

AGENDA
GAUTIER PLANNING COMMISSION
February 5, 2026
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 December 4, 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 Wendy Martin, owner of Walker's Steel Mill
2. Consider a request for a two-foot (2') variance to fence height in a front yard in a R-1 Low Density Single-Family Residential Zoning District. 3408 Raintree Drive, PID #82434071.001, #82434071.000 & #82434071.005, (GPC #26-01-VAR)
3. Consider a City-Initiated Rezoning of the six (6) properties listed from I-Industrial to AG Agricultural. PID #82420290.000, 82420270.100, 82420270.050, 82420270.000, 82420270.020, and 82420270.125, C Byrd Road. (GPC CASE #26-02-RZ)
4. Consider a City-Initiated Rezoning of the two (2) properties listed from TCMU Town Center Mixed Use to I-Industrial. PID #82435150.000, and 82435240.001, Old Spanish Trail. (GPC CASE #26-03-RZ)

VIII. GENERAL DISCUSSION

1. PREVIOUS CASE UPDATES

2. PERMIT & TRC REPORTS

IX. ADJOURN

**DECEMBER 4, 2025
GAUTIER, MISSISSIPPI**

BE IT REMEMBERED that a meeting of the Gautier Planning Commission of The City of Gautier, Mississippi, was held on December 4, 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 Josh Ward, Commissioners Maurice Hudson, Robert Williams, Herman Green, Marquitta Buxton (by phone), Greg Canada, and Ricky Decoteau. Also present were Scott Ankerson, Planning Director, Perry Kelly, representing the City Attorney, and Babs Logan, Planning Technician.

AGENDA

GAUTIER PLANNING COMMISSION

DECEMBER 4, 2025

5:30 P.M.

- I. CALL TO ORDER**
- II. PLEDGE OF ALLEGIANCE (VOLUNTEER)**
- III. APPROVAL OF AGENDA**
- IV. APPROVAL OF MINUTES (NOVEMBER 6, 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 seven hundred eighty (780) square foot variance to the rear yard lot coverage allowance for an accessory structure in a R-1 Low Density Single-Family Residential Zoning District. 2858 Honduras Drive, PID #86303136.000, (GPC #25-55-VAR)
 - 2. Consider a request for a **SPECIAL EXCEPTION** that would allow a temporary on-site food truck during tornado damage repairs in a TCMU Town Center

Mixed Use Zoning District. 2405 Highway 90, PID #82435100.110. (GPC #25-56-SE)

3. Nominations for the Larry Moran Excellence Award for 2025

VIII. GENERAL DISCUSSION

A. PREVIOUS CASE UPDATES

B. PERMIT & TRC REPORTS

IX. ADJOURN

Commissioner Decoteau made a motion to approve the Agenda.

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

AYES: **Josh Ward**
 Maurice Hudson
 Robert Williams
 Marquitta Buxton
 Greg Canada
 Ricky Decoteau

ABSENT: **Herman Green**

Motion Passed

Chairman Ward made a motion to approve November 6, 2025, minutes.

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

AYES: **Josh Ward**
 Maurice Hudson
 Robert Williams
 Marquitta Buxton
 Greg Canada
 Ricky Decoteau

ABSENT: **Herman Green**

Motion Passed.

NOTE: Commissioner Green arrived after the vote on the minutes.

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

Councilwoman Jamison thanked the Planning Commissioners for their service to the City.

Mayor Vaughan thanked the Planning Commissioners for their service and dedication. He stated that the Legacy Park development was booming and that they continue to be dedicated to the City of Gautier. He encouraged the Commissioners to continue to speak positive about the project and follow them on their social media. He said the developers had officially announced the hotel chain and franchise that will be coming to the development and that the city is blessed to have this caliber of hotel coming to the City. He added that he hopes the Commissioners will enjoy the new shirts the City has purchased for them and the monthly stipend they were able to put in the budget for them.

OLD BUSINESS - None

NEW BUSINESS

1. Consider a request for a seven hundred eighty (780) square foot variance to the rear yard lot coverage allowance for an accessory structure in a R-1 Low Density Single-Family Residential Zoning District. 2858 Honduras Drive, PID #86303136.000, (GPC #25-55-VAR)

Scott Ankerson, Planning Director, gave a brief overview of the case. He explained that the house was built in the 70's and placed on the lot in such a manner that it is really too close to the rear lot line, so that limits the rear lot area in this case. The lot is an oversized lot for the area because two additional lots were probably purchased and the lot lines dropped. The applicant also owns the lot directly behind the primary residence, but the square footage of that lot was not figured in because the building does not cross over that lot line. That lot could still be sold separately. If that lot had been figured in with the backyard area and was later sold, then it might not be compliant.

REQUEST:

The Planning Department has received a request from Patrick Reynolds for a seven hundred eighty (780) square foot variance to the rear yard lot coverage allowance for an accessory structure in a R-1 Low Density Single-Family Residential Zoning District at 2858 Honduras Drive, PID #86303136.000, (GPC #25-55-VAR). The application fee of \$175 was paid on October 24, 2025. All public notice requirements have been met.

BACKGROUND:

The applicant would like to build a 50' x 30' (1500 square feet) shop. The square footage of his rear yard is 1800 square feet. The Unified Development Ordinance (UDO) Section 5.4.4 (F) states that accessory structures shall not exceed forty (40) percent of the rear lot area in an R-1 Low Density Single-Family Residential District. Forty percent (40%) of his rear lot area would be seven hundred twenty (720) square feet. The applicant is asking for a variance of seven hundred eighty (780) square feet.

DISCUSSION:

The applicant is asking for a 780 square foot variance to the rear yard lot coverage allowance for an accessory structure in a R-1 Low Density Single-Family Residential Zoning District. He would like to build a 1500 square foot shop. The square footage of his rear lot area is 1800 square feet. The UDO only allows 40% of the rear lot area to be used for accessory structures. Forty percent of his rear lot area is 720 square feet.

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 Ward asked the applicant to present his case.

Patrick Reynolds, the applicant, stated that he had lived on the property since 2012 and he had accumulated a couple of structures, such as a carport and lean-to. He has been doing some improvements to his home and trying to clean everything up and condense things to one nice looking accessory structure. The structure will be set back behind the front line of his home. It is just a little bit too big to meet the requirements because of the position of his house.

Chairman Ward asked if there were any plans to add on to the house.

Mr. Reynolds said his only plan as of now is to build an attached carport on the east side of the house.

Commissioner Canada noted that the application stated that the total square footage of the rear yard was 1980 square feet, but the drawing shows 1800 square feet behind the house.

Mr. Ankersen explained that the City uses the County's web map and measuring tool to calculate the square footage.

Mr. Reynolds said that his neighbor had a survey done previously, so he measured from the back of his house to the survey line, and it was about eleven feet (11').

Commissioner Decoteau asked how big the primary structure was.

Mr. Reynolds replied that it was 1716 square feet, heated and cooled.

Commissioner Williams asked if he understood correctly that he owned the lot behind his house, and if so was it his plan to eventually make it all one big lot.

Mr. Reynolds said that he purchased that lot around 2022 and he had been clearing it a little. He said there were some really big pine trees on that lot and he didn't really want to build on that lot. He said he bought it for his kids to have a little bit more area to play in and so no one would build behind him. He said he has no intention of getting rid of it.

Commissioner Williams asked if he could access the shop from that lot and if that lot was on another road.

Mr. Reynolds said that his house was on Honduras and that lot connects him to Grouper. He said he could access it from that lot, but it would not be easy. There will not be a driveway there.

Commissioner Williams said he didn't know if he was going to have an issue with the person that owned the lot behind him.

Mr. Reynolds said there was a house behind the shop, but he has had a carport there for many years and there hasn't been a problem. He also talked with the owner of that lot.

Babs Logan, Planning Technician, advised that the owner of the house behind where the shop was going had called. He said he didn't have a problem as long as it would not be on his property in any way.

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

ACTION TAKEN:

Commissioner Canada made a motion to recommend approval of the Variance because the evidence presented meets the criteria for approval from the UDO as listed.

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

- AYES:**
- Josh Ward**
- Maurice Hudson**
- Robert Williams**
- Herman Green**
- Marquitta Buxton**
- Greg Canada**
- Ricky Decoteau**

Motion passed.

- 2. Consider a request for a **SPECIAL EXCEPTION** that would allow a temporary on-site food truck during tornado damage repairs in a TCMU Town Center Mixed Use Zoning District. 2405 Highway 90, PID #82435100.110. (GPC #25-56-SE)

Scott Ankersen, Planning Director, gave a brief overview of the case. He stated that the applicant had recently received severe tornado damage to his restaurant. He is pulling permits to rebuild the building, but in the meantime, he would like to place a food trailer truck on the premises to continue to serve the citizens just though the time period they will be rebuilding the building. Food trucks or trailers are not allowed by right in any district, so this request requires a Special Exception.

REQUEST:

The Planning Department has received a request from Aztecas Restaurant & Cantina – Durango LLC for a Special Exception that would allow a temporary on-site food truck during tornado damage repairs in a TCMU Town Center Mixed Use Zoning District at 2405 Highway 90, PID #82435100.110. (GPC #25-56-SE). The application fee of \$250 was waived by the City Council. All public notice requirements have been met.

BACKGROUND:

The request property is zoned TCMU Town Center Mixed Use.

1. Location: 2405 Highway 90, PID #82435100.110 (See Exhibit A)
2. General features of the proposed project:
Existing restaurant being repaired due to tornado damage
3. Potable Water and Wastewater Services: Available at current location
4. Current Zoning (See Exhibit B): TCMU Town Center Mixed Use
5. Current Surrounding Zoning (See Exhibit B): TCMU Town Center Mixed Use to the east, south, and west; PL Public Land to the north.
6. Current Surrounding Existing Land Use (See Exhibit C): Commercial -Retail to the east, south, and west; Civic to the north.
7. Comprehensive Plan Future Land Use Designation (See Exhibit D): Town center

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: *The request was made due to the tornado damage to the existing restaurant. The Special Exception would allow them to continue to bring in revenue while the restaurant is being repaired.*

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 Ward asked the applicant to present his case.

Luis Mendoza, applicant and manager of Aztecas Restaurant & Cantina, said that on October 26 a tornado hit the restaurant. They are working very hard to rebuild as fast as they can, and have been working with the city getting permits, etc. They would like to have a food truck for the customers that have been asking when they will reopen. They just got a brand-new food truck. They had 55 employees and most of them have lost their jobs. He was able to accommodate some of them at other locations from Gulfport to Moss Point, but he couldn't employ them all. This will give some of them a job.

Chairman Ward said he was worried about people trying to get into the construction area. He asked if they would rope that area off and perhaps put up signs to direct them.

Mr. Mendoza said that in the beginning they were thinking of placing the truck/trailer in front of the building in the drive thru parking area, but that is basically where they are doing the construction and have the dumpster located. They will need to keep it away from the noise and pollution from what they are doing. He said they are thinking now of putting it on the east side of the building where the temporary power pole is. Once they clear the west side of the building, they could possibly move it there.

Chairman Ward stated that it sounded like Mr. Mendoza had definitely given it some thought and was working with Mr. Ankerson.

Mr. Mendoza said he has learned from his experience with all the pickup orders they had on Cinco De Mayo when the traffic blocked part of Highway 90. He doesn't want to have

that problem again. He said they would be taking orders by phone or on-line, and would be taking care of the traffic so there would not be problems.

Commissioner Williams said that his main concern was the safety of the customers. He noted that the east side of the shopping center parking lot was pretty open, but they might need some signage to direct the traffic to the food trucks in the back.

Mr. Mendoza said they were planning to redirect the traffic to go to the back, through Ramey's parking lot. He thought the back corner would be a good setup because they were about to finish what they were doing on the back area. He said that right now they have two storage containers to store their goods in that area.

Commissioner Hudson said he had some concerns. He is worried about safety and location. He said he isn't anti food truck, but he is pro Aztecas. He is concerned because of the city's food truck ordinance, and because this would be the face of the city with a food truck out front. He said he drove by and looked for the best location and didn't think the front was it. He stated that construction sites should have footage squared off where you can't have visitors, debris, etc. He also asked what the dimensions of the food truck were and said that he was concerned about the safety of the food.

Mr. Mendoza said they had closed parts of the area because of nails, etc. He explained that it is a normal size food trailer, not an actual truck .

Chairman Ward noted that all food trucks had to have a food safety certification, and were checked on a routine basis.

Mr. Ankerson said that this was a trailer that would be movable, so he feels like Aztecas and the contractor would work together to move the trailer around as needed around construction. They could start on one side, get that side tidied up and finished, and then move the trailer around depending on where they are construction wise. Also around back is not necessarily an option because that is not their property. The shared parking is good, but the food truck itself should be kept on their property. He feels certain that they will be able to put it on this property in a manner that is safe and move it around as needed for the construction.

Commissioner Hudson noted that the power connection was mentioned, but what about water and sewage. He feels like the city would allow portable restrooms, and that is why he is really concerned about location.

Chairman Ward said that food trucks are intended to be a to go order situation, so it there are no chairs or tables, there shouldn't be a law that requires bathrooms. Since there is no restaurant there, you are not really promoting people to stay around to eat. He said there are probably port-o-lets on site for the construction people now.

Mr. Mendoza said there are restrooms inside the restaurant that are still working, so he does still have running water and sewage there.

Chairman Ward asked if there was a time frame for the food truck to be there or would it just be until construction is complete.

Mr. Ankerson said the time frame stated in the Special Exception is for the duration of the construction. The building permit is good for 180 days, and as the Building Official he could extend that.

Mr. Mendoza explained that there are already some other events that the food truck is already engaged with for schools, fairs, etc., so even now it would not be there on an everyday basis. They do not normally like having it at the restaurant location because there is no room.

Commissioner Canada asked if there was an estimated completion date on the construction.

Mr. Mendoza said their goal was to be reopened as soon as possible. They are hoping it will be no later than March 2026.

Chairman Ward said that he appreciates everything that Aztecas has done in the City of Gautier. He noted that they had been awarded the Larry Moran Award of Excellence previously because they have done a lot for the city. Although this is a rare situation, food trucks are a touchy subject also, so it makes this a bit difficult.

Mayor Vaughan said as a resident and then as the mayor, this restaurant is one of our biggest businesses in the city that just went through a natural disaster. They always go above and beyond. They own beautiful restaurants from the Alabama state line to the Louisiana state line on the coast. They hire our youth, but now there are people without jobs. Allowing them this Special Exception will continue to allow them to support our sporting events that they might not be able to otherwise because they are investing their money in reconstruction. If they are able to have a food truck it has to be able to be a little flexible due to the construction, so it may have to be moved around on the property. It won't be there every day because it will be at the schools, the fair, or some other event. Unfortunately, we do not have a food truck ordinance, but the city will be working on one in the coming months. We don't want to lose sales tax revenue due to them being closed, so we have to raise taxes to offset low sales tax revenue.

Councilwoman Jamison said that as a former Band Booster officer, she wanted to say that Mr. Mendoza has supported the band with so much food, and does so much for the community, that is why she nominated him for the Larry Moran Award of Excellence a few years ago. They are very needed in this town, especially since Country Gentleman is currently closed for renovations, and they are two major businesses in this town. Under the circumstances, it being a natural disaster that destroyed their business, we need to help them out and do anything we can to support them.

Commissioner Buxton said that Mr. Mendoza and his business partner have been amazing. She has reached out to him with short notice, and he has provided meals for the football team. When they won South State, he provided their full meal for them. People are missing being able to eat at Aztecas. She looks forward to the food truck. They deserve to open back up to employ people again, and to keep their revenue going because they do so much for the City of Gautier. There are a lot of great businesses in Gautier, and Aztecas opening back up is an asset to the community as a whole.

Chairman Ward suggested that Mr. Mendoza put something on social media explaining how they were going to operate until they could reopen, and maybe asking them to be careful around the construction areas when they come to pick up food at the food truck.

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

ACTION TAKEN:

Chairman Ward made a motion to recommend approval of the Special Exception as presented due to the circumstances of the natural disaster that happened in the City of Gautier.

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

AYES: **Josh Ward**
 Maurice Hudson
 Robert Williams
 Herman Green
 Marquitta Buxton
 Greg Canada
 Ricky Decoteau

Motion passed.

3. Nominations for the Larry Moran Excellence Award for 2025

Chairman Ward noted that at one point there had been a stipulation that the nominee had to have been in business for four years, but that stipulation had kind of been set aside at some point. The award is given as a chance to honor the memory of Mr. Moran and also to honor those businesses that are doing all they can in regard to planning and keeping things great in the City of Gautier. He then opened the meeting to receive nominations for the 2025 Larry Moran Award of Excellence. He noted that Commissioner Hudson had sent an email nominating The Steel Mill which was owned by the recently deceased Johnny Walker and his sister, Wendy. Mr. Walker had not only been a long time Councilman of Pascagoula, but he had also been a business owner within, and promoter of, the City of Gautier. He and his sister had done a lot of work on the business prior to his passing, and this would also be a way of honoring him.

