

AGENDA
GAUTIER PLANNING COMMISSION
August 7, 2025
5:30 PM

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE (VOLUNTEER)

III. APPROVAL OF AGENDA

IV. APPROVAL OF MINUTES

1. Approval of Minutes from June 5, 2025

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

VI. OLD BUSINESS

VII. NEW BUSINESS

1. Consider a request for a Special Exception that would allow a manufactured home in a MURC-MW Mixed Use Recreation Commercial Zoning District. 3032 Mary Walker Drive, Lot #5, PID #87010063.000. (GPC #25-30-SE)
2. Consider a request for a Special Exception that would allow a monopine wireless tower in a C-1 Neighborhood Commercial Zoning District. Ladnier Road, PID #82513320.025. (GPC #25-34-SE)
3. Consider a request for a twenty-three foot (23') variance from a telecommunication tower to the nearest residence in a C-1 Neighborhood Commercial Zoning District. Ladnier Road, PID #82513320.025, (GPC #25-35-VAR)
4. Consider a request for a Property Owner Initiated Rezoning of Property located at PID #82438100.130, Old Spanish Trail, from R-1 Low Density Single-Family Residential to PUD Planned Unit Development. (GPC #25-36-RZ)

VIII. GENERAL DISCUSSION

1. PREVIOUS CASE UPDATES

2. PERMIT & TRC REPORTS

IX. ADJOURN

JUNE 5, 2025
GAUTIER, MISSISSIPPI

BE IT REMEMBERED that a meeting of the Gautier Planning Commission of The City of Gautier, Mississippi, was held on June 5, 2025, 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 (by phone), Maurice Hudson, and Chris Hoover. Also present were Scott Ankerson, Planning Director, Josh Danos, City Attorney, and Babs Logan, Planning Technician. Absent were Commissioners William Davis and Ricky Decoteau.

AGENDA
GAUTIER PLANNING COMMISSION

JUNE 5, 2025

5:30 P.M.

- I. CALL TO ORDER**
- II. PLEDGE OF ALLEGIANCE (VOLUNTEER)**
- III. APPROVAL OF AGENDA**
- IV. APPROVAL OF MINUTES (MARCH 6, 2025, APRIL 3, 2025, & MAY 1, 2025)**
- 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 LaTanya Lett, owner of O'Pink's Sweets Treats & More
 - 2. Consider a tabled request for a Special Exception that would allow a duplex in a R-1 Low Density Single-Family Residential Zoning District. 3517 Raintree Drive, PID #82434083.000. (GPC #25-18-SE)
 - 3. Consider a request for a seven-foot (7') variance to side yard setback requirements for an accessory building in a MURC-MW Mixed Use Recreation Commercial - MW Zoning District. 3205 Oak Street, PID #87420002.000 & #87420001.060, (GPC #25-24-VAR)

4. Consider a request for a nine-foot (9') variance to secondary front yard setback requirements for an accessory building in a R-1 Low Density Single-Family Residential Zoning District. 5917 Old Spanish Trail, PID #82432005.000, (GPC #25-25-VAR)
5. Consider a request for a Property Owner Initiated Rezoning of Property located at 7313 Martin Bluff Road, PID #85432006.000 & #85432007.000, from R-1 Low Density Single-Family Residential to C-2 Community Commercial (GPC Case No. 25-26-RZ)
6. Consider a request for a Property Owner Initiated Rezoning of Property located at PID #82438110.000, Old Spanish Trail, from R-1 Low Density Single-Family Residential to PUD Planned Unit Development, and to amend a previously approved PUD Plan for PID #82438100.125 & #82438100.000. (GPC Case No. 25-27-RZ)

VIII. GENERAL DISCUSSION

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

IX. ADJOURN

Commissioner Hudson made a motion to approve the Agenda.

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

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

ABSENT: **William Davis**
 Ricky Decoteau

Motion Passed

Commissioner Hudson made a motion to approve March 6, 2025, minutes.

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

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

ABSENT: William Davis
Ricky Decoteau

Motion Passed.

Commissioner Hoover made a motion to approve April 3, 2025, minutes.

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

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

ABSENT: William Davis
Ricky Decoteau

Motion Passed.

Commissioner Hudson made a motion to approve May 1, 2025, minutes.

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

AYES: Kay C. Jamison
Josh Ward
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 LaTanya Lett, owner of O'Pink's Sweets Treats and More

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 2024 award winner, LaTanya Lett, owner of O'Pink's Sweets Treats and More, by giving a little history about the owner and her business.

LaTanya created O'Pink's Sweets Treats & Moore in 2016. The name was inspired by her late mother, Ollie Pink Fountain-Dubose, who was an amazing cook and best known for her homemade pound cakes, tea cakes, and cheesecake pies. All the baking at O'Pink's is done exclusively by LaTanya who says she is basically self-taught but was definitely inspired by her mother. Her shop on Gautier Vancleave Road officially opened in August of 2021 where she offers all types of treats, such as cupcakes, cookies, pralines, banana pudding, and gourmet hand-crafted cheesecake. She has recently added homemade Viral Dubai Chocolate Cups, and homemade chicken salad on the go, to her menu. You can also find her sweets through valued local partners like Killer Crab Seafood (Gautier and Ocean Springs), and Burnham's Drugs (Moss Point).

LaTanya says she enjoys spending time with her husband, son, family and friends when she isn't baking. She also enjoys working out and traveling.

Mrs. Lett likes to contribute to her community. Some of the ways she has contributed are by sponsoring youth baseball and football teams, donating prizes for the Gautier Senior Citizens luncheons, and donating gift cards for various fundraisers in the community.

Chairman Jamison then presented the award to LaTanya Lett, owner of O'Pink's Sweets Treats and More. Mrs. Lett, Mr. Moran's widow, and his daughter were presented with a bouquet of flowers.

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2. Consider a tabled request for a Special Exception that would allow a duplex in a R-1 Low Density Single-Family Residential Zoning District. 3517 Raintree Drive, PID #82434083.000. (GPC #25-18-SE)

Scott Ankerson, Planning Director, gave a brief overview of the case. He reminded Commissioners that this case was tabled from the previous meeting because the applicant could not be present and her representative stated that the applicant did not want to keep a duplex on the property. The representative's statement did not agree with the information on the application. Mr. Ankerson had advised at the previous meeting that there had been several permits issued recently on this street for new single-family homes. The structure in question was built in 1971, and his research shows that it was originally built as a single-family home and was later turned into a duplex.

REQUEST:

The Planning Department has received a request from Noelia Jimenez & Imer Perez dba J & G Real Estate Investment, LLP, for a Special Exception that would allow a duplex in a R-1 Low Density Single-Family Residential Zoning District at 3517 Raintree Drive, PID #82434083.000. (GPC #25-18-SE). The application fee of \$250 was paid on March 24, 2025. All public notice requirements have been met.

BACKGROUND:

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

1. Location: 3517 Raintree Drive, PID #82434083.000 (See Exhibit A)
2. General features of the proposed project:
 - Lot Size: approximately 0.3 acres
 - Pre-existing duplex – no power in either unit since September 2021
3. Potable Water and Wastewater Services: Available at current location
4. Current Zoning (See Exhibit B): R-1 Low Density Single-Family Residential

5. Current Surrounding Zoning (See Exhibit B): R-1 Low Density Single-Family to west, south, and east; AG Agricultural to the north.
6. Current Surrounding Existing Land Use (See Exhibit C): Vacant to the north and south, Very low to low density residential to the east and west.
7. Comprehensive Plan Future Land Use Designation (See Exhibit D): Medium Density Residential

DISCUSSION:

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

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

Applicant Response: *It was previously a duplex.*

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: *This will not be injurious to the neighborhood or the general welfare.*

Staff Finding: *It is staff's opinion that this will not be injurious to the neighborhood or the general welfare.*

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

Applicant Response: *Because it was previously a duplex.*

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.

Chairman Jamison asked the applicants to present the case.

Noelia Jimenez, applicant, said she and her husband are investors, and they purchased the property in March with the intent of redoing it as a duplex. When they came to the Planning Department to get a permit to renovate the structure, they found out that a duplex is not allowed there, and they would have to get permission to renovate it as a duplex.

Chairman Jamison explained that the property is zoned Single-Family Residence which is why she had to get permission for a duplex. She said the duplex was probably grandfathered in, but when it went without power for 180 days it lost grandfathered status.

William Smith, resident of Raintree Drive, stated that he had lived on Raintree Drive since 2009 and the last family that lived on this property left it in shambles. He said a lot of people in the neighborhood would like to see the house torn down. The community is being built up right now with new single-family houses. There is one landowner that is waiting to see if a duplex is going to be allowed, and if it is, all he is going to build is duplexes and the community does not want duplexes.

Chairman Jamison noted that the applicant's representative stated last month that they did not want to make it a duplex and asked the applicant what she was wanting to do.

Ms. Jimenez said she was not able to be at the first meeting and the representative just got confused. They do want to make it a duplex like it is now.

Commissioner Hoover asked if they were going to use it as a rental or sale it.

Ms. Jimenez said they have some properties for rental and some that are for Airbnb. They make their final decision after the renovation is finished, and they see how much they have invested in it.

Commissioner Hudson asked if as an investor, did they do their research to know the regulations.

Ms. Jimenez said they did. She said they didn't know about the Special Exception. They started this business not too long ago and this is the first time they have had a problem.

Commissioner Hoover explained the grandfathered status again and noted that as dilapidated as the structure is it almost seems that with the amount of time and money they would have to put into it, it would be just as easy to make it into a single-family home and meet the requirements of UDO.

Chairman Jamison said she thought by allowing a duplex, they would be doing an injustice to that neighborhood that is currently building new single-family homes.

Commissioner Ward said he had actually met with some of the neighbors, and they had zero appetite for a duplex.

ACTION TAKEN:

Chairman Jamison made a motion to deny the request.

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

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

ABSENT: **William Davis**
 Ricky Decoteau

Motion passed.

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3. Consider a request for a seven-foot (7') variance to side yard setback requirements for an accessory building in a MURC-MW Mixed Use Recreation Commercial - MW Zoning District. 3205 Oak Street, PID #87420002.000 & #87420001.060, (GPC #25-24-VAR)

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

Chairman Jamison asked Mr. Ankerson if he had actually measured to see if the measurements shown were correct.

Mr. Ankerson stated that the measurements were based off of the applicant's application. He said he did talk to the Building Inspector who pretty much verified the measurements. Staff doesn't usually go out at this point and check measurements because it would require a surveyor to mark the lines which would cost the applicant money, and the request could be denied. If it were approved, we would require a survey so we could measure when it comes to placing the building and pouring the slab.

Chairman Jamison said she had viewed the property and noted that the applicant's drawing doesn't show the air conditioner which is about four feet from the house where he wants to put the shed.

Mr. Ankerson said he thought the applicant was going to have the air conditioner underneath the structure, but she could check with him.

REQUEST:

The Planning Department has received a request from Clarence E. Derrington, III for a seven-foot (7') variance to side yard setback requirements for an accessory building in a MURC-MW Mixed Use Recreation Commercial - MW Zoning District at 3205 Oak Street,

PID #87420002.000 & #87420001.060, (GPC #25-24-VAR). The application fee of \$175 was paid on April 10, 2025. All public notice requirements have been met.

BACKGROUND:

The applicant would like to put a 12' x 35' portable boat shed on the side of his house. There is approximately 13.4' between his house and his side property line. He stated that he would like to have about 10" to 12" between his home and the boat shed which would leave about 6" between his shed and the side property line. Per the Unified Development Ordinance (UDO), the required side setback in a MURC-MW District is 7.5'. The applicant will need a seven-foot (7') variance to side yard setback requirements.

DISCUSSION:

The applicant is asking for a seven-foot (7') variance to side yard setback requirements in a MURC-MW District. He is wanting to put a portable boat shed on the side of his house that will be approximately 6" from the side property line. A 7.5' side yard setback is required in a MURC-MW District. The applicant would need a 7' variance to side yard setback requirements.

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.

Clarence Derrington, the applicant, stated that the air conditioner was far enough back that he was going to put the shed just in front of it.

Chairman Jamison asked if the shed was going to be behind the front of the house.

Mr. Derrington said that it would stick out beyond the front of the house about 4 or 5 feet. The shed was just a place to cover his boat that he has been parking there from time to time. He wants to keep it out of the weather.

Chairman Jamison told him that it could not come past the face of the house.

Mr. Ankerson asked him if it would be connected to the primary structure.

Mr. Derrington said it would not.

Mr. Ankerson explained that because it was an accessory structure it would not be allowed to be in front of the house without a variance. He would need a second variance to allow it in front of the house. If he connected it to the house, it would then be an addition and become part of the house. If that were the case, then he would only need the requested variance.

Chairman Jamison asked if he wanted to attach the structure to the house would the Commission have to table the presented request and have him redo the request package.

Mr. Ankerson said that he thought that because it would be less of a variance, the request could still move forward.

Josh Danos, City Attorney, said that was correct.

Mr. Ankerson said the only concern Staff had with the request was the idea of the watershed from the roof line ending up on the neighbor's property. If he attached the structure to the house that would give more space between the roof line and the adjoining property.

Mr. Derrington said he spoke to the immediate neighbors around it and nobody had any problems with it.

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 with the change that the proposed has to be attached to the primary structure.

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

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

ABSENT: **William Davis**
 Ricky Decoteau

Motion passed.

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4. Consider a request for a nine-foot (9') variance to secondary front yard setback requirements for an accessory building in a R-1 Low Density Single-Family Residential Zoning District. 5917 Old Spanish Trail, PID #82432005.000, (GPC #25-25-VAR)

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

REQUEST:

The Planning Department has received a request from John Teachnor for a nine-foot (9') variance to secondary front yard setback requirements for an accessory building in a R-1 Low Density Single-Family Residential Zoning District at 5917 Old Spanish Trail, PID #82432005.000, (GPC #25-25-VAR). The application fee of \$175 was paid on May 5, 2025. All public notice requirements have been met.

BACKGROUND:

The applicant would like to put a 30' x 60' metal garage on the side of his house. The applicant lives on a corner lot and the garage would be located within the secondary front yard. He would like to place the garage 16' from the property line within the secondary front yard. The Unified Development Ordinance (UDO) requires a 25' setback in a secondary front yard in a R-1 Low Density Single-Family Residential District. The applicant will need a nine-foot (9') variance to secondary front yard setback requirements.

DISCUSSION:

The applicant is asking for a nine-foot (9') variance to secondary front yard setback requirements in a R-1 District. He wants to put a metal garage within the secondary front yard setback of his lot. The garage would be 16' from the property line and the UDO requirement is 25'.

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.

John Teachnor, applicant, said he wants to put a 30' x 60' garage/workshop on the side of his house. When he bought the property, he thought it was in the county, so he hired a contractor to pour the cement for the garage. He then found out that he was in the city and the contractor he hired apparently didn't know the rules and didn't get the proper permits.

Chairman Jamison asked Mr. Ankerson where the County line starts.

Mr. Ankerson advised that on the north side of Old Spanish Trail it starts at Hwy 57. On the south side of Old Spanish Trail, it starts at Old Shell Landing Road. He explained that the applicant is on the east side of Old Shell Landing which is Gautier City limits. The west side is Jackson County.

Chairman Jamison said the slab looked bigger than the house and an accessory structure was not allowed to be more than 50 percent of the primary structure.

Mr. Ankerson reminded her that requirement had been changed last year to no more than 40 percent of the rear lot. They removed the 50 percent of the primary structure regulation out of the ordinance.

Chairman Jamison noted that it is only the back corner that is too close to the property line.

Mr. Teachnor said the height of the garage would not be over the top of the house. It would only be about 15 feet.

Chairman Jamison suggested the City contact the contractor that poured the slab and file a grievance against them.

Mr. Ankerson said grievances were filed with the Mississippi State Board of Contractors, if they are a licensed contractor.

Randy Williams, close neighbor, said he doesn't know of anyone in the neighborhood that has an issue with it. It really fits in with the rural area and there are a few other large shops in the area.

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

ACTION TAKEN:

Chairman Jamison made a motion to recommend that the City Council approve the variance as presented.

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

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

**ABSENT: William Davis
Ricky Decoteau**

Motion passed.

5. Consider a request for a Property Owner Initiated Rezoning of Property located at 7313 Martin Bluff Road, PID #85432006.000 & #85432007.000, from R-1 Low Density Single-Family Residential to C-2 Community Commercial (GPC Case No. 25-26-RZ)

Scott Ankerson, Planning Director, gave a brief overview of the case. He noted that the east two-thirds of the parcels are zoned C-2 Community Commercial and the rear, approximately one-third, is zoned R-1 Low Density Single-Family Residential. These are split zoned parcels.

Chairman Jamison asked Mr. Ankerson how much attention should be given to the Future Land Use designation.

Mr. Ankerson said that in his opinion this is a mistake in the original zoning, so it very well could have been a mistake in the planning of the Future Land Use as well.

Josh Danos, City Attorney, advised that the only criteria that the application is being made on is a mistake in the original zoning, so if the Commission finds that the original zoning was a mistake, then future land use shouldn't impact that decision.

REQUEST:

The Planning Department has received a request from Henry "Hank" B. Zuber, III dba HBZ, LLC VII for a proposed Amendment of the Official Zoning Map of the City of Gautier, Mississippi. The request is to rezone a portion of two adjoining parcels known as 7313 Martin Bluff Road, PID #85432006.000, & 85432007.000, from R-1 Low Density Single-Family Residential to C-2 Community Commercial. More than half of each parcel is currently zoned C-2 Community Commercial, and the other portion is zoned R-1 Low Density Single-Family Residential. (GPC Case No. 25-26-RZ). The application fee of \$300 was paid on May 7, 2025. 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: 7313 Martin Bluff Road, PID #85432006.000, & 85432007.000 (See Exhibit A)
2. Existing Zoning: C-2 Community Commercial & R-1 Low Density Single-Family Residential (See Exhibit B)

UDO 5.3.8 C-2, Community Commercial District - Purpose and intent. The purpose of this district is to provide areas of medium density commercial including a mixture of retail, professional services, and studios which cluster together. Community Commercial Districts are located primarily along transportation collectors such as Gautier-Vancleave. The co-location of professional services and civic uses shall be encouraged to strengthen industry and provide an attractive, pedestrian scale commercial corridor into the City.

UDO 5.3.3 R-1, Low Density Single-Family Residential District - Purpose and intent. The purpose of this district is to provide areas where the principal use of land is for single-family detached dwelling units and related recreational facilities which compliment the area and provide a balanced and attractive residential area. R-1 areas are to be specifically designed to provide for the quiet enjoyment of the uses therein. They should have well defined boundaries and be protected from the encroachment of commercial uses and heavy through traffic.

DATA AND ANALYSIS:

Property requested for Rezoning: 7313 Martin Bluff Road, PID #85432006.000, & 85432007.000.

Location: Ward 4

Current Zoning of the Request Property: C-2 Community Commercial & R-1 Low Density Single-Family Residential

Existing Land Use: Very low to low density residential. (See Exhibit C)

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

Surrounding Zoning: C-2 Community Commercial to the North and South, R-1 Low Density Single-Family Residential to the North, South, East, and West.

HISTORY:

This property has several older vacant structures on it. Currently a portion of the property is zoned C-2 Community Commercial, and a portion is zoned R-1 Low Density Single-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 entire subject area to C-2 Community Commercial; or
2. Recommend that City Council deny the Rezoning.

Chairman Jamison asked the applicant to present his case.

Henry “Hank” Zuber, the applicant, stated that he didn’t really have anything to add to what had been said except that the north parcel is about 95 to 98 percent commercial and the southern parcel is about 70-85 percent commercial presently.

Chairman Jamison asked what his intent was for the parcels if they were zoned commercial.

Mr. Zuber said he didn’t have any concrete intentions right now, he may sell it or possibly do some kind of covered storage on it, or he may keep it and not do anything with it.

Chairman Jamison asked if a business could be put on the property with the way it is currently zoned.

Mr. Ankerson advised that they could place a business within the C-2 portion of the parcels.

Chairman Jamison restated what had been said for clarity that the Commission could either approve the request and make the parcels entirely C-2, or they could deny the

request and the parcels would remain split zoned as they are currently. Even if they deny the request a business could still be placed on the parcel, as long as they are in the C-2 portion of the parcels. She stated that she had hoped some residents would be present to share how they felt about the rezoning. She asked **Babs Logan**, the Planning Technician, if we had received any letters regarding the request.

Ms. Logan told her that we had received a phone call from a resident that did not want the property to be rezoned to C-2. She said she had tried to explain to him that a business could be placed on the property as is because of the C-2 zoning on the front of the property. He said he was going to be at the meeting along with many other residents.

Mr. Ankerson said that it is his opinion that there was a mistake in the zoning. He believes that when the Comprehensive Rezoning was done in 2010, they looked at the area as a whole and decided that we needed to allow some more commercial use in this area based on some commercial use that was existing. He believes that split zoning a parcel was a mistake. He thinks they should have zoned the entire parcel C-2. It fronts Martin Bluff Road and most of the parcel is zoned C-2. The applicant could put a commercial C-2 allowed use on the parcel now, he just wouldn't be able to encroach the R-1 portion of the parcels. Approving the request would be zoning the entire parcel to C-2 and bringing it into harmony with what he believes the intent of the Comprehensive rezoning was.

Commissioner Hudson said the hardest part about this is the intent of the initial zoning versus what they are dealing with now which is residential people around it.

Mr. Ankerson explained that our Ordinance takes that into consideration and the way it does that is to require buffers to be placed, not only between differential zoned parcels, but between differential uses also. If they were to put a C-2 use on this parcel, because of the residential area, they would be required to put a buffer zone between the uses. The buffer zone would be from a 10'–40' wide buffer, depending on what the two designations were. The buffer would be bushes, shrubs, or trees, and a 6' fence. In this case, the buffer would only be required around the R-1 portion. This buffer would be required even if the parcels are completely zoned C-2 because of the different uses.

Commissioner Ward stated that he felt Commercial property would help with future development in that area along Martin Bluff Road.

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

ACTION TAKEN:

Commissioner Hudson made a motion to recommend approval of the rezoning of the entire parcels to C-2 Community Commercial.

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

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

**ABSENT: William Davis
Ricky Decoteau**

Motion passed.

6. Consider a request for a Property Owner Initiated Rezoning of Property located at PID #82438110.000, Old Spanish Trail, from R-1 Low Density Single-Family Residential to PUD Planned Unit Development, and to amend a previously approved PUD Plan for PID #82438100.125 & #82438100.000. (GPC Case No. 25-27-RZ)

Scott Ankerson, Planning Director, gave a brief overview of the case. He reminded Commissioners that this property was rezoned to a PUD Planned Unit Development in 2019. The Ordinance requires that when a property is zoned to PUD, the applicant has to present the PUD plan which is approved along with the rezoning. Since the applicant is not following the original approved PUD, they are asking to amend the original PUD agreement and request to add a parcel to that PUD zoning which is currently R-1. The new parcel is the parcel on the east side of Ocean Estates. The parcels on the west side of Ocean Estates were previously approved for a PUD plan and they are asking to amend that original plan. The amendments could be a change in setbacks, lot sizes, etc. Everything is described in the application.

Josh Danos, City Attorney, explained that they are asking for two separate actions. One is the approval of the new PUD plan for the old parcels, and the second is to rezone the east parcel with the new plan.

Chairman Jamison asked if the Commission denied the request, could they still build the original PUD on the west side of Ocean Estates.

Mr. Danos said they could not because the original PUD plan had expired.

Mr. Ankerson stated that the applicant had three years to proceed with the approved PUD plan, or the PUD overlay is removed and the property reverts back to its original zoning, according to the UDO.

REQUEST:

The Planning Department has received a request from Elliott Land Developments, LLC for a Rezoning of property located at PID #82438110.000, Old Spanish Trail, from R-1 Low Density Single-Family Residential to PUD Planned Unit Development, and to amend a previously approved PUD Plan for PID #82438100.125 & #82438100.000. The application fee of \$300 was paid on April 22, 2025. 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: Old Spanish Trail, PID #82438110.000, #82438100.125 & #82438100.000. (See Exhibit A)
2. Existing Zoning: PID #82438100.125 & #82438100.000 is PUD Planned Unit Development, PID #82438110.000 is R-1 Low Density Single-Family Residential. (See Exhibit B)

UDO 5.3.3 R-1, Low Density Single-Family Residential District - Purpose and intent. The purpose of this district is to provide areas where the principal use of land is for single-family detached dwelling units and related recreational facilities which compliment the area and provide a balanced and attractive residential area. R-1 areas are to be specifically designed to provide for the quiet enjoyment of the uses therein. They should have well defined boundaries and be protected from the encroachment of commercial uses and heavy through traffic.

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: Old Spanish Trail, PID #82438110.000. (PID #82438100.125 & #82438100.000, Old Spanish Trail, - amendment of previously approved PUD plan)

Location: Ward 1

Current Zoning of the Request Property: R-1 Low Density Single-Family Residential (Property for PUD plan amendment zoned PUD Planned Unit Development)

Existing Land Use: Vacant. (See Exhibit C)

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

Surrounding Zoning: R-1 Low Density Single-Family Residential to North, South, East & West

HISTORY:

All the subject property is vacant. PID #82438100.125 & #82438100.000 were rezoned from R-1 Low Density Single-Family Residential to PUD Planned Unit Development in April 2019. Although the zoning remains PUD, the applicant never proceeded with the PUD plan that was approved.

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 for clarification of the present zoning.

Mr. Danos said the west side is a PUD with no plan. He explained that it is still zoned a PUD because Council never took action to revert it back to R-1. Because the PUD plan has expired, they can't build it out as a PUD until they get a new PUD plan approved.

Mr. Ankerson explained that if anyone wanted to build on it right now, they would have to build to the standards of an R-1, which is what the underlying district was.

Chairman Jamison asked the applicant to present his case.

Donovan Scruggs, representative for Elliott Land Developments, said the applicant plans to develop the three parcels as a PUD to be known as Seagrass East and Seagrass West. In addressing the change in the character of the surrounding area for the zoning change for the east parcel, he said the area had changed a good bit over the years.

After Hurricane Katrina, Ocean Estates was constructed, as well as Fairfield Place. In more recent years in the unincorporated area, Palmetto Pointe has expanded. The growth near the Ocean Springs High School has brought more homes and traffic to the area. The PUD plan that is proposed is called a Conservation Subdivision which means making the lots somewhat smaller but in doing so actually leaves more of the wetlands and natural landscape. The original PUD showed 332 dwelling units on 88 acres. The current PUD plan only has 273 lots on 88 acres which is more compact and has more green space. He noted that there may be some concern about the connecting point to Fairfield Place on the west side. He had heard that some residents of Fairfield Place had concerns that the connection to their neighborhood may not be a good thing. Fairfield Place was constructed around 2008 or 2009 and had dead end stub streets that were intended to connect to future phases which did not happen. He said they had no issue if the connection was not wanted.

Mr. Danos stated that part of the reason for that exit was their intention to comply with our Fire Code. He advised that they had spoken with the Fire Chief and he does not need that exit now.

Mr. Scruggs said it would be a good idea to keep a pedestrian gate that would allow residents to go back and forth without having to walk down Old Spanish Trail with all the traffic.

Mr. Scruggs said the lot sizes are fairly consistent with the original PUD plan. The PUD plan does provide buffer areas between all adjoining properties with the exception of where they were going to tie into Lindsey Lane.

Chairman Jamison asked about the provided information saying the houses would be between 1500 and 4000 square feet. She noted that 4000 square feet is a very large home.

Mr. Scruggs said he anticipated that the majority of the homes would most likely be a little over 2000 square feet. Plans have a few homes for 4000 square feet. Most of the houses will be built as they are sold. There will be some spec houses built. In addressing the public need, he said there is a need to keep people inside the incorporated area. Over the last few years some of the unincorporated areas have grown faster than the incorporated areas. He noted that they have expanded the amount of property and reduced the number of units from the original plan.

Chairman Jamison asked which school district the development would be in.

It was determined that the west parcels would be in the Ocean Springs School District and the east parcel would be in the Gautier School District.

William Kerner, 5713 Old Spanish Trail, stated that he had a paper from the Corp of Engineers on the project. The project is for 105 acres. Over 100 acres are considered wetlands by the Corp of Engineers. The applicant wants to fill in 75 acres of that. With 320 additional concrete slabs and concrete drives, the retention ponds will not hold back the water during a tropical storm or hurricane. He was also concerned with the smoke that they would be breathing with the clearing, etc. He felt the Ocean Springs School District should know about the number of houses that would be built in their school district because it would affect them.

Tommy Krumland, 5821 Perdido Key Lane, said that each house on his road is a two acre lot. A lot of people in the area were against the original PUD plan but didn't want to fight so they asked for a buffer between their subdivision and the PUD. Having 300 homes across the street is not something they want, but there might something they all can agree on to help the situation such as buffers, etc. There are canals or drainage areas to the south that are not being maintained. Could they be made to maintain them, because the runoff from the PUD will be substantial.

Justin Lovorn, 5836 Perdido Key Lane, asked for clarification as to what the applicant is asking for. He understood that they were asking for a rezoning from R-1 to their PUD plan on the eastern portion, but he was a little confused about the western portion. The way he reads the UDO is if they sit on their hands for three years, like they did, it says that it shall revert back to what it was previously. It doesn't say it shall revert back on action of the board or council. It appears to him that it has reverted back to R-1, and they are not just asking to amend the previous PUD but to rezone R-1 into a PUD and accept the new PUD plan. He also said it was his understanding that they could not build the original PUD plan now.

Mr. Danos said the Ordinance does say that the zoning shall revert back, and in his opinion, it takes Council action. His understanding of the zoning law is that you can't set up a temporary rezoning. He agrees that the plan expires and goes away after three years, but he doesn't believe under Mississippi law, regardless of what the Ordinance says, that you can have a temporary zoning district. He also advised that it was a PUD zone without a plan, so if they were to build it would be under the regular R-1 regulations.

Mr. Lovorn said that he was at the meeting to object. He said that one of the main reasons his family moved to Perdido Key Lane was because it was more secluded. It is a part of Gautier that makes you feel you are kind of out in the country, but still close to home. Having this neighborhood of 300+ houses placed literally in his backyard, will 100% take away part of the reason he wanted to be where he is. He is concerned about flood mitigation because his yard already holds water, and he feels that all the water from the new houses will go to his property. He does not feel there is a public need, or that the two small neighborhoods constitute a change in the area as a whole. There has not been a change in the area in over 20 years. The stub streets off Fairfield Place that were mentioned were for more houses to be built, but that hasn't happened. When the original PUD request was presented in 2019 it was said that there was a need for more housing, but nothing has been built. If the PUD presented is developed there will probably be more than 600 cars using the thoroughfare through Fairfield Place and Old Shell Landing which would mean more traffic and damage to roads. How much of a buffer will there be, and will it be trees or what. There will also be noise pollution as a result of 300+ families moving in.

Mr. Ankerson explained that with the underlying zoning of R-1 they would be able to build 1325 square foot houses throughout the subdivision. The lot sizes would also be more restrictive. Also, under our building code and our adopted Stormwater Runoff Ordinance they would be required to put in retention that would have to be designed for a 25-year storm. Pre-development runoff and post-development runoff would have to be equal.

Bri Stiglets, 3304 Rachel Lane, said she lives at the corner where the connecting road would be and that it will cause a lot of complaints for them. The drainage ditch that goes through the back of the neighborhood goes right on their property line. There are privacy issues because they are used to having a very calm, private, quiet neighborhood that is safe for their children. Adding an additional 700 cars through their area would be a major concern. Also getting rid of the current buffer would take away from the entire aesthetic of the neighborhood. The new plan takes away any kind of conservation, wetland drainage or shade.

Delenia Wright, 3304 Joy Lane, said she agrees with everything that has been said. She is highly against it because bringing in 700 cars through their neighborhood really raises concerns about her children's safety. When there is a heavy rainfall, her yard holds water even though it has a drain because it backs up after a while. Her main concern is the safety of the children.

Tom Nichols, 2804 Fairview Drive, said that drainage is an issue all over Gautier, including his road.

James Allen, 2904 Old Shell Landing Road, said he built here in 1992. His property backs up to the drainage ditch of Ocean Estates and when it flows over he has about a half-acre of water on his property. His main concern is the traffic. During school season on Hwy 57 and Greyhound Road it takes him 45 minutes to get to Magnolia Park School every day because of traffic. Adding this many houses is only going to make all that worse.

Jennifer Wainwright, 2508 Old Shell Landing Road, said that when she comes in on Hwy 57 the traffic is horrible and adding 300 more houses with 2 cars at each house is going to make it worse. The children from the majority of those houses are going to go to Ocean Springs schools so where are the taxes going to go. This development does not sound like it is going along with the Comprehensive Plan. She also agrees with the other issues mentioned.

Chairman Jamison said the school taxes would go to Ocean Springs and the property taxes to Gautier.

Kimberly Greenway, 5801 Perdido Key Lane, said she built there in 2003 and her property backs up to the PUD property. She said there is a drainage problem there. She thinks one hundred houses or less would be okay. She is really wondering how many trees they will leave, how much of a buffer, etc. Is she going to see all those houses from her backyard or is she going to see what she always sees? She is also concerned about wildlife displacement. Right now, she can sit outside and see foxes, deer, armadillos, rabbits, birds, and even sandhill cranes sometimes. Are they going to lose all of this? Gautier is supposed to be Nature's Playground.

Thomas Hay, 3208 Joy Lane, said his lot is a third of an acre and the lots being proposed are roughly 6500 square feet. Almost three of those lots will fit on his lot. He asked what the minimum size lot for R-1 was.

Mr. Ankerson told Mr. Hay that the minimum square footage for a lot in an R-1 district is 9600.

Mr. Hay stated again about how small the proposed lots were. He also said the traffic was a nightmare and this would just add to the problem. He said there was a survey done in his neighborhood and 95% of the people that returned the survey opposed the PUD. There were only a few that did not return the survey.

Gina Hosie, 5709 Old Spanish Trail, said in addition to what had been said her concern was if we have infrastructure in place for emergency services to support the additional people in the community. She added that the traffic is already extremely bad.

Randy Williams, 3522 Old Shell Landing Road, said he was opposed, and he agrees with what everyone had said. His main concern is that the entire southern half of the proposed west PUD would decide every morning to drive to Ocean Springs High School through Joy Lane to Old Shell Landing Road which would be right past his house. Old Shell Landing Road already has a ton of traffic on it and having an additional 500 to 600 cars on it would not be good for the neighborhood.

Chairman Jamison asked Mr. Williams if the PUD did not have an entrance into that neighborhood would he be okay with it.

Mr. Williams said he would be better with it. He does not abut directly to the property so he wouldn't have to look out his back door and see 300 houses. Personally, his main concern is the tying into Joy Lane and Old Shell Landing.

Lorenzo Cook, 2900 Old Shell Landing Road, said if 300+ homes were put in a red light would be needed, and Old Shell Landing Road would need to be widened. He said Old Shell Landing Road was already too narrow. It is hilly and curvy and dangerous.

Chad Arnold, 5220 Old Spanish Trail, said when he came to the meeting he wasn't really for or against the PUD. He just wanted to hear what was planned. He said the company just wants to make as much money as they can. The PUD doesn't go with what the people want long term. He is tired of the traffic and speeding that is already on Old Spanish Trail. He said bigger homes and lots, like in Shell Landing, is what should be built because it would benefit everyone in the future, not this short term make the money and go. He is not against it but does feel there should be more thought put into the long-term future.

Chairman Jamison said she respected everyone's opinions. She has spoken to a lot of Gautier citizens recently and although they want economic development nobody wants Gautier to turn into Ocean Springs. The amount of houses proposed does concern her because Old Spanish Trail is very populated and she can see where the extra traffic would cause a problem. She isn't concerned about the drainage because she knows the Army Corp of Engineers is going to make them supply enough drainage to handle this neighborhood. Gautier does need more homes which will add to the tax base. People that move into these neighborhoods with smaller lots usually want smaller yards. Also, she said she would never agree to allow the PUD to connect into the existing smaller subdivision. She stated that the wildlife displacement was something she hadn't thought about.

Commissioner Hoover said that this is a lot of houses for a small area, and you do have to think about the traffic. He said he loves to drive Old Spanish Trail when he goes to Ocean Springs, but he picks his time accordingly because traffic is insane. He can't imagine another 400 to 500 cars coming in and out of that area. Although he agrees that Gautier needs the tax base, he doesn't know if we need 328 houses in that small area. As for the drainage, that is a lot of land being taken up that would normally be absorbing water.

Commissioner Hudson said we need to understand the laws of wetlands and how they have to be replaced. He noted that some said they didn't want to be like Ocean Springs, and some said they did. He understands both sides though most of us like to eat and shop in Ocean Springs. He said we need to remember that COVID 19 prevented some development. Ocean Springs has grown by making some concessions. This tax base will help the City of Gautier. If we are claiming to be on the rise of development, we will have to make some concessions. The people talking about not wanting people living so close to them have other options. He advised the developer to hear the voice of the people and possibly present some options, based on how the Commission votes. He stated that he is for the growth of Gautier, but not at all costs.

Commissioner Ward said he concurs with what Commissioner Hudson said about not having people living next door to you. Unfortunately, that is the world we live in. Although

it is uncomfortable to hear, this is part of what growth and development is. He does not like the plan they have because there is too much variable about the houses that are going to be in there. He would like to see a better plan, and traffic studies. He does not want extra cars turning into Old Shell Landing Road from the PUD. He isn't opposed to development, but we need a great plan when we get ready to develop.

Mr. Scruggs said he had heard a lot of "they" and "them", and "they didn't do it then", but Elliott Homes did not own this property in 2019. They bought it in 2025 to develop it. He said after someone asked how many houses could be built in an R-1 district he did the math. You could have three hundred fifty-two 9600 square foot lots and that is providing some room for roadways. When people talk about looking out and seeing 300 houses, they won't actually be looking at 300 houses because that is 300 over 80 acres. They will not all be on the Old Shell Landing side. They will happily leave a 50' buffer between this development and all the adjacent properties. He said if you looked at the picture in his presentation you can see that some of the distances between houses and the parcel property line are 100 to 200 feet. He said they would probably not build many 4000 square foot homes, nor will they build many 1400 square foot homes. Most will probably be about 2000 square feet. This will be market rate housing, not affordable housing as someone mentioned earlier. They will want to build the biggest house they can on the lot to increase their overall margins. Some of the flooding that is out there right now is probably because retention ponds were not required for other developments. He doesn't think there are retention ponds around Ocean Estates or Fairfield Place. This project will have retention ponds which will probably collect water from adjacent properties. Someone mentioned looking at the future not the short term, and he agrees 100% which is why he looked at the Comprehensive Plan. The Comprehensive Plan says conservation subdivisions are a way to actually save natural landscape. It will not be a problem to get rid of the road connection to Lindsey Lane, and they will add a 50' buffer around the property. They can revise the plan before it goes to City Council if they need to. Mississippi State Law says that once the City Council approves a change in the character of the neighborhood, and rezones a parcel, they have to go back and say there has been another change in the character of the neighborhood and what was approved previously no longer applies and then it changes back.

Commissioner Hudson asked if the developer could make some concessions regarding citizen concerns. Everyone seems to want growth and privacy. There has to be some way to meet in the middle. He asked Mr. Ankerson and Mr. Danos if he could make changes to the request or would the developer have to do that.

Chairman Jamison asked the same question because the Commission is only given the option to deny or approve. There is not an option to make changes.

Mr. Danos said he would first ask the developer if he would agree to the changes on the PUD plan amendment.

Mr. Scruggs said they could do a 70' buffer around the adjacent properties. He asked if he could redo the plan with the stipulations for the City Council so they could vote on the plan and not have to vote on the stipulations. They can just adopt the plan.

ACTION TAKEN:

Chairman Jamison made a motion to recommend that the City Council approve the rezoning of PID #82438110.000 from R-1 Low Density Single-Family Residential to PUD Planned Unit Development and approve the amended PUD plan for PID #82438100.125 & #82438100.000 with the following changes: 1) a requirement for an undisturbed 70' buffer on the south and west property lines adjacent to residential areas; and 2) no connection to any other neighborhood or streets allowed except for Old Spanish Trail.

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

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

ABSENT: **William Davis**
 Ricky Decoteau

Motion passed.

Mr. Scruggs asked that the request be placed on the July 1, 2025, City Council meeting, to give him time to make the revisions requested.

Mr. Danos advised Commissioners that we would be ordering the transcript so that Council will have the full benefit of reading everything that was discussed.

GENERAL DISCUSSION

A. PREVIOUS CASE UPDATES

Mr. Ankerson advised Commissioners that City Council had approved the cases presented to them from the May 1, 2025, meeting with any stipulations recommended by the Planning Commission.

B. PERMIT & TRC REPORT

Mr. Ankerson presented the April and May 2025 monthly reports.

Commissioner Hoover made a motion to adjourn the meeting.

