was a mistake in the original zoning.

Chairman Jamison stated that she didn't think anything had changed in the area.

Mr. Gibson said that with all the property around the property in question that has not been developed why would you not change it.

Commissioner Hudson said that even if it didn't get developed the city had to be careful with how it might get developed.

Chairman Jamison said an option might be to build a large home for the young people to live in.

Ms. Bosarge said that was not a transitional program. Living on their own teaches them responsibility, to do things on their own. She also said the State of Mississippi has nothing like what she has proposed. The City of Gautier would be the first.

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

ACTION TAKEN:

Commissioner McManus made a motion to recommend that the City Council deny the rezoning request.

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

AYES: **Kay C. Jamison**
 Joshua Ward
 DeAnna McManus
 Maurice Hudson

NAYS: **Chris Hoover**

ABSENT: **William Davis**
 Ricky Decoteau

Motion passed.

GENERAL DISCUSSION

A. PREVIOUS CASE UPDATES

Mr. Ankerson advised Commissioners that City Council approved GPC #24-06-VAR as presented. They approved GPC #24-05-SE with the stipulations recommended by the Planning Commission and added that the height of the sound/landscaping buffer shall be opaque, 10 ft. in width, and 10 ft. in height (to be grown in one year), with a timber fence behind it; and a dumpster is allowed, but it must be behind the front plane of the primary structure, with hours of collection limited to 7:00 am to 5:00 pm.

B. PERMIT & TRC REPORT

Mr. Ankerson presented the monthly reports from January 2024, February 2024, and March 2024.

Commissioner Ward made a motion to adjourn the meeting.

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

AYES: **Kay C. Jamison**
 Josh Ward
 DeAnna McManus
 Marcus Hudson
 Chris Hoover

ABSENT: **William Davis**
 Ricky Decoteau

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

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

GAUTIER, MISSISSIPPI

PLANNING DEPARTMENT
PUBLIC HEARING APPLICATION

Public Hearing Number

24-07-VAR
24-07-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:

AK Beem

Name of Business:

Southern Hideaway

Phone:

601-507-0348

Property 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 lot

Size 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:

[Signature]

Date of Application:

12-12-23

FOR OFFICE USE ONLY

Date Received

12/12/23

Verify as Complete

Babs (SA)

Fee Amount Received

176.00

Initials of Employee Receiving Application

Babs

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 Ex:stg
Trailer Par

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 FO Sell
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.

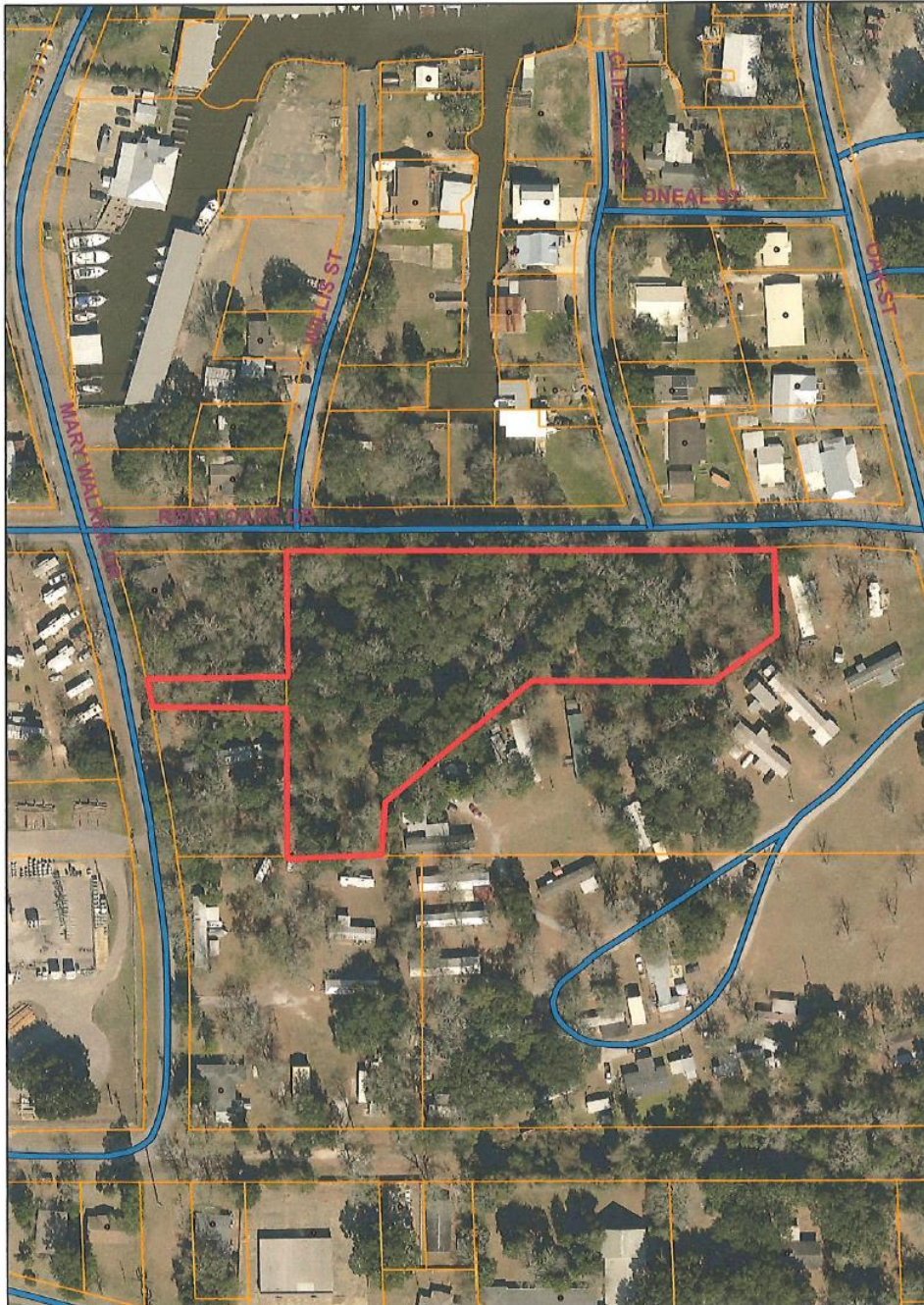
Not In This Area

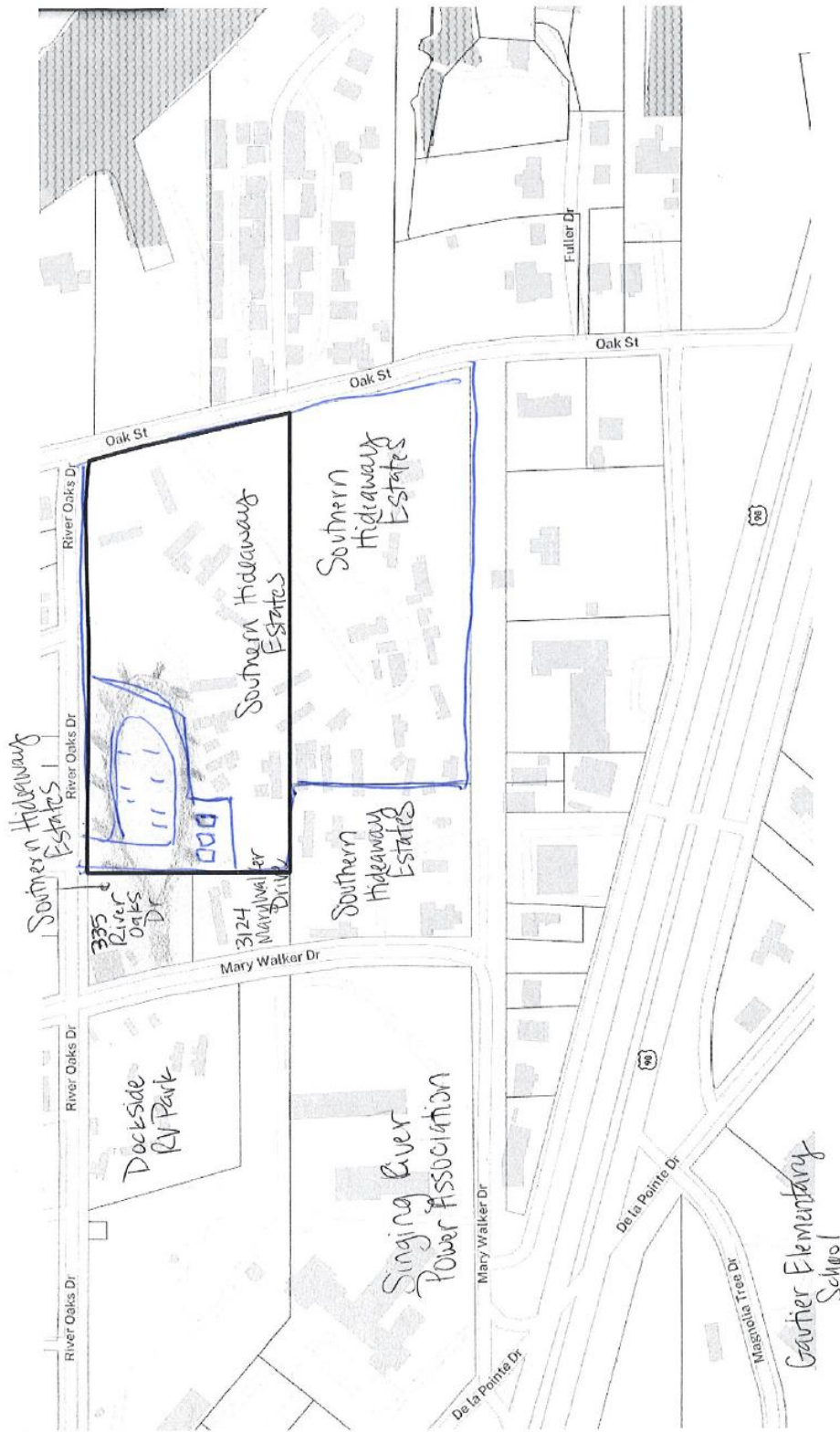
NARRATIVE

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

3101 Oak St.

2.5 Acres Proposed





001-501-0348

*Mayor
Casey Vaughan*

*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 Elkin*

City of Gautier
Gautier, Mississippi



*City Manager
Paula Yancey*

*City Clerk
Teresa Montgomery*

*3330 Highway 90
Gautier, MS 39553
1-228-497-8000 phone
1-228-497-8628 fax
Email: gautier@gautier-ms.gov*

October 10, 2023

Albert Eason 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

"Nature's Playground"

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

Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department

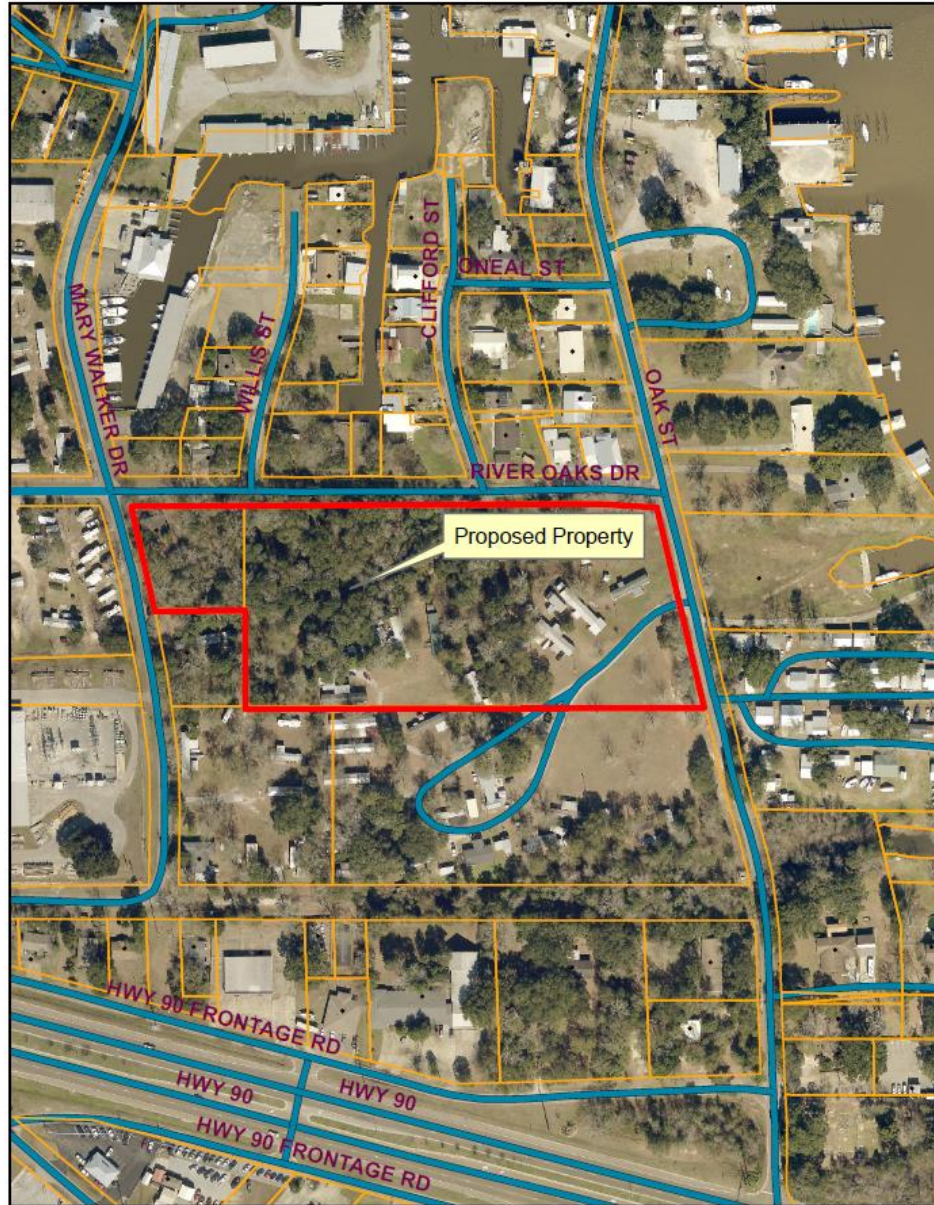


Exhibit B

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

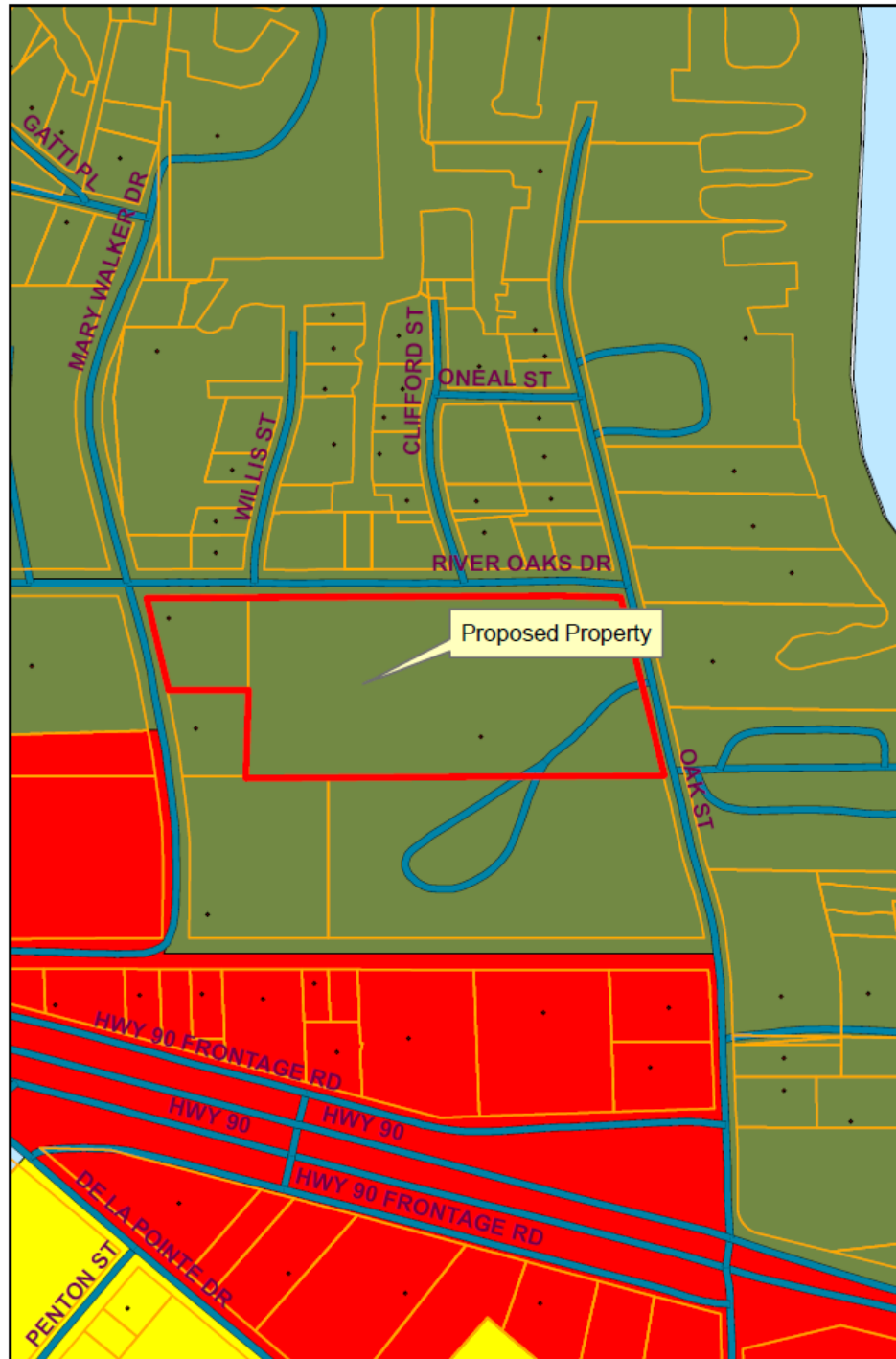


Exhibit C

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

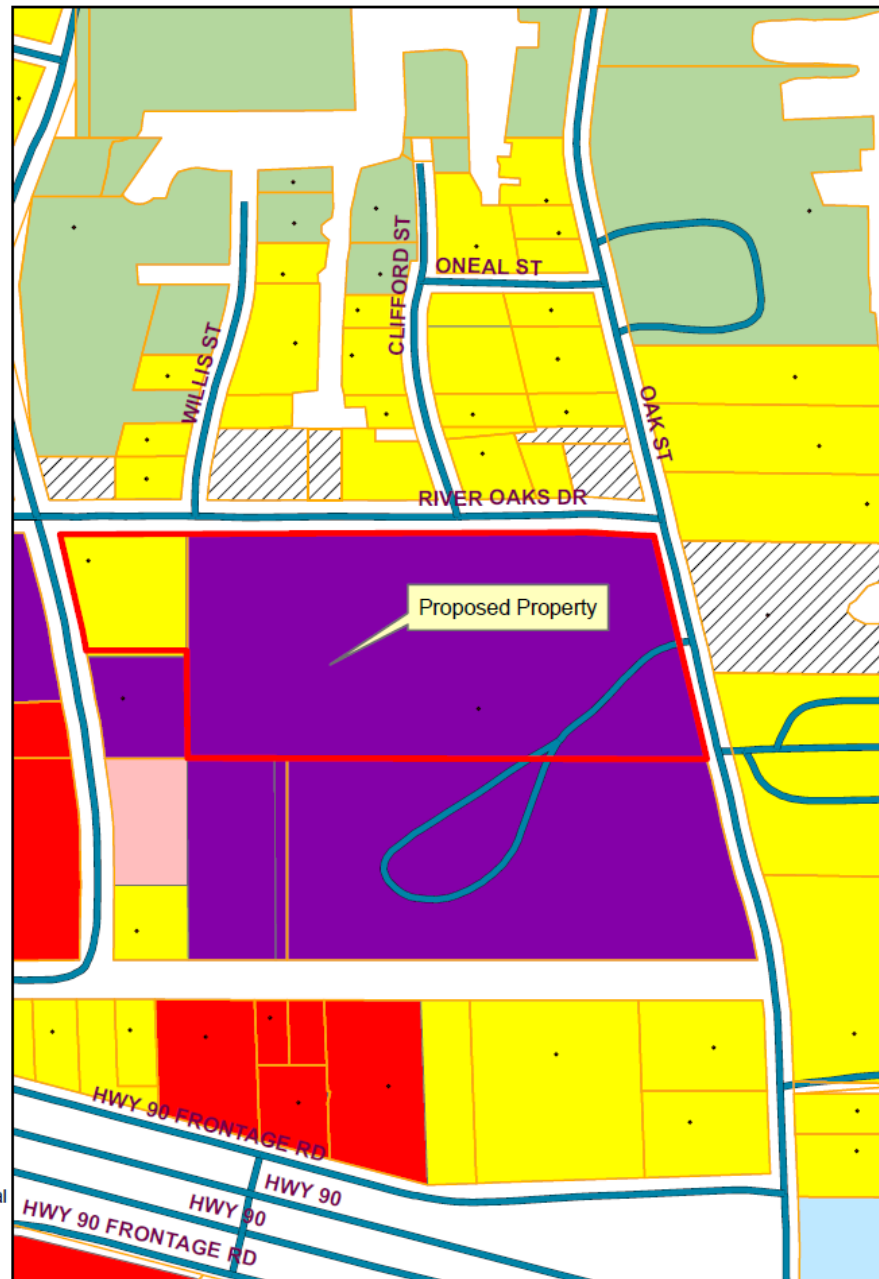


Exhibit D Future Land-Use

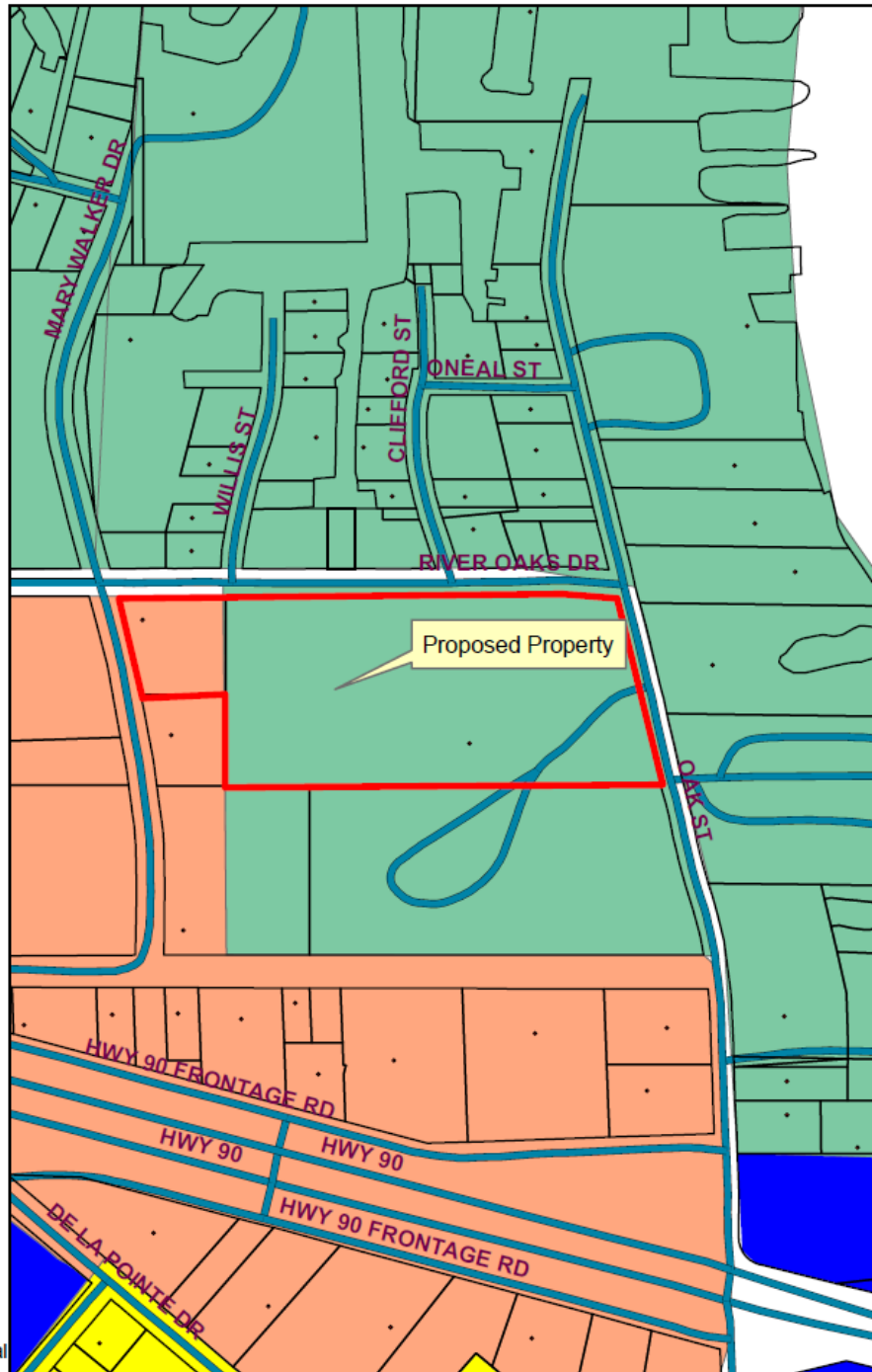
Prepared By:
City of Gautier
Planning Department

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

GAUTIER, MISSISSIPPI

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 Kimball

Name of Business: Block Therapy Quilt Shop Phone: 228-219-6317

Property Address: 4343 Gautier Vandevan Mailing Address (if Different): _____

E-Mail Address: jesse@blocktherapyquiltshop.com

Reason for request, location and intended use of Property: Requesting to use existing

signage 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: JMK Date of Application: 2-14-24

FOR OFFICE USE ONLY

Date Received 2/14/24 Verify as Complete Bals

Fee Amount Received 176.00 Initials of Employee Receiving Application Bals

C-2

OWNERS CONSENT AND DESIGNATION OF AGENCY - VARIANCE

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

4343 Gautier Vandave 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.

Amy S. Lemon
(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 Gaultier Vandeventer 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 Gaultier Vandeventer 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.

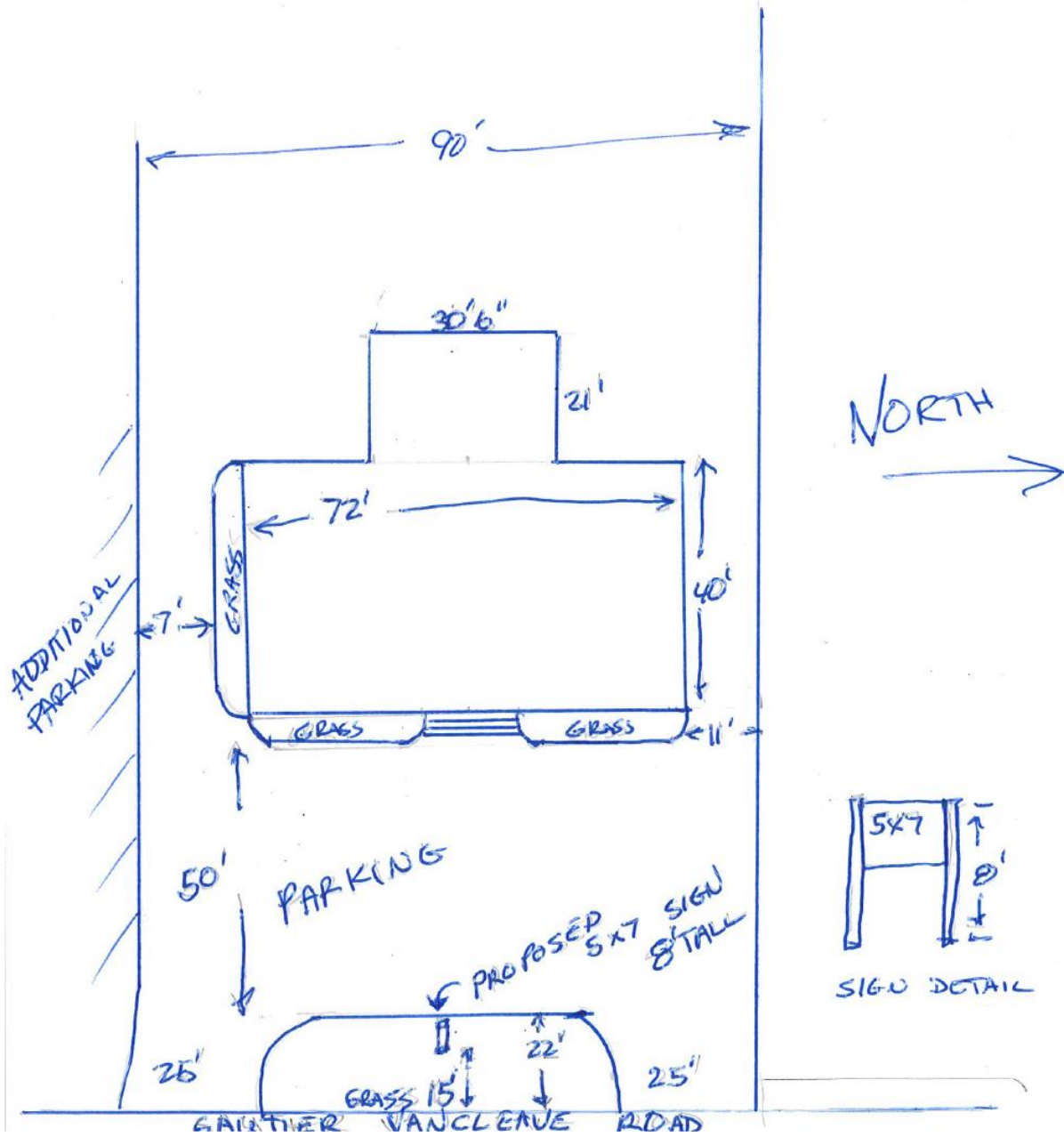
Thank you for considering this proposal.



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

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

4343 GAULTIER 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 VANCELEAVE RD GAUTIER

Land Information

Section: 26 Acreage: 0.39
Township: 7
Range: 7
Street Name GAUTIER VANCELEAVE
RD

Value and Tax Information

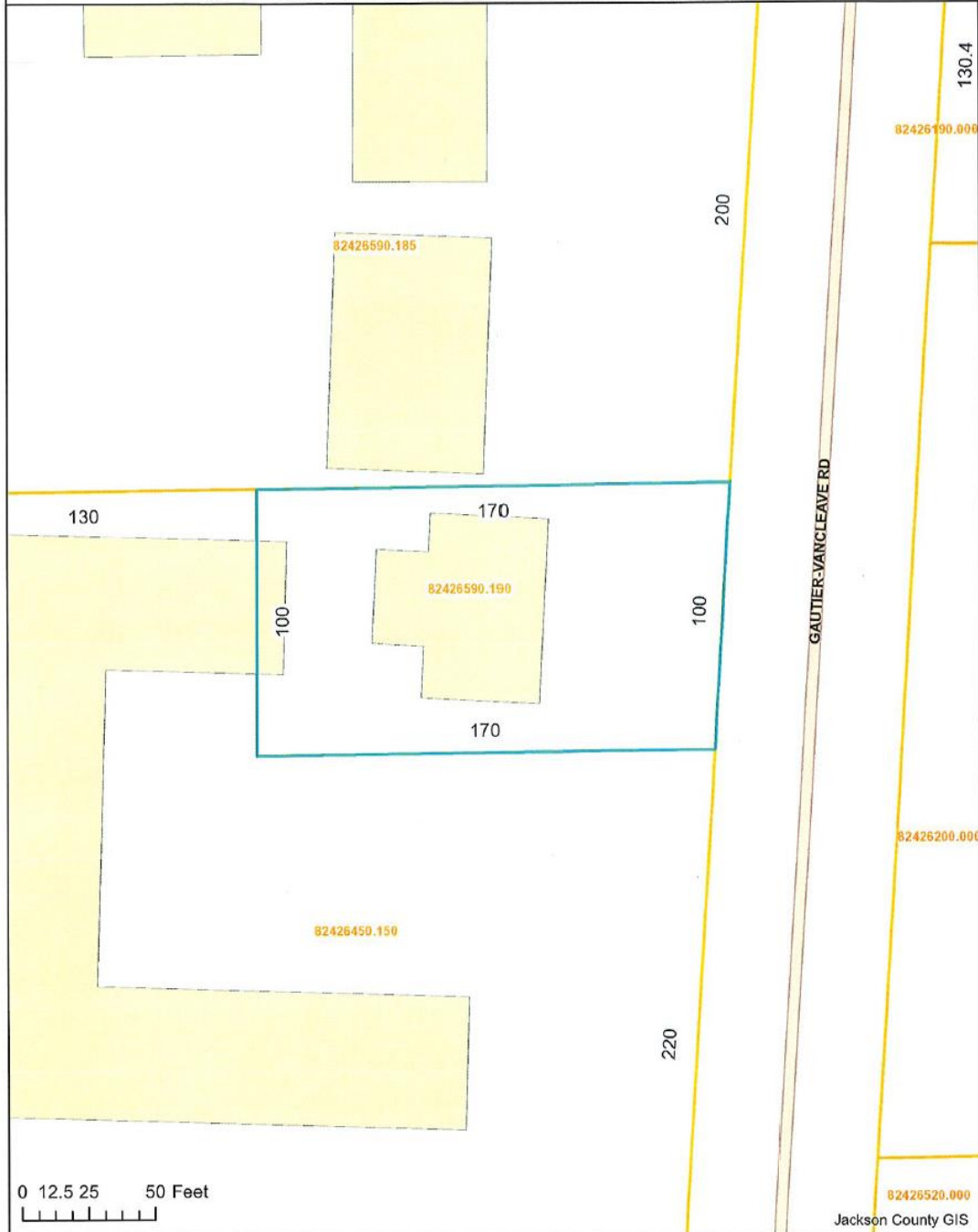
Total Assessed Value:	24667	Total Appraised Value:	164444
Improvement Value:	126224	Land Value:	38220
Tax Amount:	3546	SQ FT:	3466
		Year Built:	1985