Commissioner Hudson said he had been a long-time member of the gym prior to Mr. Walker and his sister purchasing it. He said the gym had begun going downhill, but when they bought it, they began making improvements, boosting enrollment, and getting it to where it is today. Mr. Walker's sister Wendy has done an outstanding job keeping the gym running and maintaining first-class quality even though she has lost her brother and partner.

Chairman Ward asked if anyone had another nomination. No one did. Chairman Ward said he thought the award would be an honor to Mr. Walker and his family. He noted that they had done a lot at the business and didn't know of any issues the City had with them.

Commissioner Hudson made a motion to nominate Wendy Martin, owner of The Steel Mill, for the 2025 Larry Moran Excellence Award.

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

AYES: **Josh Ward**
 Maurice Hudson
 Richard Williams
 Herman Green
 Marquitta Buxton
 Greg Canada
 Ricky Decoteau

Motion passed. *Wendy Martin, owner of The Steel Mill, is the recipient of the Larry Moran Excellence Award for 2025.*

GENERAL DISCUSSION

A. PREVIOUS CASE UPDATES

Mr. Ankerson advised Commissioners that City Council had approved GPC #25-47-VAR from the November 6, 2025, meeting.

B. PERMIT & TRC REPORT

Mr. Ankerson presented the November 2025 monthly report.

Mr. Ankerson thanked Chairman Ward for the kind words earlier in the meeting about him doing a good job and keeping up the development within the city, but he said that a chain is only as strong as its weakest link and he doesn't have a weak link in the Planning Department. He said he couldn't do what he does without his staff and he appreciates the praise.

Chairman Ward made a motion to adjourn the meeting.

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

AYES: **Josh Ward**
 Maurice Hudson
 Robert Williams
 Herman Green
 Marquitta Buxton
 Greg Canada
 Ricky Decoteau

Motion Passed.

APPROVED BY:

Scott Ankerson
Planning Director/Building Official

DATE: _____

Josh Ward, Chairman
Gautier Planning Commission

DATE: _____

BACKUP DOCUMENTATION

Gautier Planning Commission

Regular Meeting Agenda

December 4, 2025

GPC #25-55-VAR

2858 Honduras Drive

VII. NEW BUSINESS

1. Consider a request for a seven hundred eighty (780) square foot variance to the rear yard lot coverage allowance for an accessory structure in a R-1 Low Density Single-Family Residential Zoning District. 2858 Honduras Drive, PID #86303136.000, (GPC #25-55-VAR)

**CITY OF GAUTIER
STAFF REPORT**

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: November 18, 2025

Subject: Consider a request for a seven hundred eighty (780) square foot variance to the rear yard lot coverage allowance for an accessory structure in a R-1 Low Density Single-Family Residential Zoning District. 2858 Honduras Drive, PID #86303136.000, (GPC #25-55-VAR)

REQUEST:

The Planning Department has received a request from Patrick Reynolds for a seven hundred eighty (780) square foot variance to the rear yard lot coverage allowance for an accessory structure in a R-1 Low Density Single-Family Residential Zoning District at 2858 Honduras Drive, PID #86303136.000, (GPC #25-55-VAR). The application fee of \$175 was paid on October 24, 2025. All public notice requirements have been met.

BACKGROUND:

The applicant would like to build a 50' x 30' (1500 square feet) shop. The square footage of his rear yard is 1800 square feet. The Unified Development Ordinance (UDO) Section 5.4.4 (F) states that accessory structures shall not exceed forty (40) percent of the rear lot area in an R-1 Low Density Single-Family Residential District. Forty percent (40%) of his rear lot area would be seven hundred twenty (720) square feet. The applicant is asking for a variance of seven hundred eighty (780) square feet.

DISCUSSION:

The applicant is asking for a 780 square foot variance to the rear yard lot coverage allowance for an accessory structure in a R-1 Low Density Single-Family Residential Zoning District. He would like to build a 1500 square foot shop. The square footage of his rear lot area is 1800 square feet. The UDO only allows 40% of the rear lot area to be used for accessory structures. Forty percent of his rear lot area is 720 square feet.

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
55

| | |
|--|----------|
| 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: Patrick Reynolds

Name of Business: _____ Phone: 228-327-1428

Property Address: 2858 Honduras Drive Mailing Address (if Different): _____

E-Mail Address: PATJOSREY@gmail.com

Reason for request, location and intended use of Property: living over square footage

Allowance, West side of property, using building to store boat, tools, and hobbies.

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.
- 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: Patrick Reynolds Date of Application: 10-24-2025

| FOR OFFICE USE ONLY | |
|---------------------------|---|
| Date Received _____ | Verify as Complete <u>Babs</u> |
| Fee Amount Received _____ | Initials of Employee Receiving Application <u>JB/Babs</u> |

VARIANCE

Criteria for Approval

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

My home was built 11' from rear property line. I do not have much square footage behind rear plane of home.

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

no. The house was built in 1977. I purchased it in 2012.

3. How will the literal interpretation of the provisions of this Ordinance deprive you of rights commonly enjoyed by other properties in the same district under the provisions of this Ordinance? Explain. I own 4 adjoining lots. I was told that I can build a structure $\frac{1}{2}$ the square footage of yard behind rear plane of home. My home is set back so far that I only have 1980 sqft behind

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. home.

If I'm understanding the question correctly, ~~yes~~ no. There are many similar size and style buildings in point clear. One in particular at 2016 Dolphin Drive is the same size shop 30'x50' with a very similar house/land layout.

HONDURAS
FIELD

Limbo Stone
Drilled
(10mm)

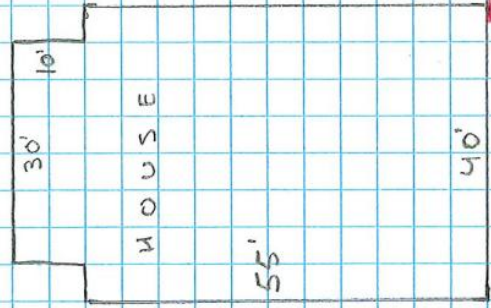
POST
FRAME
BLDG

50' 1500 ft

780 ft
Wings

30'

60'



HOUSE

30'

10'

55'

10' x 10'

60'

60'

021

021

1000
+ 100
1100
x 15
16500
Fence yard

40%
720 sq ft

86303136.000 REYNOLDS PATRICK

PIDN: 86303136.000

GISP: 872.03-01-0051.00M

Owner Information

Percent of Ownership: 100

Name: REYNOLDS PATRICK

Name 2:

Mailing Address: 2858 HONDURAS DR
GAUTIER MS
39553

Site Address: 2858 HONDURAS DR GAUTIER

Land Information

Section: 03 Acreage: 0

Township: 8

Range: 7

Street Name HONDURAS
DR

Value and Tax Information

Total Assessed Value: 11146

Total Appraised Value: 111460

Improvement Value: 98990

Land Value: 12470

Tax Amount: 0

SQ FT: 1716

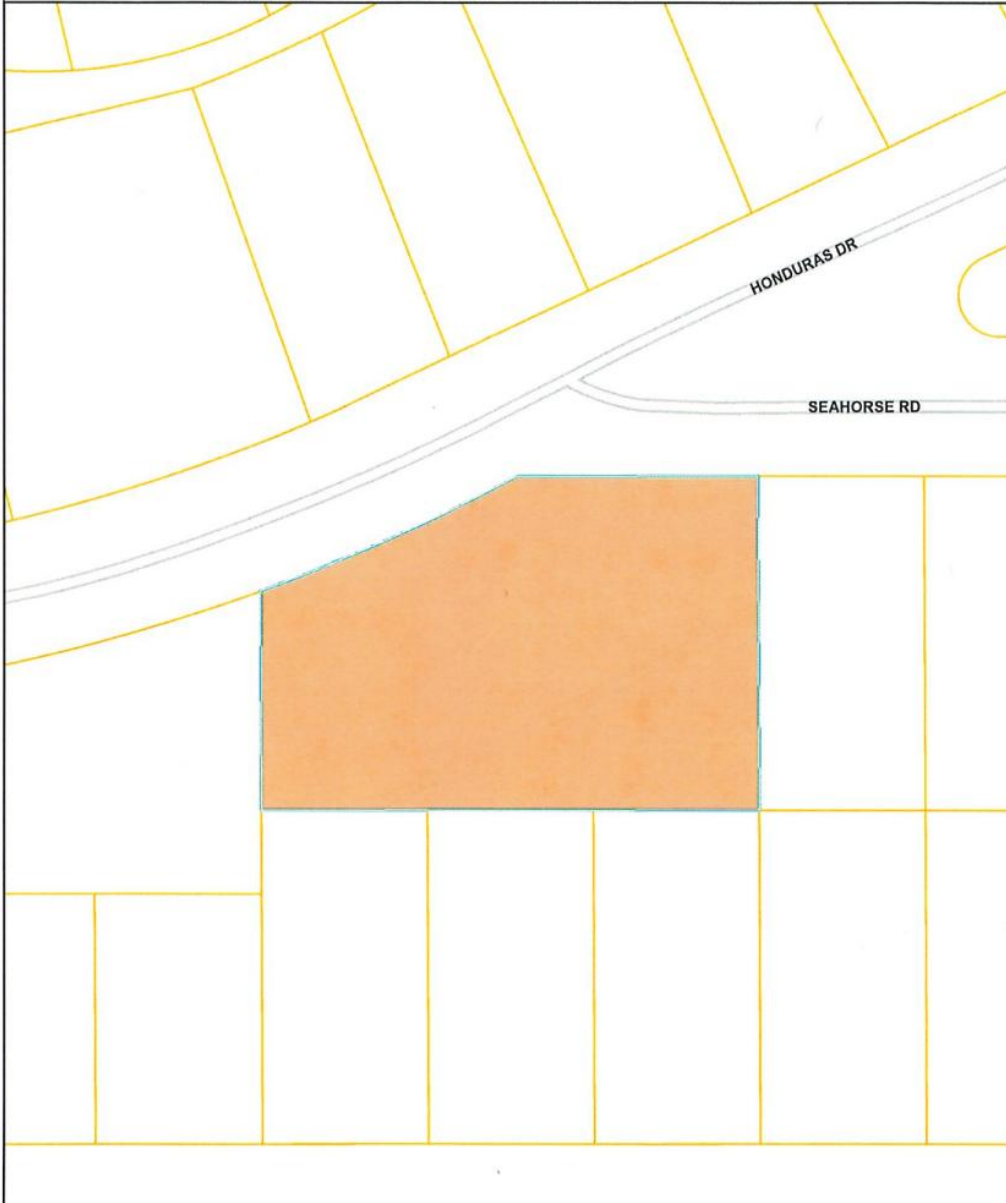
Year Built: 1977

Legal Description

Description: LOTS 129 130 & 131 POINT CLEAR R
VIERA S/D SEC H PB 10-16&17 DB
1639-830 DB 1925-173 (51M MAP872
.03-01)