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

AYES: Kay C. Jamison
Josh Ward
Maurice 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

June 5, 2025

GPC #25-18-SE

Noelia Jimenez & Imer Perez

dba

J & G Real Estate Investment, LLP

3517 Raintree Drive

VII. NEW BUSINESS

2. Consider a tabled request for a **SPECIAL EXCEPTION** that would allow a duplex in a R-1 Low Density Single-Family Residential Zoning District. 3517 Raintree Drive, PID #82434083.000. (GPC #25-18-SE)

CITY OF GAUTIER STAFF REPORT

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: May 27, 2025

Subject: Consider a tabled request for a Special Exception that would allow a duplex in a R-1 Low Density Single-Family Residential Zoning District. 3517 Raintree Drive, PID #82434083.000. (GPC #25-18-SE)

REQUEST:

The Planning Department tabled the request from Noelia Jimenez & Imer Perez dba J & G Real Estate Investment, LLP, for a Special Exception that would allow a duplex in a R-1 Low Density Single-Family Residential Zoning District at 3517 Raintree Drive, PID #82434083.000. (GPC #25-18-SE) at the May 1, 2025, meeting because the representative for the applicant stated that the applicant wanted to make the existing structure a single-family house not a duplex. Because of the uncertainty as to what was actually wanted the request was tabled until the June 5, 2025, meeting so the applicant could be present. The application fee of \$250 was paid on March 24, 2025. All public notice requirements have been met.

BACKGROUND:

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

1. Location: 3517 Raintree Drive, PID #82434083.000 (See Exhibit A)
2. General features of the proposed project:
 - Lot Size: approximately 0.3 acres
 - Pre-existing duplex – no power in either unit since September 2021
3. Potable Water and Wastewater Services: Available at current location
4. Current Zoning (See Exhibit B): R-1 Low Density Single-Family Residential
5. Current Surrounding Zoning (See Exhibit B): R-1 Low Density Single-Family to west, south, and east; AG Agricultural to the north.
6. Current Surrounding Existing Land Use (See Exhibit C): Vacant to the north and south, Very low to low density residential to the east and west.
7. Comprehensive Plan Future Land Use Designation (See Exhibit D): Medium Density Residential

DISCUSSION:

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

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

Applicant Response: *It was previously a duplex.*

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: *This will not be injurious to the neighborhood or the general welfare.*

Staff Finding: *It is staff's opinion that this will not be injurious to the neighborhood or the general welfare.*

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

Applicant Response: *Because it was previously a duplex.*

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

25-18-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: Noelia Jimenez and Imor Perez

Name of Business: J & G Real Estate Investment, LLP

Address: ~~11034~~ 3517 Raintree Drive, Gautier, MS 39553

Mailing Address (if different): 17034 Carlton Cuevas Rd. Gulfport 39503

Email Address: generaljanitorial services@gmail.com

Phone: 228-224-2147 Cell Phone: _____

Reason for request, location and intended use of Property: Duplex R1 zone

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.
- ☐ 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.
- ☐ 6. Any other information requested by the Planning Director.
- ☐ 7. Owner's Consent form if anyone other than 100% sole owner makes application (see attached).

Signature of Applicant: [Signature]

FOR OFFICE USE ONLY

Date Received 3-24-25 Verify as Complete Bd.

Fee Amount Received 251.00

Initials of Employee Receiving Application Bals

R-1

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?

A. It was previously a Duplex

B. This will not be injurious to the neighborhood or the general welfare.

C. Because it was previously a Duplex.

Price cut: \$20K (1/6)

\$80,000

3517 Raintree Dr, Gautier, MS 39553

5 beds 2 baths 2,130 sqft

Contact agent

Est.: \$504/mo [Get pre-qualified](#)

 Residential, Multi Family, Duplex

 Built in 1971

 -- sqft lot

 Zestimate®

 \$38/sqft

 \$-- HOA

What's special

INVESTOR SPECIAL! This duplex is being sold "as-is" and is perfect for those looking to invest in real estate. The property has a total of approximately 2,130 square feet. One of the units features 3 bedrooms, 2 bathrooms and is located on the first floor, while the other has 2 bedrooms, one bathroom and is located on the second floor. Don't miss out on this opportunity to own a great investment property! Call today for

[Show more](#)

506 days on Zillow 163 views 6 saves

Zillow last checked: 2 hours ago

Listing updated: March 06, 2025 at 08:25am

Listed by: Terri R Jones 601-919-5075, Simply Realty 601-919-5075

Source: MLS United, MLS#: 4063619



INDEXING INSTRUCTIONS: Section 34, T7S, R7W

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

SPECIAL 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

MSTREO, LLC
4747 Executive Dr., Suite 210, San Diego, CA 92121
c/o (228) 818-5552

does hereby sell, convey and specially warrant unto

J&G Real Estate Investment, LLP
17034 Carlton Cuevas Rd, Gulfport, MS 39503
c/o (228) 818-5552

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 28 day of March, 2025.

MSTREO, LLC

By: Ryan Cole

STATE OF California
COUNTY OF San Diego

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

PERSONALLY appeared before me, the undersigned authority in and for the said County and State, on this 28 day of March, 2025, within my jurisdiction, the within named, Ryan Cole, who acknowledged to me that he is Senior Vice President of Operations of the within named, MSTREO, LLC, and that for and on behalf of the said entity, and as its act and deed he executed the above and foregoing instrument, after first having been duly authorized by said entity so to do.

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

Neda Amaya
NOTARY PUBLIC

File #250156

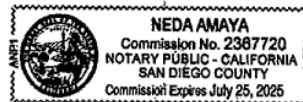


EXHIBIT "A"
LEGAL DESCRIPTION

3517 Raintree Drive Gautier, Mississippi 39553

Parcel #: 82434083.000 PPIN: 65599

Which also has a legal description of:

A tract of land situated in Section 34, Township 7 South, Range 7 West, Jackson County, Mississippi and more particularly described and follows: commencing at the NE corner of Section 34; Thence N 89 degrees 55 minutes West along the North Line of Section 34 935.00 feet to the point of beginning; Thence South 0 degrees 52 minutes West 145.00 feet to the North Margin of Raintree Drive; Thence South 89 degrees 55 minutes East along the North Margin of Raintree Drive 91.00 feet; Thence North 0 degrees 52 minutes East 145.000 feet to the point of beginning.

DECLARATION OF ACCEPTANCE

PROPERTY ADDRESS: 3517 Raintree Drive
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.

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.

BUYER

DATE



SELLER

5/28/25

DATE

BUYER

DATE

SELLER

DATE

DECLARATION OF ACCEPTANCE

PROPERTY ADDRESS: 3517 Raintree Drive
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.

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.

	3/24/25		
BUYER	DATE	SELLER	DATE
	3/24/25		
BUYER	DATE	SELLER	DATE



A. Settlement Statement (HUD-1)

OMB Approval No. 2502-0265

B. Type of Loan			
1. ☐ FHA	2. ☐ RHS	3. ☐ Conv. Unins.	6. File Number 250156
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 J&G Real Estate Investment, LLP 17034 Carlton Cuevas Rd Gulfport, MS 39503		E. Name and Address of Seller MSTREO, LLC 4747 Executive Dr., Suite 210 San Diego, CA 92121	
F. Name and Address of Lender			
G. Property Location 3517 Raintree Drive Gaulier, MS 39553		H. Settlement Agent ((228) 816-5552) Andy J. Alfonso, III, Attorney at Law 2112 Bienville Blvd, H1, Ocean Springs, MS 39564	
		I. Settlement Date 03/24/2025	
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	68,250.00	401. Contract sales price	68,250.00
102. Personal property		402. Personal property	
103. Settlement charges to borrower (line 1400)	1,072.00	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	69,322.00	420. GROSS AMOUNT DUE TO SELLER	68,250.00
200. AMOUNTS PAID BY OR IN BEHALF OF BORROWER		500. REDUCTIONS IN AMOUNT TO SELLER	
201. Deposit or earnest money	3,412.50	501. Excess Deposit (see instructions)	
202. Principal amount of new loan(s)		502. Settlement charges to seller (line 1400)	4,154.64
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 (3,412.50)	
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	01/01/2025 to 03/24/2025	511. County taxes	01/01/2025 to 03/24/2025
212. Assessments	to	512. Assessments	to
213.		513.	
214.		514. 2024 Taxes 82434083.000	1,547.20
215.		515. 2023 Taxes 82434083.000	2,698.87
216.		516. 2022 Taxes 82434083.000	3,196.22
217.		517.	
218.		518.	
219.		519.	
220. TOTAL PAID BY / FOR BORROWER	3,754.08	520. TOTAL REDUCTION AMOUNT DUE SELLER	11,938.51
300. CASH AT SETTLEMENT FROM OR TO BORROWER		600. CASH AT SETTLEMENT TO OR FROM SELLER	
301. Gross amount due from borrower (line 120)	69,322.00	601. Gross amount due to seller (line 420)	68,250.00
302. Less amounts paid by/for borrower (line 220)	3,754.08	602. Less reduction amount due to seller (line 520)	11,938.51
303. CASH FROM BORROWER	65,567.92	603. CASH TO SELLER	56,311.49

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#

MSTREO, LLC

L. SETTLEMENT CHARGES:		File Number: 250156		
700. Total Real Estate Broker Fees		4,095.00		
Division of commission (line 700) as follows:				
701. \$	2,047.50 to Simply Realty			
702. \$	2,047.50 to Sunset Mississippi Realty, LLC			
703. Commission paid at Settlement				4,095.00
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				
1101. Title services and lender's title insurance		(from GFE#4)		
1102. Settlement or closing fee	Andy J. Alfonso, III, Attorney at Law	(from GFE#4)	380.00	
1103. Owner's title insurance	Andy J. Alfonso, III, Attorney at Law/S	(from GFE#5)	376.00	
1104. Lender's title insurance				
1105. Lender's title policy limit				
1106. Owner's title policy limit	68,250.00 — 376.00			
1107. Agent's portion of the total title insurance premium	Andy J. Alfonso, III, Attorney at Law	\$	320.80	
1108. Underwriter's portion of the total title insurance premium	Security Title Guarantee Corp. of Baltimore(S)	\$	55.20	
1109. Title Search/Abstract	Andy J. Alfonso, III, Attorney at Law	(from GFE#4)	285.00	
1110. Overnight Wiring	Andy J. Alfonso, III, Attorney at Law	(from GFE#4)		28.64
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 \$ 62.00 Mortgage \$ Releases \$				31.00
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)			1,072.00	4,154.04

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.

J&G Real Estate Investment, LLP

MSTREO, LLC

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

03/24/25

J&G Real Estate Investment, LLP

MSTREO, LLC



A. Settlement Statement (HUD-1)

OMB Approval No. 2502-0265

B. Type of Loan			
1. ☐ FHA	2. ☐ RHS	3. ☐ Conv. Unins.	6. File Number 250158
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.			
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		F. Name and Address of Lender	
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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.	
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200. AMOUNTS PAID BY OR IN BEHALF OF BORROWER		500. REDUCTIONS IN AMOUNT TO SELLER	
201. Deposit or earnest money	3,412.50	501. Excess Deposit (see instructions)	
202. Principal amount of new loan(s)		502. Settlement charges to seller (line 1400)	4,154.84
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 (3,412.50)	
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 01/01/2025 to 03/24/2025	341.58	511. County taxes 01/01/2025 to 03/24/2025	341.58
212. Assessments to		512. Assessments to	
213.		513.	
214.		514. 2024 Taxes 82434083.000	1,547.20
215.		515. 2023 Taxes 82434083.000	2,698.87
216.		516. 2022 Taxes 82434083.000	3,196.22
217.		517.	
218.		518.	
219.		519.	
220. TOTAL PAID BY / FOR BORROWER	3,754.08	520. TOTAL REDUCTION AMOUNT DUE SELLER	11,938.51
300. CASH AT SETTLEMENT FROM OR TO BORROWER		600. CASH AT SETTLEMENT TO OR FROM SELLER	
301. Gross amount due from borrower (line 120)	69,322.00	601. Gross amount due to seller (line 420)	68,250.00
302. Less amounts paid by/for borrower (line 220)	3,754.08	602. Less reduction amount due to seller (line 520)	11,938.51
303. CASH FROM BORROWER	65,567.92	603. CASH TO SELLER	56,311.49

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).

TW

MSTREO, LLC

L. SETTLEMENT CHARGES:		File Number: 250156		
700. Total Real Estate Broker Fees		4,095.00		
Division of commission (line 700) as follows:				
701. \$	2,047.50 to Simply Realty			
702. \$	2,047.50 to Sunset Mississippi Realty, LLC			
703. Commission paid at Settlement				4,095.00
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				
1101. Title services and lender's title insurance	(from GFE#4)			
1102. Settlement or closing fee Andy J. Alfonso, III, Attorney at Law	(from GFE#4)	380.00		
1103. Owner's title insurance Andy J. Alfonso, III, Attorney at Law/S	(from GFE#5)	376.00		
1104. Lender's title insurance				
1105. Lender's title policy limit				
1106. Owner's title policy limit 68,250.00 --- 378.00				
1107. Agent's portion of the total title insurance premium Andy J. Alfonso, III, Attorney at Law \$	320.80			
1108. Underwriter's portion of the total title insurance premium Security Title Guarantee Corp. of Baltimore(S)	55.20			
1109. Title Search/Abstract Andy J. Alfonso, III, Attorney at Law	(from GFE#4)	265.00		
1110. Overnight/Wiring Andy J. Alfonso, III, Attorney at Law	(from GFE#4)			28.64
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 \$ 62.00 Mortgage \$ Releases \$				31.00
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 602, Section K)		1,072.00		4,154.64

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.

J&G Real Estate Investment, LLP

MSTREO, LLC

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

03/24/25

J&G Real Estate Investment, LLP

MSTREO, LLC

82434083.000 TTLBL LLC

PIDN: 82434083.000

GISP: 778.34-00-0006.00

Owner Information

Percent of Ownership: 100

Name: TTLBL LLC

Name 2:

Mailing Address: 4747 EXECUTIVE DR STE 210
SAN DIEGO CA
92121

Site Address: 3517 RAINTREE DR GAUTIER

Land Information

Section: 34 Acreage: 0.3

Township: 7

Range: 7

Street Name RAINTREE
DR

Value and Tax Information

Total Assessed Value: 10238

Total Appraised Value: 68252

Improvement Value: 62952

Land Value: 5300

Tax Amount: 1444

SQ FT: 2130

Year Built: 1971

Legal Description

Description: COM AT NEC NE1/4 RUN W 935 TO PO
B W 91' S 145' E 91' N 145' TO P
OB DB 2050-819 DB 2139-837 DB 21
39-839 (6 MAP778.34)

Deed Book / Page: 2139 / 839

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

[illegible]

Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department

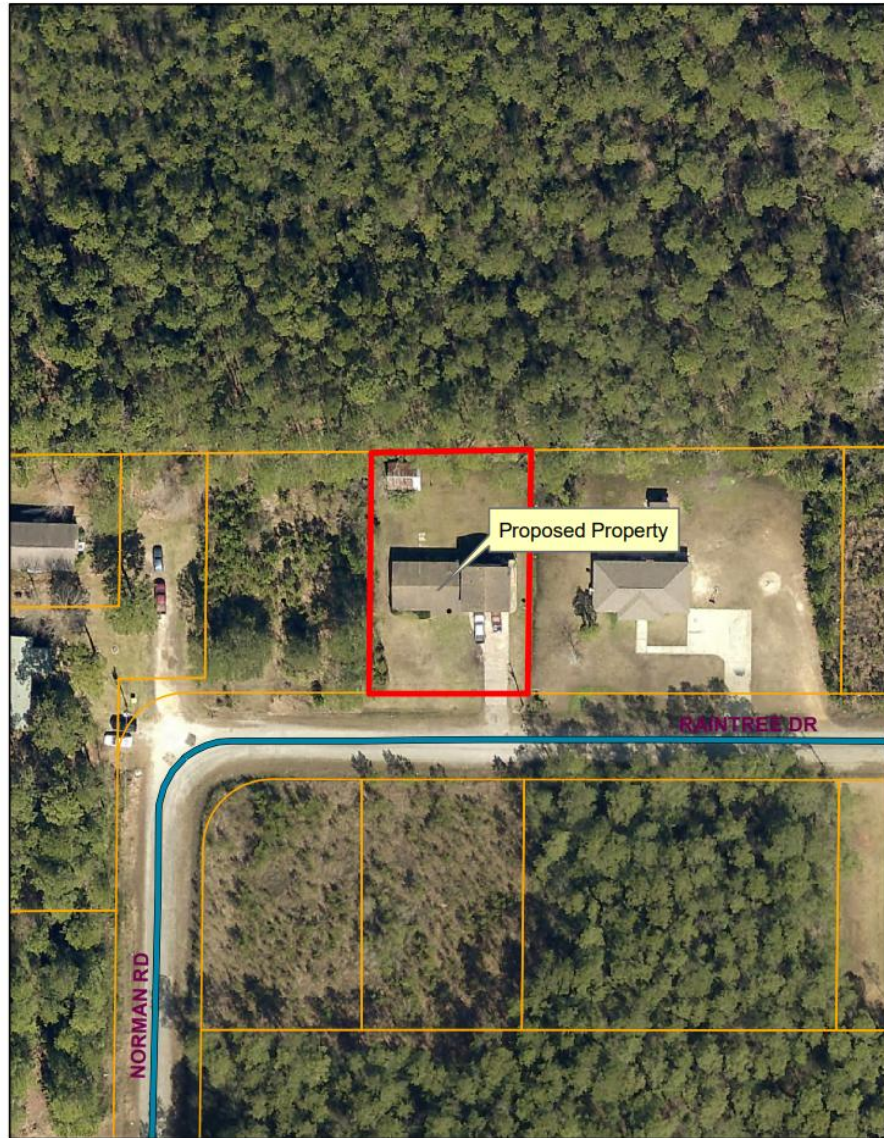


Exhibit B

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	

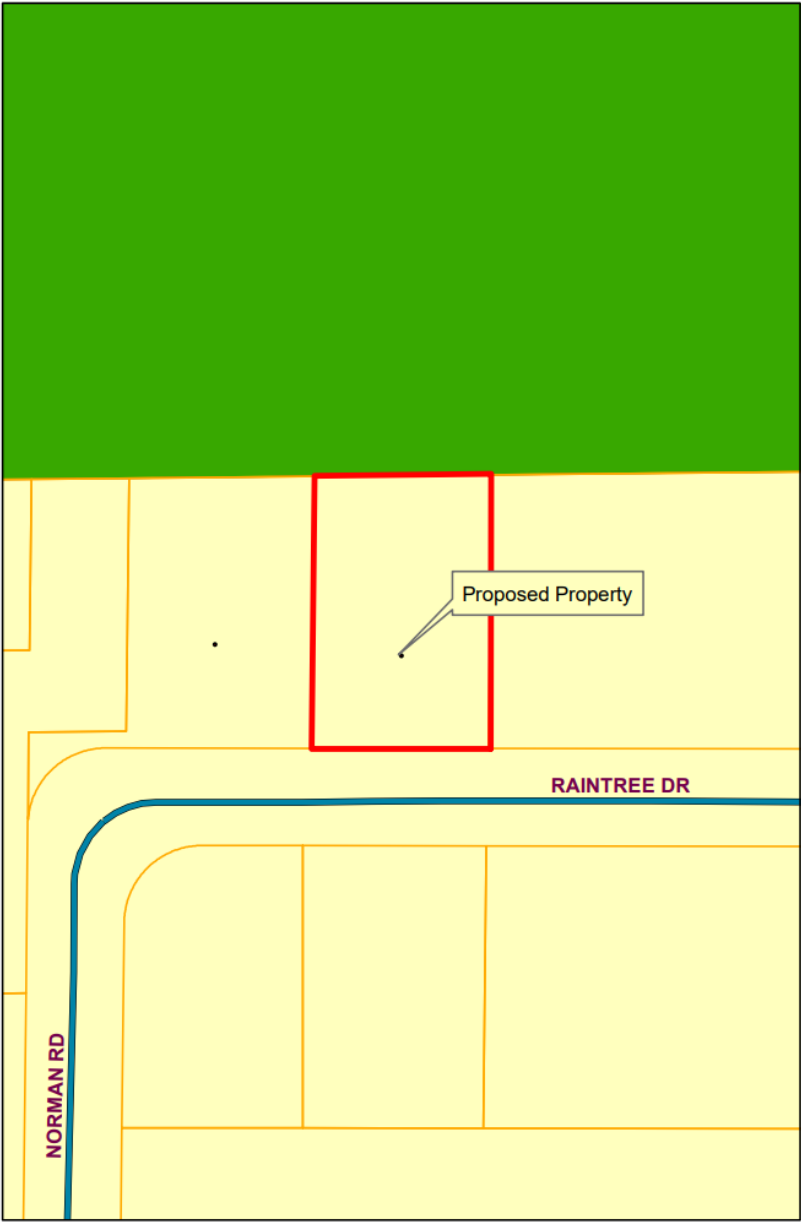


Exhibit C

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

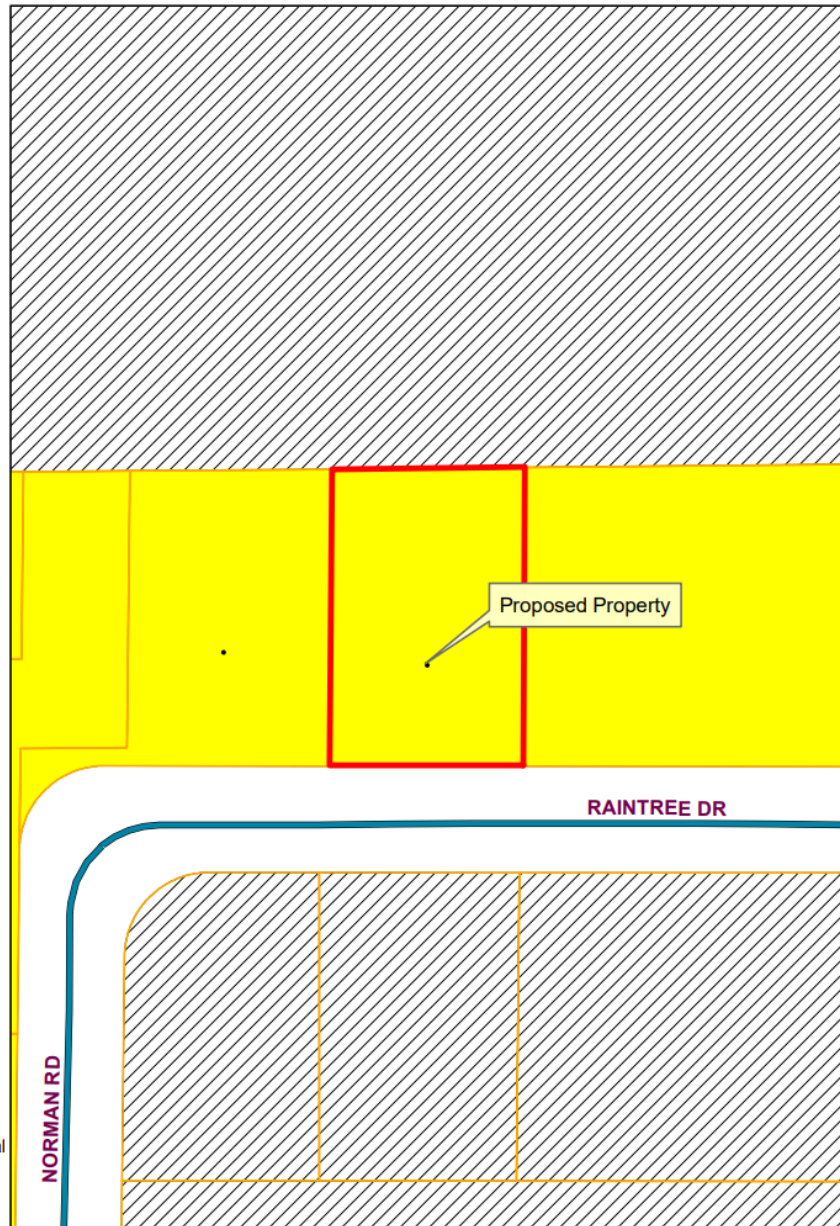


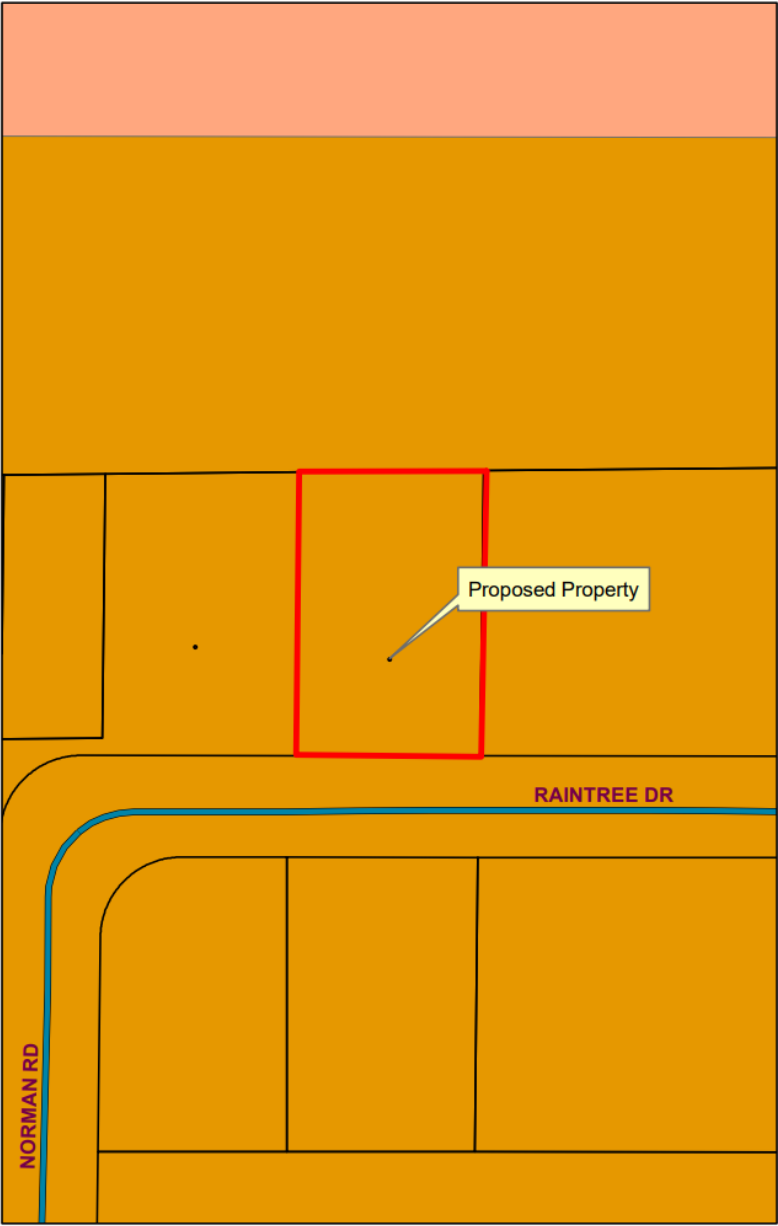
Exhibit D

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 5, 2025

GPC #25-24-VAR

3205 Oak Street

PID #87420002.000 & #87420001.060

VII. NEW BUSINESS

3. Consider a request for a seven-foot (7') variance to side yard setback requirements for an accessory building in a MURC-MW Mixed Use Recreation Commercial - MW Zoning District. 3205 Oak Street, PID #87420002.000 & #87420001.060, (GPC #25-24-VAR)

CITY OF GAUTIER STAFF REPORT

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: May 27, 2025

Subject: Consider a request for a seven-foot (7') variance to side yard setback requirements for an accessory building in a MURC-MW Mixed Use Recreation Commercial - MW Zoning District at 3205 Oak Street, PID #87420002.000 & #87420001.060, (GPC #25-24-VAR)

REQUEST:

The Planning Department has received a request from Clarence E. Derrington, III for a seven-foot (7') variance to side yard setback requirements for an accessory building in a MURC-MW Mixed Use Recreation Commercial - MW Zoning District at 3205 Oak Street, PID #87420002.000 & #87420001.060, (GPC #25-24-VAR). The application fee of \$175 was paid on April 10, 2025. All public notice requirements have been met.

BACKGROUND:

The applicant would like to put a 12' x 35' portable boat shed on the side of his house. There is approximately 13.4' between his house and his side property line. He stated that he would like to have about 10" to 12" between his home and the boat shed which would leave about 6" between his shed and the side property line. Per the Unified Development Ordinance (UDO), the required side setback in a MURC-MW District is 7.5'. The applicant will need a seven-foot (7') variance to side yard setback requirements.

DISCUSSION:

The applicant is asking for a seven-foot (7') variance to side yard setback requirements in a MURC-MW District. He is wanting to put a portable boat shed on the side of his house that will be approximately 6" from the side property line. A 7.5' side yard setback is required in a MURC-MW District. The applicant would need a 7' variance to side yard setback requirements.

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

25-24-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: Clarence E. Derrington III

Name of Business: _____ Phone: 601-613-1755

Property Address: 3205 Oak St. Mailing Address (if Different): 5555 Hwy. 80. E Pearl Ms. 39208

E-Mail Address: chipderrington@yahoo.com

Reason for request, location and intended use of Property: Portable Shed for Boat

7' Variance to sideyard setbacks in MURC-MW

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: Clarence E. Derrington III Date of Application: 4-9-25

FOR OFFICE USE ONLY

Date Received 4/10/25 Verify as Complete Rabs

Fee Amount Received 176.00 Initials of Employee Receiving Application Rabs

MURC-MW 7.5 side yard setback

I, Clarence E. Derrington III C+R Derrington TTEES LTD 3/16/24, the fee simple owner of the following
described property (give legal description):

<u>See attached</u>

hereby petition to the City of Gautier to Grant a Variance of Distance to Lot
Line in Willis Heights
and affirm that Clarence E. Derrington III 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.

Clarence E. Derrington III
(Owner's Signature)

The foregoing instrument was acknowledged before me this 10th day of April, 2025 by Clarence E. Derrington III,
who is personally known to me or has produced MS Drivers License
as identification and who did take an oath.

Nickol Carron
(Printed Name of Notary Public)

Nickol Carron
(Signature of Notary Public)



Commission # 125734. My commission expires 10/16/26.

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?

Distance from Lot Line

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.

Very many sheds in this area are very close to the lot line.

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

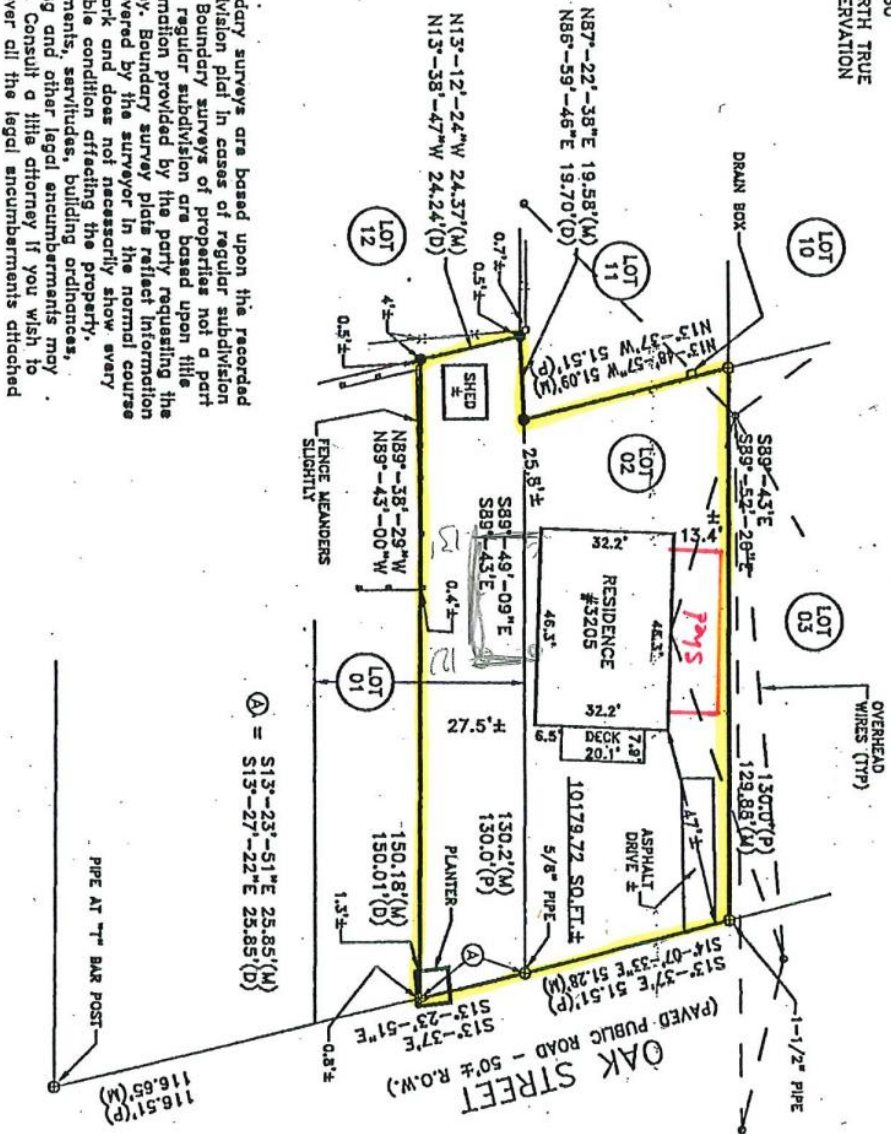
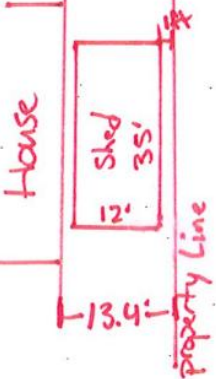
I would like to place the boat shed in between the house and the lot line.

The neighbor on the side of house where the shed would go has given me a verbal answer that it would be OK to place the shed here.



SCALE
1" = 30'

D = DEED BOOK 1604, PAGES 83-87
P = PLAT OF RECORD
M = MEASURED
o = POST / POLE
● = FND 1/2" IRON ROD
⊙ = FND 1/2" IRON PIPE
⊗ = SET 1/2" IRON ROD
⊠ = CONCRETE MONUMENT FND
✱ = PK/MAG NAIL



NOTE: Boundary surveys are based upon the recorded subdivision plat in cases of regular subdivision lots. Boundary surveys of properties not a part of a regular subdivision are based upon title information provided by the party requesting the survey. Boundary survey plats reflect information discovered by the surveyor in the normal course of work and does not necessarily show every possible condition affecting the property. Easements, servitudes, building ordinances, zoning and other legal encumbrances may exist. Consult a title attorney if you wish to discover all the legal encumbrances attached

Survey of Lot 2, Willis Heights, Number 2, Gaultier, Jackson County, Mississippi; as per Plat Book 2, Page 53.

AND ALSO:

A portion of Lot 1, Willis Heights, Number 2, Gaultier, Jackson County, Mississippi; as per Plat Book 2, Page 53, being more particularly described as:

DEED DESCRIPTION: AS FURNISHED (DB 1804 P.O.'S 83-87) Commencing at a pipe marking the NE corner of Lot 1, Willis Heights, No. 2, as per Plat Book 2, Page 53 in the office of the Chancery Clerk, Jackson County, Mississippi, said point being the point of beginning; thence S13°-27'-22"E along the West margin of Oak Street, a distance of 25.85 feet; thence N89°-43'-00"W a distance of 150.01 feet to the West line of said Lot 1; thence N13°-38'-47"W along said West line, a distance of 24.24 feet; thence N86°-59'-46"E a distance of 19.70 feet to the North line of said Lot 1; thence S89°-54'-69"E along said North line a distance of 130.04 feet to the point of beginning.

This is to CERTIFY that I have surveyed the property herein described and delineated, and that the measurements and other data indicated are correct to the best of my knowledge and belief.



ERIC MENHENNETT P.L.S.
27 September 2010
Class # B

NOTE: Utilities not located except as shown.

NOTE: Survey performed without benefit of current title exam.

NOTE: Building setbacks, elevations, wetlands determination and et cetera to be prescribed by appropriate governing bodies.

NOTE: Survey performed by L.J. Achae, Jr. P.E./R.L.S. dated 9/17/89 and found at DB 1156, PG 602 used as reference material.

ERIC (Rick) MENHENNETT
Professional Land Surveyor
(M.L.S.) No. 1778
Biloxi, MS 39535
(228) 436-9701 (office)
(228) 436-9702 (fax)

D = DEED BOOK 1804, PAGES 83-87

P = PLAT OF RECORD

M = MEASURED

● = POST 1/4" IRON ROD

● = FND 1/2" IRON PIPE

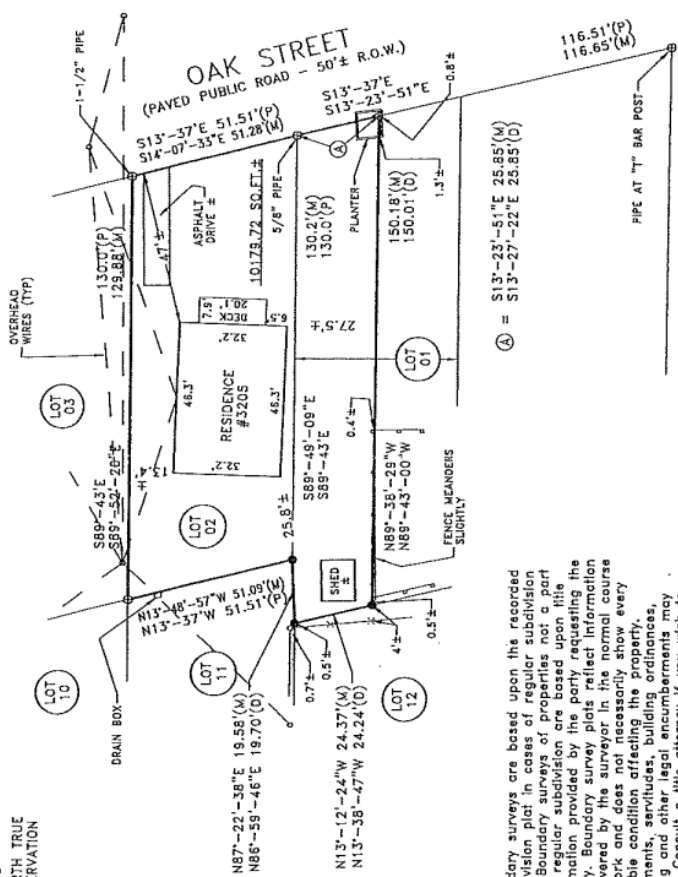
● = SET 1/2" IRON ROD

■ = CONCRETE MONUMENT FND

■ = PK/MAG NAIL



SCALE
1" = 30'
GEODETIC NORTH TRUE
BY GPS OBSERVATION



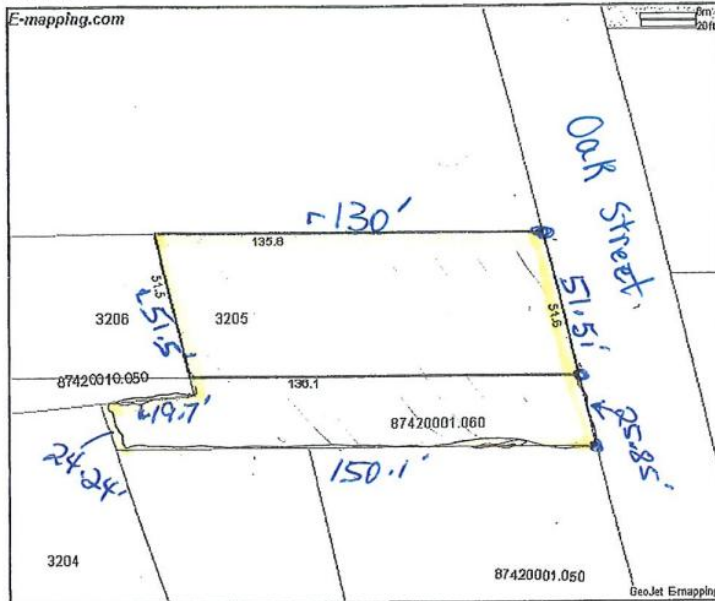
NOTE: Boundary surveys are based upon the recorded subdivision plat in cases of regular subdivision lots. Boundary surveys of properties not a part of a regular subdivision are based upon title information provided by the party requesting the survey. Boundary survey plats reflect information discovered by the surveyor in the normal course of work and does not necessarily show every possible condition affecting the property, easements, servitudes, building ordinances, encroachments, and other legal encumbrances may exist, and it is the responsibility of the client to discover all the legal encumbrances attached to property.

