

AGENDA
GAUTIER PLANNING COMMISSION
August 6, 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 7.2.2026 Planning Commission Meeting

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

VI. OLD BUSINESS

VII. NEW BUSINESS

1.
Consider a request for a SPECIAL EXCEPTION to allow a Tax and Financial Services Office in an R-1 Low Density Single-Family Residential Zoning District at 1204 De La Point Drive, PIDN #81831390.000 (GPC #26-38-SE).
2. Consider a request for a Property Owner Initiated Rezoning of three parcels located on Martin Bluff Road, PIDN #85700299.000, & 85700075.000 from split zoning C-2 Community Commercial and R-1 Low Density Single-Family Residential to R-1A Medium Density Residential. PIDN #85700299.010 from R-1 Low Density Single-Family Residential to R-1A Medium Density Residential. (GPC #26-39-RZ)
3. Consider a request for a five-foot (5') variance to the maximum building height for previously approved three story apartment buildings in a C-3 Highway Commercial Zoning District. 5900 HWY 57, PID #82420180.000, (GPC #26-41-VAR)
4. Consider a request for a property owner-initiated rezoning of two parcels located on Birdie Lane, PIDN #87114000.075 & 82503010.175 from the existing PUD – Planned Unit Development to a new PUD – Planned Unit Development. (GPC #26-42-RZ)

VIII. GENERAL DISCUSSION

1. PREVIOUS CASE UPDATES

A.

1. Update on GPC 26-24-SE - Connex Boxes for 321 HWY 90
2. Update on GPC 26-27-RZ - Rezoning of 7305 Martin Bluff Rd
3. Update on GPC 26-28-HO - Home Occupation for 3308 Seagrape
4. Update on GPC 26-29-VAR - Lot width variance
5. Update on GPC 26-31-CU - New Sanctuary Building on Old Spanish Trail Baptist Church
6. Update on GPC 26-32-VAR - 60 foot variance for an accessory structure on Ferry Point
7. Update on GPC 26-33-CU - Package Liquor Store at 2809 HWY 90

2. PERMIT & TRC REPORTS

A.

1. Permit & TRC Report for June 2026
2. Permit & TRC Report for July 2026

IX. ADJOURN

July 2, 2026
GAUTIER, MISSISSIPPI

BE IT REMEMBERED that a meeting of the Gautier Planning Commission of The City of Gautier, Mississippi, was held on July 2, 2026, 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 Robert Williams, Marquitta Buxton, Greg Canada, and Herman Green. Also present were Scott Ankerson, Planning Director, Perry Kelly, City Attorney, and Eric Patterson, Planning Technician. Absent were Commissioners Maurice Hudson and Ricky Decoteau.

AGENDA

GAUTIER PLANNING COMMISSION

July 2, 2026

5:30 P.M.

- I. CALL TO ORDER**
- II. PRAYER**
- III. PLEDGE OF ALLEGIANCE (VOLUNTEER)**
- IV. APPROVAL OF AGENDA**
- V. APPROVAL OF MINUTES (June 4, 2026)**
- VI. PUBLIC COMMENTS
(MATTERS OF THE PLANNING COMMISSION NOT LISTED ON THE AGENDA)**
- VII. OLD BUSINESS**
- VIII. NEW BUSINESS**
 - 1. Consider a request for a Home Occupation for a Tax Preparation Home Office located at 3308 Seagrape Drive, PIDN #85414201.000. (GPC #26-28-HO)

2. Consider a request for a nineteen and a half foot (19' 6") variance to the lot width requirements in a R-1 Low Density Single-Family Residential Zoning District. Lark Drive, PID #85905827.000, 85905826.000 & 85905825.000, (GPC #26-29-VAR)
3. Consider a request for a Conditional Use-Major that would allow the construction of a new sanctuary building as an expansion of an existing church in a TCMU Town Center Mixed Use Zoning District. 2400 Old Spanish Trail, (GPC #26-31-CU)
4. Consider a request for a sixty-foot (60') variance for an accessory structure in front of the rear building line in an RE Residential Estate Zoning District. 9025 Ferry Point Rd, PID #81909514.005, (GPC #26-32-VAR)
5. Consider a request for a Conditional Use-Major that would allow a Package Liquor Store in a TCMU Town Center Mixed Use Zoning District. 2809 HWY 90, (GPC #26-33-CU)

IX. GENERAL DISCUSSION

X. ADJOURN

Commissioner Hudson began the meeting with a prayer conducted by Commissioner Buxton.

Commissioner Decoteau lead the assembly in the pledge of allegiance.

Commissioner Buxton made a motion to approve the Agenda.

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

AYES: **Josh Ward**
 Robert Williams
 Marquitta Buxton
 Greg Canada
 Herman Green

Motion Passed

Commissioner Buxton made a motion to approve May 7, 2026, minutes.

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

AYES: Josh Ward
Robert Williams
Marquitta Buxton
Greg Canada
Herman Green

Motion Passed.

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

OLD BUSINESS – None

NEW BUSINESS

1. Consider a request for a Home Occupation for a Tax Preparation Home Office located at 3308 Seagrape Drive, PIDN #85414201.000. (GPC #26-28-HO)

Scott Ankerson, Planning Director, provided a brief overview of the case. He explained that home offices are permitted under the Unified Development Ordinance and that home occupation applications are typically reviewed administratively by the Planning Department. However, if an objection is received following the required public notification process, the application must be referred to the Planning Commission and City Council for consideration.

In this case, a neighboring property owner submitted an emailed objection, citing concerns about the volume of traffic generated by the business prior to the submission of the application.

REQUEST:

The Planning Department has received a request from Giselle Perez dba Giselle Taxes and Services Corp, to allow a home occupation for a tax preparation home office at 3308 Seagrape Drive, PID #85414201.000. (GPC #26-28-HO) The application fee of \$125 was paid on April 30, 2026. All public notice requirements have been met.

BACKGROUND:

The application/request for a Home Occupation was made by Giselle Perez to operate a Tax Preparation home office at 3308 Drive. The application includes a narrative written by the applicant stating that this location is proposed to be a tax preparation and financial home office assisting clients and guests virtually. Public notice requirements in the form of notification letters to adjoining property owners were mailed on April 30, 2026. The notification letter states; written objections must be received by 5:00 P.M. on Monday, May 11, 2021. Written objections must reference the above GPC Public Notice Number, and e-mailed to epatterson@gautier-ms.gov, or be mailed to the Planning Department, P. O. Box 670, Gautier, Mississippi 39553-0670. Objectors will be notified of the results of this review. The Planning Department can be reached at 228-497-1878 should you have any questions.

DISCUSSION:

On May 11, 2026, the Planning Department received a written objection from Mr. Seth Sherman of 3316 Seagrape Drive. Mr. Sherman's objection to the home occupation is due to the traffic that has been generated by this business. Mr. Sherman claimed that there have been cars lining both sides of Seagrape Drive and he has even had Mrs. Perez's clients park on his property.

DETERMINATION OF APPLICABLE LAW:

The Unified Development Ordinance (UDO) defines a **Home Occupation** as: An occupation carried on in a residential dwelling unit by the resident thereof; provided that the use is limited, incidental and secondary to the residential use of the building. A Home Occupation permit is non-transferable to future residents

UDO SECTION 6.7: Home Occupation

6.7.1 General Regulations

A Home Occupation is a gainful occupation conducted in a dwelling unit, for which an annual privilege license must be issued and that:

- A.** No stock in trade or commodity shall be sold on the premises.
- B.** There shall be no employment of help other than members of the resident family.
- C.** Not more than twenty (20) percent of the heated and cooled square footage area of the dwelling unit not to exceed five hundred (500) square feet shall be used in conducting the Home Occupation.
- D.** There shall be no change in the outside appearance of the building or premises, no outdoor storage of anything, or any other visible evidence of the conduct of such Home Occupation other than one (1) sign in accordance with regulations of Article XII not exceeding one (1) non-illuminated sign no larger than one (1) square foot, mounted flush against the principal building.

- E. No Home Occupation shall be conducted in any accessory building.
- F. No traffic shall be generated by such Home Occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such Home Occupation shall be off the street and other than in the required front yard.
- G. No equipment or process shall be used in such Home Occupation which increases noise, vibration, glare, fumes, odors, or electrical interference to adjoining properties.
- H. The Planning Director shall periodically examine all businesses operating under a home occupation permit to determine if they are maintained in compliance with regulations set forth herein. The Planning Director is authorized to notify any business found to not be in compliance to cease operations and to revoke said permits.

6.7.2 Home Occupations Permitted

The following occupations, subject to the requirements of the above section, may be permitted as Home Occupations:

- A. Artist, sculptor, author
- B. Catering Service when they are a part of operator's residence
- C. Computer programming and word processing
- D. Cooking and preserving
- E. Dressmaker, seamstress, tailor, interior decorator
- F. Home office
- G. Instructional Studio, Private. Teaching, including tutoring, musical instruction or dancing, but limited to one (1) pupil per teacher at any given time
- H. Private Professional Office
- I. Telephone answering service
- J. Any other similar use which the Planning Director determines is compatible. The Planning Director may elect to take any Home Occupation request to the Planning Commission for consideration.

6.7.3 Prohibited Home Occupations

The following are not permitted as Home Occupations:

- A. Animal hospitals or animal rescue operations
- B. Child Care Facilities including kindergartens
- C. Convalescent homes
- D. Repair Shops requiring outside or major repair to equipment and/or vehicles
- E. Coffee Shops, restaurants or any facility serving beverages or food to the

public.

F. Boarding House

RECOMMENDATION & CONCLUSION:

Staff recommends that Planning Commission, if recommending approval, establish the finding of facts based on UDO Section 6.7.

The Planning Commission may:

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

Chairman Ward thanked Mr. Ankerson for his overview of the case and invited the applicant to come forward and present their case to the Planning Commission.

Giselle Perez advised that she wants to have a Home Office where she can perform tax and financial services to customers virtually and over the phone.

Chairman Ward asked whether, in the past, customers came to the home to receive these services.

Giselle Perez responded, "Yes."

Chairman Ward then asked whether, going forward, customers would no longer come to the home and would instead receive services virtually.

Giselle Perez responded, "Yes."

Chairman Ward asked if there were any other employees working for Ms. Perez.

Giselle Perez stated that her niece and her sons help her.

Chairman Ward asked if any other commissioners had any questions for Ms. Perez and stated that it seems there have been issues in the past regarding the traffic from customers, but since all customers will be assisted virtually that problem should be solved.

Commissioner Williams asked Ms. Perez if she was currently seeking another location for her tax office.

Giselle Perez stated that another location has already been purchased, and she has submitted the Special Exception Application to be on next month's Planning Commission Agenda for that location.

Commissioner Canada asked Ms. Perez, since she is listed as a corporation that would mean she is properly licensed by the state to offer tax and financial services?

Giselle Perez responded Yes.

Chairman Ward closed the public hearing portion of this case.

ACTION TAKEN:

Commissioner Buxton made a motion to recommend that City Council approve the Home Occupation as presented.

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

AYES:	Josh Ward
	Robert Williams
	Marquitta Buxton
	Herman Green
	Greg Canada

Motion passed.

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2. Consider a request for a nineteen and a half foot (19' 6") variance to the lot width requirements in a R-1 Low Density Single-Family Residential Zoning District. Lark Drive, PID #85905827.000, 85905826.000 & 85905825.000, (GPC #26-29-VAR)

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

REQUEST:

The Planning Department has received a request from Kevin Carter for a Nineteen-foot six-inch (19' 6") variance to the lot width requirements in a R-1 Low Density Single-Family Residential Zoning District on Parcel ID numbers 85905827.000, 85905826.000 & 85905825.000 on Lark Drive, (GPC #26-29-VAR). The application fee of \$175 was paid on May 7, 2026. All public notice requirements have been met.

BACKGROUND:

The applicant would like to subdivide his three (3) existing lots with a lot width and road frontage of 101 ft into five (5) lots with a lot width and road frontage of 60 feet 6 inches. Per the Unified Development Ordinance (UDO), required lot width in an R-1 Low Density Single-Family Residential district is 80 feet at the building line and a minimum of 40 feet on a public or platted street. The applicant is asking for a nineteen-foot, six-inch (19' 6") variance to minimum lot width in an R-1 Low Density Single-Family Residential Zone.

DISCUSSION:

The lots on this application are adjacent to Buddy Davis Ball Park located at 2000 Lark Drive. The applicant is attempting to obtain a Variance to subdivide three (3) parcels into five (5) parcels. The existing parcels are currently 101 feet wide with 101 feet of road frontage. The applicant's plan calls for lowering the lot width to 60 feet 6 inches. This would be a Variance of 19 feet six inches. This variance would allow the existing parcels to be split into five (5) lots.