Deed Book / Page: 1925 / 173

86303136.000 REYNOLDS PATRICK



0 12.5 25 50 Feet
|-----|-----|-----|-----|

GROUPER RD

Jackson County GIS

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

11/10/2025

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

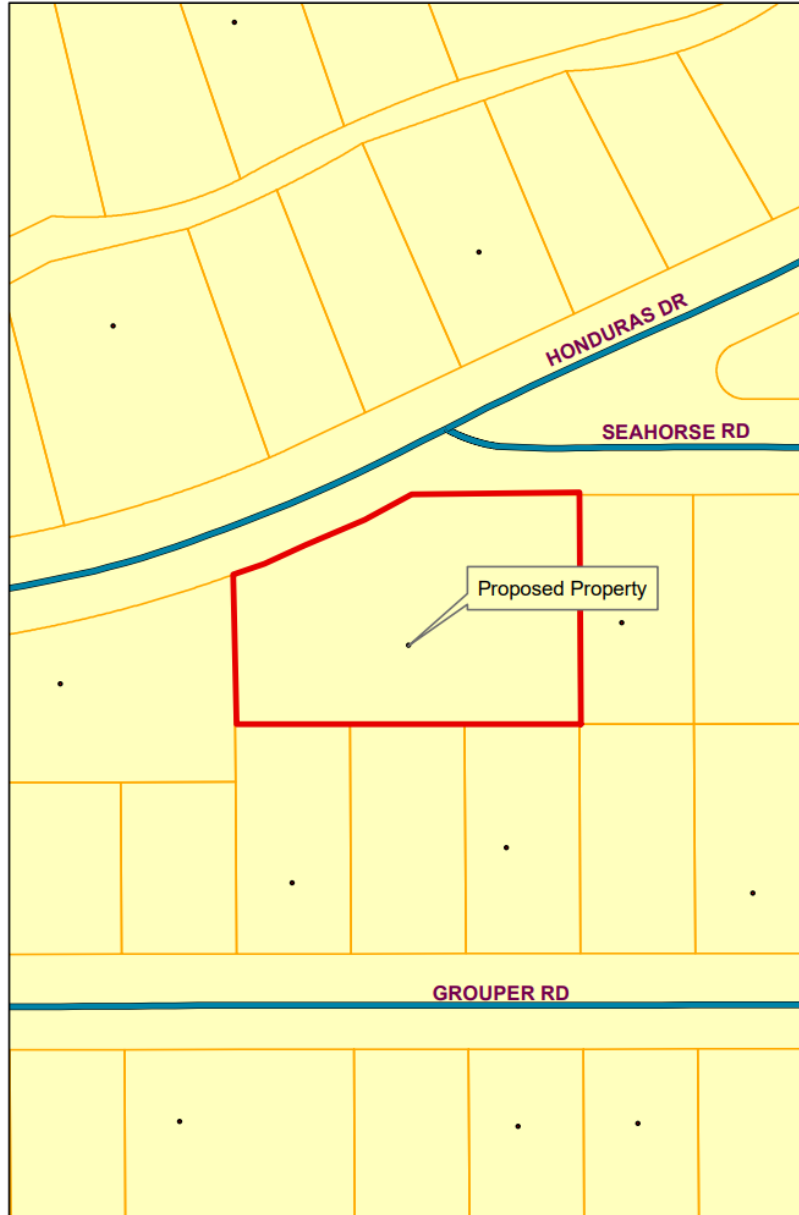


Exhibit C Existing Land-Use

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

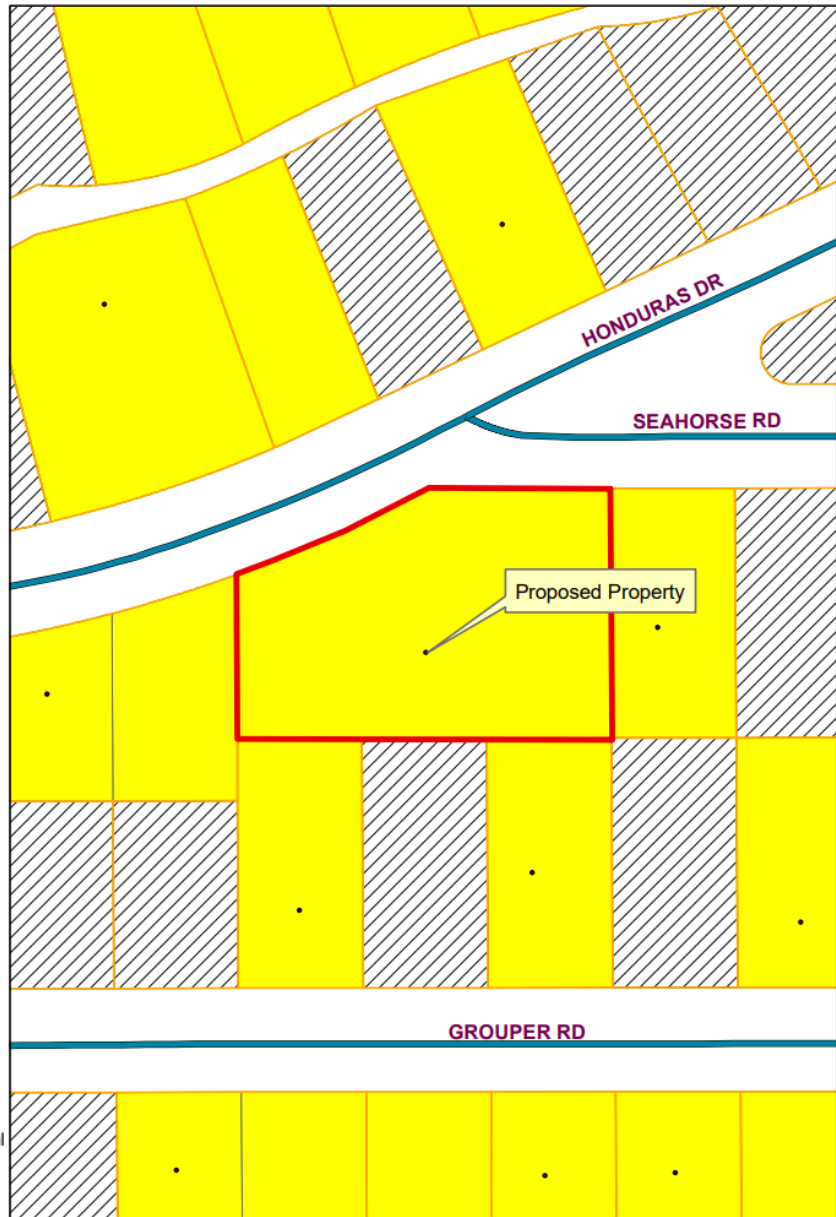


Exhibit D Future Land-Use

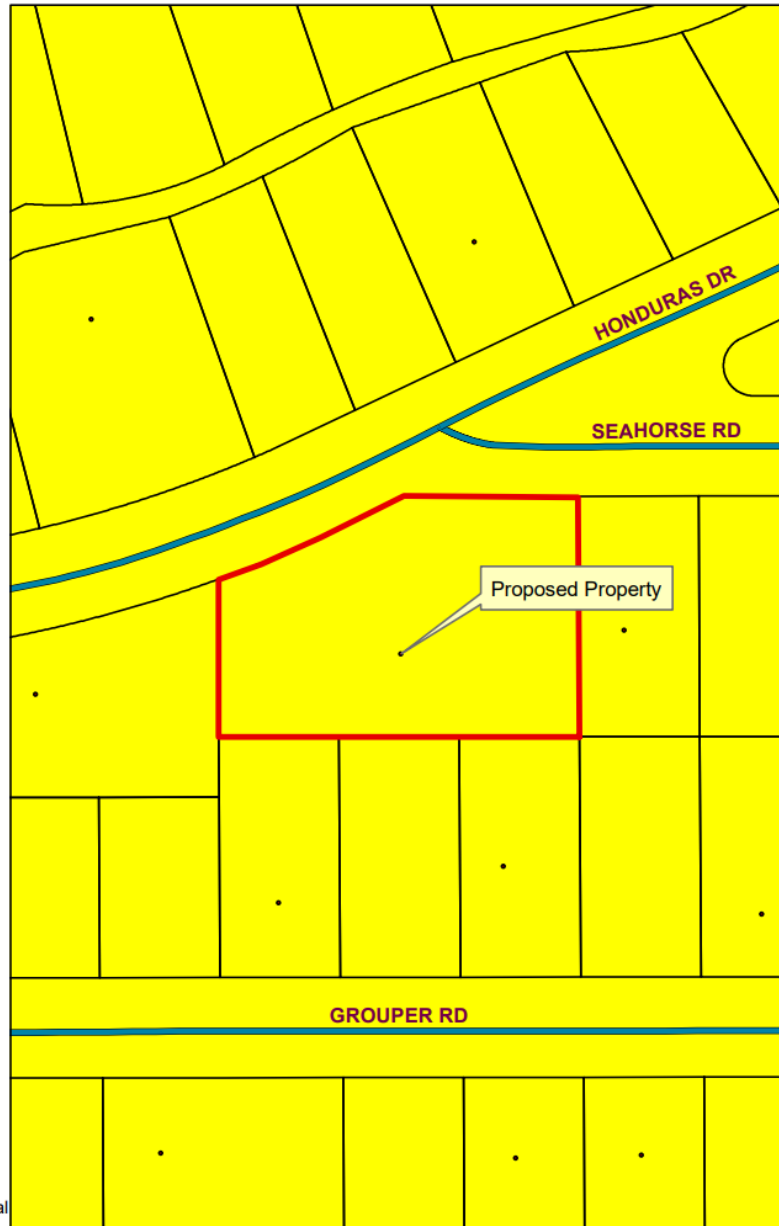
Prepared By:
City of Gautier
Planning Department

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

December 4, 2025

GPC #25-56-SE

Aztecas Restaurant & Cantina – Durango LLC

2405 Highway 90

VII. NEW BUSINESS

2. Consider a request for a **SPECIAL EXCEPTION** that would allow a temporary on-site food truck during tornado damage repairs in a TCMU Town Center Mixed Use Zoning District. 2405 Highway 90, PID #82435100.110. (GPC #25-56-SE)

CITY OF GAUTIER STAFF REPORT

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: November 18, 2025

Subject: Consider a request for a Special Exception that would allow a temporary on-site food truck during tornado damage repairs in a TCMU Town Center Mixed Use Zoning District. 2405 Highway 90, PID #82435100.110. (GPC #25-56-SE)

REQUEST:

The Planning Department has received a request from Aztecas Restaurant & Cantina – Durango LLC for a Special Exception that would allow a temporary on-site food truck during tornado damage repairs in a TCMU Town Center Mixed Use Zoning District at 2405 Highway 90, PID #82435100.110. (GPC #25-56-SE). The application fee of \$250 was waived by the City Council. All public notice requirements have been met.

BACKGROUND:

The request property is zoned TCMU Town Center Mixed Use.

1. Location: 2405 Highway 90, PID #82435100.110 (See Exhibit A)
2. General features of the proposed project:
Existing restaurant being repaired due to tornado damage
3. Potable Water and Wastewater Services: Available at current location
4. Current Zoning (See Exhibit B): TCMU Town Center Mixed Use
5. Current Surrounding Zoning (See Exhibit B): TCMU Town Center Mixed Use to the east, south, and west; PL Public Land to the north.
6. Current Surrounding Existing Land Use (See Exhibit C): Commercial -Retail to the east, south, and west; Civic to the north.
7. Comprehensive Plan Future Land Use Designation (See Exhibit D): Town center

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: The request was made due to the tornado damage to the existing restaurant. The Special Exception would allow them to continue to bring in revenue while the restaurant is being repaired.

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

25-56-SE

| <u>TYPE OF REQUEST:</u> | <u>FEE:</u> |
|-------------------------|-------------|
| Special Exception _____ | \$251.00 |

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

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

Name of Applicant: Luis Mendoza, Manager & Orlando Godoy, Owner

Name of Business: Aztecas Restaurant & Cantina - Durango LLC

Address: 2405 Highway 90, Gautier, Mississippi 39553

Mailing Address (if different): _____

Email Address: lmendoza@aztecasrestaurante.com

Phone: 228-497-2100 Cell Phone: 228-249-3898

Reason for request, location and intended use of Property: See Attachment

ATTACHMENTS REQUIRED AS APPLICABLE:

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

Signature of Applicant:  11.03.2025

| FOR OFFICE USE ONLY | |
|---|---------------------------------|
| Date Received <u>11/4/25</u> | Verify as Complete <u>Bales</u> |
| Fee Amount Received <u>waived - for auto damage</u> | |
| Initials of Employee Receiving Application <u>Bales</u> | |

OWNERS CONSENT AND DESIGNATION OF AGENCY – SPECIAL EXCEPTION

Date of Application: November 3, 2025

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

See PIDN: 82435100.110; Durango LLC; 2405 Highway 90, Gautier, Mississippi 39553

hereby petition to the City of Gautier to *Grant a Special Exception of* temporary operation of a food truck on-site and affirm that Orlando Godoy; Luis Mendoza

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

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

[Signature]
(Owner's Signature)

The foregoing instrument was acknowledged before me this 4 day of November, 2025 by Ruben Gimenez, who is personally known to me or has produced Driver's license as identification and who did take an oath.

Lauren Glenn
(Printed Name of Notary Public)

[Signature]
(Signature of Notary Public)

Commission # 347855. My commission expires April 18, 2027.

(Notary's Seal)

★ STATE OF MISSISSIPPI ★
LAUREN GLENN, NOTARY PUBLIC
JACKSON COUNTY
MY COMMISSION EXPIRES APRIL 18, 2027
COMMISSION NUMBER 347855

SPECIAL EXCEPTION

Reason for Request, Location, and Intended Use of Property:

The applicant, Aztecas Restaurant & Cantina, located at 2405 Highway 90, Gautier, Mississippi 39553, is requesting a Special Exception to allow the temporary operation of a food truck on-site in front of the existing restaurant building because of the tornado that hit Gautier, Mississippi on Sunday, October 26, 2025.

This request is due to catastrophic tornado damage sustained by the main restaurant structure, which is currently unusable and under reconstruction. The temporary food truck will allow Aztecas to continue limited operations during the rebuilding process, enabling the business to serve customers, maintain a community presence, and preserve at least 10 full-time jobs while construction is underway.

The intended use is temporary food service for take-out and limited outdoor dining, located north of the damaged building with designated customer parking on the west side of the property. The use will cease immediately upon completion of the restaurant's reconstruction.

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.

A literal interpretation of the ordinance would deprive Aztecas Restaurant & Cantina of the ability to continue limited food service operations while its permanent structure is being rebuilt due to catastrophic damage from the recent tornado. Other businesses within the district are able to operate and serve customers on-site, but the applicant cannot do so because of storm-related destruction outside their control. Without a temporary Special Exception to operate a food truck in front of the property, the business will experience severe financial hardship and be unable to generate revenue needed to recover and retain key staff members.

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.

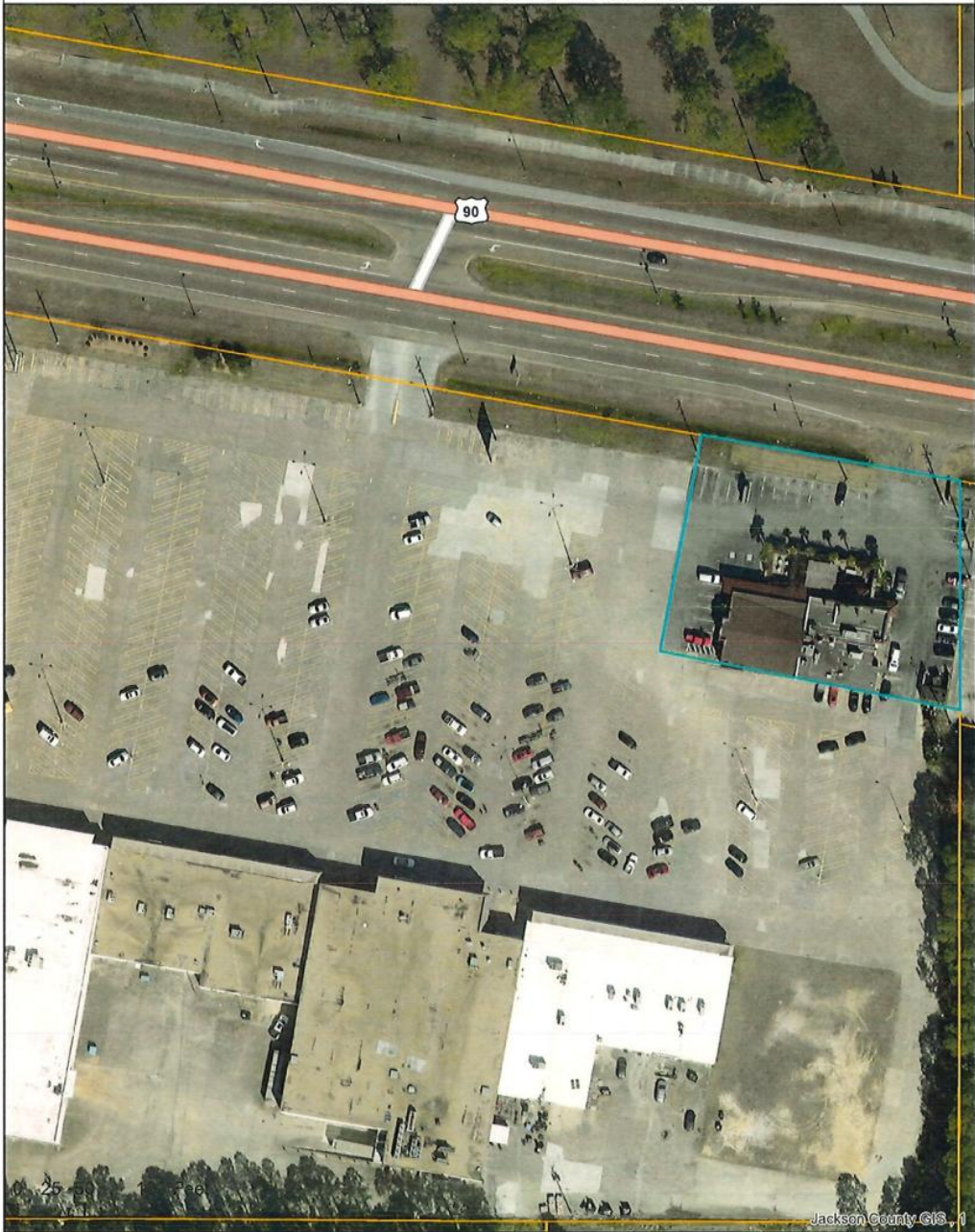
The requested Special Exception supports the intent of the City's Unified Development Ordinance by allowing continued economic activity and employment within an existing commercial corridor while the business undergoes reconstruction. The temporary use of a food truck on-site will ensure that Aztecas can continue to provide food service to the community in a controlled, safe, and health-compliant manner. This temporary operation will maintain customer engagement and contribute to the area's economic vitality without creating noise, traffic, or visual impacts inconsistent with surrounding commercial uses. The food truck will be removed upon completion of the new building construction.

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

The circumstances requiring this request were caused by a natural disaster, a tornado that caused significant structural damage to the restaurant building. These events were beyond the applicant's control. The applicant has acted responsibly and promptly to secure the site, begin insurance and construction planning, and seek lawful permission to operate temporarily through this Special Exception. The purpose of the request is to maintain partial business operations and preserve employment for approximately 10 staff members until the facility can reopen, minimizing further economic hardship to the business and the local community.