Parcel Map

Property Address: 3205 OAK

E-mapping.com

Approx. Acreage: 0
Land Use: 1110



Parcel Color Legend

 Agricultural/Farm
  Commercial
  Mobile Homes

Multi_Family
  Public
 Residential

Vacant

Information Deemed Reliable, Not Verified or Guaranteed by MGCM/LS.
(3/15/2010)

Copyright © GeoJet Information Solutions Inc.
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87420002.000 C & R DERRINGTON TTEES UTD 3-16-21

PIDN: 87420002.000

GISP: 769.32-04-0052.00

Owner Information

Percent of Ownership: 100

Name: C & R DERRINGTON TTEES UTD 3-16-21

Name 2:

Mailing Address: 5555 HWY 80 E
PEARL MS
39208

Site Address: 3205 OAK ST GAUTIER

Land Information

Section: 32 Acreage: 0

Township: 7

Range: 6

Street Name OAK
ST

Value and Tax Information

Total Assessed Value: 10547

Total Appraised Value: 70311

Improvement Value: 56971

Land Value: 13340

Tax Amount: 1487

SQ FT: 1472

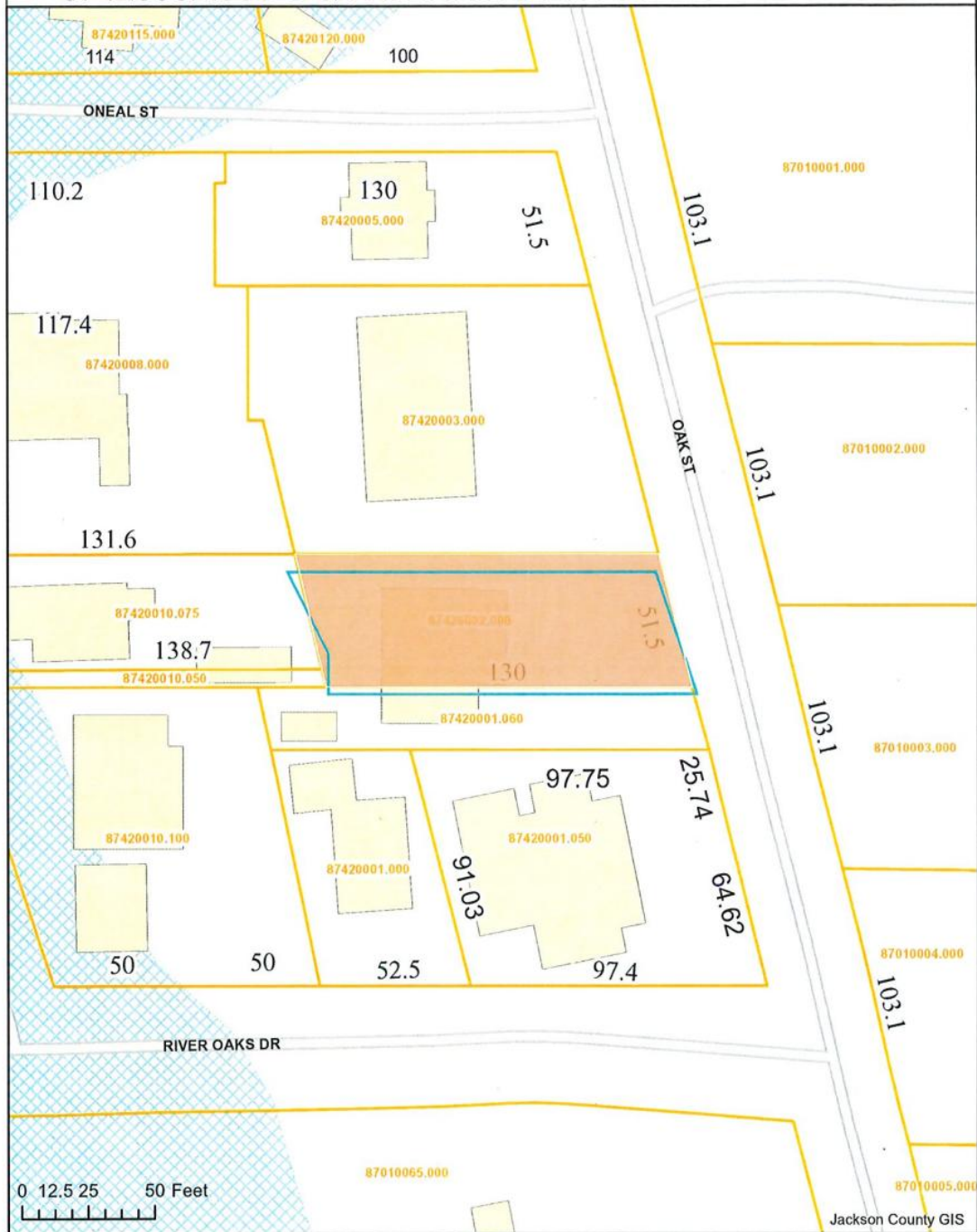
Year Built: 1950

Legal Description

Description: LOT 2 WILLIS HTS S/D #2 DB 1625-
257 (52 MAP769.32-04)

Deed Book / Page: 2168 / 540

87420002.000 C & R DERRINGTON TTEES UTD 3-16-21



87420001.060 C & R DERRINGTON TTEES UTD 3-16-21

PIDN: 87420001.060
GISP: 769.32-04-0053.00

Owner Information

Percent of Ownership: 100
Name: C & R DERRINGTON TTEES UTD 3-16-21
Name 2:
Mailing Address: 5555 HWY 80 E
PEARL MS
39208

Site Address: OAK ST GAUTIER

Land Information

Section: 32 Acreage: 0
Township: 7
Range: 6
Street Name OAK
ST

Value and Tax Information

Total Assessed Value: 914	Total Appraised Value: 6090
Improvement Value: 0	Land Value: 6090
Tax Amount: 128	SQ FT: 0 Year Built: 0

Legal Description

Description: BEG NEC LOT 1 WILLIS HGTS #2 S 1
3 DEG E ALG W/M OAK ST 25.85' W
150.01' N 13 DEG W 24.24' N 86 D
EG E 19.70' TO N/L LOT 1 S 89 DE
G E 130.04' TO POB DB 1625-257 (
53 Map769.32-04)

Deed Book / Page: 2168 / 540

87420001.060 C & R DERRINGTON TTEES UTD 3-16-21

87420115.000 114 87420120.000 100

ONEAL ST

110.2 130 87420005.000 51.5

117.4 87420008.000

131.6 87420003.000

87420010.075 138.7 87420010.050 130 87420002.000 51.5

87420010.100 50 50 52.5 97.75 87420001.050 91.03 97.4 25.74 64.62

OAK ST 103.1 103.1 103.1 103.1

RIVER OAKS DR

87010001.000 87010002.000 87010003.000 87010004.000 87010005.000

0 12.5 25 50 Feet

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

Jackson County GIS 5/14/2025

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

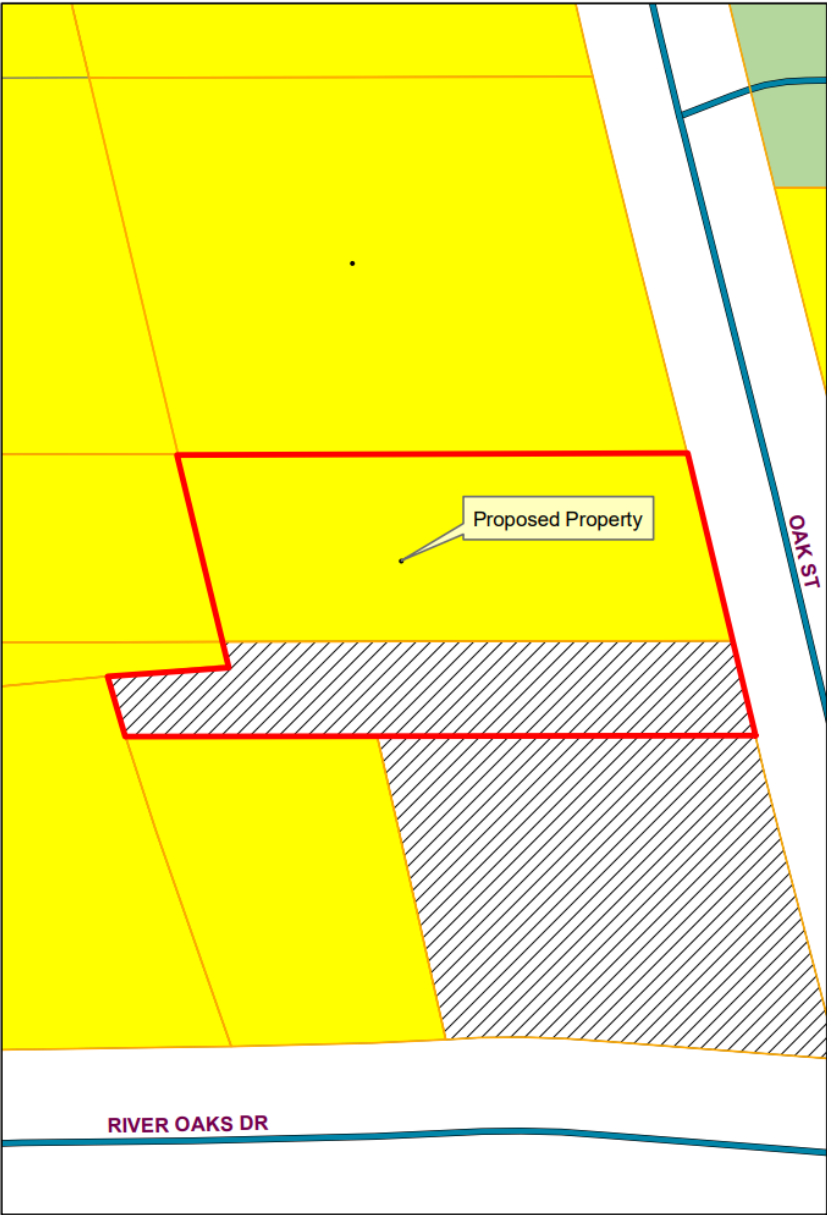


Exhibit D Future Land-Use

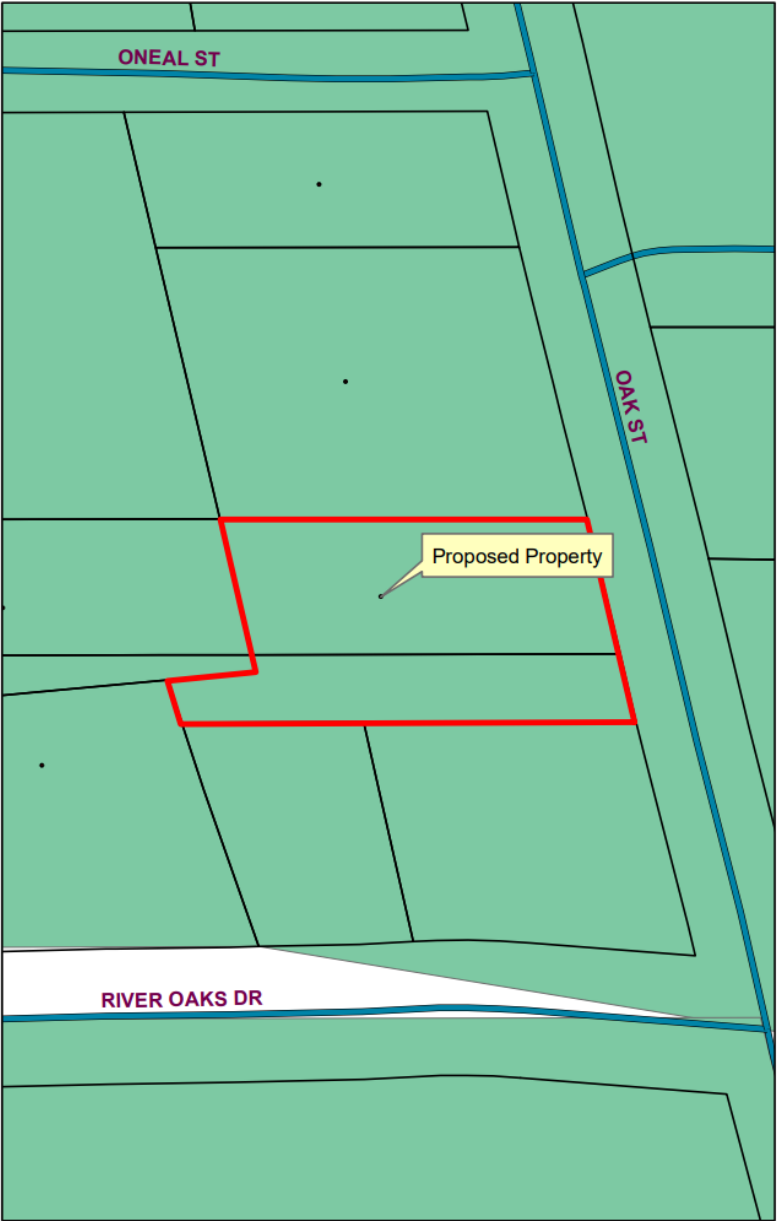
Prepared By:
City of Gautier
Planning Department

Legend

FUTURE LAND USE

FLU_Class

- 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 5, 2025

GPC #25-25-VAR

5917 Old Spanish Trail

VII. NEW BUSINESS

4. Consider a request for a nine-foot (9') variance to secondary front yard setback requirements for an accessory building in a R-1 Low Density Single-Family Residential Zoning District. 5917 Old Spanish Trail, PID #82432005.000, (GPC #25-25-VAR)

**CITY OF GAUTIER
STAFF REPORT**

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: May 27, 2025

Subject: Consider a request for a nine-foot (9') variance to secondary front yard setback requirements for an accessory building in a R-1 Low Density Single-Family Residential Zoning District at 5917 Old Spanish Trail, PID #82432005.000, (GPC #25-25-VAR)

REQUEST:

The Planning Department has received a request from John Teachnor for a nine-foot (9') variance to secondary front yard setback requirements for an accessory building in a R-1 Low Density Single-Family Residential Zoning District at 5917 Old Spanish Trail, PID #82432005.000, (GPC #25-25-VAR). The application fee of \$175 was paid on May 5, 2025. All public notice requirements have been met.

BACKGROUND:

The applicant would like to put a 30' x 60' metal garage on the side of his house. The applicant lives on a corner lot and the garage would be located within the secondary front yard. He would like to place the garage 16' from the property line within the secondary front yard. The Unified Development Ordinance (UDO) requires a 25' setback in a secondary front yard in a R-1 Low Density Single-Family Residential District. The applicant will need a nine-foot (9') variance to secondary front yard setback requirements.

DISCUSSION:

The applicant is asking for a nine-foot (9') variance to secondary front yard setback requirements in a R-1 District. He wants to put a metal garage within the secondary front yard setback of his lot. The garage would be 16' from the property line and the UDO requirement is 25'.

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

25-25-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: JOHN TEACHNOR

Name of Business: _____ Phone: 320-226-9834

Property Address: 5917 OLD SPANISH TRL
OCEAN SPRINGS, MS 39564 Mailing Address (if Different): _____

E-Mail Address: JTEACHNR@HOTMAIL.COM

Reason for request, location and intended use of Property: REQUEST VARIANCE, SEE
ATTACHED SKETCH, RESIDENTIAL.
9' Secondary yard Variance for shed

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: 5-6-25

FOR OFFICE USE ONLY

Date Received 5-5-25 Verify as Complete Bals

Fee Amount Received 176.00 Initials of Employee Receiving Application Bals

VARIANCE

Criteria For Approval

1. What special conditions and circumstances are particular 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?
 - a. **I purchased this property on March 7, 2025. I was informed that the property was in Jackson County MS. My deed did NOT say the property was inside of the city limits of Gautier MS. The city limits are along the center line of Old Shell Landing road which the property borders.**
 - b. **I wanted the slab where it is, not knowing that the property was inside Gautier MS. city limits and that I need a permit. Further, if I had known, I would have moved the slab to comply with said ordinance requirements. Slab is per attached layout. It is sixteen feet inside the property line (along Old Shell Landing Road edge) instead of the twenty-five feet required by Gautier city ordinance. The slab is one hundred and forty feet back from the corner of Old Spanish Trail. There is a row of bushes between the slab and property line. The requested variance is for the nine feet. See attached sketch.**
2. Are these special conditions and circumstances a result of your actions? Explain.
 - a. **I hired a local contractor to construct a concrete slab for a garage. He did not obtain a permit. I assumed he knew what permits I needed to obtain. He also said the property was in Jackson County.**
 - b. **I applied to Jackson County to obtain a permit to have the garage constructed according to the building contractor's request and they informed me that the property was within the city limits of Gautier and that I would have to apply for a permit from the city of Gautier.**
 - c. **When I applied for the permit they informed me about the set-back requirement of 25 feet. I am requesting a variance for the 9 feet that does not meet the ordinance requirement.**
3. How will the literal interpretation of the provisions of this ordinance deprive you of rights commonly enjoyed by other property in the same district under the provisions of this ordinance? Explain.
 - a. **It will prevent me from building the garage on said slab and limit the use of the property I purchased in good faith with the intent of building a garage.**
4. Will the granting of the variance requested confer upon you any special privilege that is denied by other similar sites (lots or parcels), structures or buildings in the same district? Explain
 - a. **I don't believe it would give me a special privilege.**

John Teachnor
320-226-9834

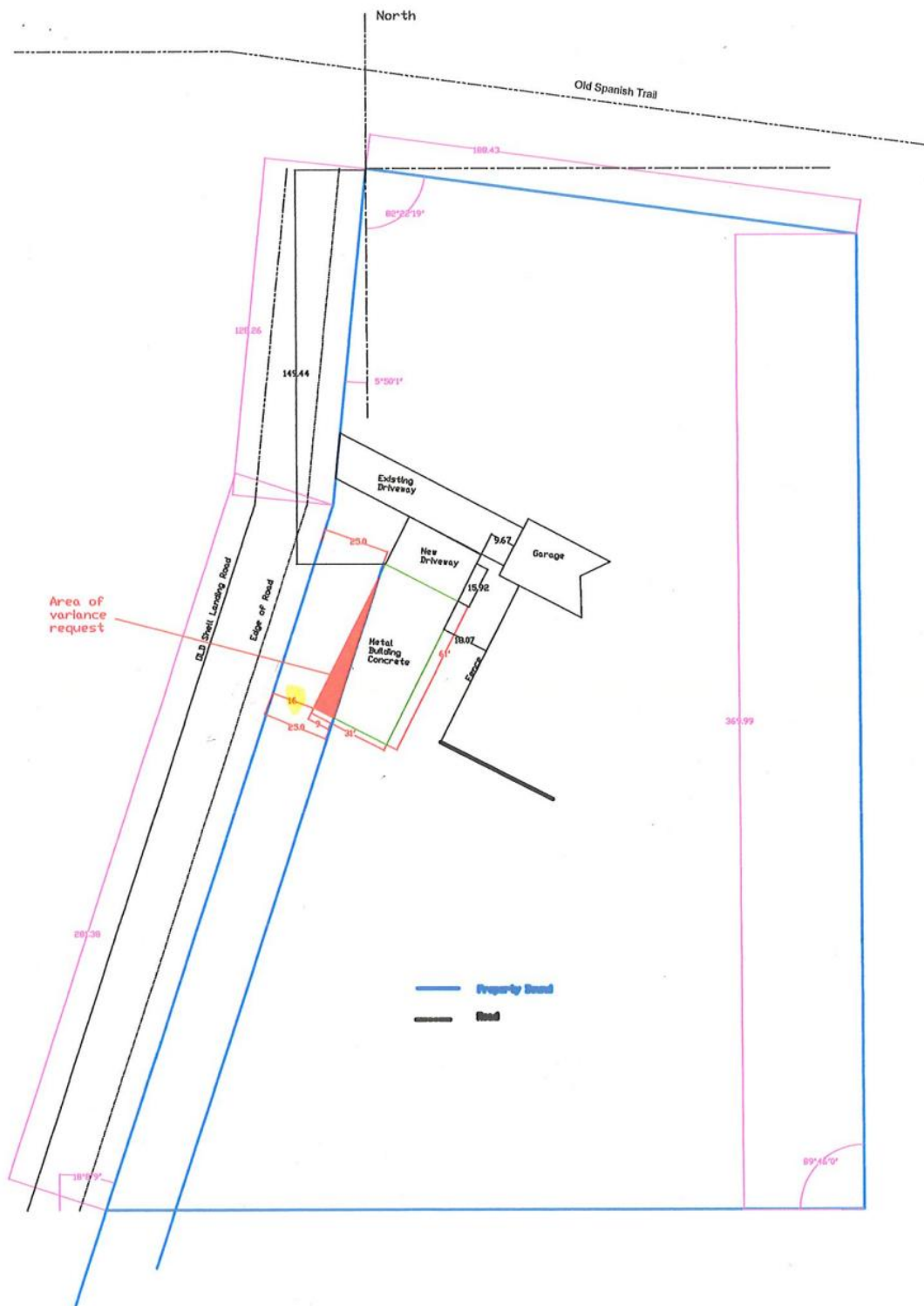
May 6, 2025

Narrative

I want to build a garage on a concrete slab per attached building design.

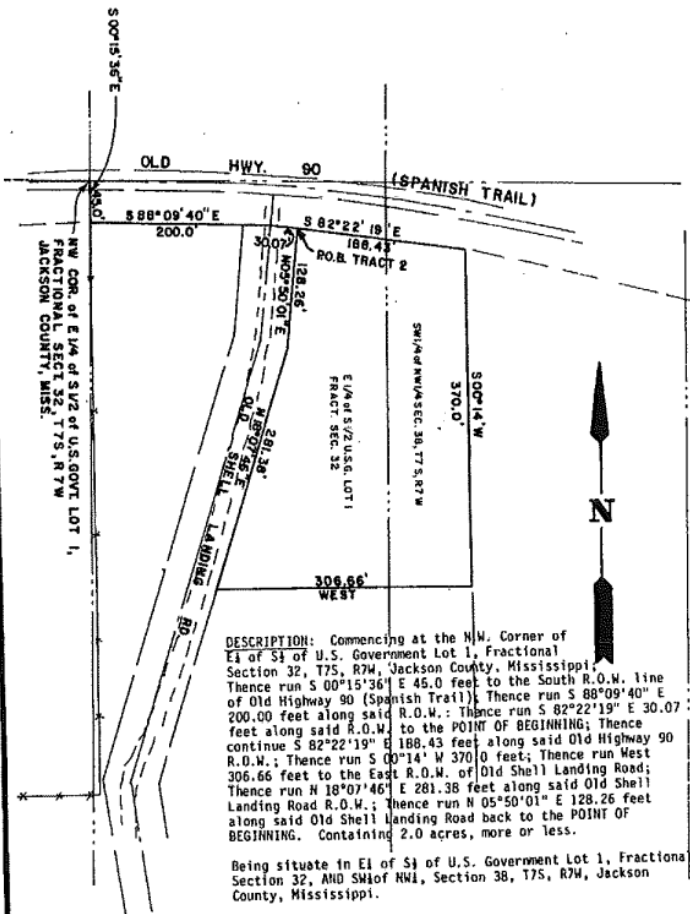
Old Spanish Trail





AP 10188

PLAT OF TRACT NO. 2 BOOK 847 PAGE 507



SCALE: 1" = 100'
 SURVEYED: G. MOODY
 DRAWN: T. BROWN

BATSON AND BROWN, INC. CONSULTING ENGINEERS
 WIGGINS □ LUCEDALE □ PASCAGOULA, MISSISSIPPI

STATEMENT OF FEES

STATE OF MISSISSIPPI - JACKSON COUNTY

I, Lynn Presley, Clerk of the Chancery Court of said County, certify that the within instrument was filed in my office for record on the 22nd day of February, 1986 at 11:50 o'clock A.M. and was duly recorded on the 22nd day of February, 1986 in Land Deed Book No. 847 Pages 507 of my office.

GIVEN under my hand and seal of office this 22nd day of February A.D., 1986.

Lynn Presley
 LYNN PRESLEY, Chancery Clerk

Total Fees \$ 7.00 Form No. 106



Your Custom Metal Building Design

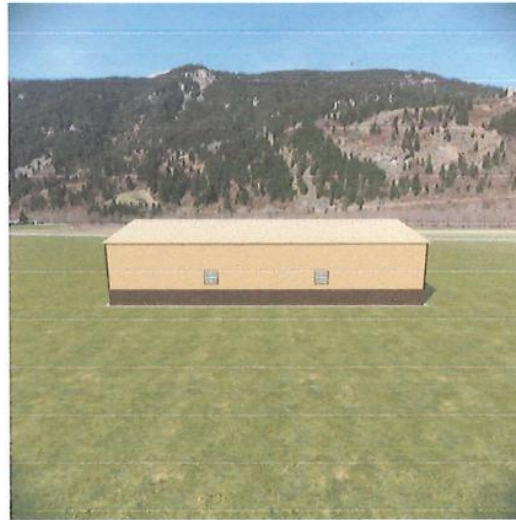
alansfactoryoutlet.com | 1-800-488-6903

Edit or Buy Your Design: alansfactoryoutlet.com/design/Gd5IUD62/

Delivery Zip Code: 39564



Front



Right



Back



Left













INVOICE #1022
INVOICE DATE: 4/21/2025

ANY ADDITIONAL WORK REQUESTED THAT IS
NOT COVERED IN THE ORIGINAL INVOICE WILL
BE QUOTED SEPARATELY AND ADDED TO THE
ORIGINAL INVOICE.

BILL TO:

NAME: John Teachnor

ADDRESS: 5917 Old Spanish Trail
Gautier, MS 39553

PHONE NUMBER: 320-226-9834

EMAIL: jteachnor@hotmail.com

ASPHALT CONTRACTORS, LLC
2411 WASHINGTON AVENUE
PASCAGOULA, MS 39567

DESCRIPTION	AMOUNT
1 Remove grass and stockpile on property as discussed.	\$9,000.00
2 Deliver and spread crushed limestone (610) to grade for	
3 slab. Area of concrete slab is 61' X 31'. Driveway is	
4 26' X 18'. Form area to be poured with concrete including	
5 wire and plastic. (2) pieces of #4 rebar on perimeter of	
6 footings 12" X 12". Finish all concrete and remove all trash	
7 or debris from job site.	
8	
9 **Additional work-drainage pipe installed	\$1,400.00
10	
11	
12	
13	
14	
15	
TOTAL	\$10,400.00

Signed by: _____

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, **CHARLES R. SHULTIS, III, TRUSTEE OF THE SHULTIS FAMILY REVOCABLE TRUST DATED JULY 1, 2013** does hereby grant, bargain, sell, convey and warrant unto **JOHN TEACHNOR AND CATHERINE TEACHNOR**, as joint tenants with the full rights of survivorship and not as tenants in common, 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:

COMMENCING AT THE NORTHWEST CORNER OF THE EAST QUARTER OF THE SOUTH HALF OF U. S. GOVERNMENTAL LOT 1, FRACTIONAL SECTION 32, TOWNSHIP 7 SOUTH, RANGE 7 WEST, JACKSON COUNTY, MISSISSIPPI; THENCE RUN SOUTH 00° 15' 36" EAST 45.0 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF OLD HIGHWAY 90 (SPANISH TRAIL); THENCE RUN SOUTH 88° 09' 40" EAST 200.00 FEET ALONG SAID RIGHT-OF-WAY; THENCE RUN SOUTH 82° 22' 19" EAST 30.07 FEET ALONG SAID RIGHT-OF-WAY TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 82° 22' 19" EAST 188.43 FEET ALONG SAID OLD HIGHWAY 90 RIGHT-OF-WAY; THENCE RUN SOUTH 00° 14' WEST 370.0 FEET; THENCE RUN WEST 306.66 FEET TO THE EAST RIGHT-OF-WAY OF OLD SHELL LANDING ROAD; THENCE RUN NORTH 18° 07' 46" EAST 281.38 FEET ALONG SAID OLD SHELL LANDING ROAD RIGHT-OF-WAY; THENCE RUN NORTH 05° 50' 01" EAST 128.26 FEET ALONG SAID OLD SHELL LANDING ROAD BACK TO THE POINT OF BEGINNING, CONTAINING 2.0 ACRES, MORE OR LESS. BEING SITUATED IN THE EAST QUARTER OF THE SOUTH HALF OF U.S. GOVERNMENTAL LOT 1, FRACTIONAL SECTION 32, AND SOUTHWEST QUARTER OF NORTHWEST QUARTER, CLAIM SECTION 38, TOWNSHIP 7 SOUTH, RANGE 7 WEST, JACKSON COUNTY, MISSISSIPPI.

This conveyance is subject to all covenants, easements, restrictions, reservations, and other matters of record, all zoning and building laws, rules and regulations and ordinances, and all matters that would be disclosed by an accurate survey of said property.

Taxes for the year 2025 have been pro-rated between the parties and the payment of same when due on January 1, 2026, shall be the responsibility of the Grantees herein.

The Certificate of Trust for the Shultis Family Revocable Trust is attached hereto as Exhibit "A".

WITNESS THE SIGNATURE(S) OF THE GRANTOR(S), on the 7 day of March, 2025.

THE SHULTIS FAMILY REVOCABLE TRUST dated July 1, 2013

By: Charles R. Shultis, III, Trustee
CHARLES R. SHULTIS, III, Trustee

STATE OF MISSISSIPPI

COUNTY OF JACKSON

This day, personally appeared before me, the undersigned Notary Public, in and for the aforesaid County and State, the within named **CHARLES R. SHULTIS, III, TRUSTEE OF THE SHULTIS FAMILY REVOCABLE TRUST DATED JULY 1, 2013** who acknowledged to me that they executed, signed and delivered, the foregoing Warranty Deed on the day and year herein mentioned for said Trust as its true and voluntary act and deed after being duly authorized to do so.

Given under my hand and official seal of office, this the 7 day of March, 2025.



V. Sauer
NOTARY PUBLIC
MY COMMISSION EXPIRES: 9/12/25

Copy



OFFICIAL RECORDS JACKSON COUNTY
Terry Miller
CHANCERY CLERK
RECORDING FEE \$12.00
#201312329 BK:1718 PG:71-72
07/08/2013 03:46 PM 2 PGS
CSHOWS,DC Rpt#009310

Prepared by: Elliot G. Mestayer 2128 Ingalls Ave., Pascagoula, MS 39567 (228) 762-1193

**CERTIFICATE OF TRUST FOR THE
THE SHULTIS FAMILY REVOCABLE TRUST**

1. 5917 Old Spanish Trail
Address of office
Ocean Springs, MS 39564
2. Charles R. Shultis Jr. and Margaret Shultis
Name of Trustees
same
Address of Trustees
3. Charles R. Shultis Jr. and Margaret Shultis
Name of Grantor
same
Address of Grantor
4. Legal Description of all interests in real property owned by or conveyed to the Trust are
as follows:

a. Commencing NWC E1/4 S1/2 Govt Lot 1 Section 32 S to S/M Highway 90 S 88 degrees E
200' S 82 Degrees E 30.07' to Point of Beginning thence S 82 degrees E 188.43' South 370°W
306.66' to Rd N 18 degrees E 281.38' N 5 degrees E 128.26' to Point of Beginning. This being
the property described in DB 847-502 (104 Map779.32) Township 7 Range 7
5. Anticipated Termination Date of this Trust: 20 years after the death of the Grantor.

Prepared by: Elliot G. Mestayer 2128 Ingalls Ave., Pascagoula, MS 39567 (228) 762-1193

6: General Powers granted to Trustee: Powers conferred by Section 91-9-101 et. seq. of the Mississippi Code of 1972.

DATED: July 1st, 2013.

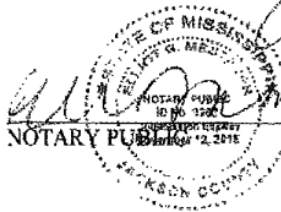
Charles R. Shultis, Jr.
CHARLES R. SHULTIS, JR.

Margaret Shultis
MARGARET SHULTIS

STATE OF MS
COUNTY OF Jackson

PERSONALLY CAME AND APPEARED BEFORE ME, the undersigned notary public in and for the above County and State, CHARLES R. SHULTIS JR. and MARGARET SHULTIS., named in the above and foregoing Trust Agreement, who acknowledged that they signed and delivered said instrument as their own free and voluntary act and deed on the date therein shown.

WITNESS MY HAND AND OFFICIAL seal on this the 1st day of July, 2013.



82432005.000 SHULTIS FAMILY REVOCABLE TRUST

PIDN: 82432005.000

GISP: 779.32-00-0104.00

Owner Information

Percent of Ownership: 100

Name: SHULTIS FAMILY REVOCABLE TRUST

Name 2: SHULTIS CHARLES

Mailing Address: 5917 OLD SPANISH TRL
OCEAN SPRINGS MS
39564

Site Address: 5917 OLD SPANISH TRL GAUTIER

Land Information

Section: 32 Acreage: 2

Township: 7

Range: 7

Street Name OLD SPANISH
TRL

Value and Tax Information

Total Assessed Value: 11793

Total Appraised Value: 117928

Improvement Value: 86028

Land Value: 31900

Tax Amount: 343

SQ FT: 1602

Year Built: 1986

Legal Description

Description: COM NWC E1/4 S1/2 GOVT LOT 1 SEC
32 S TO S/M HWY 90 S 88 DEG E 2
00' S 82 DEG E 30.07' TO POB S 8
2 DEG E 188.43' S 370' W 306.66'
TO RD N 18 DEG E 281.38' N 5 DE
G E 128.26' TO POB DB 847-502 DB
1718-71 DB 1718-73 DB 1721-125
(104 MAP779.32)

Deed Book / Page: 1721 / 125

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

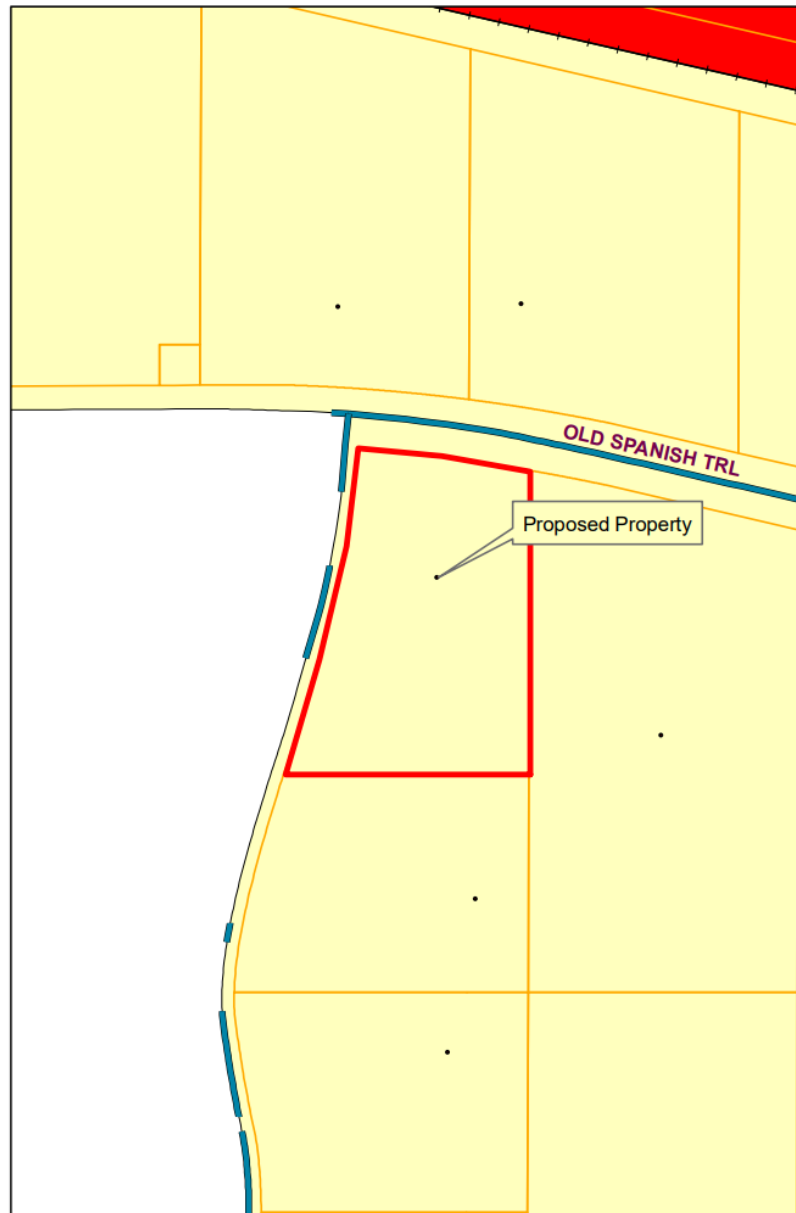


Exhibit C Existing Land-Use

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

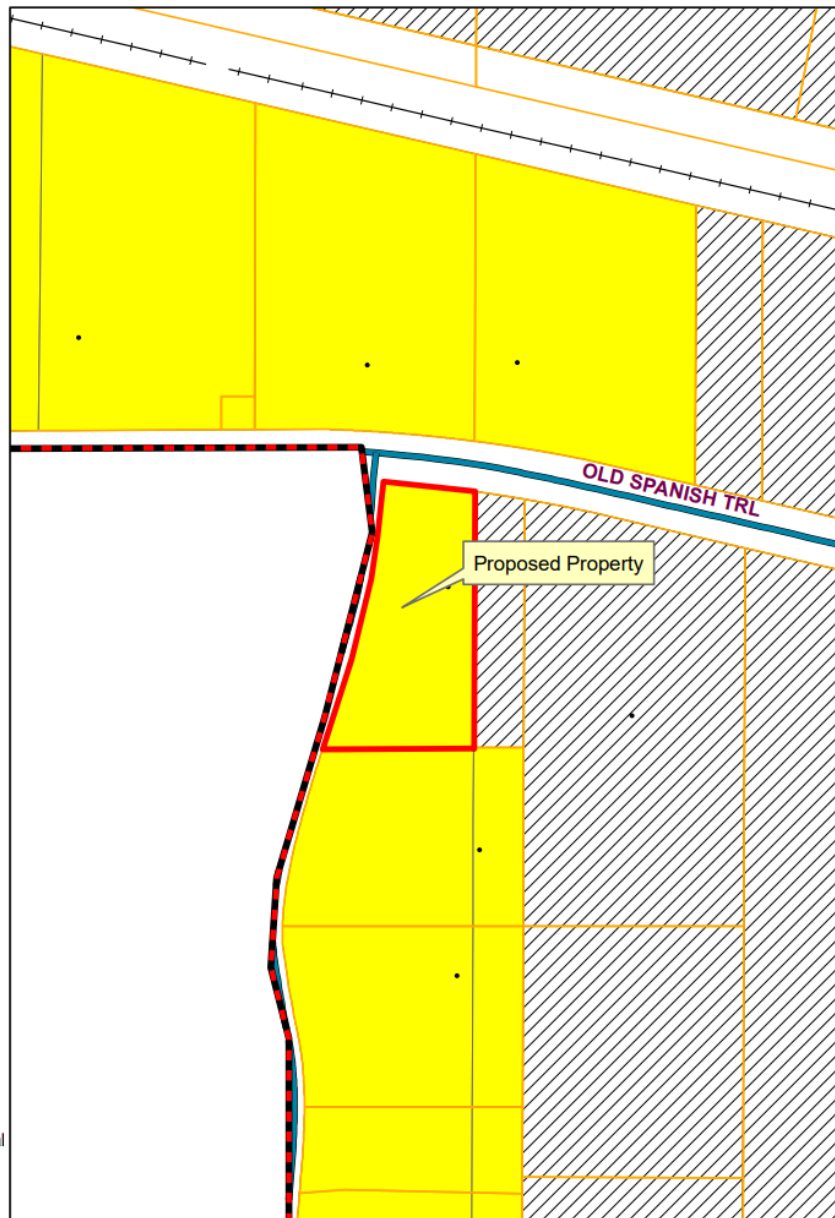


Exhibit D

Future Land-Use

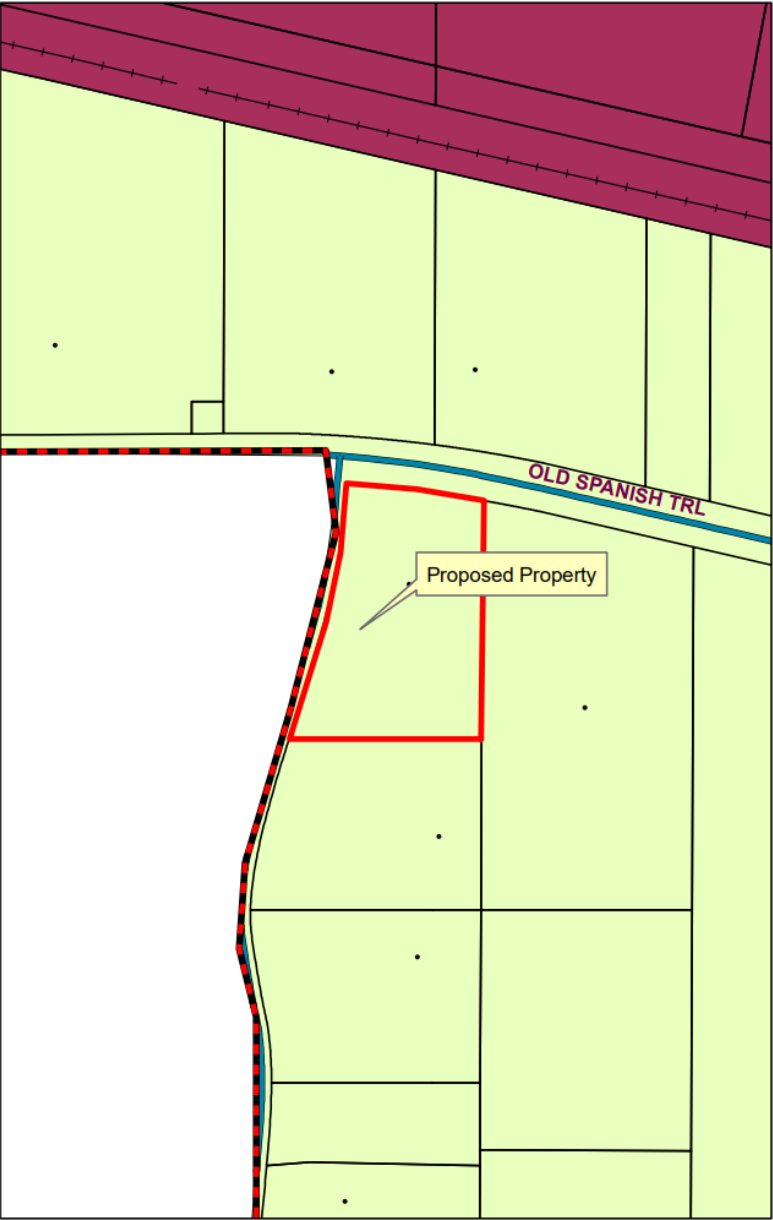
Prepared By:
City of Gautier
Planning Department

Legend

FUTURE LAND USE

FLU_Class

- 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 5, 2025

GPC #25-26-RZ

Henry “Hank” B. Zuber, III

dba

HBZ, LLC VII

7313 Martin Bluff Road

PID #85432006.000 & #85432007.000

VII. NEW BUSINESS

5. Consider a request for a Property Owner Initiated Rezoning of Property located at 7313 Martin Bluff Road, PID #85432006.000 & #85432007.000, from R-1 Low Density Single-Family Residential to C-2 Community Commercial (GPC Case No. 25-26-RZ)

CITY OF GAUTIER STAFF REPORT

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: May 27, 2025

Subject: Consider a request for a Property Owner Initiated Rezoning of Property located at 7313 Martin Bluff Road, PID #85432006.000 & #85432007.000, from R-1 Low Density Single-Family Residential to C-2 Community Commercial (GPC Case No. 25-26-RZ)

REQUEST:

The Planning Department has received a request from Henry “Hank” B. Zuber, III dba HBZ, LLC VII for a proposed Amendment of the Official Zoning Map of the City of Gautier, Mississippi. The request is to rezone a portion of two adjoining parcels known as 7313 Martin Bluff Road, PID #85432006.000, & 85432007.000, from R-1 Low Density Single-Family Residential to C-2 Community Commercial. More than half of each parcel is currently zoned C-2 Community Commercial, and the other portion is zoned R-1 Low Density Single-Family Residential. (GPC Case No. 25-26-RZ). The application fee of \$300 was paid on May 7, 2025. 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: 7313 Martin Bluff Road, PID #85432006.000, & 85432007.000 (See Exhibit A)
2. Existing Zoning: C-2 Community Commercial & R-1 Low Density Single-Family Residential (See Exhibit B)

UDO 5.3.8 C-2, Community Commercial District - Purpose and intent. The purpose of this district is to provide areas of medium density commercial including a mixture of retail, professional services, and studios which cluster together. Community Commercial Districts are located primarily along transportation collectors such as Gautier-Vancleave. The co-location of

professional services and civic uses shall be encouraged to strengthen industry and provide an attractive, pedestrian scale commercial corridor into the City.