The applicant has included two options with this application. The first option is the Variance listed above. The second option included in the application would be for a 4 feet six inch variance to transform the three (3) lots at 101 feet into four (4) lots at 75.75 feet. This option was included by the applicant in case the initial variance of 19 ft six inches is unacceptable to the commission for recommendation of approval.

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:

- 4. Recommend that City Council approve the variance request as presented;
- 5. Recommend that City Council approve the variance request with changes; or
- 6. Recommend that City Council deny variance request.

Chairman Ward asked the applicant to present his case.

Kevin Carter stated that he would like to build a house on one of the lots and possibly sell the other remaining lots for other people to build on.

Chairman Ward asked if the house Mr. Carter wanted to build would be for his primary home?

Kevin Carter responded Yes

Chairman Ward asked if Mr. Carter had any plans to build on the other lots at this time?

Kevin Carter stated no, not at this time.

Chairman Ward stated that he has done some research on this Variance request. Chairman Ward also shared that the Planning Commission received two variance options from Mr. Carter. The lots in question on the side of the road with Mr. Carter's lots are traditionally larger lots. The lots within city limits that are around 60 foot wide or smaller

are usually plated lots in older neighborhoods that have been plated for a long time.

Chairman Ward asked Mr. Carter if the second option that he provided for a 4.25 ft variance instead of the 19.5 ft variance would be acceptable?

Kevin Carter responded yes

Chairman Ward asked Perry Kelly, City Attorney, if the Planning Commission could send a recommendation of the 4.25-foot variance to City Council instead of the 19.5-foot variance since Mr. Carter included those two options in his application.

Perry Kelly advised that the Planning Commission may forward a recommendation for a variance of up to 19.5 feet but cannot recommend a variance exceeding 19.5 feet.

Chairman Ward asked Scott Ankerson what year the previous variance was granted for the nearby Martin Bluff Road lots, which reduced the lot width to 75 feet.

Scott Ankerson advised that the variance in question was requested and approved in 2025.

Commissioner Williams stated that the lots on Lark Road are deep lots.

Chairman Ward stated that even with the lot with set at 75.75 ft which is more cohesive to the area, the lots will still be deep lots.

Christopher Pruitt, a resident of Lark Road, stepped forward to speak in opposition to the variance. Mr. Pruitt stated that he does not mind development but was concerned that with the lots being made too small the homes built would be tiny homes. Tiny homes would depreciate the value of neighboring houses.

Chairman Ward explained that the variance Mr. Carter is requesting would not change the minimum square footage required by City Ordinance. The variance would only change the lot width of each lot.

Scott Ankerson advised that the minimum square footage for a home in this zoning district would be 1325sq ft. That is heated and cooled square footage so a tiny home would not be allowed.

ACTION TAKEN:

Commissioner Canada made a motion to recommend approval of the 4.25' variance.

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

AYES: Josh Ward

**Robert Williams
Herman Green
Marquitta Buxton
Greg Canada**

Motion passed

3. Consider a request for a Conditional Use-Major that would allow the construction of a new sanctuary building as an expansion of an existing church in a TCMU Town Center Mixed Use Zoning District. 2400 Old Spanish Trail, (GPC #26-31-CU)

Scott Ankerson, Planning Director, provided a brief overview of the case. Mr. Ankerson explained that although the property is an existing church, the construction of a new building requires approval of a Major Conditional Use in all zoning districts within the city.

REQUEST:

The Planning Department has received a request from Christopher Webb dba Spanish Trail Baptist Church for a Conditional Use-Major that would allow the construction of a new sanctuary building as an expansion of an existing church in a TCMU Town Center Mixed Use Zoning District. 2400 Old Spanish Trail, PID #82435110.000 (GPC #26-31-CU) The application fee of \$250 was paid on May 18, 2026. All public notice requirements have been met.

BACKGROUND:

The request property is zoned TCMU Town Center Mixed Use.

1. Location: 2400 Old Spanish Trail, PID #82435110.000 (See Exhibit A)
2. General features of the proposed project:
Total Area: Approximately 3 Acres
Existing Church
3. Existing Zoning – TCMU Town Center Mixed Use (See Exhibit B)

4. Existing Land Use – currently an established Church/Place of Worship (See Exhibit C)
5. Comprehensive Plan Future Land Use Designation – Town Center (See Exhibit D)

DISCUSSION:

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

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

Applicant Response: Yes

Staff Finding: Yes. A Church or Place of Worship is listed as a Conditional Use-Major in a TCMU Town Center Mixed Use District.

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

Applicant Response: Expanding current church to allow greater community assistance. See attached plan.

Staff Finding: The proposed use is allowed in a TCMU zoning district with a Major Conditional Use.

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

Applicant Response: No, the current church is expanding.

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

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

Applicant Response: No, an additional entrance and parking will be provided.

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

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

Applicant Response: Yes.

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

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

Applicant Response: Yes, a church is allowed by conditional use in a Town Center zone.

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

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

Applicant Response: No

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

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

Applicant Response: Yes

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

DETERMINATION OF APPLICABLE LAW:

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

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

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

RECOMMENDATION & CONCLUSION:

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

The Planning Commission may:

7. Recommend that City Council approve the Conditional Use-Major
8. Recommend that City Council approve the Conditional Use-Major with changes;
or
9. Recommend that City Council deny the Conditional Use-Major.

Chairman Ward invited the applicant to come forward and present their case.

Christopher Webb, Pastor of Spanish Trail Baptist Church, stated that the church's congregation has been growing and that the church is seeking to construct a new sanctuary to accommodate its continued growth. He explained that the proposed sanctuary would be a separate building located on the existing church property.

Chairman Ward asked whether the church had determined the type of construction for the new building, specifically whether it would be a metal, brick, or stick-built structure.

Mr. Webb responded that the proposed building is planned to be a traditional stick-built structure with a brick exterior.

Chairman Ward noted that, according to the proposal submitted by Pastor Webb, the project also includes the construction of a new parking lot and driveway. He further stated

that, due to the drainage issues and steep slope at the front of the property, Pastor Webb should consult with Scott Ankerson and the Planning Department to determine the most appropriate approach for addressing those site conditions.

Chairman Ward Closed the public hearing portion of this case.

Commissioner Buxton noted that she did not have any questions for Pastor Webb, however she wanted to point out that any time a church is growing in the City of Gautier that it's a good sign.

Commissioner Williams noted that the church has been there a long time.

Scott Ankerson stated that he has met with Pastor Webb on multiple occasions and will continue working closely with Spanish Trail Baptist Church to provide support and guidance throughout the planning and development process.

Pastor Webb advised that he has already applied for the new culvert with to the Gautier Public Works department.

ACTION TAKEN:

Chairman Ward made a motion to recommend that City Council approve the Conditional Use – Major as presented.

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

AYES: **Josh Ward**
 Robert Williams
 Herman Green
 Marquitta Buxton
 Greg Canada

Motion passed.

Commissioner Williams made a motion to adjourn the meeting.

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

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

Motion Passed.

4. Consider a request for a sixty-foot (60') variance for an accessory structure in front of the rear building line in an RE Residential Estate Zoning District. 9025 Ferry Point Rd, PID #81909514.005, (GPC #26-32-VAR)

Scott Ankerson, Planning Director, provided a brief overview of the case. Mr. Ankerson explained that Mr. Carey has previously encountered issues related to the property. After purchasing the property, Mr. Carey discovered that the narrow parcels bordering Castelle Bluff Drive are subject to deed restrictions prohibiting driveway access from his property to Castelle Bluff Drive. As a result, the lot was redesigned to provide vehicular access from Ferry Point Road. Mr. Ankerson noted that, despite the change in access, the front of the proposed residence will continue to face Castelle Bluff Drive.

REQUEST:

The Planning Department has received a request from Jeff Carey for a sixty-foot (60') variance for an accessory structure in front of the rear building line in an RE Residential Estate Zoning District at 9025 Ferry Point Rd, PID #81909514.005. (GPC #26-32-VAR) The application fee of \$175 was paid on May 19, 2025. All public notice requirements have been met.

BACKGROUND:

The applicant would like to put an accessory structure next to his home in a Residential Estate Zoning District. His home is currently under construction, along with an attached garage and a planned detached shop building. The Unified Development Ordinance (UDO) Section 5.4.3 (D) states that accessory structures shall be located in the rear yard of the principal use structure. The applicant is asking for a sixty-foot (60') variance that would allow the shop to be next to the principal use structure.

DISCUSSION:

The applicant requests a sixty-foot (60') variance to allow an accessory structure to be placed beside the home on Ferry Point Drive. Because the parcel is zoned RE Residential Estate, accessory structures are permitted only in the rear yard. In the R-1 Low Density Single-Family Residential, R-1A Medium Density Residential, and R-2 High Density Residential districts, similar accessory structures may be placed beside the principal structure if they are located behind the front building line. As shown on the attached diagrams and maps, the parcel's nearest road frontage is on Castelle Bluff Drive, which establishes the front building line.

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):

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

4.18.4 Criteria for Approval

The Variance application shall demonstrate the following:

- E. 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;
- F. 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;
- G. That the special conditions and circumstances do not result from actions of the applicant; and
- H. 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:

10. Recommend that City Council approve the variance request as presented;
11. Recommend that City Council approve the variance request with changes; or
12. Recommend that City Council deny variance request.

Chairman Ward noted that, based on Mr. Ankerson's presentation of the case, approval of the requested variance would allow the property to be developed in a manner similar to that permitted within an R-1 Zoning District. He then invited the applicant to present his case.

Jeff Carey introduced himself and explained that his home is currently under construction and that he plans to relocate to Gautier from Brandon, Mississippi. He stated that, at his current residence, his workshop is located a considerable distance from the house and is not easily accessible. The proposed location of the new shop, directly across the driveway from the attached garage, would provide more convenient access. Mr. Carey noted that the shop would not be located near the front of the property and would have limited visibility from either Castelle Bluff Drive or Ferry Point Road. He further explained that the structure would not be a traditional metal building but would instead feature a brick exterior with siding designed to complement the appearance of the main residence. Mr. Carey expressed concern that relocating the proposed shop at this stage of construction would require the removal of additional trees and the use of heavy equipment to relocate the existing dirt pad prepared for the structure.

Chairman Ward noted that he had personally driven to the site and found that there are some unique characteristics at play for the lot in question. Especially not being able to access it from Castelle Bluff Drive.

Commissioner Williams asked what the dimensions of the property were.

Chairman Ward stated the lot is approximately 3.5 acres.

Scott Ankerson noted that, because the property is a flag lot with driveway access from Ferry Point Road, Mr. Carey could have oriented the residence to face Ferry Point Road rather than Castelle Bluff Road. Had the residence been oriented differently, the proposed shop would have been more visible from Castelle Bluff Road and the surrounding neighboring properties.

Jacqueline Cumbest spoke in support of the requested variance. She stated that she has lived in Hickory Hills for more than 50 years and wishes to remain there. Ms. Cumbest explained that her son-in-law, Mr. Carey, is relocating to Gautier with his family in order to assist her. She noted that Mr. Carey is constructing a high-quality residence and expressed her belief that neither the home nor the proposed shop would negatively affect surrounding property values. Ms. Cumbest also stated that she values the existing trees on the property and supports the proposed location because it minimizes the need for additional tree removal.

Donna Mothers, speaking on behalf of the contractor, also expressed support for the variance. She stated that Ms. Cumbest is grateful to have her daughter and son-in-law relocating to Gautier to assist her. Ms. Mothers explained that, because Mr. Carey owns a large automobile collection, the proposed shop will function primarily as a detached garage for vehicle storage rather than as a traditional workshop.

Chairman Ward closed the public hearing portion of this case.

ACTION TAKEN:

Chairman Ward made a motion to recommend approval of the 60' variance based on the unique characteristics of the property and the existing easements.

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

AYES:	Josh Ward
	Robert Williams
	Herman Green
	Marquitta Buxton
	Greg Canada

Motion passed.

-
-
5. Consider a request for a Conditional Use-Major that would allow a Package Liquor Store in a TCMU Town Center Mixed Use Zoning District. 2809 HWY 90, (GPC #26-33-CU)

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

REQUEST:

The Planning Department has received a request from Dani H. Patel dba Galaxy Liquor and Wine for a Conditional Use-Major that would allow a Package Liquor Store in a TCMU Town Center Mixed Use Zoning District at 2809 HWY 90, PID #82435240.200 (GPC #26-33-CU) The application fee of \$250 was paid on May 26, 2026. All public notice requirements have been met.

BACKGROUND:

The request property is zoned TCMU Town Center Mixed Use.