82435100.110 DURANGO LLC



Jackson County GIS, 1

Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department

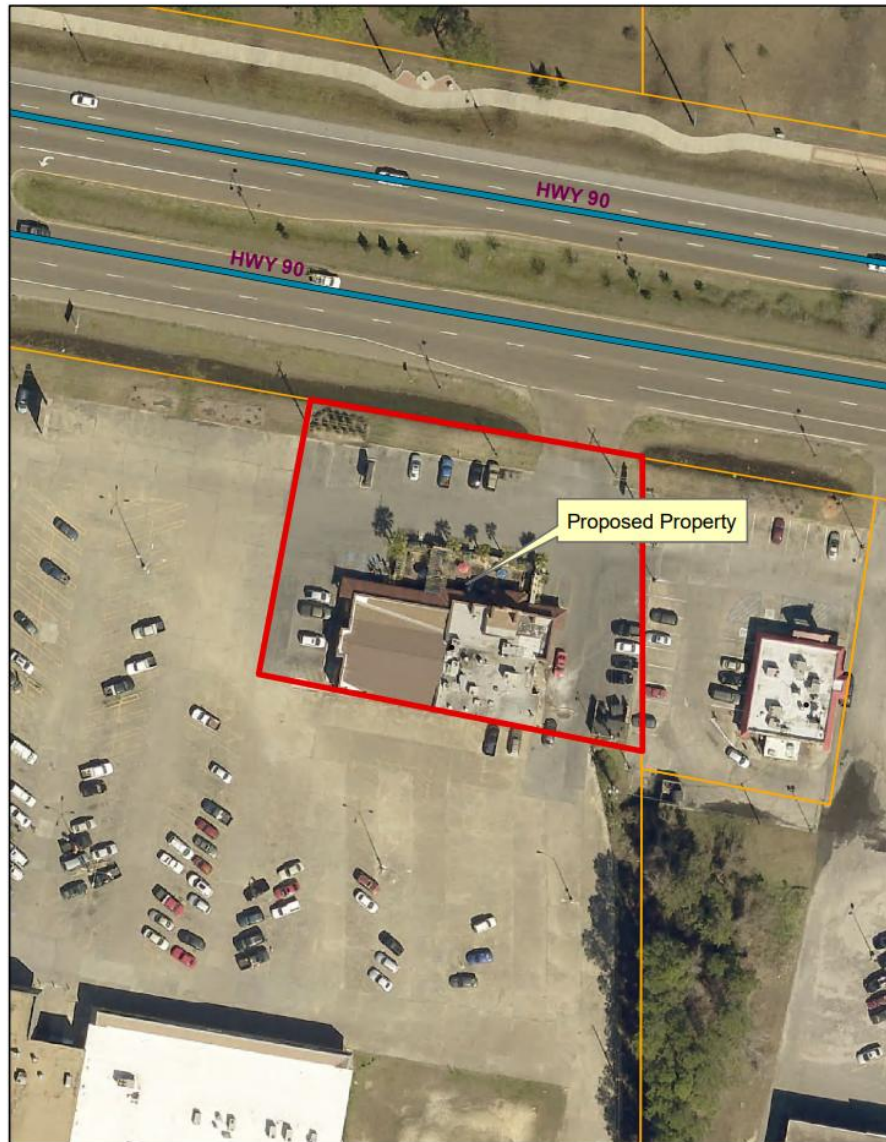


Exhibit B Existing Zoning

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

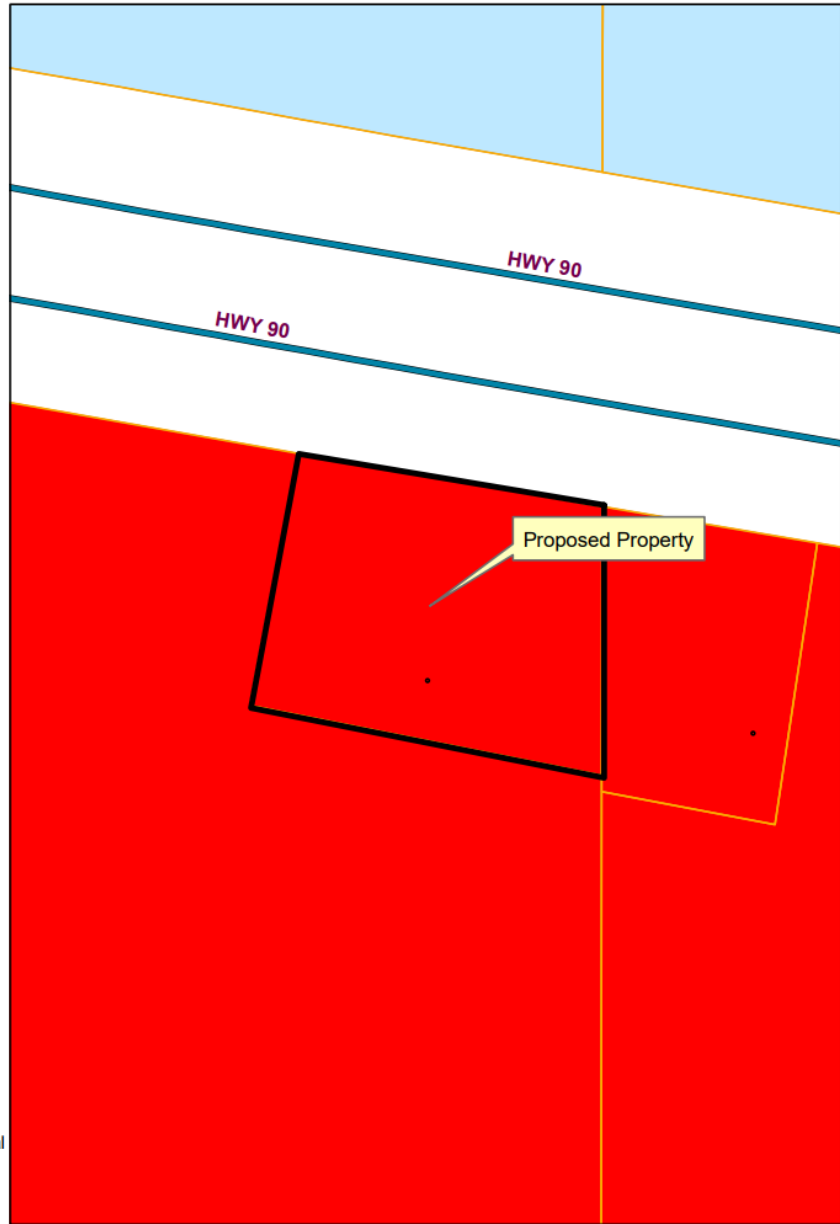

















Exhibit D Future Land-Use

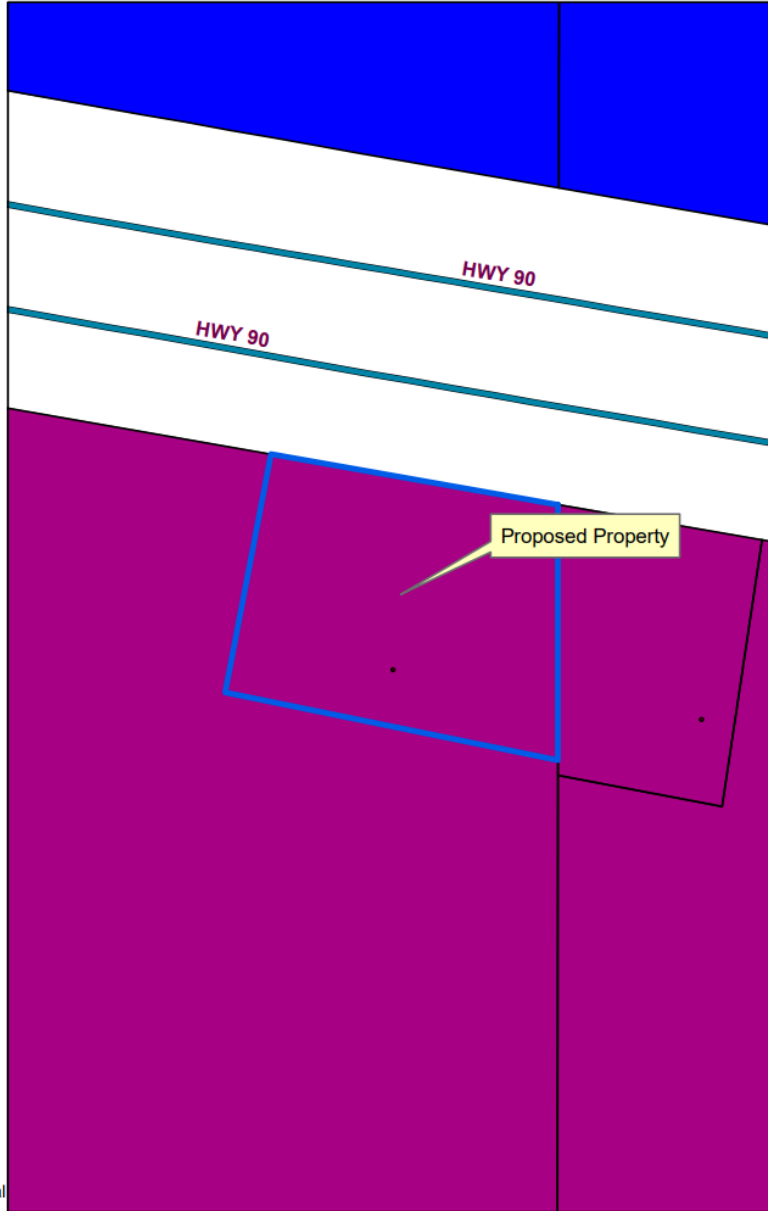
Prepared By:
City of Gautier
Planning Department

Legend

FUTURE LAND USE

FLU_Class

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



Gautier Planning Commission

Regular Meeting Agenda

February 5, 2026

GPC #26-01-VAR

3408 Raintree Drive

VII. NEW BUSINESS

2. Consider a request for a two-foot (2') variance to fence height in a front yard in a R-1 Low Density Single-Family Residential Zoning District. 3408 Raintree Drive, PID #82434071.001, #82434071.000 & #82434071.005, (GPC #26-01-VAR)

**CITY OF GAUTIER
STAFF REPORT**

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: January 23, 2026

Subject: Consider a request for a two-foot (2') variance to fence height in a front yard in a R-1 Low Density Single-Family Residential Zoning District. 3408 Raintree Drive, PID #82434071.001, #82434071.000 & #82434071.005. (GPC #26-01-VAR)

REQUEST:

The Planning Department has received a request from Henry Davis for a two-foot (2') variance to fence height in a front yard in a R-1 Low Density Single-Family Residential Zoning District at 3408 Raintree Drive, PID #82434071.001, #82434071.000 & #82434071.005. (GPC #26-01-VAR) The application fee of \$175 was paid on October 27, 2025. All public notice requirements have been met.

BACKGROUND:

The applicant would like to put a six-foot (6') fence around his two adjacent lots. His house is located on one lot, and the other lot is vacant. His plans are to put a shop on the vacant lot at a later date. The proposed fence would not come in front of the building line of the house on one lot but would come twenty-seven feet (27') in front of the building line on the other lot. The Unified Development Ordinance (UDO) Section 11.10.2 (D) states that fences shall not exceed four (4) feet in height within a designated front yard. The applicant is asking for a two-foot (2') variance to fence height within a front yard.

DISCUSSION:

The applicant is asking for a two-foot (2') variance to fence height within a front yard. He would like to place a six-foot (6') fence around the lot his house is on and his adjacent lot. He would like to put the fence twenty-seven feet (27') in front of the front building line on the adjacent lot. The fence would not come in front of the house on the other lot. The UDO states that a fence shall not exceed four feet (4') in height within a designated front yard.

DETERMINATION OF APPLICABLE LAW:

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

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

The UDO defines **Hardship** as:

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

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

UDO SECTION 4.18: Variance

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

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

4.18.1 Who May Initiate

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

4.18.2 Application for Variance

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

4.18.3 Administrative Variances

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

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

4.18.4 Criteria for Approval

The Variance application shall demonstrate the following:

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

RECOMMENDATION & CONCLUSION:

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

The Planning Commission may:

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

ATTACHMENTS:

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

PLANNING DEPARTMENT
PUBLIC HEARING APPLICATION

Public Hearing Number

26-01-VAR

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

Name of Applicant: Henry Davis (Kristen 251-222-0637)

Name of Business: _____ Phone: 251 459 4675

Property Address: 3408 Raintree Dr. Gautier MS 39553 Mailing Address (if Different): _____

E-Mail Address: _____

Reason for request, location and intended use of Property: 6 S/F Fence around House & property

For privacy, dog, & security, also going to put a shop up @ a later date.

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.
- 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: [Signature] Date of Application: 27 Oct 25

| FOR OFFICE USE ONLY | |
|---------------------|---|
| Date Received | <u>10/27/25</u> Verify as Complete <u>Balus</u> |
| Fee Amount Received | <u>176.00</u> Initials of Employee Receiving Application <u>Balus</u> |

VARIANCE

Criteria for Approval

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

*I am wanting a 6' fence for added security and privacy for my property.
I am building a shop @ a later date and want additional protection and privacy.*

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

No

3. How will the literal interpretation of the provisions of this Ordinance deprive you of rights commonly enjoyed by other properties in the same district under the provisions of this Ordinance? Explain. *I want the additional privacy & protection.*

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. *Yes privacy & protection.*

NARRATIVE

I am requesting a ⁶ foot fence around my property
desires wanting additional privacy, protection, and security. I will
be building a shop on my vacant lot at a later date, so extra ~~privacy~~
privacy and protection of my shop is ~~needed~~ needed. I am making the
fence on the lot around my house like due to the shop
being equal in line with my house, also allowing me to still have
some backyard on that side. I am in the military so I am out
of the state frequently throughout each month along with being
on orders either state side or overseas to various countries. I
am asking for the fence mostly in regards to privacy and
protection of my family and home.

3408 Raintree Drive

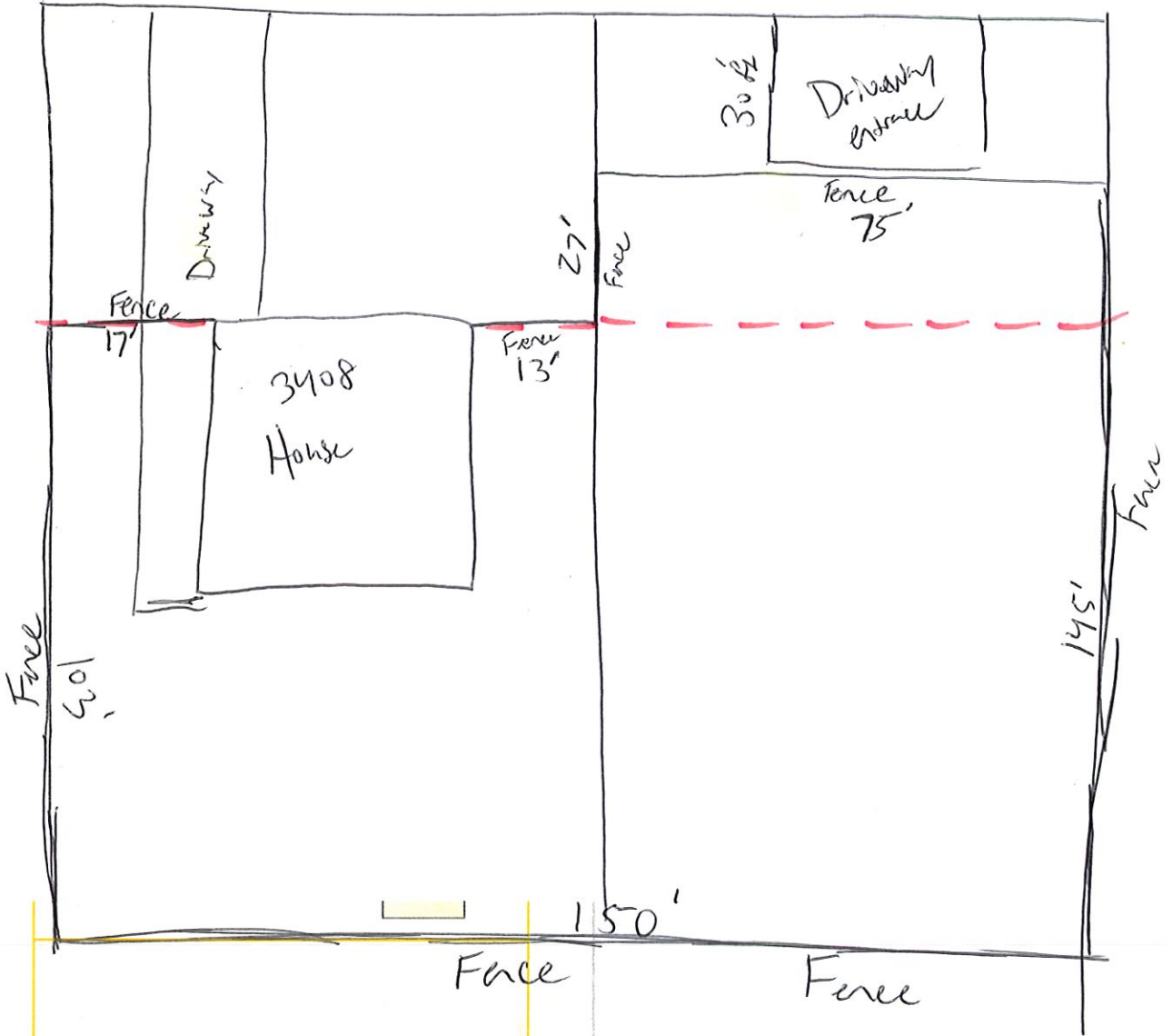
Chattanooga MS 37553

All estimates of feet.

6
8 foot

Fence

All ground
property



Henry Davis
2514594675

[Signature] 17 Oct 28

OFFICIAL RECORDS JACKSON COUNTY
Josh Eldridge
CHANCERY CLERK
RECORDING FEE: \$26.00
#202516007 BK: 2224 PG: 586-590
08/18/2025 04:08:12 PM 5 PGS
KHODGE, DC Ropt#18856



202516007 5 PGS

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

Grantor:
CDC Homes, LLC
a Mississippi Limited Liability Company
1901 Seagull Lane
Gautier, MS 39553
(228) 217-7580

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

Grantee:
Henry Zachary Davis
3408 Raintree Drive
Gautier, MS 39553
(251) 459-4675

File No. G-25-704

INDEXING INSTRUCTIONS: A parcel of land situated in Sec. 34, T7S, R7W, Jackson County, MS

STATE OF MISSISSIPPI
COUNTY OF JACKSON

QUITCLAIM 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, **CDC Homes, LLC, a Mississippi Limited Liability Company**, do hereby sell, convey and quitclaim unto **Henry Zachary Davis**, all of that certain tract, piece or parcel of land situated in Jackson County, Mississippi, together with all improvements, buildings, fixtures, and appurtenances thereunto belonging, and being more particularly described as follows, to-wit:

Legal Description Attached Hereto as Exhibit "A"

This being the same property as that conveyed to CDC Homes, LLC, a Mississippi Limited Liability Company, by instrument recorded in Deed Book 1502, at Page 897, Land Deed Records of Jackson County, Mississippi.

No title exam was performed, and no title examination was requested. The description used on this deed was provided by the Client. No search was made of public records to determine the accuracy of said description and said attorney, in preparing this deed, has relied, at the request of the Client, on the representation of the Grantor that the description provided is proper and accurate.

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

The Grantee assume all property taxes for current and prior years.

The Survey is attached hereto as Exhibit "B".

WITNESS MY SIGNATURE, on this the 25th day of July, 2025.

CDC Homes, LLC
a Mississippi Limited Liability Company

By: [Signature]
Drake Killingsworth, Member

C O R P O R A T E A C K N O W L E D G M E N T

STATE OF MISSISSIPPI
COUNTY OF JACKSON

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the jurisdiction aforesaid, the within named **Drake Killingsworth, a Member of CDC Homes, LLC**, who acknowledged before me that he signed, executed and delivered the above and foregoing instrument on the day and year thereof, for the use and purposes therein mentioned, for and on behalf of the aforesaid entity, after first having been duly authorized so to do.

GIVEN UNDER MY HAND AND OFFICIAL SEAL, on this the 25th day of July, 2025.