UDO 5.3.3 R-1, Low Density Single-Family Residential District - Purpose and intent. The purpose of this district is to provide areas where the principal use of land is for single-family detached dwelling units and related recreational facilities which compliment the area and provide a balanced and attractive residential area. R-1 areas are to be specifically designed to provide for the quiet enjoyment of the uses therein. They should have well defined boundaries and be protected from the encroachment of commercial uses and heavy through traffic.

DATA AND ANALYSIS:

Property requested for Rezoning: 7313 Martin Bluff Road, PID #85432006.000, & 85432007.000.

Location: Ward 4

Current Zoning of the Request Property: C-2 Community Commercial & R-1 Low Density Single-Family Residential

Existing Land Use: Very low to low density residential. (See Exhibit C)

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

Surrounding Zoning: C-2 Community Commercial to the North and South, R-1 Low Density Single-Family Residential to the North, South, East, and West.

HISTORY:

This property has several older vacant structures on it. Currently a portion of the property is zoned C-2 Community Commercial, and a portion is zoned R-1 Low Density Single-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 entire subject area to C-2 Community 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

Revised 2/8/23

GAUTIER, MISSISSIPPI
PLANNING DEPARTMENT
PUBLIC HEARING APPLICATION

Public Hearing Number

25-26-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:

Henry "Hank" B. Zuber III

Name of Business:

HBZ LLC VII

Phone:

228-235-1193

Property Address:

7313 Martin Bluff Rd, Gautier, MS 39553

Mailing Address (if Different):

503 Minor Land Ocean Springs, MS 39566

E-Mail Address:

hank@zuberlaw.net

Reason for request, location and intended use of Property:

b/c it is split zone between C-2 & R-1, desire it to be all zoned C-2 for both

ATTACHMENTS REQUIRED AS APPLICABLE:

parcel numbers: 85432007.000
85432006.000

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.

N/A → no project decided it is split zone

Signature of Applicant:

Date of Application:

5/7/25

FOR OFFICE USE ONLY

Date Received

5-7-25

Verify as Complete

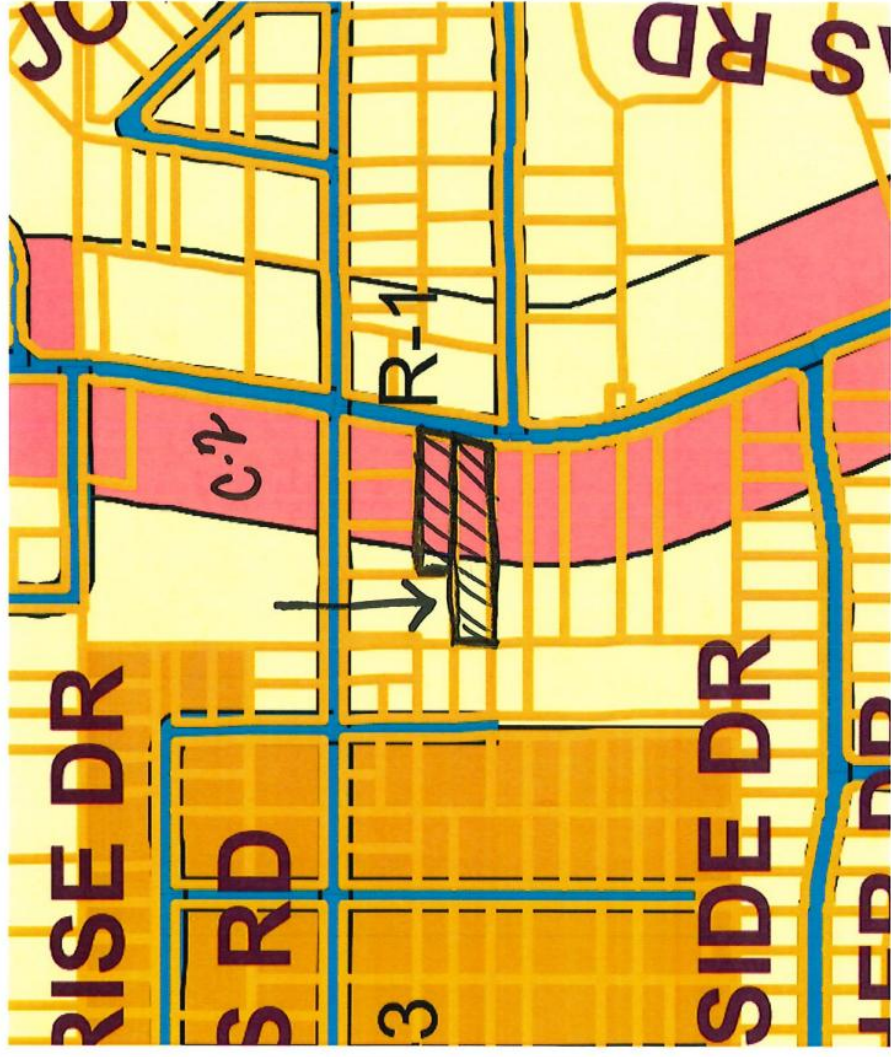
Babs

Fee Amount Received

301.00

Initials of Employee Receiving Application

Babs



202417707
BK: 2182 PG: 261 - 262
09/20/2024 04:02:06 PM 2 PG(S)
Receipt # 20971

Prepared by and return to:
Matthew E. Perkins, MSB 102353
4224 Castenera Avenue
Moss Point, MS 39563
(228) 762-6631

Grantor's Address:
Mitchell Murphy Hill
7313 Martin Bluff Road
Gautier, MS 39553
(228) 235-0688

Grantee's Address:
HBZ LLC VII
6913 Washington Avenue, Suite B
Ocean Springs, MS 39564
(228) 875-1097

INDEXING INSTRUCTIONS: Lot 8 and Lot 9, less the West 142 ft. of Lot 9, Hastings Subdivision, Jackson County, Mississippi

STATE OF MISSISSIPPI
COUNTY OF JACKSON

WARRANTY DEED

FOR AND IN CONSIDERATION OF the price and sum of TEN and NO/100 (\$10.00) DOLLARS, cash in hand paid and other good and valuable consideration, the receipt of all which is hereby acknowledged, Mitchell Murphy Hill, Grantor, does hereby grant, bargain, sell, convey and warrant unto HBZ LLC VII, a Mississippi Limited Liability Company, Grantee, those certain pieces or parcels of land situated in Jackson County, Mississippi, and being more particularly described as follows, to-wit:

Lot 8 of the Hastings Subdivision, per plat thereof recorded in Book 2, Page 70, records of plats of Jackson County, Mississippi, and is situated in Claim Section 12, Township 7 South, Range 7 West.

AND

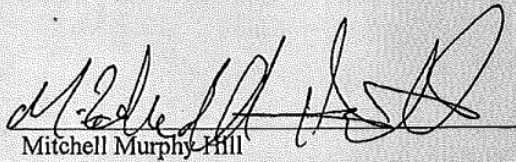
TITLE NOT EXAMINED

Lot 9, less the West 142 ft. as conveyed in Book 976 at Page 324, Hastings Subdivision, as per plat thereof recorded in Plat Book 2, page 70, Records of Plats of Jackson County, Mississippi, per Deed Book 542, Page 336.

The warranty of this conveyance is made expressly subject to all restrictive covenants, rights of way, easements, and mineral reservations affecting the above-described property.

It is understood and agreed that the parties have furnished the legal description and information for this instrument and that the preparer of this instrument has not checked the title to said property nor verified the information furnished, and the parties do hereby waive a title examination and other objection, and the parties further release and discharge the preparer of this instrument and the notary from any and all liability and damages in connection with this instrument.

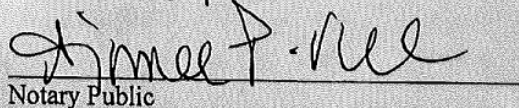
WITNESS MY SIGNATURE on this 20th day of September, 2024.


Mitchell Murphy Hill

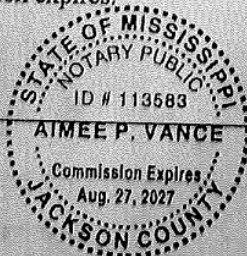
STATE OF MISSISSIPPI
COUNTY OF JACKSON

Personally appeared before me, the undersigned authority in and for the said county and state, within my jurisdiction, the within named Mitchell Murphy Hill, who acknowledged that he signed and delivered the foregoing instrument of writing on the day and year the same bears date as his own and voluntary act and deed and for the uses and purposes therein mentioned.

Given under my hand and official seal, this the 20th day of September, 2024.


Notary Public

My commission expires:



TITLE NOT EXAMINED

Ultra
5 11:41 AM

85432006.000 HILL JAMES O (EST)

PIDN: 85432006.000

GISP: 771.12-04-0194.00

Owner Information

Percent of Ownership: 100

Name: HILL JAMES O (EST)

Name 2:

Mailing Address: 7313 MARTIN BLUFF RD
GAUTIER MS
39553

Site Address: 7313 MARTIN BLUFF RD GAUTIER

Land Information

Section: 12 Acreage: 0

Township: 7

Range: 7

Street Name MARTIN BLUFF
RD

Value and Tax Information

Total Assessed Value: 5113

Total Appraised Value: 51127

Improvement Value: 44287

Land Value: 6840

Tax Amount: 0

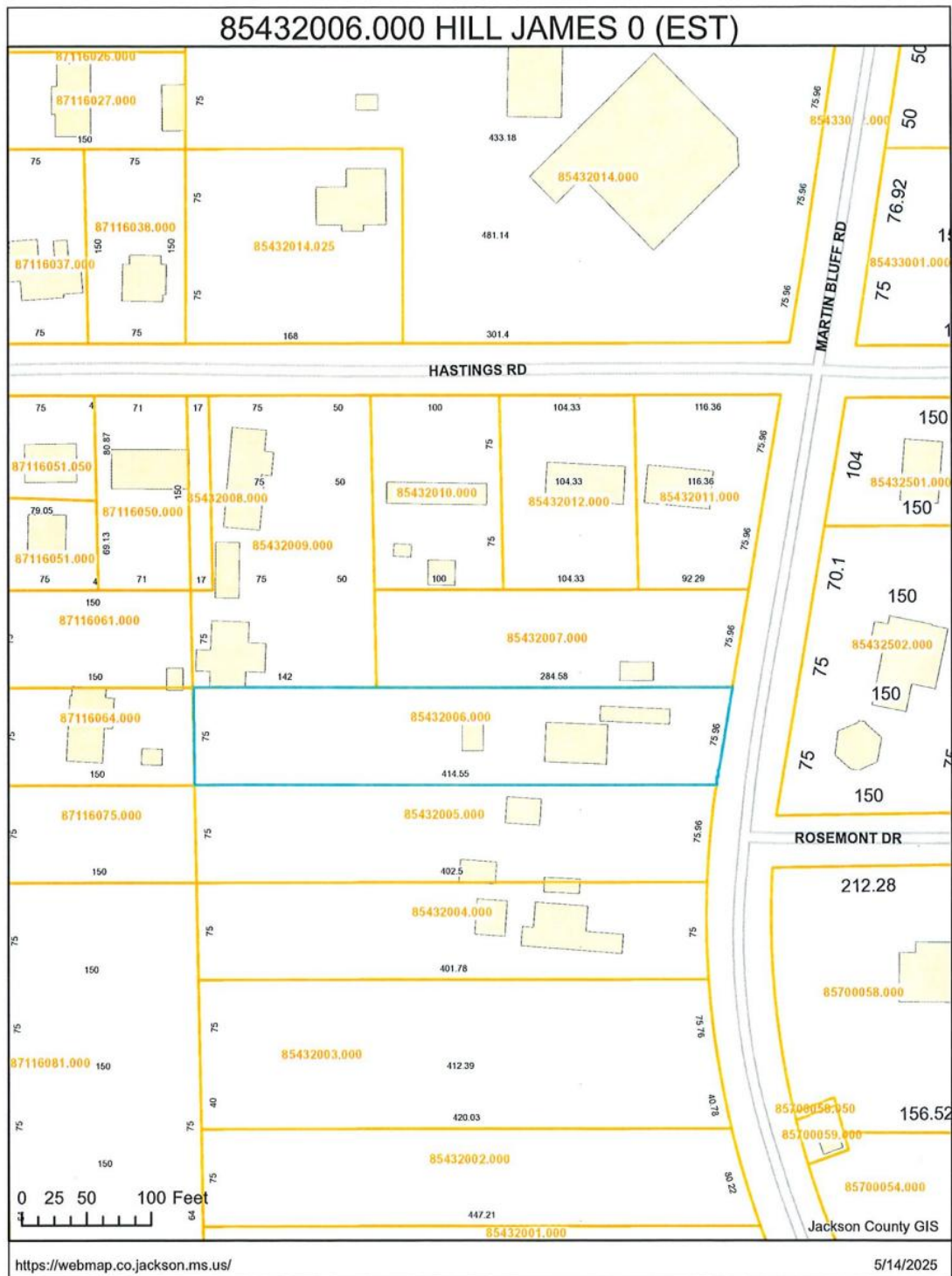
SQ FT: 1092

Year Built: 1955

Legal Description

Description: LOT 8 HASTINGS S/D DB 243-508 (1
94 Map771.12-04)

Deed Book / Page: 243 / 508



85432007.000 HILL JAMES ODELL

PIDN: 85432007.000
GISP: 771.12-04-0192.00

Owner Information

Percent of Ownership: 100
Name: HILL JAMES ODELL
Name 2: HILL DORIS
Mailing Address: 7313 MARTIN BLUFF RD
GAUTIER MS
39553

Site Address: MARTIN BLUFF RD GAUTIER

Land Information

Section: 12 Acreage: 0
Township: 7
Range: 7
Street Name MARTIN BLUFF
RD

Value and Tax Information

Total Assessed Value: 672	Total Appraised Value: 6720
Improvement Value: 780	Land Value: 5940
Tax Amount: 0	SQ FT: 0 Year Built: 0

Legal Description

Description: THE E 284.58' OF LOT 9 HASTINGS
S/D DB 542-336 (192 Map771.12-04
)

Deed Book / Page: 542 / 336

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

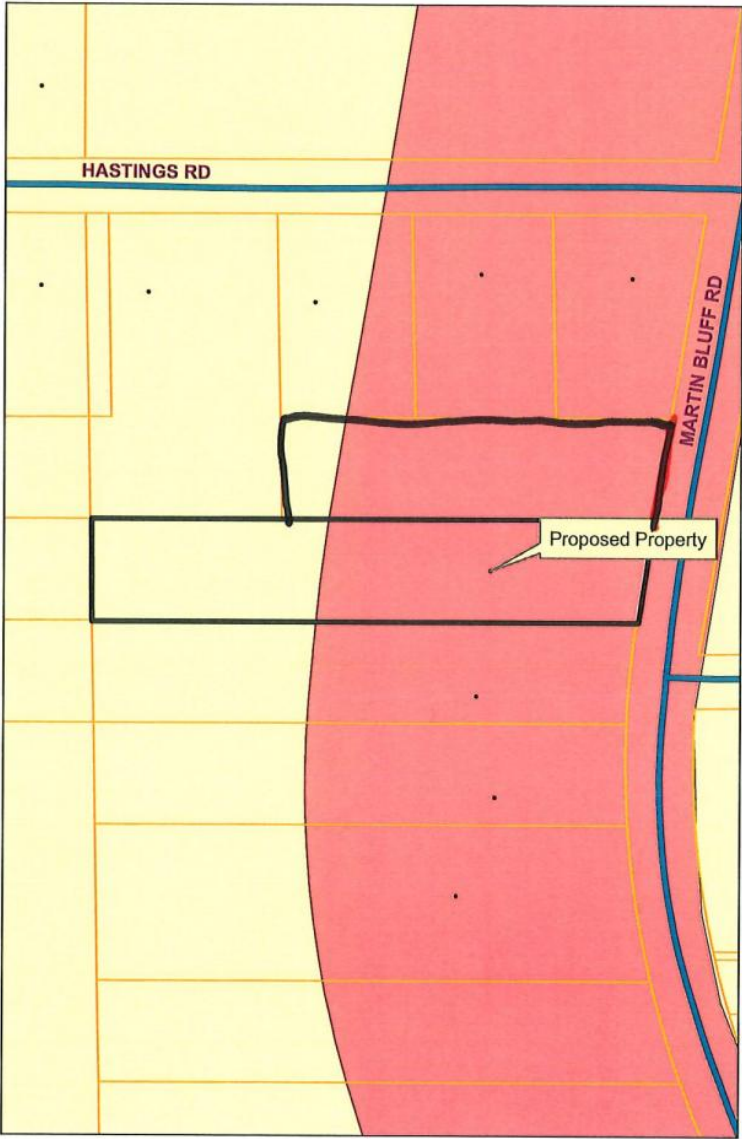


Exhibit C

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

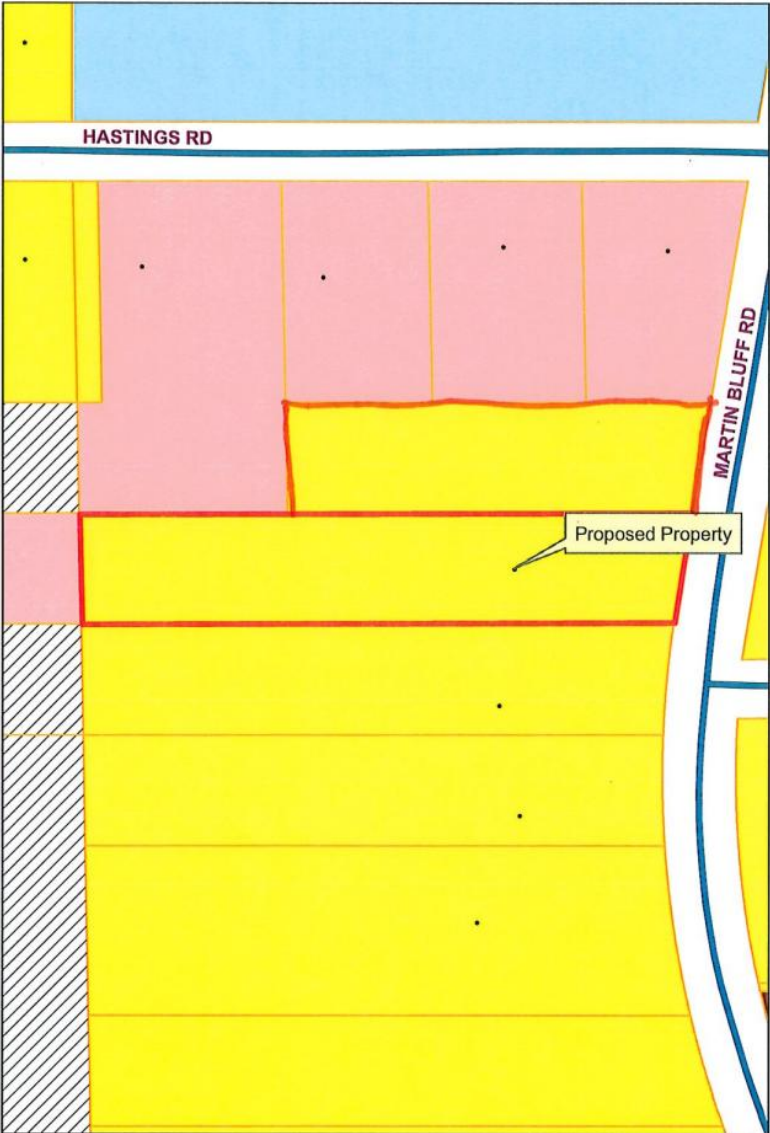


Exhibit D Future Land-Use

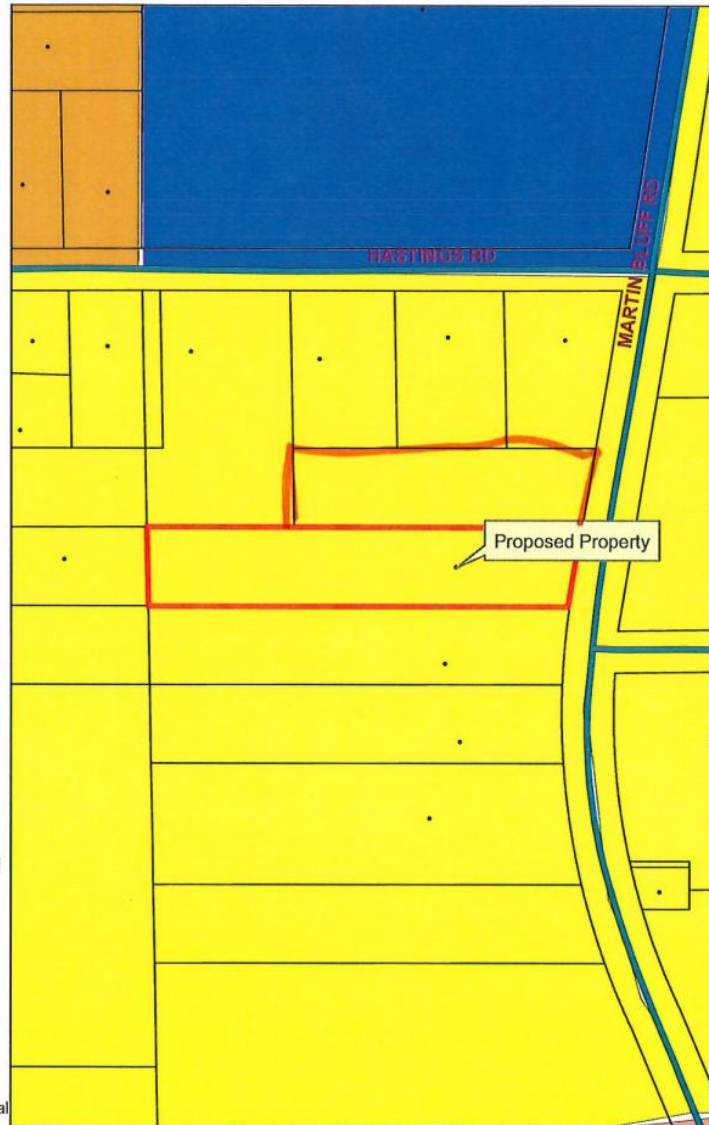
Prepared By:
City of Gautier
Planning Department

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 5, 2025

GPC #25-27-RZ

Elliott Land Developments, LLC

Old Spanish Trail

PID #82438110.000, #82438100.125 & #82438100.000

VII. NEW BUSINESS

6. Consider a request for a Property Owner Initiated Rezoning of Property located at PID #82438110.000, Old Spanish Trail, from R-1 Low Density Single-Family Residential to PUD Planned Unit Development, and to amend a previously approved PUD Plan for PID #82438100.125 & #82438100.000. (GPC Case No. #25-27-RZ)

CITY OF GAUTIER STAFF REPORT

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: May 28, 2025

Subject: Consider a request for a Property Owner Initiated Rezoning of Property located at PID #82438110.000, Old Spanish Trail, from R-1 Low Density Single-Family Residential to PUD Planned Unit Development, and to amend a previously approved PUD Plan for PID #82438100.125 & #82438100.000. (GPC Case No. 25-27-RZ)

REQUEST:

The Planning Department has received a request from Elliott Land Developments, LLC for a Rezoning of property located at PID #82438110.000, Old Spanish Trail, from R-1 Low Density Single-Family Residential to PUD Planned Unit Development, and to amend a previously approved PUD Plan for PID #82438100.125 & #82438100.000. The application fee of \$300 was paid on April 22, 2025. 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: Old Spanish Trail, PID #82438110.000, #82438100.125 & #82438100.000. (See Exhibit A)
2. Existing Zoning: PID #82438100.125 & #82438100.000 is PUD Planned Unit Development, PID #82438110.000 is R-1 Low Density Single-Family Residential. (See Exhibit B)

UDO 5.3.3 R-1, Low Density Single-Family Residential District - Purpose and intent. The purpose of this district is to provide areas where the principal use of land is for single-family detached dwelling units and related recreational facilities which compliment the area and provide a balanced and attractive residential area. R-1 areas are to be specifically designed to provide for the quiet enjoyment of the

uses therein. They should have well defined boundaries and be protected from the encroachment of commercial uses and heavy through traffic.

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: Old Spanish Trail, PID #82438110.000. (PID #82438100.125 & #82438100.000, Old Spanish Trail, - amendment of previously approved PUD plan)

Location: Ward 1

Current Zoning of the Request Property: R-1 Low Density Single-Family Residential (Property for PUD plan amendment zoned PUD Planned Unit Development)

Existing Land Use: Vacant. (See Exhibit C)

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

Surrounding Zoning: R-1 Low Density Single-Family Residential to North, South, East & West

HISTORY:

All the subject property is vacant. PID #82438100.125 & #82438100.000 were rezoned from R-1 Low Density Single-Family Residential to PUD Planned Unit Development in April 2019. Although the zoning remains PUD, the applicant never proceeded with the PUD plan that was approved.

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 PID #82438110.000 from R-1 Low Density Single-Family Residential to PUD Planned Unit Development, and approve the amended PUD plan for PID #82438100.125 & #82438100.000; or
2. Recommend that City Council deny the Rezoning and amended PUD plan.

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

25-27-K2

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: Donovan Scruggs Town Planning and Consulting, LLC (agent)

Name of Business: Elliott Land Developments, LLC

Phone: _____

Property Address: Unaddressed parcels on O. Spanish Trail 317 Pine Dr., Ocean Springs, MS 39564 (agent)

Mailing Address (if Different): _____

donovan@scruggsplanning.com (agent)

E-Mail Address: _____

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: _____ Date of Application: 4/12/25

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 4/24/25 Verify as Complete Scott

Fee Amount Received 301.00 Initials of Employee Receiving Application Bahn

April 22, 2025

Mr. Scott Ankerson, Planning Director
Gautier City Hall
3330 US-90
Gautier, MS 39553



RE: Rezoning and PUD Amendment for 3 Parcels along Old Spanish Trail
PPINs: 82438110.000; 82438100.125; & 2438100.000

Dear Mr. Ankerson:

Attached to this letter are an application for rezoning, land use report, agent authorization, deed of properties, and a PUD plan for the proposed Seagrass Landing PUD. Elliott Land Developments, LLC is the owner of the three parcels referenced above. The two western parcels are designated as a PUD related to a 2019 rezoning. The eastern parcel is currently designated as R-1 Low Density, Single-Family Residential, and the owner is requesting a rezoning to PUD for incorporation into the attached PUD plan.

The 2019 PUD plan for Hillcrest Subdivision expired in 2022, but the properties remain designated as PUD. The original plan included 332 lots on approximately 88 acres. The proposed PUD plan incorporates the eastern parcel and increases the total area to approximately 108 acres. The PUD plan will include 328 lots on the expanded site that includes the western (original) and eastern parcels. As a result, the proposed density of the new PUD plan is approximately 3.1 units per acre which is a significant decrease from 3.75 units per acre (Hillcrest Subdivision). The PUD plan that provides greater detail of the proposed development (see attached). Despite the larger total area, the number of lots proposed with the new PUD plan has been reduced.

A key component of the plan is the rezoning of the eastern parcel from R-1 to PUD. This requires the identification of a 'change in neighborhood character' and 'public need' (no mistake in zoning is presumed). The change in neighborhood character is evidenced through the following items:

1. Ocean Estates – This is a residential development of approximately 120 units constructed in approximately 2010. While the site includes single-family residential lots, the lots are owned by a single entity and operates as rental properties. Fairfield Place is another development within the area that has changed the character of the area.
2. The construction of the Ocean Springs High School represents a significant change in the character of the area.
3. Single-family residential development is occurring to the southwest in unincorporated Jackson County but with close proximity to the subject properties.

Public need is also a component of the rezoning request. As much of the residential growth over the years has been within the unincorporated portions of Jackson County, Gautier and other municipalities need continued growth of residential development to support the local business communities. Additional support for the request is within that attached Land Use Report.

I appreciate your consideration in this matter. If there are questions related to this request, please feel free to call at 228.348.1315 or email to donovan@scruggsplanning.com.

Sincerely,

Donovan Scruggs, AICP

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

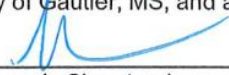
OWNER'S CONSENT AND DESIGNATION OF AGENT

I, Brandon Elliott (Elliott Land Developments, LLC), the fee simple owner of the following described property (address or parcel ID number(s) if no address assigned):

82438110.000 (Eastern Parcel)
82438100.125 (Western/Front Parcel)
2438100.000 (Western/Rear SW Parcel)

hereby petition to the City of Gautier to allow the rezoning of the subject parcel from R-1 to PUD (eastern parcel) and approval of amended PUD Plan, and affirm that (name of person) Donovan Scruggs (Scruggs Town Planning) are 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.


(Owner's Signature)

The foregoing instrument was acknowledged before me this 10th day of _____

April,
2025 by Brandon Elliott, who

is personally known to me or has produced MSDL
as identification and who did take an oath.

S. Lea Spinks
(Printed Name of Notary Public)


(Signature of Notary Public)

Commission # 471968. My commission expires 30 May 2028.

(Notary's Seal)



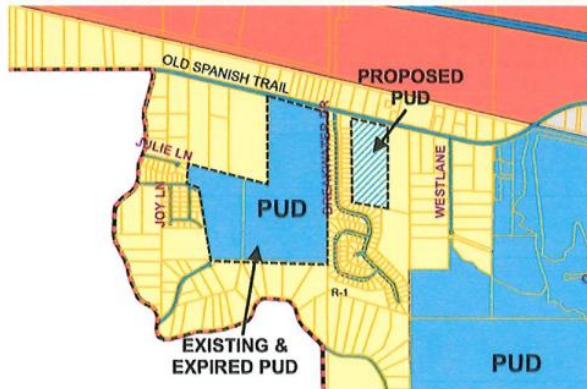
**Land Use Report for a
Zoning Amendment and PUD Plan Amendment for Properties Located
Along South Side of Old Spanish Trail
PIDNS: 82438110.000; 82438100.125; & 2438100.
Applicant: Elliott Land Developments, LLC**

Prepared by: S. Donovan Scruggs, AICP
Date: April 22, 2025

Elliott Land Developments, LLC (Elliott) is submitting an application to amend a Planned Unit Development (PUD) Plan (previous Hillcrest Subdivision) and rezone to PUD a 20-acre tract to the east for the development as a conservation or cluster development. The proposed development, Seagrass Landing, will include 108 acres of land and approximately 328 dwelling units. The site is located along the south side of Old Spanish Trail between Highway 57 and Shell Landing.



Elliott Land Development has submitted a revised PUD Plan that outlines the development strategy for Seagrass Landing. The proposed development is located west of Fairfield Place and along the east and west sides of Ocean Estates. These two subdivisions were developed after Hurricane Katrina and provide evidence of a change in neighborhood character. Farther west, Maurepas Circle (part of Palmetto Pointe subdivision) has completed the installation of infrastructure, and new homes are expected to soon start construction. Palmetto Pointe is another subdivision developed by Elliott Homes that includes several phases. These subdivisions are just east of Ocean Springs High School and north of an



unincorporated area that has experienced significant growth in recent years with the construction of new single-family residential units and subdivisions. The rezoning will provide more housing opportunities for those wishing to relocate to Gautier. More importantly, it will locate houses within an area that will not place more traffic along Greyhound Way that is typically congested in early mornings as residents are required to use limited routes from a populated area.

1. PUD: Cluster/Conservation Development

The proposed rezoning relates to the recent purchase of the various parcels by Elliott. As owner of the east and west parcels, the company plans to develop the subdivision to construct new single-family residential units. The original plan for the western parcels was approved in 2019. The PUD Plan for that development expired in 2022, but the zoning

remains as Planned Unit Development (PUD). Elliott intends to include the eastern parcels that is approximately 20 acres into the revised PUD Plan. The Plan is included with this application.

The 2019 PUD Plan included 332 lots on approximately 88 acres. The revised PUD Plan with the additional area to the east includes approximately 108 acres (20 additional acres) but only 328 lots. The increase in area and a reduction in lot count significantly reduces the project density from approximately 3.75 to 3.1 units per acre. A primary goal associated with the PUD request is the preservation of wetland areas. The 2019 Plan included the mitigation and filling of wetlands throughout the site. The proposed plan will preserve much more of the existing wetlands on the site. This is achieved through a reduction in lot counts and construction smaller lots. Combined, these efforts ultimately reduce the length of roadways within the development, which reduces stormwater runoff.



To the upper right is an image depicting a conservation or cluster development as it compares to a similar conventional subdivision. Notice that despite an equal number of lots, the plan on the left provides more open space or green space. While a conservation subdivision can preserve a variety of sensitive or unique features, on the Gulf Coast these subdivisions often preserve wetlands. Wetlands provide stormwater storage, wildlife habitat, and other benefits. The center image is the approved 2019 Hillcrest Plan. In this plan, there was very little open space, and the common area primarily included retention ponds.

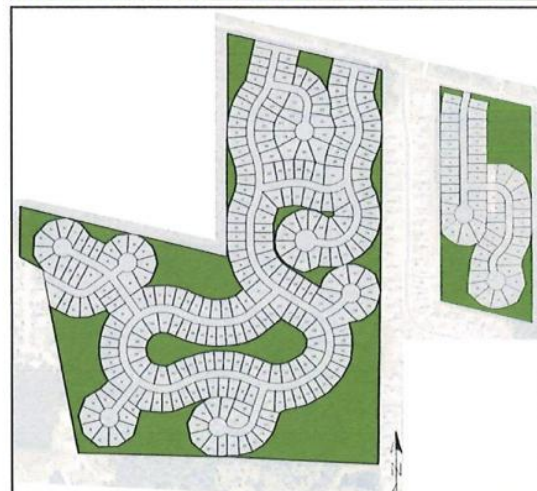


The proposed Seagrass Landing plan (lower image) includes slightly fewer lots overall with an increased footprint. This allows more of the area, including wetlands, to be preserved. As a result, the stormwater retention requirements will be reduced. By using the wetland preservation areas wisely, the street and lot layouts can use wetland areas as buffers along the rear yards. This allows the smaller lots to have a much larger feel.

Unlike the 2019 plan, the current plan will preserve more than 29 acres of land with approximately 4 acres of stormwater storage. This represents almost 25 percent of the total area of the site being set aside and preserved.

2. Change in Neighborhood Character

Following Hurricane Katrina, the subject area experienced noticeable growth. Ocean Estates is a development of single-family lots that is located between the proposed east and west phases of Seagrass Landing. Despite being developed on individual lots, all of the dwelling units are owned by a single-entity and operates the development as



a rental community. This site was developed between 2008 and 2009 and includes 122 units and a club house or amenities area.

To the west is Fairfield Place. This development actually began construction of infrastructure in 2005 prior to Hurricane Katrina but was slow to build out. It was completed by 2008 and only includes 47 houses. A later phase to the southeast (which is the westernmost parcel of Seagrass Landing) was planned but never constructed. Efforts will be made to connect Seagrass Landing to one or more of the existing streets to the west.

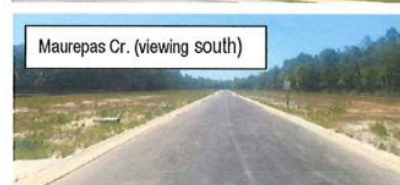
While new growth was occurring in Gautier, more intense activity was present in unincorporated Jackson County. In approximately 2008, the Ocean Springs School District secured passage of a bond issue for the construction of a new high school. In 2012, the Ocean Springs High School opened at the southeast corner of Old Spanish Trail and Highway 57 (Greyhound Way). This development significantly impacted the area to the south. While there was a downturn in development following the recession of 2008 and the BP Oil Spill, this changed in the early 2010s. As more homes began to be constructed in unincorporated Jackson County, one of the more impacted areas was the just south of the high school. Palmetto Pointe and other development began their early stages. Eventually, this development has worked its way toward Old Spanish Trail with the extension of Maurepas Circle. This connection point will encourage more traffic along Old Spanish Trail as it provides an alternative route to avoid the intersection at the high school.

Seagrass Landing is an extension of the on-going growth pressures within the area. With more than three hundred homes proposed, it represents the largest development to occur in the City of Gautier since the development of Shell Landing.

3. Public Need

The proposed project addresses a number of public needs for the City. While the new homes will provide increases in ad valorem property taxes, 'new rooftops' within a city will lead to new businesses and support of existing businesses. Legacy Park is being developed north of Highway 90 and additional support for that site will result from additional homes within the area.

While Gautier is the largest city in Jackson County in terms of land, it only ranks ahead of Moss Point in population. Population in Moss Point and Pascagoula has been slowly declining. Ocean Springs and Gautier have grown at a slow but positive rate. Some of this growth has been through annexation. At the same time, the Jackson County has grown faster than the four municipalities, and now there are more Jackson County residents living in unincorporated areas than the residents residing within municipalities. As growth migrates to the unincorporated areas, businesses and commercial



development could do the same which could impact sales tax collection in municipalities such as Gautier.

Finally, the rezoning to PUD will allow for a conservation subdivision which will preserve wetlands. This will have a positive impact on stormwater runoff, open space and wildlife habitats. These developments also encourage the reduction of infrastructure which ultimately require less infrastructure to maintain.

4. Consistency with the Comprehensive Plan.

The Gautier Comprehensive Plan recognizes the benefits associated with preserving wetland and natural areas:

In addition to providing a natural habitat for plants and animals, they [wetlands] provide a valuable role in floodplain management. When rivers overflow, wetlands absorb and slow the impeding floodwaters, mitigating the effect of flooding on communities. (Gautier Comprehensive Plan, p. 38).

Due to the natural constraints of the area including areas prone to flooding, wetlands, the coastal land and the bayous which are found in many areas, well-designed development will be required to allow growth to occur while protecting environmentally fragile areas (Gautier Comprehensive Plan, p. 43).

The Comprehensive Plan provides Implementation and Action Steps to protect Natural Resources and the following specifically related to Seagrass Landing.