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



0 12.5 25 50 Feet

<https://webmap.co.jackson.ms.us/>

Jackson County GIS

2/15/2024

Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department

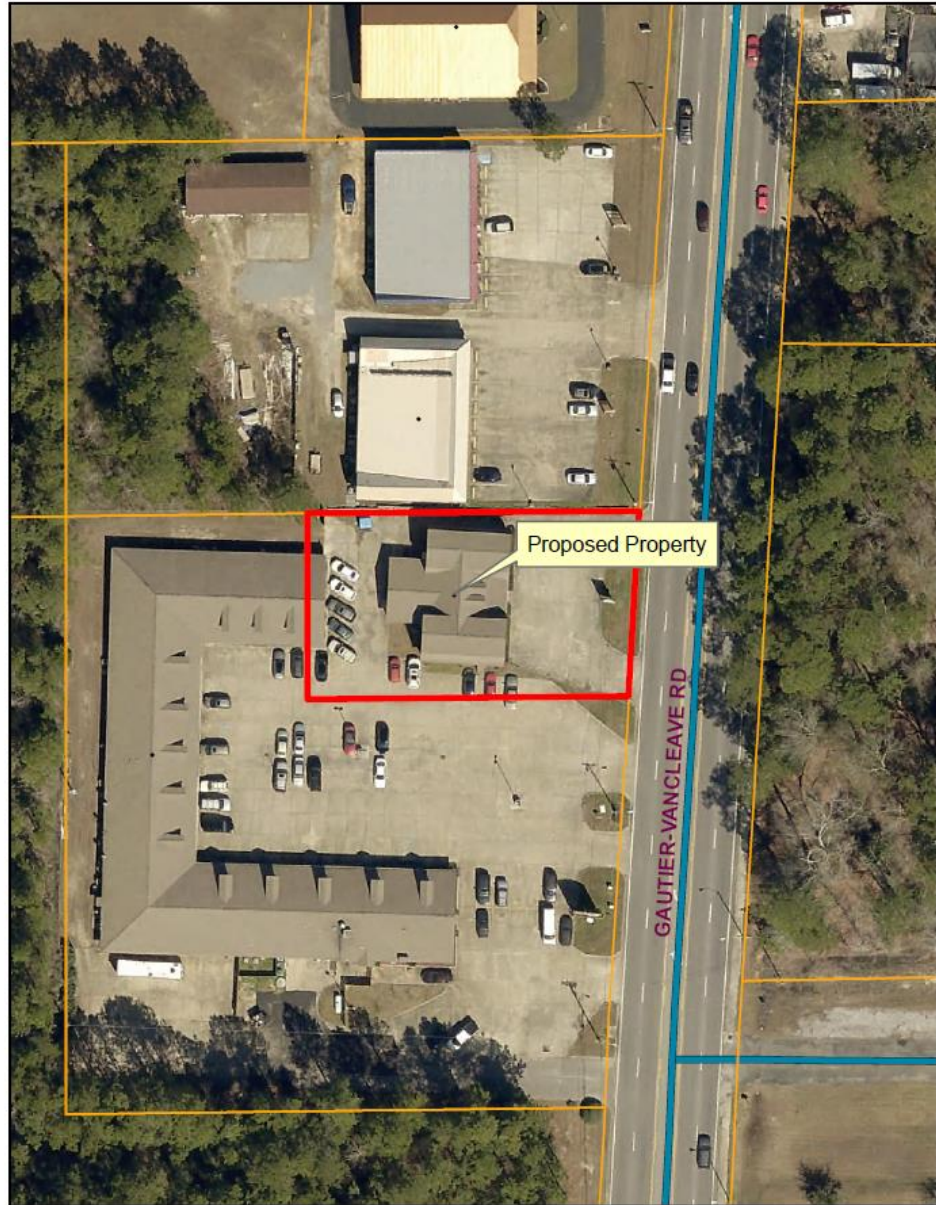


Exhibit B

Existing Zoning

Prepared by:
City of Gautier
Planning Department

Legend

Zoning

ZONECODE

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

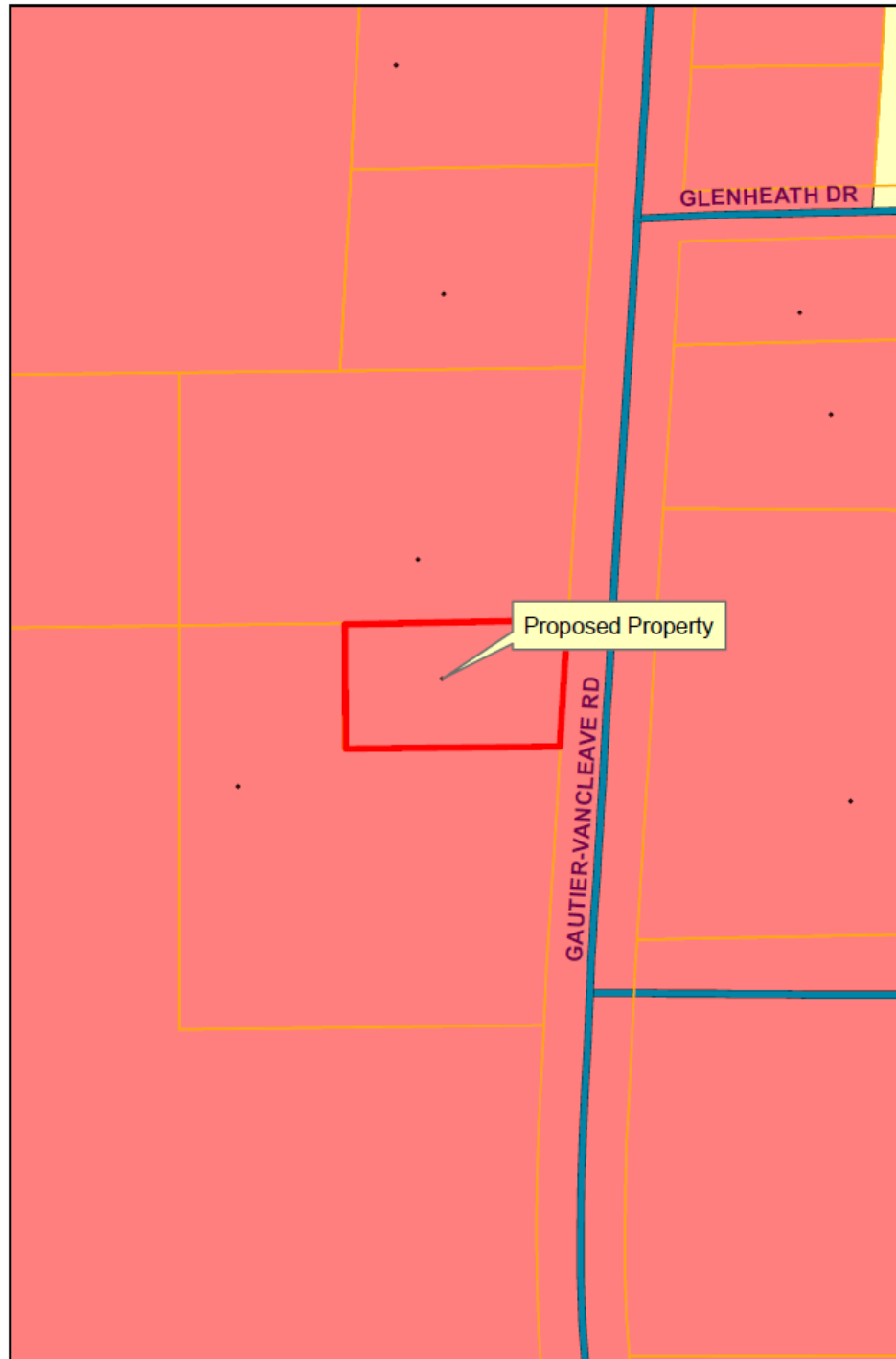


Exhibit C Existing Land-Use

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

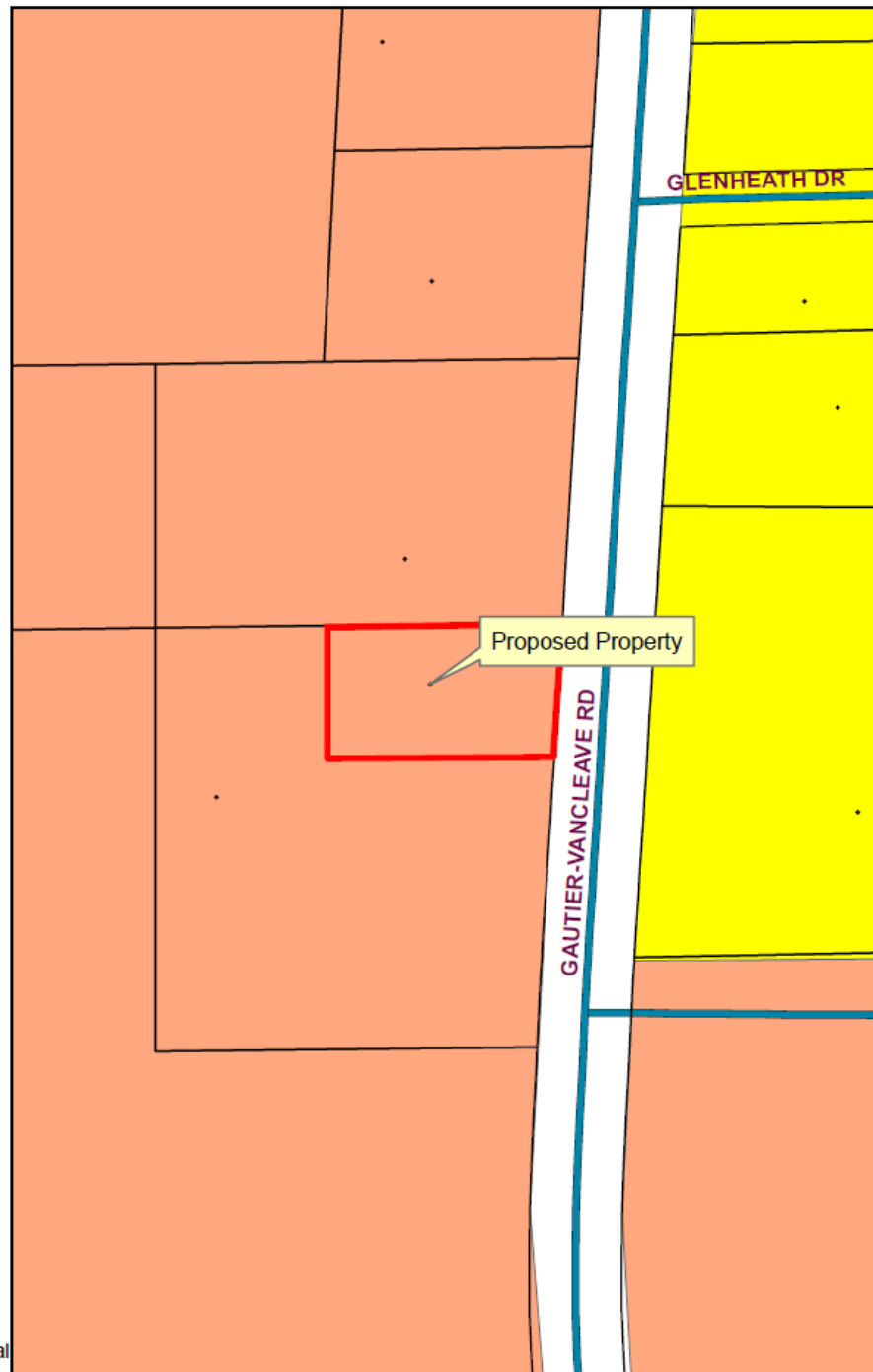
Prepared By:
City of Gautier
Planning Department

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

Donovan Scruggs Town Planning and Consulting, LLC
317 Pine Drive, Ocean Springs
Mississippi 39564
Ph 228.348.1315
EM: donovan@scruggsplaning.com

LEGACY PARK:

A PLANNED UNIT DEVELOPMENT OF GAUTIER, MISSISSIPPI

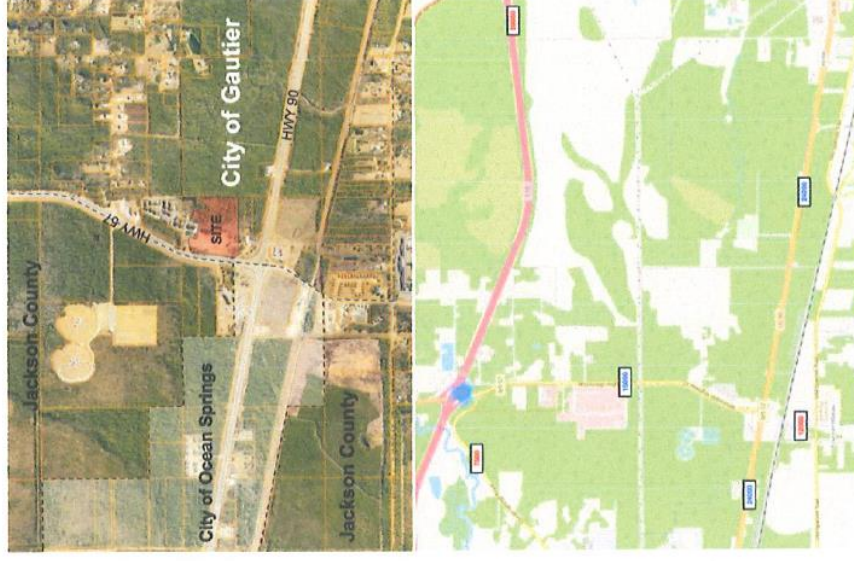
Introduction

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 Medical/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.

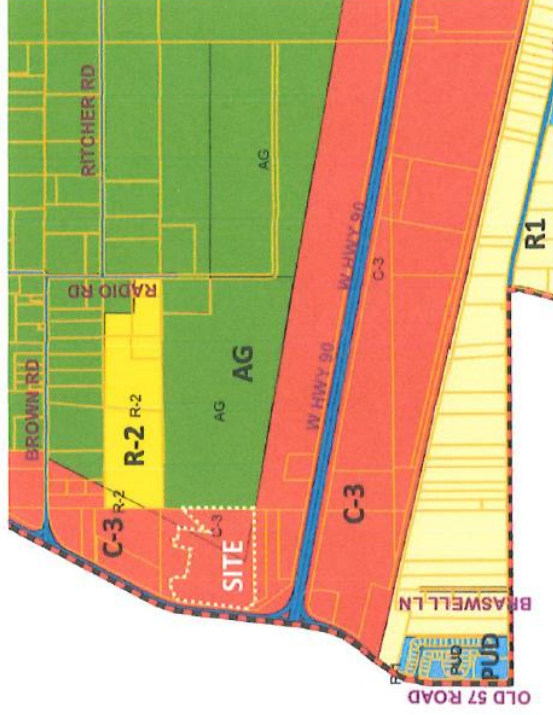


Table 7. Intensity and Dimensional Standards

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

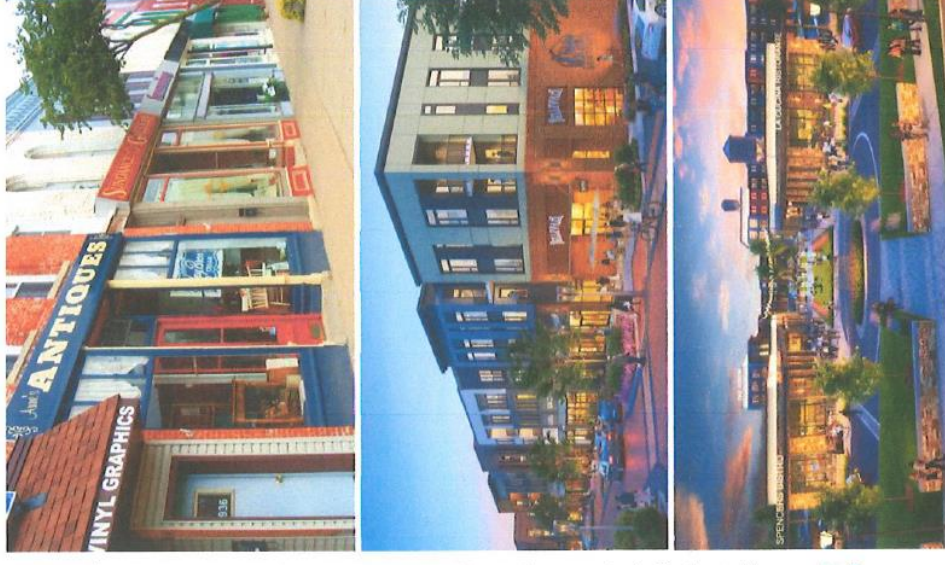
Legacy Park: Mixed Use Development

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 residential buildings. 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.



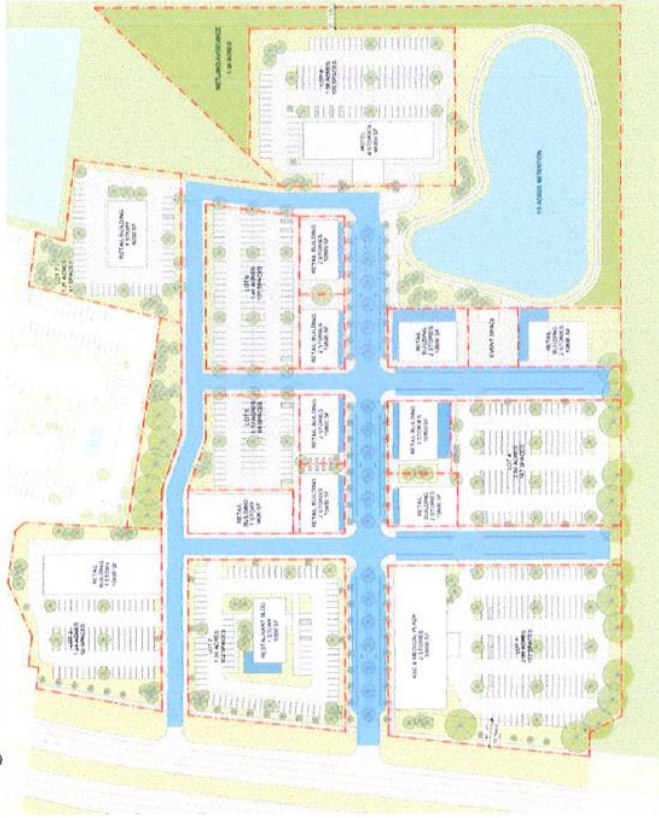
Legacy Park: Plan Overview

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 and visitors to the site.



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

se. The hotel is considered an integral part of the project as it will provide customers

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.

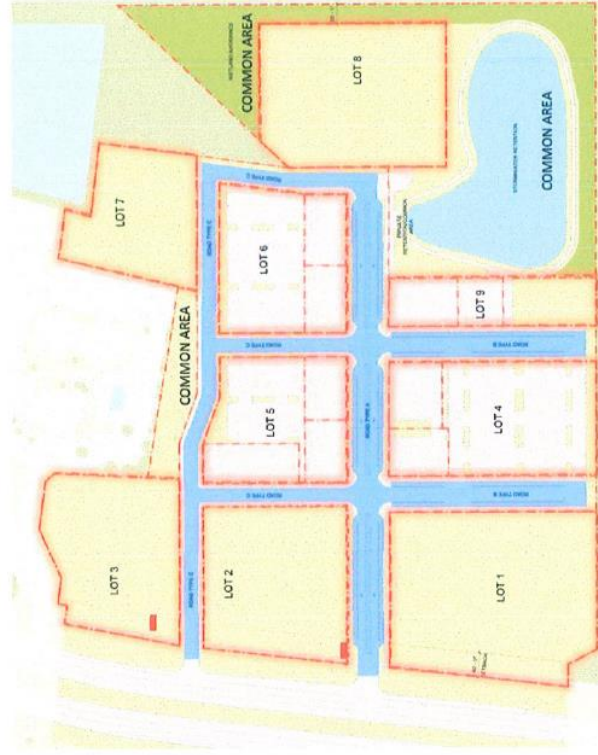
Unlike typical commercial parcels or buildings within the City of Gautier, parking areas within Legacy Park may not be contained on each individual lot or parcel. Parking is expected to be shared among the majority of tenants or uses. Parking calculations will be based on the overall site requirements 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: A PLANNED UNIT DEVELOPMENT

GAUTIER, MISSISSIPPI



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.



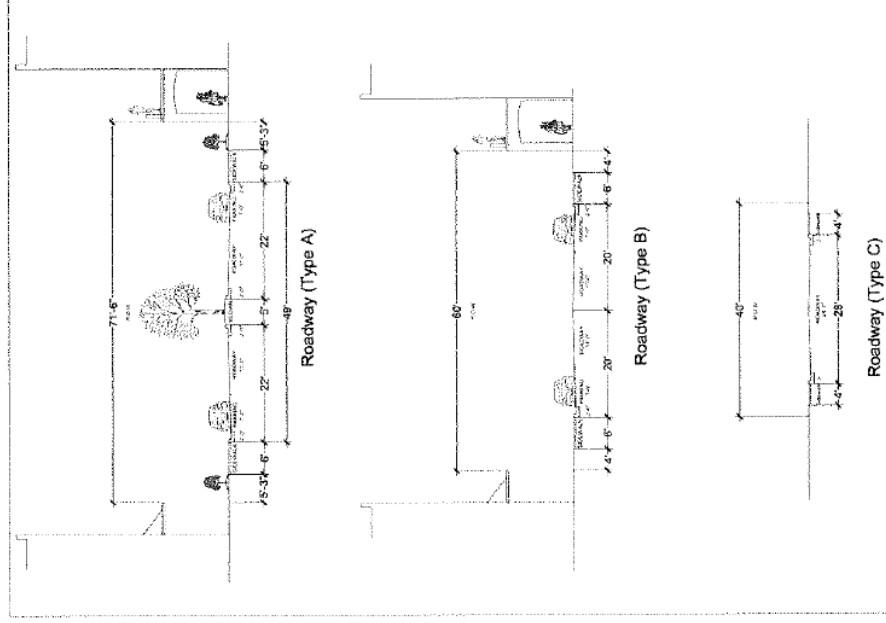
Legacy Park will include three Street Types. These streets will differ greatly in widths and functions.

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: A PLANNED UNIT DEVELOPMENT



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

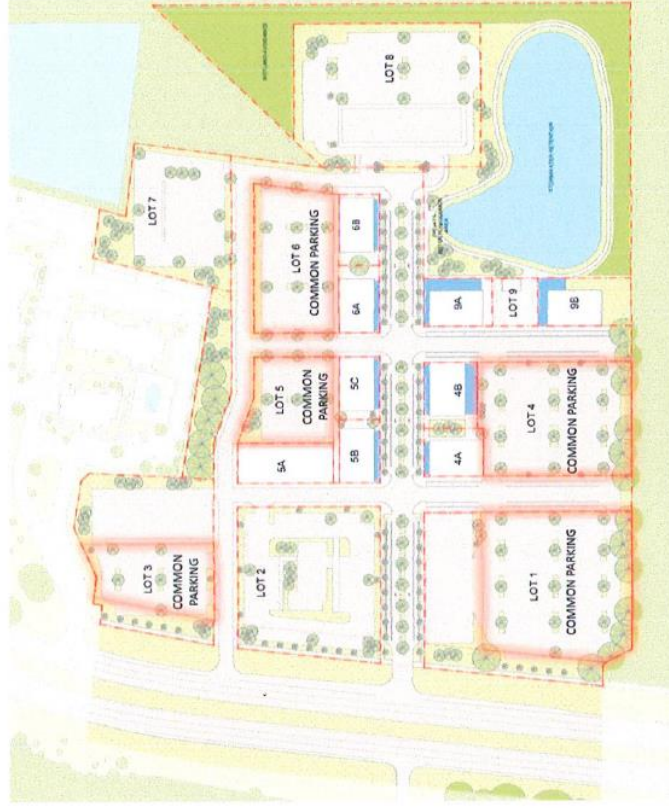
Legacy Park will be developed as a mixed-use site that will include restaurants, offices, retail spaces, medical facilities, hospitality accommodations, residences and other uses. Mixed-use developments, such as Legacy Park, encourage walkability among the various uses and spaces within these developments. 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: A PLANNED UNIT DEVELOPMENT

GAUTIER, MISSISSIPPI



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

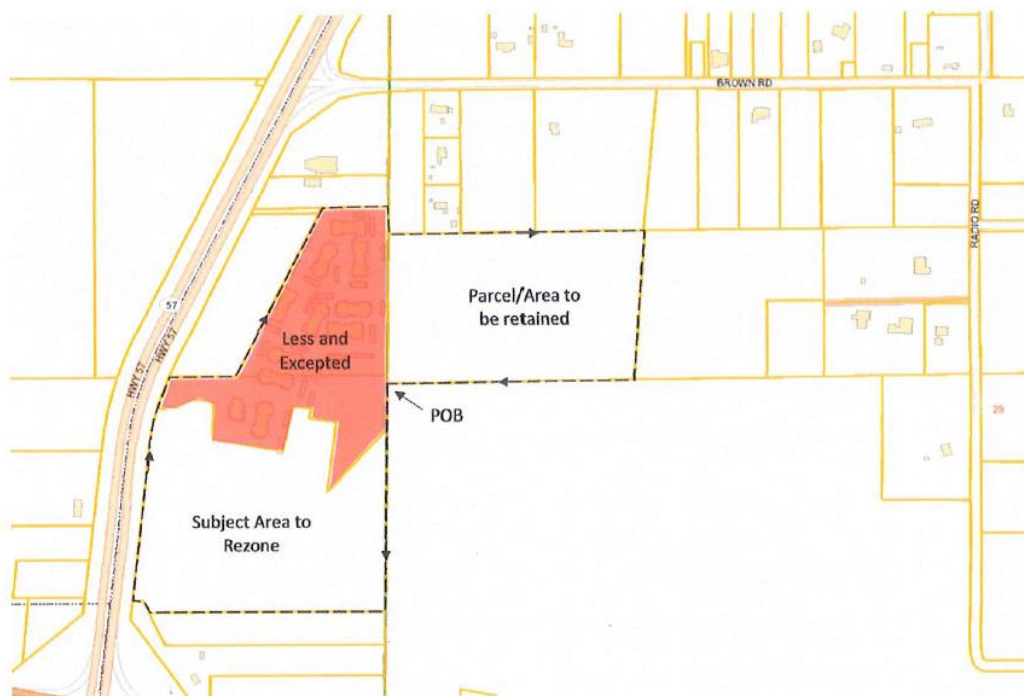
Legacy Park will include three primary Open or Common Spaces within the development.

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.

OFFICIAL RECORDS JACKSON COUNTY, MS
Josh Eldridge, Chancery Clerk
Electronically Recorded
RECORDING FEE: \$ 12.00
MINERAL TAX: \$0.00
201927784
BK: 1960 PG: 207 - 212
12/19/2019 04:22:21 PM 6 PG(S)
Receipt # 27422

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.]

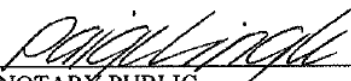
WITNESS MY SIGNATURES, this the 16th day of DEC., 2019.


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;

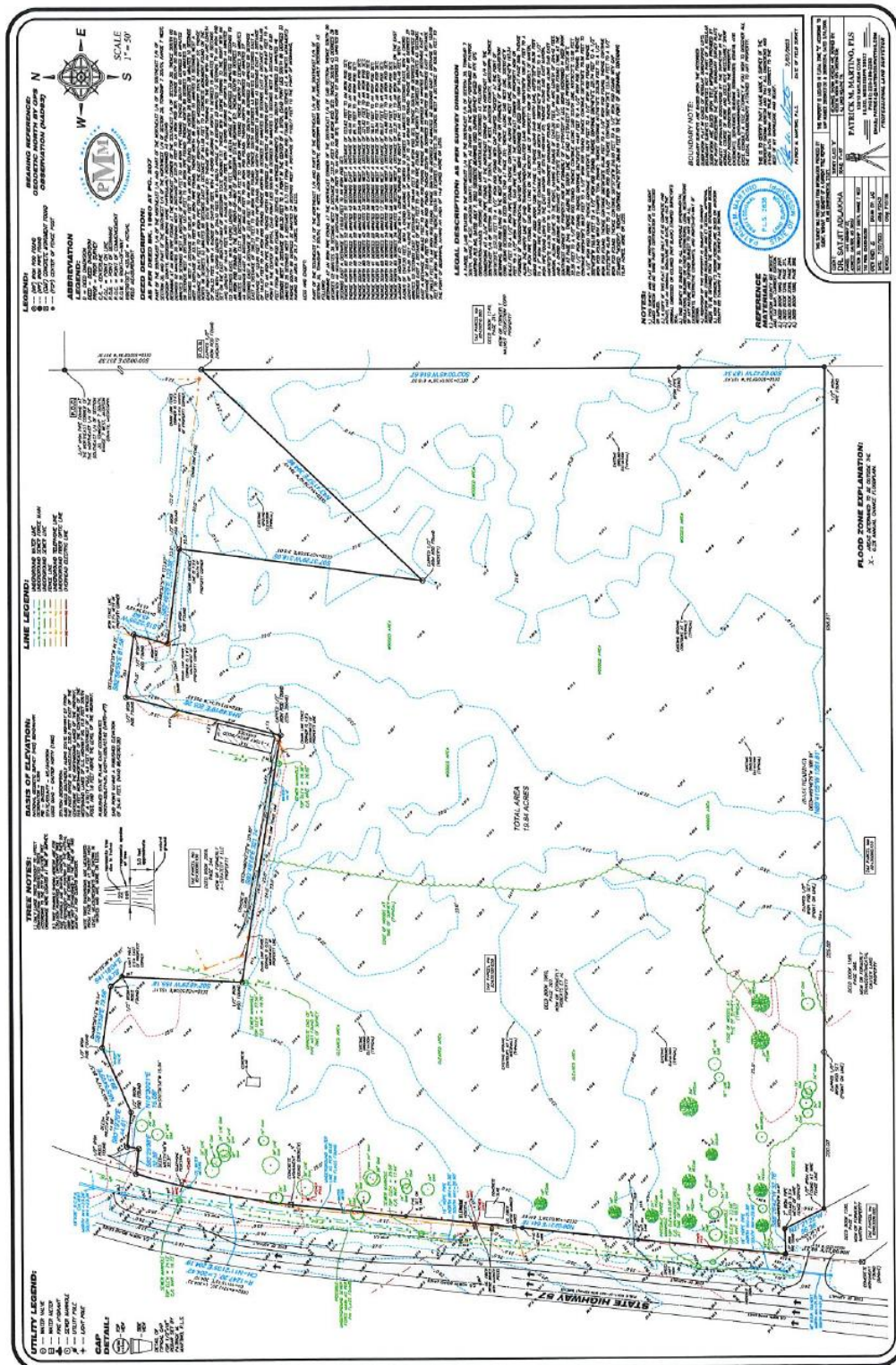
thence North 89 Degrees 15 Minutes 43 Seconds East a distance of 164.57 feet to an iron rod found;
 thence North 89 Degrees 22 Minutes 05 Seconds East a distance of 164.99 feet to an iron pipe found;
 thence North 89 Degrees 37 Minutes 43 Seconds East a distance of 819.97 feet to a point in the center 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 32 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

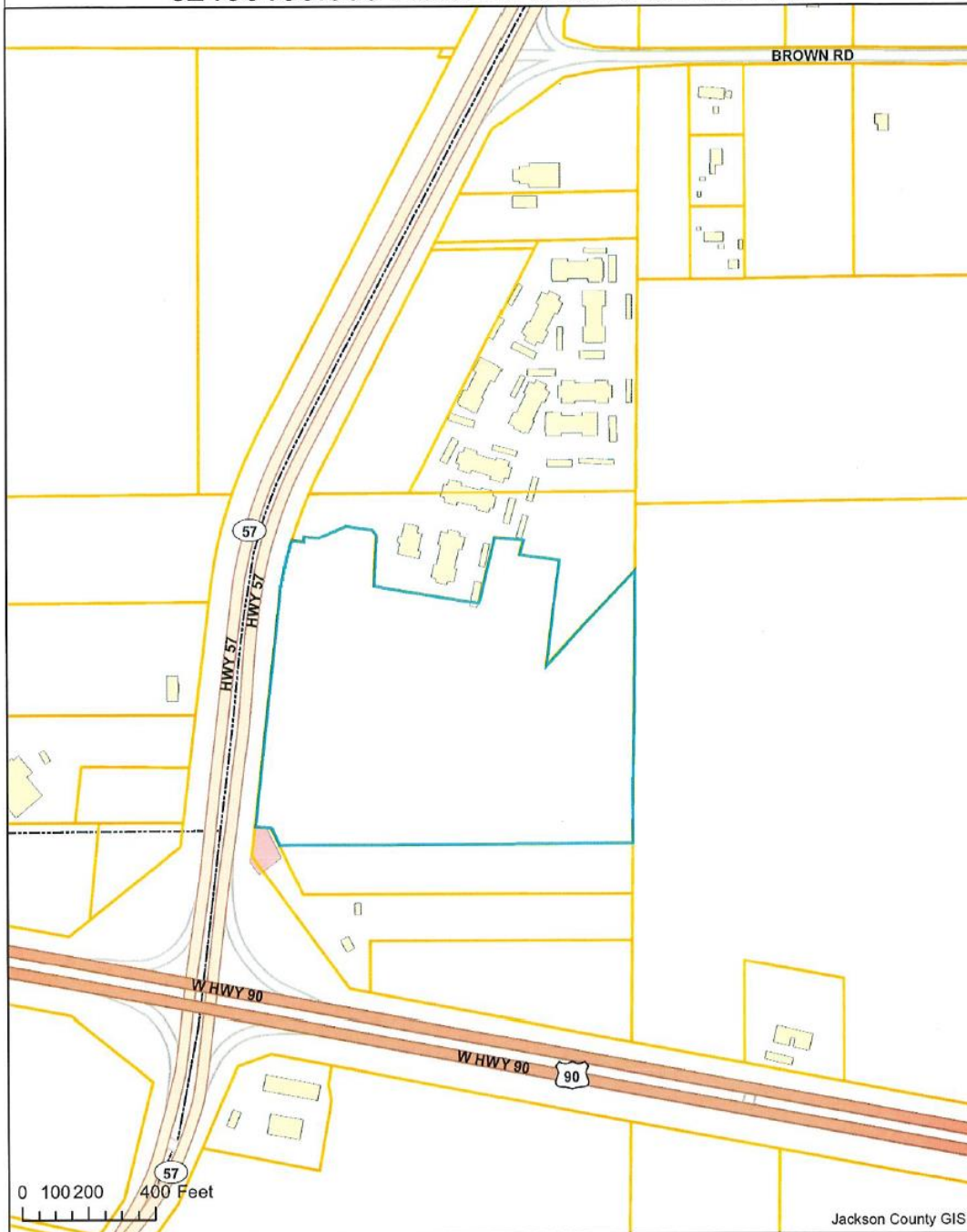
Year Built: 0

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

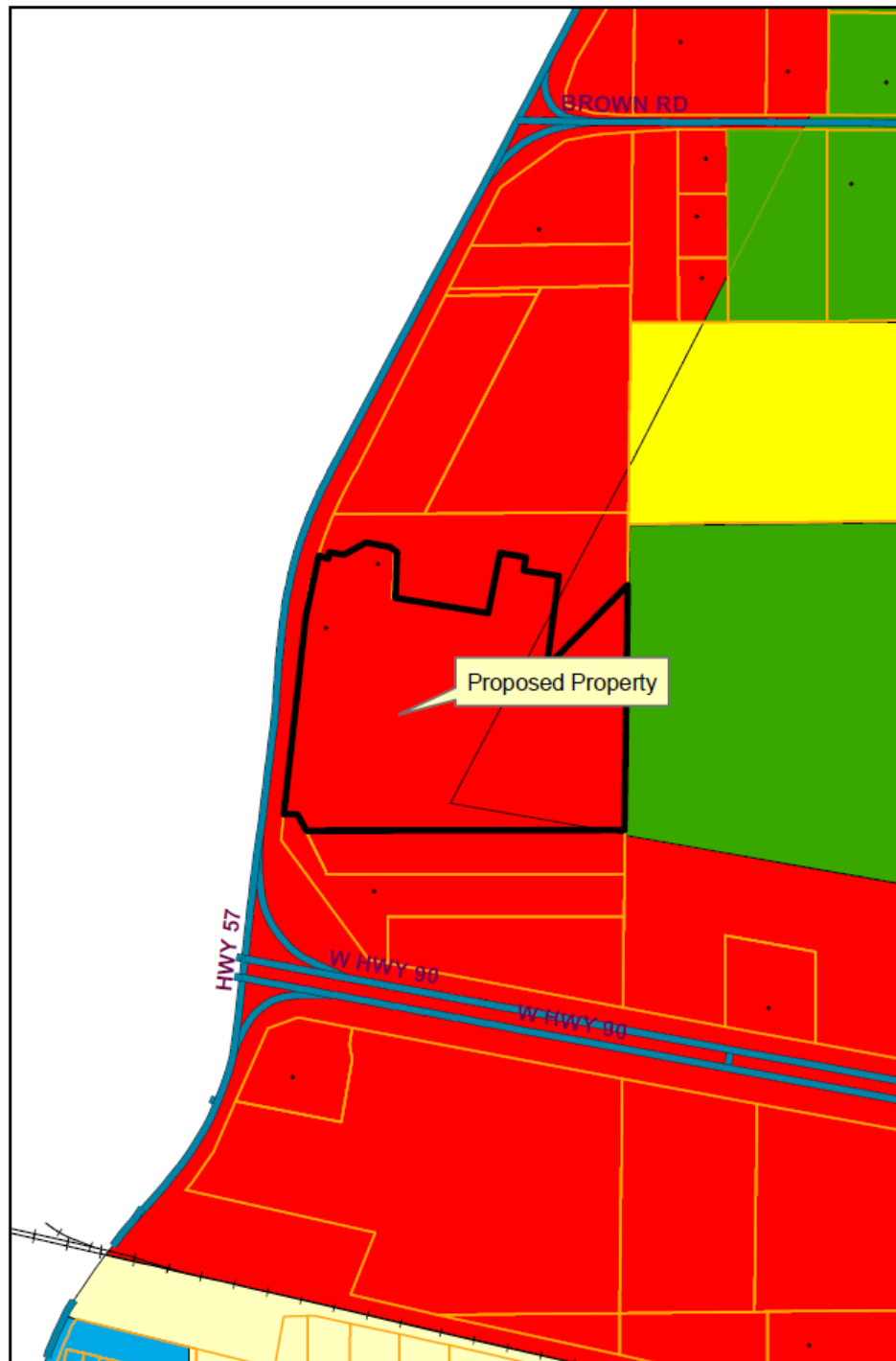


Exhibit C

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

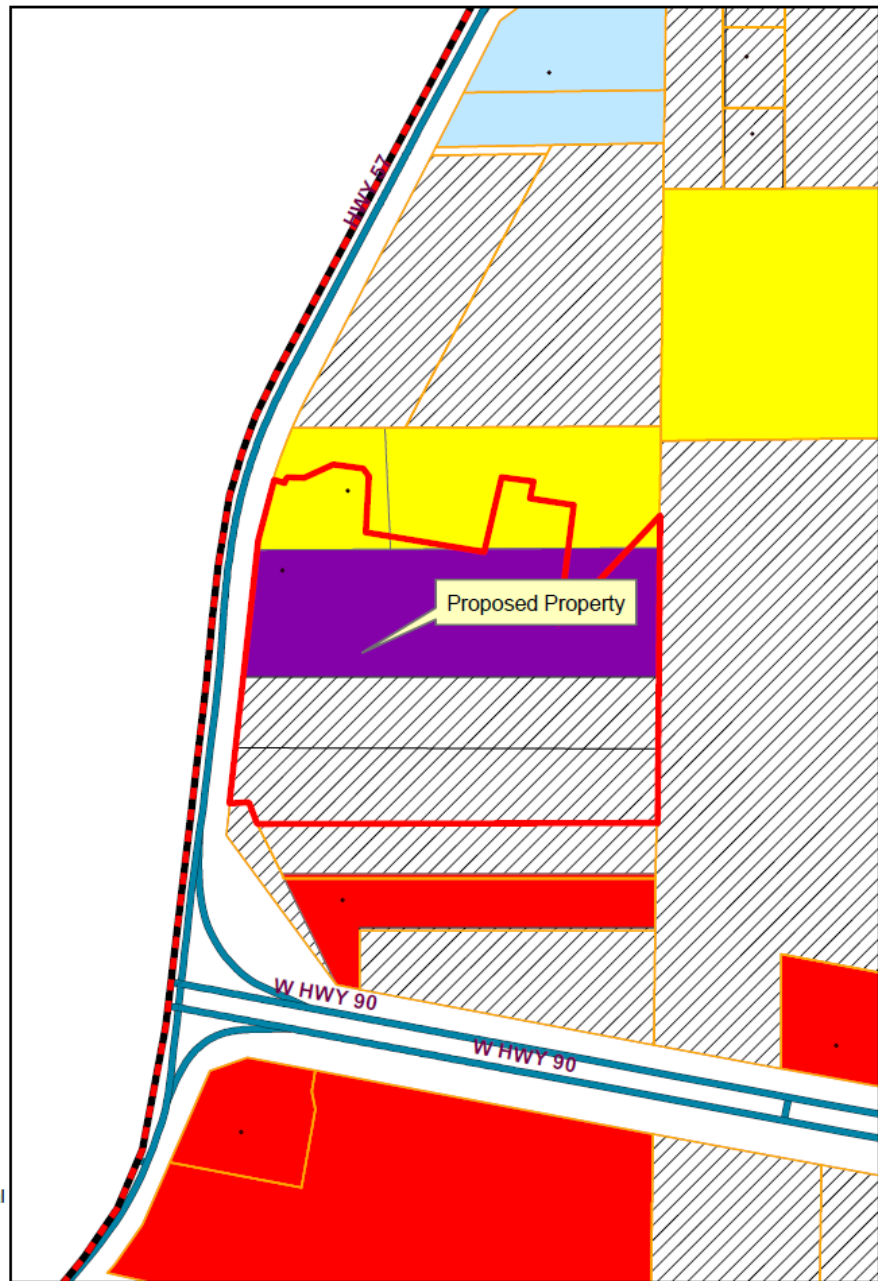


Exhibit D Future Land-Use

Prepared By:

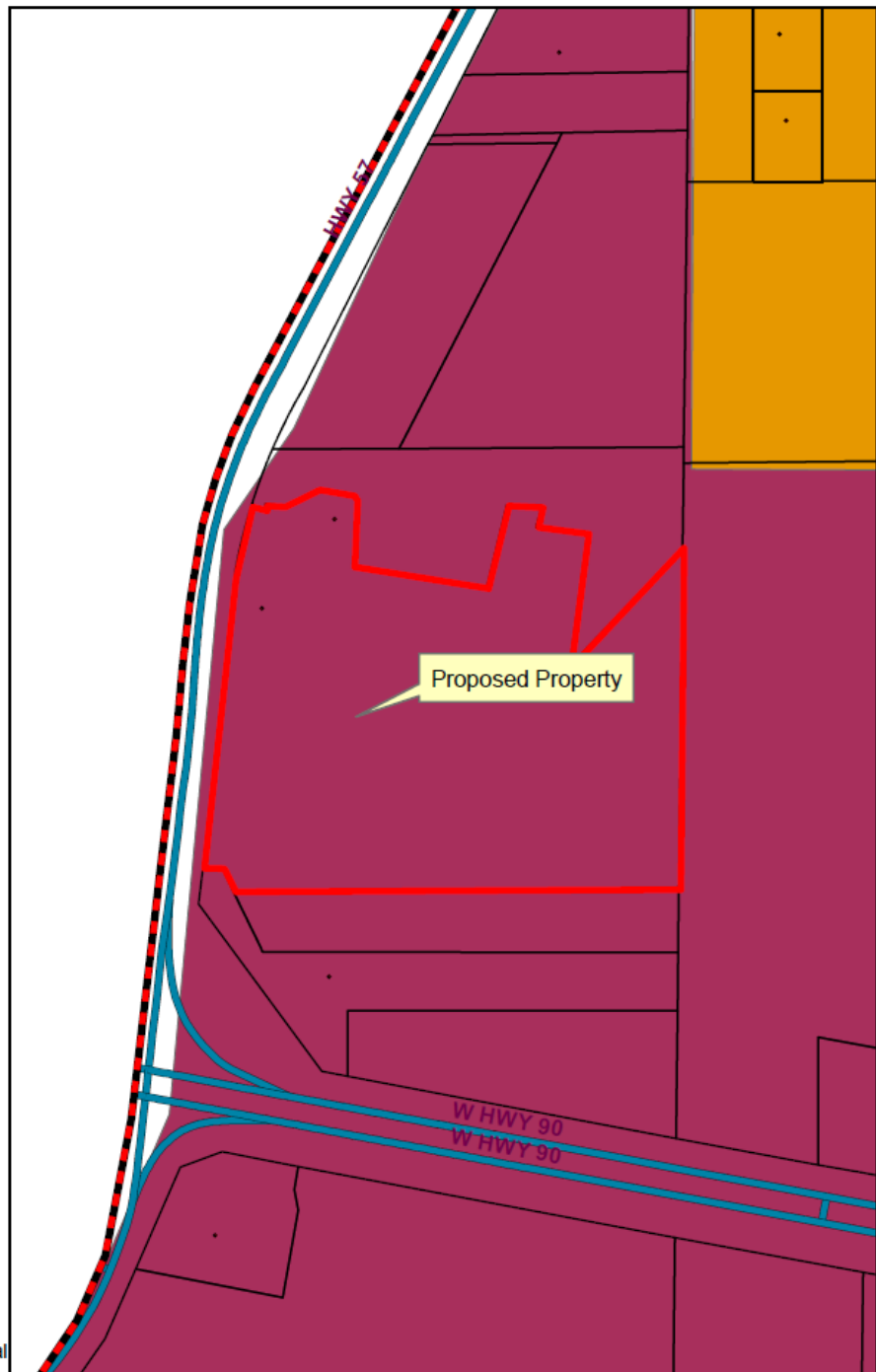
City of Gautier
Planning Department

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

Revised 2/8/23

GAUTIER, MISSISSIPPI
PLANNING DEPARTMENT
PUBLIC HEARING APPLICATION

Public Hearing Number

24-11-RZ

PUD

<u>TO BE HEARD BY GAUTIER PLANNING COMMISSION:</u>		<u>FEE:</u>
Zoning Change	_____	\$301.00
*Includes \$1.00 filing fee per MS Code §25-60-5		

Name of Applicant: Brandi Busarge

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: brandi2985@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 Busarge Date of Application: 01/05/24

FOR OFFICE USE ONLY	
Date Received <u>2-8-24</u>	Verify as Complete <u>Scott</u>
Fee Amount Received <u>301.00</u>	Initials of Employee Receiving Application <u>Balu</u>

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

Return To:
Pilger Title Co.
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

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

File No. Q236008N

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 Fountainbleau 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

<https://webmap.co.jackson.ms.us/>

85298083.000 P V & P FARM LLC



Jackson County GIS

Exhibit A Location Map

■

Prepared by:
City of Gautier
Planning Department

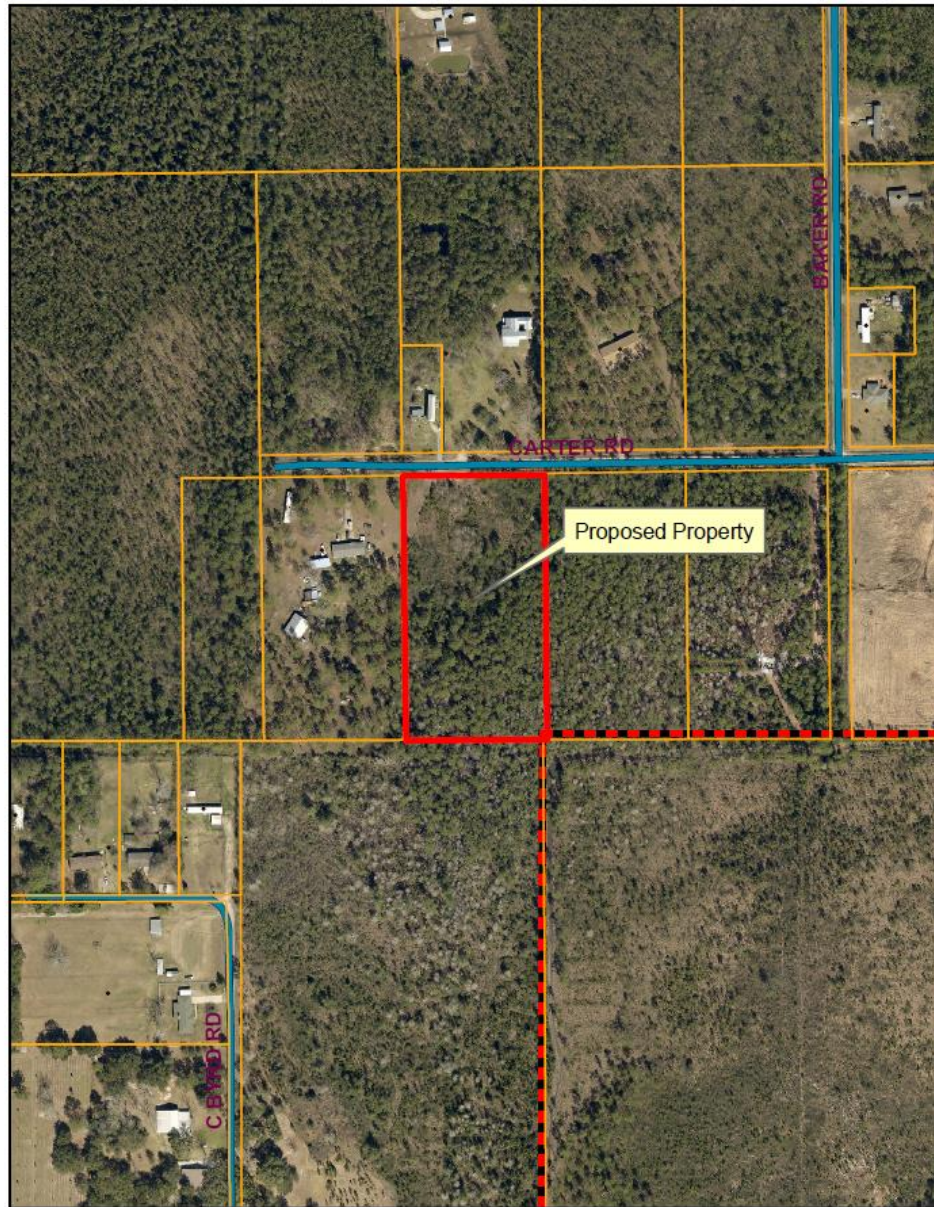


Exhibit B

Existing Zoning

Prepared by:
City of Gautier
Planning Department

Legend

Zoning

ZONECODE

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

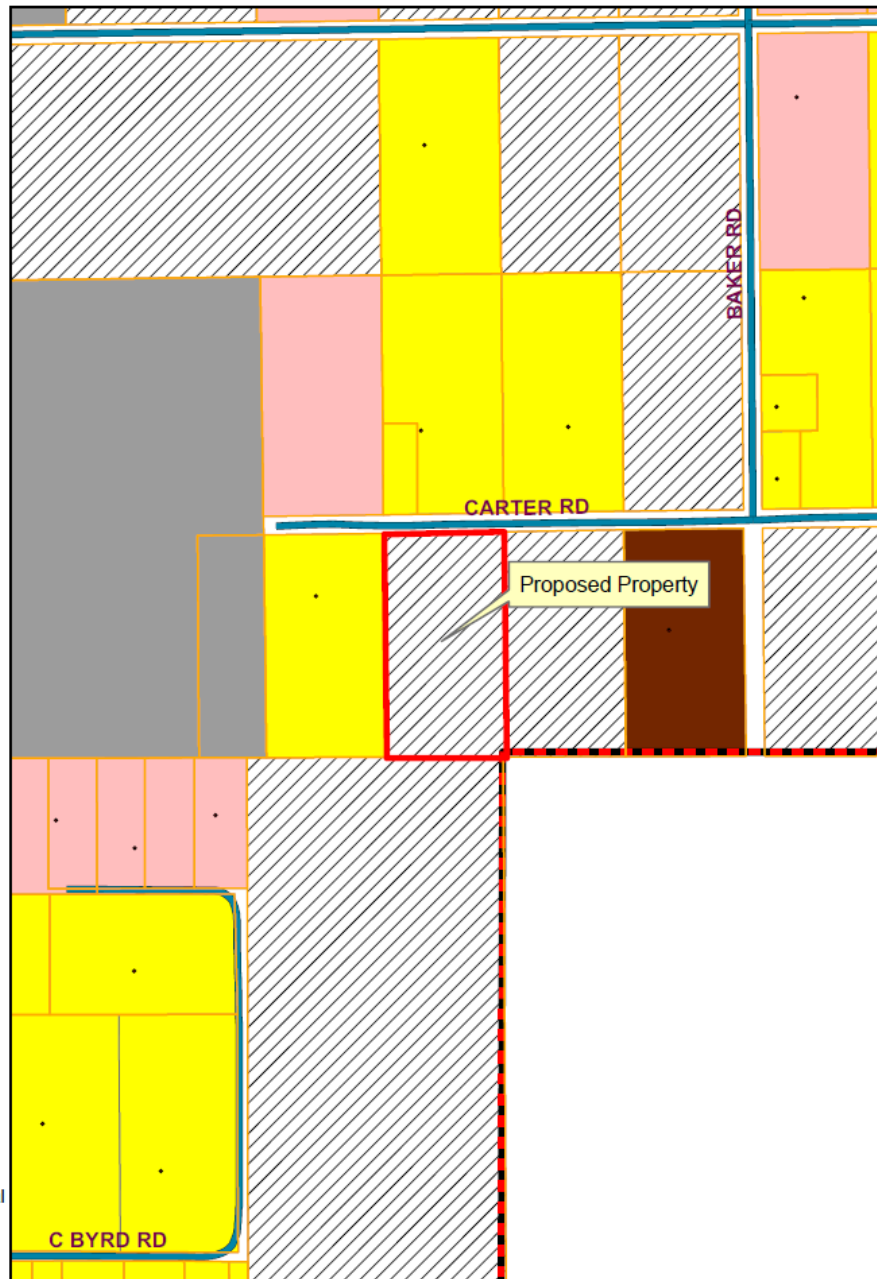


Exhibit D Future Land-Use

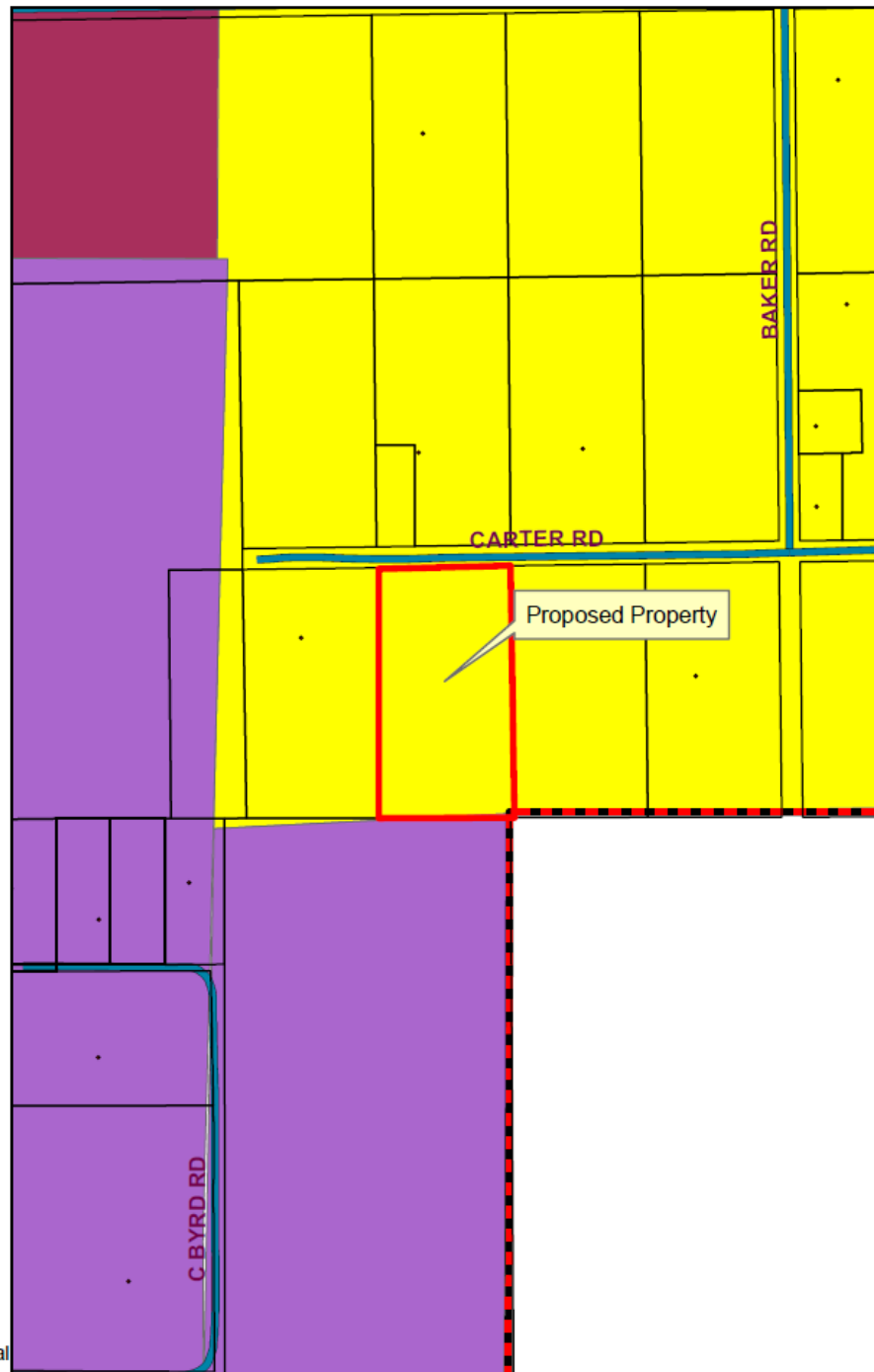
Prepared By:
City of Gautier
Planning Department

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

June 6, 2024

GPC #24-13-CU

William & Stacey Herrington

3309 Gatti Place

VII. NEW BUSINESS

1. Consider a request for a Conditional Use-Major that would allow a Recreational Vehicle (RV) on an individual lot in the MURC-MW Mixed Use Recreation Commercial – Mary Walker Zoning District. 3309 Gatti Place (GPC #24-13-CU)

**CITY OF GAUTIER
STAFF REPORT**

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: May 23, 2024

Subject: Consider a request for a Conditional Use-Major that would allow a Recreational Vehicle (RV) on an individual lot in the MURC-MW Mixed Use Recreation Commercial – Mary Walker Zoning District. 3309 Gatti Place. (GPC #24-13-CU)

REQUEST:

The Planning Department has received a request from William and Stacey Herrington for a Conditional Use-Major that would allow a Recreational Vehicle (RV) on an individual lot in the MURC-MW Mixed Use Recreation Commercial – Mary Walker Zoning District at 3309 Gatti Place, PID #85380204.000 (GPC #24-13-CU). The application fee of \$250 was paid on March 19, 2024. All public notice requirements have been met.

BACKGROUND:

The request property is zoned MURC-MW Mixed Use Recreation Commercial – Mary Walker.

1. Location: 3309 Gatti Place, PID #85380204.000 (See Exhibit A)
2. General features of the proposed project:
Total Area: Approximately 1.42 Acres
3. Existing Zoning – MURC-MW Mixed Use Recreation Commercial – Mary Walker (See Exhibit B)
4. Existing Land Use – Vacant (See Exhibit C)
5. Comprehensive Plan Future Land Use Designation – Recreational Commercial (See Exhibit D)

DISCUSSION:

The following addresses the review criteria for a Major Conditional Use outlined in Section 4.17.5 of the UDO.

1. Is the proposed use listed in the list of possible Conditional Uses in the particular Zoning District?

Applicant Response: Yes.

Staff Finding: Yes. Recreational Vehicle (RV) is listed as a Conditional Use-Major in a MURC-MW Mixed Use Recreation Commercial District.

2. Describe how the project is compatible with the character of development in the vicinity relative to (a) density, bulk and intensity of structures, (b) parking, and (c) other uses. Please attach parking plan, site plan, architectural rendering or other plans.

Applicant Response: Property is already next to a mobile home/RV park.

Staff Finding: The proposed use is allowed in a MURC-MW zoning district with a Major Conditional Use. Special conditions may be imposed if deemed necessary to help the proposed use be more compatible with the character of development in the vicinity.

3. Will your project negatively affect neighboring property values or pose a real or perceived threat to citizens? Explain.

Applicant Response: No, property is already next to a mobile home/RV park.

Staff Finding: There is no evidence to indicate the proposed use will negatively affect the property values or cause a detriment to the surrounding properties.

4. Will your project adversely affect vehicular or pedestrian traffic in the vicinity? Explain.

Applicant Response: No, we are at the end of the road and not for full time use.

Staff Finding: There is no evidence that the proposed use will have any adverse effect on vehicular or pedestrian traffic.

5. Can the proposed use be accommodated by existing or proposed public services and facilities including, but not limited to, water, sanitary sewer, streets, drainage, police and fire protection, and schools?

Applicant Response: Yes.

Staff Finding: The proposed use can be accommodated by existing public services and facilities.

6. Is the proposed use in harmony with the Comprehensive Plan? Explain how.

Applicant Response: Yes.

Staff Finding: The Comprehensive Plan calls out "Recreational Commercial" for future land use of this property.

7. Does the proposed use pose a hazardous, detrimental, or disturbing affect, either real or perceived, to present surrounding land uses due to noises, glare, smoke, dust, odor, fumes, water pollution, vibration, electrical interference, or other nuisances? Explain.

Applicant Response: No.

Staff Finding: There is no evidence that the proposed use poses a hazardous, detrimental, or disturbing effect to present surrounding uses.

8. Does the use conform to all district regulations for the applicable district in which it is located, or have other provisions been provided for? Explain.

Applicant Response: Yes, only parking it for part time use and everything is mobile.

Staff Finding: The proposed use will conform to all current district regulations.

DETERMINATION OF APPLICABLE LAW:

1. The UDO defines conditional uses as specific uses which are enumerated in each zoning district and which because of their nature are not allowed by right but may be allowed after the required review process. The City may specify certain conditions as necessary to make the use compatible with other uses in the same district. Conditional uses are issued for uses of land and uses

designated "Conditional Uses-Major" are transferable from one (1) owner of land to another.

The UDO further defines Conditional Uses-Major as uses that are not allowed by right but require a recommendation by the Planning Commission and the approval of the City Council. Additionally, if the conditional use is transferred to a new owner, the new owner must submit a letter to the Planning Director agreeing to the current terms and condition.

2. Conditional Uses-Major requires a public hearing before the Planning Commission and approval by the City Council (Section 4.14 of the UDO).

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 Conditional Use-Major
2. Recommend that City Council approve the Conditional Use-Major with changes;
or
3. Recommend that City Council deny the Conditional Use-Major.

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
CONDITIONAL USE APPLICATION

Public Hearing Number

24-13-CU

TO BE HEARD BY GAUTIER PLANNING COMMISSION AND CITY COUNCIL:

Conditional Use - Major _____

FEE:
\$251.00

TO BE HEARD BY PLANNING DIRECTOR:

Conditional Use - Minor _____

FEE:
\$251.00

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

Name of Applicant: William Herrington & Stacey Herrington Stacey

Name of Business: _____ Phone: 990-8251

Property Address: 3309 Gatti Place, Gautier Mailing Address (if Different): 413 River Oaks Dr, Gautier

E-Mail Address: sherrington snherrington69@gmail.com

Proposed Use Requiring Conditional Use: RV in MURC-MW (Refer to Article V, UDO)

Proposed Location is: ☐ New Build ☐ Existing (with no modifications) ☐ Existing (with proposed modifications)

ATTACHMENTS REQUIRED AS APPLICABLE:

- ☒ 1. Answers to the Criteria for Approval (see attached).
- ☒ 2. Project Narrative (see attached).
- ☒ 3. Diagram of intended use (see attached).
- 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(s): William Herrington Date of Application: _____
Stacey Herrington

FOR OFFICE USE ONLY

Date Received 3/19/24 Verify as Complete Scott & Babs

Fee Amount Received 251.00 Initials of Employee Receiving Application Babs

MURC-MW

CONDITIONAL USE CRITERIA FOR APPROVAL - Complete either the Major Conditional Use section or Minor Conditional Use Section below. If more room is needed, answers can be provided on a separate sheet of paper.

MAJOR CONDITIONAL USE CRITERIA FOR APPROVAL

1. Is the proposed use listed in the list of possible Conditional Uses in the particular Zoning District? *yes*
2. Please describe how the project is compatible with the character of development in the vicinity relative to (a) density, bulk, and intensity of structures, (b) parking, and (c) other uses. Please attach parking plan, site plan, architectural rendering, or other plans. *and*
3. Will your project negatively affect neighboring property values or pose a real or perceived threat to citizens? Explain. *no, property is already next to a mobile home/RV park.*
4. Will your project adversely affect vehicular or pedestrian traffic in the vicinity? Explain. *no we are at the end of the road and not for full time use*
5. Can the proposed use be accommodated by existing or proposed public services and facilities including, but not limited to, water, sanitary sewer, streets, drainage, police and fire protection, and schools? *yes*
6. Is the proposed use in harmony with the Comprehensive Plan? Explain how. *yes*
7. Does the proposed use pose a hazardous, detrimental, or disturbing affect, either real or perceived, to present surrounding land uses due to noises, glare, smoke, dust, odor, fumes, water pollution, vibration, electrical interference, or other nuisances? Explain. *no*
8. Does the use conform to all district regulations for the applicable district in which it is located, or have other provisions been provided for? Explain. *yes, only parking it for part-time use and everything is mobile*

MINOR CONDITIONAL USE CRITERIA FOR APPROVAL

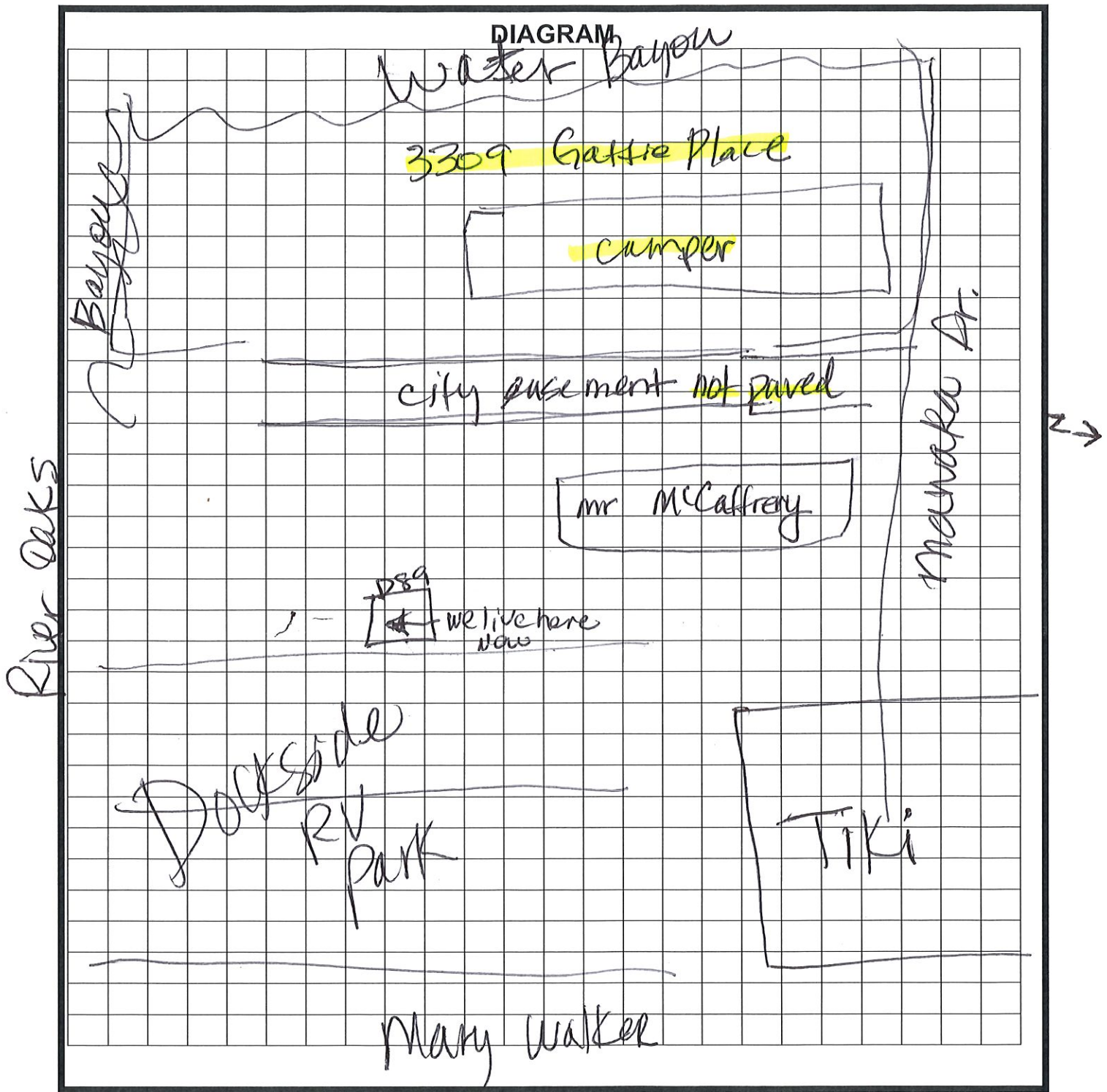
1. Is the proposed use substantially compatible with other uses in the area, including factors relating to the nature of its location, operation, building design, site design, traffic characteristics, and environmental impacts? Explain.
2. Will the proposed use be materially detrimental to the health, safety, and general welfare of the public or otherwise injurious to the environment or to the property or improvements within the area? Explain.
3. Is the proposed use consistent with the Comprehensive Plan? Explain how.
4. Is the proposed use in conformance with specific site location, development, and operation standards as required by this Ordinance? Explain.

CONDITIONAL USE NARRATIVE – Describe the proposed project in detail. Include all types of business activities that will be conducted on-site, any out-door storage or seating proposed, anticipated traffic, access for pick-up/delivery vehicles, proposed improvements, etc. Use the space below or provide a separate type written sheet of paper and attach. Staff will provide guidance as needed on additional information needed in the narrative.

NARRATIVE

Our daughter lives out of town and they like to have
somewhere to come visit, but only come 5-6 times
a year. They are currently paying to keep camper
at Dockside RV Park and its getting too expensive
to pay for something they hardly get to use. So
we would like to park our camper on our
property and hook up water and electric. Nothing
will be a permanent structure and it can easily be
moved during floods or inclement weather. We
live in Dockside RV Park and ~~can~~ actually
see our property. It's probably approx 100 yards
from our mobile home we live in.

CONDITIONAL USE DIAGRAM – Provide a diagram of the project site. In cases where certain requirements such as parking are triggered by aspects of the interior of the building, the interior building layout will need to be provided also. Include location and dimensions of property lines, buildings, parking spaces, outdoor storage areas, outdoor seating areas, signage, landscape areas, driveways, loading/unloading areas, limits of paving, exterior elevations (if changes are proposed), entrance/exit locations. Include the whole site. Use the space below or provide separate drawings. Staff will provide guidance as needed on additional information needed on the diagram.



85380204.000 HERRINGTON WILLIAM E &

PIDN: 85380204.000

GISP: 769.32-03-0049.00

Owner Information

Percent of Ownership: 100

Name: HERRINGTON WILLIAM E &

Name 2: HERRINGTON STACEY N

Mailing Address: 413 RIVER OAKS #D89

GAUTIER MS

39553

Site Address: 3309 GATTI PL GAUTIER

Land Information

Section: 32

Acreage: 0

Township: 7

Range: 6

Street Name GATTI
PL

Value and Tax Information

Total Assessed Value: 2757

Total Appraised Value: 18380

Improvement Value: 0

Land Value: 18380

Tax Amount: 396

SQ FT: 0

Year Built: 0

Legal Description

Description: LOT 4 GATTI PLACE S/D DB 1974-49

6 (49 MAP769.32-03)

Deed Book / Page: 1974 / 496

85380204.000 HERRINGTON WILLIAM E &



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

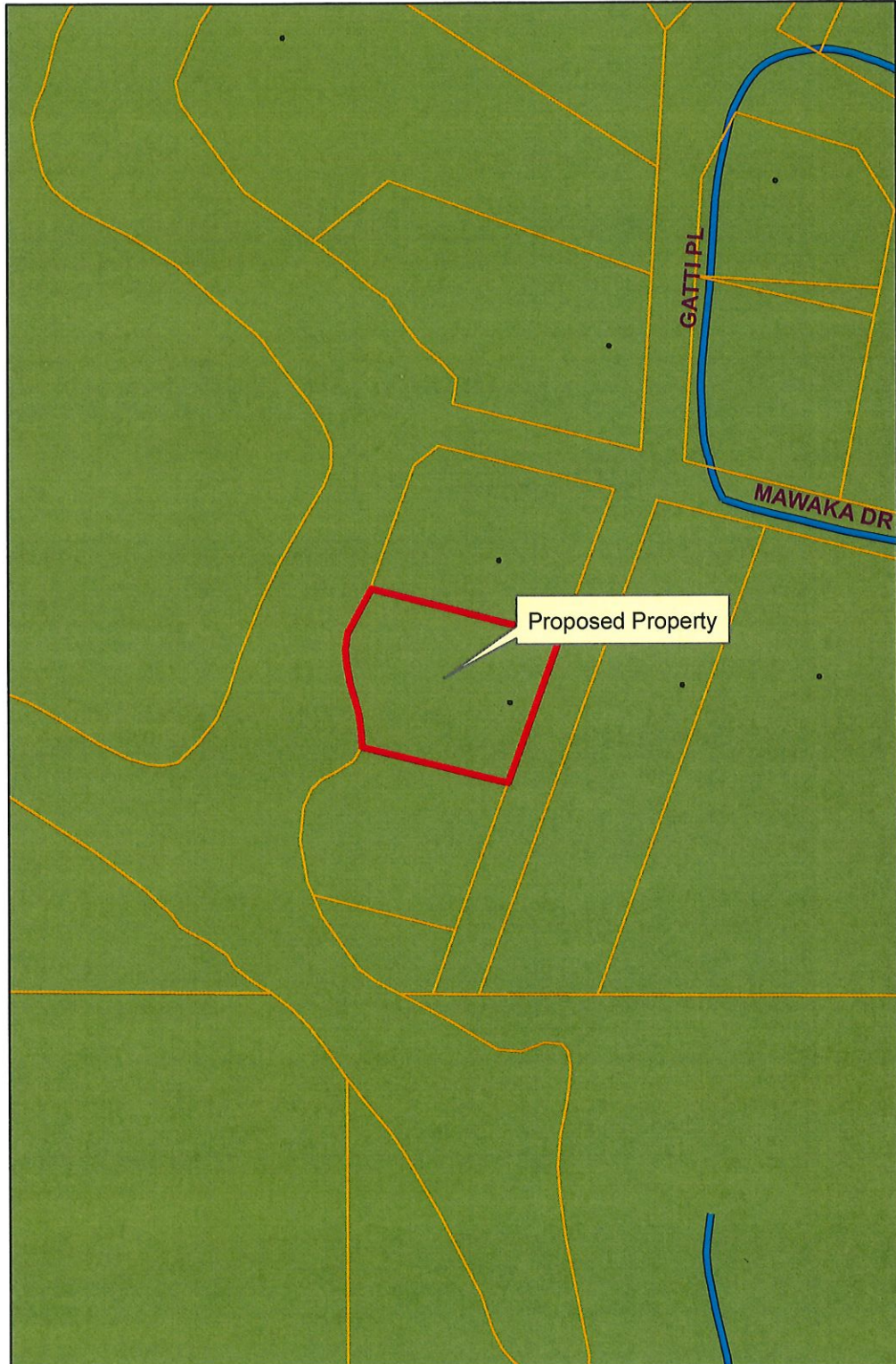


Exhibit C

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

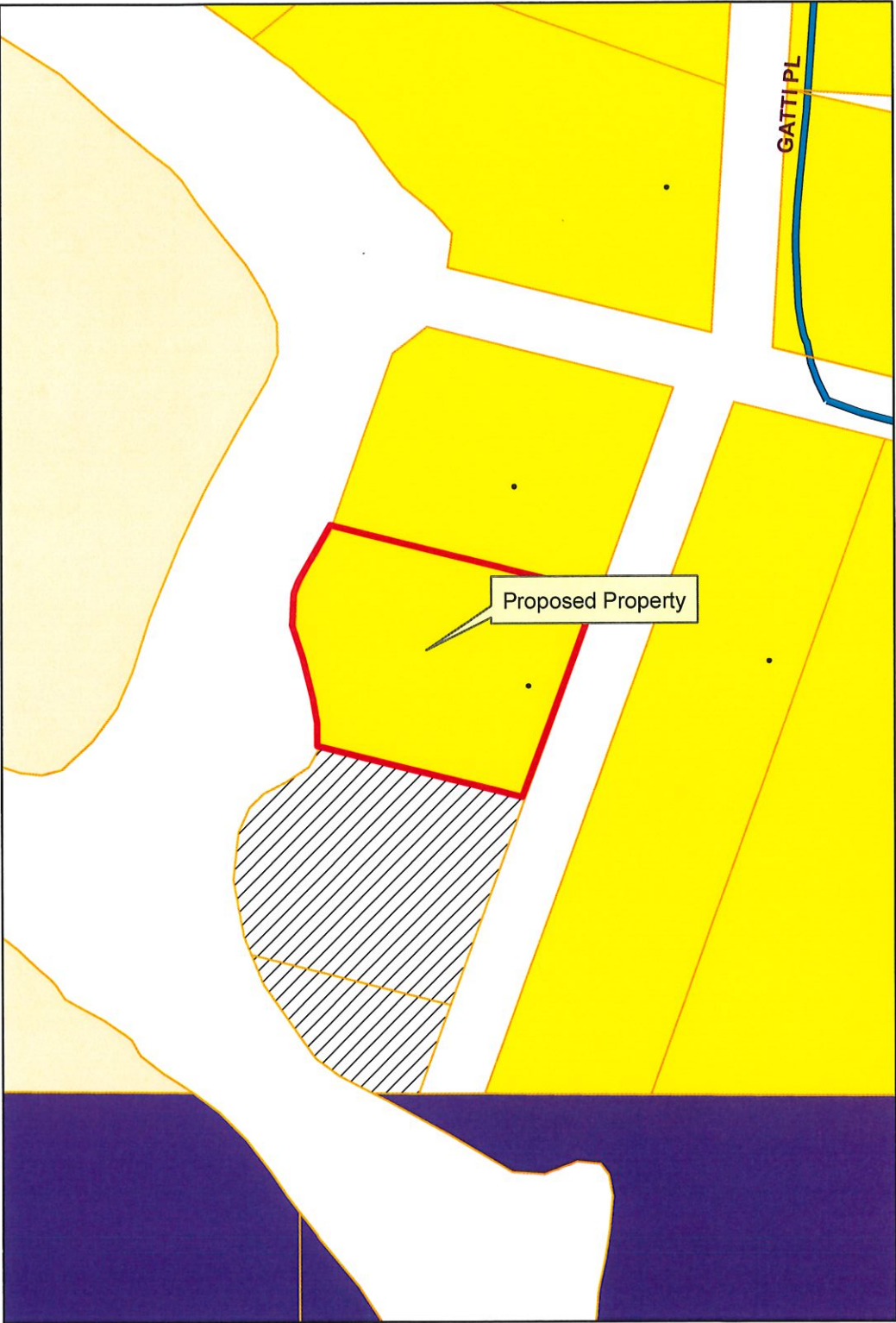


Exhibit D

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

June 6, 2024

GPC #24-14-SE

James W. White

3216 Willis Street

VII. NEW BUSINESS

2. Consider a request for a Special Exception that would allow an accessory structure to be located on a lot without a primary structure in the MURC-MW Mixed Use Recreation Commercial – Mary Walker Zoning District. 3216 Willis Street, (GPC #24-14-SE)

CITY OF GAUTIER STAFF REPORT

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: May 23, 2024

Subject: Consider a request for a Special Exception that would allow an accessory structure to be located on a lot without a primary structure in the MURC-MW Mixed Use Recreation Commercial – Mary Walker Zoning District, 3216 Willis Street. (GPC #24-14-SE)

REQUEST:

The Planning Department has received a request from James W. White for a Special Exception that would allow an accessory structure to be located on a lot without a primary structure in the MURC-MW Mixed Use Recreation Commercial – Mary Walker Zoning District at 3216 Willis Street, PID #87420022.000 (GPC #24-14-SE). The application fee of \$250 was paid on March 18, 2024. All public notice requirements have been met.