(AFFIX SEAL)



[Signature]
NOTARY PUBLIC

My commission expires:

DEED ACCEPTED BY:


[Signature]
Henry Zachary Davis

CORPORATE RESOLUTION

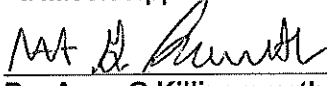
In a duly called meeting of all Members of the below named Company, it was unanimously approved by all members that **Drake Killingsworth** has complete authority to execute any and all documents pertaining to the purchase of real property. This also pertains to the sale of all real property owned on behalf of the below named company. This resolution expires 5 years from the date approved.

So approved and acknowledged this, the 25th day of July, 2025.

CDC Homes, LLC
a Mississippi Limited Liability Company


By: Drake Killingsworth
Its: Member

CDC Homes, LLC
a Mississippi Limited Liability Company


By: Anna G Killingsworth
Its: Member


CORPORATE ACKNOWLEDGMENT

STATE OF MISSISSIPPI
COUNTY OF JACKSON

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the jurisdiction aforesaid, the within named **Drake Killingsworth and Anna G Killingsworth, Members of CDC Homes, LLC., a Mississippi Limited Liability Company**, who acknowledged before me that they signed, executed and delivered the above and foregoing instrument on the day and year thereof, for the use and purposes therein mentioned, for and on behalf of the aforesaid company, after first having been duly authorized so to do.

GIVEN UNDER MY HAND AND OFFICIAL SEAL, on this the 25th day of July, 2025.

(AFFIX SEAL)


NOTARY PUBLIC

My commission expires: _____

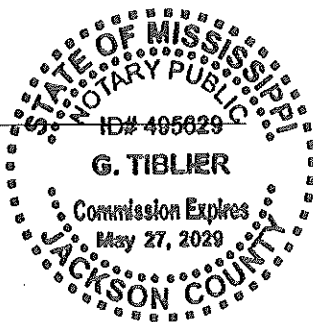


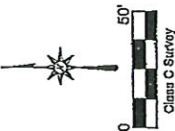
EXHIBIT "A"

LEGAL DESCRIPTION

A parcel of land being a part of the NE 1/4 of the NE 1/4 of Section 34, Township 7 South, Range 7 West, Jackson County, Mississippi, and being more particularly described as follows: Commencing at a found concrete monument marking the NE corner of said Section 34; thence S 00° 52' 00" W 337.08 feet; thence N 89° 55' 00" W 187.69 feet to a found 1/2" rebar for the Point of Beginning; thence N 89° 55' 00" W 19.31 feet; thence N 00° 52' 00" E 145.00 feet to the South margin of Raintree Drive (public paved road); thence along said margin S 89° 55' 00" E 19.31 feet to a found 1" Iron pipe; thence leaving said margin S 00° 52' 00" W 145.00 feet back to the Point of Beginning, the Area being 0.064 Acres, more or less.

EXHIBIT "B"

Amacker Surveying, LLC
 41 Meadow Hill, Poplarville, MS 39470
 601-550-0050 601-795-5645
 bryanamacker@gmail.com
 grayson.amacker@gmail.com



A parcel of land being a part of the NE 1/4 of the NE 1/4 of Section 34, Township 7 South, Range 7 West, Jackson County, Mississippi, and being more particularly described as follows: Commencing at a found concrete monument marking the NE corner of said Section 34; thence S 00° 52' 00" W 337.08 feet; thence N 89° 55' 00" W 187.69 feet to a found 1/2" rebar for the Point of Beginning; thence N 89° 55' 00" W 19.31 feet; thence N 00° 52' 00" E 145.00 feet to the South margin of Raintree Drive (public paved road); thence along said margin S 89° 55' 00" E 19.31 feet to a found 1" iron pipe; thence leaving said margin S 00° 52' 00" W 145.00 feet back to the Point of Beginning, the Area being 0.064 Acres, more or less.

Bearings shown are referenced to a Deed Book 1502 Page 897.

Note: This survey does not constitute a title search. There may be other documents of record that may affect the property.

NE 1/4 of Sec 34
 S 34, T 07 N, R 07 W,
 Jackson Co., MS

S 0° 52' 00" W 337.08' APs
 340.00' APR

Raintree Drive
 Apparent 40' ROW
 S 89° 55' 00" E
 19.31'

0.064
 Acres

S 0° 52' 00" W 145.00'

N 0° 52' 00" E 145.00'

N 89° 55' 00" W 107.69'

POB
 1"

N 89° 55' 00" W
 19.31'

N 89° 55' 00" W 344.89'

Reference Line

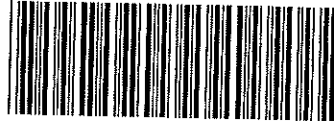
| A Survey for CDC Homes LLC | | | |
|----------------------------|----------------------------|----------|--|
| SCALE | DATE | DRAWN BY | |
| 50 Ft/In | 5-23-2025 | GA | |
| JOB | References: DB 1768 p. 30; | | |
| 25-104 | DB 1502 p. 897 | | |

This map drawn with TRAVERSE PC, Software



| LEGEND | |
|--------|-------------------------|
| ● | Found 1/2" Rebar |
| ○ | Found Iron Pipe |
| ⊕ | Found Concrete Monument |

OFFICIAL RECORDS JACKSON COUNTY
Josh Eldridge
CHANCERY CLERK
RECORDING FEE: \$26.00
#202512612 BK:2218 PG:255-258
07/10/2025 09:15:02 AM 4 PGS
KH0DGE,DC Ropt#15147



202512612 4 PGS

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

Grantor:
CDC Homes, LLC
a Mississippi Limited Liability Company
1901 Sea Gull Lane
Gautier, MS 39553
(228) 271-7580

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

Grantees:
Henry Zachary Davis
Kristen A. Davis
3408 Raintree Drive
Gautier, MS 39553
(251) 459-4675

File No. L-25-434

INDEXING INSTRUCTIONS: A parcel of land located in Section 34, T7S, R7W, Jackson County, MS

STATE OF MISSISSIPPI
COUNTY OF JACKSON

WARRANTY DEED

FOR AND IN CONSIDERATION OF the price and sum of TEN AND NO/100 DOLLARS (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of all of which is hereby acknowledged, **CDC Homes, LLC, a Mississippi Limited Liability Company** does hereby sell, convey and warrant unto **Henry Zachary Davis and Kristen A. Davis**, as joint tenants with right of survivorship and not as tenants in common, all of that certain tract, piece or parcel of land situated in Jackson County, Mississippi, together with all improvements, buildings, fixtures, and appurtenances thereunto belonging, and being more particularly described as follows, to-wit:

Legal Description attached hereto as Exhibit "A"

This being the same property as that conveyed to CDC Homes, LLC, a Mississippi Limited Liability Company, by instrument recorded in Deed Book 2200, at Page 432, Land Deed Records of Jackson County, Mississippi.

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

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

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

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

The Survey is attached hereto as Exhibit "B".

WITNESS MY SIGNATURE, on this the 3rd day of July, 2025.

CDC Homes, LLC
a Mississippi Limited Liability Company

By: [Signature]
Drake Killingsworth, Sole Member & Manager

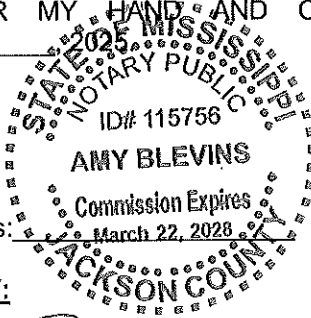
A C K N O W L E D G M E N T

STATE OF MISSISSIPPI
COUNTY OF JACKSON

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the jurisdiction aforesaid, the within named **Drake Killingsworth**, the Sole Member and Manager of **CDC Homes, LLC**, who acknowledged before me that he signed, executed and delivered the above and foregoing instrument on the day and year thereof, for the use and purposes therein mentioned.

GIVEN UNDER MY HAND AND OFFICIAL SEAL, on this the 3rd day of July

(AFFIX SEAL)



[Signature]
NOTARY PUBLIC

My commission expires:

DEED ACCEPTED BY:

[Signature]
Henry Zachary Davis

[Signature]
Kristen A. Davis

EXHIBIT "A"

LEGAL DESCRIPTION

A parcel of land being a part of the NE 1/4 of the NE 1/4 of Section 34, Township 7 South, Range 7 West, Jackson County, Mississippi, and being more particularly described as follows:

Commencing at a found concrete monument marking the NE corner of said Section 34; thence S 00° 52' 00" W 337.08 feet; thence N 89° 55' 00" W 187.69 feet to a set 1/2" rebar; thence N 89° 55' 00" W 72.80 feet to a set 1/2" rebar for the Point of Beginning; thence N 89° 55' 00" W 72.80 feet to a found 1/2" rebar; thence N 00° 52' 00" E 145.00 feet to a set 1/2" rebar on the South margin of Raintree Drive (public paved road); thence along said margin S 89° 55' 00" E 72.80 feet to a set 1/2" rebar; thence leaving said margin S 00° 52' 00" W 145.00 feet back to the Point of Beginning, the Area being 0.242 Acres, more or less and being shown as **Tract 4** on survey by Amacker Surveying, LLC dated Febraury 19, 2025.



Henry Zachary Davis

7/3/2025

Date



Kristen A. Davis

7/3/2025

Date

82434071.001 DAVIS ERIC

PIDN: 82434071.001
GISP: 778.34-00-0014.40

Owner Information

Percent of Ownership: 100
Name: DAVIS ERIC
Name 2: DAVIS CHRISTINA
Mailing Address: 3416 RAINTREE DR
GAUTIER MS
39553

Site Address: 3408 RAINTREE DR GAUTIER

Land Information

Section: 34 Acreage: 0.24
Township: 7
Range: 7
Street Name RAINTREE
DR

Value and Tax Information

| | |
|-------------------------|------------------------------|
| Total Assessed Value: 0 | Total Appraised Value: 0 |
| Improvement Value: 0 | Land Value: 0 |
| Tax Amount: 0 | SQ FT: null Year Built: 2025 |

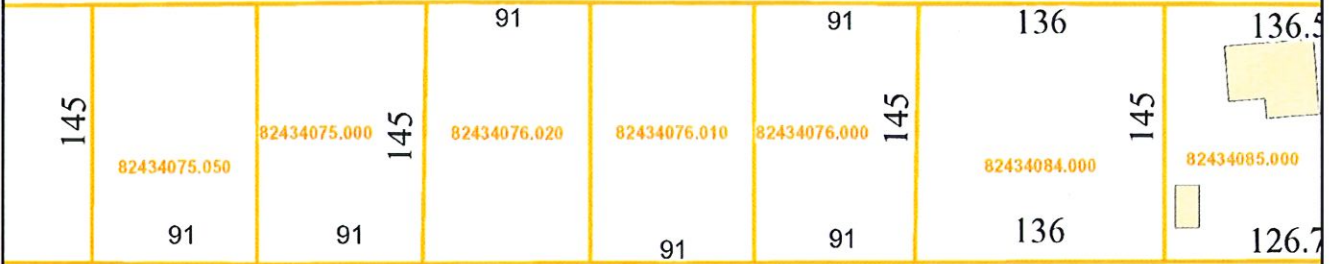
Legal Description

Description: COM NEC SECTION 34 S 337.08' W 1
87.69' W 72.8' TO POB W 72.8' N
145' TO S MGN RAINTREE DR E 72.8
' S 145' TO POB 'PER SURVEY - TR
ACT 4' DB 2213-643 (14.40 MAP778
.34)

Deed Book / Page: 2213 / 643

82434071.001 DAVIS ERIC

82427006.000

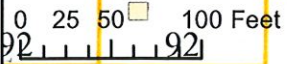
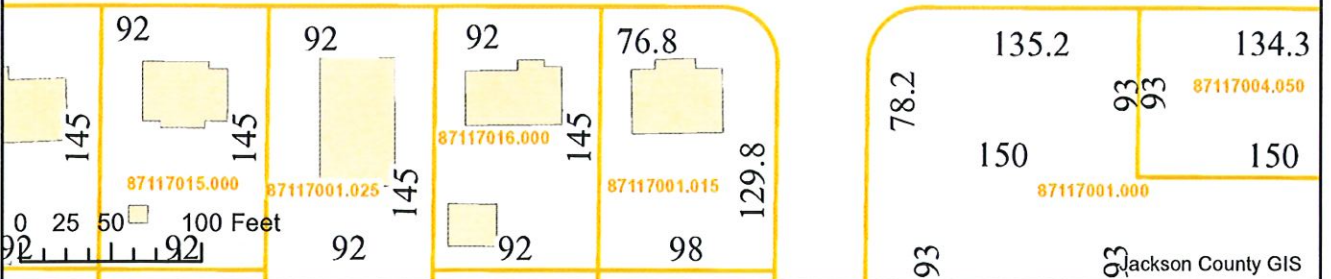