- *Protect environmentally sensitive areas through creative development design.*
- *Use the principals of Low Impact Residential Development in appropriate places.*
- *Require Conservations Subdivisions or cluster housing in environmentally sensitive areas. (Gautier Comprehensive Plan, p. 45).*

Within the Housing and Neighborhood Stabilization section of the Plan, the following Goal is reiterated:

- *Require Conservations Subdivisions or cluster housing in environmentally sensitive areas. (Gautier Comprehensive Plan, p. 58).*

5.3.17 PUD (Planned Unit Development)

According to the UDC's Section 5.3.17 PUD, the purpose and intent of the PUD District is 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:

- B. Enhance the appearance of neighborhoods by conserving areas of natural beauty, and natural green spaces.*
- 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.*

The PUD District provides a flexible tool to develop cluster and conservation subdivisions in a manner consistent with the Comprehensive Plan. PUDs can provide a reduced development footprint with smaller and more compact lots. This leads to decreased lengths of roadways and less impervious surfaces

5. Conclusions.

Seagrass Landing represents one of the largest residential developments within the City of Gautier in several years. The PUD amendment and rezoning will permit a conservation subdivision which is encouraged in the Comprehensive Plan to preserve wetland and the natural environment. Despite the inclusion of an additional parcel, Seagrass Landing will result in a less dense development with fewer units than the 2019 Plan for Hillcrest Subdivision.

A growing population is important and is preferred to a declining population with out-migration of residents. A growing population supports the local economy which provides more revenues for businesses and the local units of government and schools.

The request is supported by a change in neighborhood character demonstrated by Ocean Estates, Fairfield Place, and the northern extension of Palmetto Place. The construction of the Ocean Springs High School encouraged a significant amount of growth immediately south of the site, and the northward progression of development has caused a change in character. The public need is addressed through encouraging smart, population growth that is sensitive to the environment and supports economic growth within Gautier. Elliott Land Developments intends to start construction of the infrastructure as quickly as possible, and requests the necessary approvals to initiate the development processes.

Respectfully Submitted:



Donovan Scruggs, AICP
Donovan Scruggs Town Planning and Consulting, LLC
317 Pine Drive
Ocean Springs, MS 39564

SEAGRASS LANDING:
A PLANNED UNIT DEVELOPMENT
OF GAUTIER, MISSISSIPPI
MAY 2025

Introduction

Seagrass Landing is proposed Residential Planned Unit Development located south of Old Spanish Trail in Gautier, Mississippi. The site will be developed by Elliott Land Developments, LLC. The project includes three parcels of land that are located along the east and west boundaries of Ocean Estates II subdivision. The western area includes two parcels of approximately 88 acres. The smaller, eastern parcel is approximately 20 acres. In total, the development will include slightly more than 108 acres of land.

The overall plan is to create a Conservation Subdivision or "cluster" development that will include smaller lot size in an effort to avoid wetlands and sensitive areas while maintaining the economic viability of the project. The project will include 'patio homes' which typically include smaller lot sizes than more traditional, residential lots. The overall density of the project will be less than the 2019 PUD plan approved previously. Additionally, with the eastern parcel included with the proposed PUD, the total project area is larger than the 2019 Plan.

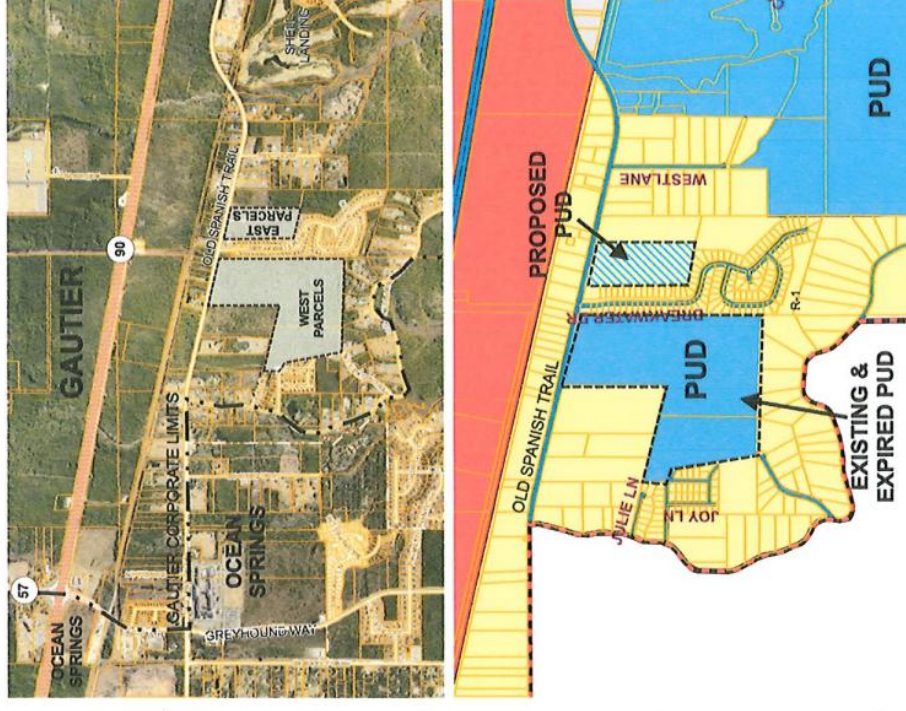
The site is located within the westernmost area of the City and within close proximity to the Gautier corporate boundary. In 2019, the western parcels were rezoned as a Planned Unit Development (PUD). The eastern parcel maintains a zoning designation of Low Density Single-Family Residential (R-1). For a consistency in development, this project will include a request to designate the eastern property as a PUD and be included in this PUD Plan.

The PUD designation will provide the developer more flexibility in design. With this flexibility, Seagrass Landing can be developed with a greater avoidance of wetlands and sensitive areas for enhanced opens spaces. By leaving these wetlands more intact, their natural function of absorption and flood control will benefit the neighborhood and area. These areas also create natural buffer areas between adjacent properties.

SEAGRASS LANDING: A PLANNED UNIT DEVELOPMENT

1

GAUTIER, MISSISSIPPI



Unified Development Code & Comprehensive Plan

Planned Unit Developments (PUDs) are a common element of most zoning codes across the nation. PUDs provide flexibility in design to permit a mix of uses, avoid sensitive areas, and similar goals outlined in Comprehensive Plans. Oftentimes these goals are difficult to achieve in typical zoning regulations that focus on segregating uses and establish minimum lot sizes that encourage harmony or monotony. In the City's Unified Development Code (UDC), Planned Unit Developments (PUDs) are defined as follows:

An area for which a unitary development plan has been prepared indicating, but not being limited to, the following land uses; open space, on-site circulation for both pedestrians and vehicles, parking, setbacks, housing, densities, building spacing, land coverage, landscaping, relationships, streets, building heights, accessory uses, and architectural treatment. A planned unit development also includes "cluster developments," which are development design techniques that concentrates buildings in a specified area on a site to allow the remaining land to be used for recreation, common open space, or preservation of environmentally sensitive areas.

Seagrass Landing is an example of a cluster development that will include open space or common areas with the remaining wetlands. Along the Mississippi Coast, wetland areas are oftentimes simply mitigated to expand the developable areas of the site. This involves the filling of wetlands and the development within these areas that were previously regulated wetlands. By preserving portions of these wetland areas, the site is enhanced with more common and buffer areas. More importantly, these wetlands and buffers provide natural drainage and retention areas that can reduce the amount of infrastructure and detention basins. The Gautier Comprehensive Plan recognizes the benefits associated with preserving wetland and natural areas:



In addition to providing a natural habitat for plants and animals, they [wetlands] provide a valuable role in floodplain management. When rivers overflow, wetlands absorb and slow the impeding floodwaters, mitigating the effect of flooding on communities. (Gautier Comprehensive Plan, p. 38).

Due to the natural constraints of the area including areas prone to flooding, wetlands, the coastal land and the bayous which are found in many areas, well-designed development will be required to allow growth to occur while protecting environmentally fragile areas (Gautier Comprehensive Plan, p. 43).

The Comprehensive Plan provides Implementation and Action Steps to protect Natural Resources and the following specifically related to Seagrass Landing.

- *Protect environmentally sensitive areas through creative development design.*
- *Use the principals of Low Impact Residential Development in appropriate places.*
- *Require Conservations Subdivisions or cluster housing in environmentally sensitive areas. (Gautier Comprehensive Plan, p. 45).*

Within the Housing and Neighborhood Stabilization section of the Plan, the following Goal is reiterated:

- *Require Conservations Subdivisions or cluster housing in environmentally sensitive areas. (Gautier Comprehensive Plan, p. 58).*

5.3.17 PUD (Planned Unit Development)

According to the UDC's Section 5.3.17 PUD, the purpose and intent of the PUD District is 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:

- B. *Enhance the appearance of neighborhoods by conserving areas of natural beauty, and natural green spaces.*
- 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.*

The PUD District provides a flexible tool to develop cluster and conservation subdivisions in a manner consistent with the Comprehensive Plan. PUDs can provide a reduced development footprint with smaller and more compact lots. This leads to decreased lengths of roadways and less impervious surfaces. The UDC outlines the following minimum requirements for PUDs:

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

Seagrass Landing is being proposed as a 'patio home' development that will include minimum lot areas of 6,500 square feet on the Western Parcels and 7,000 square feet on the Eastern Parcel. Both areas significantly exceed the minimal lot area requirements of 5,000 square feet.

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
AG	20,000 SF	100	35	N/A	N/A	50	20/35	25	none	N/A	N/A	N/A	N/A	N/A	15	N/A	N/A
R-E	43,560	150	35	N/A	N/A	50/35	20/35	35	none	N/A	N/A	N/A	N/A	N/A	20	N/A	N/A
R-1	9,600	80	35	N/A	N/A	25/35	10/25/35	25	none	N/A	N/A	N/A	N/A	N/A	30	N/A	N/A

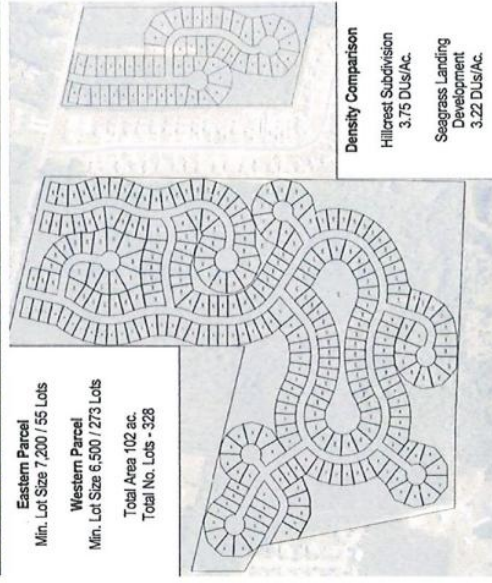
2019 Plan: Hillcrest Subdivision-Previous PUD

The present zoning of the western parcels was established in 2019 as a PUD. Within the City of Gautier, a "PUD" Plan must be implemented within three (3) years unless extended. Plans that are not constructed are set to expire at the end of the three year period. The approved PUD Plan associated with the Hillcrest Subdivision expired in 2022. The eastern parcel was not included in the 2019 project and maintains the R-1 District designation. It is important to recognize that while the PUD plan may have expired, the PUD designation (zoning) remains in place. The current proposal includes designating the eastern parcel as a PUD and incorporate the eastern parcel into the revised PUD plan.

The PUD Plan approved previously included 332 lots on 88 acres of land. The Hillcrest Subdivision PUD plan included lots that were compliant with the minimum lot areas of a PUD for a single-family residential units (7,500 sq. ft.), but failed to provide other characteristics typically related to PUDs such as mix of use, open space, or conservation areas. The majority of the open spaces were detention ponds and the plan included the mitigation of all wetlands on the site. The development plan of Seagrass Landing that includes smaller lots the conventional districts Low Density, Single-Family Residential (R-1) District.

Hillcrest Subdivision had an overall site density of approximately 3.75 residences per acre. By contrast, Seagrass Landing is a less dense project. Hillcrest Subdivision includes approximately 88 acres while Seagrass Landing with the additional parcel to the east has a total area of 108 acres. Despite a larger area of more than 20 acres, the lot count of Seagrass Landing is 328 or four lots less than the 332 of Hillcrest Subdivision. The provides a site density that is more than .6 dwelling units less per acre. For the western parcel, the Hillcrest lot count was 332 units while the western parcel of Seagrass Landing is only 273 units. Within the 88 acres of the two western parcels, this is a reduction of 59 dwelling units proposed with the Seagrass Landing.

The smaller lots sizes of Seagrass Landing combined with the overall reduction in the number of lots and an increase in the project area allows the site to place more of the sensitive areas of the property in conservation areas.

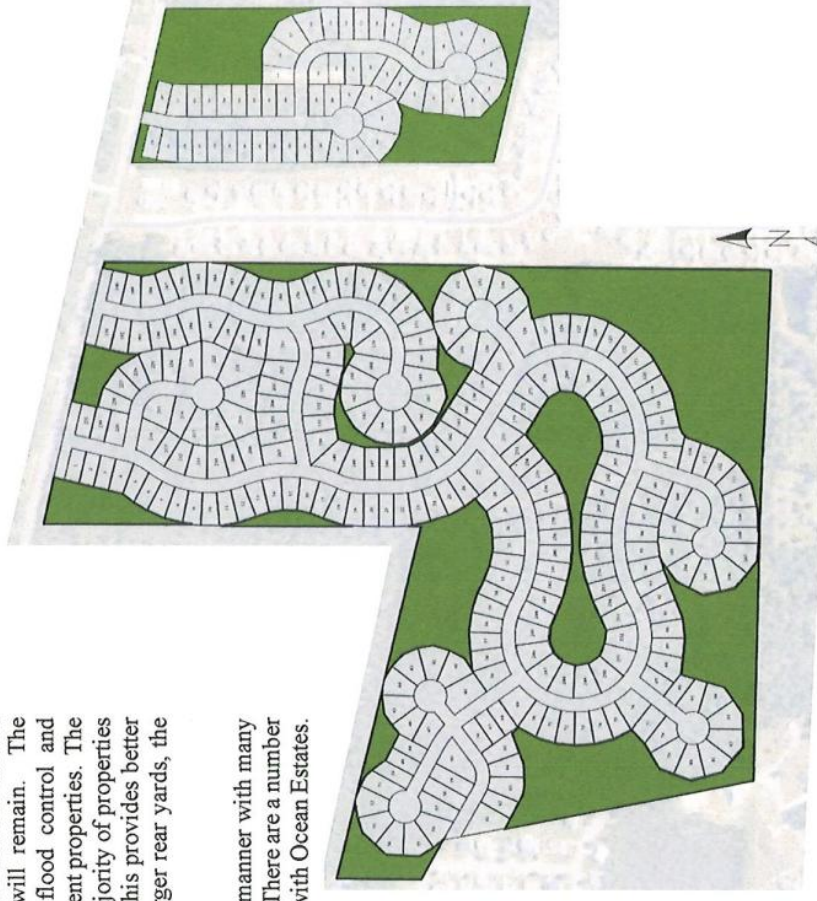


Seagrass Landing: Open Space

Unlike the Hillcrest Plan, Seagrass Landing is proposing to preserve more of the site's natural wetland areas. Both the western and eastern parcels include significant wetland areas that will remain. The wetlands not only provide benefits related to flood control and retention, these areas provide buffers among adjacent properties. The western parcels have been arranged so that the majority of properties have rear yards along wetland or buffer areas. This provides better separation among neighbors. Also with these larger rear yards, the smaller lots feel much larger.

The eastern parcel will be developed in a similar manner with many of the lots with rear lot lines along wetland areas. There are a number of lots that will share a common rear yard lot line with Ocean Estates.

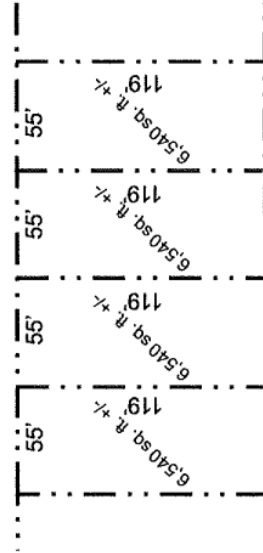
Despite the smaller lot sizes, the lots will have a more openness because of the preservation of wetlands. The survey of the properties indicates there are 108 acres with the western and eastern parcels. Of this, approximately 29.5 acres will be preserved with 4.0 acres serving as stormwater retention. Excluding the stormwater ponds, almost twenty-five (25) percent of the total area of the eastern and western sites will be preserved as open space.



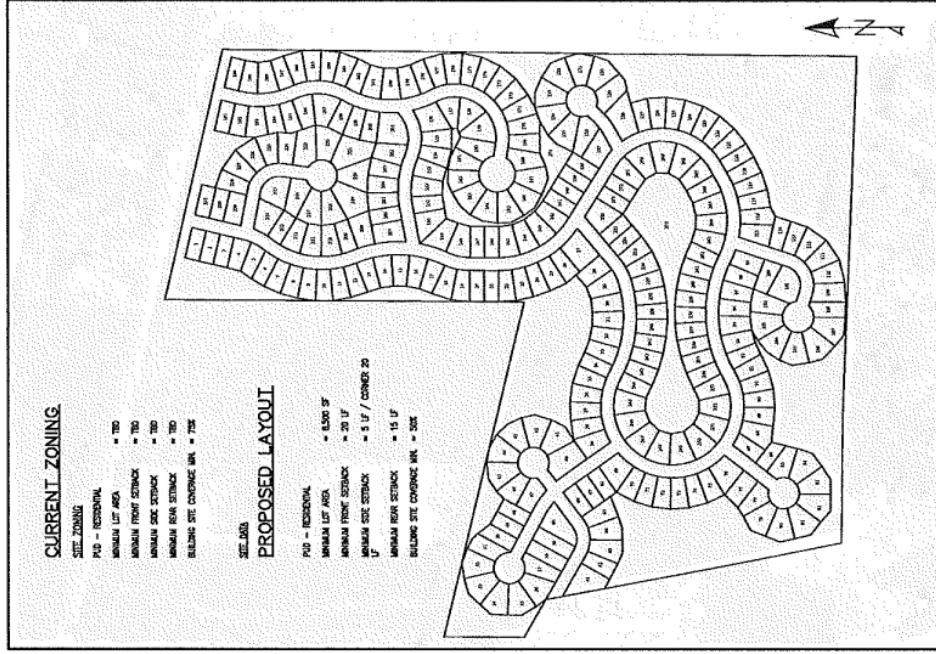
Seagrass Landing-West

With the expiration of Hillcrest Subdivision's PUD plan, Elliott Land Developments purchased the property with the intent of developing a single-family residential neighborhood. The development will consist of detached dwellings on smaller lots or patio homes. The Hillcrest plan was approved for 332 units on the western 88 acres with very little open space or common areas. In contrast, Seagrass Landing will only include 273 dwelling units that include within the western area. Despite the smaller lot sizes, the western area proposes a density of approximately 3.1 units per acre. As previously mentioned, Hillcrest proposed a density of approximately 3.75 units per acre. In total, the western parcels within the Hillcrest plan included 59 more lots or dwelling units on the subject property.

To the immediate east of the site is Ocean Estates, a platted subdivision of approximately 120 dwelling units. All lots and common areas with Ocean Estates is under a single-ownerships and functions as a rental neighborhood.

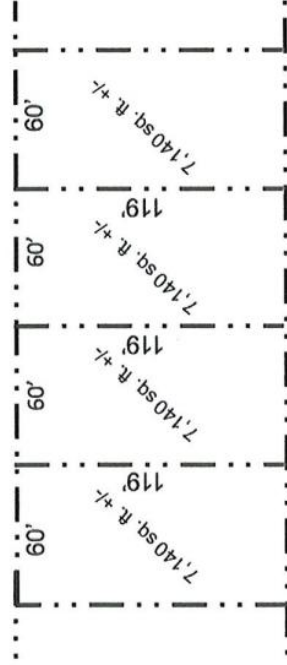


Typical Lot Dimensions-Western Phase



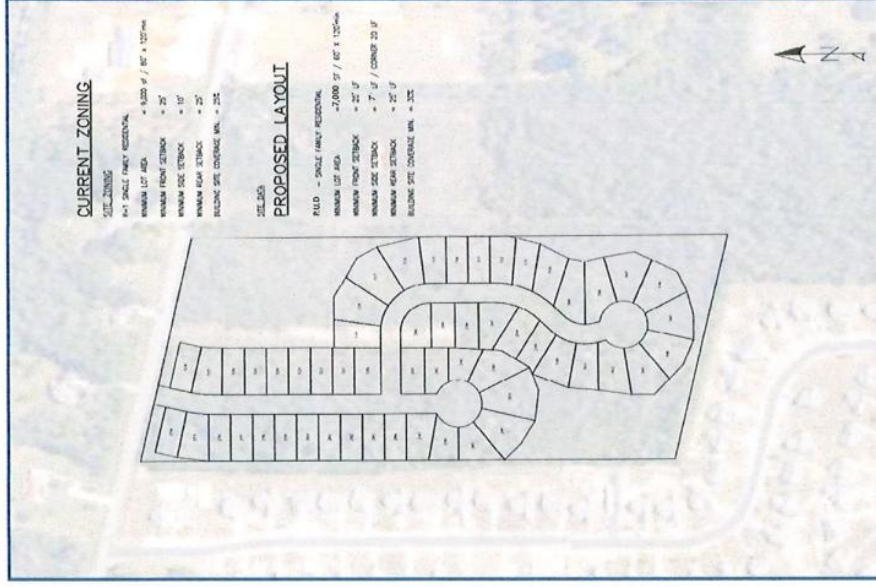
Seagrass Landing- East

The eastern parcel of Seagrass Landing is approximately 20 acres in size. Despite being under the same ownership, this area was not included in the 2019 Plan. The developer intends to include this area within the current PUD Plan for Seagrass Landing. Despite the inclusion with the PUD, the lot sizes are more consistent with standard zoning district sizes and are larger than the lots within the western phase. The PUD will permit more compact lots with minimum areas of 7,000 square feet with wetlands preserved in common areas. A slight reduction in lot sizes and side yard setbacks is included to allow greater flexibility in house selection and sizes.



Typical Lot Dimensions-Western Phase

Seagrass Landing Lot Standards	west	east
Lot Area (Minimum)	6,400 sq. ft.	7,000 sq. ft.
Front Yard Setback (Minimum)	20	25
Side Yard Setback (Minimum)	5	7
Rear Yard Setback (Minimum)	15	25
Percent Coverage (Maximum)	50	50



Seagrass Landing: Housing

Seagrass Landing will include patio-houses which are generally considered smaller homes. The development will include homes that generally range in widths of 38 to 46 feet. Despite the somewhat smaller lots, the homes will range in sizes from approximately 1,550 square feet to 4,050. The flexibility provided through the PUD designation will provide a greater diversity of housing types that can include single and two-story homes.

The use of various elevations and finishes can provide a development that with a blend of houses and not continuous rows of houses that are indistinguishable.



OFFICIAL RECORDS JACKSON COUNTY
 Josh Eldridge
 CHANCERY CLERK
 RECORDING FEE: \$26.00
 #202504030 BK: 2201 PG: 663-666
 83/11/2025 10:23:21 AM 4 PGS
 TFOUNTAIN,DC Rpt186146



202504030 4 PGS

Prepared by & return to:
 Schwartz, Orgler & Jordan, PLLC
 12206 Highway 49
 Gulfport, MS. 39503
 228-832-8550
 Our File: 220760

Indexing: Section 38, Township 7 South,
 Range 7 West

STATE OF MISSISSIPPI
 COUNTY OF JACKSON

WARRANTY DEED

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

**Trebornos LLC,
 A Mississippi Limited Liability Company
 6102 Olvida Circle
 Ocean Springs, MS 39564
 (228) 239-3955**

does hereby sell, convey and warrant unto

**Elliott Land Developments, LLC,
 A Mississippi Limited Liability Company
 1402 Pass Road
 Gulfport, MS 39501
 (228) 257-9914**

the following described land and property being located in Jackson County, Mississippi, being more
 particularly described as follows, to-wit:

SEE ATTACHED EXHIBIT "A"

THIS CONVEYANCE is subject to any and all recorded restrictive covenants, rights-of-way
 and easements applicable to subject property, and subject to any and all prior recorded reservations,
 conveyances and leases of oil, gas and minerals by previous owners.

TAXES for the current year have been pro-rated as of this date and are hereby assumed by the
 Grantee herein.

IN WITNESS WHEREOF, Trebornos LLC has caused this conveyance to be executed by its duly authorized officer, having first been duly authorized to do so, on this the 7th day of March, 2025.

Trebornos LLC
BY: Paul R. Campo Sole Member
Paul R. Campo, Sole Member

STATE OF MISSISSIPPI
COUNTY OF HARRISON

THIS DAY PERSONALLY CAME AND APPEARED BEFORE ME, the undersigned authority in and for the jurisdiction aforesaid, Paul R. Campo, who acknowledge that he is the Sole Member of Trebornos LLC, and as its act and deed, signed, sealed and delivered the above and foregoing instrument of writing on the day and in the year therein mentioned after having been first duly authorized to do so.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the 7th day of March, 2025.

Ashley Zimmerman
NOTARY PUBLIC

My Commission Expires:



EXHIBIT "A"

SURVEY DESCRIPTION FOR PARCEL "A":

A PARCEL OF LAND SITUATED IN CLAIM SECTION 38, TOWNSHIP 7 SOUTH, RANGE 7 WEST, CITY OF GAUTIER, JACKSON COUNTY, MISSISSIPPI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS WITH THE BEARINGS BASED ON STATE PLANE GRID NORTH (MS EAST ZONE):

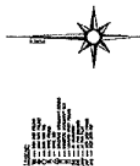
BEGINNING AT A 1" IRON PIPE FOUND AT THE NORTHWEST CORNER OF LOT 20, OLD SHELL LANDING TRACTS, UNIT 2 AS PER PLAT BOOK 18 ON PAGES 15 AND 16; THENCE ALONG THE NORTH LINE OF SPANISH TRACE ESTATES SUBDIVISION, N8743°52'W 483.83' TO A 1/2" IRON ROD FOUND; THENCE N1035°33'W 513.93' TO A 1/2" IRON ROD FOUND AT THE SOUTHEAST CORNER OF FAIRFIELD PLACE SUBDIVISION; THENCE ALONG THE EAST LINE OF SAID SUBDIVISION, N1031°11'W 636.29'; THENCE FURTHER ALONG SAID EAST LINE, N5923°15'W 176.51'; THENCE FURTHER ALONG SAID EAST LINE, N0004°33'E 314.18' TO A CONCRETE MONUMENT FOUND AT THE NORTHEAST CORNER OF LOT 8 OF SAID SUBDIVISION; THENCE S7654°12'E 330.13' TO A CONCRETE MONUMENT FOUND; THENCE S7656°00'E 330.00' TO A CONCRETE MONUMENT FOUND; THENCE S7656°23'E 659.87' TO A CONCRETE MONUMENT FOUND; THENCE N0004°40'W 1356.04' TO A CONCRETE MONUMENT FOUND ON THE SOUTH MARGIN OF OLD SPANISH TRAIL; THENCE ALONG SAID SOUTH MARGIN, S7654°13'E 937.30' TO THE NORTHWEST CORNER OF LOT 1, OCEAN ESTATES II; THENCE ALONG THE WEST LINE OF OCEAN ESTATES II, S0012°16'E 2450.84' TO THE NORTHEAST CORNER OF LOT 16, OLD SHELL LANDING TRACTS UNIT 2; THENCE ALONG THE NORTH LINE OF SAID OLD SHELL LANDING TRACTS UNIT 2, N8749°16'W 1361.03' TO THE POINT OF BEGINNING, CONTAINING 87.847 ACRES AND BEING THAT SAME PROPERTIES AS DESCRIBED AS PARCEL NO. 2 AND PARCEL NO. 3 IN DEED BOOK 1809 ON PAGE 440 OF THE LAND RECORDS OF JACKSON COUNTY, MISSISSIPPI.

AND ALSO

SURVEY DESCRIPTION FOR PARCEL "B":

A PARCEL OF LAND SITUATED IN CLAIM SECTION 38, TOWNSHIP 7 SOUTH, RANGE 7 WEST, CITY OF GAUTIER, JACKSON COUNTY, MISSISSIPPI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS WITH THE BEARINGS BASED ON STATE PLANE GRID NORTH (MS EAST ZONE):

BEGINNING AT THE NORTHEAST CORNER OF THE CLUBHOUSE SITE, OCEAN ESTATES II, AS PER PLAT BOOK 23 ON PAGES 93 AND 94, SAID POINT LYING ON THE SOUTH MARGIN OF OLD SPANISH TRAIL; THENCE ALONG THE EAST LINE OF SAID SUBDIVISION, S0012°16'E 1356.99' TO THE NORTHWEST CORNER OF LOT 107 OF SAID SUBDIVISION; THENCE ALONG THE NORTH LINE OF SAID SUBDIVISION AND EXTENSION THEREOF, S7659°04'E 660.45' TO A CONCRETE MONUMENT FOUND; THENCE N0005°29'W 1355.95' TO A 1/2" IRON ROD FOUND ON THE SOUTH MARGIN OF OLD SPANISH TRAIL; THENCE ALONG SAID SOUTH MARGIN, N7656°58'W 663.29' TO THE POINT OF BEGINNING, CONTAINING 20.068 ACRES AND BEING THAT SAME PROPERTY AS DESCRIBED AS PARCEL NO. 1 IN DEED BOOK 1809 ON PAGE 440 OF THE LAND RECORDS OF JACKSON COUNTY, MISSISSIPPI.



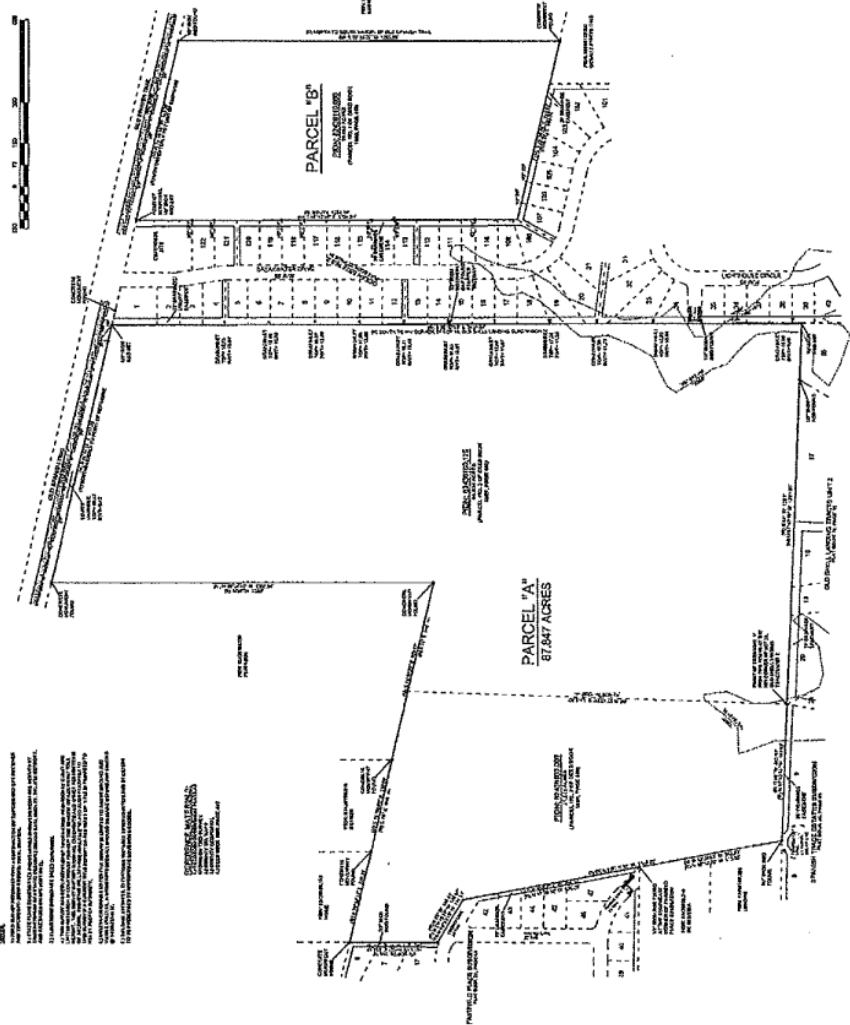
THESE LOTS ARE NOT TO BE USED FOR ANY PURPOSE OTHER THAN THAT SPECIFIED IN THE ZONING ORDINANCE. ANY VIOLATION OF THIS CONDITION SHALL BE CAUSE FOR THE REVOCATION OF THE SPECIAL USE PERMIT AND THE REVERSION OF THE LOTS TO THEIR ORIGINAL ZONING.

THESE LOTS ARE NOT TO BE USED FOR ANY PURPOSE OTHER THAN THAT SPECIFIED IN THE ZONING ORDINANCE. ANY VIOLATION OF THIS CONDITION SHALL BE CAUSE FOR THE REVOCATION OF THE SPECIAL USE PERMIT AND THE REVERSION OF THE LOTS TO THEIR ORIGINAL ZONING.



THIS MAP WAS PREPARED BY THE CITY OF NEW YORK DEPARTMENT OF CITY PLANNING IN ACCORDANCE WITH THE CITY PLANNING LAW AND THE CITY PLANNING MAP ACT. IT IS HEREBY CERTIFIED THAT THE SAME IS A TRUE AND CORRECT REPRESENTATION OF THE RECORDS OF THE DEPARTMENT.

CROSBY SUBDIVISION	
THE CITY OF NEW YORK	
DEPARTMENT OF CITY PLANNING	
PLANNING MAP NO. 1234	
DATE: 12/15/2022	
PROJECT: 22-001-001	
SHEET: 1 OF 1	



NOTES:
1. THE LOTS SHOWN ON THIS MAP ARE NOT TO BE USED FOR ANY PURPOSE OTHER THAN THAT SPECIFIED IN THE ZONING ORDINANCE.
2. ANY VIOLATION OF THIS CONDITION SHALL BE CAUSE FOR THE REVOCATION OF THE SPECIAL USE PERMIT AND THE REVERSION OF THE LOTS TO THEIR ORIGINAL ZONING.

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82438110.000 TREBORNOS LLC

PIDN: 82438110.000
GISP: 778.33-00-0029.54

Owner Information

Percent of Ownership: 100
Name: TREBORNOS LLC
Name 2:
Mailing Address: 6102 OLVIDA CR
OCEAN SPRINGS MS
39564

Site Address: OLD SPANISH TRL GAUTIER

Land Information

Section: Acreage: 14.7
Township: 7
Range: 7
Street Name OLD SPANISH
TRL

Value and Tax Information

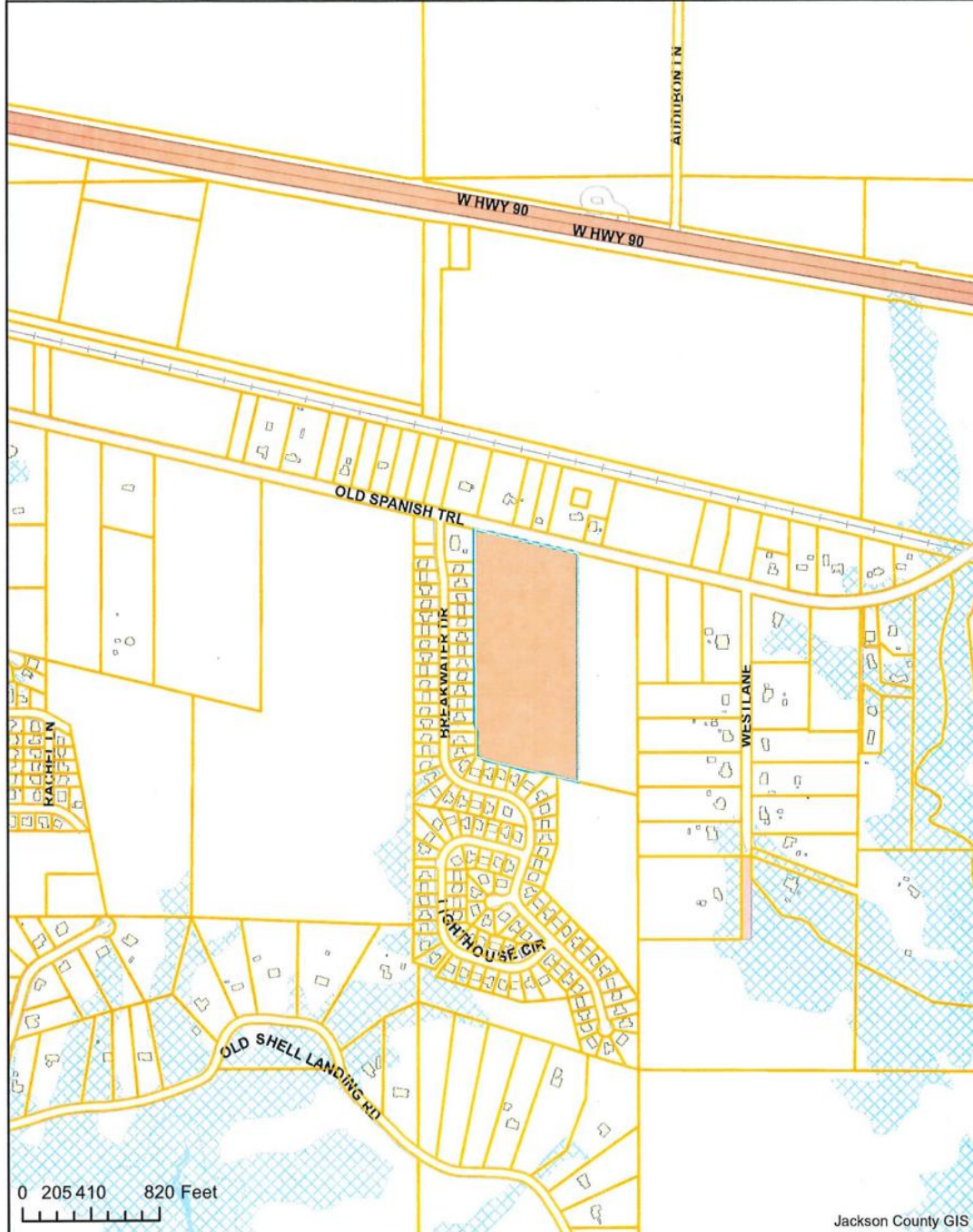
Total Assessed Value:	303	Total Appraised Value:	2020
Improvement Value:	0	Land Value:	2020
Tax Amount:	42	SQ FT:	0
		Year Built:	0

Legal Description

Description: COM SEC SW1/4 SE1/4 N 73* W 1389
.93' N 2898.26' TO S/M SPANISH T
RAIL N 76* E 379.23' TO POB S 13
56.99' S 76* E 660.30' N TO S/M
RD NWLY TO POB DB 1763-674 DB 18
00-499 DB 1802-737 DB 1809-440 (
29.54 MAP778.33)

Deed Book / Page: 1809 / 440

82438110.000 TREBORNOS LLC



0 205 410 820 Feet



Jackson County GIS

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

5/15/2025

82438100.125 TREBORNOS LLC

PIDN: 82438100.125
GISP: 779.32-00-0111.00

Owner Information

Percent of Ownership: 100
Name: TREBORNOS LLC
Name 2:
Mailing Address: 6102 OLVIDA CR
OCEAN SPRINGS MS
39564

Site Address: OLD SPANISH TRL GAUTIER

Land Information

Section: Acreage: 67.85
Township: 7
Range: 7
Street Name OLD SPANISH
TRL

Value and Tax Information

Total Assessed Value: 1175	Total Appraised Value: 7830
Improvement Value: 0	Land Value: 7830
Tax Amount: 193	SQ FT: 0 Year Built: 0