BACKGROUND:

The request property is zoned MURC-MW Mixed Use Recreation Commercial.

1. Location: 3216 Willis Street, PID #87420022.000 (See Exhibit A)
2. General features of the proposed project:
Lot Size: 0.43 acres
3. Potable Water and Wastewater Services: Available at current location
4. Current Zoning (See Exhibit B): MURC-MW Mixed Use Recreation Commercial – Mary Walker
5. Current Surrounding Zoning (See Exhibit B): MURC-MW Mixed Use Recreation Commercial
6. Current Surrounding Existing Land Use (See Exhibit C): Residential, Vacant, Fish Camps, Marina

7. Comprehensive Plan Future Land Use Designation (See Exhibit D):
Recreational Commercial.

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: The MURC-MW zoning district implements Future Land Use Section 7.3, Mixed Use Recreation Commercial of the Comprehensive Plan. It states: The Mixed-Use Recreation Commercial-MW zoning district is a special planning area that recognizes the special character and operation of the area generally described as the Mary Walker community. The district is intended to protect a mix of uses that includes permanent single-family residences, seasonal single-family detached residences, and tourist-oriented uses including recreation vehicles, seasonal cabins, marinas, dry boat storage, dinner clubs and restaurants. These regulations are intended to create a mixed-use waterfront district with residential and limited commercial development that is compatible in use and scale with the single-family neighborhood; to encourage water-related and water-dependent uses and activities that are compatible with the residential component of the neighborhood and to provide access and enjoyment of the Pascagoula Bay. Allowing power to 3216 Willis Street will allow the owner to utilize the property and take full advantage of what the waters of Gautier have to offer.

Staff Finding: *Unsubstantiated*

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: *The property in question is 3216 Willis Street, Gautier, MS 39553. I have recently been improving the property and had 260 ft. of new bulkhead and a 30'x30' double boathouse installed. My request is to allow power to the property so a boat lift can be installed, along with accent and security lighting to the property. I am retired and caring for an elderly parent. My legal address is 1808 Seaclyffe Drive, Gautier, MS 39553, which is less than 2 miles from the said property. I believe that allowing power to the property would be in*

harmony with the UDO and the neighborhood. I have spoken with all neighbors and have not received any verbal objections from anyone.

Staff Finding: *A boathouse and boat lift are in keeping with the purpose and intent of the MURC-MW as defined in the UDO. Staff's opinion is that approval of the request will not negatively affect the neighborhood.*

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

Applicant Response: *I purchased the property at 3216 Willis Street 3 years ago. The property hasn't had power since I have owned it.*

Staff Finding: *Unsubstantiated*

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

24-14-SE

TYPE OF REQUEST:

Special Exception _____

FEE:

\$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: James W. White

Name of Business: _____

Address: 3216 Willis Street Gautier, MS 39553

Mailing Address (if different): 1808 Seacliffe Drive Gautier, MS 39553

Email Address: willwhite82@live.com

Phone: 228-497-3239 Cell Phone: PRIMARY - 405-837-7589

Reason for request, location and intended use of Property: Request to have an accessory building on a lot without a primary structure

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.
- ☒ 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: James W White

FOR OFFICE USE ONLY

Date Received 3/18/24 Verify as Complete B2 & SA

Fee Amount Received 251.00

Initials of Employee Receiving Application B2

MURC-MW

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

Response to A. The MURC-MW zoning district implements Future Land Use Section 7.3, Mixed Use Recreation Commercial of the Comprehensive Plan. states: The Mixed-Use Recreation Commercial-MW zoning district is a special planning area that recognizes the special character and operation of the area generally described as the Mary Walker community. The district is intended to protect a mix of uses that includes permanent single-family residences, seasonal single-family detached residences, and tourist-oriented uses including recreation vehicles, seasonal cabins, marinas, dry boat storage, dinner clubs and restaurants. These regulations are intended to create a mixed-use waterfront district with residential and limited commercial development that is compatible in use and scale with the single-family neighborhood; to encourage water-related and water-dependent uses and activities that are compatible with the residential component of the neighborhood and to provide access and enjoyment of the Pascagoula Bay. Allowing power to 3216 Willis Street will allow the owner to utilize the property and take full advantage of what the waters of Gautier have to offer.

Response to B. The property in question is 3216 Willis Street Gautier, MS 39553. I have recently been improving the property and had 260 ft of new bulkhead and a 30'x30' double boathouse installed. My request is to allow power to the property so a boat lift can be installed, along with accent and security lighting to the property. I am retired and caring for an elderly parent, my legal address is 1808 Seacliffe Drive Gautier, MS 39553, which is less than 2 miles from the said property. I believe that allowing power to the property would be in harmony with the UDO and the neighborhood. I have spoken with all neighbors and have not received any verbal objections from anyone.

Response to C: I purchased the property at 3216 Willis Street 3 years ago, the property hasn't had power since I have owned it.

CONDITIONAL USE NARRATIVE – Describe the proposed project in detail. Include all types of business activities that will be conducted on-site, any out-door storage or seating proposed, anticipated traffic, access for pick-up/delivery vehicles, proposed improvements, etc. Use the space below or provide a separate type written sheet of paper and attach. Staff will provide guidance as needed on additional information needed in the narrative.

NARRATIVE

3216 WILLIS STREET, GAUTIER MS. CURRENTLY RECEIVED AUTHORIZATION FROM MOMR (CERT # OMR23-000796) TO REPLACE 270' OF NEW BULKHEAD, WIDEN EXISTING 15'X 36" BOAT SLIP TO 30'X 36' AND ADD A 30'X 30' SLIP ROOF. I AM REQUESTING TO ADD POWER TO THE LOT ~~AND PLACE AN AIR CONDITIONER~~. THE EXISTING DRIVEWAY HAS AMPLE ^{PARKING} ~~SPACE~~ FOR THE PROPERTY. I WILL NOT RESIDE AT THE PROPERTY, I AM CURRENTLY RETIRED AND AM CARING FOR AN ELDERLY FAMILY MEMBER. I CURRENTLY RESIDE @ 1808 SEACLIFF DRIVE (GAUTIER, MS AND THIS IS MY LEGAL ADDRESS.



STATE OF MISSISSIPPI

Tate Reeves
Governor

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

Joe Spraggins, Executive Director

Mississippi Regional General Permit Program

Certification Number: DMR23-000796

Date: February 23, 2024

Issued to: James White
3216 Willis Street
Gautier, MS 39553

Project Description: Debris Removal, Excavation, Bulkhead, Pier, and Boathouse

Project Location: Unnamed canal adjacent to Mary Walker Bayou
3216 Willis Street
Gautier, MS 39553

DMR Project Manager: Thomas Butera
228-523-4065
thomas.butera@dmr.ms.gov

NOTICE: Read this document carefully. Failure to follow the listed conditions can result in substantial fines and penalties.

This document serves as certification that the subject activity has been reviewed by the Mississippi Department of Marine Resources (MDMR) and is found to be in compliance with the Mississippi Coastal Wetlands Protection Act, MS Code § 49-27-1 et seq., as amended, and United States Army Corps of Engineers (USACE), Mobile District, Mississippi General Permits* MSGP-01, MSGP-02, MSGP-10 dated May 17, 2023. It is issued under the provisions of federal and state laws for the protection of coastal wetlands within the State of Mississippi. **This certification does not relieve you of other federal, state, or local authorizations that may be required.**

The following activities and impacts are authorized by this certification as indicated on the attached approved diagram:

1. Widening of an existing keyhole slip 30 feet in length and 15 feet in width to 30 feet in width as indicated by attached approved diagram
2. Reconstruction of a bulkhead 270 feet in length in the same footprint or landward of the existing bulkhead
3. Construction of a pier 50 feet in length and 5 feet in width over unvegetated waterbottoms

4. Construction of an open-sided boathouse 30 feet in length, 30 feet in width, and no more than 25 feet above mean high tide in height over unvegetated waterbottoms
5. Construction of one or more enclosed storage area(s) within the footprint(s) of the pier(s) and boathouse(s) authorized above or any previously permitted or existing pier(s) and boathouse(s) not to exceed a combined total of 100 square feet in area
6. Removal of debris from an area approximately 270 feet in length and 6 feet in width. Debris includes, but is not limited to, non-imbedded stumps, tree limbs, appliances, lumber, metal objects, etc.

The applicant must abide by specific conditions as listed below in addition to general conditions as found in the USACE, Mobile District, Mississippi General Permits* dated May 17, 2023.

Any deviations beyond the above-authorized dimensions, the project footprint as shown on the attached approved diagram, or the specific conditions as set forth below will be considered a violation and may result in the revocation of the permit. Violations of these conditions may be subject to fines, project modifications, and/or site restoration. Both the permittee and the contractor may be held liable for such violations or for conducting unauthorized work. A modification to the project dimensions or footprint or to these conditions may be requested by submitting a written request along with a revised project diagram to the MDMR. Proposed modifications to project dimensions, footprint, or conditions must be approved in writing prior to commencement of work.

The specific conditions of this certification are as follows:

1. Bulkheads must:
 - a. Have appropriate filter fabric installed on their landward faces
 - b. Be constructed from steel, concrete, plastic, vinyl, or timber treated to meet appropriate marine conditions
 - c. Use only clean material free of waste, metal and organic trash, unsightly debris, petroleum products (asphalt), etc., as backfill
 - d. Be constructed in a manner designed to avoid creating areas of still or stagnant water
 - e. Not result in fill of or adverse impacts to wetlands, submerged aquatic vegetation, or shellfish beds
 - f. Not be constructed further waterward than indicated on the attached approved diagram as shown by measurements to fixed objects
2. All authorized structures (including mooring pilings) must:
 - a. Be marked with reflectors and/or lights to avoid navigational hazards
 - b. Be constructed from steel, concrete, plastic, vinyl, or timber treated to meet appropriate marine conditions
 - c. Be open-sided except for the above-described enclosed storage area(s) no more than 100 square feet in area
 - d. Not be more than 25 feet above mean high tide in height
 - e. Not extend further than 25% of the distance across the waterbody, as measured from the mean high water or ordinary high water line, or from the waterward limits of emergent vegetation
 - f. Not be a hazard to navigation
 - g. Not provide more than 5 boat berthing areas (including those for personal watercraft)
 - h. Not provide for the permanent mooring of houseboats
 - i. Not include fueling facilities, toilets, habitable structures, or activities that produce "gray water" unless specifically authorized
 - j. Not be constructed from materials containing creosote
3. Debris removed must:
 - a. Be properly disposed of in a Mississippi Department of Environmental Quality (MDEQ) approved/permitted facility; Alternative sites for the disposal of natural woody debris may be authorized on a case-by-case basis
 - b. Not consist of debris that is itself historic (e.g., shipwrecks)
 - c. Not be burned without prior approval from the MDEQ's Air Division
 - d. Not consist of gravel, sand, silt, hazardous materials, or trees or stumps (living or dead) snagged from a stream bank (imbedded trees may be cut off, but their stumps must not be removed from the bank)
 - e. Not result in reshaping of the channel or its side slopes or redistribution of material in the channel
 - f. Not result in removal of natural woody debris from the bank or shoreline unless the debris is located within a man-made canal or extends into a navigational channel and is specifically authorized above
4. All authorized activities must:
 - a. Use Best Management Practices (BMPs) at all times during construction, including, but not limited to, the use of staked hay bales; staked filter cloth; sodding, seeding, and mulching; staged construction; and the installation of

turbidity screens around the immediate project site

- b. Be conducted in a manner that minimizes the discharge of turbid waters into Waters of the State (Turbidity outside the limits of a 750-foot mixing zone must not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units)
- c. Have appropriate wastewater permits and/or approvals for the proposed activity in place prior to the commencement of construction activities
- d. Have appropriate stormwater permits, approvals, and/or measures in place prior to the commencement of construction activities (For projects greater than five acres of total ground disturbances including clearing, grading, excavating, or other construction activities, the applicant shall obtain the necessary coverage under the State of Mississippi's Large Construction Storm Water General NPDES Permit; For projects greater than one to less than five acres of total ground disturbance including clearing, grading, excavating or other construction activities, the applicant shall follow the conditions and limitations of the State of Mississippi's Small Construction Storm Water General NPDES Permit)
- e. Not result in construction debris, sewage, oil, refuse, other pollutants, or unauthorized fill material entering Coastal Wetlands or Waters of the State
- f. Not impact wetlands, submerged aquatic vegetation, or shellfish beds unless specifically authorized

- 5. All dredging and excavation (maintenance dredging, creation of a new channel, or creation of an indented boat slip or boat ramp) must:
 - a. Maintain a minimum distance of 10 feet between the dredge area and any wetlands or submerged aquatic vegetation
 - b. Result in areas that gradually increase in depth toward open water
 - c. Result in areas that have a minimum 3:1 (horizontal: vertical) side slope unless protected by separately authorized low-profile, flow-through, or solid bulkhead structures
 - d. Minimize turbidity at the dredge site by methods such as using staked filter cloth, staged construction, and/or the use of turbidity screens around the immediate project site
 - e. Not result in sinks or sumps
 - f. Not exceed the controlling navigational depth of the receiving waters
 - g. Not impact wetlands, submerged aquatic vegetation, or shellfish beds (for maintenance dredging or new channel dredging in man-made waterbodies, exceptions may be made for noxious, invasive, or exotic vegetation, as determined or verified by staff)
- 6. All dredged or excavated material must:
 - a. Be placed in on-site uplands or another approved placement or disposal site (For on-site placement, the placement area shall have side slopes of at least 3:1 (horizontal:vertical) or equivalent measures, shall be immediately seeded and/or stabilized, and appropriate Best Management Practices (BMPs) shall be utilized to prevent the movement of sediment off-site and into adjacent Waters of the State, wetlands, or drainage areas. These BMPs include, but are not limited to, the use of staked hay bales; staked filter cloth; sodding, seeding, and mulching; staged construction; and the installation of turbidity screens around the immediate project site. Any effluent from the placement area shall be routed through a return swale system and filtered through a series of hay bales and silt fences so as to reduce the turbidity of the effluent.)
 - b. Not be placed on sand beaches or be used to raise the elevation of any wetlands unless specifically authorized
- 7. Completion of the above-authorized activities and impacts must be reported to the MDMR through one of the methods listed below within 30 days of completion so that compliance checks may be conducted by MDMR staff:
 - a. By visiting your account at <https://www.citizenserve.com/Portal/?installationid=309>
 - b. By calling or emailing the MDMR Project Manager listed on the first page of this authorization

Work authorized by this certification must be completed on or before: May 16, 2028.

Issuance of this certification by MDMR does not release the applicant from other legal requirements including but not limited to other applicable federal, state, or local laws, ordinances, zoning codes, or other regulations, including a possible Tidelands Lease from the MS Secretary of State's Office, required City or County construction setbacks, or building permits from the City or County where the project is located. A list of contacts has been provided for your assistance in determining whether any further certifications are required.

This certification conveys no title to land and water, does not constitute authority for reclamation of coastal wetlands and does not authorize invasion of private property or rights in property.

It is the responsibility of the applicant or property owner and their contractors and authorized agents to construct all authorized structures in a manner that does not impede access to riparian/littoral zones of adjacent property owners or other property owners in the vicinity (see MS Code Annotated § 49-15-9, enclosed). Failure to adhere to this could result in legal action by the affected parties. The MDMR does not make property or riparian/littoral boundary determinations.

Please notify this Department upon completion of the permitted project so that compliance checks may be conducted by MDMR staff.

THIS CERTIFICATION IS EFFECTIVE IMMEDIATELY.

 2024.02.23
15:17:00 -06'00'

Willa J. Brantley
Director, Bureau of Wetlands Permitting
MS Department of Marine Resources

WJB / tb

Attachments: Approved Diagrams
General Permits
MS Code Annotated - 49-15-9

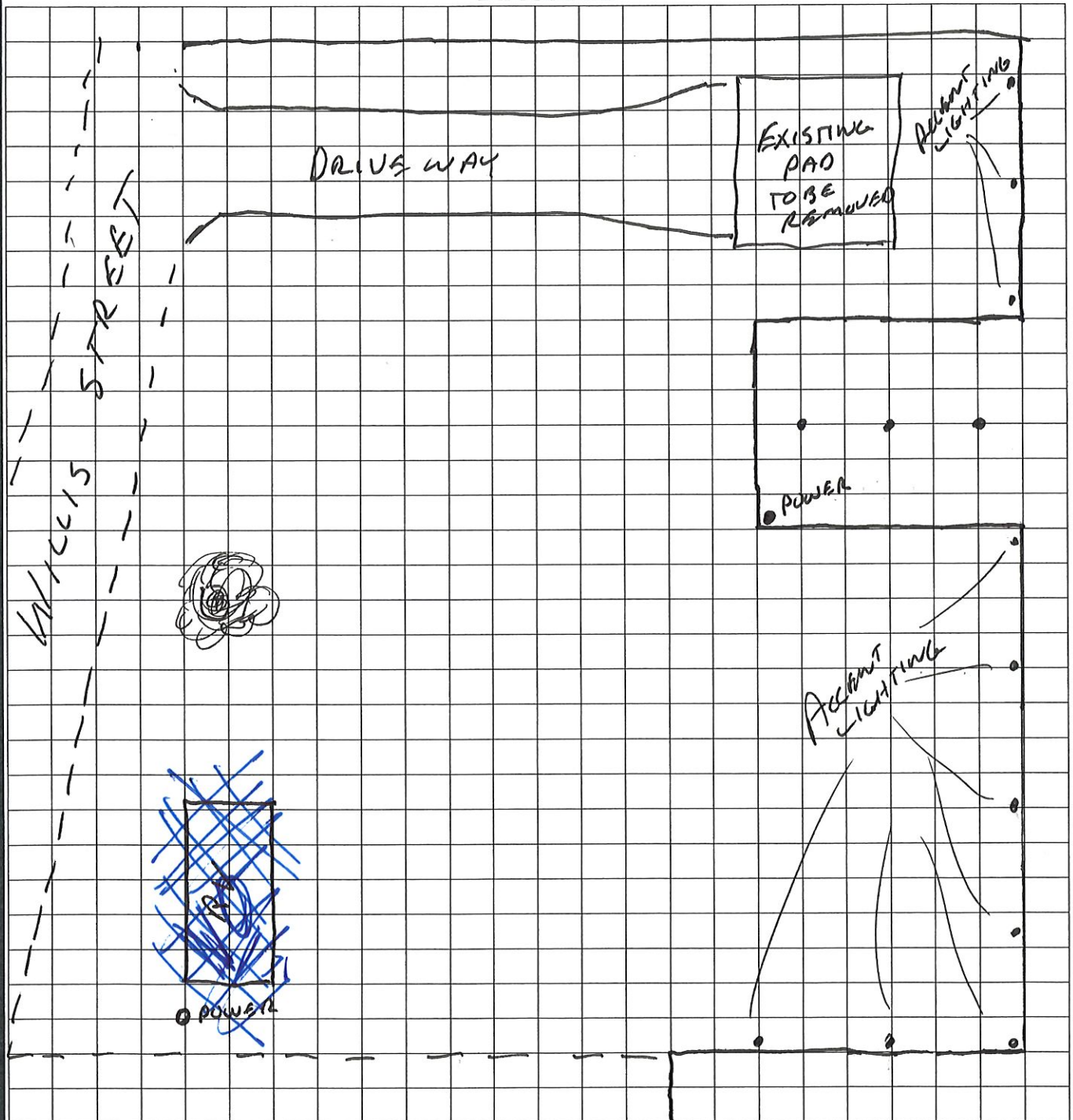
CC: MS Team Leader USACE
Ms. Florance Bass, OPC
Mr. Raymond Carter, SOS
Mr. Dyke Parnell, Parnell Construction, Authorized Agent

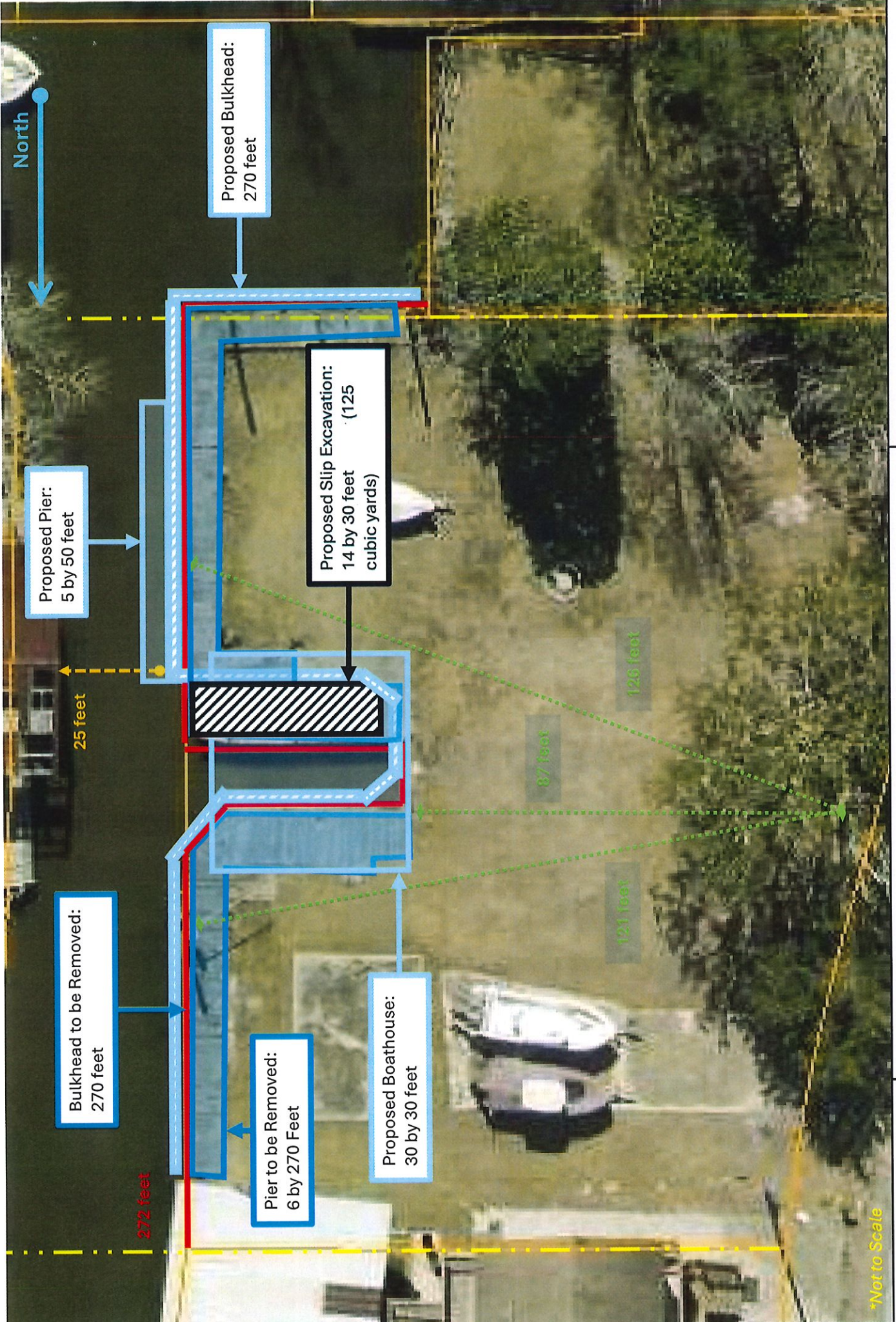
* General Permits for Minor Structures and Activities in the State of Mississippi and Outer Continental Shelf Waters off the Coast of Mississippi Within the Regulatory Boundaries of the Mobile District and Within the Regulatory Boundaries of the Vicksburg District in Hancock County, U.S. Army Corps of Engineers (This document can be accessed on the MDMR website at <https://dmr.ms.gov/wp-content/uploads/2023/05/2023-MS-General-Permit-Guidelines.pdf>)

CONDITIONAL USE DIAGRAM – Provide a diagram of the project site. In cases where certain requirements such as parking are triggered by aspects of the interior of the building, the interior building layout will need to be provided also. Include location and dimensions of property lines, buildings, parking spaces, outdoor storage areas, outdoor seating areas, signage, landscape areas, driveways, loading/unloading areas, limits of paving, exterior elevations (if changes are proposed), entrance/exit locations. Include the whole site. Use the space below or provide separate drawings. Staff will provide guidance as needed on additional information needed on the diagram.

3216 WILLIS STREET

DIAGRAM





3216 Willis Street DMR23-000796 Parcel #: 769.32-04-0091.00M Not Public Trust Tidelands	Legend - Approximate Property Lines: Yellow dashed line - Width of Water: Green dashed line with arrows - Approximate Shoreline Length: Red solid line - Fixed Point: Green dashed line with dots	1) Width of water was measured from southern edge of boat slip, along the bulkhead, to opposite shore's mean high water line. 2) Fixed points measured from large live oak by the parking lot.
--	--	---

Before



Before



Before



After











87420022.000 WHITE JAMES WILLIAM

PIDN: 87420022.000

GISP: 769.32-04-0091.00M

Owner Information

Percent of Ownership: 100

Name: WHITE JAMES WILLIAM

Name 2:

Mailing Address: 234 HOLT ST
MERIDIANVILLE AL
35759

Site Address: 3216 WILLIS DR GAUTIER

Land Information

Section: 32 Acreage: 0.43

Township: 7

Range: 6

Street Name WILLIS
DR

Value and Tax Information

Total Assessed Value: 12880

Total Appraised Value: 85860

Improvement Value: 12230

Land Value: 73630

Tax Amount: 1852

SQ FT: 0

Year Built: 0

Legal Description

Description: LOTS 21;22;23 WILLIS HGTS S/D PB
2-53 DB 2029-895 (91M MAP769.32
-04)