1. Location: 2809 HWY 90, PID #82435240.200 (See Exhibit A)
2. General features of the proposed project:
Total Area: Approximately 0.46 Acres
Existing commercial building.
3. Existing Zoning – TCMU Town Center Mixed Use (See Exhibit B)
4. Existing Land Use – current commercial building with Hwy 90 road frontage.
(See Exhibit C)
5. Comprehensive Plan Future Land Use Designation – Town Center (See Exhibit D)

DISCUSSION:

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

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

Applicant Response: Yes

Staff Finding: Yes. A Package Liquor Store is listed as a Conditional Use-Major in a TCMU Town Center Mixed Use District.

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

Applicant Response: Existing building is a great location for a package store. Building will be cleaned up, and fresh paint job will improve overall looks from the road. No major changes to the structure are needed. Building is located in a nice commercial area making it easy for customers to get in & out of the parking lot.

Staff Finding: The proposed use is allowed in a TCMU zoning district with a Major Conditional Use.

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

Applicant Response: No.

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

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

Applicant Response: No, I don't see any traffic patterns being affected.

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

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

Applicant Response: Yes, all utilities are currently on site. No major changes are needed.

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

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

Applicant Response: Yes, I believe this will help the city grow by adding more revenue.

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

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

Applicant Response: No.

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

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

Applicant Response: Yes.

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

DETERMINATION OF APPLICABLE LAW:

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

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

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

RECOMMENDATION & CONCLUSION:

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

The Planning Commission may:

13. Recommend that City Council approve the Conditional Use-Major
14. Recommend that City Council approve the Conditional Use-Major with changes;
or
15. Recommend that City Council deny the Conditional Use-Major.

Chairman Ward invited the applicant to step forward and present their case.

Dani Patel stated that he has been in the retail business for 23 years but has been doing business in Alabama. Mr. Patel would like to open a store in Gautier because it would be closer to home and would be in his home community.

Chairman Ward asked if Mr. Patel has existing liquor stores?

Dani Patel advised that right now he runs a gas station and grocery store in Alabama but would like to open this store in Gautier.

Chairman Ward thanked Mr. Patel for being a resident of Gautier and wanting to invest in Gautier. Chairman Ward asked Mr. Patel if he would be occupying the whole building or just part of the building?

Dani Patel The liquor store will be in suite A, leaving suite B available. But if he needs to expand he will use the whole building.

Commissioner Canada asked how many square feet will be used for the Liquor store.

Dani Patel advised that Suite A is approximately 4400 square feet.

Chairman Ward asked if anyone else had any questions for Mr. Patel.

Scott Ankerson noted that the Zoning Ordinance requires approval of a Major Conditional Use Permit within the Town Center area to allow proposed projects to be evaluated on a case-by-case basis based on surrounding land uses. He explained that the ordinance was adopted in 2010 and that, since that time, the City's vision for the future of the Town Center area has shifted more toward an entertainment-focused district, including developments such as a performing arts museum and a sound amphitheater.

Chairman Ward asked whether only adjacent property owners were notified of the Conditional Use application.

Mr. Ankerson explained that Conditional Use notifications are mailed to property owners located within either 250 feet or 500 feet of the subject property, depending on the applicable requirements.

Chairman Ward asked whether the nearby church had been notified of the Conditional Use application and public hearing.

Eric Patterson, Planning Technician, confirmed that notices are sent to property owners within 250 feet of the applicant's property and that the nearby church was included in the notification process.

Mr. Ankerson noted that the proximity of the church also raises an additional consideration. He explained that the State Alcoholic Beverage Control (ABC) Board has separate regulations and distance requirements regarding the location of liquor stores in relation to churches and schools. The applicant will be required to obtain approval through that process as well.

Chairman Ward clarified that Mr. Patel would need to obtain approval from the ABC

Board and potentially the nearby church if the proposed location does not meet the required distance requirements.

Mr. Ankerson confirmed that this was correct.

Chairman Ward stated that, even if the City approves the Major Conditional Use Permit, the State ABC Board could still deny Mr. Patel's application if all applicable state requirements are not satisfied.

Sonny Patel Sonny Patel spoke in support of Dani Patel's proposed liquor store. Sonny Patel stated that Dani Patel has been a resident of Gautier for more than 20 years and that his children attended Gautier High School. He explained that Dani Patel currently operates a business in Grand Bay, Alabama, but is seeking the opportunity to establish a business within Gautier. Sonny Patel stated that, as a longtime resident, Dani Patel would bring a level of community involvement and local investment to the City that a larger corporation operating a similar business may not provide. Regarding the State requirements, Sonny Patel stated that he contacted the State and was advised that if the church is located more than 100 feet from the actual building, additional permission from the church would not be required.

Chairman Ward noted that the state will have their opportunity to make sure the liquor store meets all of the legal requirements before issuing the liquor license. The church was notified and we did not receive any letters in opposition to this.

ACTION TAKEN:

Commissioner Canada made a motion to recommend that City Council approve the Conditional Use – Major as presented.

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

AYES: **Josh Ward**
 Robert Williams
 Herman Green
 Greg Canada

Nays: **Marquitta Buxton**

Motion passed.

GENERAL DISCUSSION

A. PREVIOUS CASE UPDATES

None

B. PERMIT & TRC REPORT

None

Chairman Ward made a motion to adjourn the meeting.

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

AYES:	Josh Ward
	Robert Williams
	Marquitta Buxton
	Greg Canada
	Herman Green

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

July 2, 2026

GPC 26-28-HO

GISELLE PEREZ

3308 SEAGRAPE DRIVE

PIDN #85414201.000

VII. NEW BUSINESS

Consider a request for a Home Occupation for a Tax Preparation Home Office located at 3308 Seagrape Drive, PIDN #85414201.000. (GPC #26-28-HO)

**CITY OF GAUTIER
STAFF REPORT**

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: June 15, 2026

Subject: Request for a Home Occupation for a Tax Preparation Office located at 3308 Seagrape Drive, PIDN #85414201.000. (GPC #26-28-HO)

REQUEST:

The Planning Department has received a request from Giselle Perez dba Giselle Taxes and Services Corp, to allow a home occupation for a tax preparation home office at 3308 Seagrape Drive, PID #85414201.000. (GPC #26-28-HO) The application fee of \$125 was paid on April 30, 2026. All public notice requirements have been met.

BACKGROUND:

The application/request for a Home Occupation was made by Giselle Perez to operate a Tax Preparation home office at 3308 Drive. The application includes a narrative written by the applicant stating that this location is proposed to be a tax preparation and financial home office assisting clients and guests virtually. Public notice requirements in the form of notification letters to adjoining property owners were mailed on April 30, 2026. The notification letter states; written objections must be received by 5:00 P.M. on Monday, May 11, 2021. Written objections must reference the above GPC Public Notice Number, and e-mailed to epatterson@gautier-ms.gov, or be mailed to the Planning Department, P. O. Box 670, Gautier, Mississippi 39553-0670. Objectors will be notified of the results of this review. The Planning Department can be reached at 228-497-1878 should you have any questions.

DISCUSSION:

On May 11, 2026, the Planning Department received a written objection from Mr. Seth Sherman of 3316 Seagrape Drive. Mr. Sherman's objection to the home occupation is due to the traffic that has been generated by this business. Mr. Sherman claimed that there have been cars lining both sides of Seagrape Drive and he has even had Mrs. Perez's clients park on his property.

DETERMINATION OF APPLICABLE LAW:

The Unified Development Ordinance (UDO) defines a **Home Occupation** as: An

occupation carried on in a residential dwelling unit by the resident thereof; provided that the use is limited, incidental and secondary to the residential use of the building. A Home Occupation permit is non-transferable to future residents

UDO SECTION 6.7: Home Occupation

6.7.1 General Regulations

A Home Occupation is a gainful occupation conducted in a dwelling unit, for which an annual privilege license must be issued and that:

- A. No stock in trade or commodity shall be sold on the premises.
- B. There shall be no employment of help other than members of the resident family.
- C. Not more than twenty (20) percent of the heated and cooled square footage area of the dwelling unit not to exceed five hundred (500) square feet shall be used in conducting the Home Occupation.
- D. There shall be no change in the outside appearance of the building or premises, no outdoor storage of anything, or any other visible evidence of the conduct of such Home Occupation other than one (1) sign in accordance with regulations of Article XII not exceeding one (1) non-illuminated sign no larger than one (1) square foot, mounted flush against the principal building.
- E. No Home Occupation shall be conducted in any accessory building.
- F. No traffic shall be generated by such Home Occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such Home Occupation shall be off the street and other than in the required front yard.
- G. No equipment or process shall be used in such Home Occupation which increases noise, vibration, glare, fumes, odors, or electrical interference to adjoining properties.
- H. The Planning Director shall periodically examine all businesses operating under a home occupation permit to determine if they are maintained in compliance with regulations set forth herein. The Planning Director is authorized to notify any business found to not be in compliance to cease operations and to revoke said permits.

6.7.2 Home Occupations Permitted

The following occupations, subject to the requirements of the above section, may be permitted as Home Occupations:

- A. Artist, sculptor, author
- B. Catering Service when they are a part of operator's residence
- C. Computer programming and word processing

- D. Cooking and preserving
- E. Dressmaker, seamstress, tailor, interior decorator
- F. Home office
- G. Instructional Studio, Private. Teaching, including tutoring, musical instruction or dancing, but limited to one (1) pupil per teacher at any given time
- H. Private Professional Office
- I. Telephone answering service
- J. Any other similar use which the Planning Director determines is compatible. The Planning Director may elect to take any Home Occupation request to the Planning Commission for consideration.

6.7.3 Prohibited Home Occupations

The following are not permitted as Home Occupations:

- A. Animal hospitals or animal rescue operations
- B. Child Care Facilities including kindergartens
- C. Convalescent homes
- D. Repair Shops requiring outside or major repair to equipment and/or vehicles
- E. Coffee Shops, restaurants or any facility serving beverages or food to the public.
- F. Boarding House

RECOMMENDATION & CONCLUSION:

Staff recommends that Planning Commission, if recommending approval, establish the finding of facts based on UDO Section 6.7.

The Planning Commission may:

1. Recommend that City Council approve the request as presented;
2. Recommend that City Council approve the home occupation with changes; or
3. Recommend that City Council deny home occupation 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
GAUTIER, MISSISSIPPI

HOME OCCUPATION APPLICATION

Public Hearing Number

26-28-170

TYPE OF REQUEST:

Home Occupation

FEE:

\$126.00

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

Name of Applicant: Giselle L. Pérez

Name of Business: Giselle Taxes and Services, LLC

Address: 3308 Seagrape dr. Mailing Address (if different): _____

Email Address: giselle@giselleptaxes.com

Phone: 228 355 7396 Cell Phone: 228 355 7396

Name of Proposed Business: _____

Type of Proposed Business: Financial, Tax Preparation - Home office

ATTACHMENTS REQUIRED AS APPLICABLE:

- _____ 1. Diagram showing dimensions of home and dimensions of area to be used for home occupation.
- _____ 2. Legal description and street address. (This will be provided by City Staff)
- _____ 3. A detailed project narrative.
- _____ 4. Copy of protective covenants or deed restrictions, if any. (Mark as "N/A" if none are known)
- _____ 5. Any other information requested by the Planning Director.
- _____ 6. Owner's Consent form, if anyone other than 100% sole owner makes application (see attached).

Signature of Applicant(s): [Signature]

FOR OFFICE USE ONLY

Date Received 4/30/20 Verify as Complete EP, BL

Fee Amount Received 126.00

Initials of Employee Receiving Application EP, BL

I, Giselle L. Pérez, the fee simple owner(s) of the following described property:

Address: 3308 Seagrape dr. Gautier MS 39553

Parcel ID No.:

hereby petition to the City of Gautier to Grant a Home Occupation for a financial, tax office and affirm that Giselle L. Pérez 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.

(Owner's Signature)

(Owner's Signature)

Notary Information:

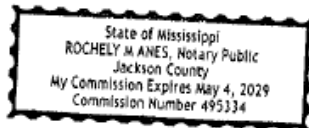
The foregoing instrument was acknowledged before me this 24 day of April, 2020 by Giselle L. Pérez, who is personally known to me or has produced Driver License as identification and who did take an oath.