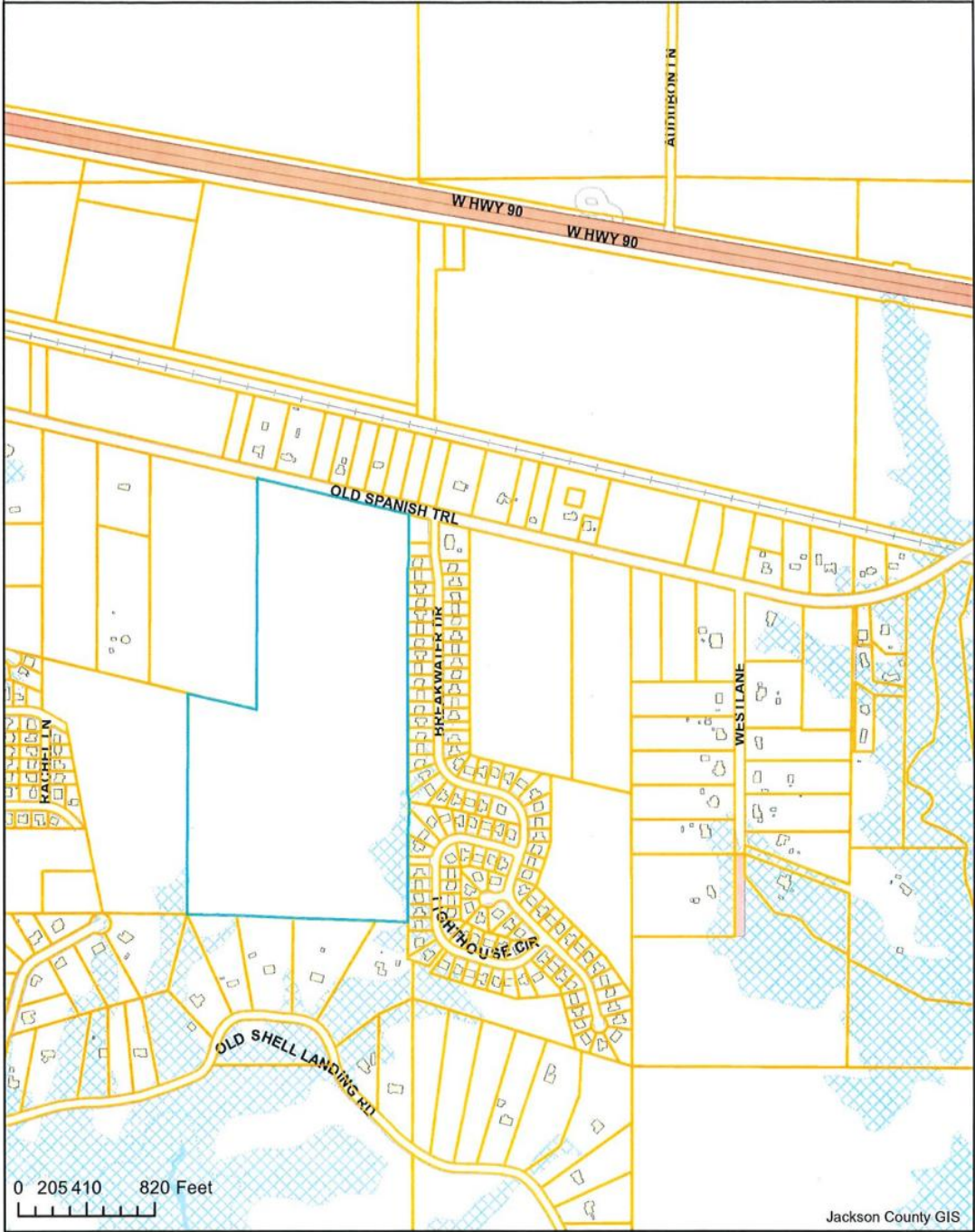
Legal Description

Description: BEG E/L W1/2 SEC 38 & S/M OLD HW
Y 90 S TO NEC LOT 16 OLD SHELL L
ANDING N 87° W 1361' N 1330' M/L
S 76° E 410' N 1356' TO S/M OLD
HWY 90 SELY ALG RD TO POB DB 17
63-676 DB 1800-499 DB 1802-737 D
B 1809-440 (111 MAP779.32)

Deed Book / Page: 1809 / 440

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

82438100.125 TREBORNOS LLC



82438100.000 TREBORNOS LLC

PIDN: 82438100.000

GISP: 779.32-00-0084.00

Owner Information

Percent of Ownership: 100

Name: TREBORNOS LLC

Name 2:

Mailing Address: 6102 OLVIDA CR
OCEAN SPRINGS MS
39564

Site Address: UNKNOWN

Land Information

Section: Acreage: 20.77

Township: 7

Range: 7

Street Name UNKNOWN

Value and Tax Information

Total Assessed Value: 427

Total Appraised Value: 2840

Improvement Value: 0

Land Value: 2840

Tax Amount: 70

SQ FT: 0

Year Built: 0

Legal Description

Description: BEG NWC LOT 20 OLD SHELL LANDING

S/D N 89° W 483.91' N 10° W 115

0.22' N 59° W 176.51' N 314.19'

S 76° E 910' M/L S TO POB DB 176

3-675 DB 1800-499 1802-737 DB 18

09-440 (84 MAP779.32)

Deed Book / Page: 1809 / 440

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

82438100.000 TREBORNOS LLC

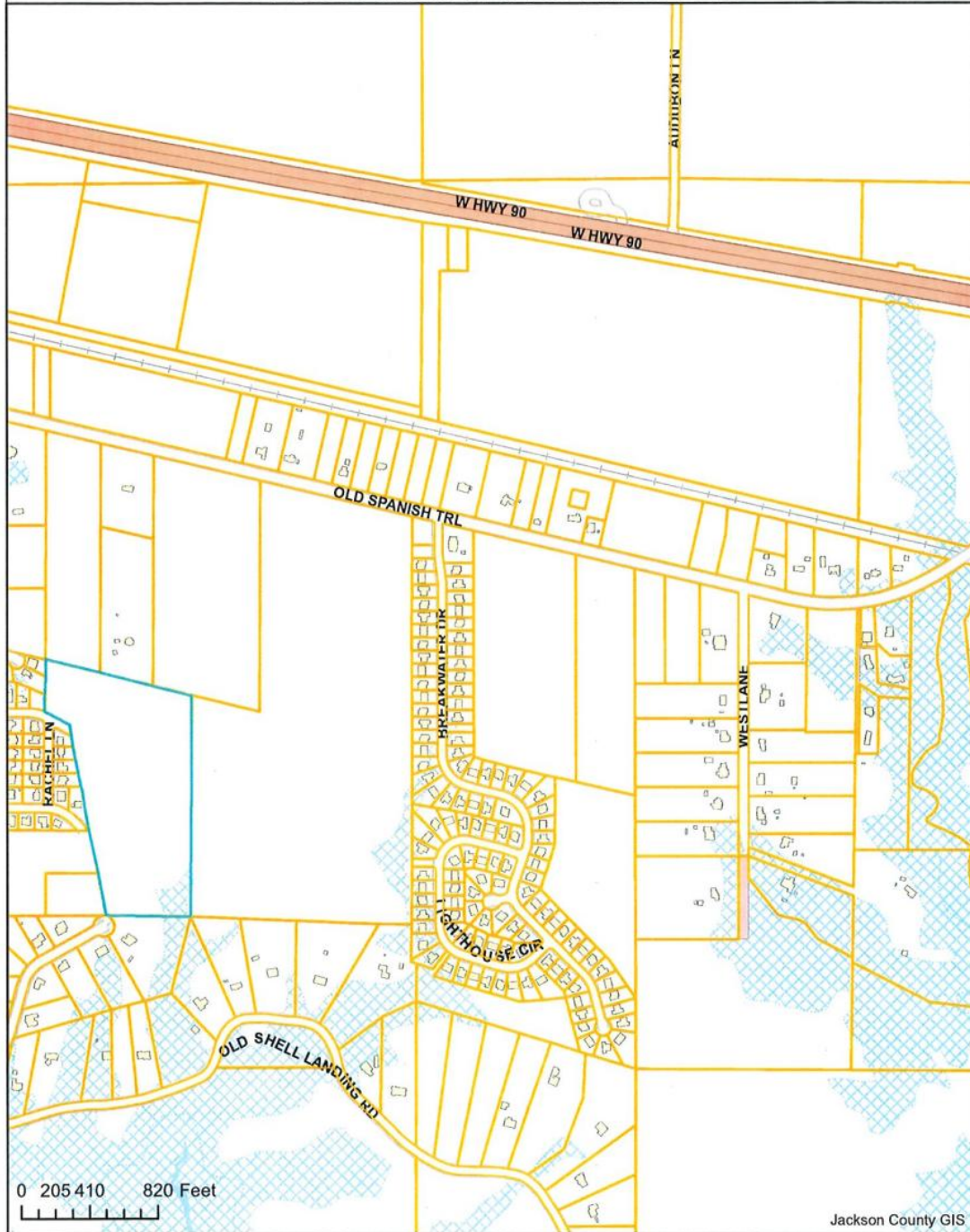


Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department

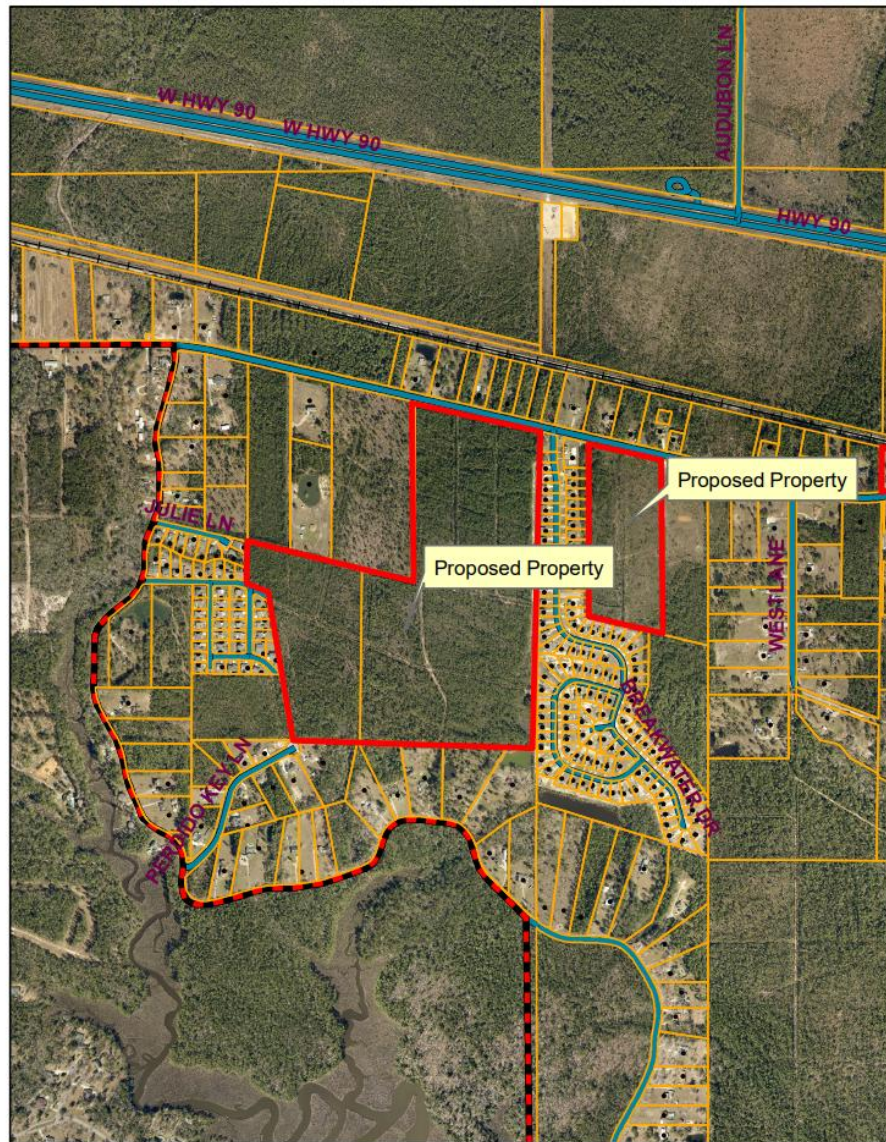


Exhibit B Existing Zoning

Prepared by:
City of Gautier
Planning Department

Legend

Zoning

ZONECODE

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

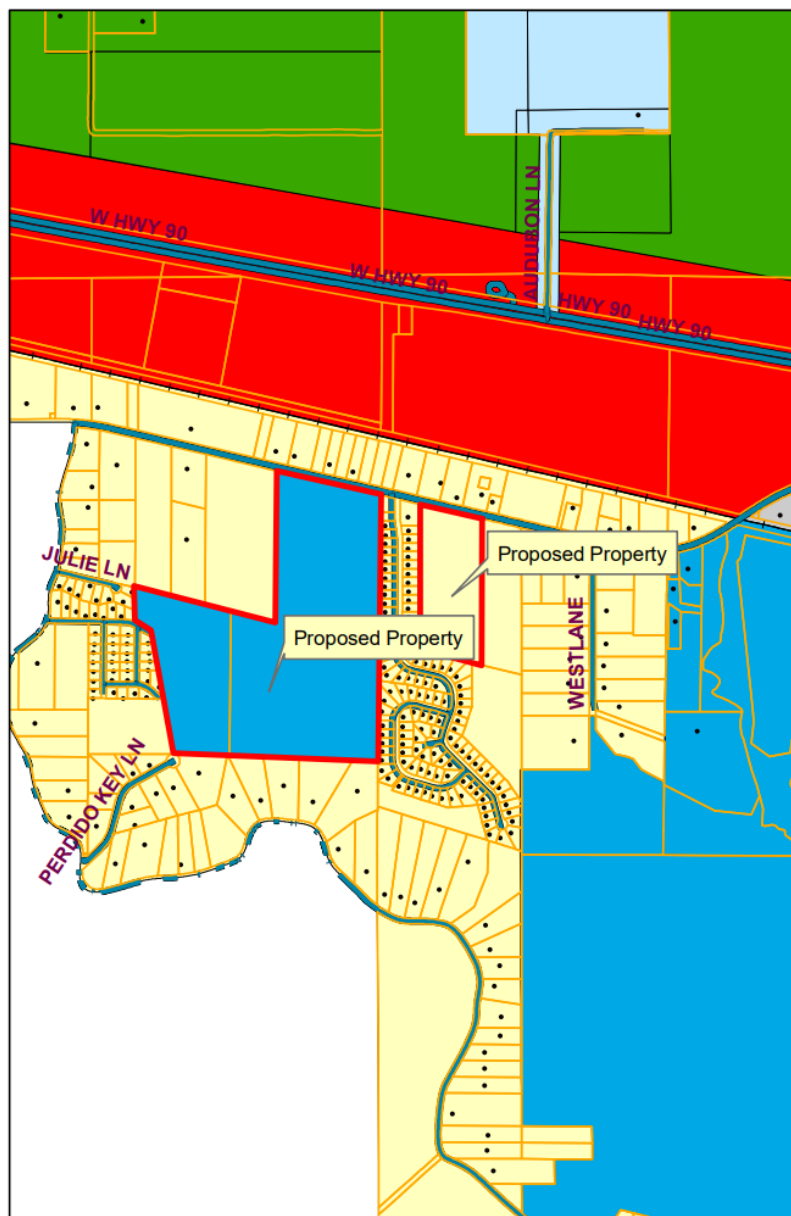


Exhibit C

Existing Land-Use

Prepared by:
City of Gautier
Planning Department

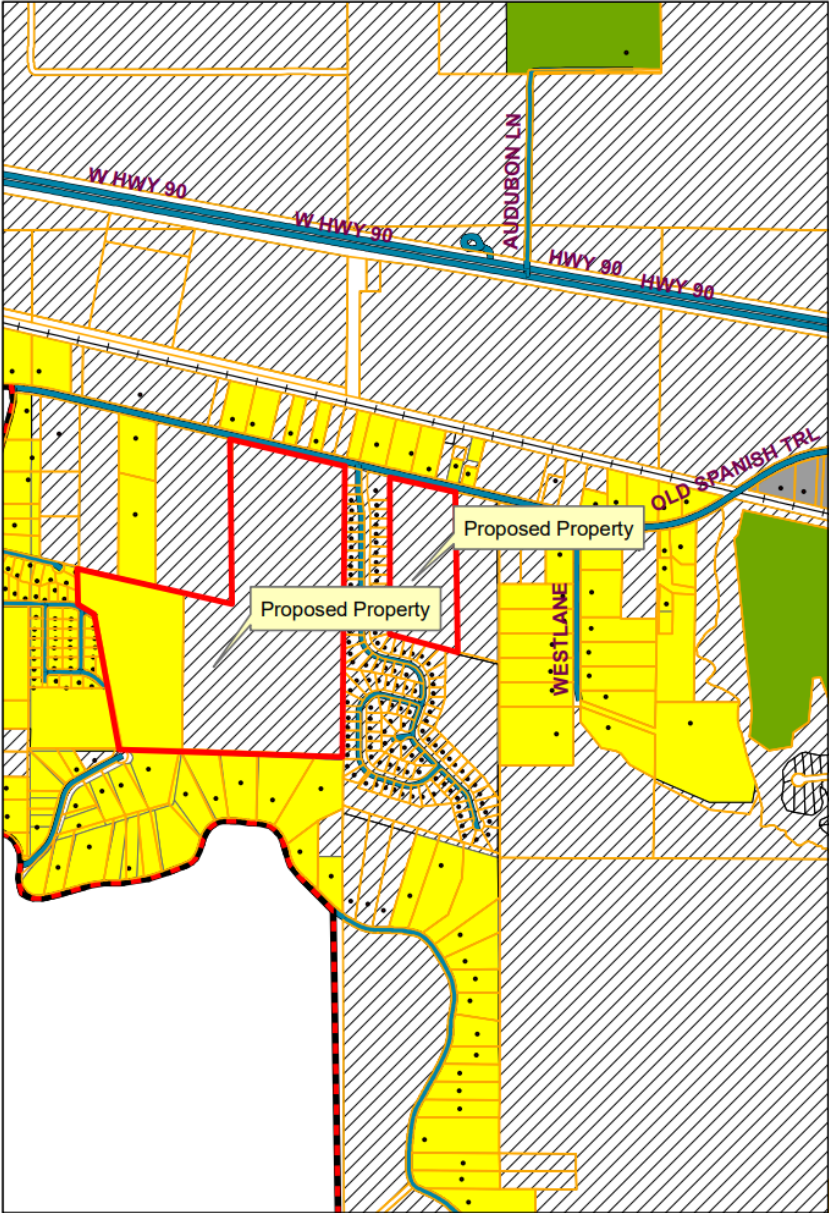


Exhibit D Future Land-Use

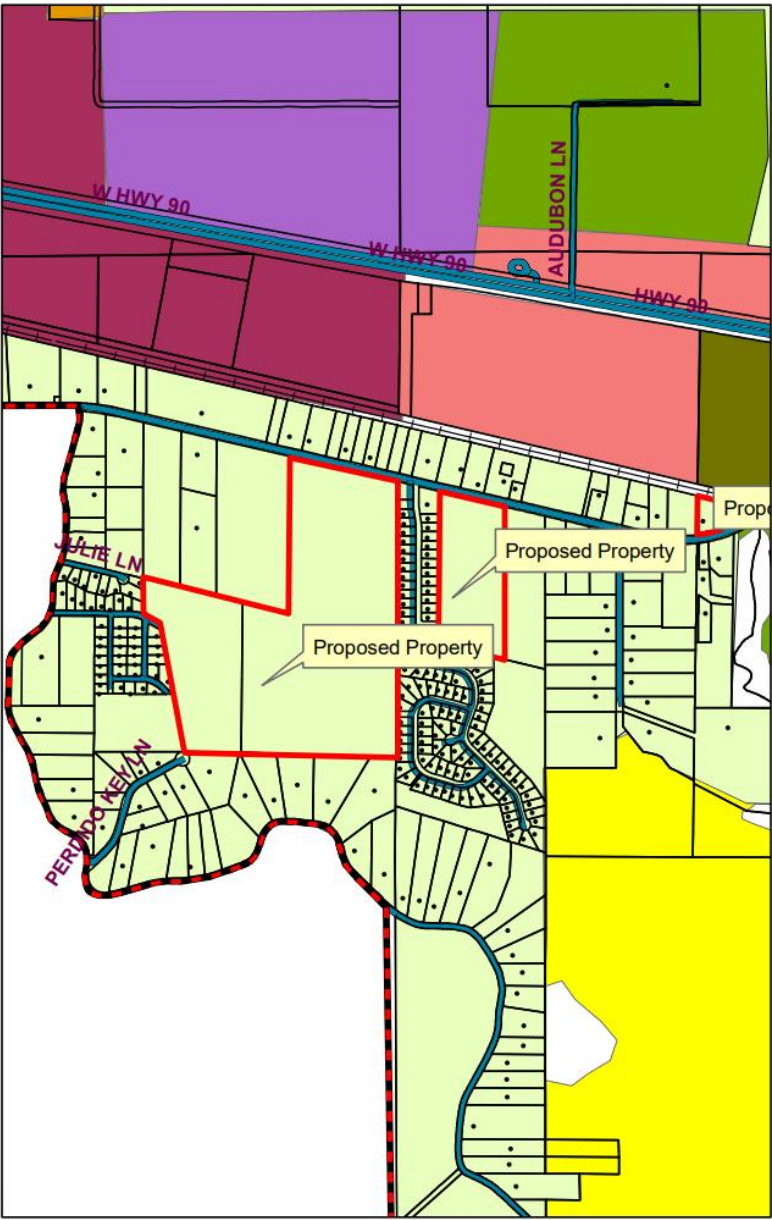
Prepared By:
City of Gautier
Planning Department

Legend

FUTURE LAND USE

FLU_Class

- 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
- Civic
- high impact commercial



Gautier Planning Commission

Regular Meeting Agenda

August 7, 2025

GPC #25-30-SE

Clarence Wesley Walley, II

3032 Mary Walker Drive, Lot #5

VII. NEW BUSINESS

1. Consider a request for a **SPECIAL EXCEPTION** that would allow a manufactured home in a MURC-MW Mixed Use Recreation Commercial Zoning District. 3032 Mary Walker Drive, Lot #5, PID #87010063.000. (GPC #25-30-SE)

GAUTIER PUBLIC HEARING PROCESS (PLANNING COMMISSION)

Planning Commission Chairman to follow procedure below. All questions/comments to be directed to the Council and not to applicant, staff, or other attendees of the meeting.

1. Chairman announces the case.
2. Chairman makes statement, "This is a Public Hearing and all statements to be made need to be true and accurate for the record."
3. Staff gives brief overview of case.
4. Applicant presents their case.
5. Anyone to speak in support of the Request? Please state your name and address for the record.
6. Anyone to speak in opposition of the Request? Please state your name and address for the record.
7. Any final comments from the applicant?
8. Questions from Commission?
9. Chairman closes public hearing – "This closes the Public Hearing portion of this case" bang of gavel
10. Motion/Deliberation/Vote

CITY OF GAUTIER STAFF REPORT

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: July 24, 2025

Subject: Consider a request for a Special Exception that would allow a manufactured home in a MURC-MW Mixed Use Recreation Commercial Zoning District. 3032 Mary Walker Drive, Lot #5, PID #87010063.000. (GPC #25-30-SE)

REQUEST:

The Planning Department has received a request from Clarence Wesley Walley, II for a Special Exception that would allow a manufactured home in a MURC-MW Mixed Use Recreation Commercial Zoning District at 3032 Mary Walker Drive, Lot #5, PID #87010063.000. (GPC #25-30-SE). The application fee of \$250 was paid on June 6, 2025. All public notice requirements have been met.

BACKGROUND:

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

1. Location: 3032 Mary Walker Drive, Lot #5, PID #87010063.000 (See Exhibit A)
2. General features of the proposed project:
 - Lot Size: approximately 1.69 acres
 - Existing Mobile Home Park (Southern Hideaway Estates)
3. Potable Water and Wastewater Services: Available at current location
4. Current Zoning (See Exhibit B): MURC-MW Mixed Use Recreation Commercial
5. Current Surrounding Zoning (See Exhibit B): MURC-MW Mixed Use Recreation Commercial to the north and east; C-3 Highway Commercial to the south and west.
6. Current Surrounding Existing Land Use (See Exhibit C): Mobile Home Park to the north and east; Commercial – Retail to the south and west; very low to low density residential to south.

7. Comprehensive Plan Future Land Use Designation (See Exhibit D): Low impact 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: See attached.

Staff Finding: UDO Section 13.2.3 states: Within the MURC-MW zoning district, mobile homes existing as of June 21, 2011, may be replaced so long as the nonconforming structure meets all other requirements of the Code.

However, this is a proposed new placement request and not a re-placement application.

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: See attached.

Staff Finding: It is staff's opinion that this will not be injurious to the neighborhood or the general welfare.

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

Applicant Response: See attached.

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

25-30-55

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: Clarence Wesley Walley, II

Name of Business: _____

Address: Lot #5
3032 Mary Walker Drive, Gautier, MS 39553

Mailing Address (if different): 1125 Purvis to Columbia Rd, Purvis 39475

Email Address: _____

Phone: _____ Cell Phone: 601-408-6760

Reason for request, location and intended use of Property: request to change from a
camper to a manufactured home, family use

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.
- ☐ 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.
- ☐ 6. Any other information requested by the Planning Director.
- ☒ 7. Owner's Consent form if anyone other than 100% sole owner makes application (see attached).

Signature of Applicant: Clarence Wesley Walley II

FOR OFFICE USE ONLY

Date Received 6/6/25 Verify as Complete Balus

Fee Amount Received 251.00

Initials of Employee Receiving Application BH

OWNERS CONSENT AND DESIGNATION OF AGENCY - SPECIAL EXCEPTION

Date of Application: _____

I, Albert Guy Easom III, the fee simple owner of the following described property (give legal description):

hereby petition to the City of Gautier to *Grant a Special Exception of* _____
and affirm that _____

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.

Albert Guy Easom III
(Owner's Signature)

The foregoing instrument was acknowledged before me this 29th day of May, 2025 by Albert Guy Easom III, who is personally known to me or has produced DRIVER'S LICENSE as identification and who did take an oath.

MaryAnna Sikes
(Printed Name of Notary Public)

MaryAnna Sikes
(Signature of Notary Public)

Commission # 291639. My commission expires JUNE 24, 25.

(Notary's Seal)



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?

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 cause unnecessary hardship upon the applicant.

Applicant Response: A literal interpretation of the city's Unified Development Ordinance (UDO) that prohibits replacing a recreational vehicle with a mobile home would deprive the applicant of rights commonly enjoyed by others in the same district in a variety of ways. In this zoning district, many residents are permitted to live in permanent or semi-permanent structures, such as mobile homes or manufactured housing, which offer greater safety, stability, and livability than recreational vehicles. Enforcing the ordinance in a way that disallows this reasonable upgrade would impose an unnecessary hardship on the applicant by requiring continued residence in a structure not designed for long-term occupancy. Mobile homes, unlike recreational vehicles, are built to meet higher standards for year-round habitation, energy efficiency, and structural integrity. Preventing the applicant from making this change would create unequal treatment compared to similarly situated property owners who are allowed to reside in more permanent, code-compliant dwellings. Furthermore, this interpretation would conflict with the broader intent of zoning regulations—to promote health, safety, and general welfare—by forcing the continued use of a less suitable structure when a safer, more stable alternative is readily available and visually consistent with the neighborhood.

Please consider the applicant's request to upgrade, not only for the applicant, but for the family unit. Allowing this change would provide the applicant's entire family with a healthier, more secure, and more comfortable living environment.

- 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.

Applicant Response: The requested Special Exception to replace a recreational vehicle with a mobile home is in clear harmony with the purpose and intent of the City of Gautier's Unified Development Ordinance (UDO), which aims to promote

orderly development, ensure the health and safety of residents, and preserve the character and livability of neighborhoods. A mobile home represents a significant improvement in terms of structural integrity, energy efficiency, and compliance with long-term housing standards compared to a recreational vehicle. By upgrading to a mobile home, the applicant is aligning with the UDO's goals of enhancing residential quality and ensuring that housing within the city meets appropriate standards for permanent occupancy. This request will not be injurious to the neighborhood or the general welfare. On the contrary, it will positively contribute to the overall aesthetic and stability of the area by replacing a temporary dwelling with a more permanent, code-compliant structure that is consistent with other residences in the district. The mobile home will be properly installed, maintained, and visually compatible with surrounding properties, helping to maintain neighborhood integrity and property values.

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

Applicant Response: *The special circumstances requiring the proposed Special Exception are not the result of actions taken by the applicant. The current use of a recreational vehicle on the property was a temporary solution. Over time, it became evident that a more permanent, safe, and spacious dwelling was needed for the well-being of the applicant's family. The applicant is simply seeking to upgrade and align with the majority of residential dwellings that are currently already in the area and to provide a better living environment for their family, not to change the nature or use of the property in an improper way. The recreational camper is one of very few remaining in the area and the applicant only requests to be allowed to change into a mobile home which is already the vast majority in the area.*

Thank you for considering this request.

87010063.000 SOUTHERN HIDEAWAY ESTATES LLC

PIDN: 87010063.000

GISP: 769.32-04-0125.00M

Owner Information

Percent of Ownership: 100

Name: SOUTHERN HIDEAWAY ESTATES LLC

Name 2:

Mailing Address: P O BOX 108
SEBASTOPOL MS
39359

Site Address: 3032 MARY WALKER DR GAUTIER

Land Information

Section: 32 Acreage: 1.69

Township: 7

Range: 6

Street Name MARY WALKER
DR

Value and Tax Information

Total Assessed Value: 11087

Total Appraised Value: 73904

Improvement Value: 59414

Land Value: 14490

Tax Amount: 1563

SQ FT: 1257 Year Built: 1981

Legal Description

Description: W 125' LOT 2 BK G RIVER OAKS S/D
& BEG SWC LT 2 BLK G N 303' W 1
30' TO E/M MARY WALKER DR SLY 30
3' TO N/M HOLLY ST E TO POB BEIN
G PT LOT 10 BLK F RIVER OAKS & P
ART OF VACATED WILLOW ST DB 2095
-299 (125M MAP769.32-04)

Deed Book / Page: 2095 / 299

87010063.000 SOUTHERN HIDEAWAY ESTATES LLC

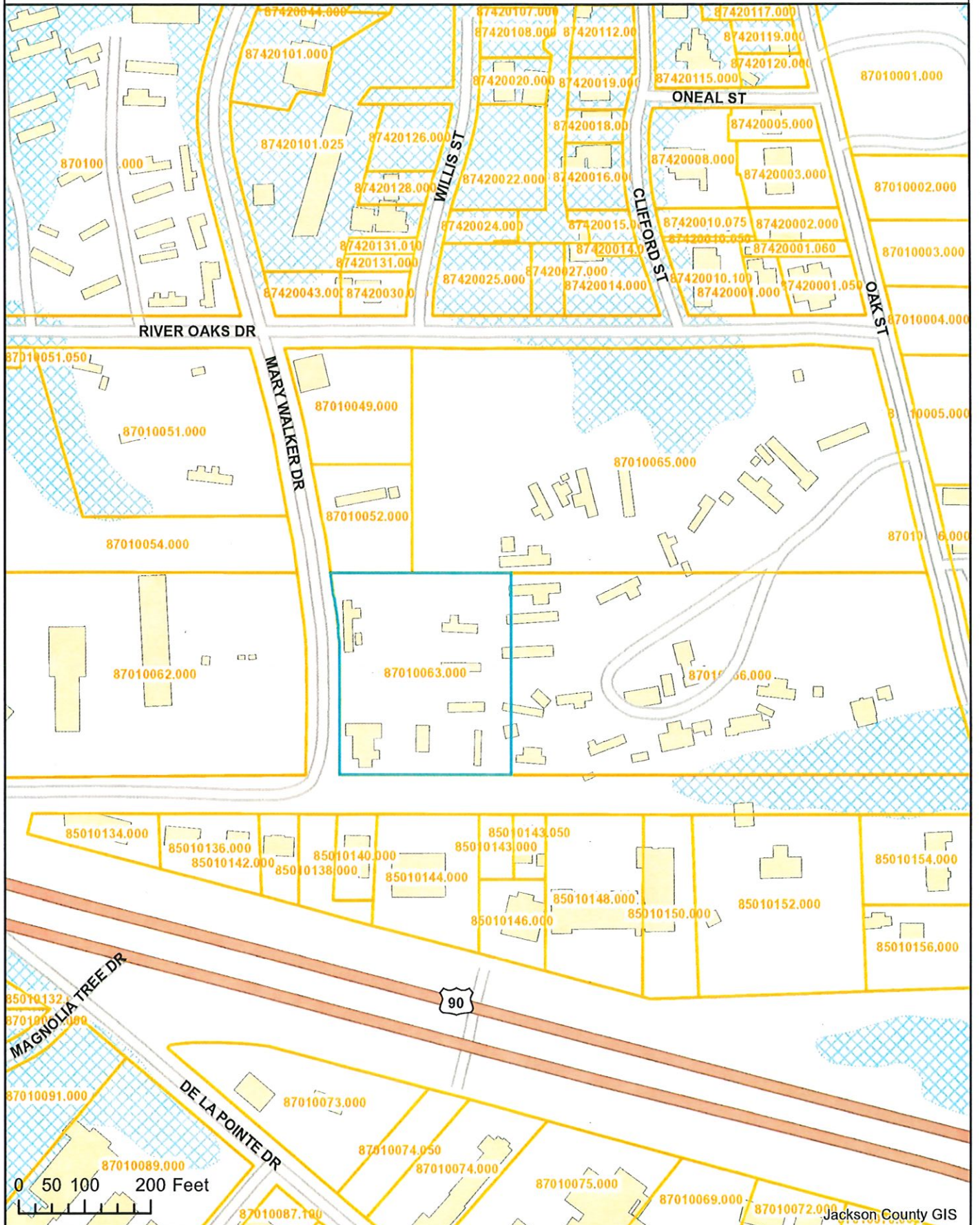


Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department

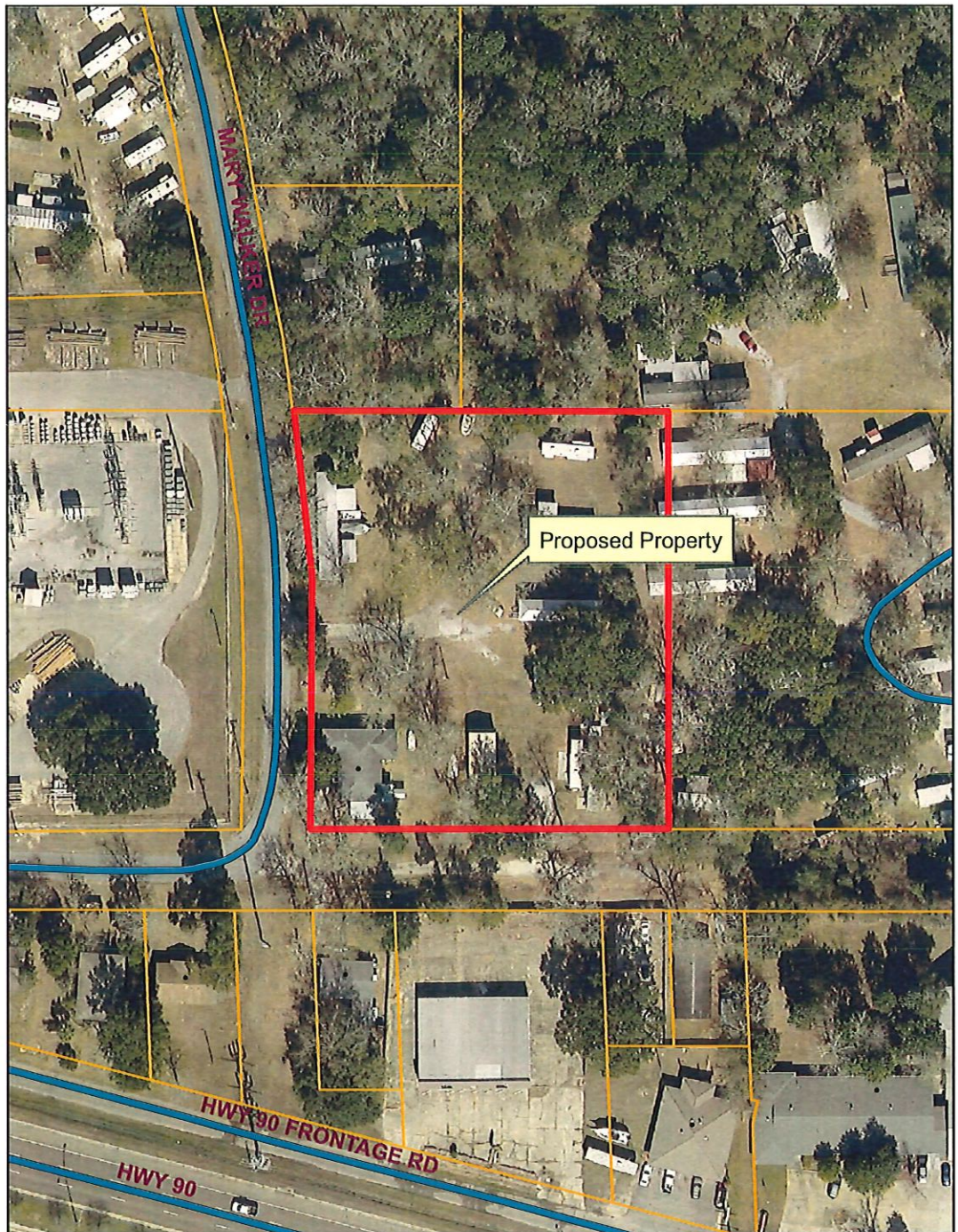


Exhibit B

Existing Zoning

Prepared by:

City of Gautier
Planning Department

Legend

Zoning

ZONECODE

AG	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

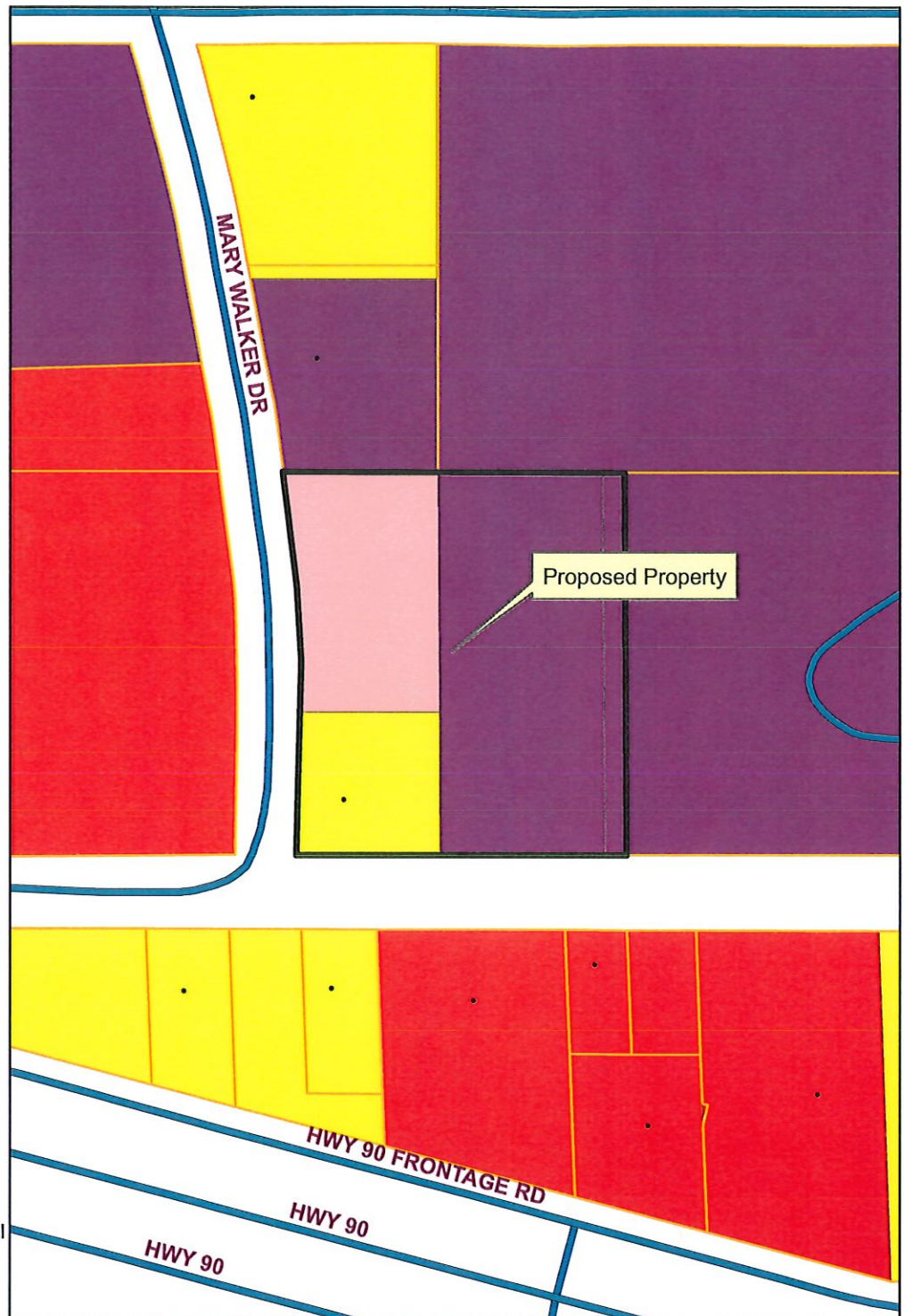


Exhibit D Future Land-Use

Prepared By:

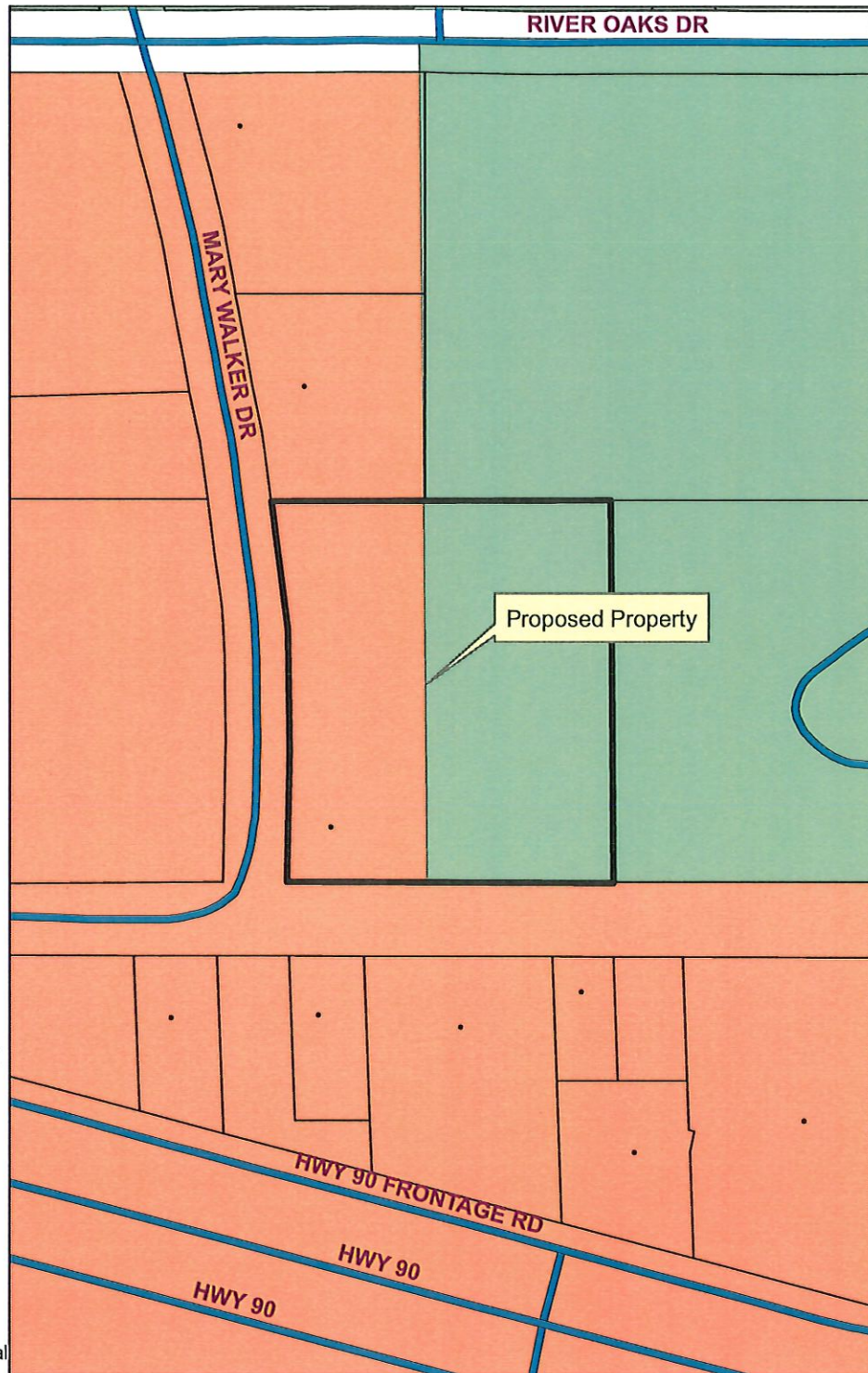
City of Gautier
Planning Department

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

August 7, 2025

GPC #25-34-SE

New Cingular Wireless PCS LLC (AT&T)

Ladnier Road, PID #82513320.025

VII. NEW BUSINESS

2. Consider a request for a **SPECIAL EXCEPTION** that would allow a monopine wireless tower in a C-1 Neighborhood Commercial Zoning District. Ladnier Road, PID #82513320.025. (GPC #25-34-SE)

CITY OF GAUTIER STAFF REPORT

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: July 29, 2025

Subject: Consider a request for a Special Exception that would allow a monopine wireless tower in a C-1 Neighborhood Commercial Zoning District. Ladnier Road, PID #82513320.025. (GPC #25-34-SE)

REQUEST:

The Planning Department has received a request from New Cingular Wireless PCS LLC (AT&T) for a Special Exception that would allow a monopine wireless tower in a C-1 Neighborhood Commercial Zoning District at Ladnier Road, PID #82513320.025 (GPC #25-34-SE). The application fee of \$250 was paid on July 10, 2025. All public notice requirements have been met.