Deed Book / Page: 2029 / 895

87420022.000 WHITE JAMES WILLIAM

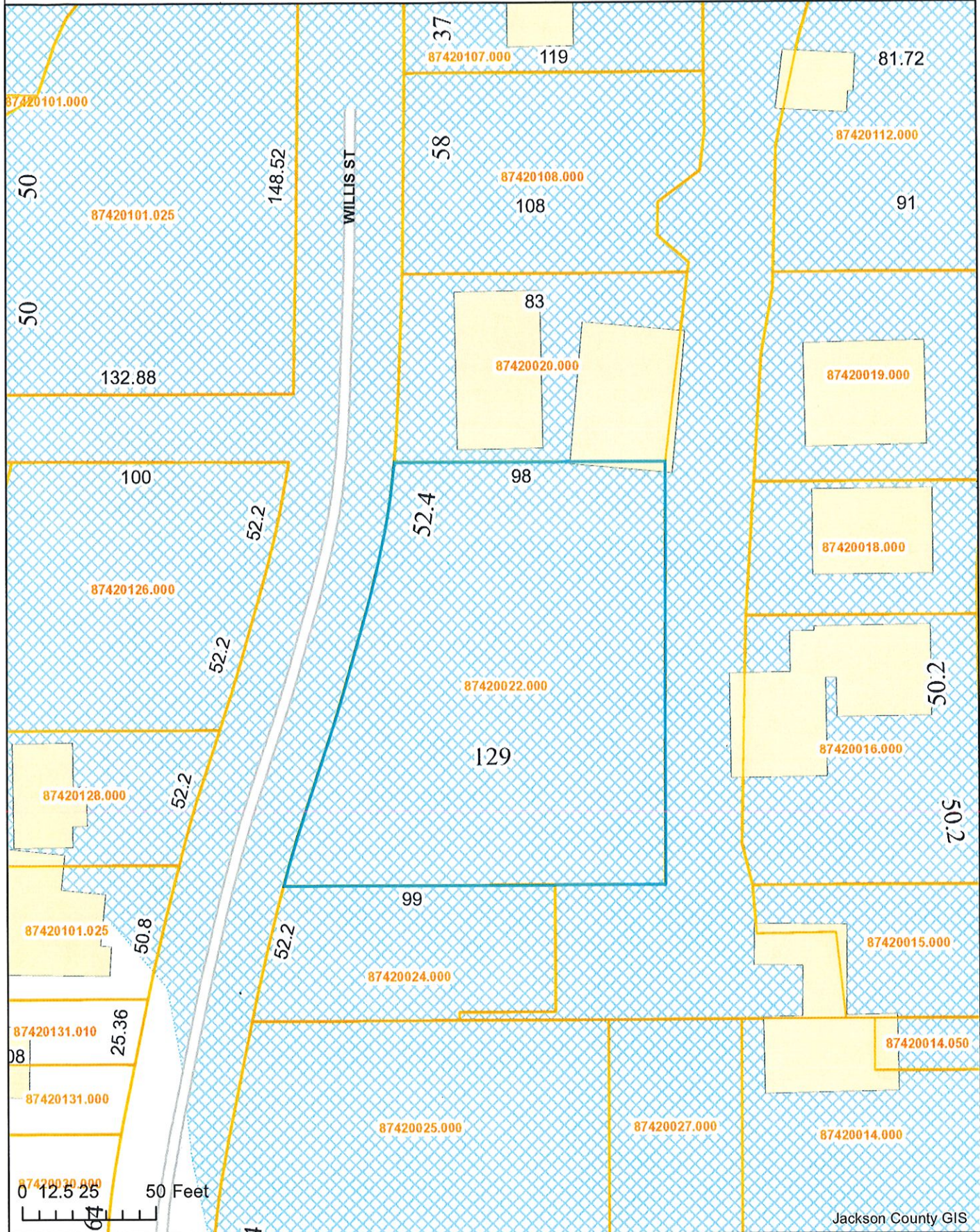


Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department

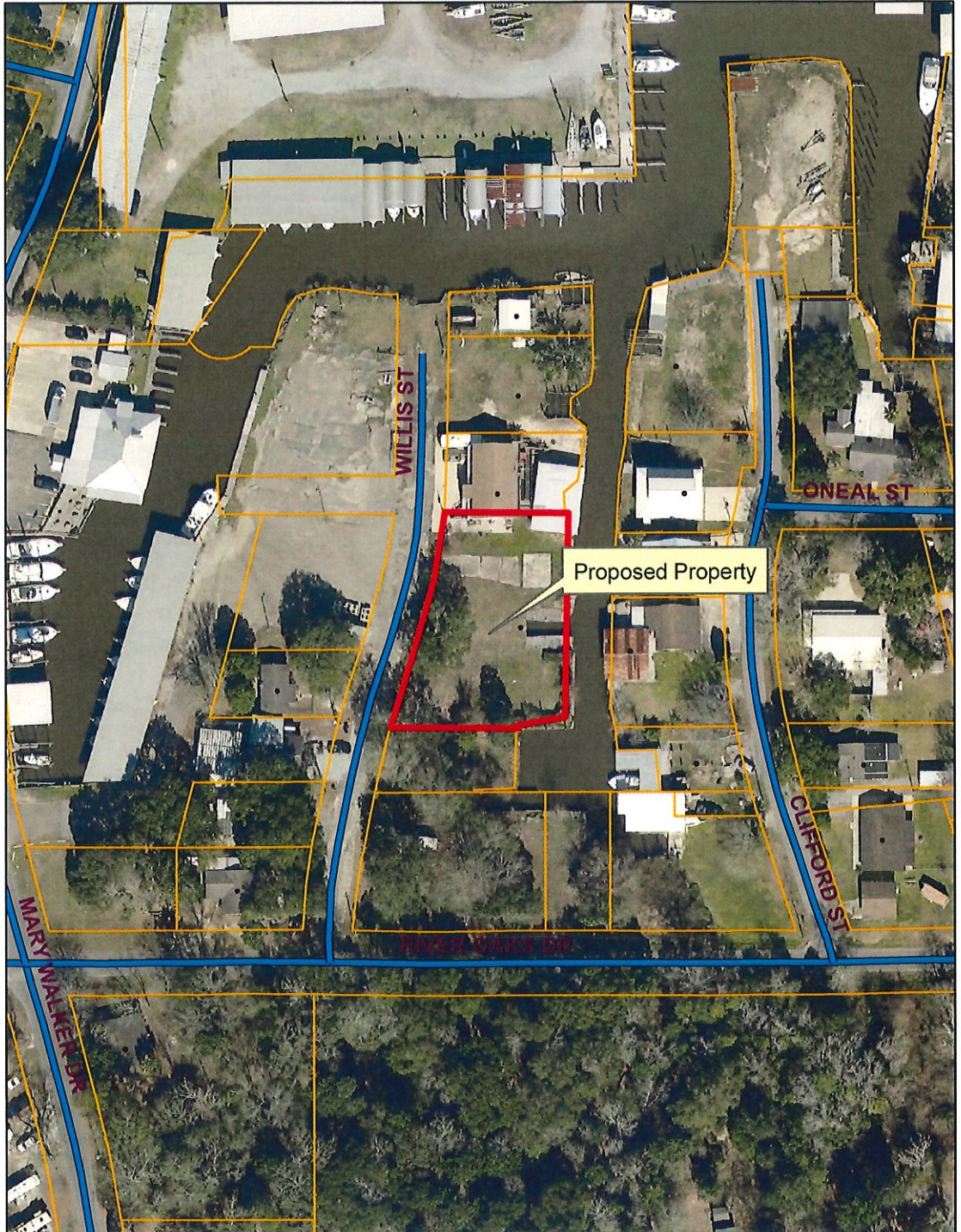


Exhibit B

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

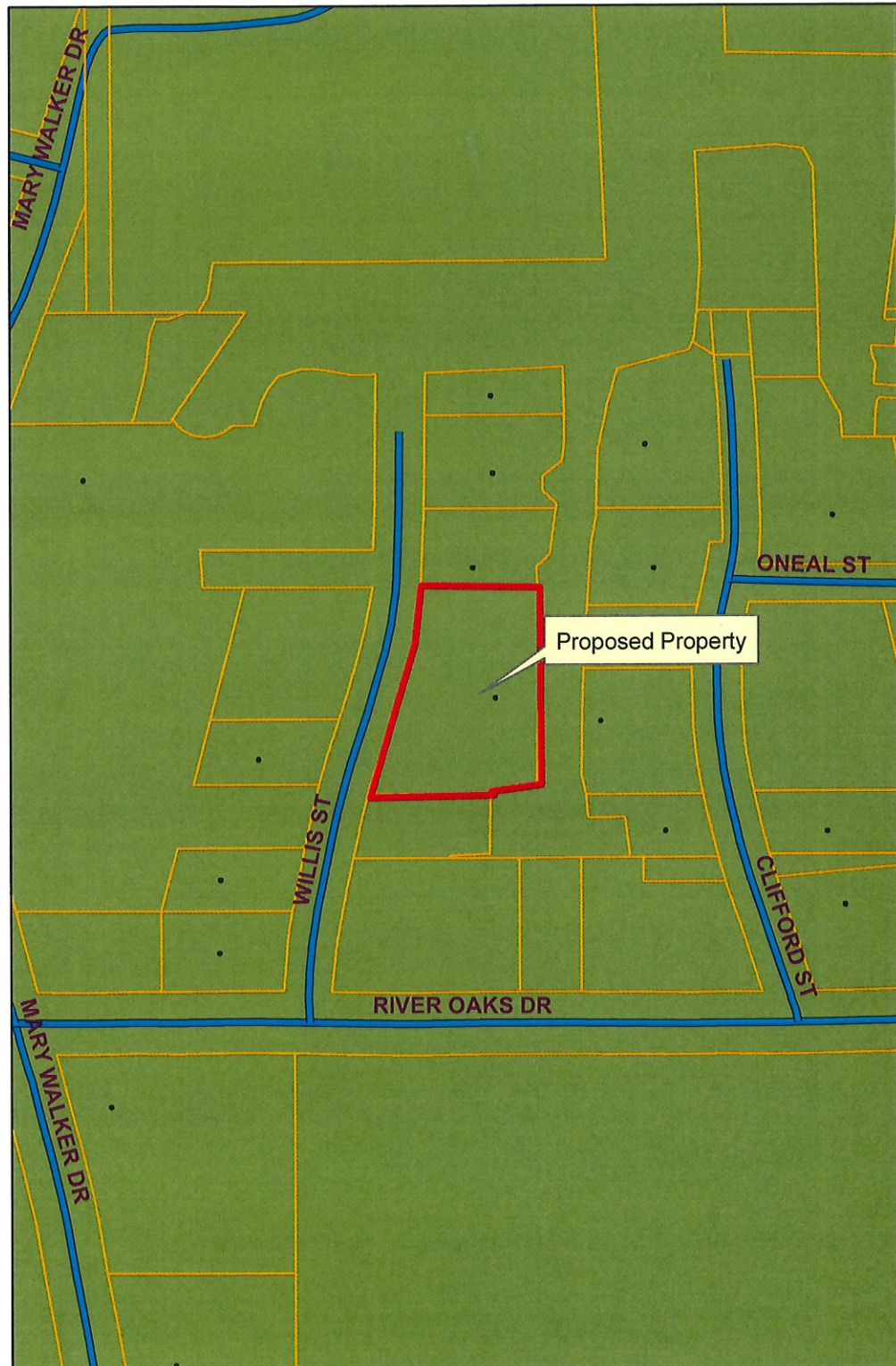


Exhibit C

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

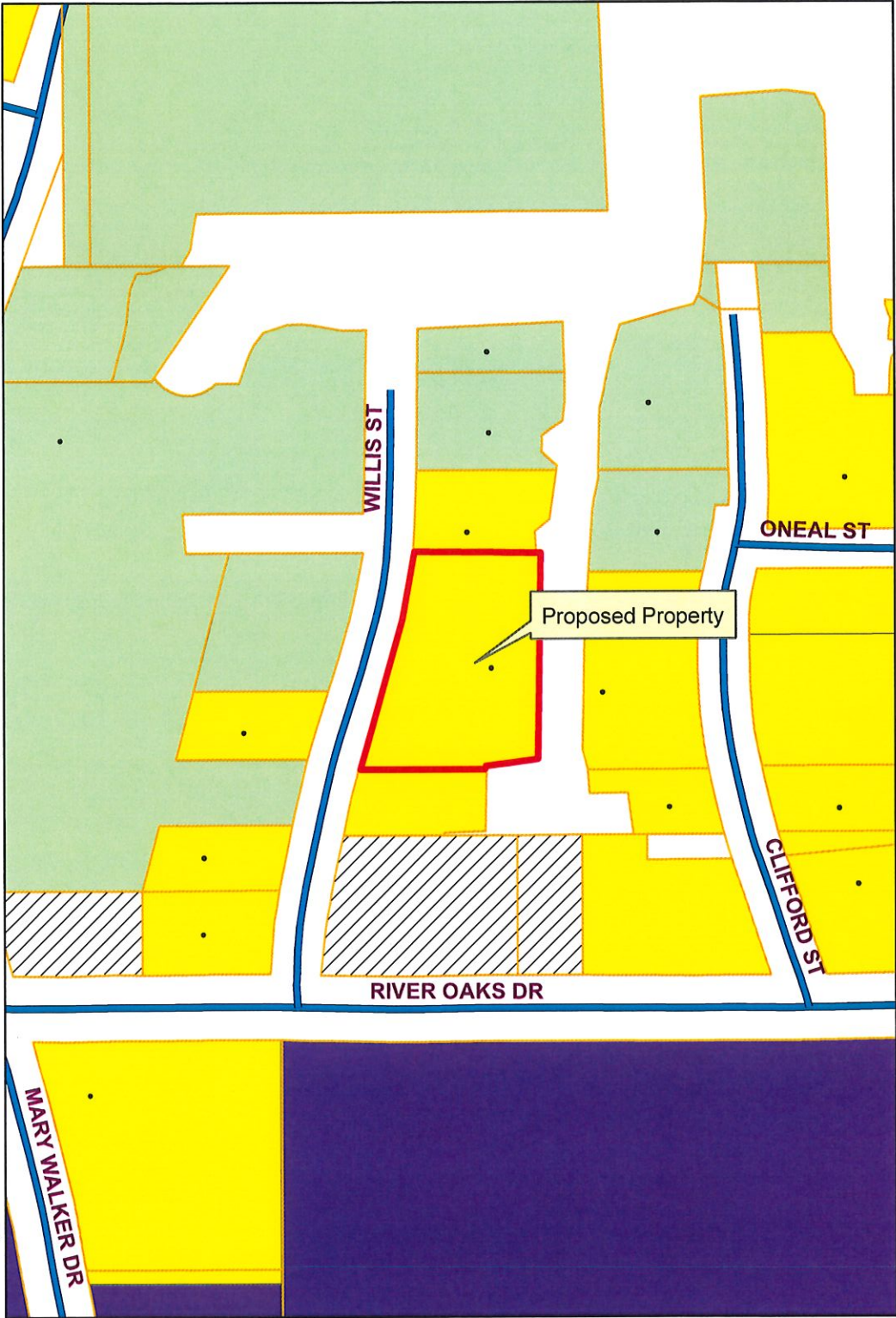


Exhibit D

Future Land-Use

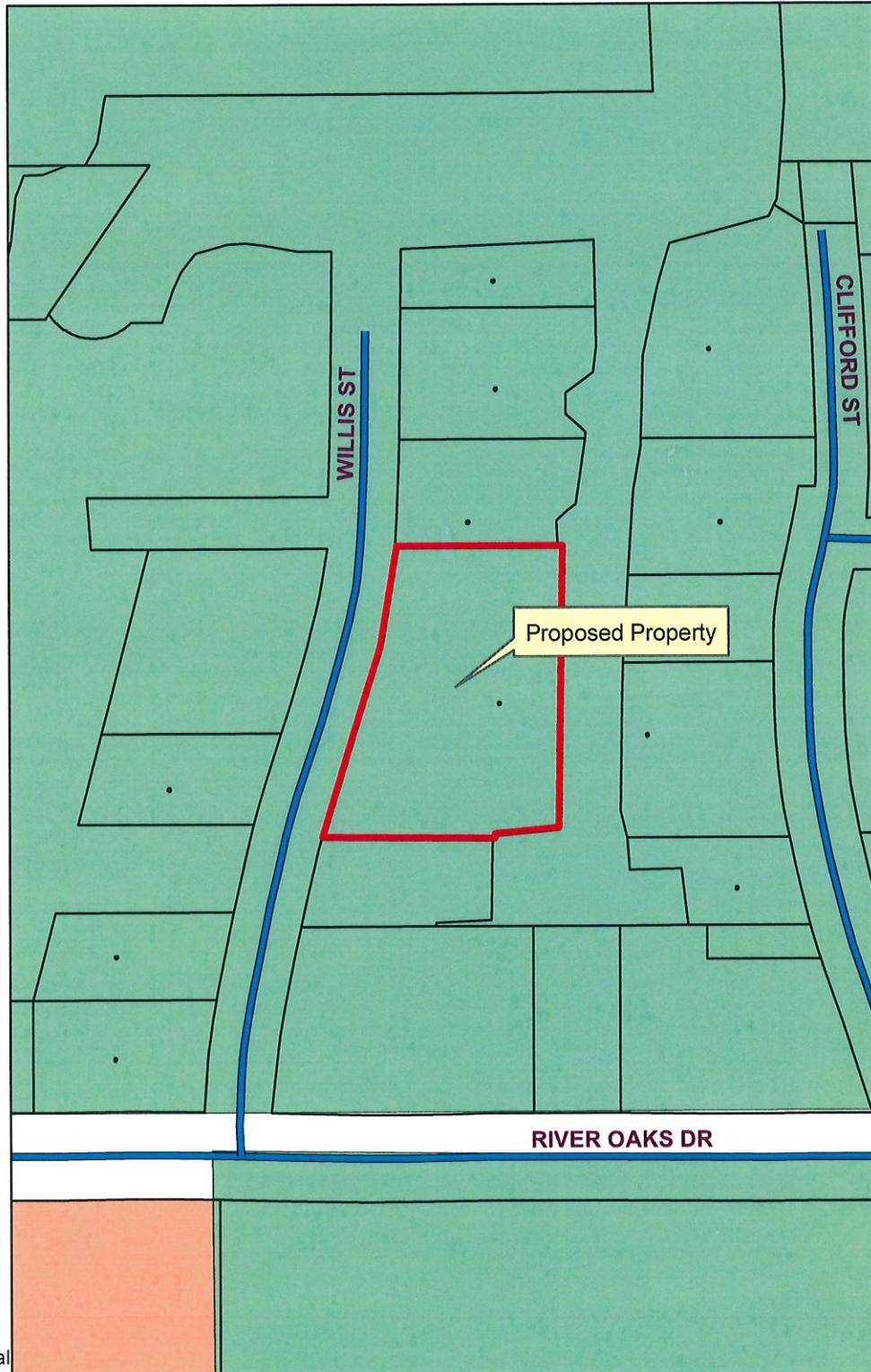
Prepared By:
City of Gautier
Planning Department

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

June 6, 2024

GPC #24-15-RZ

Hickory Hills, LLC

900 Hickory Hill Drive

PID #82000001.000, #85700001.000,

#85700001.050, & #85700002.000

VII. NEW BUSINESS

3. Consider a request for a Property Owner Initiated Rezoning of Property located at 900 Hickory Hill Drive, PID #82000001.000, #85700001.000, #85700001.050, & #85700002.000, from an existing PUD Planned Unit Development to a new PUD Planned Unit Development (GPC Case No. 24-15-RZ)

**CITY OF GAUTIER
STAFF REPORT**

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: May 28, 2024

Subject: Consider a request for a Property Owner Initiated Rezoning of Property located at 900 Hickory Hill Drive, PID #82000001.000, #85700001.000, #85700001.050, & #85700002.000, from an existing PUD Planned Unit Development to a new PUD Planned Unit Development. (GPC Case No. 24-15-RZ)

REQUEST:

The Planning Department has received a request from Hickory Hills, LLC for a Rezoning of Property located at 900 Hickory Hill Drive, PID #82000001.000, #85700001.000, #85700001.050, & #85700002.000, from an existing PUD Planned Unit Development to a new PUD Planned Unit Development. The four parcels total approximately 210 acres. The application fee of \$300 was paid on March 19, 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: 900 Hickory Hill Drive, PID #82000001.000, #85700001.000, #85700001.050, & #85700002.000. (See Exhibit A)
2. Existing Zoning: PUD Planned Unit Development. (See Exhibit B)

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: 900 Hickory Hill Drive, PID #82000001.000, #85700001.000, #85700001.050, & #85700002.000.

Location: Ward 5

Current Zoning of the Request Property: PUD Planned Unit Development

Existing Land Use: Golf Course and Club House. (See Exhibit C)

Future Land Use: Recreational. (See Exhibit D)

Surrounding Zoning: R-1 Low Density Single-Family Residential.

HISTORY:

This property consists of a golf course and a club house and is currently zoned PUD Planned Unit Development.

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 the existing PUD Planned Unit Development to the proposed new 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

PUBLIC HEARING APPLICATION

23-074

Public Hearing Number

24-15-R2

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:

HICKORY HILLS, LLC - BOBBY HEINRICH (AGENT)

Name of Business:

HEINRICH ASSOCIATES, LLC Phone: 228-896-6768

Property Address:

900 Hickory Hill Drive
1204 PINECONE DR. Mailing Address (if Different): 1204 Pinecone Dr.

E-Mail Address:

OK, per Bobby Heinrich
GAUTIER, MS 39553 bobby.h@heinrichassociates.net

Reason for request, location and intended use of Property:

MODIFICATION TO THE EXISTING

P.U.D. TO INCLUDE SINGLE FAMILY HOMES AND TOWNHOMES.

ATTACHMENTS REQUIRED AS APPLICABLE:

SEE ATTACHED PLAT.

- ✓ 1. Diagram of intended use, showing dimensions and distances of property, building with setbacks, parking spaces, entrances and exits.
- ✓ 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.
5. Any other information requested by the Planning Director.

Signature of Applicant:

Bobby Heinrich Date of Application: 3-18-24

FOR OFFICE USE ONLY

Date Received 3/19/24 Verify as Complete BL & SA

Fee Amount Received 301.00 Initials of Employee Receiving Application BZ



HEINRICH & ASSOCIATES

RESIDENTIAL & COMMERCIAL DESIGN

March 15, 2024

City of Gautier

Attn: Scott Ankerson
3330 US-90
Gautier, MS 39553

RE: **Public Hearing Application**
Hickory Hill, LLC – A Planned Unit Development (P.U.D.)
1204 Pinecone Dr.
Gautier, Mississippi 39553

Dear Mr. Ankerson:

Pursuant to our recent meeting, the firm of Heinrich & Associates, LLC is pleased to submit an application to request a Planned Unit Development Modification for the above referenced project.

The property contains approximately 210 +/- acres with an operating 18 hole golf course and club house. The Villas of Hickory Hill are not a part of this modification.

The purpose of the modification is to develop the vacant property surrounding the golf course and club house. The attached proposed plan consists of 146 single-family lots (60'x120', or 7,200 sf), 250 townhome units, and 250 low rise condominium units. The owners also plan to construct a boat launch and 20 boat slips.

The development will be designed using the current City of Gautier subdivision ordinances and follow the current stormwater ordinance. Water and sewer will be supplied by Gautier Utility District.

Attached is a report prepared by Donovan Scruggs with additional information concerning the subject property.

We appreciate the opportunity to present this project. If you have any questions or need any additional information, please do not hesitate to contact us.

Sincerely,

HEINRICH & ASSOCIATES



Robert B. Heinrich

Hickory Hills PUD Overview

It appears that the PUD documents previously adopted were limited to Phase I, II, and III of the Villas of Hickory Hills. These documents or plats appear to have been approved or ratified in the 1980s and early 1990s. Parcels 1 through 4 appear to be 'future phases' that may have been part of an original PUD plan, but it is likely that a descriptive PUD plan was not filed for these parcels. It appears that the PUD documents filed with Jackson County were limited to the plats associated with the three phases of the Villas. No such documents were filed with the 'parcels'.

Jackson County GIS data does not show these parcels, and there are no individual PPINs associated with these parcels. This could be a problem because it is important to demonstrate that these parcels exist. Separate PPINs are good indicator. Since the PPINs do not exist, it would be beneficial to show that these parcels are on a separate deed and not part of a group. If these parcels are in individual or separate ownership, it would be helpful.

If the parcels are deeded independently and these parcels have existed for a number of years (since 2001 for example), then there should be no issue with the lots being legitimate. What we want to avoid is the idea that these parcels are being extracted or were recently subdivided from the golf course.

The 2001 survey also shows an access road that is described and goes through the golf course. It would be helpful to demonstrate that this is a deed road with a separate deed. This 'parcel' does not include a PPIN and is not indicated on Jackson County GIS. The concern is that the 2001 survey did not result in the divisions of properties or create additional parcels.

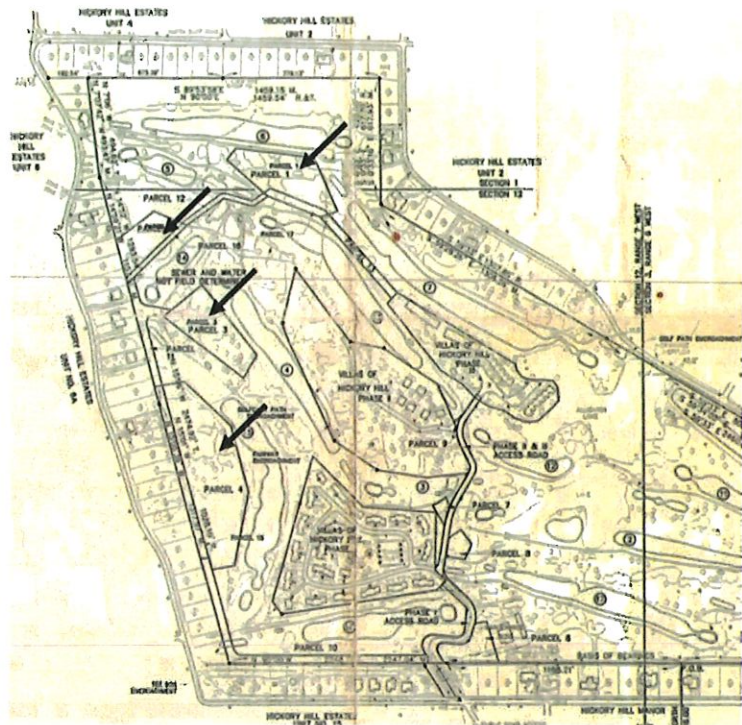
Gautier Zoning and PUD.

The fact that PUD documents cannot be found or may not exist should not be a real problem. The absence (or presence) of these original documents would likely be very different from the current plan, and therefore, its approval would require an amendment that would follow an identical process before the Planning Commission and City Council. This is essentially the same process for the approval of a subdivision.

Below is an excerpt from the Zoning Ordinance describing the PUD:

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



Donovan Scruggs Town Planning and Consulting, LLC

317 Pine Drive, Ocean Springs

Mississippi 39564

Ph: 228.348.1315

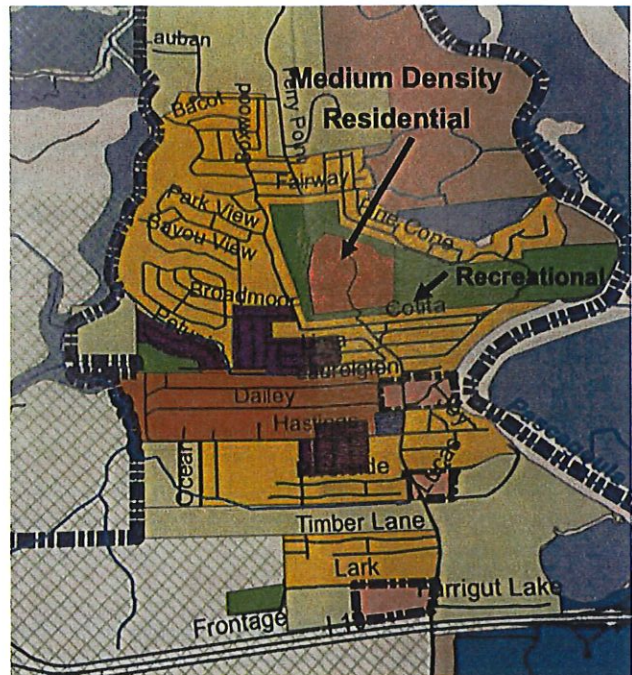
EM: donovan@scruggsplanning.com

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.

While the Comprehensive Plan of a city often has no regulating authority, the City of Gautier's PUD documents indicate that the Future Land Use Map (image to right) outlines the "by right uses". This is a problem because the FLUM indicates only a portion of the golf course area as medium density residential (orange) but other areas, including some of the subject 'parcel' as recreational. This supports the need to differentiate the parcels from the golf course with some older deeds.



An argument could be made that the 'intent' of the Comprehensive Plan and the designation on the FLUM is to develop medium density residential within the footprint of the golf course. This map is not supposed to be parcel based, and it is clear that some of the fairways, greens, and playable areas of the course are designated as medium density residential. The area designated as Medium Density Residential is a general area with no accurate or technical description. It is possible that the medium density residential area touches or includes some of the areas with Parcels 1, 3, and 4.

The Comprehensive Plans outlines Medium Density Residential as follows:

Areas with lots between 7,200 square feet and 9,600 square which contain single-family detached homes. New areas of medium density may include single-family attached homes (2,400 square feet), **patio homes (5,000 square feet)**, two-family homes (10,000 square feet) or single-family detached homes (7,200 square feet). **Neighborhoods with townhomes, patio homes or duplexes should also have open space, parks and other recreational amenities to mitigate the higher density.** Gross density is between 6 to 8.7 dwelling units per acre.

The Medium Density Designation is consistent with the request for "patio homes" with lot sizes of 5,000 square feet minimums. Also the language requiring 'open space, parks and other recreational amenities' is helpful with the relationship of the golf course. Some important language of the plan can be found in Table 26. These include that the FLUM is conceptual with generalized boundaries (not parcel specific), and it does not dictate the use of land or related decisions. The FLUM 'gives a broad general vision'. The City's relationship with the PUD as described in the zoning regulations and the FLUM is contradictory. According to the Comprehensive Plan, "The FLU map does not dictate how land can be used; it simply suggests the most likely or most desirable use of land without delineating specific boundaries."

The Comprehensive Plan also defines Recreational as follows:

Land which has been set aside for recreational purposes such as parks, open space, or sports venues. The FLU map does not distinguish between the various types of recreational uses or show where future recreational areas will be located. Exhibit No. 13 on Page 132 describes several types of recreational or park facilities.

Table No. 26: Comparison of FLU and Zoning Maps	
Comprehensive Plan and FLU	Zoning Ordinance and Map
Provides guidance to future policy decisions.	Provides specific regulations that are the law.
Does not dictate the use of land or related decisions, but gives a broad general vision.	Does dictate the use of land and gives other restrictions on setbacks, height, and size.
Describes conditions desired in the long-term future, not necessarily in the immediate future.	Dictates what is allowed today.
Includes recommendations that involve many different entities, agencies and groups of people.	Deals with development issues under direct City control.
Contains generalized land use categories.	Shows specific zoning districts.
FLU is a conceptual map with generalized boundaries.	Shows parcel-specific zoning classifications.
Source: Neel-Schaffer, Inc.	

Exhibit No. 13: Types of Parks	
Neighborhood Parks - Serve the needs of the immediate neighborhood - Range in size and configuration; usually one to five acres in size - May contain green space with benches, paved walking trails, playground equipment and/or water features - Owned and maintained by Homeowners Association if access is limited to residents of that neighborhood - Should be required in all new residential neighborhoods Neighborhood Common Ground or Open Space - Serves the neighborhood of which they are a part - Can be easily integrated into planned residential development - Owned in common by residents and for the benefit of residents - May contain land with undisturbed natural attributes - May contain lakes, walking trails, or other passive recreational facilities - Sometimes used as a part of low impact development with natural drainage Community or City Parks - Designed to serve the needs of more than one neighborhood or the entire city - Usually contain a minimum of ten acres - Baseball, softball, and/or soccer fields or passive activities	- Recreational opportunities that are not feasible or desirable at the neighborhood level - Should be located on major arterials or streets of high capacity - Should not be located in residential areas because of the noise, traffic and lights which could be intrusive - Shorelines are ideal for city parks because they define the city's character. - May be passive parks with pavilions or benches - May incorporate marinas or boat launching areas - Natural attributes of the area should be preserved. Regional Parks - Often operated at the state or federal level and offer a variety of uses such as hiking, biking, equestrian trails, picnic facilities, play areas, camping, or other special uses Greenways or Linear Parks - Corridors of open space, greenways and trails with pedestrian and bike surfaces - Can become pedestrian networks between other parks and neighborhoods and between major destinations - Can be located on remnant land that is unsuitable for other uses - May be preserved in a conservation trust, deeded to adjacent neighborhoods, or held by private entities - Often created as "Rails to Trails"

This table is not advantageous. It only lists recreational uses as the only 'by right' uses if the FLUM is considered the underlying zone designation and a rigid parcel based district is followed. This path would be in conflict with the uses and minimum intensities permitted with the PUD section of the zoning ordinance (listed below).

The Zoning Ordinance provides additional requirements for the zoning of a PUD in Section 5.9. These include the following:

- A. Area Requirements - A PUD is a "floating zoning district" and as such, the allowable uses shall meet the intent of the Future Land Use Designation within the Comprehensive Plan.
- B. Minimum Lot Area:
 - Total Site or Development Area: Two (2) acres
 - Lots for single-family detached dwelling units: Seventy-five hundred (7,500) square feet
 - Lots for single-family detached patio home or zero lot line dwelling units: Five thousand (5,000) square feet

Lots for single-family attached dwelling units: Twenty-four hundred (2,400) square feet

- C. Periphery Boundary - To be determined based on PUD
- D. Minimum Setbacks for Single Family detached Units including patio homes and zero lot line homes - To be determined based on PUD
- E. Distance between Multi-family Buildings - To be determined based on PUD
- F. Maximum Building Height - Based on underlying zoning
- G. Maximum Overall Density for Development: Based on the underlying zoning. In the case that the PUD encompasses more than one district, an aggregate of the districts shall apply. See Table 7 for Tier Bonus Provisions.

The City of Gautier establishes the PUD in a manner that is very consistent with an regular district. It establishes a minimum area and minimum lot sizes. The PUD Section provides flexibility on setbacks and separation. The issue is that there is no 'underlying zone'. The PUD zone is a floating or overlay district and relies on the underlying zone to establish densities and intensities. This is absent from this district because the city never established a base district.

The City claims it was annexed as PUD and classified it as a PUD at that time. This means it was never 'zoned' by the City other than the PUD designation. It could be argued that because there is no underlying zoning district, we meet the requirements of the PUD as defined above. This could work to our advantage.

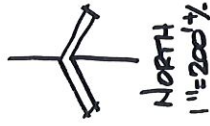
The City Planner/Building Official indicates that he has spoke with the City Attorney (Josh Danos) on this matter. They feel that the request has to go to the City's Planning Commission and City Council for approval. Scott Ankerson feels as though there will be some dissent from the nearby property owners.

I feel we need to attempt to argue it meets the minimum of the PUD District as established by the City. This could require platting without a real need to amend the plan. Platting requires essentially the process of a rezone or PUD amendment, but there are not as many hurdles.

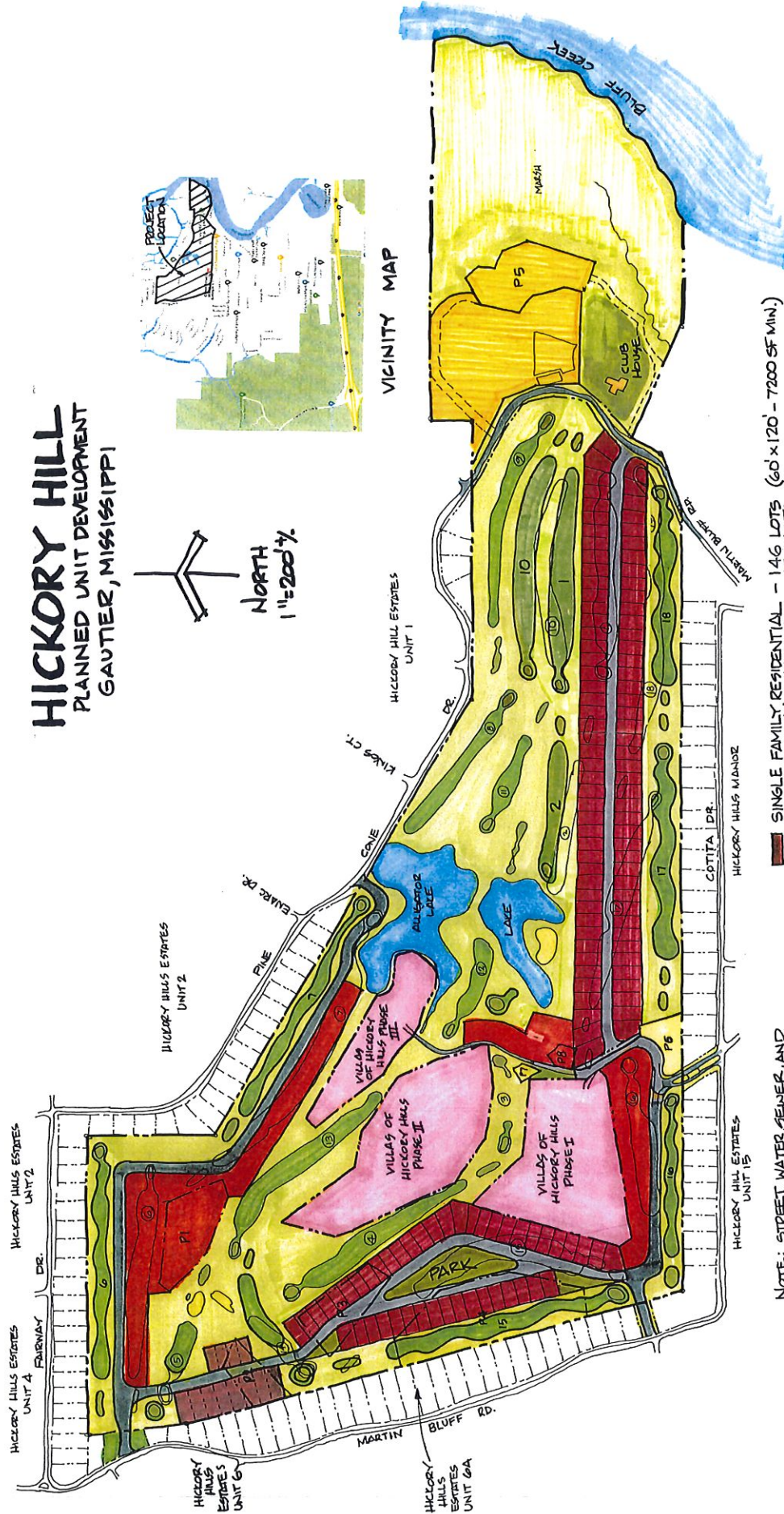
If they feel that we need to amend the Plan, this will be similar to a rezone. However, we really don't have to show change in neighborhood character. In fact, we could potentially argue 'mistake in zoning' due to the arbitrary lines of the FLUM (if the parcels exist). At minimum submitting a plan that meets the minimums of the PUD should be easier than the establishment of a new PUD.

Exhibit No. 8: Summary of Future Land Use Categories	
Very Low Density Residential Areas	Low Impact Commercial Areas
<i>Suggested Land Uses:</i> A. Single-family detached residential uses; B. Public and quasi-public uses, such as churches and schools; and C. Appropriate accessory buildings. <i>Design Characteristics:</i> Very large lot, abundant setbacks, low traffic, adjacent to other residential areas.	<i>Suggested land uses:</i> A. Retail and services that do not require the outdoor storage of goods or equipment; B. Banks, convenience stores, barber and beauty shops, neighborhood restaurants; <i>Design Characteristics:</i> Neighborhood Scaled Buildings, buffered from residential uses.
Low Density Residential Areas	High Impact and Regional Commercial Areas
<i>Suggested Land Uses:</i> A. Single-family detached and limited attached residential; B. Public and quasi-public uses, such as churches and schools; and C. Appropriate accessory buildings. <i>Design Characteristics:</i> Large lots, abundant setbacks, low traffic, buffering between other uses.	<i>Suggested land uses:</i> A. Indoor and Outdoor retail uses with limited outdoor storage; B. Regional malls, big box retailers; C. Light Industrial campuses and corporate offices; D. Neighborhood and Community Scaled Buildings; E. Limited High-Density Residential. <i>Design Characteristics:</i> Regional or community scaled buildings; landscaped perimeter and parking; pedestrian walkways.
Medium Density Residential Areas	Town Center Area
<i>Suggested Land Uses:</i> A. Single-family detached residential, townhouses, and patio homes residential; B. Public and quasi-public uses, such as churches and schools; and C. Appropriate accessory buildings. <i>Design Characteristics:</i> Small to medium size lots, smaller front and side setbacks than low or medium residential; open space in new subdivisions; street trees.	<i>Suggested land uses:</i> A. Various types of retail and service businesses, such as specialty shops and restaurants; B. Anchor businesses, such as grocery stores, that draw residents to the district; C. Public uses, such as city, county, state and federal offices, public parks and community centers; D. Higher density residential uses, including condominiums and second-floor apartments; E. Arts-related businesses, museums and cultural centers; and F. Offices and employment centers. <i>Design Characteristics:</i> Pedestrian friendly with outdoor amenities, flowers and wide sidewalks; Taller buildings than other commercial; Excellent architectural design; Unobtrusive signs.
High Density Residential Areas	Recreational Mixed Use Areas
<i>Suggested Land Uses:</i> A. Multi-family residential, condos, and/or assisted living; B. Neighborhood parks, playgrounds and open space <i>Design Characteristics:</i> Large tracts with campus-like layout of apartment buildings; day care center and recreational facilities for residents.	<i>Suggested land uses:</i> A. Single family, townhouses, patio homes and mixed use buildings; B. Marinas and public parks; C. Restaurants, specialty retail; D. Any other uses that complements the character of the existing district; E. Recreational vehicle parks, small structures or rental cabins. <i>Design Characteristics:</i> Small scale uses designed to encourage pedestrian traffic between uses; adaptive uses for existing structures, small signs and landscaping with waterfront views for some of the businesses.
Mobile Home Residential Areas	Recreation (See Page 115)
<i>Suggested Land Uses:</i> A. Mobile Home Parks or subdivisions; B. Modular homes and small houses C. Neighborhood parks, playgrounds and open space <i>Design Characteristics:</i> Cohesive subdivision or mobile home park with paved drives, landscaping, community centers. Buffered from less intense areas.	Industrial (See Page 117)
Residential Commercial Areas	
<i>Suggested Land Uses:</i> A. All types of residential and commercial except for big-box stores, with each type being located in a separate sub-district to avoid conflict. B. Planned Unit Developments, Traditional Neighborhood or Conservation Neighborhood models. <i>Design Characteristics:</i> Cohesive site plan with outstanding architectural and landscaping design.	