Rochely M. Anes
(Printed Name of Notary Public)

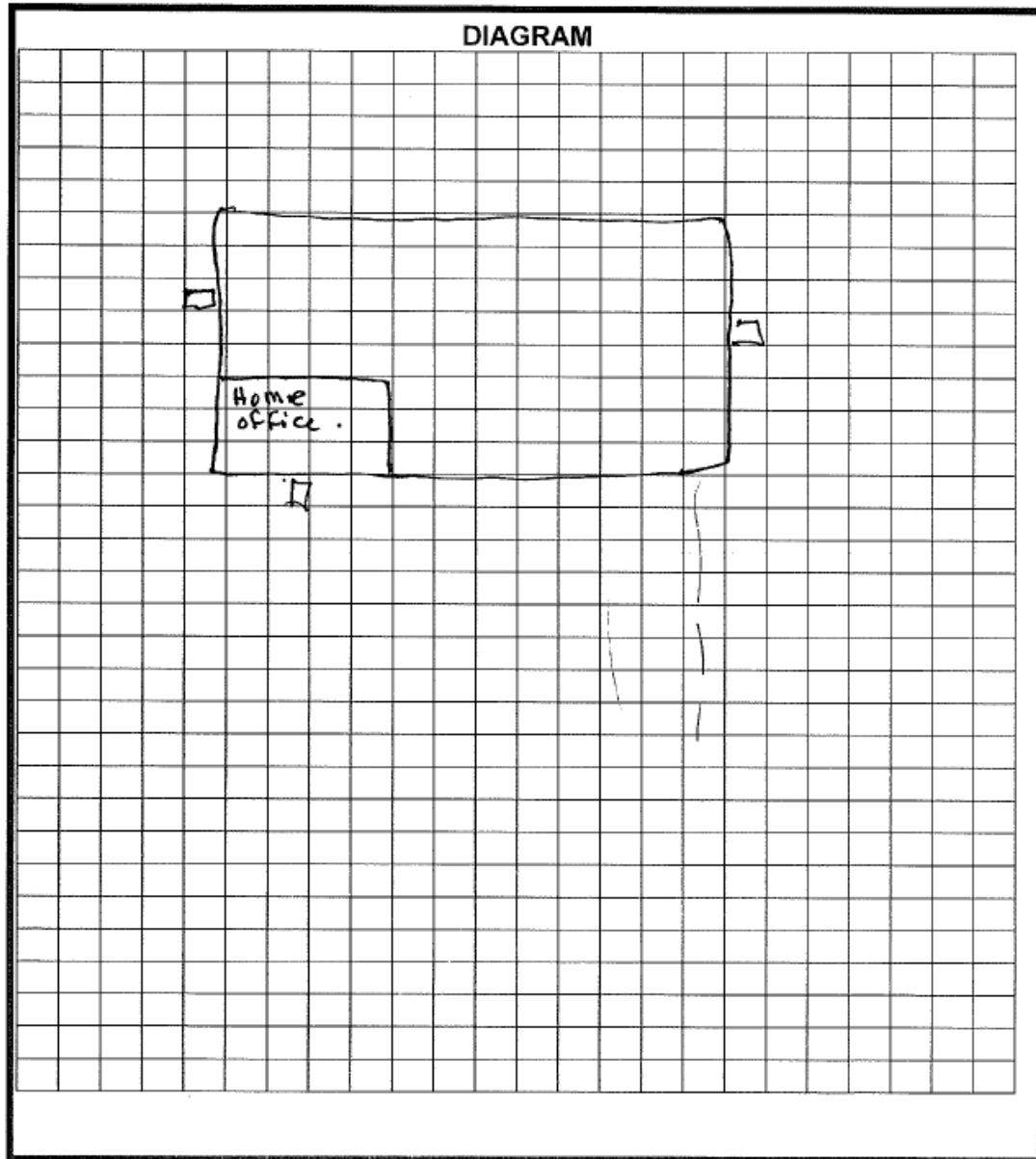
(Signature of Notary Public)

Commission # 495334. My commission expires May 4, 2029.

(Notary's Seal)



HOME OCCUPATION DIAGRAM – Provide a diagram showing the dimensions of your house and show how much of the house will be used for your Home Occupation (give room measurements or square footage). Use the space below or provide a separate sheet with diagram. Staff will provide guidance as needed on additional information needed on the diagram



HOME OCCUPATION NARRATIVE – Describe the proposed Home Occupation. Include what type of business (such as online, off site sales, mobile, etc.). Use the space below or provide a separate sheet of paper and attach. Staff will provide guidance as needed on additional information needed in the narrative.

NARRATIVE

is a present tax preparation and financial office.
assisting clients and guest virtually
we have another location to receive and
assist client and guest.

Parcels: PEREZ LOPEZ CLAUDIO

05 SECT 21	78018
05 SE	872.10-01-0188.00M
PERCT_SQU	0188
PERCT_SUFF	00M
PERCT_SUFF	17590.0933789
PERCT_SUFF	540.85092388
PERCT_SUFF	83914
PERCT_SUFF	85414201.000
PERCT_SUFF	872.10-15-000.00
PERCT_SUFF	872.10-01-0188.00M
PERCT_SUFF	PEREZ LOPEZ CLAUDIO
PERCT_SUFF	3308 SEXGRAPPE DR
PERCT_SUFF	GAUTIER MS
PERCT_SUFF	39553
PERCT_SUFF	3308 SEXGRAPPE DR GAUTIER
PERCT_SUFF	LOT R-157 & E-20 LOT R-158 GULF
PERCT_SUFF	SPRINGS EST S/D REPLAT # 1 SECT
PERCT_SUFF	IONA DB 1602.111 (1681 MAP 872.1
PERCT_SUFF	0-01)
PERCT_SUFF	1602
PERCT_SUFF	111
PERCT_SUFF	10
PERCT_SUFF	8
PERCT_SUFF	7
PERCT_SUFF	0.43
PERCT_SUFF	0
PERCT_SUFF	3840
PERCT_SUFF	CONVENCION
PERCT_SUFF	12100
PERCT_SUFF	137890

Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department

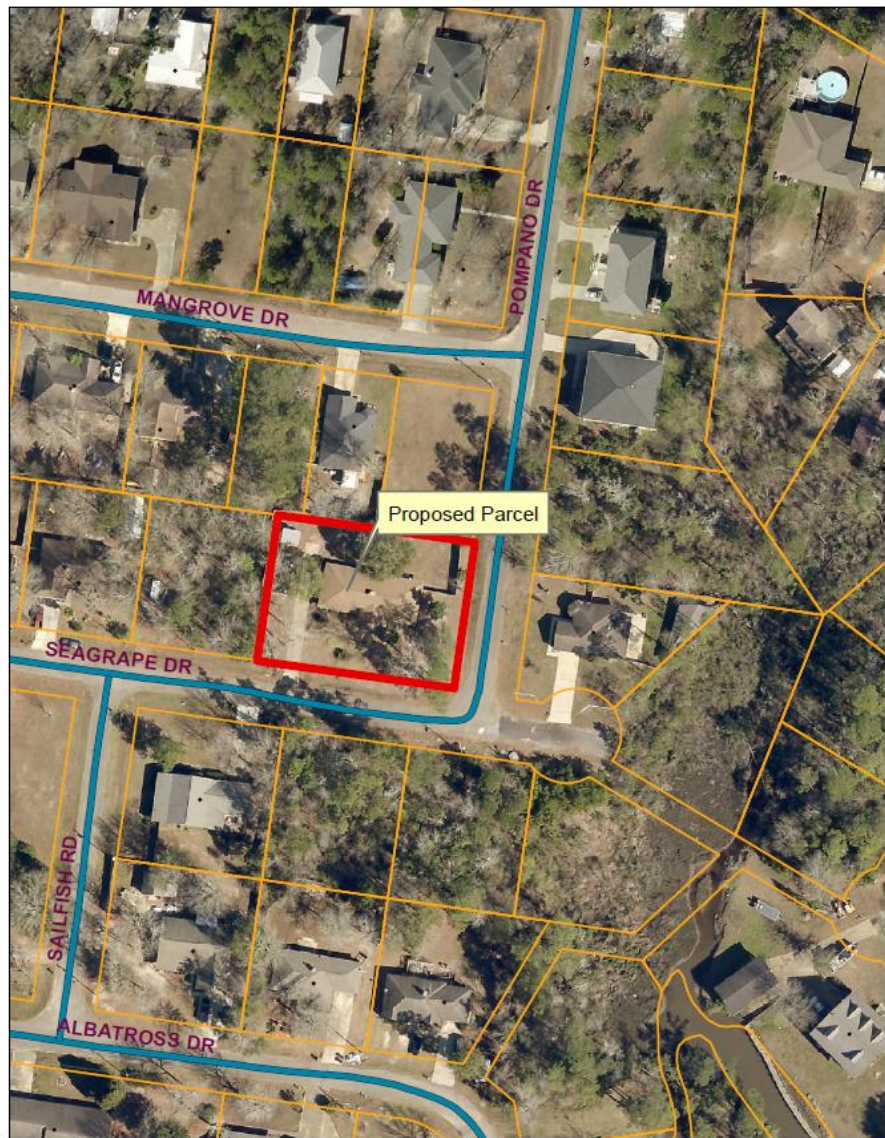


Exhibit B Existing Zoning

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

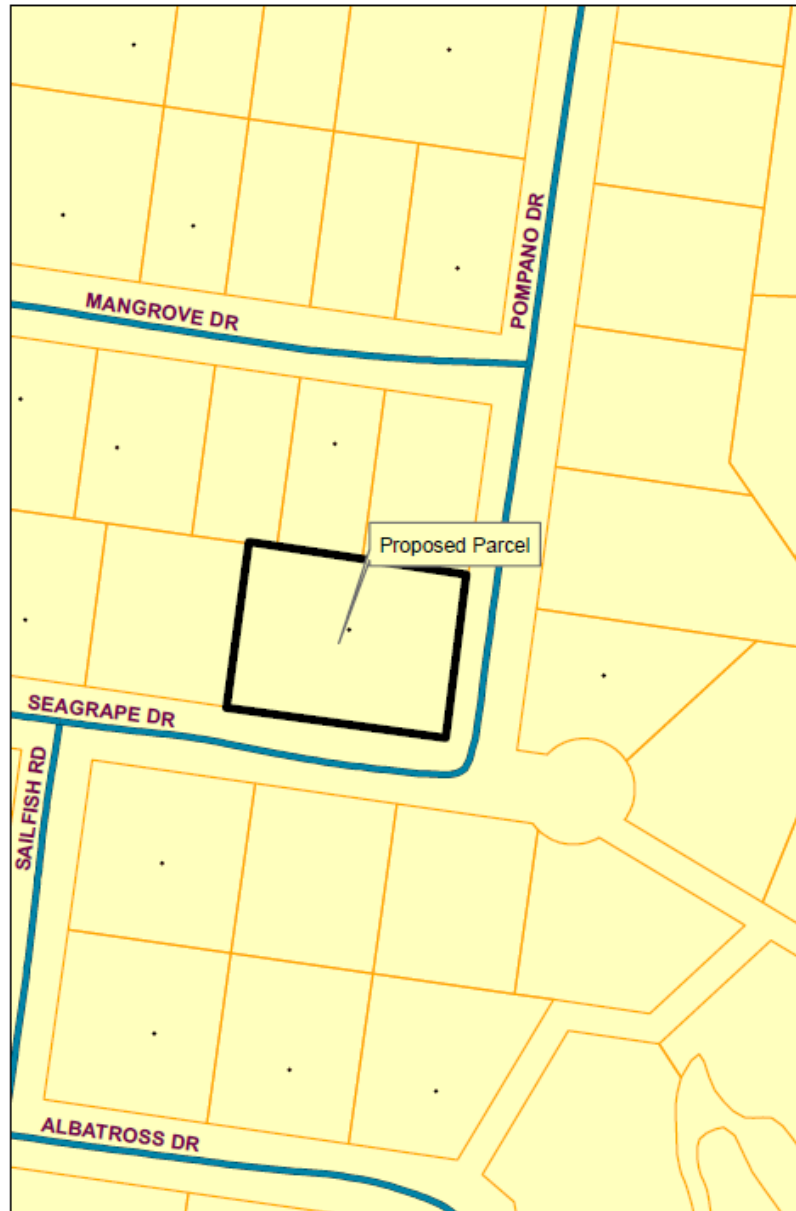


Exhibit C

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

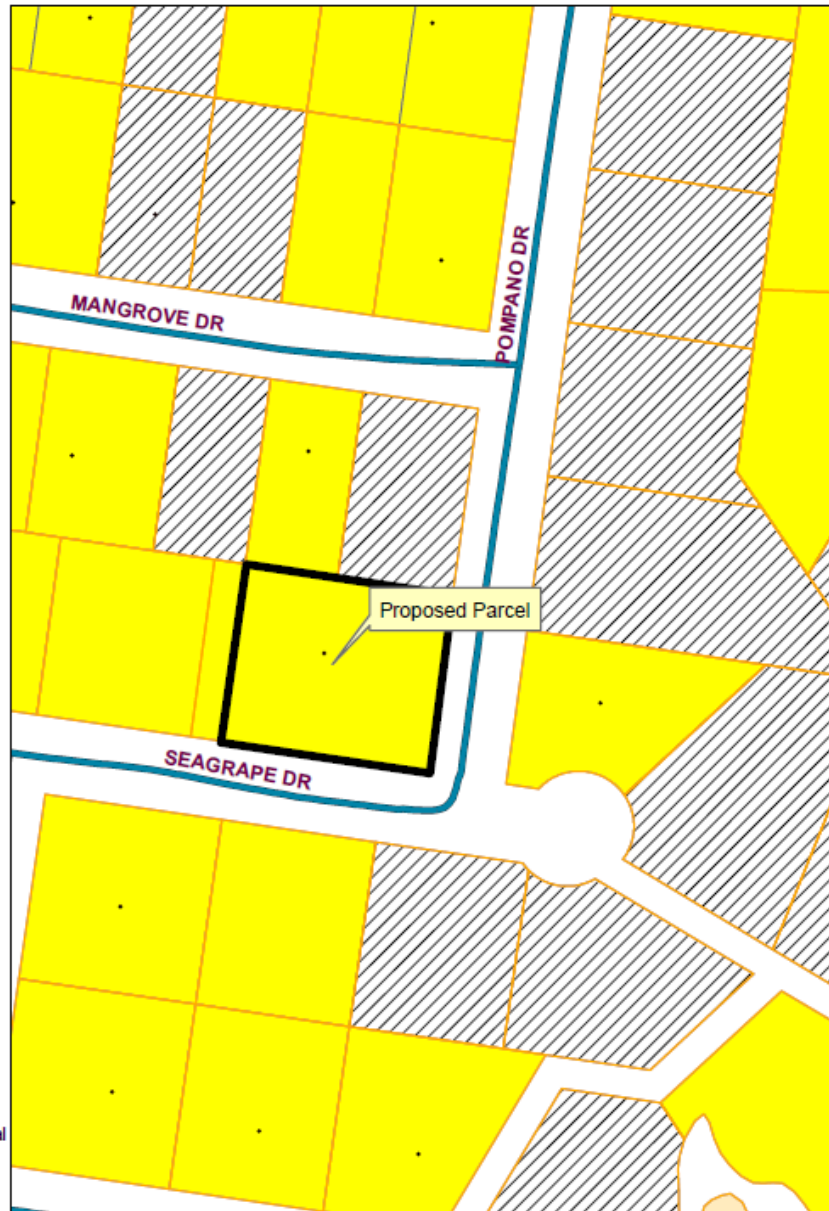


Exhibit D Future Land-Use

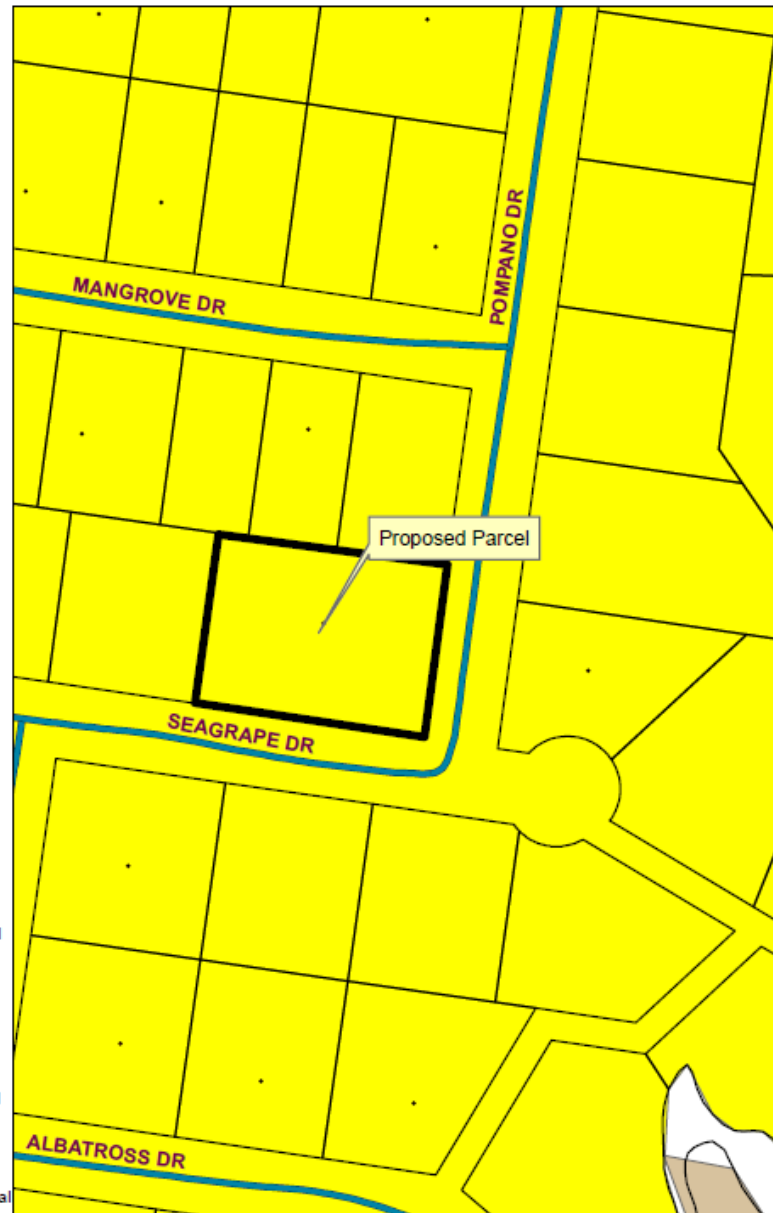
Prepared By:
City of Gautier
Planning Department

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

July 2, 2026

GPC #26-29-VAR

Lark Drive

PIDN #'s: 85905827.000, 85905826.000 & 85905825.000

VII. NEW BUSINESS

2. Consider a request for a nineteen and a half foot (19' 6") variance to the lot width requirements in a R-1 Low Density Single-Family Residential Zoning District. Lark Drive, PID #85905827.000, 85905826.000 & 85905825.000, (GPC #26-29-VAR)

**CITY OF GAUTIER
STAFF REPORT**

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: June 15, 2026

Subject: Consider a request for a nineteen and a half foot (19' 6") variance to the lot width requirements in a R-1 Low Density Single-Family Residential Zoning District. Lark Drive, PID #85905827.000, 85905826.000 & 85905825.000, (GPC #26-29-VAR)

REQUEST:

The Planning Department has received a request from Kevin Carter for a Nineteen-foot six-inch (19' 6") variance to the lot width requirements in a R-1 Low Density Single-Family Residential Zoning District on Parcel ID numbers 85905827.000, 85905826.000 & 85905825.000 on Lark Drive, (GPC #26-29-VAR). The application fee of \$175 was paid on May 7, 2026. All public notice requirements have been met.

BACKGROUND:

The applicant would like to subdivide his three (3) existing lots with a lot width and road frontage of 101 ft into five (5) lots with a lot width and road frontage of 60 feet 6 inches. Per the Unified Development Ordinance (UDO), required lot width in an R-1 Low Density Single-Family Residential district is 80 feet at the building line and a minimum of 40 feet on a public or platted street. The applicant is asking for a nineteen-foot, six-inch (19' 6") variance to minimum lot width in an R-1 Low Density Single-Family Residential Zone.

DISCUSSION:

The lots on this application are adjacent to Buddy Davis Ball Park located at 2000 Lark Drive. The applicant is attempting to obtain a Variance to subdivide three (3) parcels into five (5) parcels. The existing parcels are currently 101 feet wide with 101 feet of road frontage. The applicant's plan calls for lowering the lot width to 60 feet 6 inches. This would be a Variance of 19 feet six inches. This variance would allow the existing parcels to be split into five (5) lots.

The applicant has included two options with this application. The first option is the Variance listed above. The second option included in the application would be for a 4 feet six inch variance to transform the three (3) lots at 101 feet into four (4) lots at 75.75 feet. This option was included by the applicant in case the initial variance of 19 ft six inches is

unacceptable to the commission for recommendation of approval.

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

GPC 26-29-VAR

TO BE HEARD BY GAUTIER PLANNING COMMISSION:

FEE:

Variance

☒

\$176.00

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

Name of Applicant: Kevin Carter

Name of Business: _____ Phone: 757-327-2760

Property Address: 0 Lark Dr Gautier MS 39553 Mailing Address (if Different): 2910 Walker Dr Pascagoula MS 39581

E-Mail Address: Kevindeancarter@gmail.com

Reason for request, location and intended use of Property: Make my 3 lots ^{60.6} 75 sq ft
of Road frontage. Make my 3 lots 5 lots

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.
- N/A 3. Copy of protective covenants or deed restrictions, if any.
- N/A 4. Copies of approvals, or requests for approval, from other agencies, such as, but not limited to, the Mississippi State Department of Health, U.S. Army Corp of Engineers, Mississippi Department of Environmental Quality and Department of Marine Resources.
- N/A 5. Any other information requested by the Planning Director.

Signature of Applicant: Kevin Carter Date of Application: 5-7-26

FOR OFFICE USE ONLY

Date Received 5/7/26 Verify as Complete EP 5/13/26

Fee Amount Received 5/7/26 Initials of Employee Receiving Application EMP

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?

less road frontage

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

N/A

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. Enforcement of the Ordinance would prevent development similar to other nearby properties that have been granted variances for comparable road frontage

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 instead of building on 80 sq ft of road frontage it will be ~~75~~ 60.6 sq ft.

Please see attached

I, Tammy Sambrano & Kevin Carter, the fee simple owner of the following described property (give legal description):

See attached for PIDN & legal descriptions of Lot 25, 26 & 27

hereby petition to the City of Gautier to Grant a Variance of 60' ft of Rd frontage instead of 80 ft in Gautier

and affirm that Kevin Carter 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.

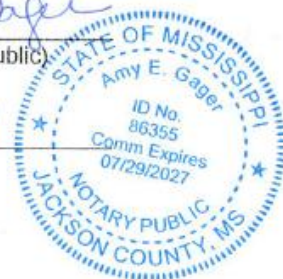
Tammy Sambrano & Kevin Carter
(Owner's Signature)

The foregoing instrument was acknowledged before me this 12th day of May, 20 26 by Tammy Sambrano & Kevin Carter who is personally known to me or has produced personally known as identification and who did take an oath.

Amy E. Gager
(Printed Name of Notary Public)

Amy E. Gager
(Signature of Notary Public)

Commission # 86355 My commission expires 7-29-27
(Notary's Seal)



8-59-05-827.000, Gautier, MS, Jackson County
 APN: 8-59-05-827.000 CLIP: 8491652096

	Beds N/A	Full Baths N/A	Half Baths N/A	Sale Price N/A	Sale Date 10/28/2021
	Bldg Sq Ft N/A	Lot Sq Ft 58,806	Yr Built N/A	Type VCNT LND-NEC	

OWNER INFORMATION

Owner Name	Carter Kevin Deonte	Tax Billing City & State	Pascagoula, MS
Owner Name 2	Sambrano Tammy A	Tax Billing Zip	39581
Tax Billing Address	2010 Walker Dr	Tax Billing Zip+4	2762

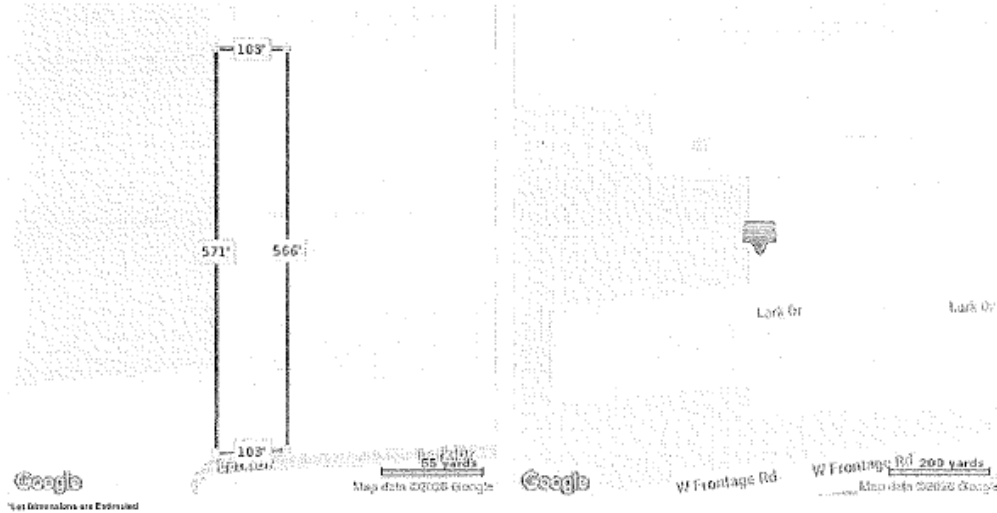
TAX INFORMATION

Tax Parcel Number	8-59-05-827.000	Lot	27
Parcel ID	85905827.000	Tax Area	3840
Alt APN	776.13-00-0027.24		
Legal Description	LOT 27 LARK DRIVE S/D PG 23-72 (27.24 MAP 776.13)		