BACKGROUND:

The request property is zoned C-1 Neighborhood Commercial.

1. Location: Ladnier Road, PID #82513320.025 (See Exhibit A)
2. General features of the proposed project:
 - Lot Size: approximately 0.46 acres
 - Vacant Lot
3. Potable Water and Wastewater Services: Available at current location
4. Current Zoning (See Exhibit B): C-1 Neighborhood Commercial
5. Current Surrounding Zoning (See Exhibit B): C-1 Neighborhood Commercial to the south; R-1 Low Density Single-Family Residential to the north, east and west.
6. Current Surrounding Existing Land Use (See Exhibit C): Vacant to the north and east; Very low to low density residential to the south; Civic to the west.
7. Comprehensive Plan Future Land Use Designation (See Exhibit D): Low density residential

DISCUSSION:

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

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

Applicant Response: See attached.

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: See attached.

Staff Finding: It is staff's opinion that this will not be injurious to the neighborhood or the general welfare.

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

Applicant Response: See attached.

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

25-34-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: Baker Donelson on behalf of AT&T

Name of Business: New Cingular Wireless PCS LLC (AT&T)

Address: 1025 Lenox Park Blvd NE, 3rd Floor, Atlanta, GA 30319

Mailing Address (if different): 1901 6th Ave N, Suite 2600, Birmingham, AL 35203

Email Address: phahn@bakerdonelson.com

Phone: 205.250.8366

Cell Phone: _____

Reason for request, location and intended use of Property: Address: 2016 Ladnier Road; Parcel 82513320.025 Towers are prohibited in the C-1 district in which the proposed. Facility will be located. Applicant is requesting to construct a 120' camouflaged monopine wireless tower.

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.
- ☐ N/A 4. Copy of protective covenants or deed restrictions, if any.
- ☐ N/A 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.
- ☒ 6. Any other information requested by the Planning Director.
- ☒ 7. Owner's Consent form if anyone other than 100% sole owner makes application (see attached).

Signature of Applicant: PH

FOR OFFICE USE ONLY

Date Received

7/10/25

Verify as Complete

OK per Scott

Fee Amount Received

251.00

Initials of Employee Receiving Application

Bab

Date of Application: 6-11-25

I, Donald and Regina Register, the fee simple owner of the following described property (give legal description):

SUBJECT PARCEL (BOOK 1734, PAGE 168)

Commencing at the SW corner of Section 36, Township 8 South, Range 7 West; thence run S89°35'E for 448.0 feet to a point; thence run S02°23'E for 5096.35 feet to an iron rod on the apparent east margin of Landier Road; thence run N02°23'W along said east margin for 87.47 feet to an iron rod; thence run N80°38'59"E for 203.66 feet to an iron rod; thence run S02°23'14"E for 112.49 feet to an iron rod; thence run S 87°42'21"W for 202.17 feet to an iron rod and to the POINT OF BEGINNING.

hereby petition to the City of Gautier to Grant a Special Exception of Section 5.2.2 -

Wireless Telecommunications Facility and affirm that Baker Donelson on behalf of AT&T

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.

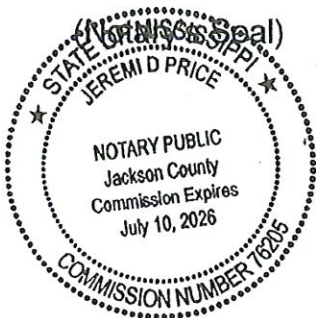
Donald Register Regina Register
(Owner's Signature)

The foregoing instrument was acknowledged before me this 14th day of June, 2025 by Donald and Regina Register, who is personally known to me or has produced MSDL as identification and who did take an oath.

Jeremi D. Price
(Printed Name of Notary Public)

[Signature]
(Signature of Notary Public)

Commission # 16205 My commission expires 7-10-2026



requirements of Article XI. Additional landscaping may be required around the perimeter of a fence or wall if deemed necessary to buffer adjacent properties.

- B. Ground mounted equipment shall be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and compliments the architectural character of the surrounding neighborhood. The governing authority may require additional screening or otherwise require design modifications to insure that the attractiveness and the aesthetic quality of the area is not adversely impacted.

RESPONSE: Acknowledged and agreed. The proposed ground equipment will be surrounded by a 5' wide landscaping buffer and existing vegetation to provide screening from adjacent properties and rights-of-way as shown on the enclosed Site Drawings at **Exhibit 5**.

Section 14.10: Removal of Abandoned or Unused Facilities

The owner of a telecommunication tower which has been abandoned or is unused shall provide the Planning Department with a copy of the notice to the FCC of intent to cease operations. The obsolete tower and accessory structures shall be removed within six (6) months after the date of ceasing operations. In the event that a tower and its associated facilities are not removed within six (6) months of cessation of operations at a site, the tower and associated facilities may be removed by the City and the costs of removal assessed against the property.

RESPONSE: Acknowledged and agreed.

Section 14.11 : Applications for New Construction of WTFs

Application for approval of a telecommunications facility or tower shall require site plan review, a public hearing before the Planning Commission and approval by the City Council. Submittal requirements and accompanying applications shall in accordance with the requirements of Article IV.

RESPONSE: Acknowledged and agreed.

ARTICLE IV: GENERAL PROCEDURES

Section 4.16 Special Exception

4.16.4 Criteria for Approval

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 the following criteria are established:

- A. That a literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by others of the district in which the property is located, and that interpretation of this ordinance would work unnecessary hardship upon the applicant;

- B. That the requested Special Exception will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or the general welfare; and
- C. That the special circumstances are not the result of actions of the applicant.

RESPONSE: The proposed Facility is to be located on the Property which is zoned C-1 (Neighborhood Commercial) which requires a Special Exception Permit. Towers are only permitted as a conditional use on properties zoned C-3, I, and TC in the City. There are no existing properties within the search ring or within approximately one mile of the proposed Facility in which wireless facilities are allowed as shown on the enclosed Zoning Map Permitted District Radius at **Exhibit 13**. The Facility has been sited on a commercial property within the geographic search area to reduce the impact to residential and residentially zoned properties and avoid wetlands and flood zone issues as shown and described in the enclosed Diligence Report at **Exhibit 16**.

A literal interpretation of these requirements will deprive the Applicant of rights enjoyed by applicants for towers on other commercially zoned properties and would be an unnecessary hardship on the applicant due to the restrictive nature of the Code and the current zoning of properties in the area as shown on the enclosed Zoning Map Permitted District Radius at **Exhibit 13** and as certified in that Diligence Report at **Exhibit 16**. The current zoning districts and restrictive nature of the Code are not the result of actions of the applicant.

Communications towers are an integral part of our country's critical telecommunication infrastructure and are a benefit to the public good. For the vast majority of Americans, cell phones have replaced landlines as our primary source of personal communications. In the case of emergencies, cell towers are invaluable governmental entities and citizens alike.

The requested exception for the proposed Facility is in harmony with the Code's intent to locate towers outside of residentially zoned areas and be harmonious and not injurious to the surrounding area. The proposed Facility will consist of a 120' camouflaged monopine tower. The existing conditions of the property include pine trees which will further screen the tower from view and help the camouflaged tower better blend with the surrounding area.

Section 4.18: Variance

Section 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;

W. PATTON HAHN
DIRECT DIAL: 205.250.8366
E-MAIL ADDRESS: PHAHN@BAKERDONELSON.COM

July 9, 2025

VIA ELECTRONIC MAIL AND FEDEX

City of Gautier, MS
Attn: Planning Department
3330 US-90
Gautier, MS 39553

RE: *Proposed Telecommunications Facility*
Site Name: Graveline Road
Address: Ladnier Road, Gautier, MS 39553 Our
File No.: 4000001.500143

Dear Sir or Madam:

I am writing on behalf of AT&T Wireless ("AT&T" or "Applicant"). AT&T is requesting to build a new cell tower in the City of Gautier, Mississippi on parcel 82513320.025, which is owned by Donald and Regina Register (collectively, the "Landlord").

In support of the proposed project, we submit this letter and supporting documentation for a Special Exception Permit to allow the construction of a wireless telecommunications facility (the "Facility") at the property located on Ladnier Road, Gautier, MS 39553 (the "Property"). The proposed Facility will be a one-hundred twenty (120') monopine camouflaged tower with a four-foot (4') lightning rod on Property owned by the Landlord, who has leased AT&T the necessary space for the tower and ground equipment.

ZONING REQUEST – SPECIAL EXCEPTION PERMIT AND VARIANCE

The Facility meets most of the requirements of Article XIV: Telecommunication Facilities of the Unified Development Ordinance except for Section 14.5: Zoning District and Section 14.6.B: Distance from Residential Uses. AT&T is seeking a Special Exception to Section 14.5 and a Variance to Section 14.6.B of the Ordinance as outlined below.

As further detailed below, the proposed use, a telecommunications tower, will benefit the surrounding neighborhood by providing access to modern wireless telecommunications infrastructure to provide the latest telecommunications technologies for use by the citizens and businesses of the City of Gautier, Mississippi as well as its first responders.

Article XIV, Section 4.16, and Section 4.18 of the Ordinance set forth the development and application criteria for telecommunications towers, special exceptions, and variances respectively:

ARTICLE XIV: TELECOMMUNICATION FACILITIES

Section 14.1: Purpose and Intent

The purpose of this section is to establish general guidelines for the siting of wireless telecommunications facilities (WTFs), specifically towers and antennas. The Intent of the guidelines is to:

- A. Protect residential areas from potential adverse impacts by encouraging the location of facilities in nonresidential areas
- B. Enhance the ability of providers of wireless telecommunications services to provide those services quickly, effectively and efficiently
- C. Encourage the joint use of new and existing sites
- D. Minimize the total height of towers within the community
- E. Encourage service providers to locate and configure facilities in such a way as to minimize adverse impacts through careful design, siting, landscaping, buffering and innovative camouflaging techniques.

RESPONSE: Acknowledged and agreed. The proposed Facility will be in the C-1 Neighborhood Commercial zoning district but will be located near existing residential districts to enable reliable access to wireless services as outlined in the enclosed RF Justification Letter at **Exhibit 6** and as illustrated in those RF Propagation Maps at **Exhibit 7**. There is a definite need for increased wireless connectivity in this area but most of the area is zoned residential or currently developed for residential use which limits the availability of potential locations for new wireless facilities and wireless network infrastructure. There are also no available existing towers in or near the geographic search area. To minimize the aesthetic impact on the surrounding area and residential uses, the proposed Facility has been designed as a camouflaged monopine tower, the overall height was reduced from 155' to 120', designed to allow for three (3) total carriers, and located as far from existing residential uses as allowable on the existing property.

Section 14.3: General Standards

A. FCC Licensing

The City will only process WTF permit applications upon a satisfactory showing of proof that the applicant is an FCC licensed telecommunications provider or that the applicant has agreements with an FCC licensed telecommunications provider for use or lease of the facility.

RESPONSE: Applicant is a FCC licensed telecommunications provider and operates under various licenses within the City of Gautier and Jackson County as shown in the enclosed FCC License List at **Exhibit 8**.

B. Compliance with Other Laws

Applicants must show, to the satisfaction of the Planning Director that the proposed tower is in compliance with current FCC and FAA rules and regulations and all other applicable federal, state, and local laws, rules, and regulations.

RESPONSE: Acknowledged and agreed. Please see enclosed RF Non-Interference Letter at **Exhibit 9** which outlines all FCC regulations which the site will comply with regarding interference and RF emissions. In addition, notice and approval is not required by the FAA as certified in that FAA Pre-Screening Results enclosed at **Exhibit 10**.

C. Principal or Accessory Use

WTFs may be considered either principal or accessory uses. A different use of an existing structure on the same lot shall not preclude the installation of WTFs on that lot.

RESPONSE: Acknowledged and agreed.

D. Co-Location Requirement

No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the governing authority that no existing tower or other structure can accommodate the applicant's proposed antenna within a one (1) mile search radius (one half (1/2) mile for towers under one hundred twenty (120) feet in height, one quarter (1/4) mile for towers under eighty (80) feet in height) of the proposed tower. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:

1. No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements.
2. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
3. Existing towers or structures do not have sufficient structural capacity to support applicant's proposed antenna and related equipment and the existing or approved tower cannot be reinforced, modified or replaced to accommodate planned or equivalent equipment at a reasonable cost.
4. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
5. The fees or costs required to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower construction are presumed unreasonable.
6. Property owners or owners of existing towers or structures are unwilling to accommodate reasonably the applicant's need.
7. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

8. Any evidence submitted to the governing authority in order to meet the requirements of this section shall be documented by a qualified and licensed professional engineer.

RESPONSE: There are no existing towers within a 1-mile radius of the proposed Facility as certified and illustrated on that enclosed Inability to Collocate Statement at **Exhibit 11**.

Section 14.4: Types of WTF Permitted

A. Towers

Monopole construction required. All towers will be of a tapering monopole construction.

RESPONSE: Acknowledged and agreed. The proposed Facility will include a camouflaged monopine tower as shown on the enclosed Site Drawings at **Exhibit 5** and Photo Simulations at **Exhibit 12**.

B. Rooftop or Building Mounted.

RESPONSE: Not applicable.

Section 14.5: Zoning District

The location of new Wireless Telecommunications Facilities shall be in accordance with the provisions of Article IV; however, antennas which do not add more than twenty (20) feet may be added to certain existing facilities or structures in accordance with the following regulations:

- A. Existing towers regardless of the zoning district; and
- B. Free-standing non-residential structures such as a water tower which are located within industrial areas and are fifty (50) feet or taller.

RESPONSE: Article V of the Ordinance limits the location of Wireless Telecommunication Facilities to three (3) non-residential districts as conditional uses which includes the C-3 (Highway Commercial), I (Industrial), and TC (Town Center Mixed Use) districts. The overwhelming majority of the area of the City located south of I-90 does not include *any* of these zoning districts, as illustrated in the approximate 0.95 radius enclosed Zoning Map Permitted District Radius at **Exhibit 13**. The existing zoning in the surrounding area and Article V's restriction of wireless facilities to just three (3) districts creates an effective prohibition on the location of Wireless Telecommunications Facilities in the southern portion of the City. Due to the existing district restrictions, AT&T is seeking a Special Exception to allow for the use of a Wireless Telecommunications Facility on the Property which is zoned C-3.

Section 14.6: Minimum Distances and Setbacks on Lots

A. Separation distances between towers.

1. Monopole, lattice or guyed Telecommunication Towers shall not be located within one-quarter (1/4) mile or one thousand three hundred fifty (1,350) feet of any existing monopole, lattice or guyed telecommunication tower.
2. Separation distances between towers shall be measured from the base of tower to base of tower, excluding pad, footing, or foundation. The separation distances shall be measured by drawing or following a straight line between the nearest point on the base of the existing tower and the proposed tower base, pursuant to a site plan of the proposed tower.

RESPONSE: The nearest towers are located more than 1-mile from the proposed site as certified and illustrated in the enclosed Inability to Collocate Statement at **Exhibit 11**.

B. Distance from Residential Uses.

The distance from the perimeter of the tower or monopole to any residence shall be equal to the height of the tower plus thirty (30) feet.

RESPONSE: The proposed Facility will meet setbacks to all nearby residences except for the adjacent residence to the north as shown on sheet C-1.1 of the enclosed Site Drawings at **Exhibit 5**. AT&T respectfully requests relief from strict interpretation of the setback requirement and approval of its Variance application. The proposed tower at the Facility will be located greater than tower height from all nearby residences as shown on sheet C-1.1 of the enclosed Site Drawings at **Exhibit 5**. In addition, the proposed tower has been engineered such that in the unlikely event of tower failure, the tower will buckle and fold over itself resulting in a 0' fall zone radius which will not encroach on any adjacent properties, structures, or residences as certified in that Fall Zone Engineering Letter at **Exhibit 14**.

C. Lot setbacks.

All towers, support structures, accessory buildings and guy wires shall be in accordance with the required setback requirements of the base zoning district.

RESPONSE: The Facility's ground equipment will be setback in accordance with the requirements of the C-1 base zoning district as shown on the enclosed Zoning Drawings at **Exhibit 5**.

D. Calculation of Setback.

For purposes of determining whether the installation of WTFs complies with district development regulations including, but not limited to, setback requirements, lot-coverage

requirements, and other requirements, the dimensions of the entire lot shall control, even though the WTFs may be located on leased parcels within that lot.

RESPONSE: Acknowledged and agreed.

Section 14.7: Tower Specifications

A. Height

Unless further restricted in this Ordinance, WTFs which are proposed as a stand-alone tower may not exceed the following height and usage criteria:

1. For a single user, up to ninety (90) feet in height; and.
2. For two (2) or more users, up to one hundred twenty (120) feet in height.
3. Towers integrated into an architectural element of an existing or proposed structure such as a church steeple shall not exceed the height of the existing architectural element, unless a variance is obtained from the City Council.

RESPONSE: The tower at the Proposed Facility will be a 120' monopine designed for three (3) total users as shown on the enclosed Site Drawings at **Exhibit 5**.

B. Lighting.

1. Towers shall not be illuminated through the use of artificial lights such as strobe lights or other lighting devices unless specifically required by the FAA or other state and federal government agencies. Light fixtures may be attached if it is part of the design incorporated into the tower structure to be used for the illumination of athletic fields, parking lots, streets or other similar areas. Lighting of the accessory buildings for basic security purposes is permissible but may not result in unnecessary glare on adjacent properties in residentially zoned areas.
2. Should lighting be required by state or federal law, such lighting shall be placed on the tower and designed in such a way as to minimize the glare on adjacent residential properties. White strobe lights may not be used unless required by the FCC.

RESPONSE: The tower at the proposed Facility will not be lit and is not required to be lit by the FAA.

C. Signs.

Towers shall not display signs or advertisements for commercial or non-commercial purposes, unless such signs are for the purpose of providing warning or specific equipment information and or/unless required by any federal or state regulations.

RESPONSE: Acknowledged and agreed. Only warning signs, tower identification signs, and emergency signs will be mounted to the compound fence as shown on the enclosed Site Drawings at **Exhibit 5**.

D. Colors

Except where superseded by the requirements of a state or federal regulatory agency possessing jurisdiction over Telecommunication Towers, towers shall be constructed of galvanized or unpainted metal or shall be painted in a neutral color, designed to blend into the surrounding environment such as gray.

RESPONSE: The tower at the proposed Facility will be a camouflaged monopine tower which will be painted brown and green similar to a mature pine tree as shown on the enclosed Site Drawings on **Exhibit 5** and Photo Simulations at **Exhibit 12**.

E. Co-Location Standards

Any proposed tower shall be designed structurally, electrically, and in all respects to accommodate both the applicant's antennas and comparable antennas for at least two (2) additional users if the tower is over one hundred (100) feet in height or for at least one (1) additional user if the tower is over sixty (60) feet in height. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.

RESPONSE: The proposed Facility will be designed to accommodate three (3) total users as shown on the enclosed Site Drawings at **Exhibit 5** and as certified in those Tower Design Drawings at **Exhibit 15**.

Section 14.8: Accessory Utility Buildings

All utility buildings and structures accessory to a tower shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum setback requirements of the underlying zoning district. Use of approved tower sites is approved for telecommunication purposes only. Secondary uses such as maintenance shops, contractor's offices or similar uses shall be reviewed as a conditional use and approved by the City Council upon recommendation of the Planning Commission.

RESPONSE: Acknowledged and agreed. The proposed ground equipment will be galvanized steel gray in finish and will be surrounded by landscaping and existing vegetation to provide screening from adjacent properties and rights-of-way as shown on the enclosed Site Drawings at **Exhibit 5**.

Section 14.9: Buffering and Landscaping

An eight (8) foot fence or wall as measured from the finished grade of the site shall be required around the base of any telecommunication tower and around any necessary buildings or structures.

- A. A minimum five (5) foot landscaping buffer shall be installed around the entire perimeter of the site outside of the required fence or wall consistent with the

requirements of Article XI. Additional landscaping may be required around the perimeter of a fence or wall if deemed necessary to buffer adjacent properties.

- B. Ground mounted equipment shall be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and compliments the architectural character of the surrounding neighborhood. The governing authority may require additional screening or otherwise require design modifications to insure that the attractiveness and the aesthetic quality of the area is not adversely impacted.

RESPONSE: Acknowledged and agreed. The proposed ground equipment will be surrounded by a 5' wide landscaping buffer and existing vegetation to provide screening from adjacent properties and rights-of-way as shown on the enclosed Site Drawings at **Exhibit 5**.

Section 14.10: Removal of Abandoned or Unused Facilities

The owner of a telecommunication tower which has been abandoned or is unused shall provide the Planning Department with a copy of the notice to the FCC of intent to cease operations. The obsolete tower and accessory structures shall be removed within six (6) months after the date of ceasing operations. In the event that a tower and its associated facilities are not removed within six (6) months of cessation of operations at a site, the tower and associated facilities may be removed by the City and the costs of removal assessed against the property.

RESPONSE: Acknowledged and agreed.

Section 14.11 : Applications for New Construction of WTFs

Application for approval of a telecommunications facility or tower shall require site plan review, a public hearing before the Planning Commission and approval by the City Council. Submittal requirements and accompanying applications shall in accordance with the requirements of Article IV.

RESPONSE: Acknowledged and agreed.

ARTICLE IV: GENERAL PROCEDURES

Section 4.16 Special Exception

4.16.4 Criteria for Approval

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 the following criteria are established:

- A. That a literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by others of the district in which the property is located, and that interpretation of this ordinance would work unnecessary hardship upon the applicant;

- B. That the requested Special Exception will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or the general welfare; and
- C. That the special circumstances are not the result of actions of the applicant.

RESPONSE: The proposed Facility is to be located on the Property which is zoned C-1 (Neighborhood Commercial) which requires a Special Exception Permit. Towers are only permitted as a conditional use on properties zoned C-3, I, and TC in the City. There are no existing properties within the search ring or within approximately one mile of the proposed Facility in which wireless facilities are allowed as shown on the enclosed Zoning Map Permitted District Radius at **Exhibit 13**. The Facility has been sited on a commercial property within the geographic search area to reduce the impact to residential and residentially zoned properties and avoid wetlands and flood zone issues as shown and described in the enclosed Diligence Report at **Exhibit 16**.

A literal interpretation of these requirements will deprive the Applicant of rights enjoyed by applicants for towers on other commercially zoned properties and would be an unnecessary hardship on the applicant due to the restrictive nature of the Code and the current zoning of properties in the area as shown on the enclosed Zoning Map Permitted District Radius at **Exhibit 13** and as certified in that Diligence Report at **Exhibit 16**. The current zoning districts and restrictive nature of the Code are not the result of actions of the applicant.

Communications towers are an integral part of our country's critical telecommunication infrastructure and are a benefit to the public good. For the vast majority of Americans, cell phones have replaced landlines as our primary source of personal communications. In the case of emergencies, cell towers are invaluable governmental entities and citizens alike.

The requested exception for the proposed Facility is in harmony with the Code's intent to locate towers outside of residentially zoned areas and be harmonious and not injurious to the surrounding area. The proposed Facility will consist of a 120' camouflaged monopine tower. The existing conditions of the property include pine trees which will further screen the tower from view and help the camouflaged tower better blend with the surrounding area.

Section 4.18: Variance

Section 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.

RESPONSE: The proposed Facility will meet setbacks to all nearby residences except for the adjacent residence to the north as shown on sheet C-1.1 of the enclosed Site Drawings at **Exhibit 5**. AT&T respectfully requests relief from strict interpretation of the setback requirement in Section 14.6.B and approval of its Variance application. The proposed tower at the Facility will be located greater than tower height from all nearby residences as shown on sheet C-1.1 of the enclosed Site Drawings at **Exhibit 5**. In addition, the proposed tower has been engineered such that in the unlikely event of tower failure, the tower will buckle and fold over itself resulting in a 0' fall zone radius which will not encroach on any adjacent properties, structures, or residences as certified in that Fall Zone Engineering Letter at **Exhibit 14**.

The current property is limited in size and adjacent to a property with existing residential structures which makes meeting the tower height plus 30' setback standards to the residence to the north impossible and also maintain district setback requirements. The need for the variance is not the result of applicant's actions and mentioned conditions are unique to the size of the property and current residential development on the property to the north.

We would appreciate these applications for a Special Exception and Variance Permit be placed on the agenda for the next scheduled Planning Commission meeting. If you have any questions or require any additional information, please do not hesitate to contact me.

Sincerely,

BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, PC



W. Patton Hahn

Enclosures



AT&T
850 Pear Orchard Road
Ridgeland, MS 39157

December 9, 2024

Scott Ankerson
Planning Director
City of Gautier, MS
3330 U.S. 90
Gautier, MS 39553

Re: Statement of Need for Proposed Graveline Road Cell Site

Dear Mr. Ankerson:

The proposed AT&T cell site known as Graveline Road is primarily intended to increase network capacity in the city of Gautier, MS in the area surrounding Ladhier Road and Graveline Road, between U.S. 90 and Pascagoula Bay. A traffic capacity forecast performed by AT&T in April 2022 indicated that the 100° facing sector of the existing Gautier cell site at 2800 Guillotville Road would become congested and require capacity offload by April 2024.

To maximize the capacity offload on the congested sector, AT&T's design requires a new cell site that is placed near or within the coverage area of the congested sector, so that the new cell site can capture some of that congested coverage area within the new cell site coverage area. The new cell site is then able to capture traffic that used to go to the congested sector and thus relieve the load on the congested sector.

AT&T is proposing a new ground build tower location for this proposed capacity offload cell site, as there are no existing tower structures within a one mile radius of the proposed tower location. In fact, the nearest tower structure to the proposed location holds AT&T's Gautier cell site which is triggering the capacity need.

As designed, the proposed Graveline Road cell site will serve a large portion of the area currently covered by the congested existing sector, dividing the current traffic load between existing and planned sectors, and relieving capacity on surrounding cells as well. Additionally, the site will improve AT&T's in-building wireless coverage in Gautier in the areas of the city closest to the Gulf Coast.

The capacity and coverage benefits of this proposed AT&T cell site location will provide an improved wireless experience for AT&T's customers living, traveling, and working in this area, and will significantly improve AT&T's wireless network in the City of Gautier.

If there are any further questions about this proposed cell site location, please call me at 601-260-0087.

Respectfully,

Robert M. Hataway, P.E.
Principal-RAN Engineer
Mississippi Registration Number 18008





AT&T FA NUMBER
15959048

AT&T SITE NAME
GRAVELINE ROAD

VERTICAL BRIDGE ID
US-MS-5221



THESE CD'S WERE COMPILED IN PART BY UTILIZING 15059048
RFDS 44890 UP DATED ON 04/30/2025.
ALL AT&T TOWER EQUIPMENT INFORMATION TO BE CONFIRMED
WITH LATEST AT&T RF DESIGN PRIOR TO INSTALLATION.

REFER TO THE PROVIDED STRUCTURAL
DESIGN REPORT DRAWN BY
ARIA SERVICES, INC. DATED 06/12/2025.



AT&T FA
15059048
SITE NAME
GRAVELINE ROAD
VERTICAL BRIDGE ID
US-MS-5221
PARCEL# 82513320.025
GAUTIER, MS 39553

ISSUED FOR:			
REV	DESCRIPTION	BY	DATE
A	CLIENT REVIEW	JCM	03/14/25
B	CLIENT REVIEW	JCM	04/29/25
C	CLIENT REVIEW	JCM	05/05/25
D	FOR PERMITTING	JCM	05/09/25
E	FOR PERMITTING	JCM	06/17/25



06/17/2025

IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER TO ALTER THIS DOCUMENT.

TITLE SHEET & PROJECT INFORMATION

SHEET NUMBER:
T-1

COMPLIANCE CODE

ALL WORK SHALL BE PERFORMED AND MATERIALS INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCAL GOVERNMENT AUTHORITIES. NOTHING IN THESE PLANS IS TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THESE CODES.

1. INTERNATIONAL BUILDING CODE (IBC)
2. NATIONAL ELECTRIC CODE (NEC)
3. LOCAL BUILDING CODE
4. CITY/COUNTY ORDINANCES

UTILITY COMPANIES

**POWER COMPANY: ENERGY
PHONE: (800) 368 3749**

**TELEPHONE COMPANY: AT&T
PHONE: (888) 333 6651**

PROJECT SUMMARY

SITE ADDRESS:
PARCEL# 82513320.025
GAUTIER, MS 39553
COUNTY: JACKSON
PARCEL OWNER: DONALD S. & REGINA C REGINA
PARCEL ID: 82513320.025

GEOGRAPHIC COORDINATES:

LATITUDE: 30° 22' 15.532" N / 30.370981°
LONGITUDE: 88° 38' 45.506" W / -88.645974°
GROUND ELEVATION: 16.4'

PROJECT NOTES

1. THE FACILITY IS UNMANNED.
2. A TECHNICIAN WILL VISIT THE SITE APPROXIMATELY ONCE A MONTH FOR ROUTINE INSPECTION AND MAINTENANCE.
3. THE PROJECT WILL NOT RESULT IN ANY SIGNIFICANT LAND DISTURBANCE OR EFFECT OF STORM WATER DRAINAGE.
4. NO SANITARY SEWER, POTABLE WATER OR TRASH DISPOSAL IS REQUIRED.
5. HANDICAP ACCESS IS NOT REQUIRED.
6. THE PROJECT DEPICTED IN THESE PLANS QUALIFIES AS AN ELIGIBLE FACILITY REQUEST ENTITLED TO EXPEDITED REVIEW UNDER 47 U.S.C. § 533. THE PROJECT INVOLVES THE COLLOCATION, REMOVAL AND/OR REPLACEMENT OF TRANSMISSION EQUIPMENT THAT IS NOT A SUBSTANTIAL CHANGE UNDER CFR § 1.101000 (b)(7).

PROJECT TEAM

ENGINEER: SIMMY ENGINEERING
BUSINESS CENTER DRIVE
BIRMINGHAM, AL 35244
ACT: JEREMY SHARIT, PE
PHONE: 205-307-4781

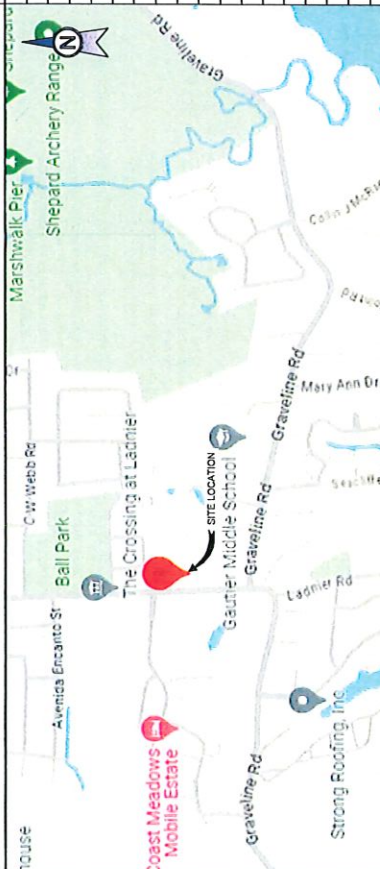
APPLICANT: NEW CINGULAR WIRELESS PCS LLC.
1025 LENOX PARK BLVD NE, 3RD FLOOR
ATLANTA, GA 30319

M

APPLICANT:
INGULAR WIRELESS PCS LLC,
BOX PARK BLVD NE, 3RD FLOOR
ATLANTA, GA 30319

TOWER OWNER:
VERTICAL BRIDGE, LLC
PARK OF COMMERCE DRIVE
SUITE 200
ROCKY HILL, CT 06067

VICINITY MAP



PROJECT DESCRIPTION

THE PROPOSED PROJECT CONSISTS OF:

- NEW FENCED COMPOUND WITHIN A 50X50' LEASE AREA
- NEW AT&T W/C & GENERATOR ON 4' EMI PLATFORM
- NEW 120' MONOPINE TOWER
- NEW AT&T ANTENNAS & ASSOCIATED EQUIPMENT ON NEW 120' MONOPINE TOWER

PROJECT LOCATION DIRECTIONS

DIRECTIONS FROM: 1025 LENOX PARK BLVD NE
 HEAD SOUTH ON N WATER ST TOWARD ST MICHAEL ST. USE THE LEFT 2 LANES TO
 MERGE SOUTH ONTO I-10 VIA THE RAMP TO PASCAGOULA. ENTERING MISSISSIPPI,
 TAKE EXIT 61 TOWARD GAULTIER VINCLEAVE. USE ANY LANE TO TURN LEFT ONTO
 GAULTIER VINCLEAVE RD. PASS BY LITTLE CAESARS PIZZA (ON THE RIGHT IN 3.2
 MI). USE THE MIDDLE LANE TO TURN LEFT ONTO US-90 E. TURN RIGHT ONTO
 LANIER RD.