HICKORY HILL PLANNED UNIT DEVELOPMENT GAUTIER, MISSISSIPPI



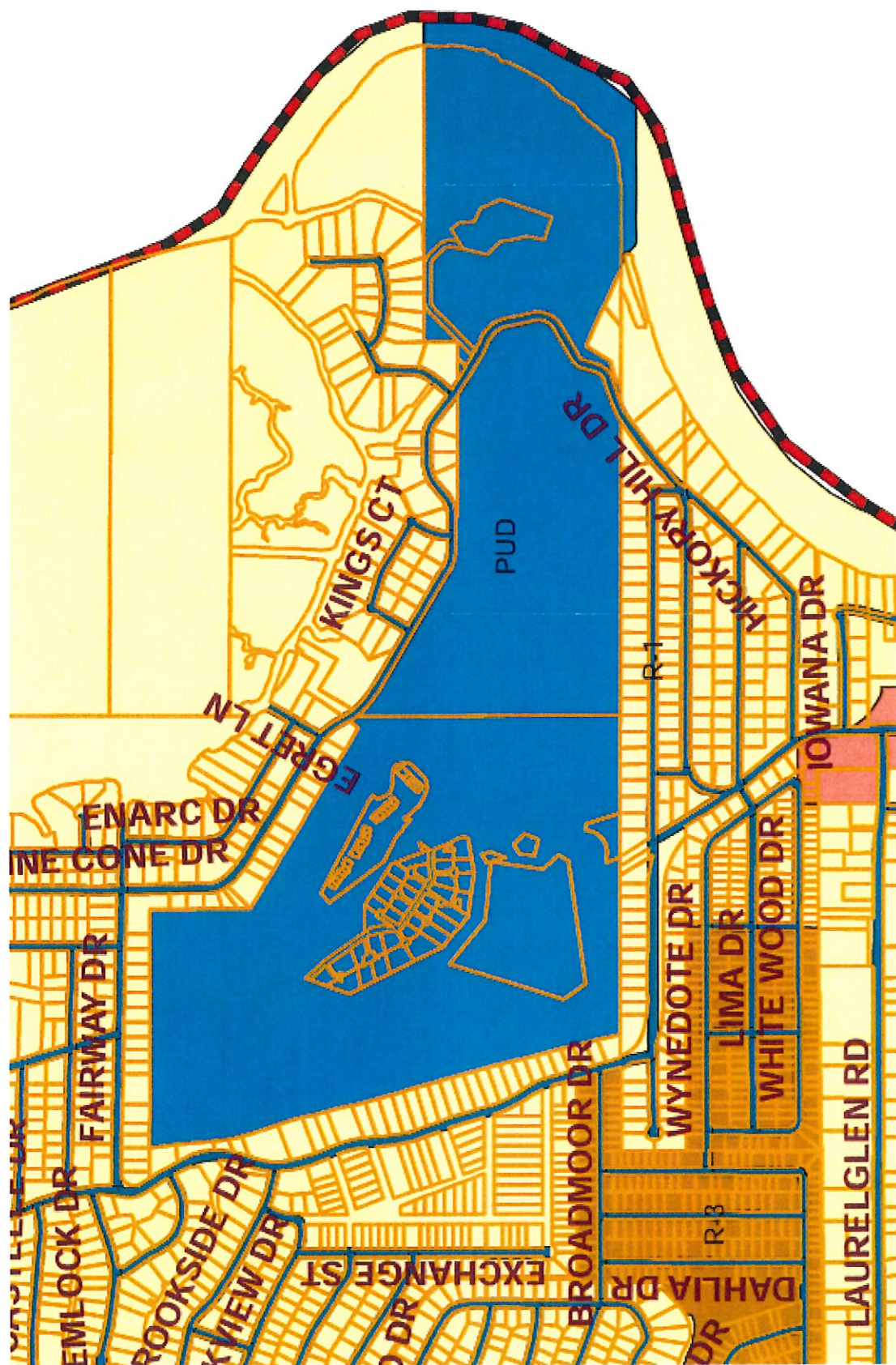
VICINITY MAP



(60' x 120' - 7200 SF MIN.)

- SINGLE FAMILY RESIDENTIAL - 146 LOTS
- MULTI FAMILY/TOWNHOMES - 250 UNITS
- CONDOMINIUMS/COMMERCIAL - 250 UNITS
- EXISTING VILLAS FROM ORIGINAL P.U.D.

NOTE: STREET, WATER, SEWER, AND DRAINAGE WILL BE DESIGNED PER CITY OF GAUTIER STANDARDS. ALL UTILITIES AND RIGHT OF WAYS WILL BE DEDICATED TO THE CITY OF GAUTIER.



82000001.000 HICKORY HILLS LLC



85700001.000 HICKORY HILLS LLC

PIDN: 85700001.000

GISP: 763.06-03-0074.00

Owner Information

Percent of Ownership: 100

Name: HICKORY HILLS LLC

Name 2:

Mailing Address: 1204 PINECONE DR

GAUTIER MS

39553

Site Address: HICKORY HILL DR GAUTIER

Land Information

Section: 3

Acreage: 61.86

Township: 7

Range: 6

Street Name HICKORY HILL
DR

Value and Tax Information

Total Assessed Value: 23509

Total Appraised Value: 156720

Improvement Value: 3070

Land Value: 153650

Tax Amount: 3380

SQ FT: 0

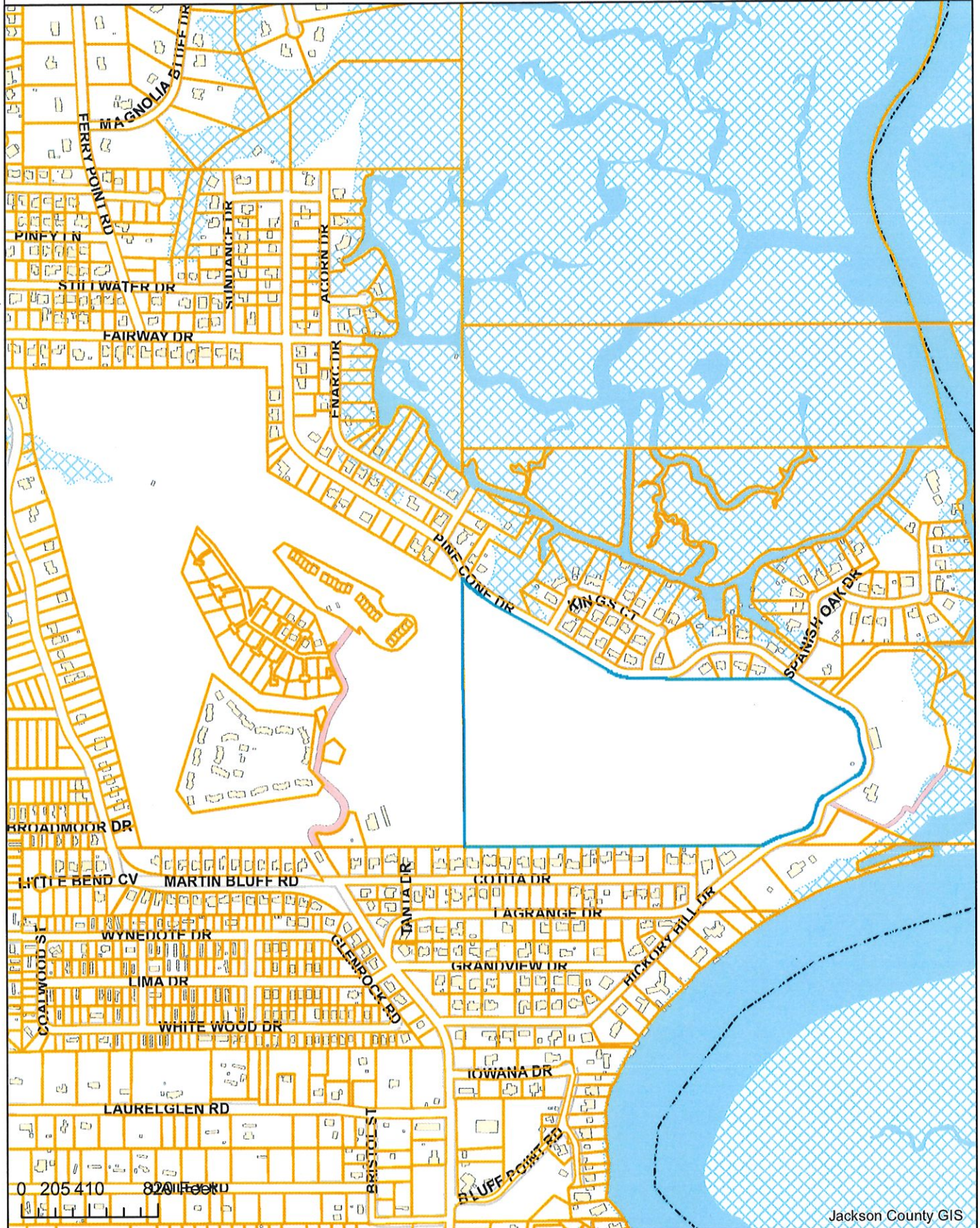
Year Built: 0

Legal Description

Description: COM W/L SEC 3 & S/M PINE CONE DR
SE ALG DR 1050' M/L E 1000' TO
W/M HICKORY HILL DR SEL & WLY AL
G DR TO S/L W TO SWC N TO POB LE
SS HICKORY HILL DR DB 2032-219 (
74 MAP763.06-03) 'COUNTRY CLUB'

Deed Book / Page: 2032 / 219

85700001.000 HICKORY HILLS LLC



Jackson County GIS

82000001.000 HICKORY HILLS LLC

PIDN: 82000001.000

GISP: 771.01-04-0077.00

Owner Information

Percent of Ownership: 100

Name: HICKORY HILLS LLC

Name 2:

Mailing Address: 1204 PINECONE DR

GAUTIER MS

39553

Site Address: HICKORY HILL DR GAUTIER

Land Information

Section: 1 Acreage: 101.4

Township: 7

Range: 7

Street Name HICKORY HILL
DR

Value and Tax Information

Total Assessed Value: 29385

Total Appraised Value: 195900

Improvement Value: 3840

Land Value: 192060

Tax Amount: 4225

SQ FT: 0

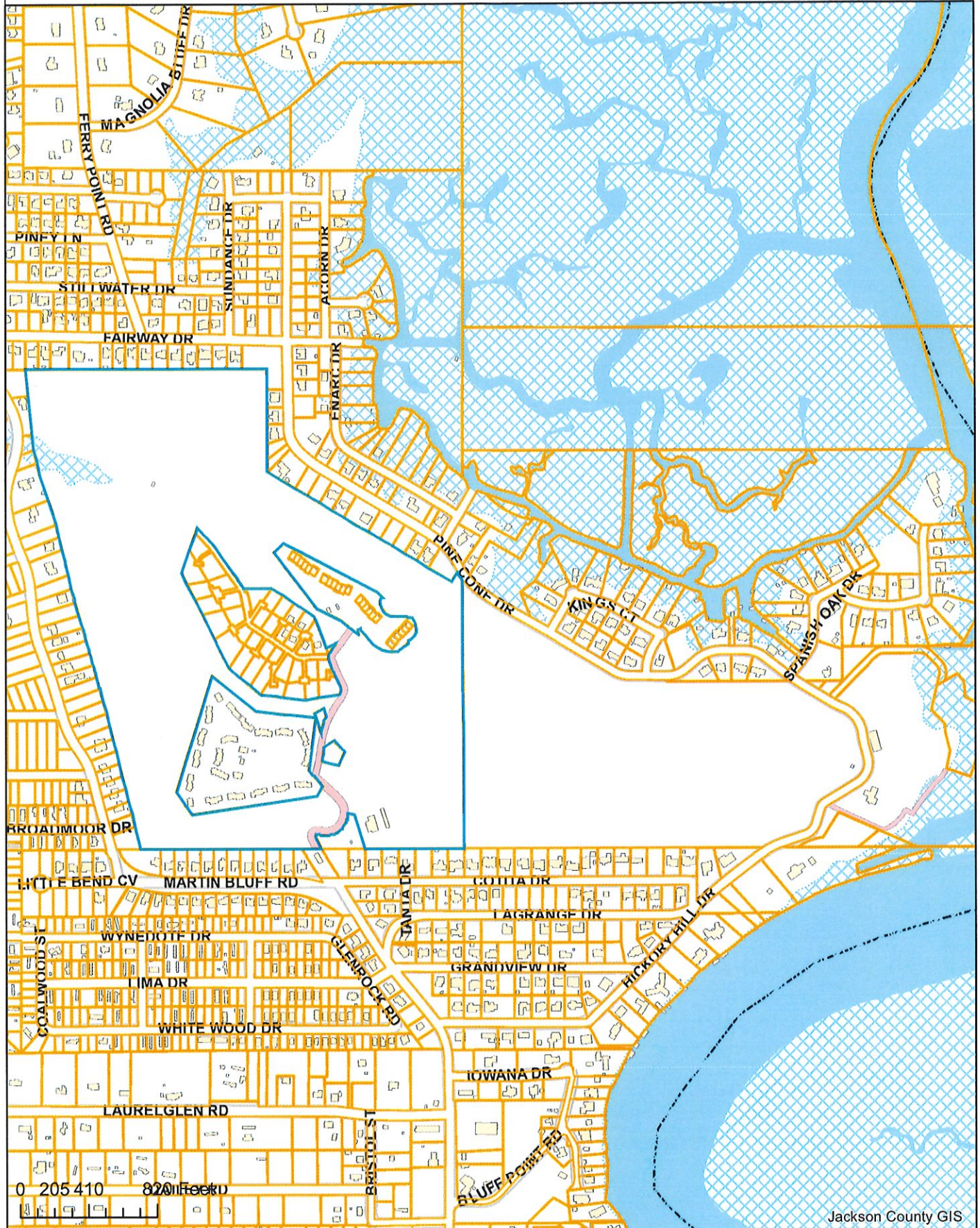
Year Built: 0

Legal Description

Description: BEG NWC LOT 43 HICKORY HILLS MAN
OR W 1060' M/L N 15 DEG W 2474.9
2' N 7 DEG W 494.62' E 1459.54'
S 620' S 59 DEG E TO SEC LINE S
1645' W TO POB LESS PH 1;2 & 3 H
ICKORY HILL VILLA DB 2032-219 (7
7 MAP771.01-04)

Deed Book / Page: 2032 / 219

82000001.000 HICKORY HILLS LLC



Jackson County GIS

85700001.050 HICKORY HILLS LLC

PIDN: 85700001.050

GISP: 763.06-04-0002.00

Owner Information

Percent of Ownership: 100

Name: HICKORY HILLS LLC

Name 2:

Mailing Address: 1204 PINECONE DR

GAUTIER MS

39553

Site Address: 900 HICKORY HILL DR GAUTIER

Land Information

Section: 3

Acreage: 43.94

Township: 7

Range: 6

Street Name HICKORY HILL
DR

Value and Tax Information

Total Assessed Value: 84128

Total Appraised Value: 560852

Improvement Value: 413992

Land Value: 146860

Tax Amount: 12096

SQ FT: 12859

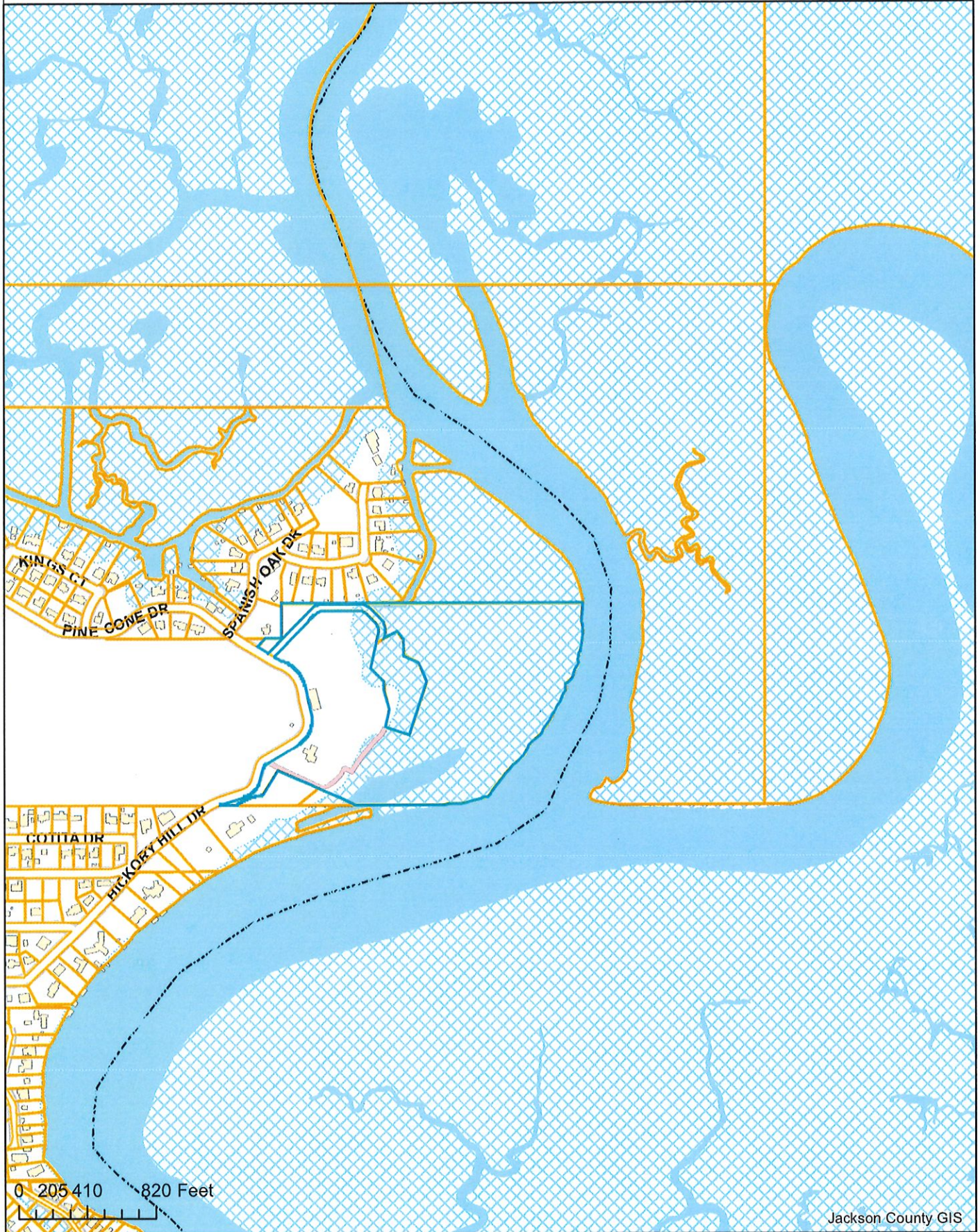
Year Built: 2000

Legal Description

Description: COM W/L SEC 3 & S/M PINE CONE DR
SE ALG DR 1050' M/L E 1070' M/L
TO E/M HICKORY HILL DR & POB N
200' M/L E 1817.2' TO BLUFF CREE
K SLY ALG RIVER 1470' M/L W 750'
NW 660' NELY & NWLY TO POB LESS
PARCEL #10.1 & HICKORY HILL DR
DB 2032-219 (2 MAP763.06-04)

Deed Book / Page: 2032 / 219

85700001.050 HICKORY HILLS LLC



Jackson County GIS

85700002.000 WATERS FAMILY INVESTMENTS LLC

PIDN: 85700002.000

GISP: 763.06-04-0003.00

Owner Information

Percent of Ownership: 100

Name: WATERS FAMILY INVESTMENTS LLC

Name 2:

Mailing Address: P O BOX 1559
DENHAM SPRINGS LA
70727

Site Address: HICKORY HILL DR GAUTIER

Land Information

Section: 3 Acreage: 2.8

Township: 7

Range: 6

Street Name HICKORY HILL
DR

Value and Tax Information

Total Assessed Value: 104

Total Appraised Value: 690

Improvement Value: 0

Land Value: 690

Tax Amount: 15

SQ FT: 0

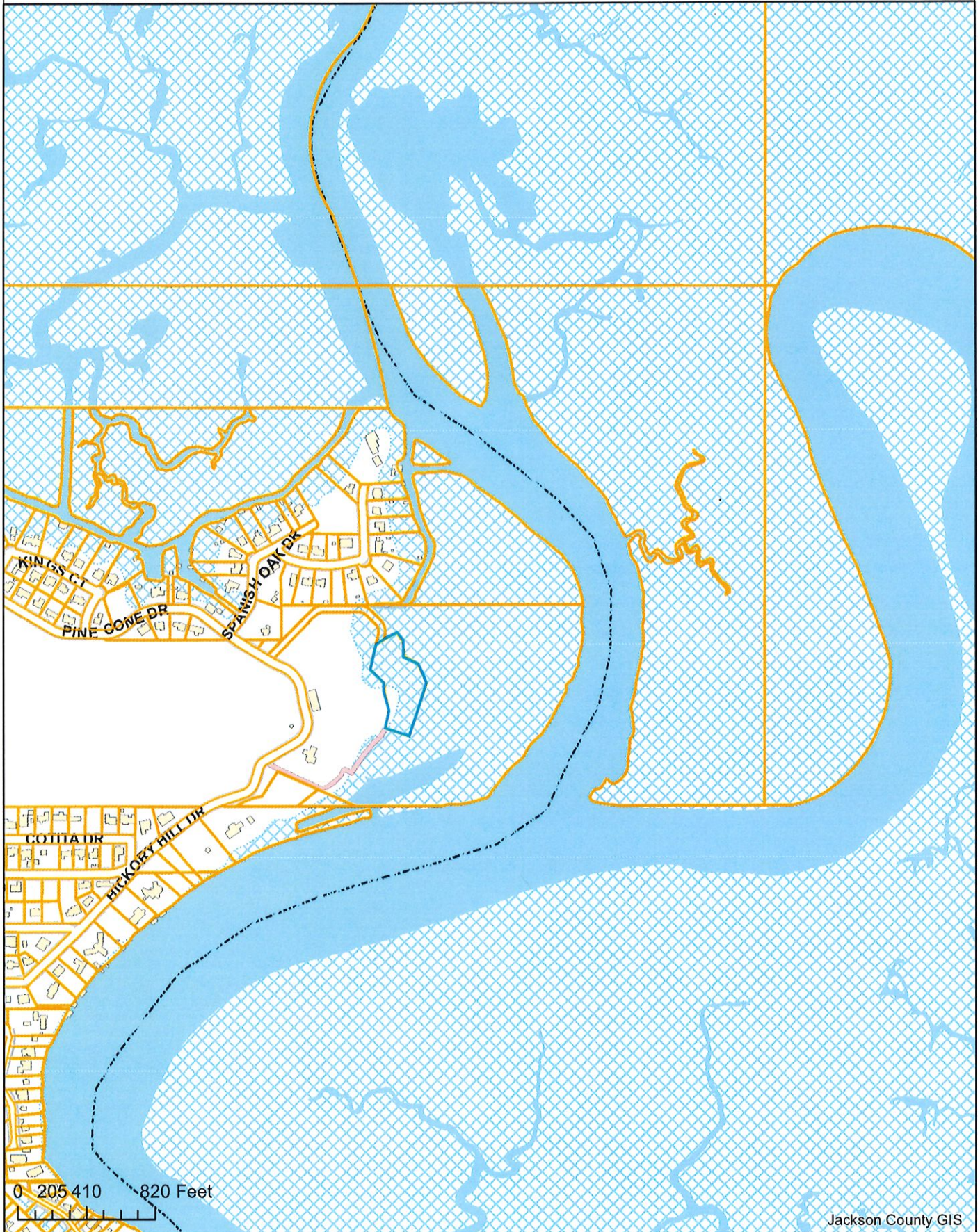
Year Built: 0

Legal Description

Description: COM SEC LT 13 UT 1 HH S 86* E 56
3.25' TO POB N 60* E 142.02' S 3
9* E 78.65' S 78.97' S 63* E 92.
01' S 23* E 128.70' S 18* W 335.
11'N71*W 150.01'N10*E 110.35 N13
*W 143.72'N 52*W 108.17'N 12* E
190.01' TO POB DB 1759-884 (3 MA
P763.06-04)

Deed Book / Page: 1759 / 884

85700002.000 WATERS FAMILY INVESTMENTS LLC



Jackson County GIS

Exhibit A

Location Map

Prepared by:
City of Gautier
Planning Department

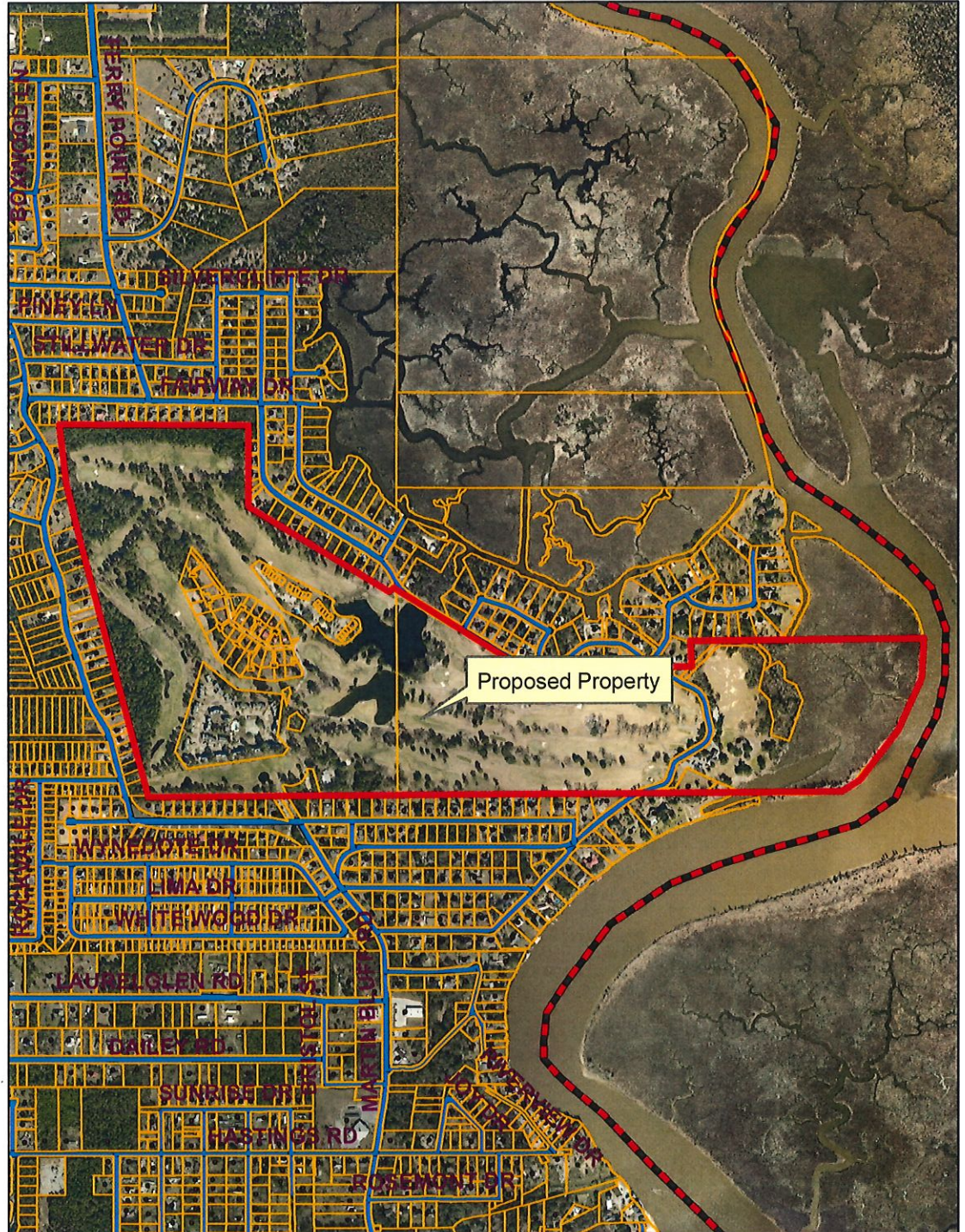


Exhibit B

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

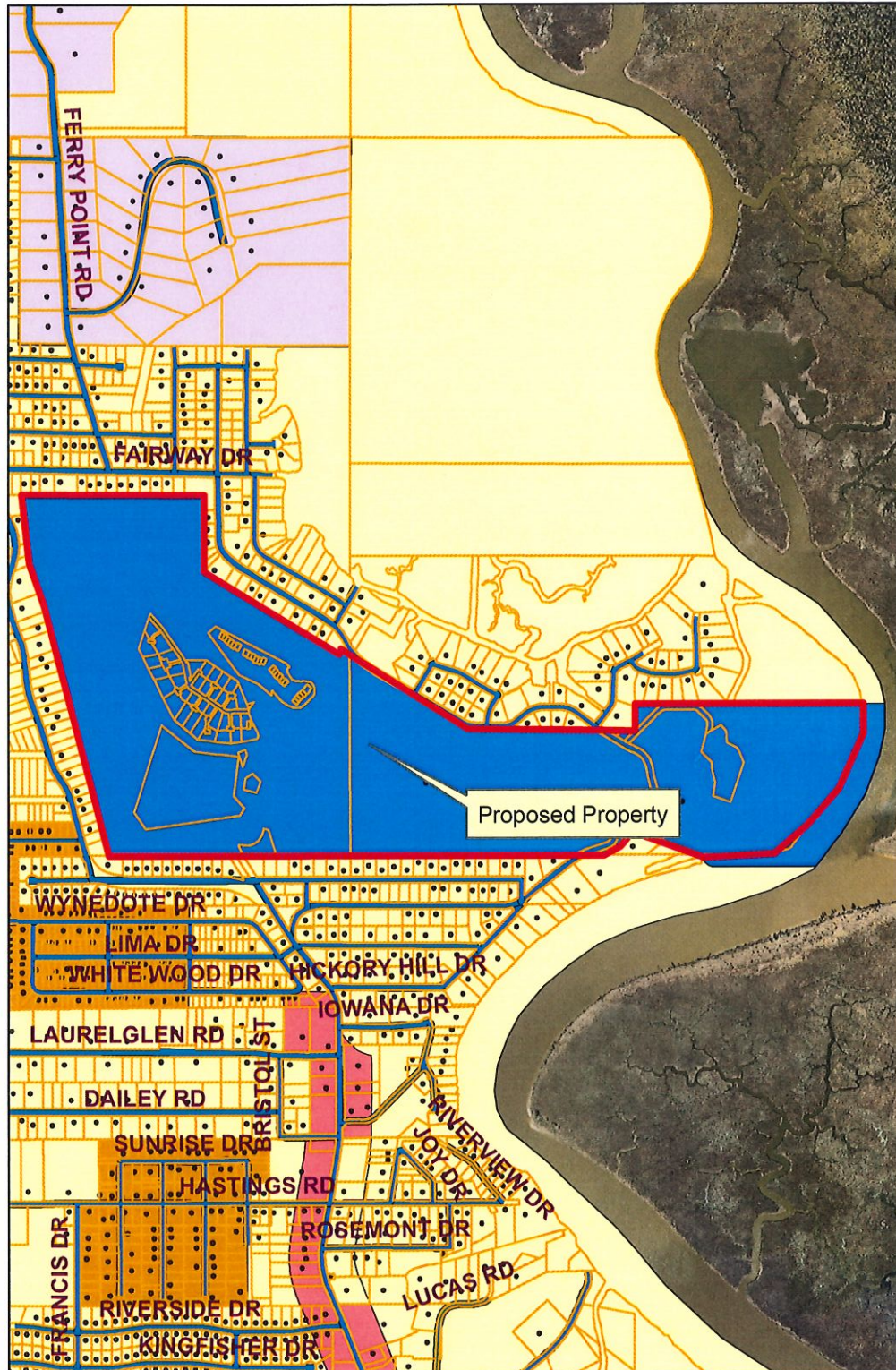


Exhibit C

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

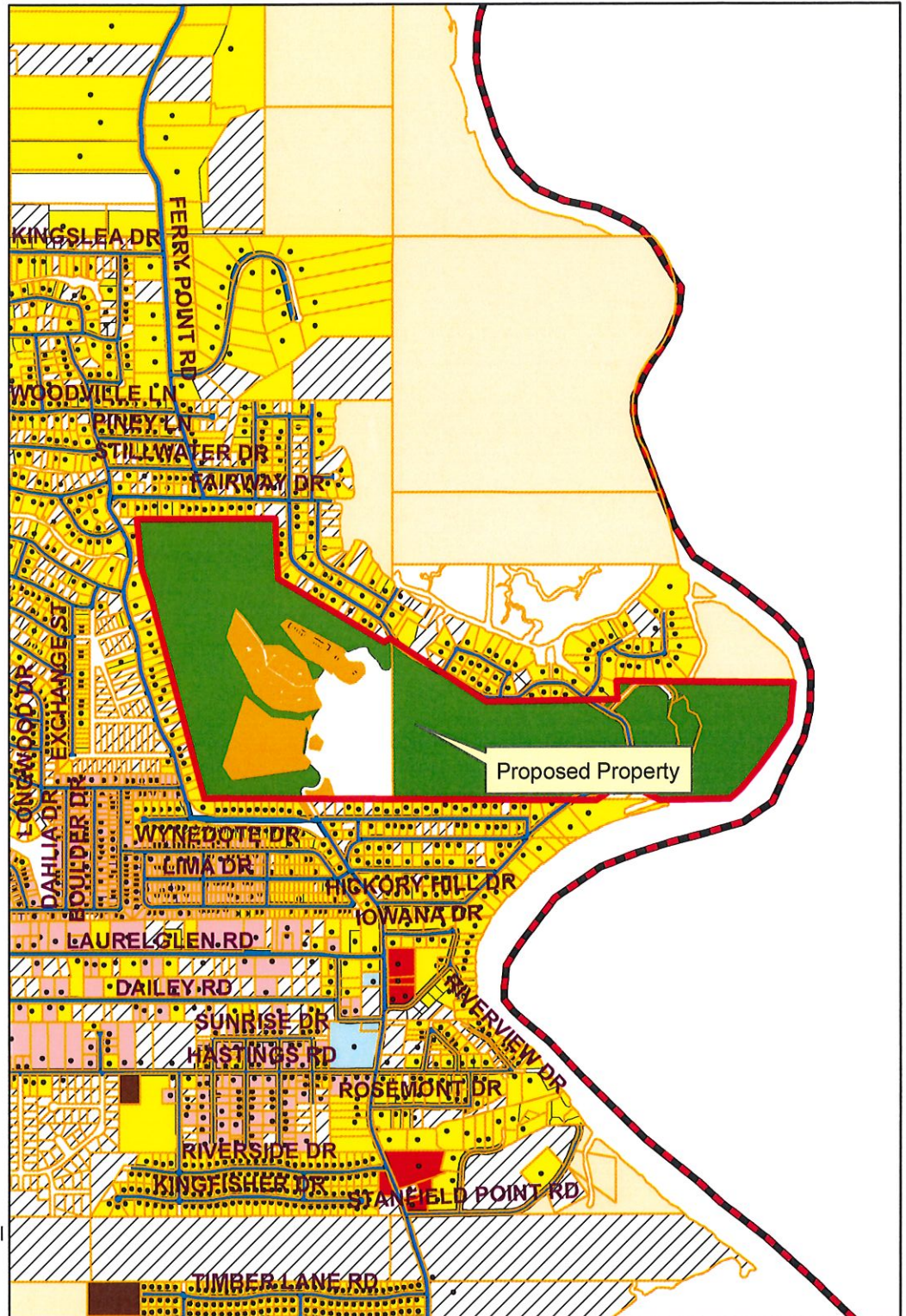


Exhibit D

Future Land-Use

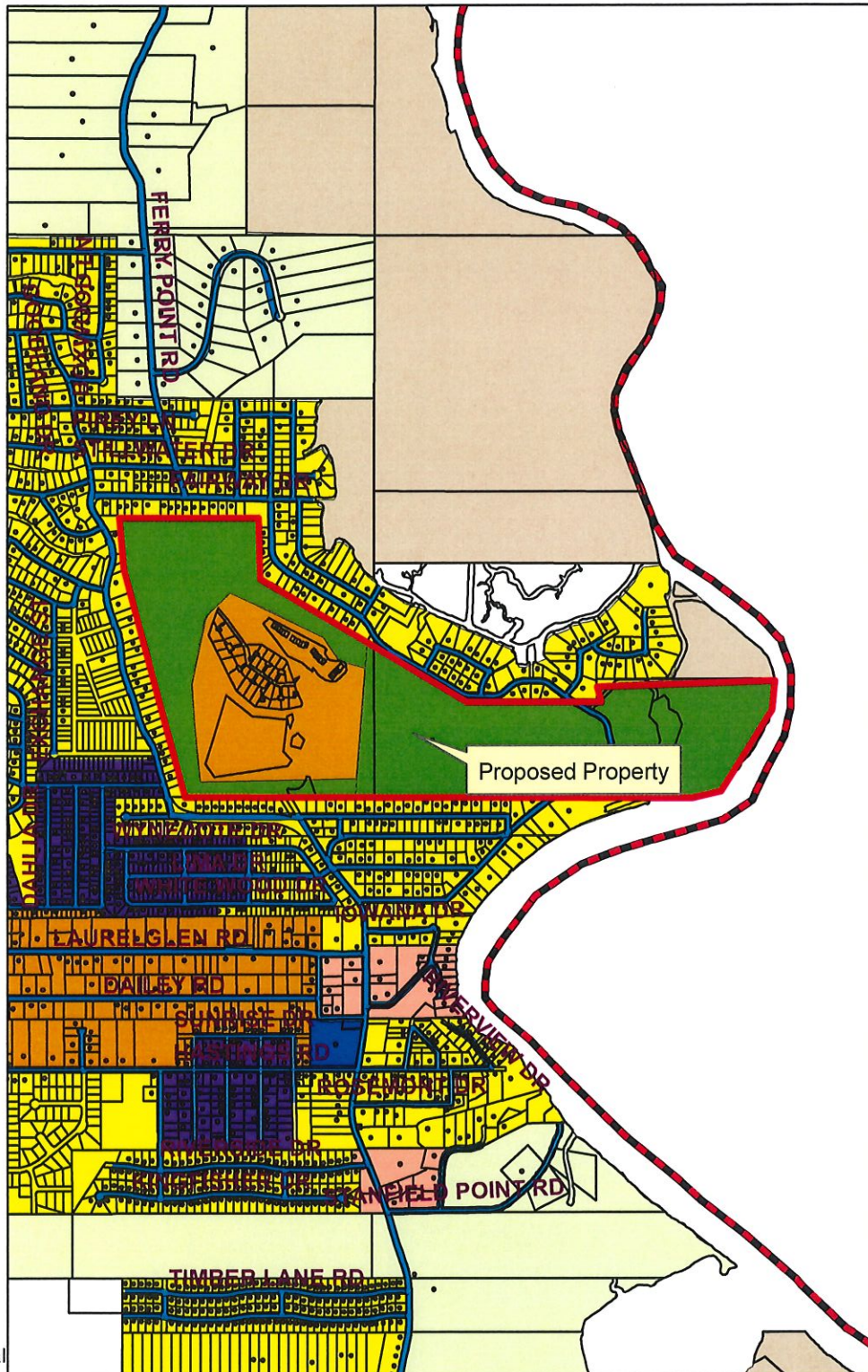
Prepared By:
City of Gautier
Planning Department

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



Barbara Logan

From: cvaughan
Sent: Wednesday, May 29, 2024 9:40 PM
To: Paula Yancey; sankerson
Cc: Addie Bang; Barbara Logan; Adam Colledge; elbind
Subject: Fwd: Golf Course Development

Categories: Red Category

Can you all please forward the below email to the planning commissioners.