ASSESSMENT & TAX

Assessment Year	2025	2024	2023
Assessed Value - Total	\$2,864	\$2,879	\$2,879
Assessed Value - Land	\$2,864	\$2,879	\$2,879
Market Value - Total	\$19,760	\$19,190	\$19,190
Market Value - Land	\$19,760	\$19,190	\$19,190
YOY Assessed Change (\$)	\$85	\$0	
YOY Assessed Change (%)	2.95%	0%	
Tax Year	Total Tax	Change (\$)	Change (%)
2023	\$406		
2024	\$418	\$12	2.98%
2025	\$420	\$11	2.51%

PROPERTY MAP



8-59-05-826.000, Gautier, MS, Jackson County

APN: 8-59-05-826.000 CLIP: 9152699543



Beds N/A	Full Baths N/A	Half Baths N/A	Sale Price N/A	Sale Date 10/28/2021
Bldg Sq Ft N/A	Lot Sq Ft 56,628	Yr Built N/A	Type VCNT LND-NEC	

OWNER INFORMATION

Owner Name	Carier Kevin Deonte	Tax Billing City & State	Pascagoula, MS
Owner Name 2	Sanbrano Tammy A	Tax Billing Zip	39581
Tax Billing Address	2910 Walker Dr	Tax Billing Zip+4	2762

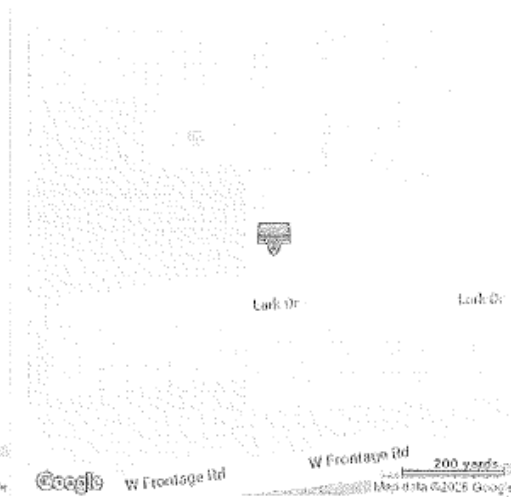
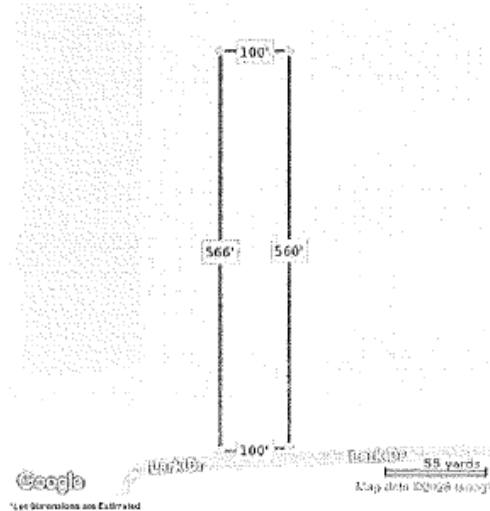
TAX INFORMATION

Tax Parcel Number	8-59-05-826.000	Lot	26
Parcel ID	85905826.000	Tax Area	3840
All APN	776.13-00-0027.23		
Legal Description	LOT 26 LARK DRIVE S/D PB 23-72 (27.23 MAP 776.13)		

ASSESSMENT & TAX

Assessment Year	2025	2024	2023
Assessed Value - Total	\$2,855	\$2,772	\$2,772
Assessed Value - Land	\$2,855	\$2,772	\$2,772
Market Value - Total	\$19,030	\$18,480	\$18,480
Market Value - Land	\$19,030	\$18,480	\$18,480
YOY Assessed Change (\$)	\$83	\$0	
YOY Assessed Change (%)	2.99%	0%	
Tax Year	Total Tax	Change (\$)	Change (%)
2023	\$381		
2024	\$403	\$12	2.98%
2025	\$413	\$10	2.56%

PROPERTY MAP



Property Detail is courtesy of TANNER BARNETT, M.S. LINDA, LLC

This data within this report is compiled by Google from public and private sources. If desired, the accuracy of the data can be independently verified by the recipient of this report with the applicable county or municipality.

Generated on: 6/5/2026

Page 1/1

8-59-05-825.000, Gautier, MS, Jackson County
APN: 8-59-05-825.000 CLIP: 8842468702

	Beds N/A	Full Baths N/A	Half Baths N/A	Sale Price N/A	Sale Date 10/28/2021
	Bldg Sq Ft N/A	Lot Sq Ft 56,192	Yr Built N/A	Type VCNT LND-NEC	

OWNER INFORMATION

Owner Name	Carter Kevin Deonte	Tax Billing City & State	Pascagoula, MS
Owner Name 2	Sambrano Tammy A	Tax Billing Zip	39581
Tax Billing Address	2910 Walker Dr	Tax Billing Zip+4	2762

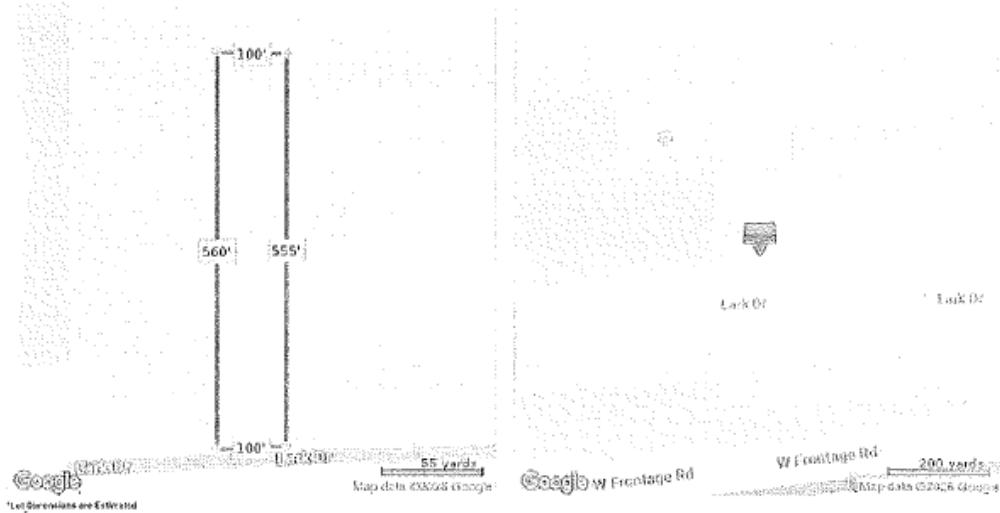
TAX INFORMATION

Tax Parcel Number	8-59-05-825.000	Lot	25
Parcel ID	88905825.000	Tax Area	3840
Alt APN	778.13-00-0027.22		
Legal Description	LOT 25 LARK DRIVE S/D PB 23-72 (27.22 MAP 778.13)		

ASSESSMENT & TAX

Assessment Year	2025	2024	2023
Assessed Value - Total	\$2,832	\$2,751	\$2,751
Assessed Value - Land	\$2,832	\$2,751	\$2,751
Market Value - Total	\$18,880	\$18,340	\$18,340
Market Value - Land	\$18,880	\$18,340	\$18,340
YOY Assessed Change (\$)	\$81	\$0	
YOY Assessed Change (%)	2.94%	0%	
Tax Year	Total Tax	Change (\$)	Change (%)
2023	\$388		
2024	\$400	\$12	2.98%
2025	\$410	\$10	2.51%

PROPERTY MAP



Property Details | Courtesy of TAMMY SAMBRANO, MLS UNITED, LLC

The data in this report is compiled by CoreLogic from public and private sources. It is a summary of the data compiled and should not be independently verified by the recipient of this report with the applicable county or municipality.

Generated on: 6/5/2025

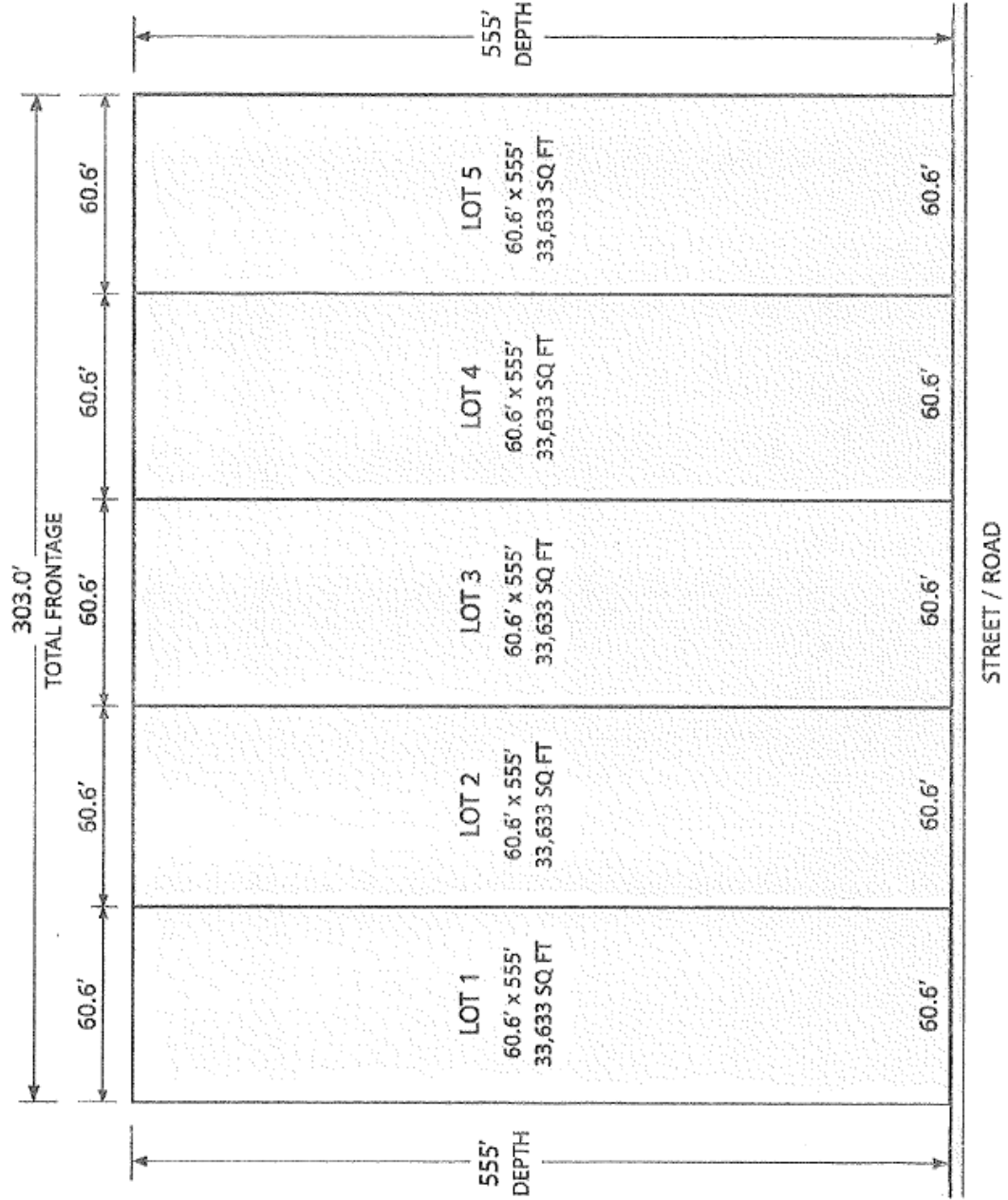
Page: 1/1

To whom it may concern,

I currently own (3) contiguous lots with a combined total of approximately 303 feet of road frontage. Each lot extends approximately 555 feet in depth.

I would like to subdivide the property into (5) lots. The intent is to divide the existing frontage in a manner that creates 5 buildable lots each approx. 60.0+ Sq ft of road frontage.

5 LOTS - 60.6' x 555'



EXCERPT FROM GAUTIER'S UNIFIED DEVELOPMENT ORDINANCE CONCERNING VARIANCES

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 Planning Commission; 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 a 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 "*Public Hearing Application*" available from the Planning and Economic Development Department and shall contain:

- A. Diagram of intended use, showing dimensions and distances of property, building with setbacks, parking spaces, entrances and exits.
- B. Legal descriptions and street address
- C. Copy of Protective covenants or deed restrictions, if any
- D. Copies of approval, or requests for approval from other agencies such as, but not limited to the MS State Department of Health, Mississippi DEQ, Corp of Engineers, and Department of Marine Resources
- E. A Detailed Project Narrative
- F. Any other information requested by the Economic Development Director and/or members of the Technical Review Committee

4.18.3 Administrative Variances

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 8.6. The following dimensional variances may be granted by the ED Director at his/her discretion:

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.