SHEET INDEX

[illegible]

82513320.025 REGISTER DONALD S (LE)

PIDN: 82513320.025

GISP: 871.01-03-0141.00

Owner Information

Percent of Ownership: 100

Name: REGISTER DONALD S (LE)

Name 2: REGISTER REGINA

Mailing Address: P O BOX 461
GAUTIER MS
39553

Site Address: LADNIER RD GAUTIER

Land Information

Section: 01 Acreage: 0.46

Township: 8

Range: 7

Street Name LADNIER
RD

Value and Tax Information

Total Assessed Value: 791

Total Appraised Value: 5270

Improvement Value: 1930

Land Value: 3340

Tax Amount: 80

SQ FT: 0

Year Built: 0

Legal Description

Description: COM SWC SECT 36 E 448' S 2* E 50
96.35' N2*W 111.44' TO POB N2* W
87.47' N80*E 203.66' S 2* E 112
.49' S 87* W 202.17' TO POB PER
SURVEY DB 1734-168 DB 2188-788 (
141 MAP871.01-03)

Deed Book / Page: 2188 / 788

82513320.025 REGISTER DONALD S (LE)

82513570.000

82514240.025

OLD FORT BLVD

LADNIER RD

82513390.000

82513320.000

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7/21/2025

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

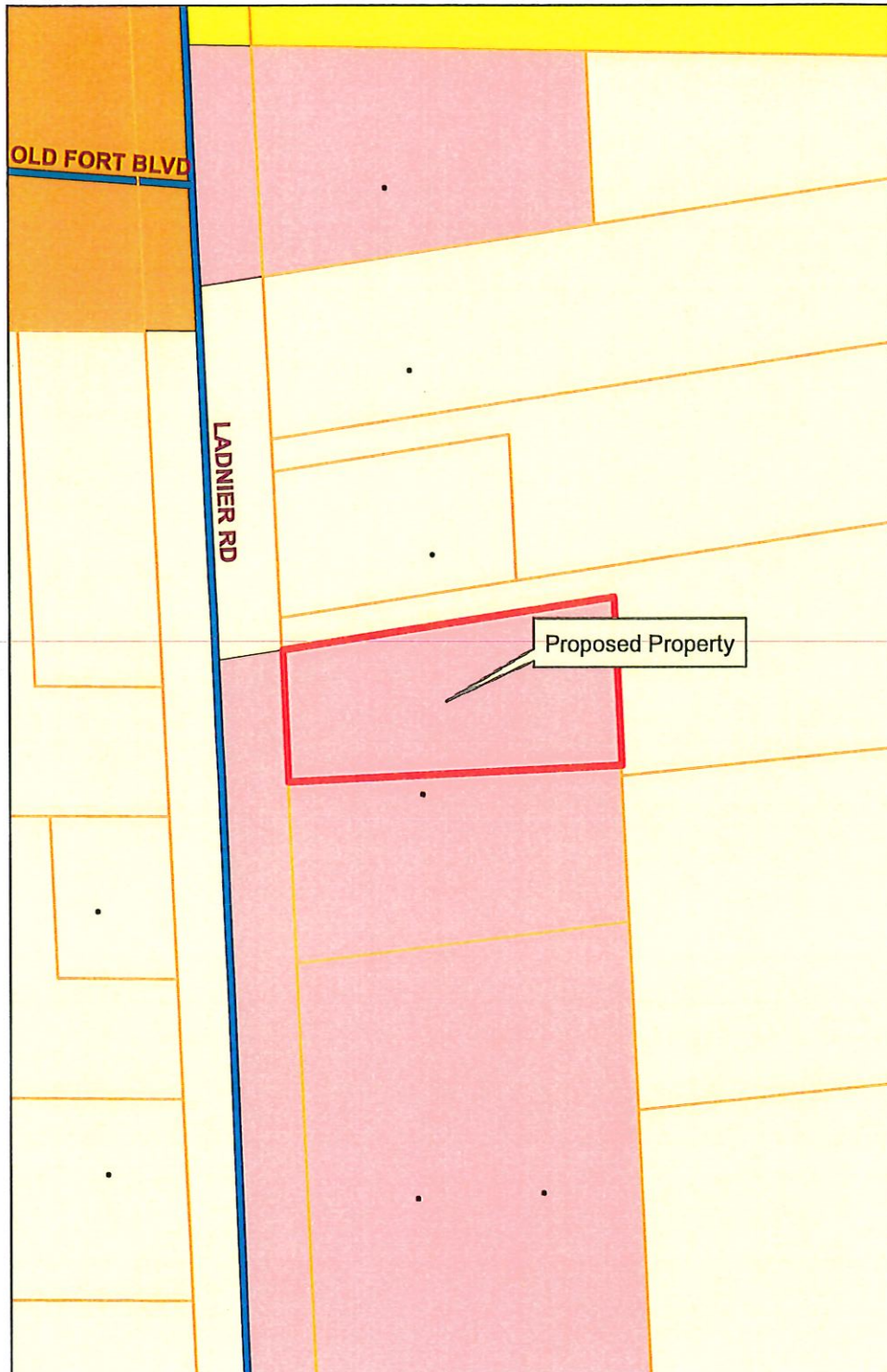


Exhibit C

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

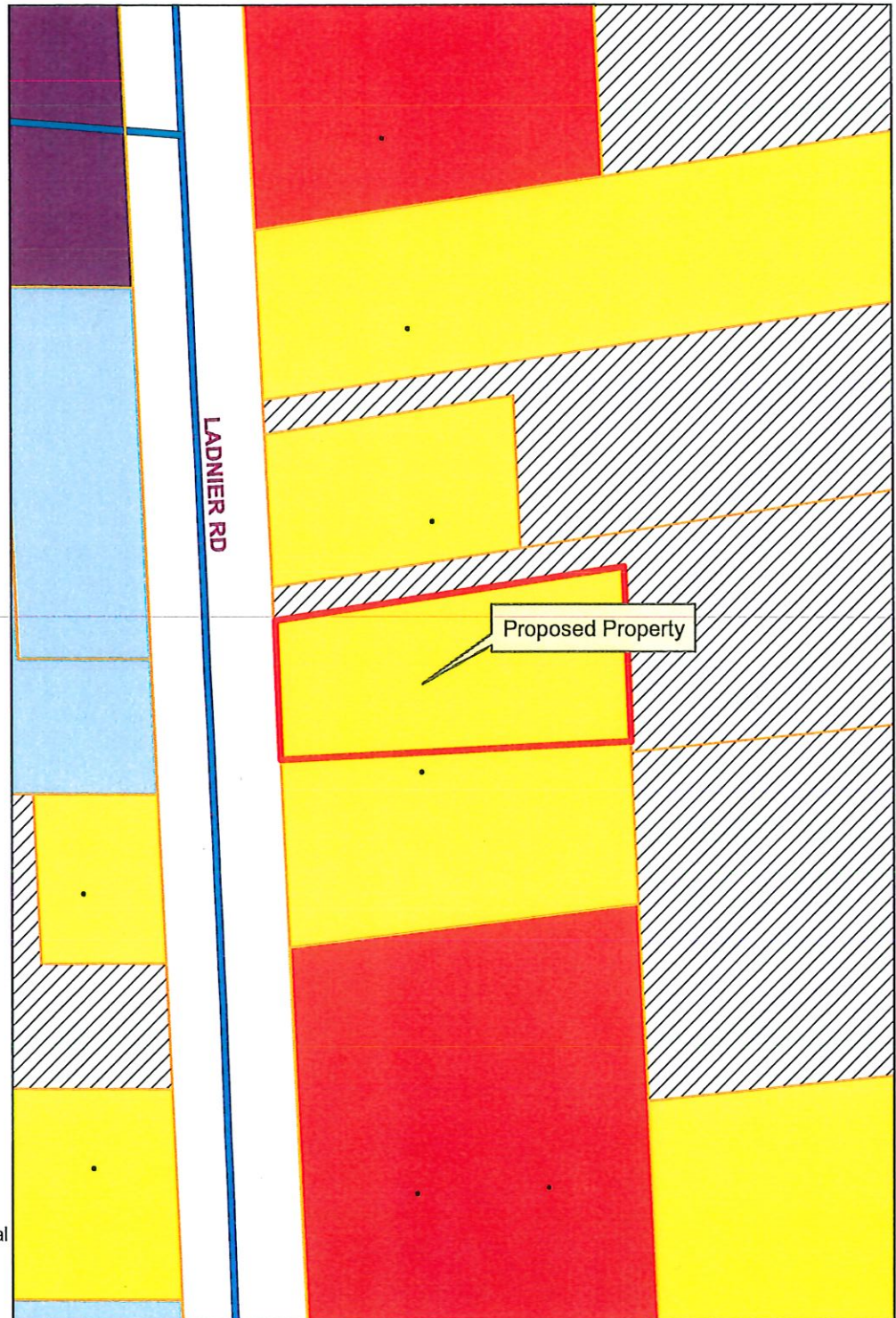


Exhibit D Future Land-Use

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

August 7, 2025

GPC #25-35-VAR

Ladnier Road, PID #82513320.025

VII. NEW BUSINESS

3. Consider a request for a twenty-three foot (23') variance from a telecommunication tower to the nearest residence in a C-1 Neighborhood Commercial Zoning District. Ladnier Road, PID #82513320.025, (GPC #25-35-VAR)

CITY OF GAUTIER STAFF REPORT

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: July 29, 2025

Subject: Consider a request for a twenty-three foot (23') variance from a telecommunication tower to the nearest residence in a C-1 Neighborhood Commercial Zoning District. Ladnier Road, PID #82513320.025, (GPC #25-35-VAR)

REQUEST:

The Planning Department has received a request from New Cingular Wireless PCS LLC (AT&T) for a twenty-three foot (23') variance from a telecommunication tower to the nearest residence in a C-1 Neighborhood Commercial Zoning District at Ladnier Road, PID #82513320.025, (GPC #25-35-VAR). The application fee of \$175 was paid on July 10, 2025. All public notice requirements have been met.

BACKGROUND:

The applicant would like to put a camouflaged 120' monopine wireless telecommunication tower on a vacant lot in a C-1 Neighborhood Commercial District. The Unified Development Ordinance (UDO) requires that the distance from the perimeter of a telecommunication tower or monopole to any residence shall be equal to the height of the tower plus thirty (30) feet. The tower would only be 127'2" from the nearest residence instead of 150' required for the proposed tower.

DISCUSSION:

The applicant is asking for a twenty-three foot (23') variance to the distance requirement between a telecommunication tower or monopole and the nearest residence. The proposed tower will only be 127'2" from the nearest residence instead of the required 150'. The UDO requires that the distance between a tower and the nearest residence be equal to the height of the tower plus thirty feet (30').

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

25-35-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: Baker Donelson on behalf of AT&T

Name of Business: New Cingular Wireless PCS LLC (AT&T) Phone: 205.250.8366

Property Address: Address: 2016 Ladnier Road; Parcel 82513320.025 Mailing Address (if Different): 1901 6th Ave N, Suite 2600, Birmingham, AL

E-Mail Address: phahn@bakerdonelson.com

Reason for request, location and intended use of Property: Variance from Section 14.6.B for proposed camouflaged 120' monopine

wireless telecommunication tower.

ATTACHMENTS REQUIRED AS APPLICABLE:

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

Signature of Applicant:  Date of Application: 07/02/2025

FOR OFFICE USE ONLY

Date Received 7/10/25 Verify as Complete OK per Scott

Fee Amount Received 176.00 Initials of Employee Receiving Application Babs

- B. That the requested Special Exception will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or the general welfare; and
- C. That the special circumstances are not the result of actions of the applicant.

RESPONSE: The proposed Facility is to be located on the Property which is zoned C-1 (Neighborhood Commercial) which requires a Special Exception Permit. Towers are only permitted as a conditional use on properties zoned C-3, I, and TC in the City. There are no existing properties within the search ring or within approximately one mile of the proposed Facility in which wireless facilities are allowed as shown on the enclosed Zoning Map Permitted District Radius at **Exhibit 13**. The Facility has been sited on a commercial property within the geographic search area to reduce the impact to residential and residentially zoned properties and avoid wetlands and flood zone issues as shown and described in the enclosed Diligence Report at **Exhibit 16**.

A literal interpretation of these requirements will deprive the Applicant of rights enjoyed by applicants for towers on other commercially zoned properties and would be an unnecessary hardship on the applicant due to the restrictive nature of the Code and the current zoning of properties in the area as shown on the enclosed Zoning Map Permitted District Radius at **Exhibit 13** and as certified in that Diligence Report at **Exhibit 16**. The current zoning districts and restrictive nature of the Code are not the result of actions of the applicant.

Communications towers are an integral part of our country's critical telecommunication infrastructure and are a benefit to the public good. For the vast majority of Americans, cell phones have replaced landlines as our primary source of personal communications. In the case of emergencies, cell towers are invaluable governmental entities and citizens alike.

The requested exception for the proposed Facility is in harmony with the Code's intent to locate towers outside of residentially zoned areas and be harmonious and not injurious to the surrounding area. The proposed Facility will consist of a 120' camouflaged monopine tower. The existing conditions of the property include pine trees which will further screen the tower from view and help the camouflaged tower better blend with the surrounding area.

Section 4.18: Variance

Section 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.

RESPONSE: The proposed Facility will meet setbacks to all nearby residences except for the adjacent residence to the north as shown on sheet C-1.1 of the enclosed Site Drawings at **Exhibit 5**. AT&T respectfully requests relief from strict interpretation of the setback requirement in Section 14.6.B and approval of its Variance application. The proposed tower at the Facility will be located greater than tower height from all nearby residences as shown on sheet C-1.1 of the enclosed Site Drawings at **Exhibit 5**. In addition, the proposed tower has been engineered such that in the unlikely event of tower failure, the tower will buckle and fold over itself resulting in a 0' fall zone radius which will not encroach on any adjacent properties, structures, or residences as certified in that Fall Zone Engineering Letter at **Exhibit 14**.

The current property is limited in size and adjacent to a property with existing residential structures which makes meeting the tower height plus 30' setback standards to the residence to the north impossible and also maintain district setback requirements. The need for the variance is not the result of applicant's actions and mentioned conditions are unique to the size of the property and current residential development on the property to the north.

We would appreciate these applications for a Special Exception and Variance Permit be placed on the agenda for the next scheduled Planning Commission meeting. If you have any questions or require any additional information, please do not hesitate to contact me.

Sincerely,

BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, PC



W. Patton Hahn

Enclosures

Section 14.6: Minimum Distances and Setbacks on Lots

A. Separation distances between towers.

1. Monopole, lattice or guyed Telecommunication Towers shall not be located within one-quarter (1/4) mile or one thousand three hundred fifty (1,350) feet of any existing monopole, lattice or guyed telecommunication tower.
2. Separation distances between towers shall be measured from the base of tower to base of tower, excluding pad, footing, or foundation. The separation distances shall be measured by drawing or following a straight line between the nearest point on the base of the existing tower and the proposed tower base, pursuant to a site plan of the proposed tower.

RESPONSE: The nearest towers are located more than 1-mile from the proposed site as certified and illustrated in the enclosed Inability to Collocate Statement at **Exhibit 11**.

B. Distance from Residential Uses.

The distance from the perimeter of the tower or monopole to any residence shall be equal to the height of the tower plus thirty (30) feet.

RESPONSE: The proposed Facility will meet setbacks to all nearby residences except for the adjacent residence to the north as shown on sheet C-1.1 of the enclosed Site Drawings at **Exhibit 5**. AT&T respectfully requests relief from strict interpretation of the setback requirement and approval of its Variance application. The proposed tower at the Facility will be located greater than tower height from all nearby residences as shown on sheet C-1.1 of the enclosed Site Drawings at **Exhibit 5**. In addition, the proposed tower has been engineered such that in the unlikely event of tower failure, the tower will buckle and fold over itself resulting in a 0' fall zone radius which will not encroach on any adjacent properties, structures, or residences as certified in that Fall Zone Engineering Letter at **Exhibit 14**.

C. Lot setbacks.

All towers, support structures, accessory buildings and guy wires shall be in accordance with the required setback requirements of the base zoning district.

RESPONSE: The Facility's ground equipment will be setback in accordance with the requirements of the C-1 base zoning district as shown on the enclosed Zoning Drawings at **Exhibit 5**.

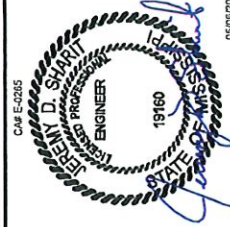
D. Calculation of Setback.

For purposes of determining whether the installation of WTFs complies with district development regulations including, but not limited to, setback requirements, lot-coverage



AT&T
1999048
GRAVELINE ROAD
2016 LAMIER ROAD
CAUTIER, MS 38553

REV	DESCRIPTION	BY	DATE
A	CLIENT REVIEW	JCM	03/14/23
B	CLIENT REVIEW	JCM	04/26/23
C	CLIENT REVIEW	JCM	05/05/23
D	FOR PERMITTING	JCM	05/05/23

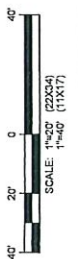


IT IS A VIOLATION OF LAW FOR ANY PERSON UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER TO ALTER THIS DOCUMENT.

AERIAL SITE PLAN

SHEET NUMBER:
C-1.1

SUBJECT PROPERTY IS LOCATED IN PANEL #280900407C, DATED 03/16/2009 AND IS IN THE BASE FLOOD ZONE "X" AND IS NOT IN A SPECIAL FLOOD HAZARD AREA. DUE TO PROXIMITY TO FLOOD ZONE "AE", REFER TO C-4.2 FOR FINISHED FLOOR ELEVATION (FFE) OF WALKWAY
CURRENT SITE ELEVATION IS 16.4' PER 1A



82513320.025 REGISTER DONALD S (LE)

PIDN: 82513320.025

GISP: 871.01-03-0141.00

Owner Information

Percent of Ownership: 100

Name: REGISTER DONALD S (LE)

Name 2: REGISTER REGINA

Mailing Address: P O BOX 461
GAUTIER MS
39553

Site Address: LADNIER RD GAUTIER

Land Information

Section: 01 Acreage: 0.46

Township: 8

Range: 7

Street Name LADNIER
RD

Value and Tax Information

Total Assessed Value: 791

Total Appraised Value: 5270

Improvement Value: 1930

Land Value: 3340

Tax Amount: 80

SQ FT: 0

Year Built: 0

Legal Description

Description: COM SWC SECT 36 E 448' S 2* E 50
96.35' N2*W 111.44' TO POB N2* W
87.47' N80*E 203.66' S 2* E 112
.49' S 87* W 202.17' TO POB PER
SURVEY DB 1734-168 DB 2188-788 (
141 MAP871.01-03)

Deed Book / Page: 2188 / 788

Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department

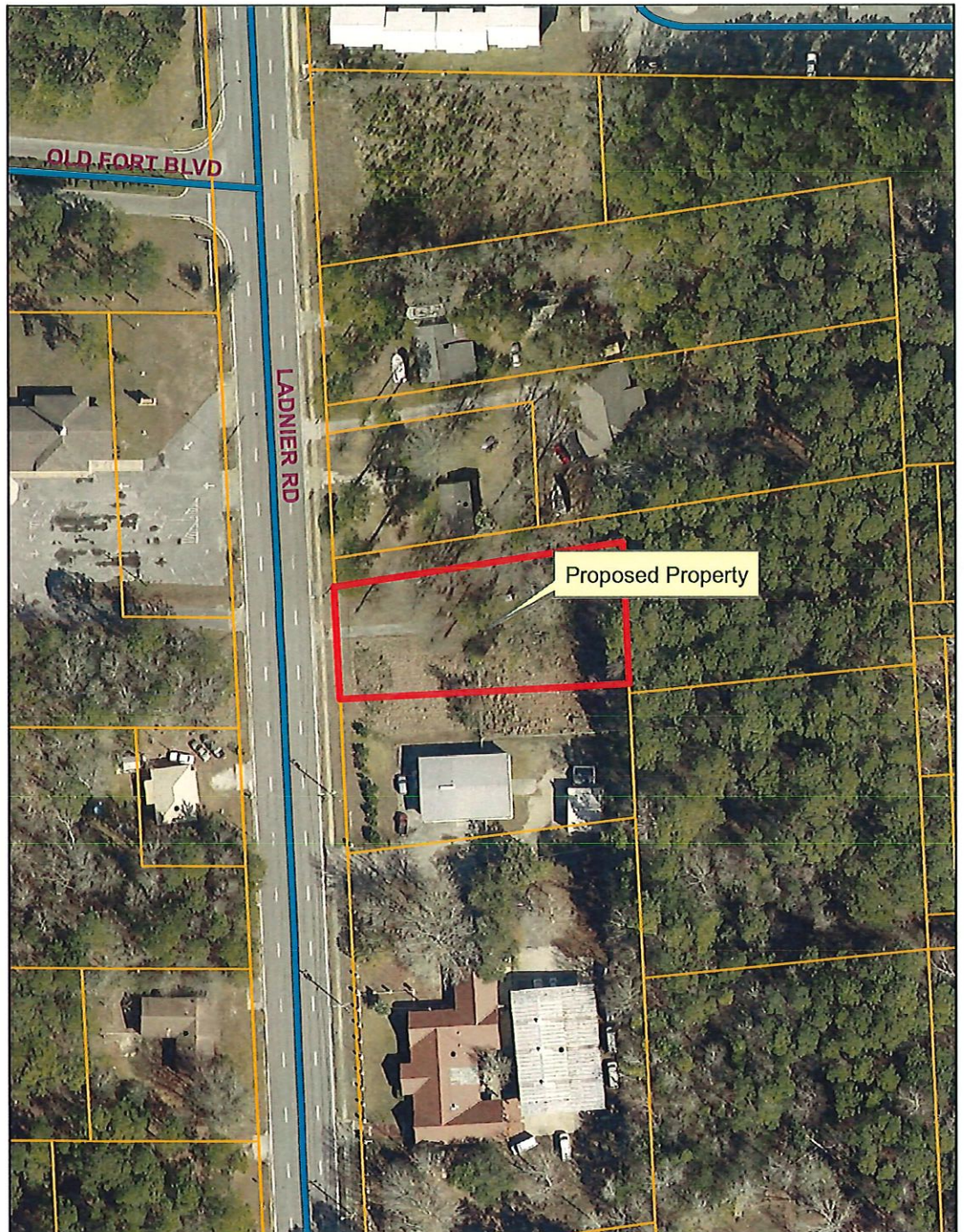


Exhibit B

Existing Zoning

0

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

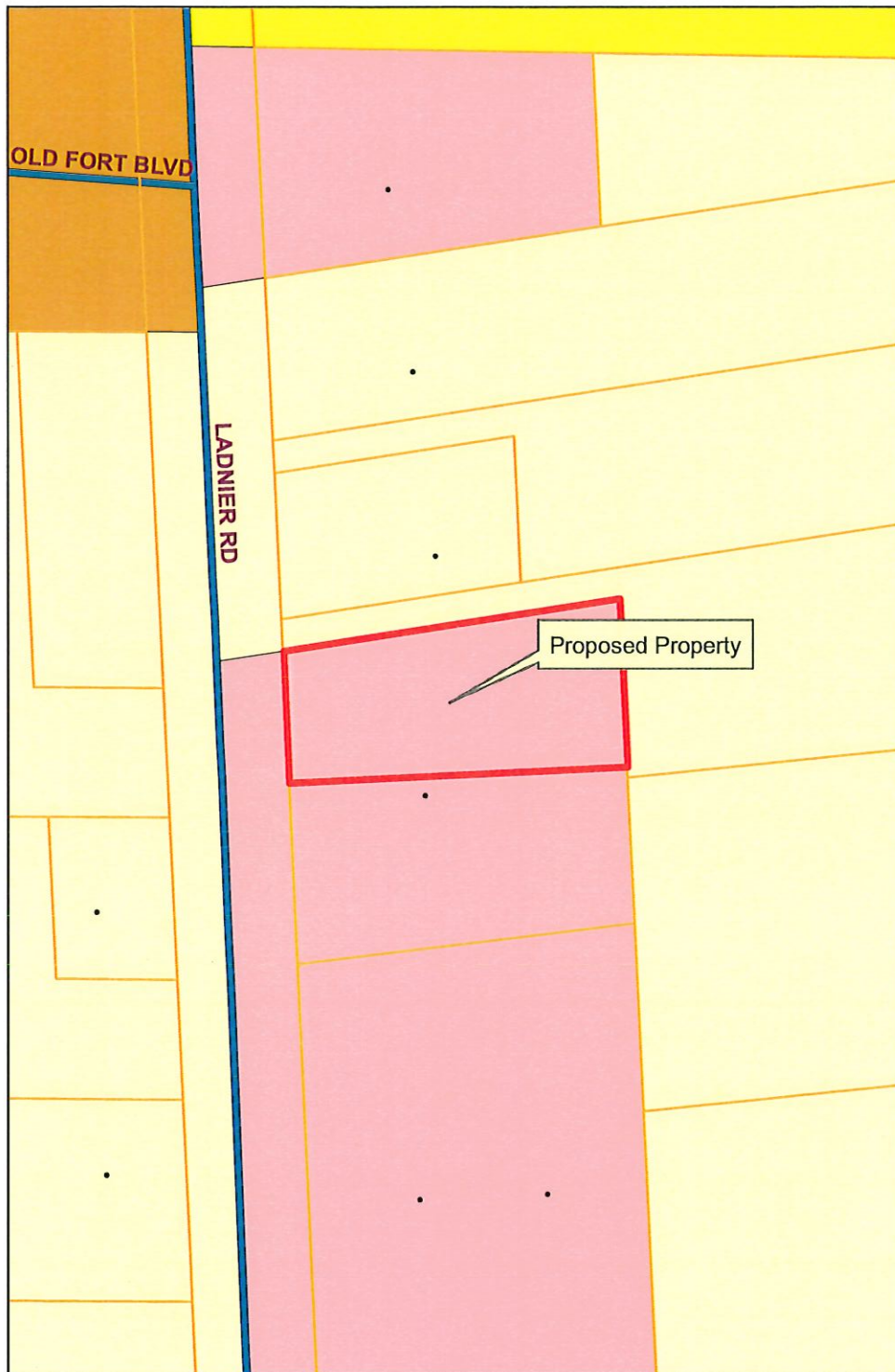


Exhibit C

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

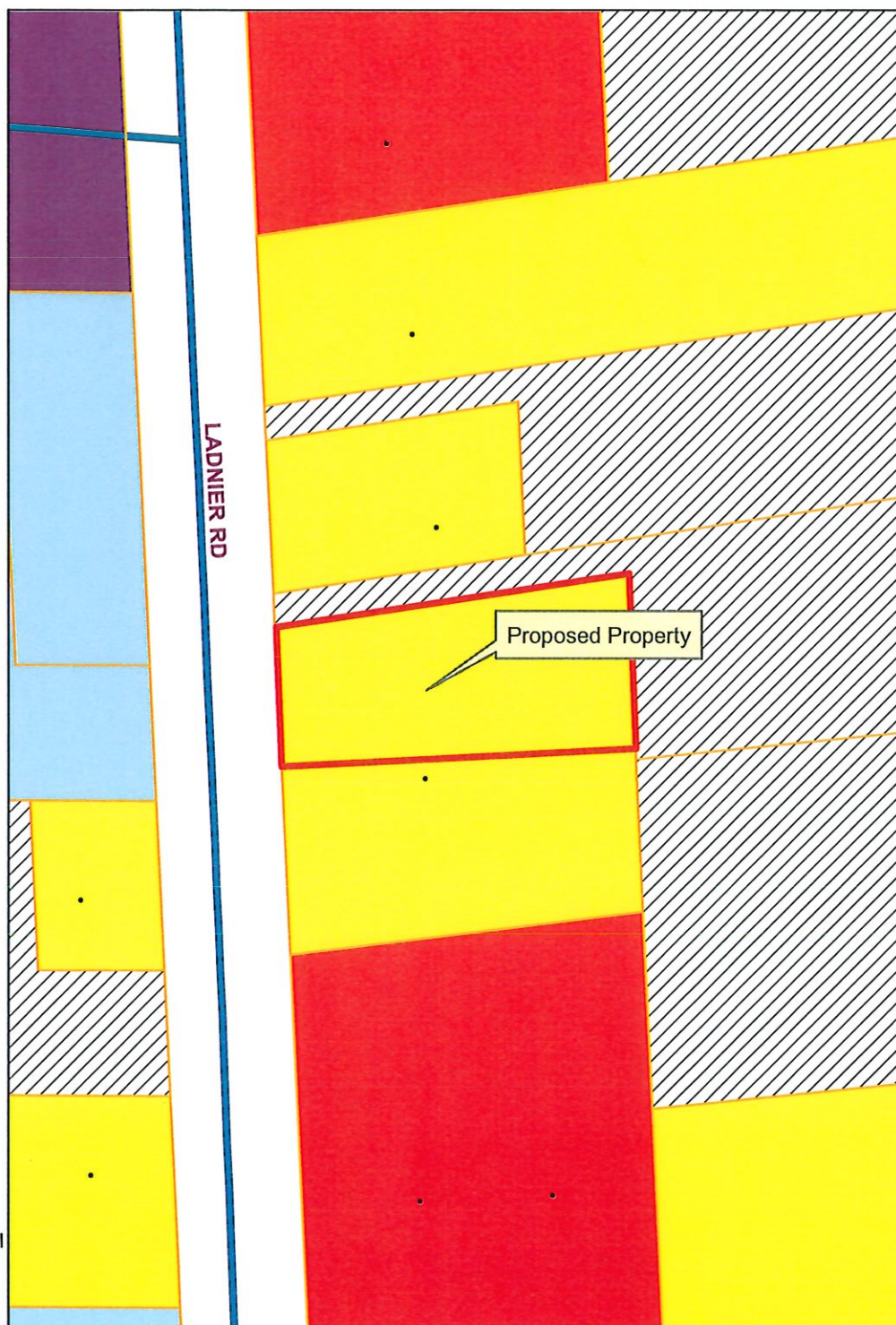


Exhibit D

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

August 7, 2025

GPC #25-36-RZ

Shawn Pedersen dba Focus Construction

Old Spanish Trail

PID #82438100.130

VII. NEW BUSINESS

4. Consider a request for a Property Owner Initiated Rezoning of Property located at PID #82438100.130, Old Spanish Trail, from R-1 Low Density Single-Family Residential to PUD Planned Unit Development, and the presented PUD plan. (GPC #25-36-RZ)

**CITY OF GAUTIER
STAFF REPORT**

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: July 29, 2025

Subject: Consider a request for a Property Owner Initiated Rezoning of Property located at PID #82438100.130, Old Spanish Trail, from R-1 Low Density Single-Family Residential to PUD Planned Unit Development, and approval of the attached PUD plan. (GPC Case #25-36-RZ)

REQUEST:

The Planning Department has received a request from Shawn Pedersen dba Focus Construction for a Rezoning of property located at PID #82438100.130, Old Spanish Trail, from R-1 Low Density Single-Family Residential to PUD Planned Unit Development, and the attached PUD plan. (GPC Case #25-36-RZ). The application fee of \$300 was paid on July 15, 2025. 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: Old Spanish Trail, PID #82438100.130. (See Exhibit A)
2. Existing Zoning: R-1 Low Density Single-Family Residential. (See Exhibit B)

UDO 5.3.3 R-1, Low Density Single-Family Residential District - Purpose and intent. The purpose of this district is to provide areas where the principal use of land is for single-family detached dwelling units and related recreational facilities which compliment the area and provide a balanced and attractive residential area. R-1 areas are to be specifically designed to provide for

the quiet enjoyment of the uses therein. They should have well defined boundaries and be protected from the encroachment of commercial uses and heavy through traffic.

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: Old Spanish Trail, PID #82438100.130

Location: Ward 1

Current Zoning of the Request Property: R-1 Low Density Single-Family Residential

Existing Land Use: Vacant. (See Exhibit C)

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

Surrounding Zoning: R-1 Low Density Single-Family Residential to north & west; PUD Planned Unit Development to the south & east

HISTORY:

The subject property is vacant.

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 PID #82438100.130 from R-1 Low Density Single-Family Residential to PUD Planned Unit Development, and the attached PUD plan.
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

25-36-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: Shawn PedersenName of Business: Focus Construction Phone: 228-326-0657Property Address: Old Spanish Trail - 82438100.130 Mailing Address (if Different): 15121 Lemoyne Blvd Biloxi MS 39532

E-Mail Address: _____

Reason for request, location and intended use of Property: change zoning from R1 to PUDATTACHMENTS REQUIRED AS APPLICABLE:

- 1 1. Diagram of intended use, showing dimensions and distances of property, building with setbacks, parking spaces, entrances and exits.
- 2 2. A detailed project narrative.
- 3 3. Copy of protective covenants or deed restrictions, if any.
- 4 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 5. Any other information requested by the Planning Director.

Signature of Applicant: _____

Date of Application: July 15, 2025FOR OFFICE USE ONLYDate Received 7/15/25 Verify as Complete OK per SealFee Amount Received 301.00 Initials of Employee Receiving Application Bals

We would like to change zoning to a PUD to have smaller lots and less street frontage for lots for a new subdivision.

This property was previously approved for a Subdivision in 2015 that met the R-1 requirements.

The property east and south of this parcel is zone as PUD.

82438100.130 PEDERSEN SHAWN &

PIDN: 82438100.130

GISP: 779.32-00-0110.00

Owner Information

Percent of Ownership: 100

Name: PEDERSEN SHAWN &

Name 2: PEDERSEN DEVELOPMENT LLC

Mailing Address: 13501 GLENDALE RD
VANCLEAVE MS
39565

Site Address: OLD SPANISH TRL GAUTIER

Land Information

Section: Acreage: 20.54

Township: 7

Range: 7

Street Name OLD SPANISH
TRL

Value and Tax Information

Total Assessed Value: 247

Total Appraised Value: 1640

Improvement Value: 0

Land Value: 1640

Tax Amount: 29

SQ FT: 0

Year Built: 0

Legal Description

Description: COM SEC OF W3/4 SEC 38 N 1632.69
N 76* W 2310' TO POB N 1356' TO
S/M OLD HWY 90 N 76* W ALG S/M
RD 660' S 1356' S 76* E 660' TO
POB DB 1086-336 DB 1086-338 DB 1
413-785 (110 MAP779.32) DB 1725-
744

Deed Book / Page: 1725 / 744

82438100.130 PEDERSEN SHAWN &



Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department

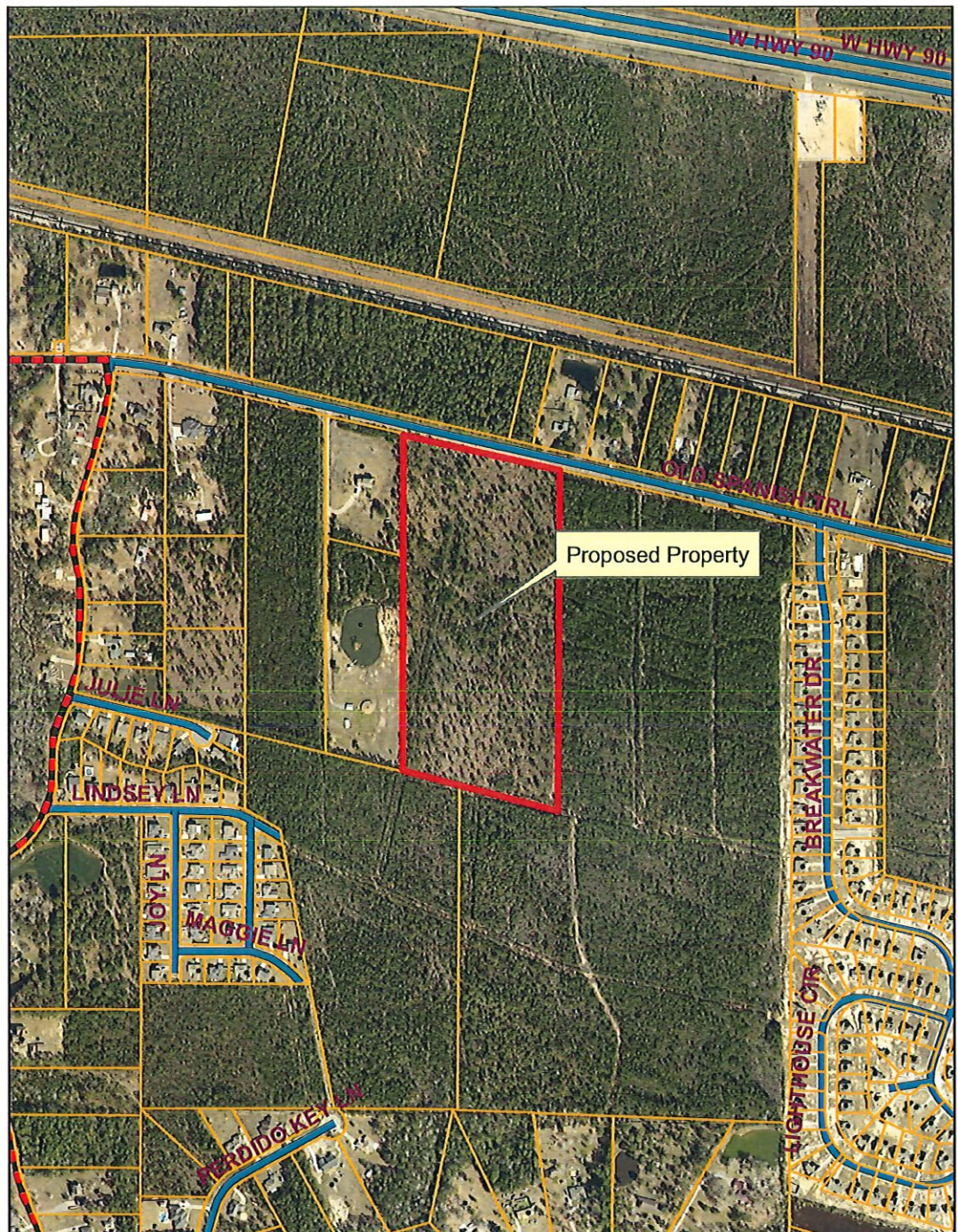


Exhibit B

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

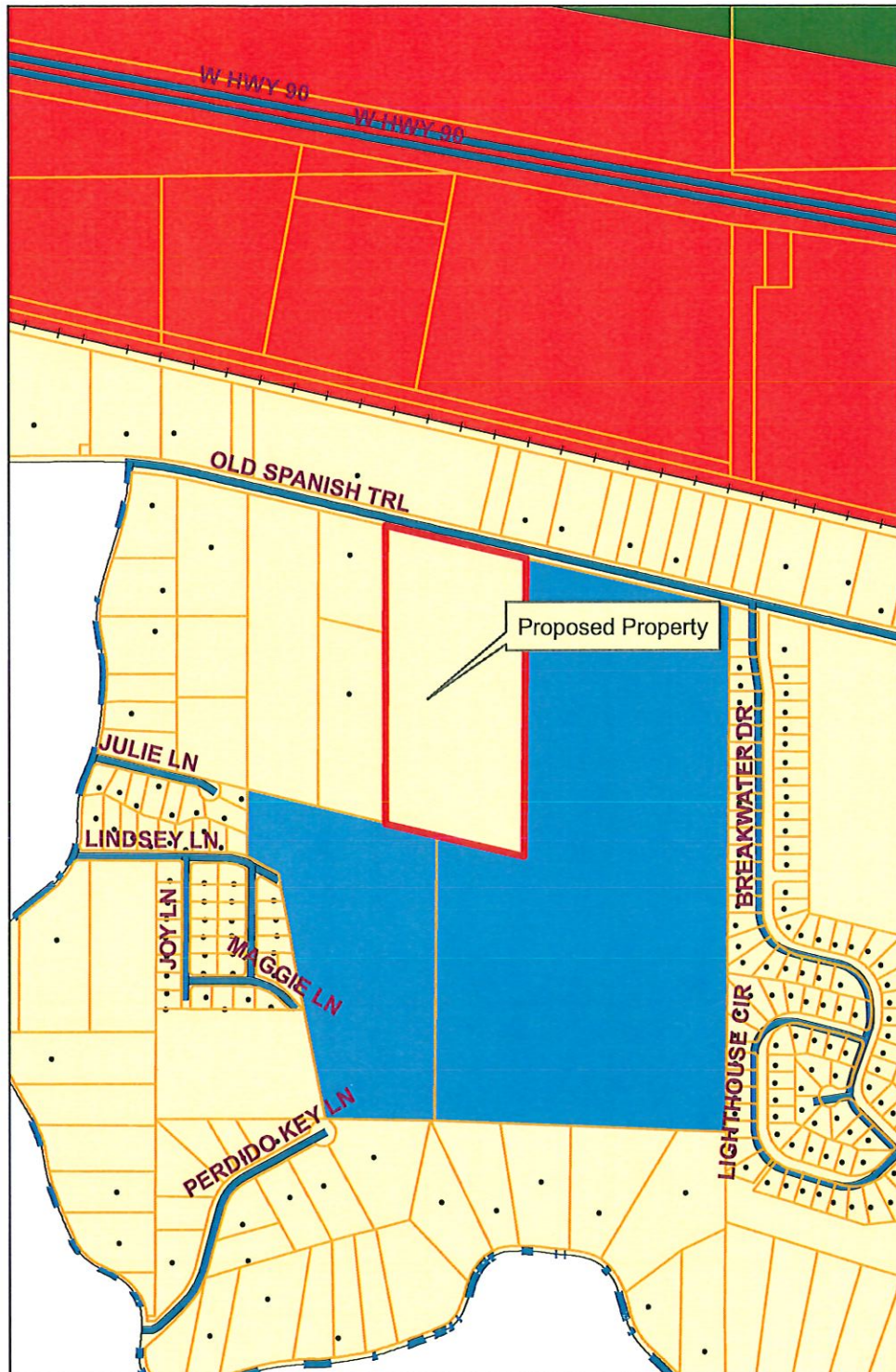


Exhibit C

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

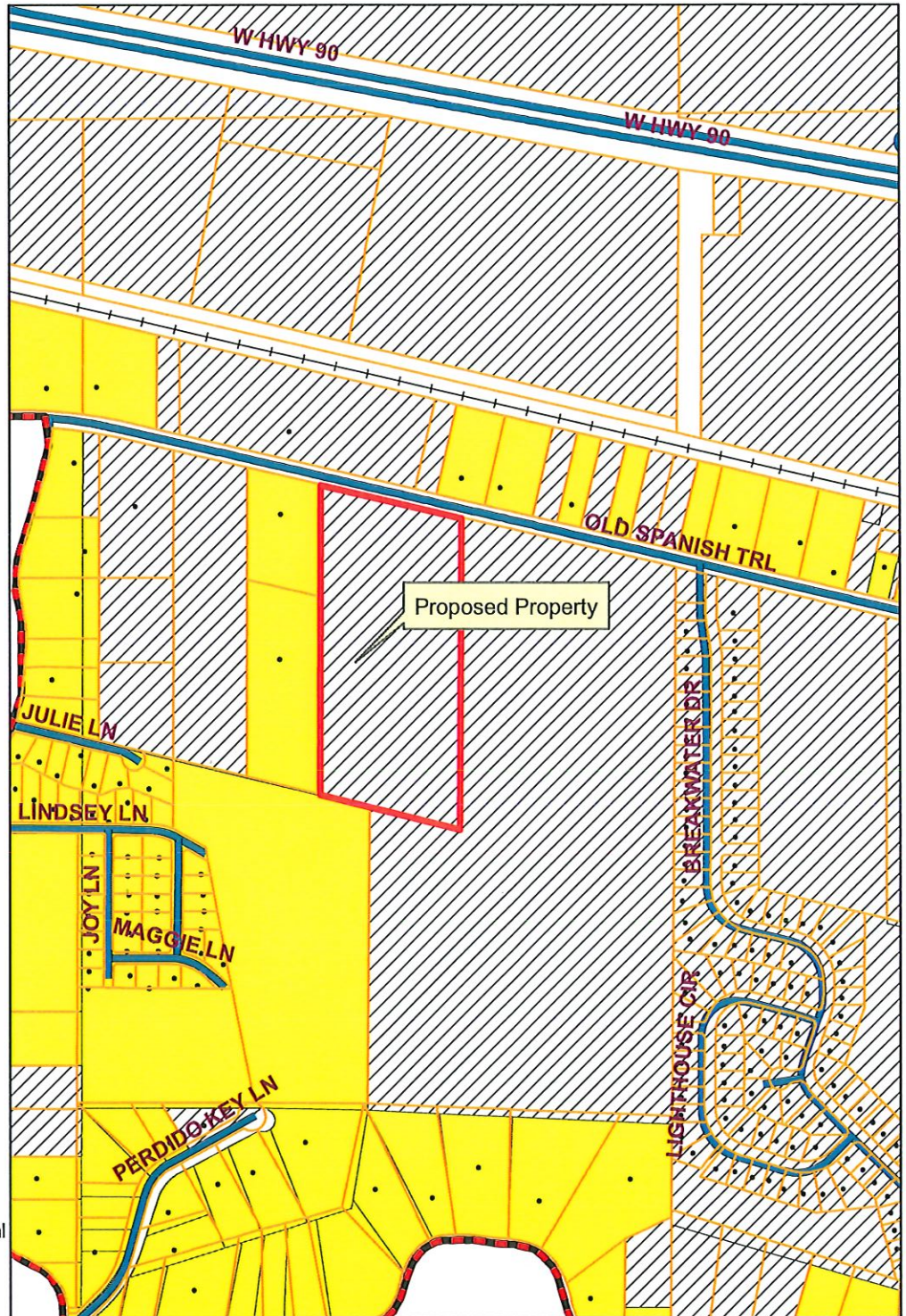


Exhibit D Future Land-Use

0

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