Thank you all!

Sincerely,

Mayor Vaughan
Gautier, Mississippi
M: 228.297.3063
E: cvaughan@gautier-ms.gov

From: Skip Roberts <skiproberts1@yahoo.com>
Sent: Wednesday, May 29, 2024 7:58:49 PM
To: Adam Colledge <acolledge@gautier-ms.gov>; elbind <elbind@gautier-ms.gov>; cvaughan <cvaughan@gautier-ms.gov>
Subject: Golf Course Development

Guys I am all for Gautier moving forward and have seen some great things starting to happen but I think changing the golf course as proposed is not a good idea. To me it seems like a step to get houses on the property like before. The whole plan doesn't make sense to me and be a viable golf course. **It should remain at it's current status.**

Skip Roberts

[Sent from Yahoo Mail for iPhone](#)

Gautier Planning Commission

Regular Meeting Agenda

June 6, 2024

GPC #24-16-RZ

James Lee dba Roughwater Marine

304 De La Pointe

PID #87010076.000

VII. NEW BUSINESS

4. Consider a request for a Property Owner Initiated Rezoning of Property located at 304 De La Pointe, PID #87010076.000, from R-2 High Density Multi-Family Residential to C-3 Highway Commercial (GPC Case No. 24-16-RZ)

**CITY OF GAUTIER
STAFF REPORT**

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: May 28, 2024

Subject: Consider a request for a Property Owner Initiated Rezoning of Property located at 304 De La Pointe, PID #87010076.000, from R-2 High Density Multi-Family Residential to C-3 Highway Commercial. (GPC Case No. 24-16-RZ)

REQUEST:

The Planning Department has received a request from James Lee dba Roughwater Marine for a rezoning of property known as 304 De La Pointe, PID #87010076.000, from R-2 High Density Multi-Family Residential to C3 Highway Commercial. The parcel is approximately 1.03 acres. The application fee of \$300 was paid on April 10, 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: 304 De La Pointe, PID #87010076.000. (See Exhibit A)
2. Existing Zoning: R-2 High Density Multi-Family Residential. (See Exhibit B)

UDO 5.3.5 R-2, High Density Multi-Family Residential District - Purpose and intent. The purpose of the R-2 District is to provide for resort-style communities offering a full range of living accommodations for Gautier residents. In addition to uses permitted within the R-1A District, this District allows for multi-

family developments, residential condominiums, retirement communities and assisted living facilities. Complementary recreational facilities are also permitted and permanent open space and/or recreational facilities are required for new developments within this district.

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.

DATA AND ANALYSIS:

Property requested for Rezoning: 304 De La Pointe, PID #87010076.000.

Location: Ward 3

Current Zoning of the Request Property: R-2 High Density Multi-Family Residential

Existing Land Use: Vacant. (See Exhibit C)

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

Surrounding Zoning: C-3 Highway Commercial to the North and West, R-2 High Density Multi-Family Residential to the South and East.

HISTORY:

This property is vacant and currently zoned R-2 High Density Multi-Family Residential.

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 R-2 High Density Multi-Family Residential to C3 Highway Commercial; 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

24-16-RZTO 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: James LeeName of Business: Roughwater Marine Phone: 228-623-3875Property Address: 304 De La Pointe Mailing Address (if Different): 321 Hwy 90 GautierE-Mail Address: Roughwater 321 @ gmail . comReason for request, location and intended use of Property: To Have the Propertyto Join Roughwater from R-1 to C-3ATTACHMENTS REQUIRED AS APPLICABLE: For Expansion of Business

- _____ 1. Diagram of intended use, showing dimensions and distances of property, building with setbacks, parking spaces, entrances and exits.
- ☒ 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.
- ☒ 5. Any other information requested by the Planning Director.

Signature of Applicant: James Lee Date of Application: 4-10-24

FOR OFFICE USE ONLY

Date Received 4/10/24 Verify as Complete BL/SAFee Amount Received 301.00 Initials of Employee Receiving Application BS

Barbara Logan

From: James Lee <roughwater321@gmail.com>
Sent: Tuesday, May 14, 2024 2:07 PM
To: Barbara Logan
Subject: Re: Rezoning Application

We would like to use the area for storage of New Trailers and Boats waiting to come into our shop for repair.

James Lee

Phone: 228-497-2214

Email: roughwater321@gmail.com

Roughwater Marine & Auto LLC

On Mon, May 13, 2024 at 10:03 AM Barbara Logan <blogan@gautier-ms.gov> wrote:

I need a narrative explaining how you intend to use the parcel you want to rezone. I know you want it for expansion of your business but I need a little more detail.

You can bring the narrative to the office or you can email it.

Thank you and have a great day!

Babs Logan

Prepared by:
David B. Pilger
Attorney at Law
1406 Bienville Blvd., Suite 101
Ocean Springs, MS 39564
(228) 215-0011

Grantor:
Gordon L. Spafford
20933 County Road 49
Silverhill, AL 36576
(251) 802-8865

Return To:
David B. Pilger
Attorney at Law
1406 Bienville Blvd., Suite 101
Ocean Springs, MS 39564
(228) 215-0011

Grantees:
James W. Lee, II
Art Hadler, Jr.
321 Highway 90
Gautier, MS 39553
(228) 623-3875

File No. G239527N

INDEXING INSTRUCTIONS: 2 parcels of land in Sec. 5, T8, R6 & Lot 7, Blk. H, River Oaks S/D,
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, I, **Gordon L. Spafford**, do hereby sell, convey and warrant unto **James W. Lee, II and Art Hadler, Jr.**, as tenants in common, 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:

Legal Description attached hereto as Exhibit "A"

This being the same property as that conveyed to Gordon L. Spafford and Amy W. Spafford, by Deed recorded in Deed Book 1054, Page 673 and Deed Book 1033, Page 55, Deed Book 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.

This conveyance is not part of the Grantor(s) homestead.

The death certificate of Amy W. Spafford is attached hereto as Exhibit "B".

WITNESS MY SIGNATURE, on this the 19th day of October, 2023.

Gordon L. Spafford

ACKNOWLEDGMENT

STATE OF MISSISSIPPI
COUNTY OF JACKSON

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the jurisdiction aforesaid, **Gordon L. Spafford**, 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.

GIVEN UNDER MY HAND AND OFFICIAL SEAL, on this the 19th day of October, 2023.

(AFFIX SEAL)



My commission expires

Nickol Carron
NOTARY PUBLIC

DEED ACCEPTED BY:

James W. Lee II
James W. Lee, II

Art Hadler, Jr.
Art Hadler, Jr.

304 De La Pointe Dr, Gautier, MS 39553-6306, Jackson County

APN: 8-70-10-076.000 CLIP: 5354298460

Beds	Full Baths	Half Baths	Sale Price	Sale Date
N/A	1	N/A	N/A	N/A
Bldg Sq Ft	Lot Sq Ft	Yr Built	Type	
1,196	44,867	1940	SFR	

OWNER INFORMATION

Owner Name	Spafford Gordon L	Tax Billing Zip	39553
Owner Name 2	Spafford Amy W	Tax Billing Zip+4	6340
Tax Billing Address	321 Highway 90	Owner Occupied	No
Tax Billing City & State	Gautier, MS		

LOCATION INFORMATION

Census Tract	410.01	Township Range Sect	8S-6W-5
Carrier Route	H063	Within 250 Feet of Multiple Flood Zone	Yes (Ae, X500)
Subdivision	River Oaks Sub		

TAX INFORMATION

Tax Parcel Number	8-70-10-076.000	% Improved	86%
Lot	7	Tax Area	3840
Block	H		
Legal Description	LOT 7 BLK H RIVER OAKS S/D DB 1054-673 (25 MAP863.05-01)		

ASSESSMENT & TAX

Assessment Year	2022	2021	2020
Assessed Value - Total	\$10,027	\$10,116	\$9,456
Assessed Value - Land	\$1,371	\$1,371	\$1,371
Assessed Value - Improved	\$8,656	\$8,745	\$8,085
Market Value - Total	\$66,846	\$67,438	\$63,040
Market Value - Land	\$9,140	\$9,140	\$9,140
Market Value - Improved	\$57,706	\$58,298	\$53,900
YOY Assessed Change (\$)	-\$89	\$660	
YOY Assessed Change (%)	-0.88%	6.98%	
Tax Year	Total Tax	Change (\$)	Change (%)
2020	\$1,376		
2021	\$1,455	\$79	5.72%
2022	\$1,442	-\$13	-0.88%

CHARACTERISTICS

Land Use - CoreLogic	SFR	Building Sq Ft	1,196
Land Use - State	One Family Unit	# of Buildings	1
Lot Area	44,867	Cooling Type	Yes
Lot Acres	1.03	Heat Type	Electric Baseboard
Total Baths	1	Roof Material	Asphalt Shingle
Full Baths	1	Roof Type	Gable
Year Built	1940	Roof Shape	Gable
Stories	1	Floor Cover	Carpet

SELL SCORE

Rating	Moderate	Value As Of	2023-08-13 04:39:14
Sell Score	587		

LAST MARKET SALE & SALES HISTORY

Owner Name	Spafford Gordon L	Document Number	1054-673
Owner Name 2	Spafford Amy W	Deed Type	Deed (Reg)
Seller	Owner Record		

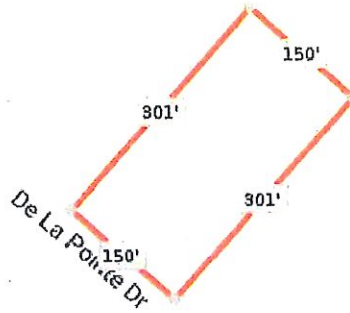
Buyer Name	Spafford Gordon L & Amy W
Seller Name	Owner Record

Document Number
Document Type

1054-673
Deed (Reg)

PROPERTY MAP

 Children's
International Pediatrics



Google

*Lot Dimensions are Estimated

55 yards
Map data ©2023

Google



87010076.000 SPAFFORD GORDON L & AMY W

PIDN: 87010076.000

GISP: 863.05-01-0025.00

Owner Information

Percent of Ownership: 100

Name: SPAFFORD GORDON L & AMY W

Name 2:

Mailing Address: 321 HWY 90
GAUTIER MS
39553

Site Address: 304 DE LA POINTE DR GAUTIER

Land Information

Section: 5 Acreage: 1.03

Township: 8

Range: 6

Street Name DE LA POINTE
DR

Value and Tax Information

Total Assessed Value: 10027

Total Appraised Value: 66846

Improvement Value: 57706

Land Value: 9140

Tax Amount: 1441

SQ FT: 1196

Year Built: 1940

Legal Description

Description: LOT 7 BLK H RIVER OAKS S/D DB 10
54-673 (25 Map863.05-01)

Deed Book / Page: 1054 / 673

87010076.000 SPAFFORD GORDON L & AMY W



Jackson County GIS

Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department

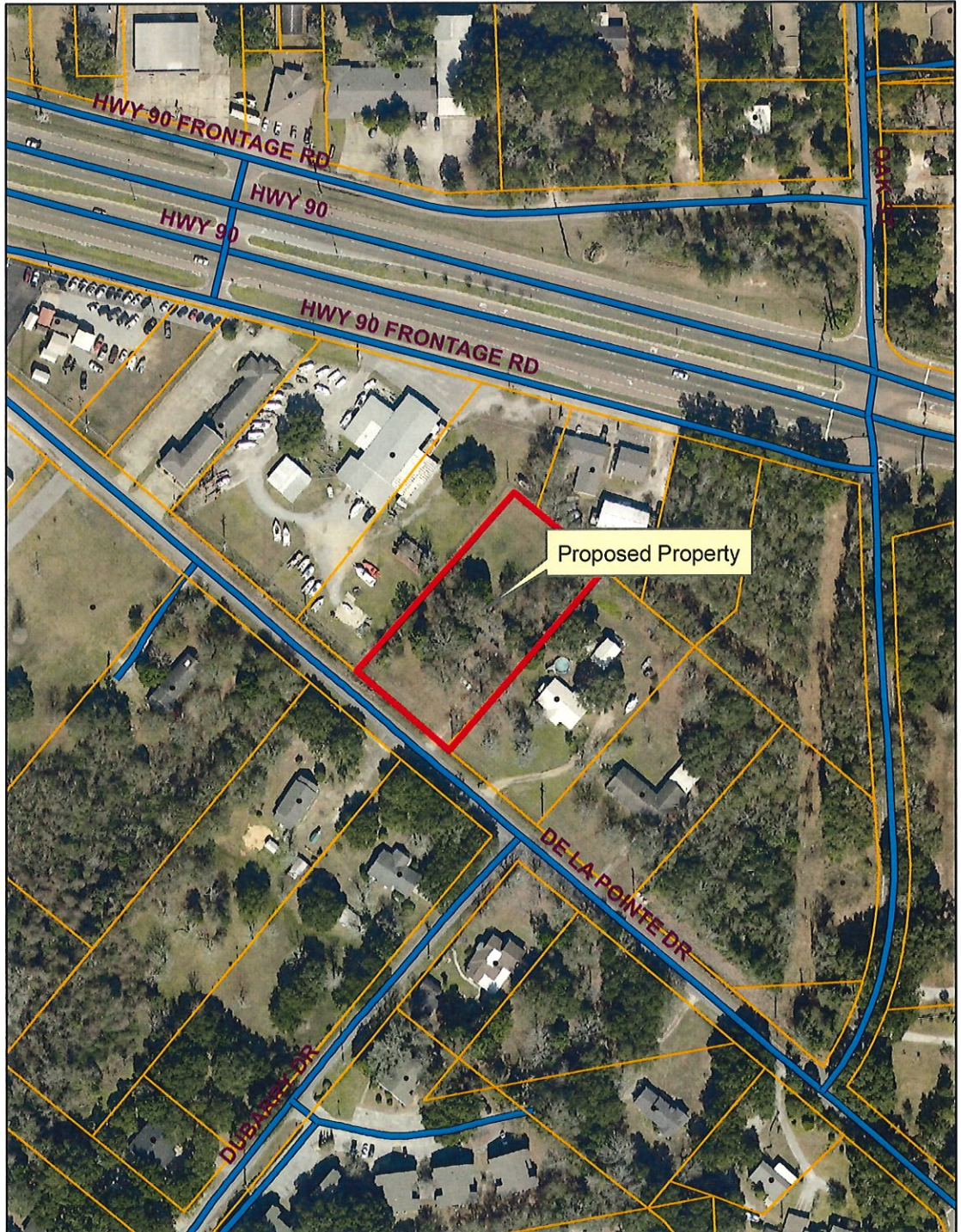


Exhibit B

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

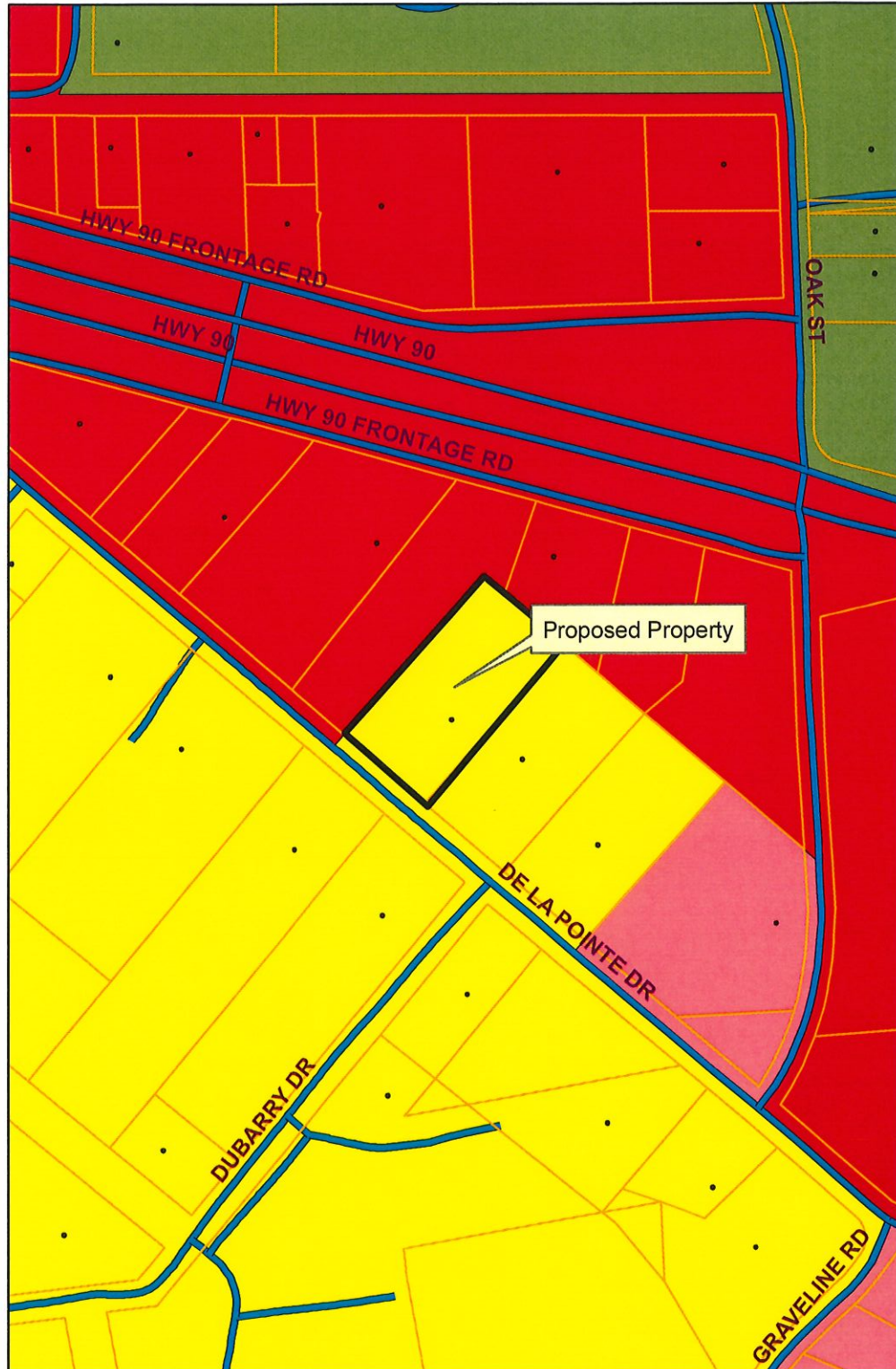


Exhibit C

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

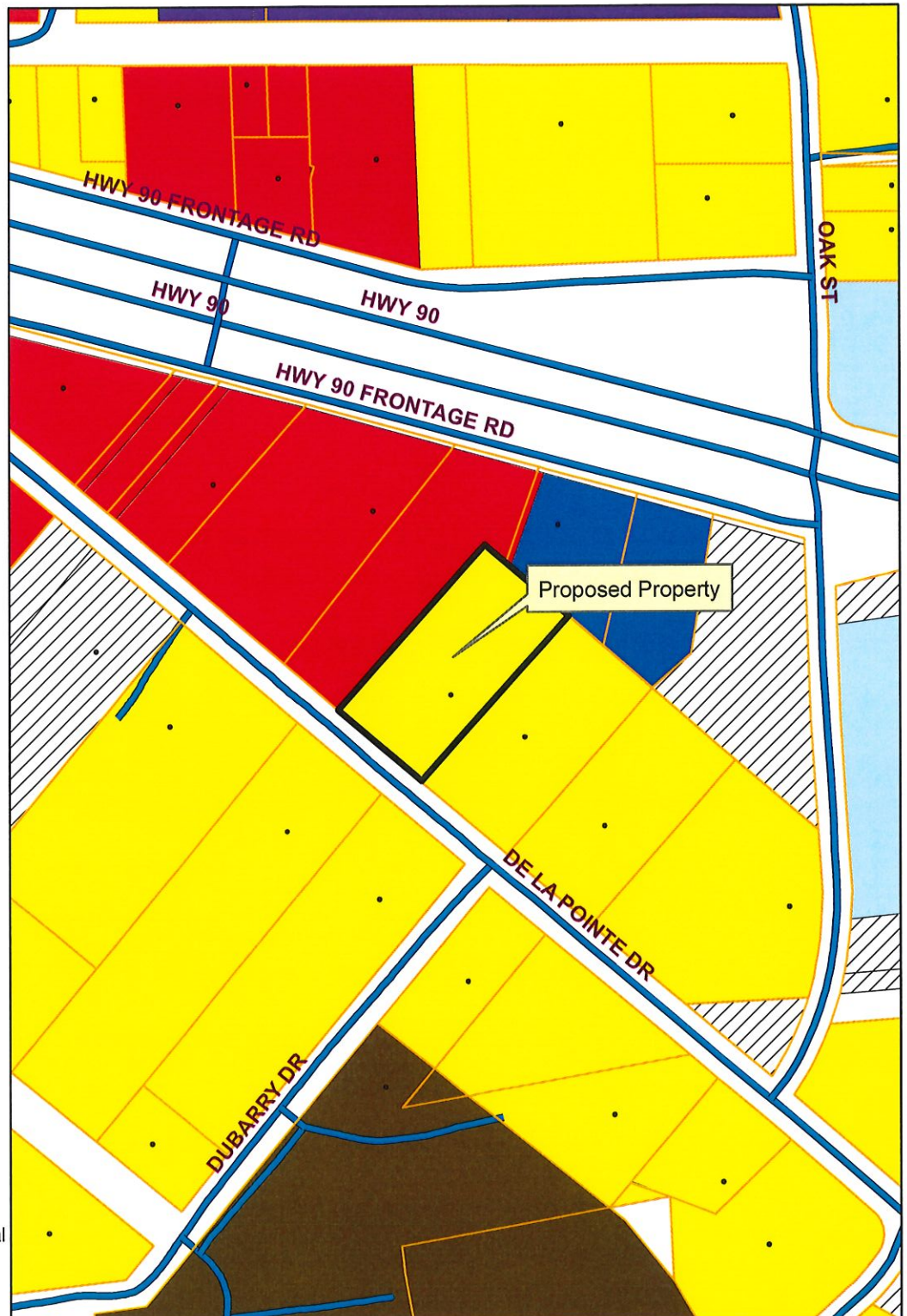


Exhibit D

Future Land-Use

Prepared By:

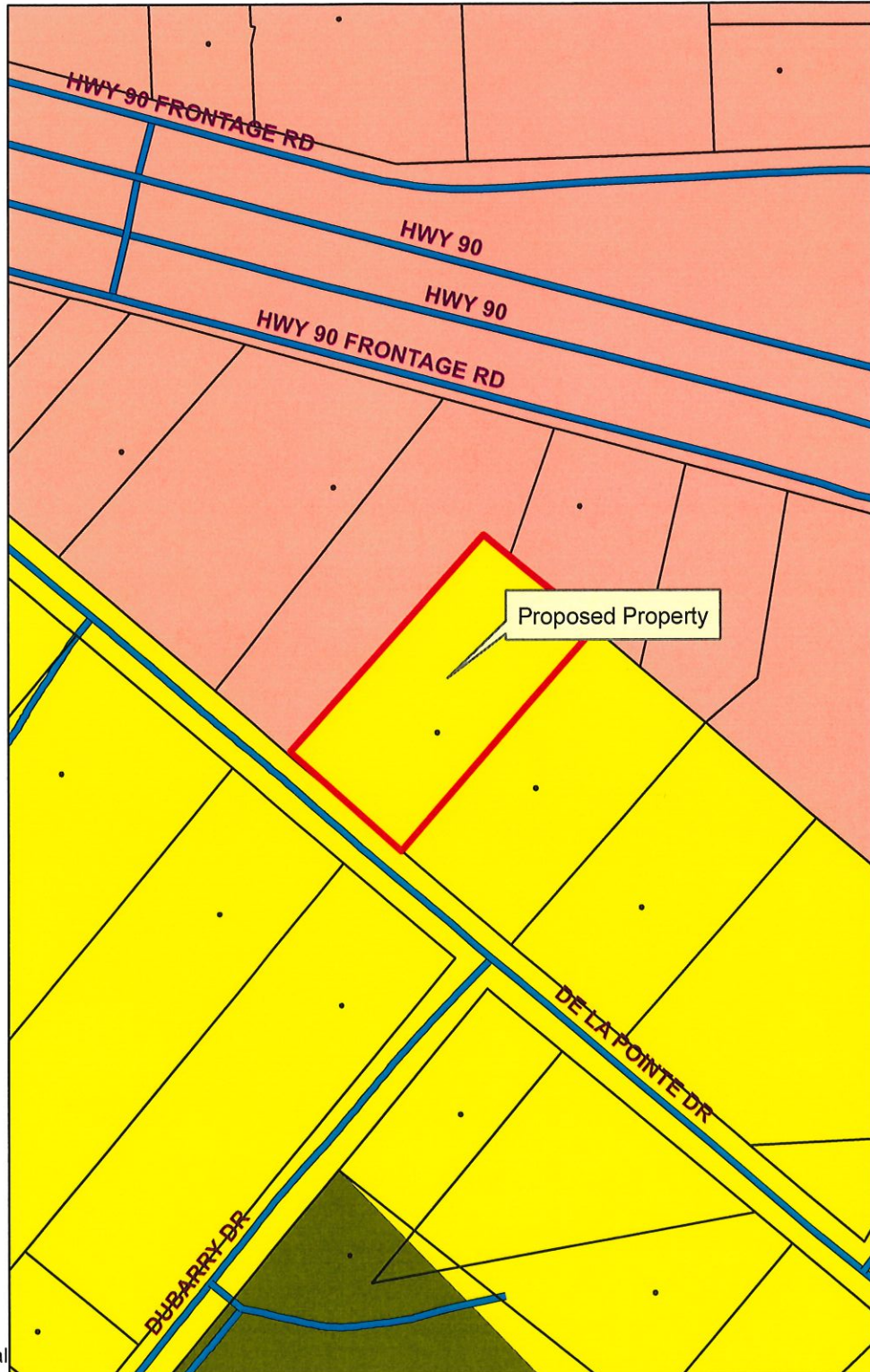
City of Gautier
Planning Department

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

June 6, 2024

GPC #24-17-VAR

5900 Brown Road

VII. NEW BUSINESS

5. Consider a request for a four hundred seventy-seven (477) square foot variance for a dwelling in an AG Agricultural Zoning District. 5900 Brown Road, (GPC #24-17-VAR)

**CITY OF GAUTIER
STAFF REPORT**

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: May 28, 2024

Subject: Consider a request for a four hundred seventy-seven (477) square foot variance for a dwelling in an AG Agricultural Zoning District. 5900 Brown Road, (GPC #24-17-VAR)

REQUEST:

The Planning Department has received a request from Crystal Viera and Steven Brown for a four hundred seventy-seven (477) square foot variance for a dwelling in an AG Agricultural Zoning District at 5900 Brown Road, PID #82429350.000 (GPC #24-17-VAR). The application fee of \$175 was paid on April 15, 2024. All public notice requirements have been met.

BACKGROUND:

There currently is a house and a separate garage apartment on the property. The house was heavily damaged during Hurricane Katrina and is in the process of being demolished. The garage apartment was not damaged. The applicants would like to live in the garage apartment until they can build a new home. The apartment is 848 square feet. The garage area is 875 square feet and can also be converted into living space. In order to occupy the existing apartment, the applicants will need a 477 square foot variance. The Unified Development Ordinance (UDO) requires a minimum of 1325 square feet of living area in an AG Agricultural District.

DISCUSSION:

The applicants are asking for a 477 square foot variance to the minimum square footage for a dwelling in an AG Agricultural District. Although the house on the property was heavily damaged in Hurricane Katrina and is in the process of being demolished, the garage apartment on the property was not damaged. The applicants would like to live in the garage apartment until they can build a new home. The garage apartment has 848 square feet of living area. The Unified Development Ordinance (UDO) requires a minimum of 1325 square feet of living area in an AG Agricultural District. The applicants are requesting a 477 square foot variance.

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

24-17-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:

Crystal Viera - Steven Brown

Name of Business: _____

Phone:

803-904-9840

Property Address:

5900 BROWN Rd

Mailing Address (if Different):

11310 HAZEL bounded Rd
Vandenberg Ms. 39565

E-Mail Address:

CrystalViera36@gmail.com

Reason for request, location and intended use of Property:

Home Variance 477 sq ftin 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:

Crystal Viera / Steven Brown

Date of Application:

05-16-24

FOR OFFICE USE ONLY

Date Received

4/15/24

Verify as Complete

Bals

Fee Amount Received

176.00

Initials of Employee Receiving Application

Bals

Pol. # 251.00 for SE
Refund 175

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?

House destroyed during Hurricane
Apartment garage still existing

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.

garage apartment still existing
and undamaged

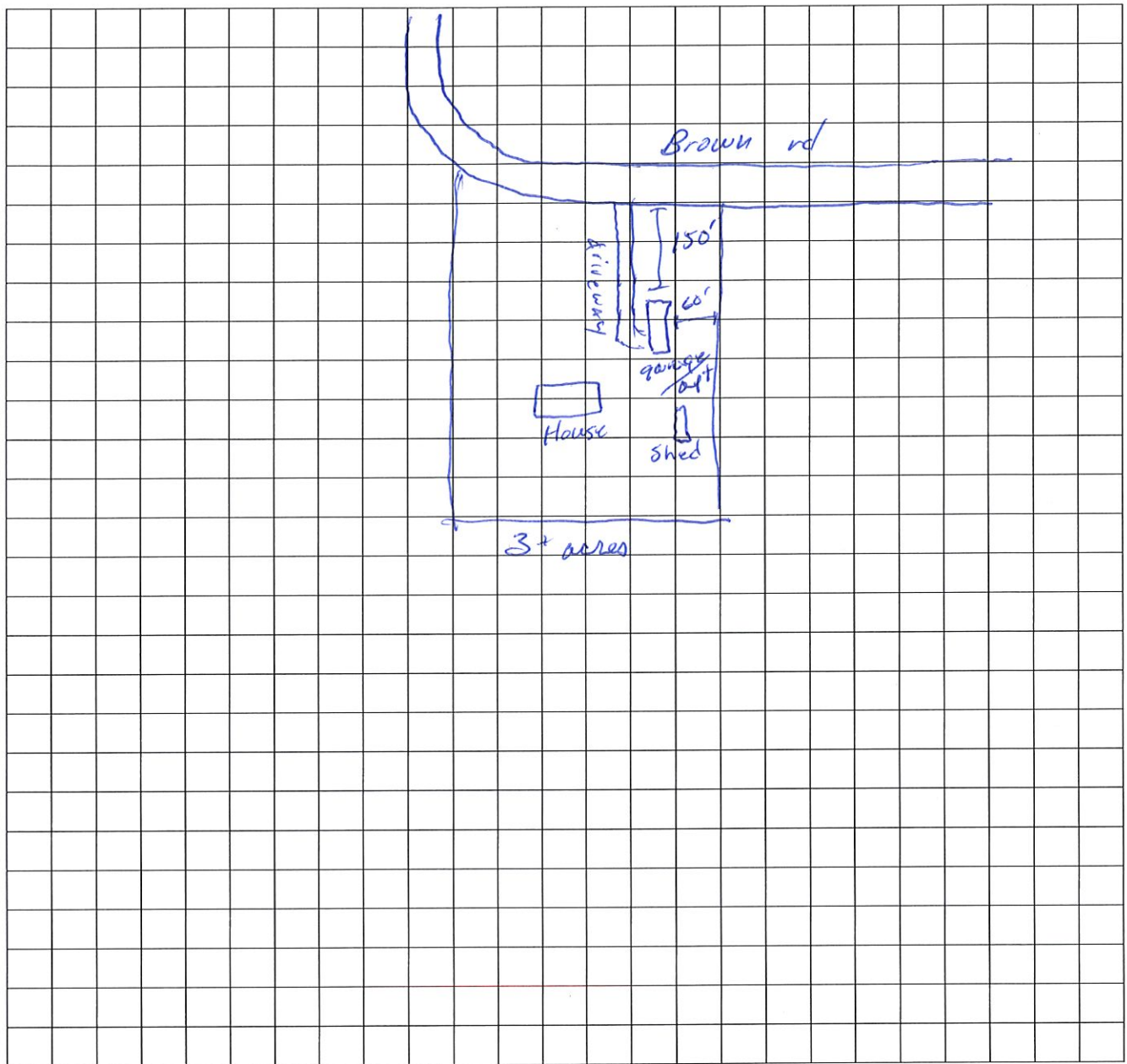
4. Will the granting of the Variance requested confer upon you any special privilege that is denied by this Ordinance to other similar sites (lots or parcels), structures or buildings in the same district? Explain.

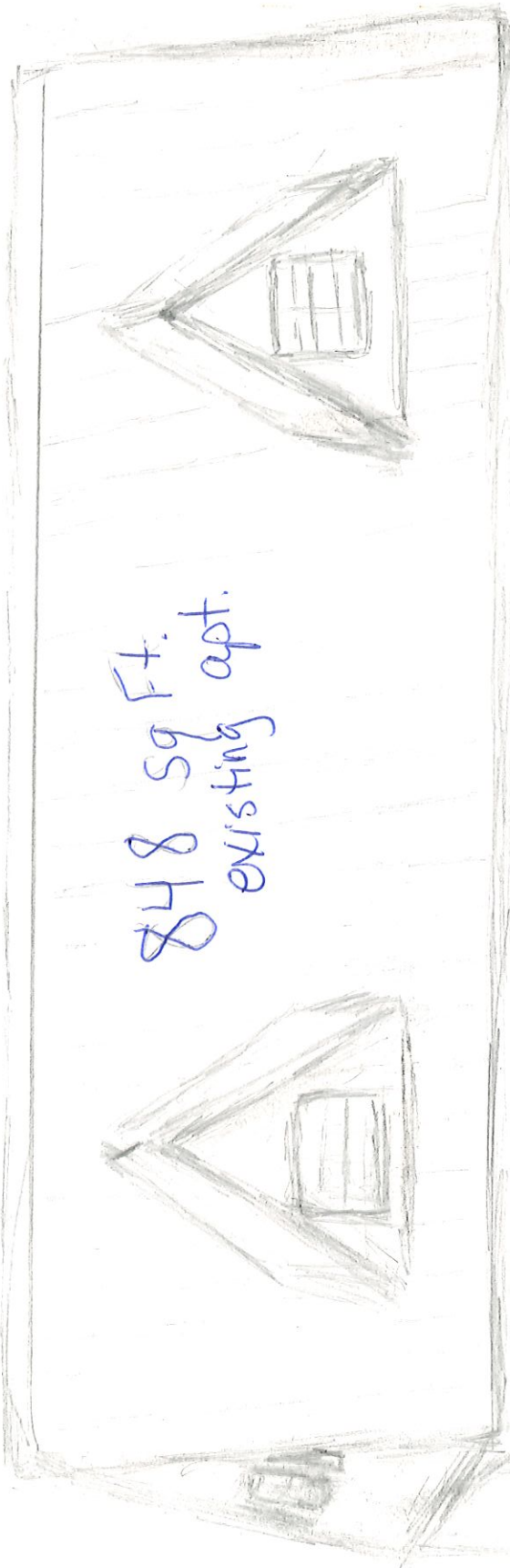
No

NARRATIVE

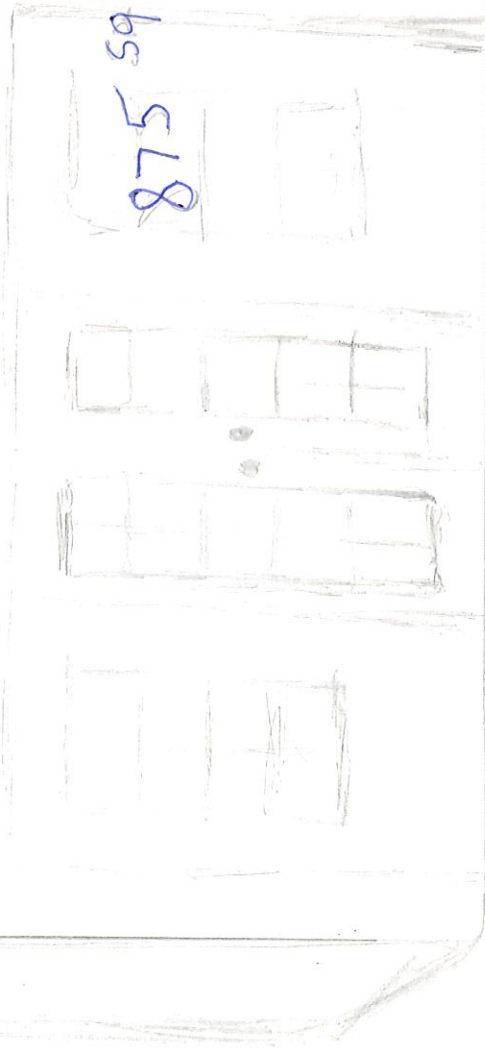
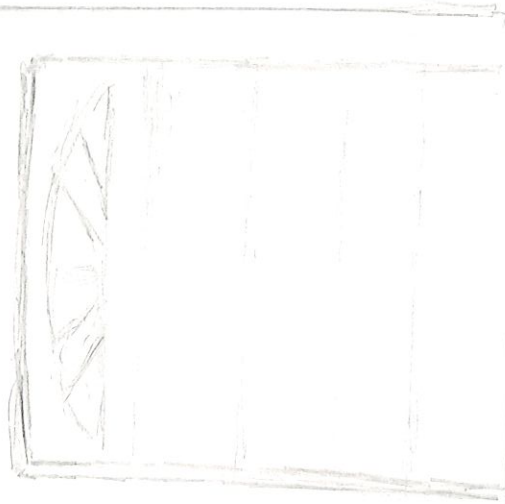
Property is 3+ acres with house and 3 car garage apartment above garage. Property is fenced in. House is in the process of being demolished due to damage by Katrina, garage is intact and was not affected. We would like to get temporary power for apartment and what necessary needs to clear & cleanup. Until we rebuild our future home, also the garage can be converted into temporary living space. Apartment is 845 sq. ft. garage is 875 sq. ft. We are hoping to accomplish this project within 2 months, approximately 8-31-24.