RAINTREE DR



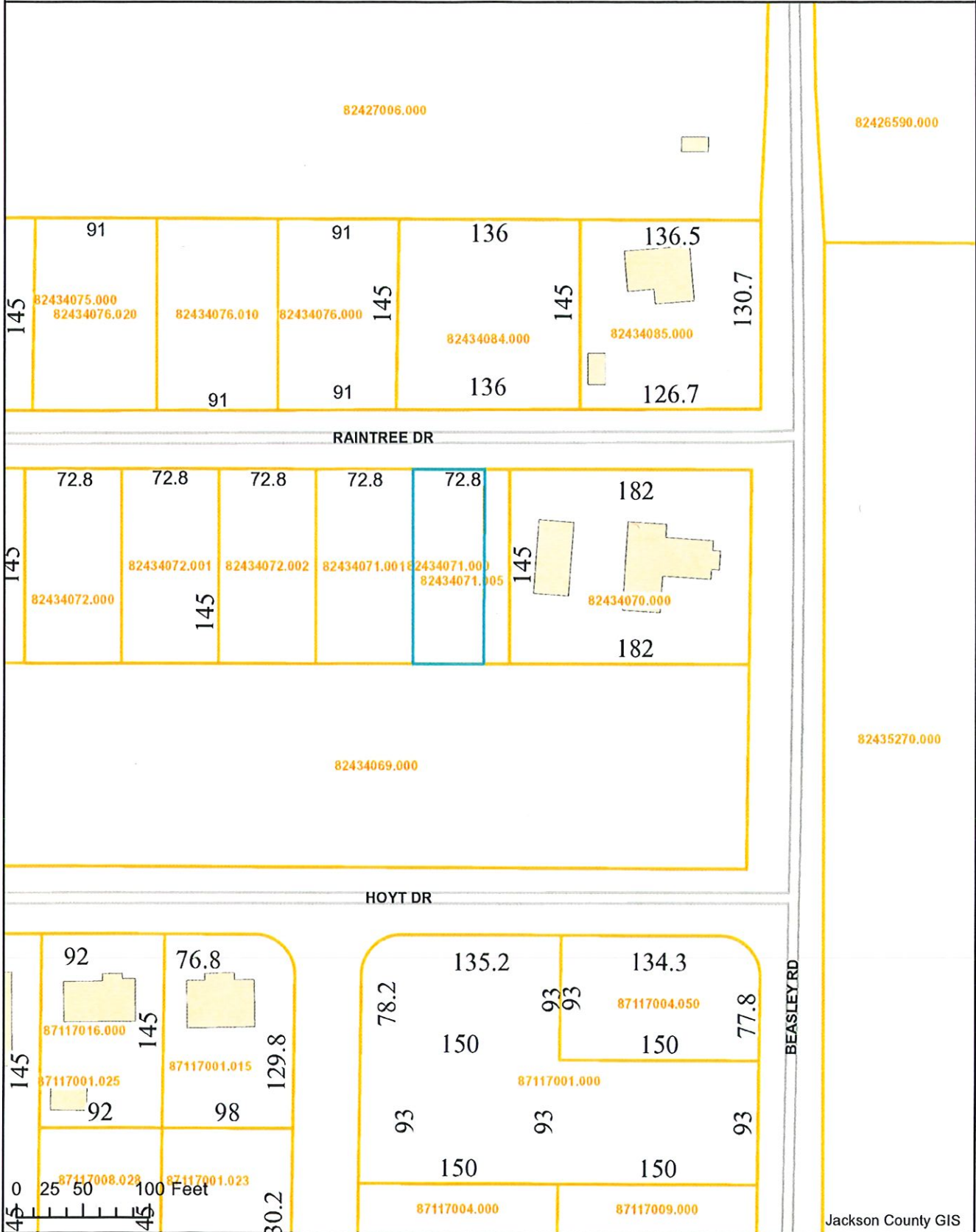
82434069.000

HOYT DR



Jackson County GIS

82434071.000 CDC HOMES LLC



82434071.005 DAVIS HENRY ZACHARY

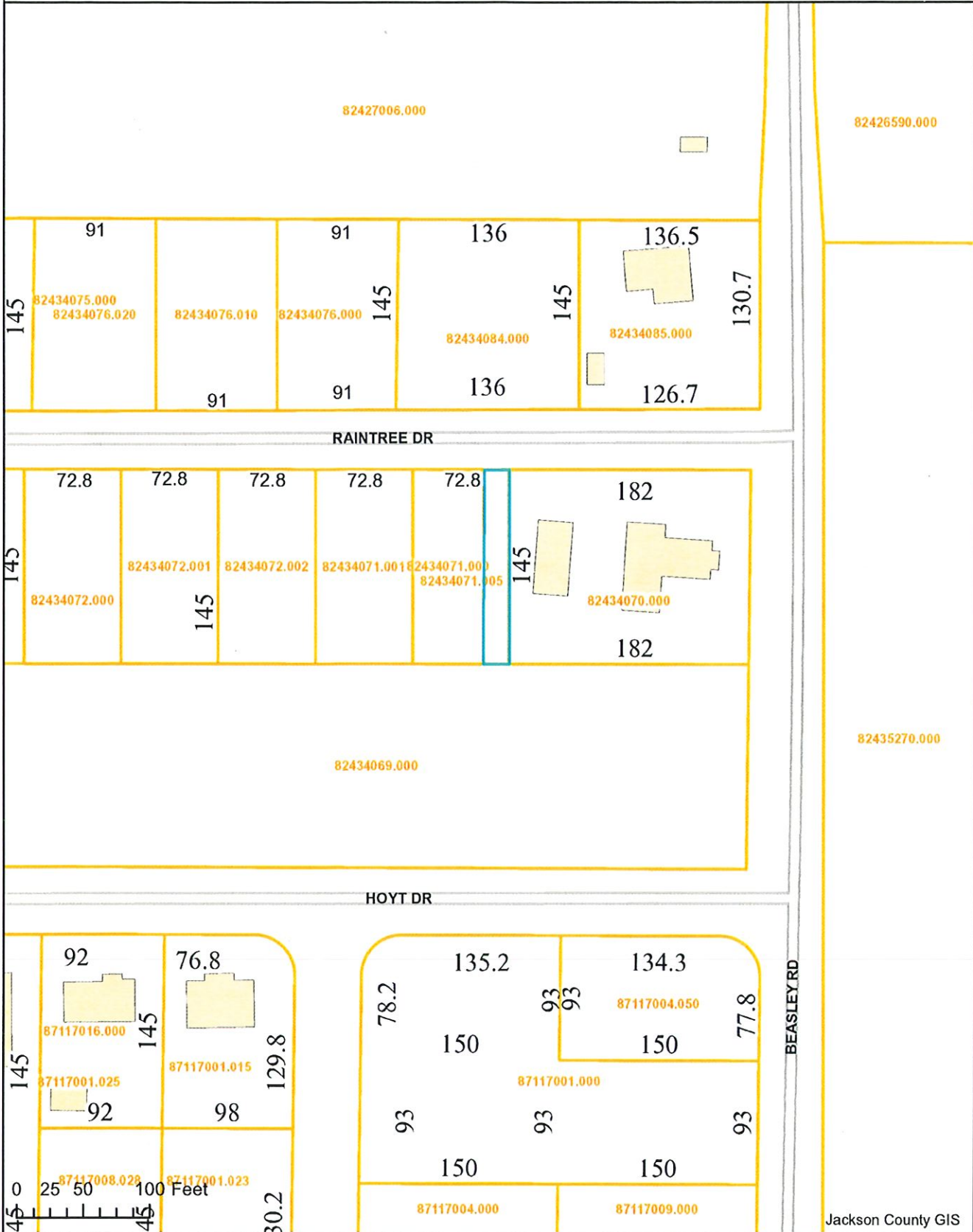


Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department

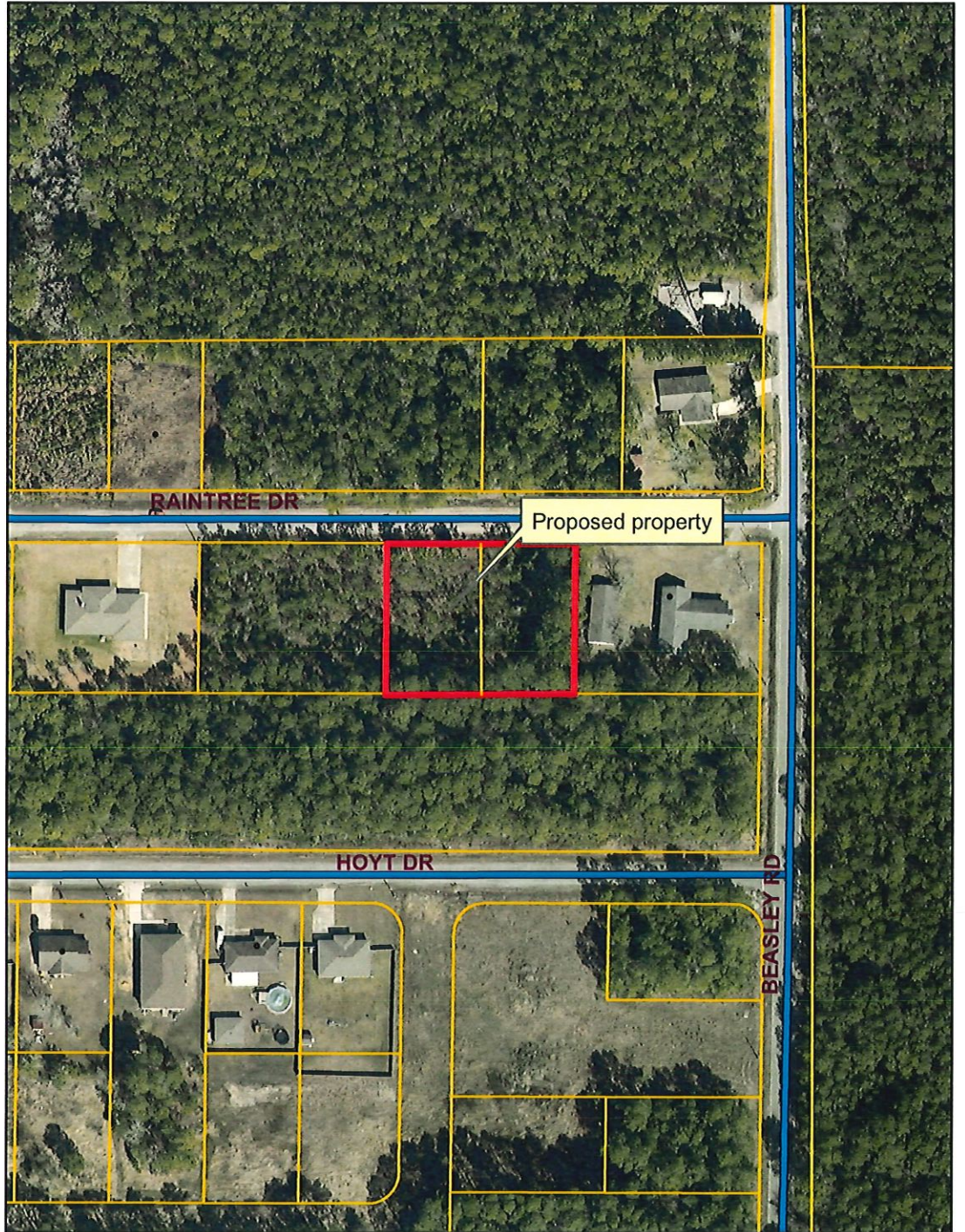


Exhibit B Existing Zoning

Prepared by:
City of Gautier
Planning Department

Legend

Zoning

ZONECODE

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

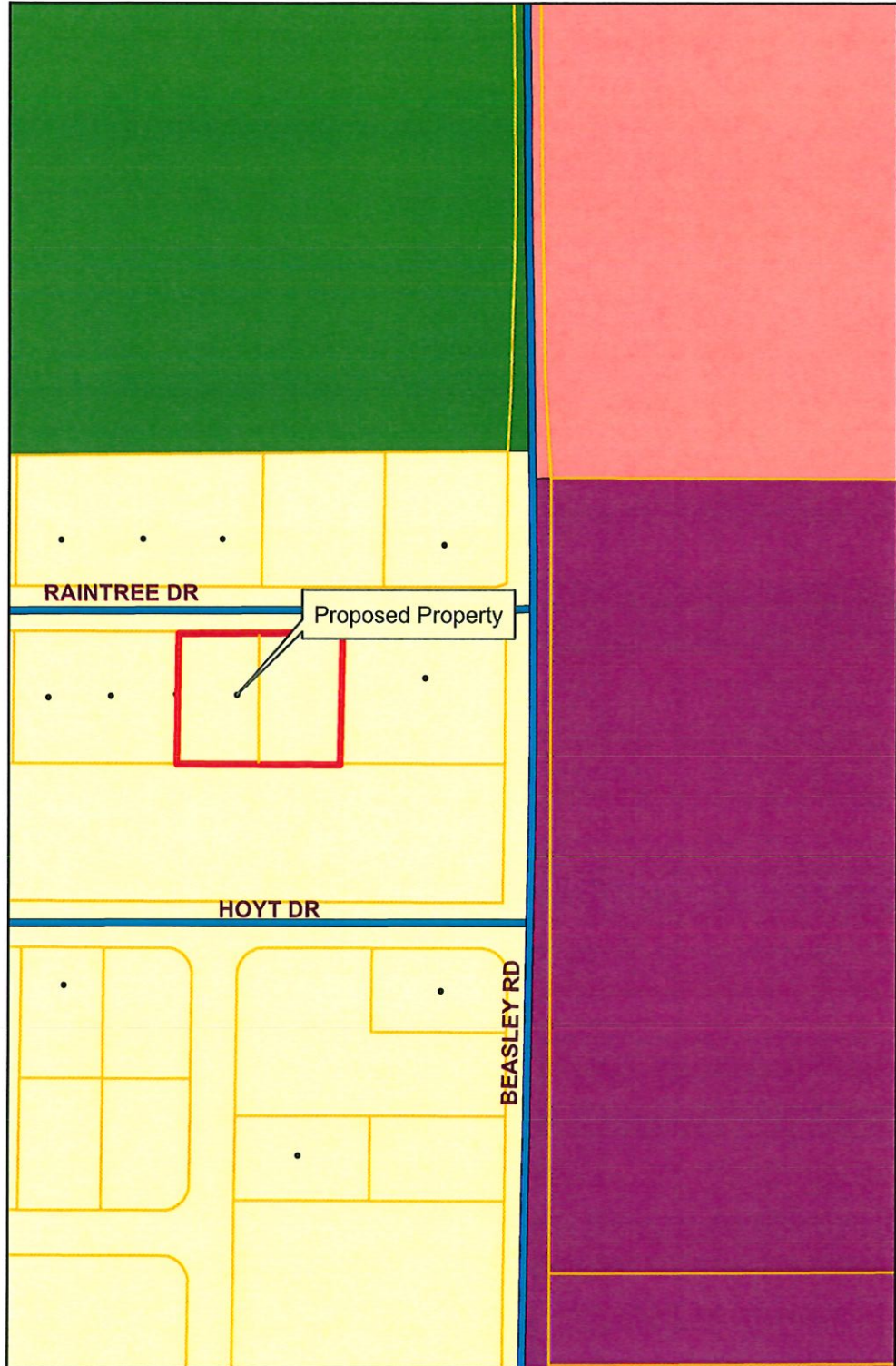


Exhibit C Existing Land-Use

Prepared by:
City of Gautier
Planning Department

Legend

EXISTING LAND USE

ELU_08

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

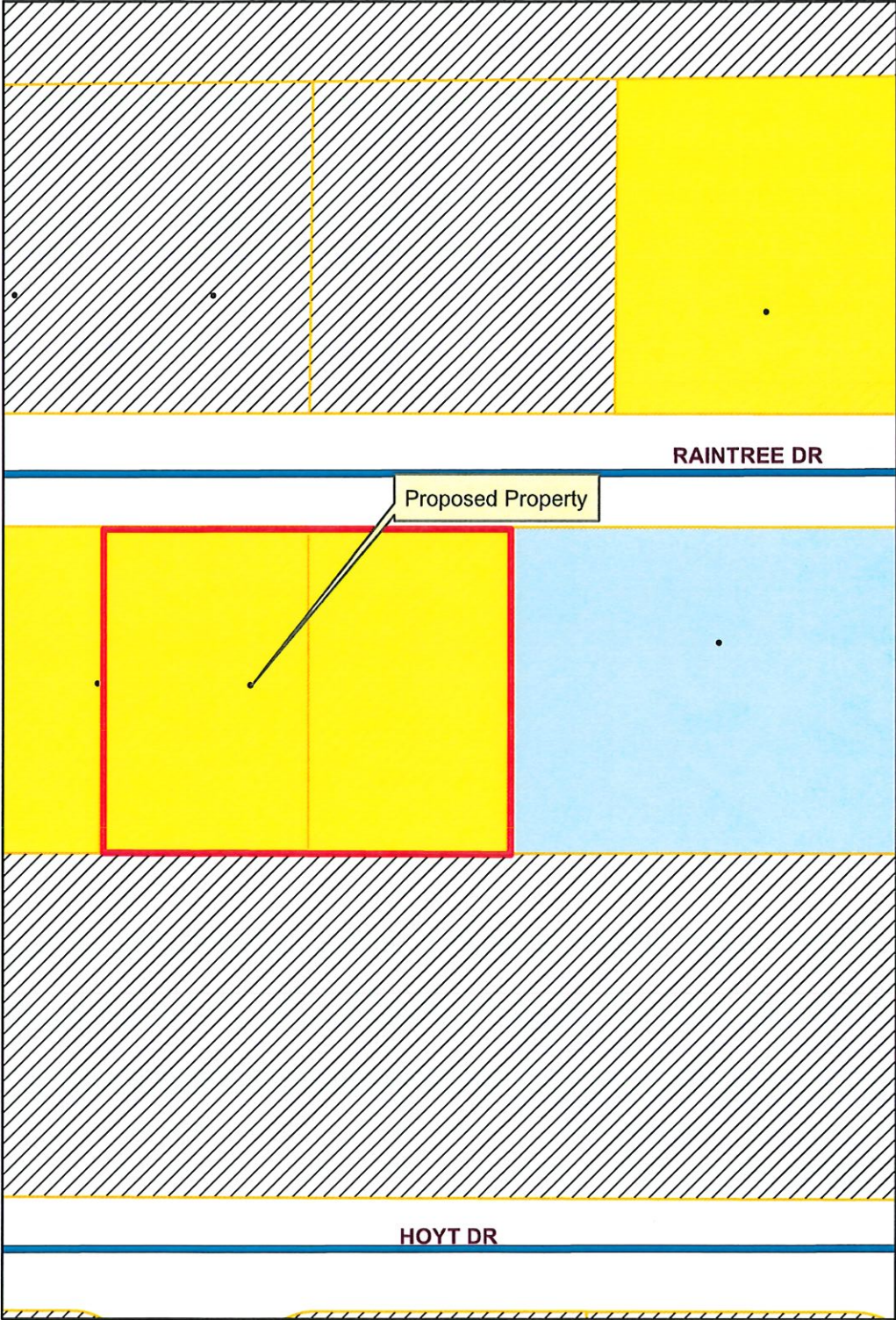


Exhibit D Future Land-Use

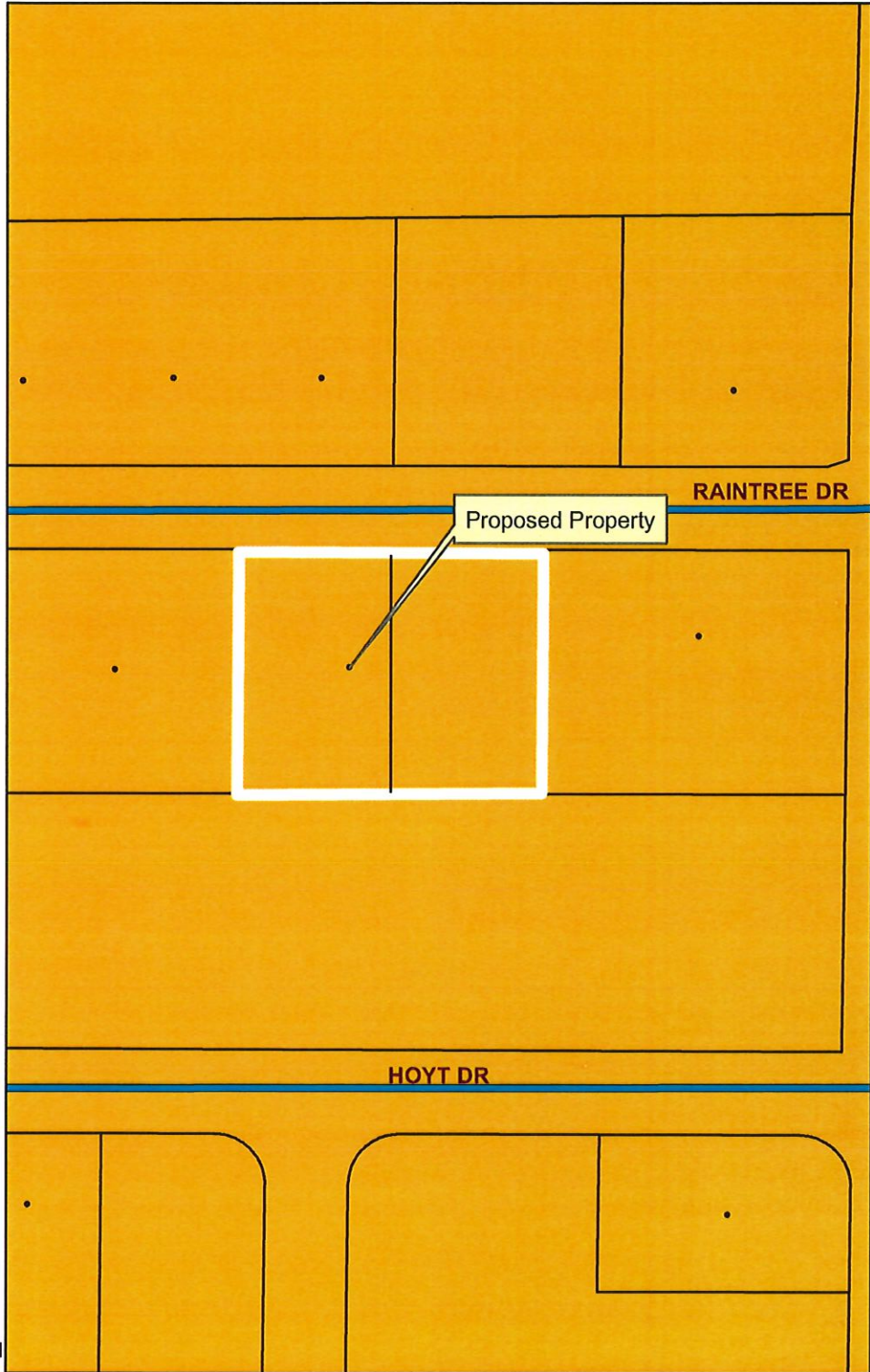
Prepared By:
City of Gautier
Planning Department