DIAGRAM

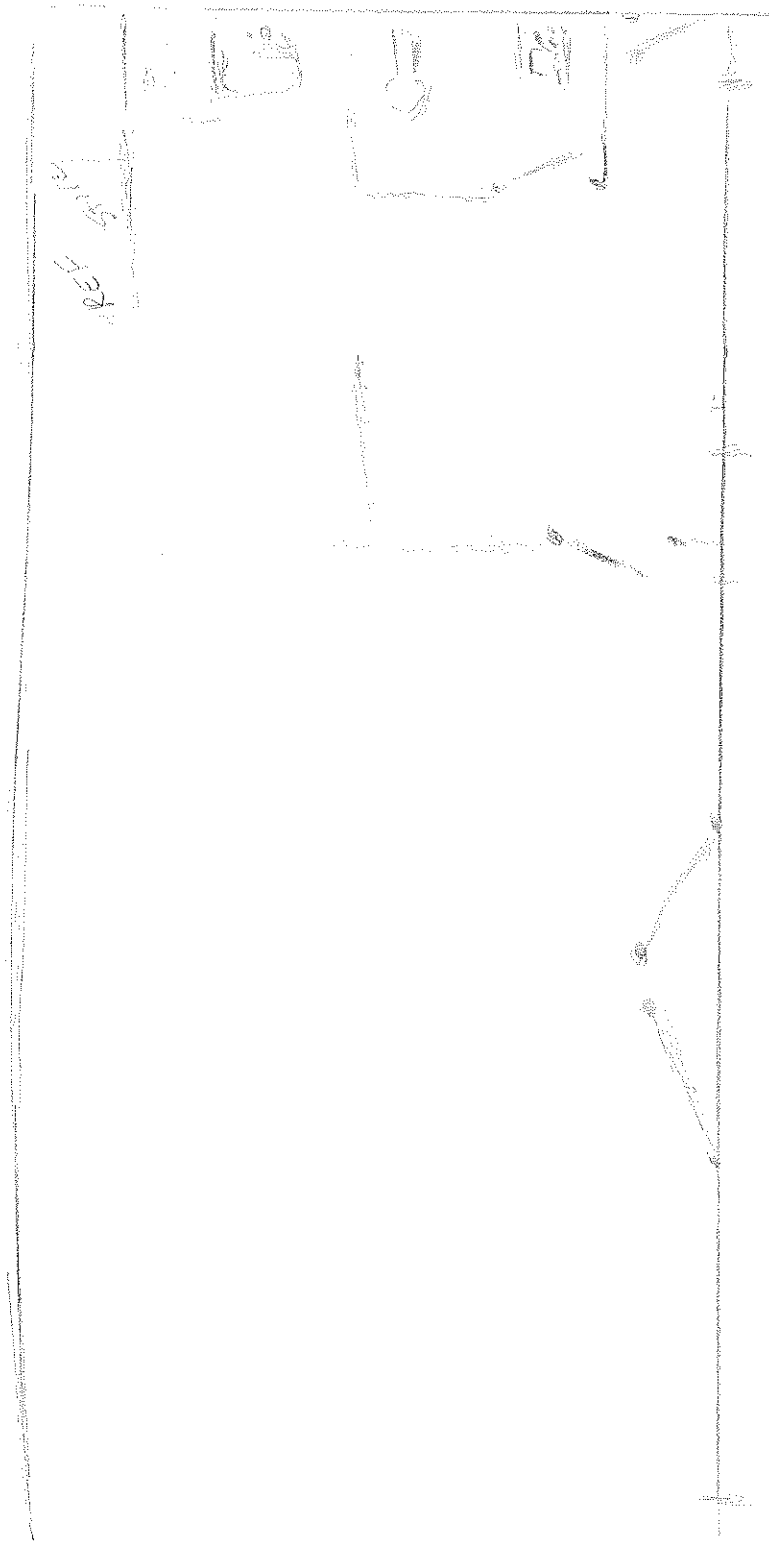




848 sq Ft.
existing apt.



875 sq Ft.





INDEXING INSTRUCTIONS: Section 29, T7S, R7W (3 acres +/-)

Prepared By:
Andy J. Alfonso, III
Attorney at Law
2112 Bienville Blvd., Suite H1
Ocean Springs, MS 39564
(228) 818-5552

Return to:
Andy J. Alfonso, III
Attorney at Law
2112 Bienville Blvd., Suite H1
Ocean Springs, MS 39564
(228) 818-5552

STATE OF MISSISSIPPI
COUNTY OF JACKSON

WARRANTY DEED

FOR AND CONSIDERATION of the sum of TEN AND NO/100 DOLLARS (\$10.00), cash in hand paid and other good, legal and valuable considerations, the receipt of all of which is hereby acknowledged, the undersigned

Janet L. Shaw
174 Deakins Rd., Jonesobough, TN 37659
c/o (228) 818-5552

does hereby sell, convey and warrant unto

Steven L. Brown and Crystal Viera
11310 Hazel Bounds Rd., Vancleave, MS 39553
c/o (228) 818-5552

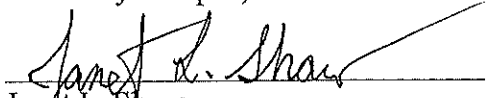
as joint tenants with full right of survivorship and not as tenants in common the land and property situated in the County of Jackson, State of Mississippi, described as follows, to-wit:

SEE EXHIBIT "A"

THIS CONVEYANCE is made subject to all applicable building restrictions, restrictive covenants, easements and mineral reservations of record.

IT IS AGREED and understood that the taxes for the current year have been prorated as of this date on an estimated basis. When said taxes are actually determined, if the proration as of this date is incorrect, the Grantor agrees to pay to the Grantee or his/her assigns any amount which is a deficit on an actual proration and likewise, the Grantee agrees to pay to the Grantor any amount overpaid by the Grantor.

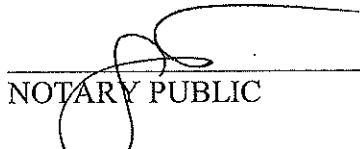
WITNESS THE SIGNATURE of the Grantor, this the 5th day of April, 2024.


Janet L. Shaw

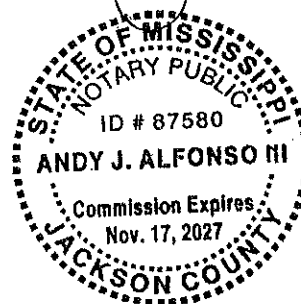
STATE OF MISSISSIPPI
COUNTY OF JACKSON

PERSONALLY appeared before me, the undersigned authority in and for the said county and state on this 5th day of April, 2024, within my jurisdiction, the within named Janet L. Shaw, who acknowledged that she executed the above and foregoing instrument.

GIVEN under my hand and the official seal of my office.


NOTARY PUBLIC

File #240175



DECLARATION OF ACCEPTANCE

PROPERTY ADDRESS: 5900 Brown Road
Gautier, MS, 39553

All warranties and statements, expressed or implied, as to property condition, financing terms, and all representations of all parties, including seller, buyer, and cooperating brokers, contained in the Contract for Sale and Purchase of Real Estate have been complied with to our satisfaction. The structure(s) on this property are not habitable, and they are dangerous. Purchasers and sellers absolve all parties to this transaction including but not limited to each other, the agent and broker, closing attorney and staff from any injuries or damages incurred by themselves, their property or guests related to any and all structures on this property above or below ground level.

We, the undersigned, do hereby declare that without any reservations we hereby accept the property as to the condition of the house, other improvements, fixtures and equipment, decoration, suitability and readiness for use as our home, as well as financing terms, and all other representations of buyers and sellers and cooperating brokers, and any other statements or representations contained in the contract or any addendum attached hereto. We do further declare that the consideration paid is acceptable to us, and that we understand that market conditions change, and that property values therefore change, and that we release Sellers, Sellers' Agents, and any Broker in this transaction from any responsibility resulting from changes in market conditions.

We understand that with the acceptance of the Deed, the Sellers will have no further responsibility or liability for any repairs to the property. Buyers and Sellers hold harmless the cooperating brokers for any representations, both expressed and implied, in the aforementioned contract or in any other form, not thus merged in the Deed.

<u>Steven Brown</u>	<u>4/5/24</u>	<u>Janet Shaw</u>	<u>04/05/24</u>
BUYER	DATE	SELLER	DATE
<u>Cyotol Viera</u>	<u>04-05-24</u>		
BUYER	DATE	SELLER	DATE

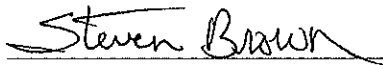
LIMITED POWER OF ATTORNEY

For and in consideration of the closing of the real estate transaction for property located at 5900 Brown Road, Gautier, MS 39553, the undersigned, hereby grants, Andy J. Alfonso, III, Attorney at Law, as settlement agent, limited power of attorney to correct and/or execute or initial all of the closing documentation required to be executed by the undersigned at settlement including, but not limited to, the correction and/or execution and/or initialing of closing statements, notes, deeds of trusts, deeds, affidavits, legal descriptions and any and all other closing documents required by the lender or for the closing of this real estate transaction. The Borrower also specifically grants the settlement agent the authority to execute corrections including, but not limited to, the Deed of Trust in connection with the loan closing and/or any confirmatory Deed of Trust necessary in connection with this closing. The Seller also specifically grants the settlement agent the authority to execute corrective instruments including but not limited to any deed of conveyance associated with the transaction herein described, or future instruments as relate to the condition of the property.

THIS LIMITED POWER OF ATTORNEY MAY NOT BE USED TO INCREASE THE INTEREST RATE THE UNDERSIGNED IS PAYING, INCREASE THE TERM OF THE UNDERSIGNED'S LOAN, INCREASE THE UNDERSIGNED'S OUTSTANDING PRINCIPAL BALANCE OR INCREASE THE UNDERSIGNED'S MONTHLY PRINCIPAL AND INTEREST PAYMENTS. Any of these specified changes must be executed directly by the undersigned.

This Limited Power of Attorney may not be revoked and shall not be affected by the subsequent disability or incompetence of the Principal.

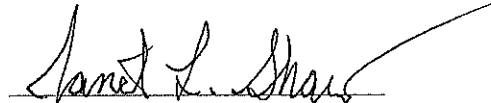
IN WITNESS WHEREOF, the undersigned have executed this Limited Power of Attorney on this the 5th day of April, 2024.



Steven L. Brown



Crystal Viera



Janet L. Shaw

STATE OF MISSISSIPPI
COUNTY OF JACKSON

Personally appeared before me, the undersigned authority in and for the said county and state, on this 5th day of April, 2024, within my jurisdiction, the within named Steven L. Brown, Crystal Viera, and Janet L. Shaw who acknowledged that they executed and delivered the above and foregoing instrument.

WITNESS OUR SIGNATURES AND OFFICIAL SEAL OF OFFICE, this 5th day of April, 2024.

NOTARY PUBLIC

**A. Settlement Statement (HUD-1)**

B. Type of Loan			
1. ☐ FHA	2. ☐ RHS	3. ☐ Conv. Unins.	6. File Number 240175
4. ☐ VA	5. ☐ Conv. Ins.		7. Loan Number
8. Mortgage Insurance Case Number			
C. Note: This form is furnished to give you a statement of actual settlement costs. Amounts paid to and by the settlement agent are shown. Items marked "(p.o.c.)" were paid outside the closing; they are shown here for information purposes and are not included in the totals.			
D. Name and Address of Borrower Steven L. Brown Crystal Viera 11310 Hazel Bounds Rd. Vandervee, MS 39553		E. Name and Address of Seller Janet L. Shaw 174 Deakins Rd. Jonesborough, TN 37659	
		F. Name and Address of Lender	
G. Property Location 5900 Brown Road Gautier, MS 39553		H. Settlement Agent ((228) 818-5552) Andy J. Alfonso, III, Attorney at Law 2112 Bienville Blvd, H1, Ocean Springs, MS 39564	
		Place of Settlement 2112 Bienville Blvd Suite H-1 Ocean Springs, MS 39564	I. Settlement Date 04/05/2024
J. SUMMARY OF BORROWER'S TRANSACTION:		K. SUMMARY OF SELLER'S TRANSACTION:	
100. GROSS AMOUNT DUE FROM BORROWER		400. GROSS AMOUNT DUE TO SELLER	
101. Contract sales price	70,000.00	401. Contract sales price	70,000.00
102. Personal property		402. Personal property	
103. Settlement charges to borrower (line 1400)	979.00	403.	
104.		404.	
105.		405.	
Adjustments for items paid by seller in advance		Adjustments for items paid by seller in advance	
106. City/town taxes to		406. City/town taxes to	
107. County taxes to		407. County taxes to	
108. Assessments to		408. Assessments to	
109.		409.	
110.		410.	
111.		411.	
112.		412.	
120. GROSS AMOUNT DUE FROM BORROWER	70,979.00	420. GROSS AMOUNT DUE TO SELLER	70,000.00
200. AMOUNTS PAID BY OR IN BEHALF OF BORROWER		500. REDUCTIONS IN AMOUNT TO SELLER	
201. Deposit or earnest money	1,000.00	501. Excess Deposit (see instructions)	
202. Principal amount of new loan(s)		502. Settlement charges to seller (line 1400)	4,800.00
203. Existing loan(s) taken subject to		503. Existing loans taken subject to	
204.		504. Payoff of first mortgage loan	
205.		505. Payoff of second mortgage loan	
206.		506.	
207.		507. Deposit being disbursed as proceeds (1,000.00)	
208.		508.	
209.		509.	
Adjustments for items unpaid by seller		Adjustments for items unpaid by seller	
210. City/town taxes to		510. City/town taxes to	
211. County taxes 01/01/2024 to 04/05/2024	356.84	511. County taxes 01/01/2024 to 04/05/2024	356.84
212. Assessments to		512. Assessments to	
213.		513.	
214.		514.	
215.		515.	
216.		516.	
217.		517.	
218.		518.	
219.		519.	
220. TOTAL PAID BY / FOR BORROWER	1,356.84	520. TOTAL REDUCTION AMOUNT DUE SELLER	5,256.84
300. CASH AT SETTLEMENT FROM OR TO BORROWER		600. CASH AT SETTLEMENT TO OR FROM SELLER	
301. Gross amount due from borrower (line 120)	70,979.00	601. Gross amount due to seller (line 420)	70,000.00
302. Less amounts paid by/for borrower (line 220)	1,356.84	602. Less reduction amount due to seller (line 520)	5,256.84
303. CASH FROM BORROWER	69,622.16	603. CASH TO SELLER	64,743.16

SUBSTITUTE FORM 1099 SELLER STATEMENT: The information contained herein is important tax information and is being furnished to the Internal Revenue Service. If you are required to file a return, a negligence penalty or other sanction will be imposed on you if this item is required to be reported and the IRS determines that it has not been reported. The Contract Sales Price described on Line 401 above constitutes the Gross Proceeds of this transaction.

SELLER INSTRUCTIONS: To determine if you have to report the sale or exchange of your primary residence on your tax return, see the Schedule D (Form 1040) Instructions. If the real estate was not your primary residence, complete the applicable parts of Form 4797, Form 6252, and for Schedule D (Form 1040).

TIN#

Janet L. Shaw

L. SETTLEMENT CHARGES:		File Number: 240175		
700. Total Real Estate Broker Fees	4,900.00			
Division of commission (line 700) as follows:				
701. \$	4,900.00 to Coldwell Banker Alfonso Realty			
702. \$	to			
703. Commission paid at Settlement				4,900.00
704.				
705.				
800. Items Payable in Connection with Loan	P.O.C.			
801. Our origination charge	\$ (from GFE#1)			
802. Your credit or charge (points) for the specific interest rate chosen	\$ (from GFE#2)			
803. Your adjusted origination charges	(from GFE A)			
804. Appraisal fee	(from GFE#3)			
805. Credit report	(from GFE#3)			
806. Tax service	(from GFE#3)			
807. Flood certification	(from GFE#3)			
808.				
809.				
810.				
811.				
812.				
813.				
814.				
900. Items Required by Lender to Be Paid in Advance				
901. Daily interest charges from to @\$ /day	(from GFE#10)			
902. Mortgage insurance premium for to	(from GFE#3)			
903. Homeowner's Insurance for to	(from GFE#11)			
904. Flood Insurance Premium				
905. Windstorm Insurance Premium				
1000. Reserves Deposited with Lender				
1001. Initial deposit for your escrow account	(from GFE#9)			
1002. Homeowner's Insurance mo. @ \$ per mo. \$				
1003. Mortgage insurance mo. @ \$ per mo. \$				
1004. City property taxes mo. @ \$ per mo. \$				
1005. County property taxes mo. @ \$ per mo. \$				
1006. Annual Assessments mo. @ \$ per mo. \$				
1007. mo. @ \$ per mo. \$				
1008. mo. @ \$ per mo. \$				
1009. Aggregate Adjustment \$				
1100. Title Charges	SECURITY TITLE EXP OWN/STD LOAN 2019-03-01			
1101. Title services and lender's title insurance	(from GFE#4)		350.00	
1102. Settlement or closing fee	Andy J. Alfonso, III, Attorney at Law \$ 350.00 (from GFE#4)			
1103. Owner's title insurance	Andy J. Alfonso, III, Attorney at Law/Se (from GFE#5)		308.00	
1104. Lender's title insurance				
1105. Lender's title policy limit				
1106. Owner's title policy limit	70,000.00 --- 308.00			
1107. Agent's portion of the total title insurance premium	Andy J. Alfonso, III, Attorney at Law \$ 246.40			
1108. Underwriter's portion of the total title insurance premium	Security Title Guarantee Corp. of Baltimore(S \$ 61.60			
1109. Title Search/Abstract	Andy J. Alfonso, III, Attorney at Law (from GFE#4)		290.00	
1110. Overnight/Wiring	Andy J. Alfonso, III, Attorney at Law (from GFE#4)			
1111. ICPL Fee	Security Title Guarantee of Baltimore (from GFE#4)			
1112.				
1113.				
1200. Government Recording and Transfer Charges				
1201. Government recording charges	(from GFE#7)		31.00	
1202. Deed \$ 31.00 Mortgage \$ Releases \$				
1203. Transfer taxes	(from GFE#8)			
1204. City/county tax/stamps Deed \$ Mortgage \$				
1205. State tax/stamps Deed \$ Mortgage \$				
1206.				
1207.				
1208.				
1300. Additional Settlement Charges				
1301. Required services that you can shop for	(from GFE#6)			
1302. Pest inspection				
1303.				
1304.				
1305.				
1306.				
1307.				
1308.				
1400. Total Settlement Charges (enter on lines 103, Section J and 502, Section K)		979.00	4,900.00	

I have carefully reviewed the HUD-1 Settlement Statement and to the best of my knowledge and belief, it is a true and accurate statement of all receipts and disbursements made on my account or by me in the transaction. I further certify that I have received a copy of the HUD-1 Settlement Statement.

Steven Brown
Steven L. Brown

Crystal Viera
Crystal Viera

Janet L. Shaw
Janet L. Shaw

The HUD-1 Settlement Statement which I have prepared is a true and accurate account of this transaction. I have caused or will cause the funds to be disbursed in accordance with this statement.

Andy J. Alfonso, III, Attorney at Law

DATE

4/5/24

82429350.000 SHAW JANET L

PIDN: 82429350.000

GISP: 779.29-00-0044.00

Owner Information

Percent of Ownership: 100

Name: SHAW JANET L

Name 2:

Mailing Address: 16912 EMILY CAULEY RD

MOSS POINT MS

39562

Site Address: 5900 BROWN RD GAUTIER

Land Information

Section: 29

Acreage: 3

Township: 7

Range: 7

Street Name BROWN
RD

Value and Tax Information

Total Assessed Value: 8940

Total Appraised Value: 59596

Improvement Value: 30626

Land Value: 28970

Tax Amount: 1322

SQ FT: 1226

Year Built: 1970

Legal Description

Description: COM NE COR NE1/4 NW1/4 S 330' TO

POB W 544' S 240' E 544' N 240'

TO POB SEC 29-7-7 DB 936-109 (4

4 Map779.29)

Deed Book / Page: 936 / 109

82429350.000 SHAW JANET L



Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department

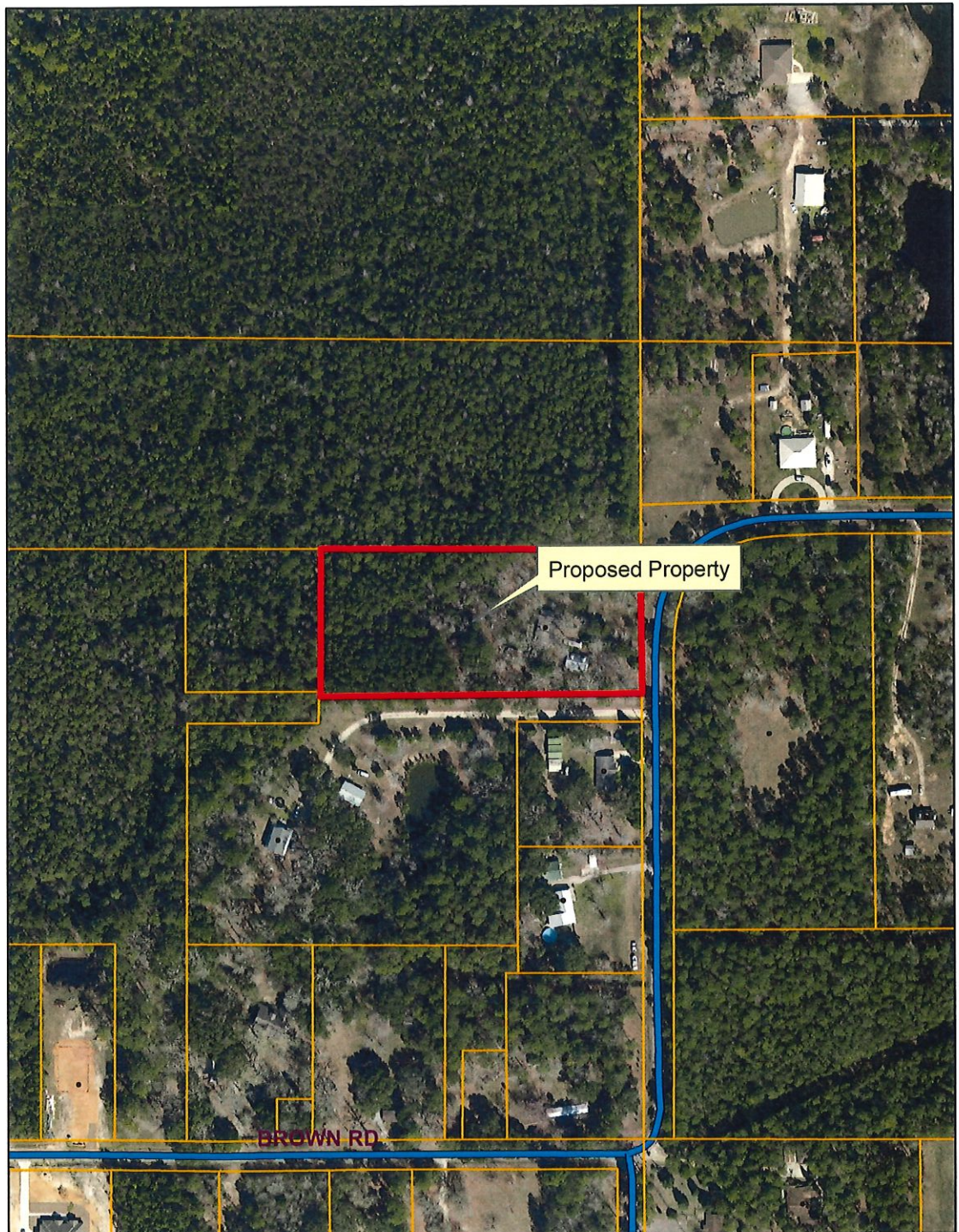


Exhibit B

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

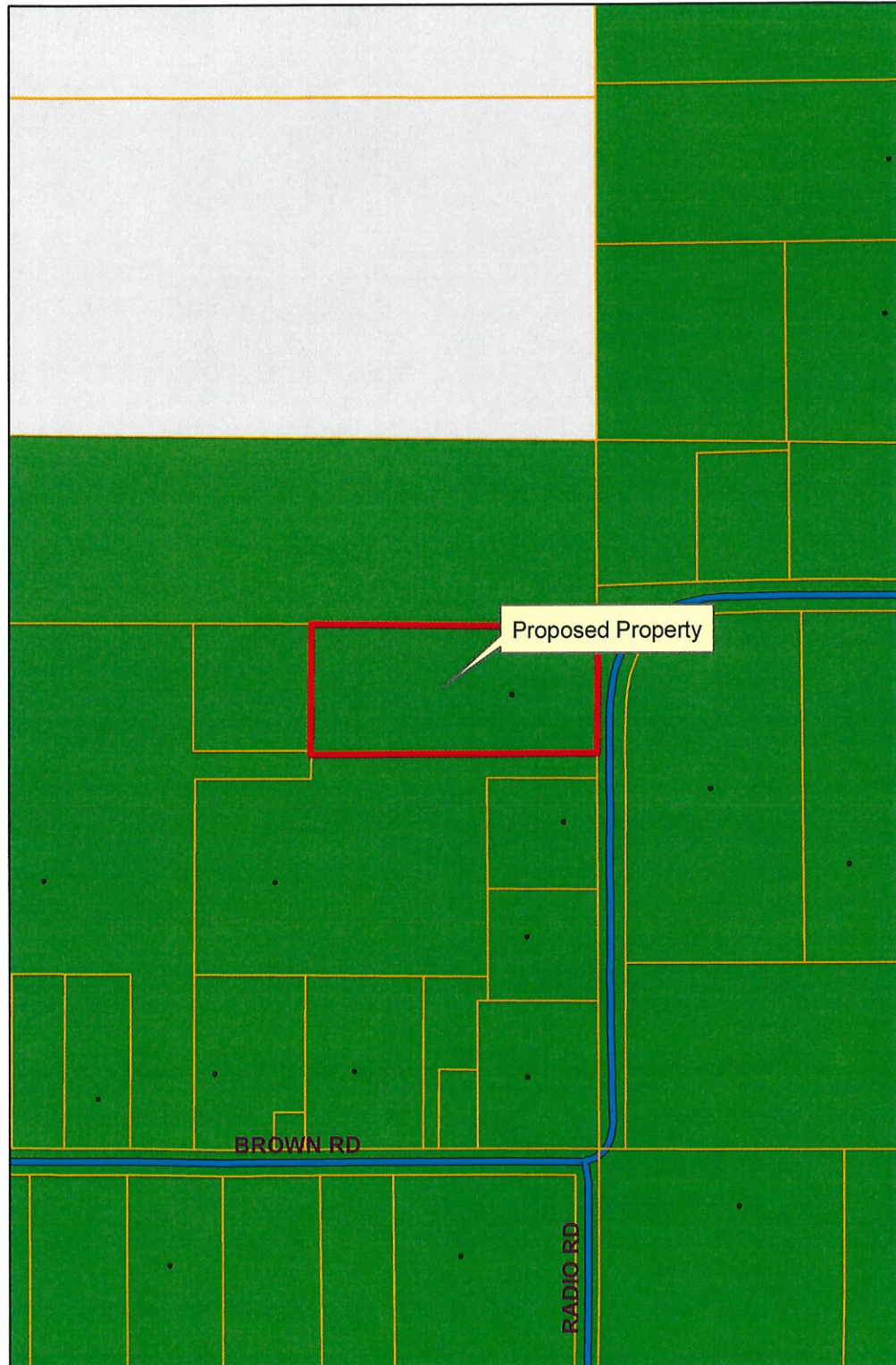


Exhibit C

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

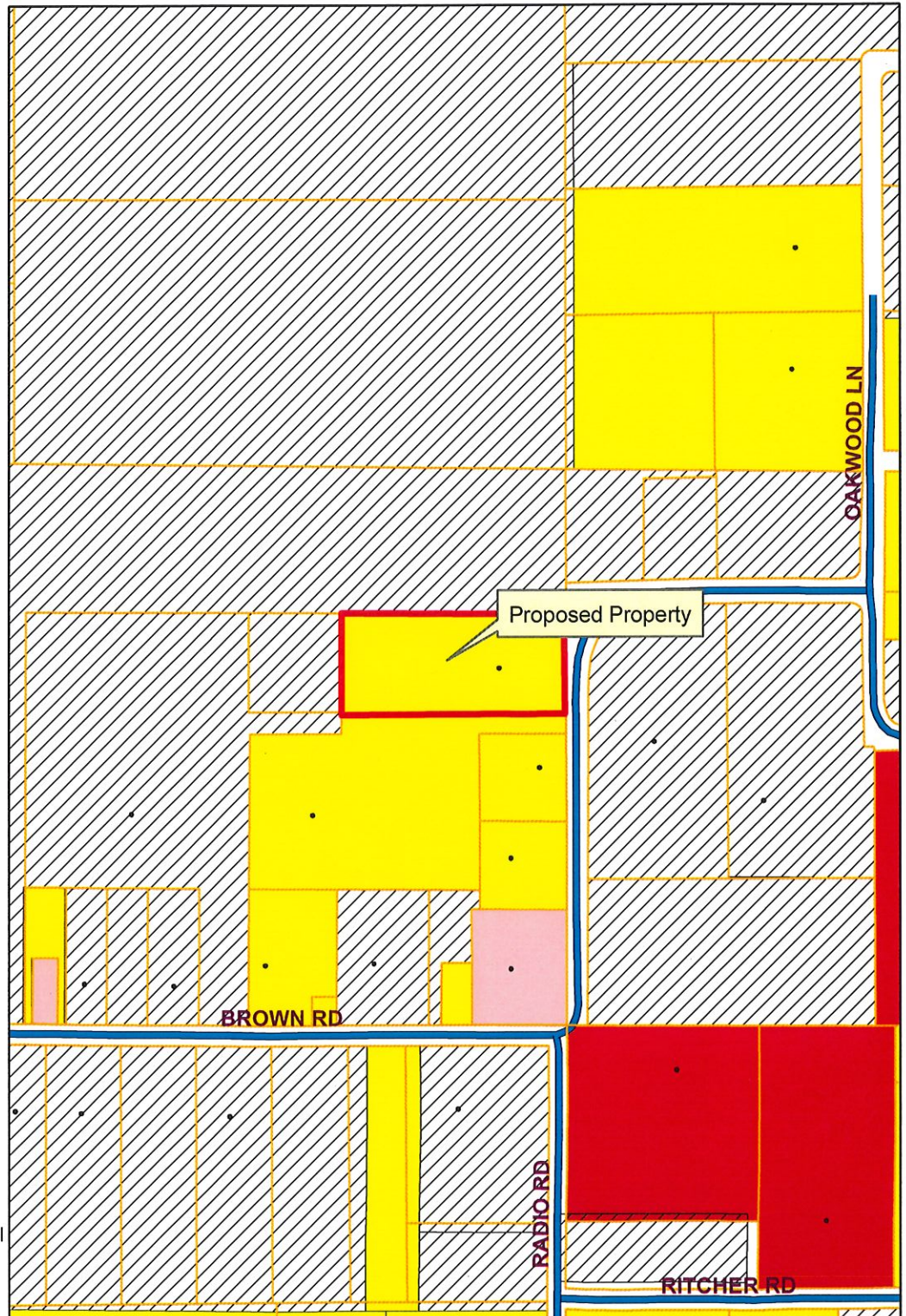


Exhibit D

Future Land-Use

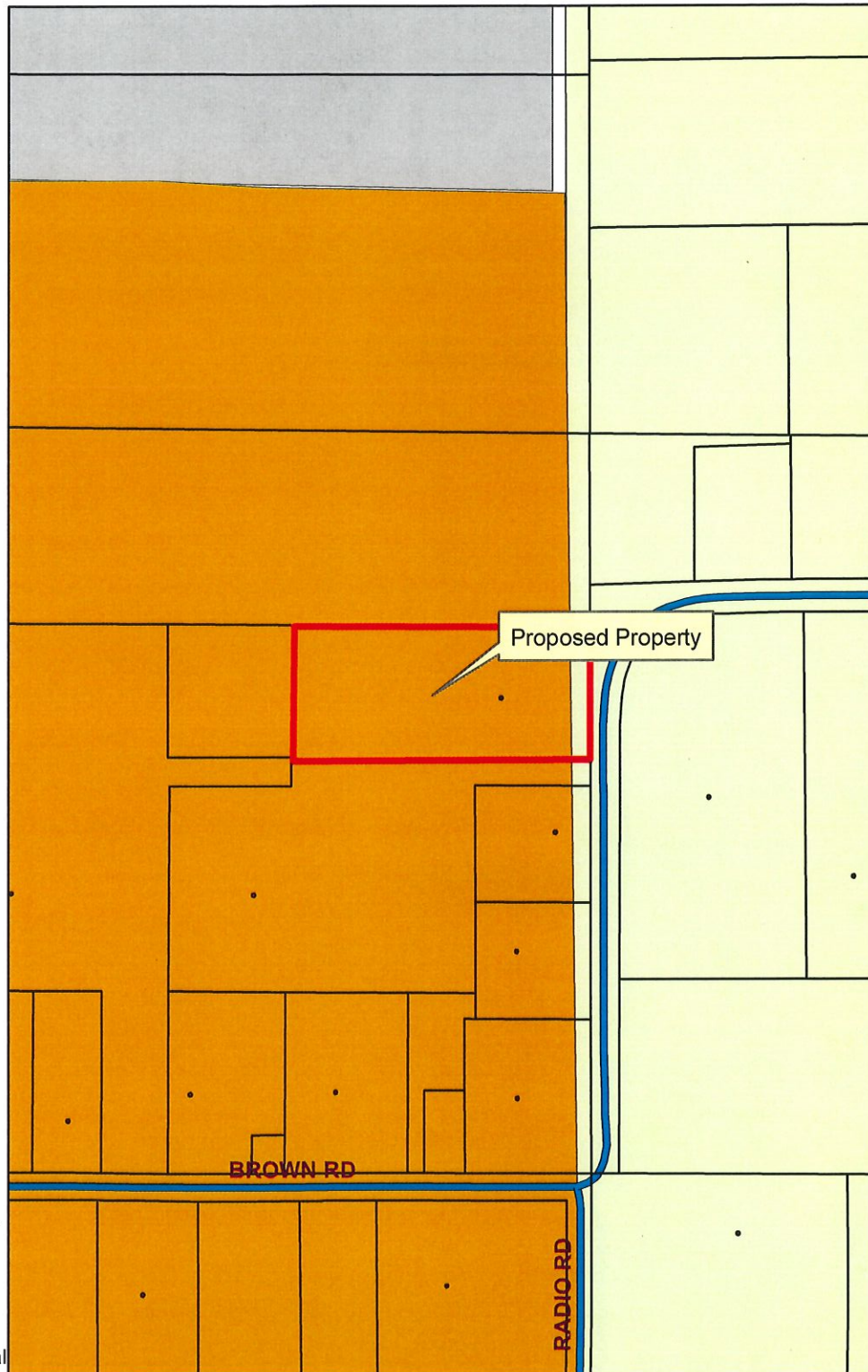
Prepared By:
City of Gautier
Planning Department

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



Barbara Logan

From: Lee Bond
Sent: Thursday, May 30, 2024 8:51 AM
To: Barbara Logan
Subject: Brown Road apartment application

Good morning,

I would like it to be known that I would **oppose** individuals living in a makeshift garage/ apartment while waiting to build a house.

Lee Bond
5701 Brown Road

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