Legend

FUTURE LAND USE

FLU_Class

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



Gautier Planning Commission

Regular Meeting Agenda

February 5, 2026

City Initiated Rezoning

GPC 26-02-RZ

C Byrd Road

VII. NEW BUSINESS

3. Consider a City-Initiated Rezoning of the six (6) properties listed from I-Industrial to AG Agricultural. PID #82420290.000, 82420270.100, 82420270.050, 82420270.000, 82420270.020, and 82420270.125, C Byrd Road. (GPC CASE #26-02-RZ)

**CITY OF GAUTIER
STAFF REPORT**

To: Chairman and Members, Planning Commission

From: Scott Ankersen, Planning Director

Date: January 26, 2026

Subject: Consider a request for a City Initiated Rezoning of Properties located at PID #82420290.000, 82420270.100, 82420270.050, 82420270.000, 82420270.020, and 82420270.125, C Byrd Road, from I-Industrial to AG Agricultural. (GPC Case #26-02-RZ)

REQUEST:

The Planning Department has requested a City-initiated rezoning of six (6) contiguous parcels located at PID #82420290.000, 82420270.100, 82420270.050, 82420270.000, 82420270.020, and 82420270.125, C Byrd Road, from I-Industrial to AG Agricultural. (GPC Case #26-02-RZ). All public notice requirements have been met.

The purpose of this city-initiated rezoning is to rezone these parcels based on a mistake in the original zoning designation.

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: C Byrd Road, PID #82420290.000, 82420270.100, 82420270.050, 82420270.000, 82420270.020, and 82420270.125. (See Exhibit A)

2. Existing Zoning: I-Industrial. (See Exhibit B)

UDO 5.3.10 I, Industrial District - Purpose and intent. The purpose of the industrial district is to provide land where light manufacturing and assembly plants, processing, storage, warehousing, wholesaling, distribution centers and industrial parks for such uses can be located by right. All industrial, warehousing or manufacturing uses permitted by right should be conducted in such a manner so that noise, odor, dust, and glare of each operation are completely confined within an enclosed building. It is the intent of this Ordinance that heavy industrial and manufacturing uses be reviewed to ensure compatibility with conditions. Any outdoor industrial, storage or manufacturing use shall be appropriately screened and buffered to mitigate the effect on adjacent property.

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

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

DATA AND ANALYSIS:

Property requested for Rezoning: C Byrd Road, PID #82420290.000, 82420270.100, 82420270.050, 82420270.000, 82420270.020, and 82420270.125.

Location: Ward 1

Current Zoning of the Request Property: I-Industrial

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

Future Land Use: Industrial. (See Exhibit D)

Surrounding Zoning: I-Industrial to west and south, AG-Agricultural to east and north

HISTORY:

The subject properties have homes on them. These structures were built between the years of 1979 and 1999 with the majority of them being built in the 1980's.

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:

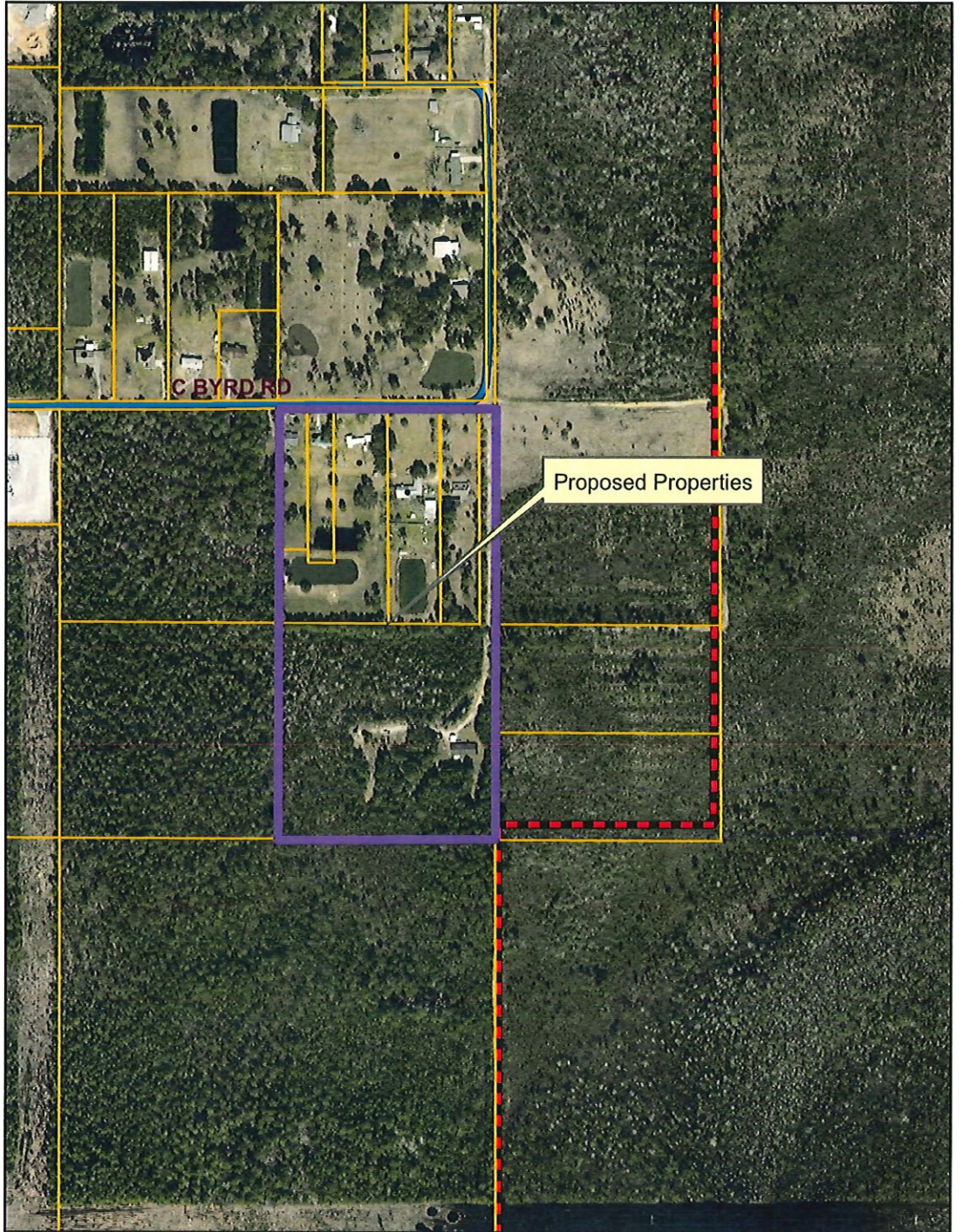
Based on the required Review Criteria established by Section 4.15 of the Unified Development Ordinance and the appropriateness of the request relevant to the criteria, the Commission may:

- 1. Recommend that City Council approve to Rezone C Byrd Road, PID #82420290.000, 82420270.100, 82420270.050, 82420270.000, 82420270.020, and 82420270.125 from I-Industrial to AG Agricultural.
- 2. Recommend that City Council deny the Rezoning.

ATTACHMENTS:

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

Exhibit A Location Map



Prepared by:
City of Gautier
Planning Department

Exhibit B Existing Zoning

Prepared by:
City of Gautier
Planning Department

Legend

Zoning

ZONECODE

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



Exhibit C

Existing Land-Use

Prepared by:
City of Gautier
Planning Department

Legend

EXISTING LAND USE

ELU_08

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

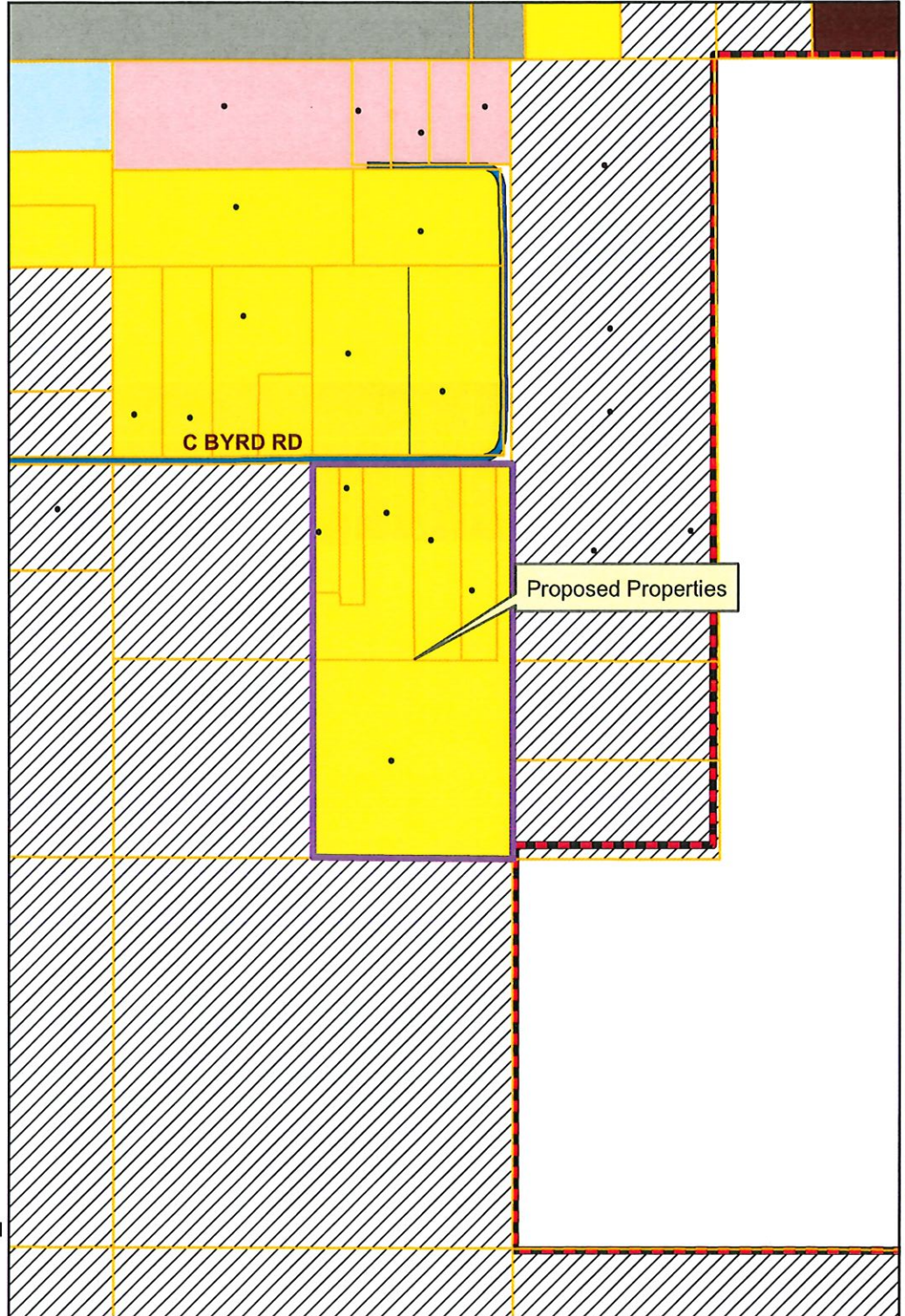


Exhibit D Future Land-Use

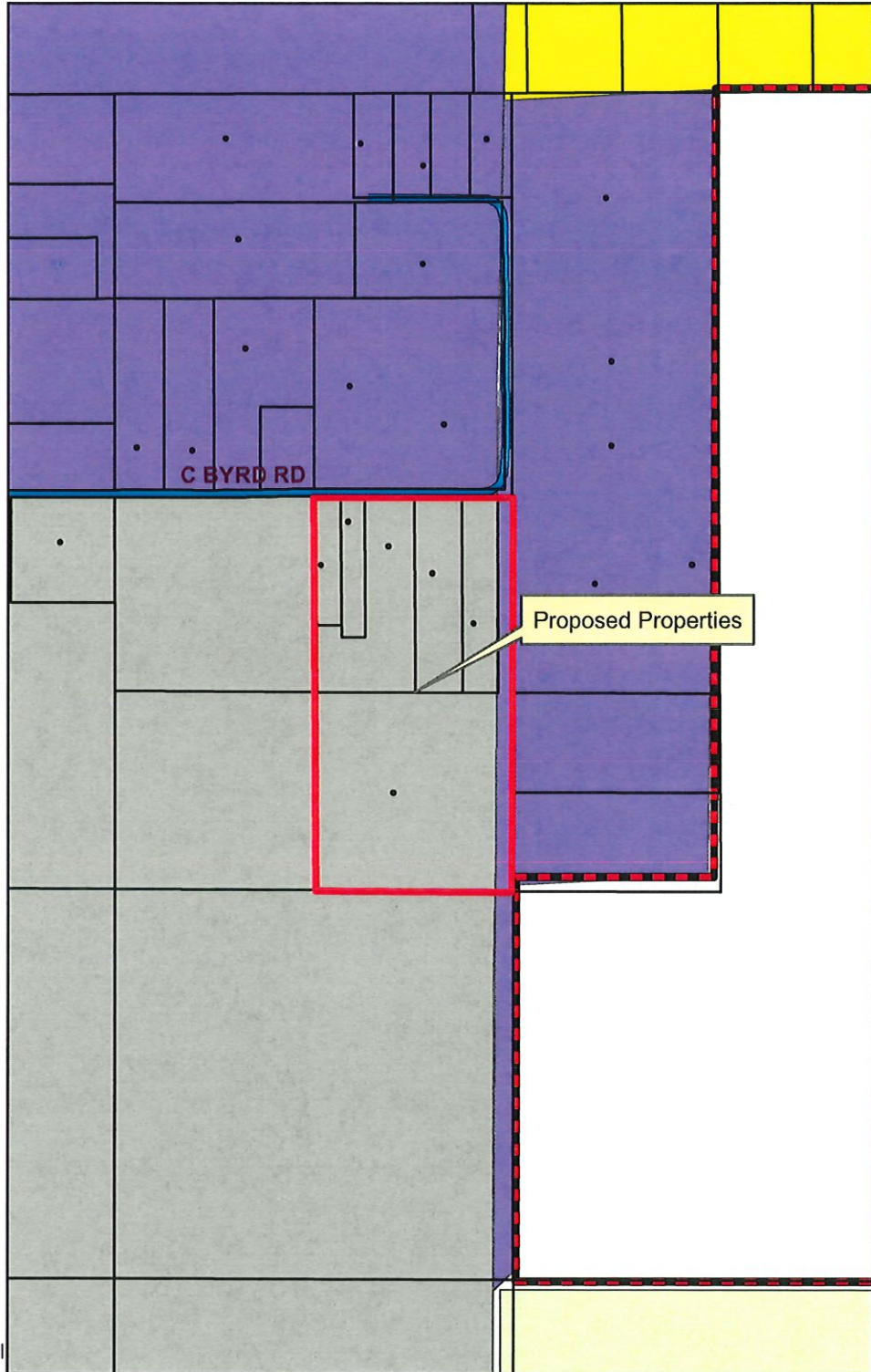
Prepared By:
City of Gautier
Planning Department

Legend

FUTURE LAND USE

FLU_Class

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



Gautier Planning Commission

Regular Meeting Agenda

February 5, 2026

City Initiated Rezoning

GPC 26-03-RZ

Old Spanish Trail

VII. NEW BUSINESS

4. Consider a City-Initiated Rezoning of the two (2) properties listed from TCMU Town Center Mixed Use to I-Industrial. PID #82435150.000, and 82435240.001, Old Spanish Trail. (GPC CASE #26-03-RZ)

**CITY OF GAUTIER
STAFF REPORT**

To: Chairman and Members, Planning Commission

From: Scott Ankersen, Planning Director

Date: January 27, 2026

Subject: Consider a request for a City-Initiated Rezoning of properties located at PID #82435150.000, and 82435240.001, Old Spanish Trail, from TCMU Town Center Mixed Use to I-Industrial. (GPC CASE #26-03-RZ)

REQUEST:

The Planning Department has requested a City-Initiated Rezoning of properties located at PID #82435150.000, and 82435240.001, Old Spanish Trail, from TCMU Town Center Mixed Use to I-Industrial. (GPC CASE #26-03-RZ). 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 ##82435150.000, and 82435240.001. (See Exhibit (A))
2. Existing Zoning: TCMU. (See Exhibit B)

UDO 5.3.12 TCMU, Town Center Mixed Use District

A. Purpose and Intent - *The purpose of the TCMU Town Center Mixed-Use District is to encourage the development of a new downtown area that offers shopping, entertainment venues, cultural and community uses and specialized types of residential units to serve residents and visitors to Gautier.*

This district will be the core area of the city with quality designed and built structures, streetscapes and amenities. New development and changes to existing buildings should be consistent with recognized pedestrian scale improvements in terms of structural orientation, height, lot dimensional requirements and other site spatial relationships.

B. Design Principals - The general design principals for the Town Center Mixed Use District are as follows:

- 1. Create a distinctive "Sense of Place": All buildings should incorporate high quality architectural treatments, building materials, and site planning that provides visual interest, reduces building mass impacts, respects local character and provides a distinct sense of place. Developers should establish continuity of design with distinctive signs, banners, pedestrian scale lights and street trees which help identify the district.*
- 2. Strong Street Edge: All commercial and civic uses, including big box stores, should provide physical definition to streets and public spaces. This can be accomplished by locating buildings or sections of buildings closer to the street. A strong street edge helps mitigate the negative visual impact of surface parking lots and parking garages.*
- 3. Place Focal Points at Major Intersections: Development on the corners of major intersections should frame the corners. Public elements including streetscapes, trees, paving and pedestrian elements should help articulate these areas as major Destination points.*
- 4. Provide Quality Public Amenities and Landscaping: Development should provide high quality public amenities and landscaping that promote a positive site appearance, pedestrian activity and social interaction.*
- 5. Create Human Scale Development: Entrances into buildings should be at the scale of the pedestrian rather than monolithic or monumental scale, pedestrian linkages should be created from parking lots to building entrances, between buildings and to sidewalks and walking trails.*

UDO 5.3.10 I. Industrial District - Purpose and intent. The purpose of the industrial district is to provide land where light manufacturing and assembly plants, processing, storage, warehousing, wholesaling, distribution centers and industrial parks for such uses can be located by right. All industrial, warehousing or manufacturing uses permitted by right should be conducted in such a manner so that noise, odor, dust, and glare of each operation are completely confined within an enclosed building. It is the intent of this Ordinance that heavy industrial and manufacturing uses be reviewed to ensure compatibility with conditions. Any

outdoor industrial, storage or manufacturing use shall be appropriately screened and buffered to mitigate the effect on adjacent property.

DATA AND ANALYSIS:

Property requested for Rezoning: Old Spanish Trail, PID ##82435150.000, and 82435240.001.

Location: Ward 2

Current Zoning of the Request Property: TCMU Town Center Mixed Use

Existing Land Use: Industrial. (See Exhibit C)

Future Land Use: Town Center Mixed Use. (See Exhibit D)

Surrounding Zoning: I-Industrial and C-2 Community Commercial to the south, TCMU Town Center Mixed Use to the north, east and west.

HISTORY:

A 100,000 square foot warehouse is currently being built on PID #82435240.001. The use of the property as a warehouse is not allowed by right in a TCMU district and was approved by City Council through a Special Exception in 2025.

PID #82435150.000 is owned and operated by MOWA Development LLC and contains the uses of "contractor's office, shop, and the "grandfathered" use of a contractor's storage yard. Although there are other parcels in the immediate area that are zoned I-Industrial and have industrial uses established on them, the I-Industrial district for the City is relatively small compared to other commercially zoned districts and available parcels for industrial uses is limited.

For the reasons listed, staff feels there is a need to rezone PIDN 82435240.001 and PIDN 82435150.000 from TCMU to I-Industrial based on UDO criteria 4.15.3 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 this request."

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**
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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 Old Spanish Trail, PID #82435150.000, and 82435240.001 from TCMU Town Center Mixed Use to I-Industrial.
- 2. Recommend that City Council deny the Rezoning.

ATTACHMENTS:

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

Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department

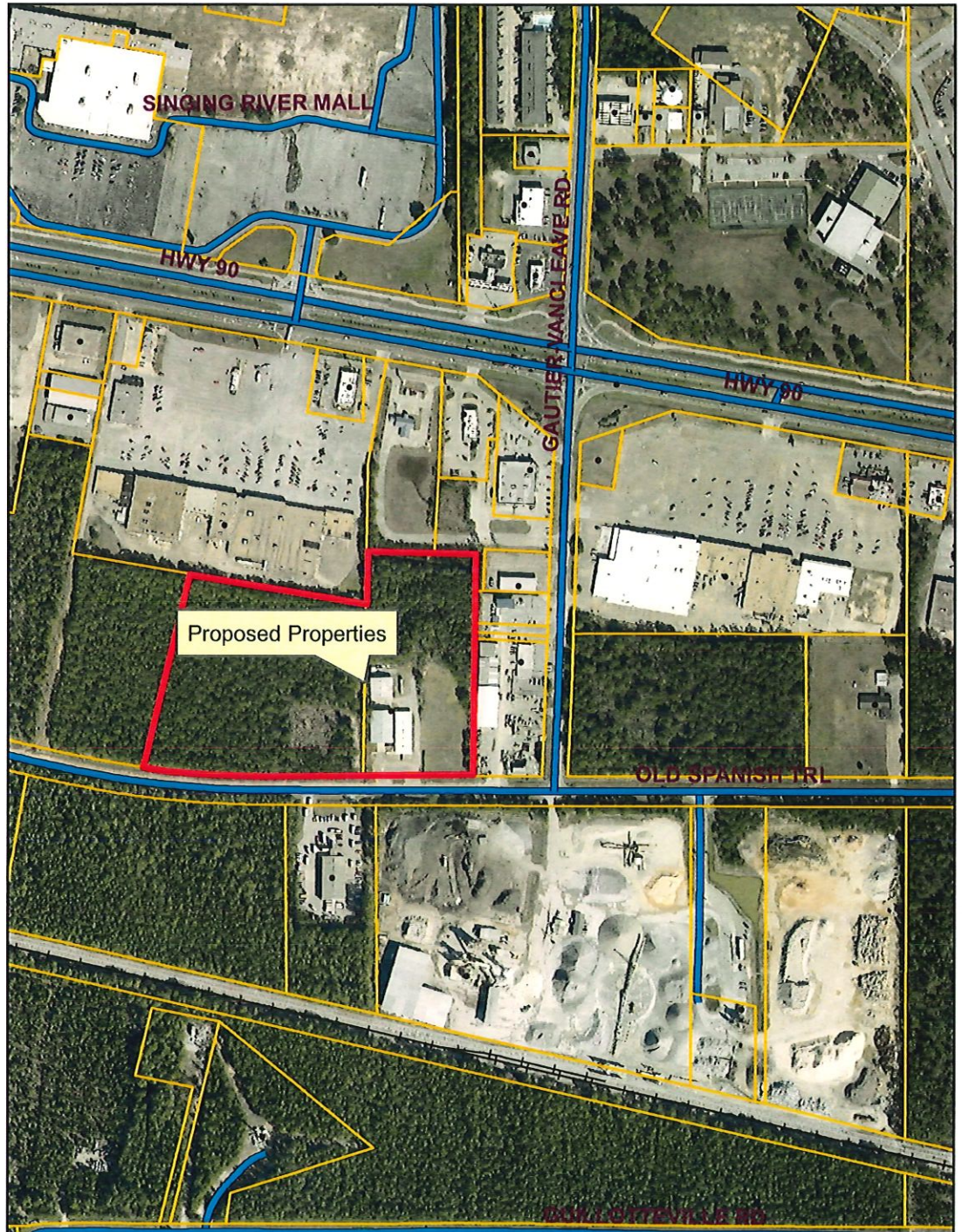


Exhibit B Existing Zoning

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

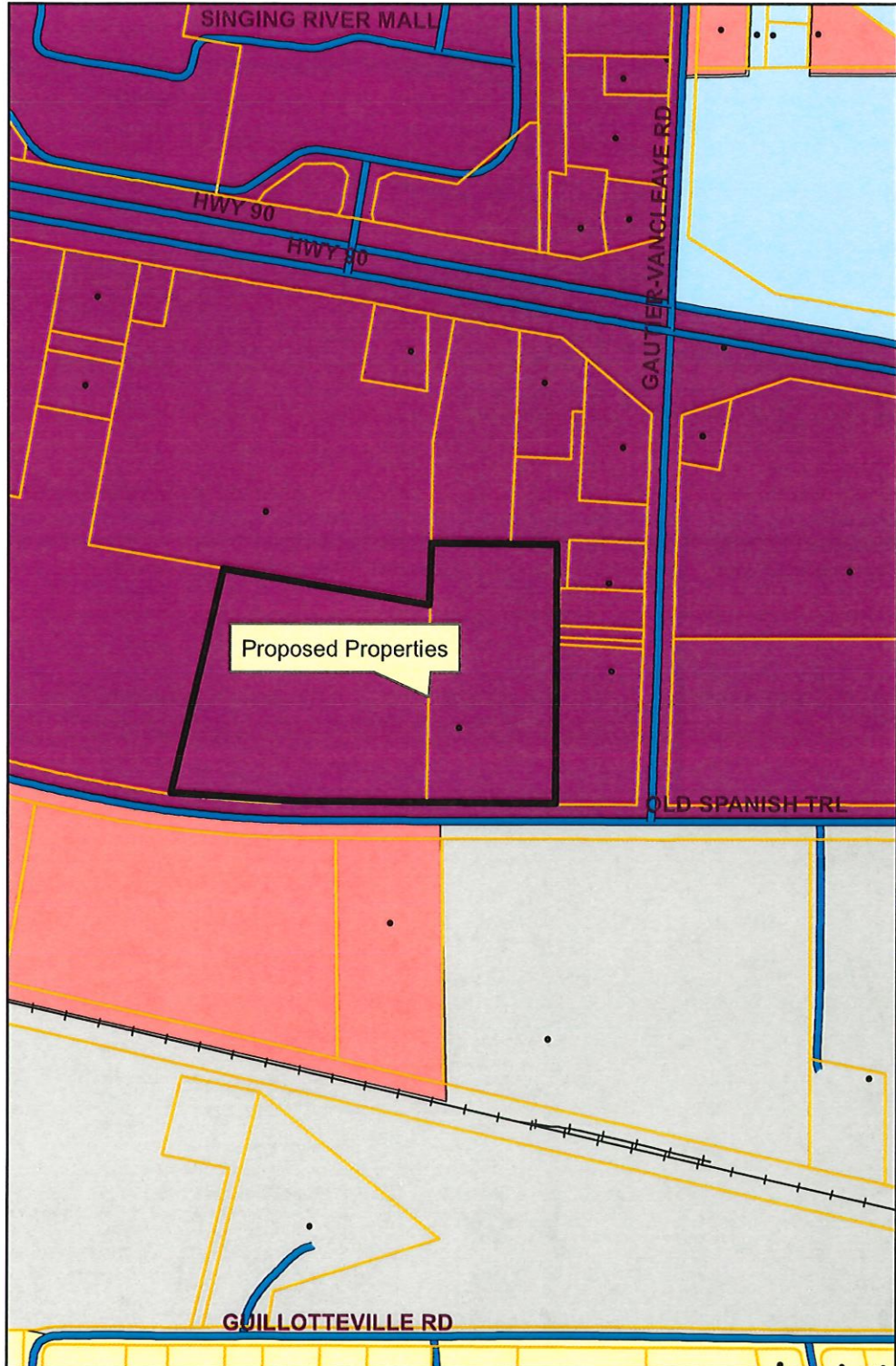


Exhibit C Existing Land-Use

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
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- very low to low density residential
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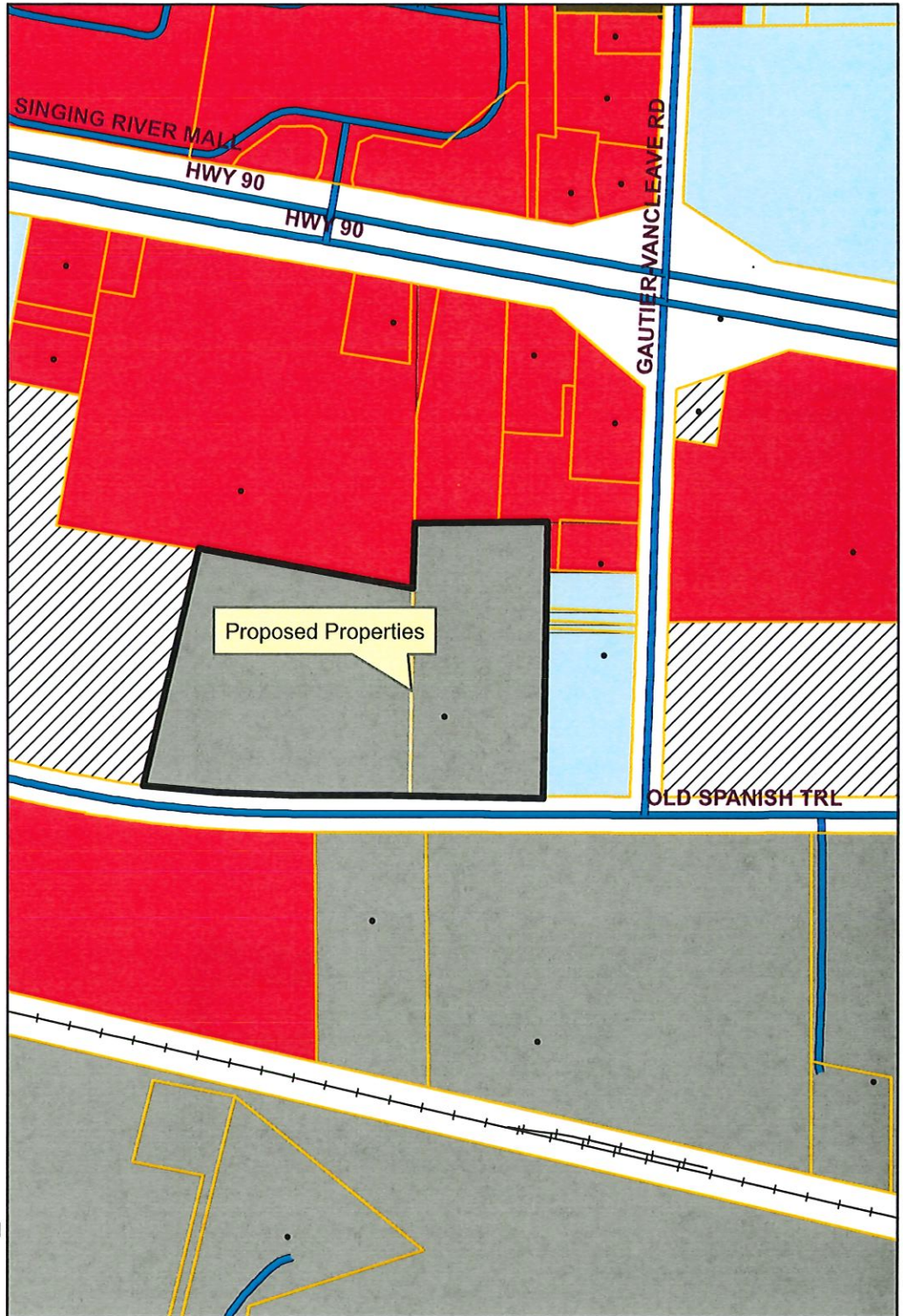


Exhibit D Future Land-Use

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
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- recreational commercial
- Regional Scale Commercial
- mixed use residential
- Town Center
- Very Low Density Residential