Applicant Kevin Carter, with permission from co-owner Tammy Sambrano, is asking for a 19.5-foot Variance to transform 3 parcels with 80-foot road frontage into 5 parcels with 60.6-foot road frontage.

Mr. Carter has presented two options for the variance he is applying for if his first option is not acceptable.

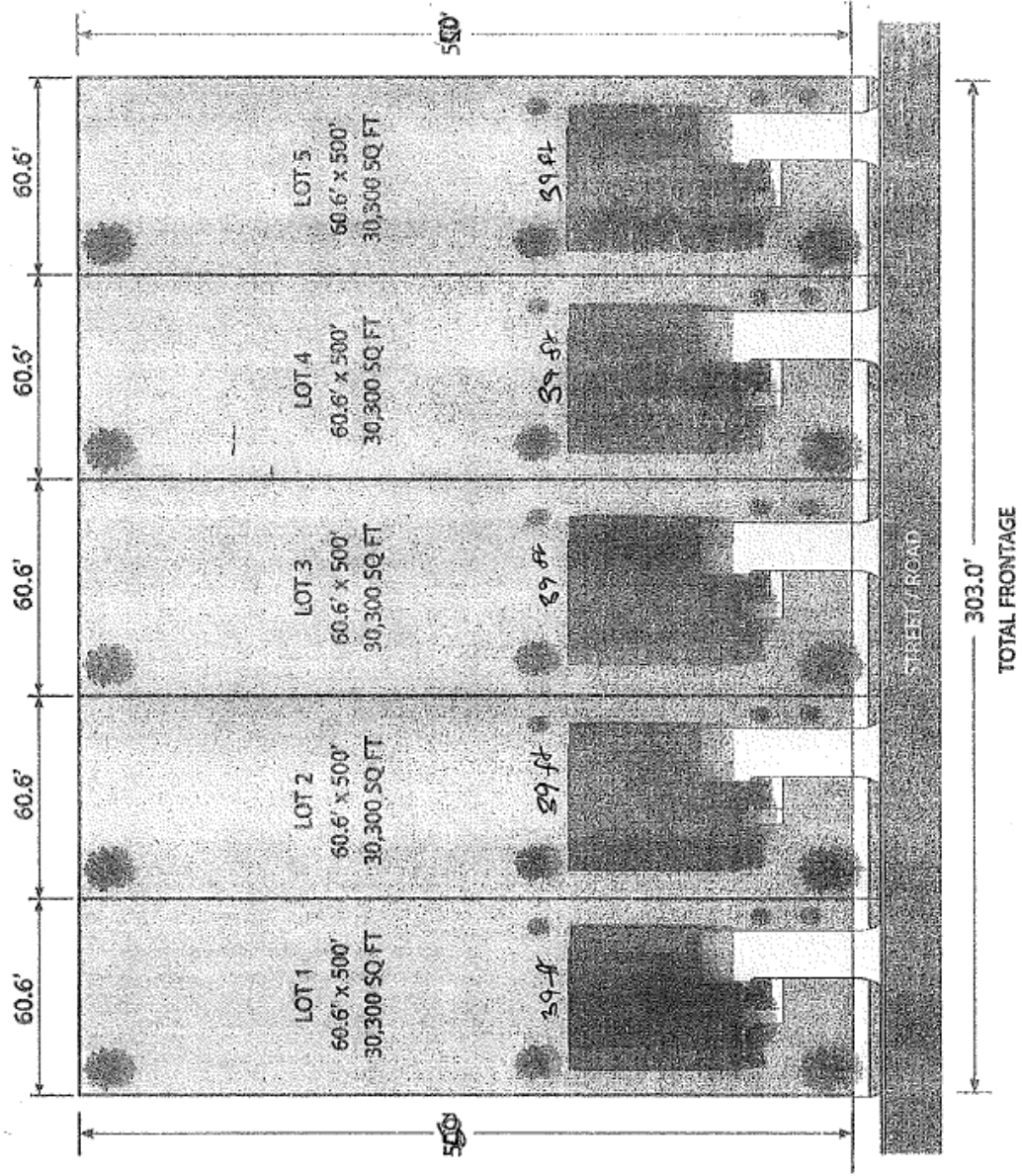
Option 1)

Mr. Carter is asking to transform 3 lots at 80-foot road frontage into 5 lots with 60.6-foot road frontage.

Option 2)

If option 1 is not acceptable, Mr. Carter will accept transforming 3 lots with 80-foot road frontage into 4 lots with 75.75-foot road frontage.

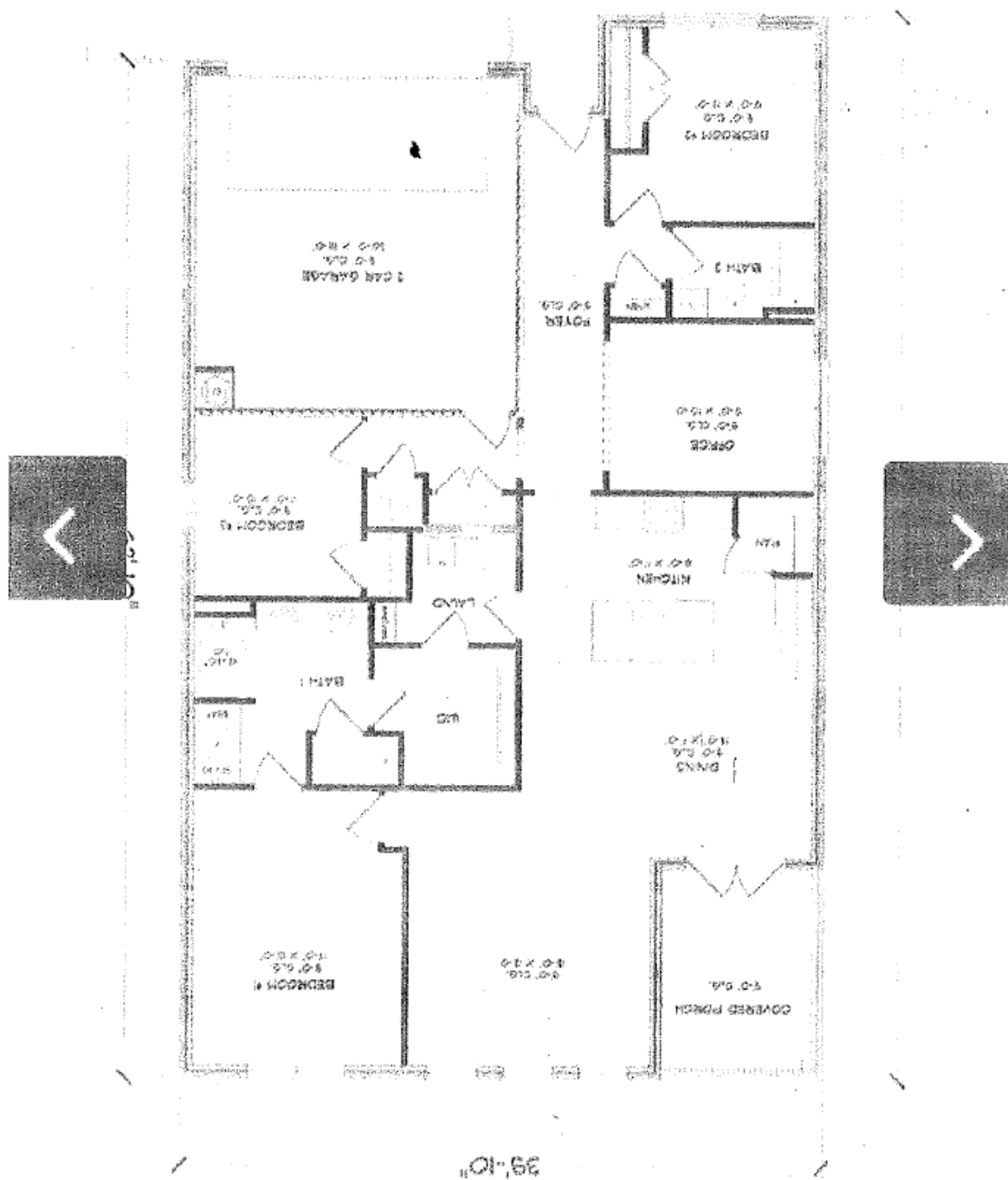
5 LOTS - 60.6' x 500'



LOT SIZE:
60.6' WIDE
500' DEEP

EACH LOT:
60.6' x 500'
30,300 SQ. FT.

1st option



2nd
option

4 LOTS - 303' x 550'

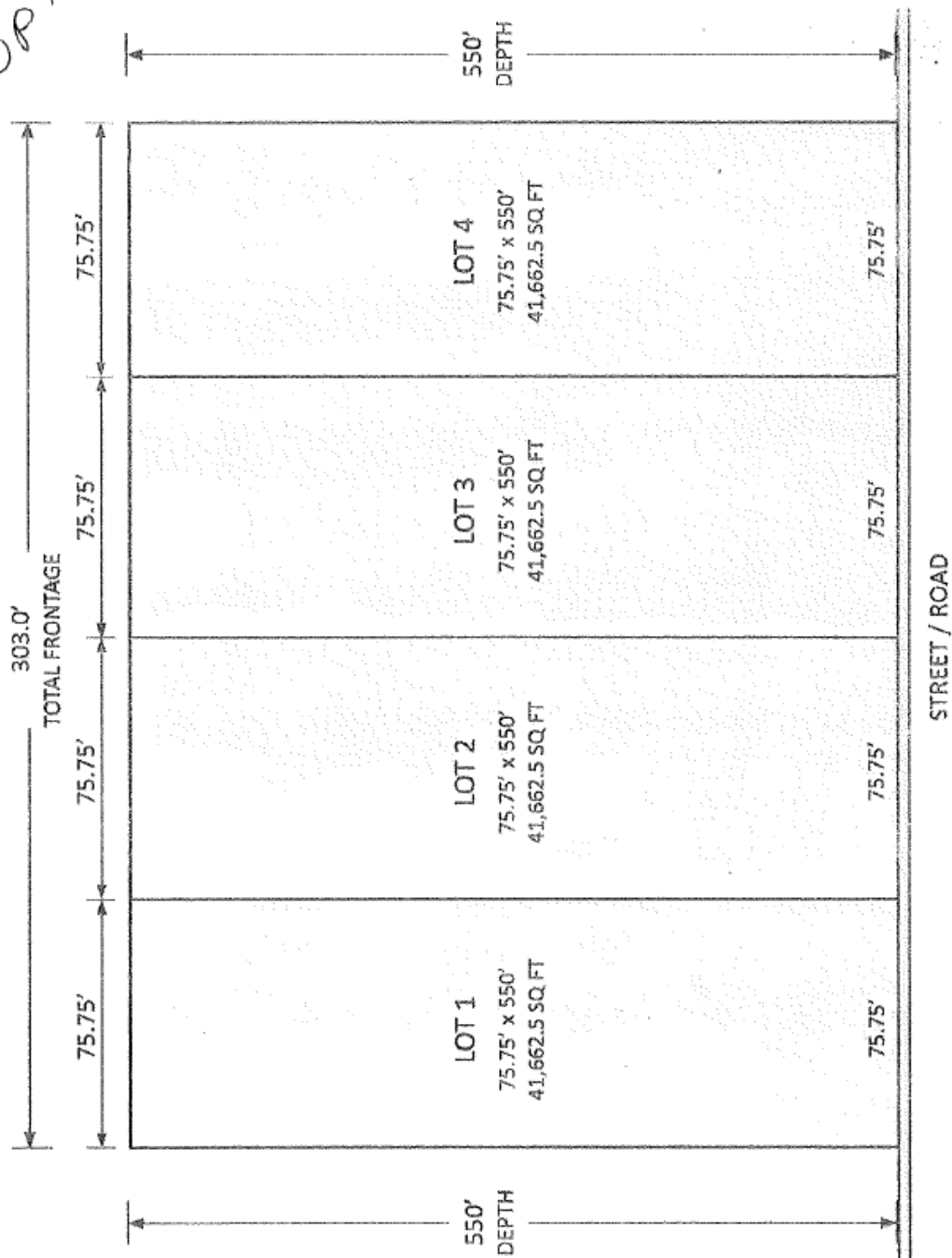
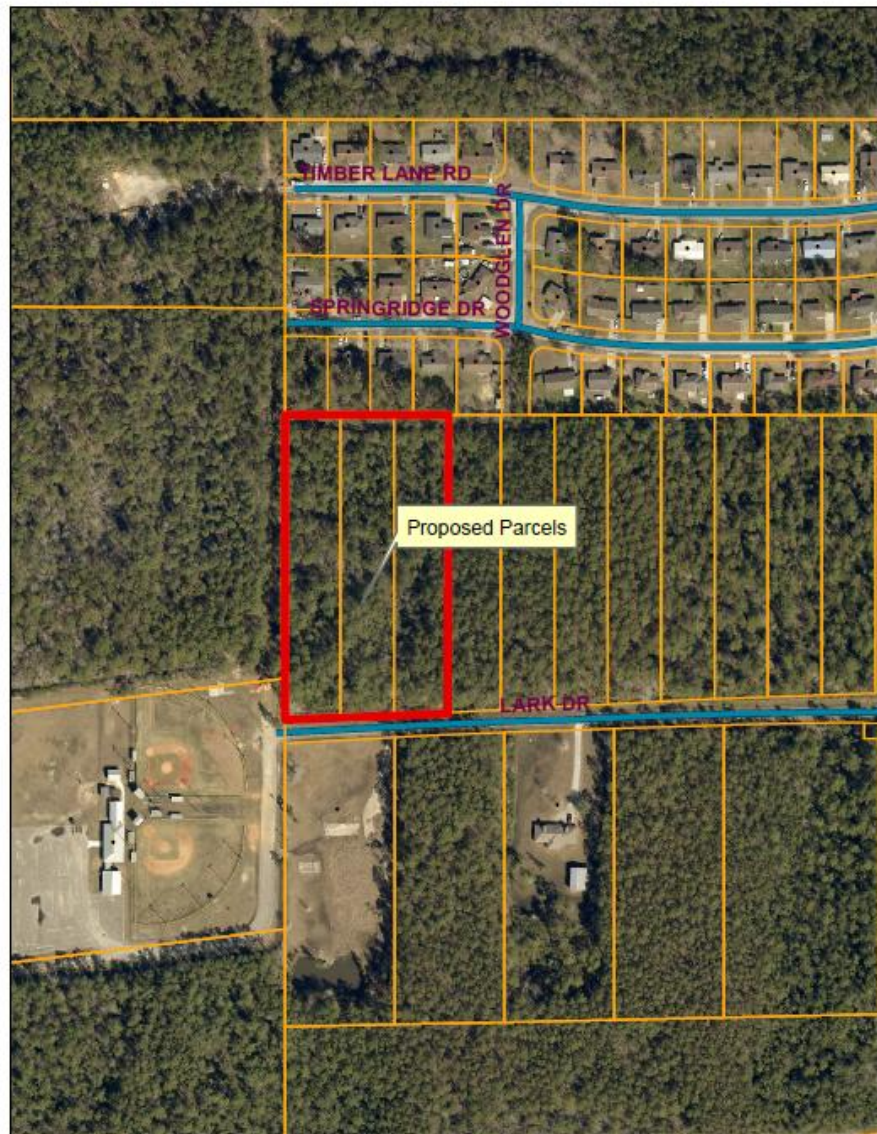


Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department



Zoning
ZONECODE

Proposed Parcels

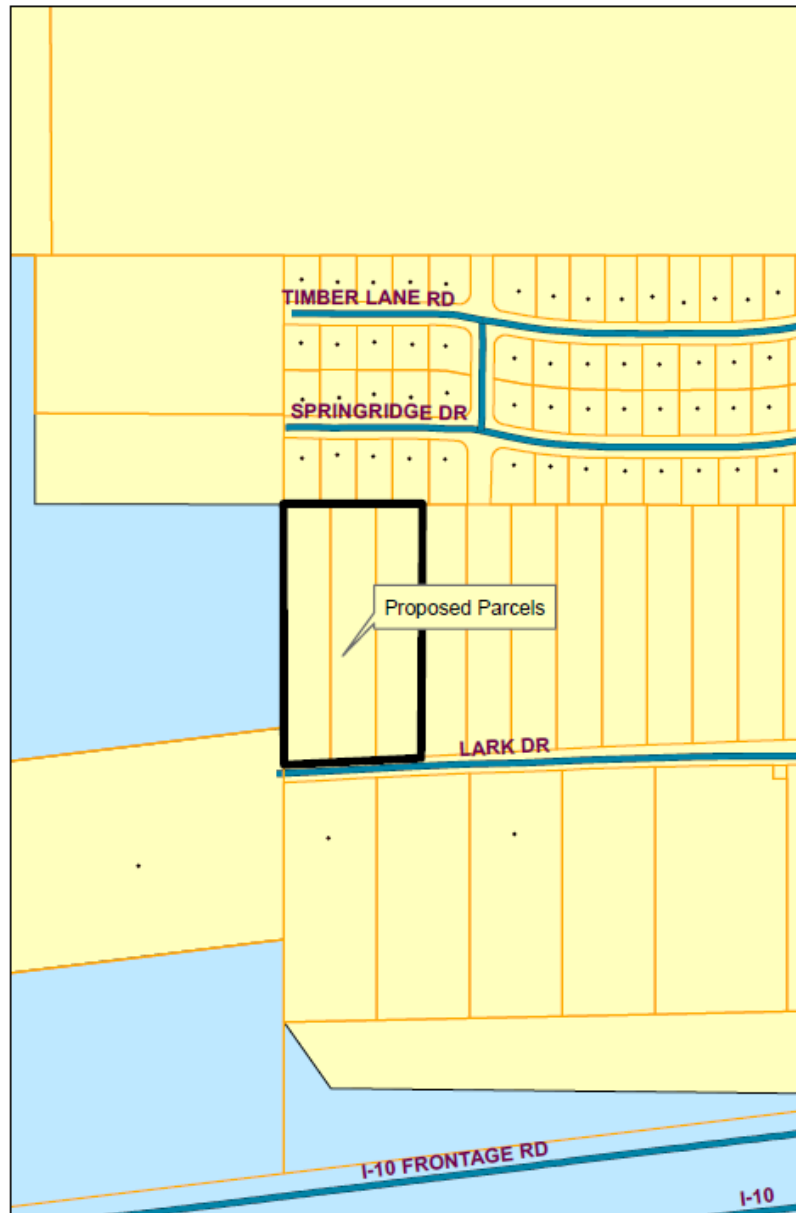


Exhibit C

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

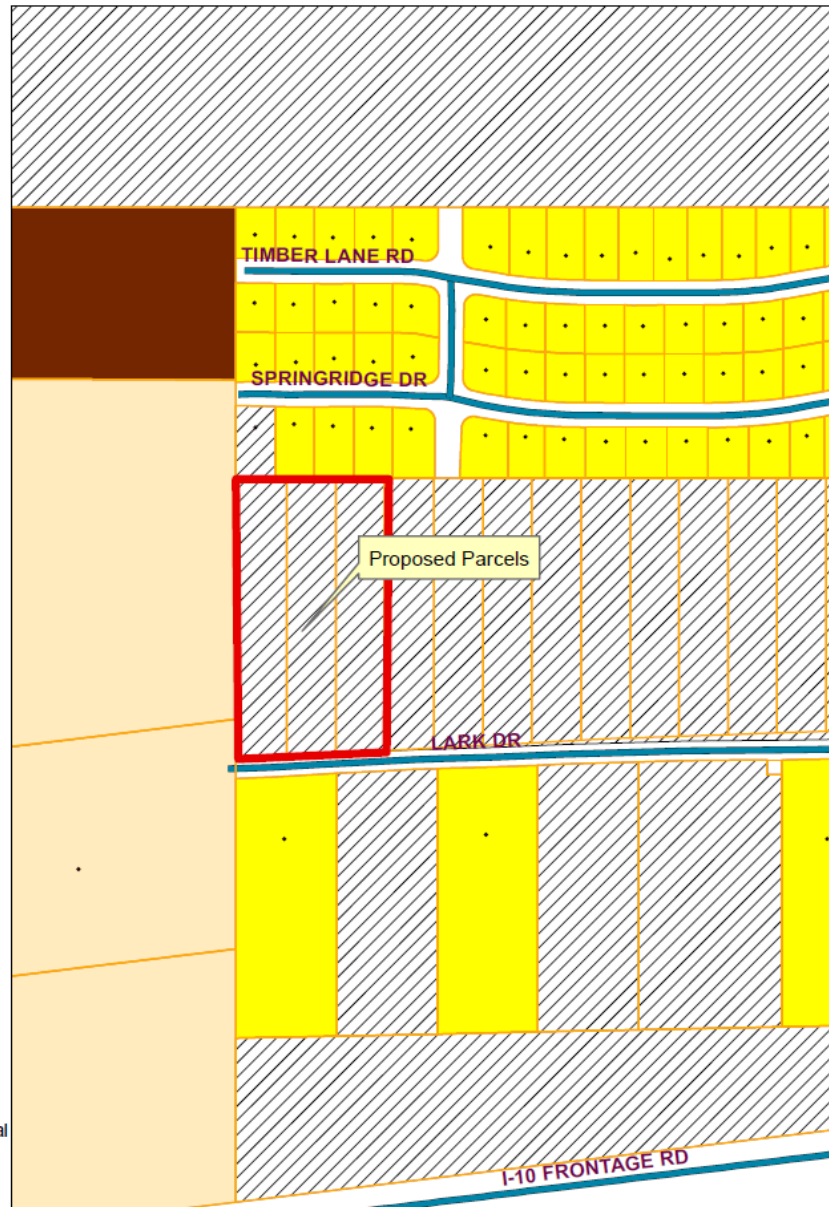


Exhibit D Future Land-Use

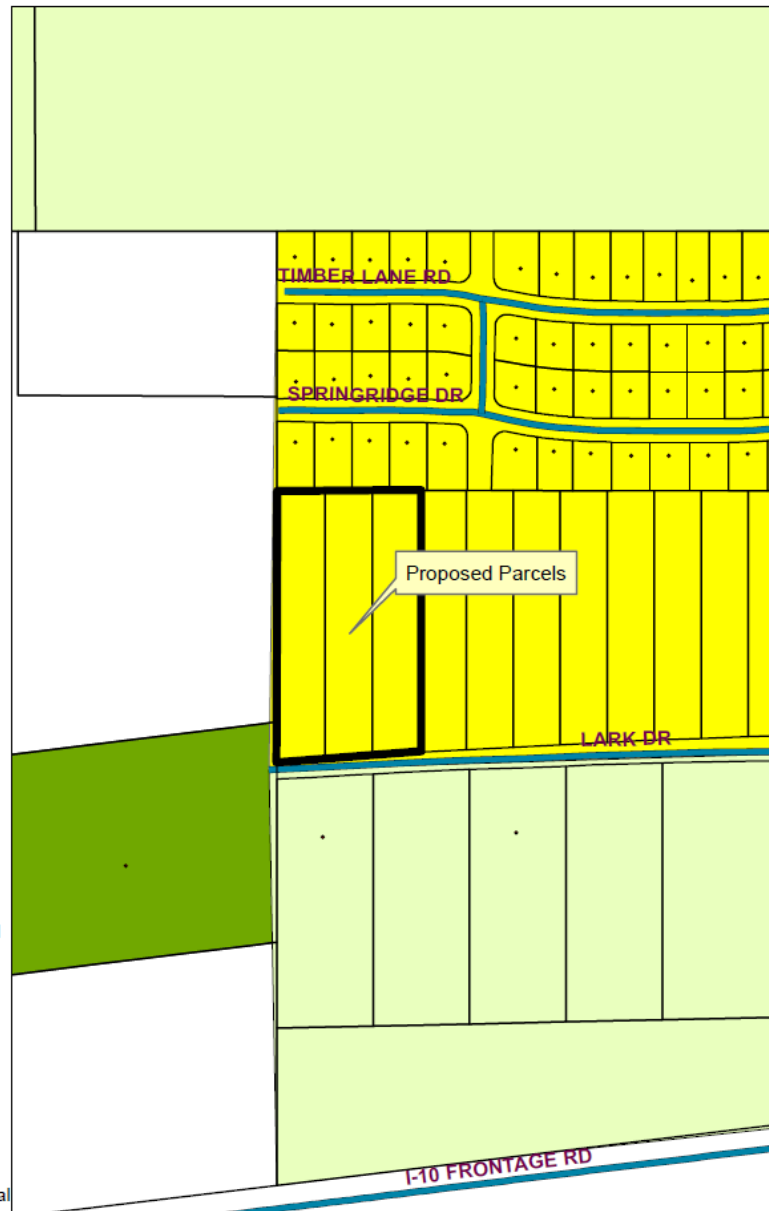
Prepared By:
City of Gautier
Planning Department

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

July 2, 2026

GPC #26-31-CU

Christopher Webb dba Spanish Trail Baptist Church

2400 Old Spanish Trail

VII. NEW BUSINESS

3. Consider a request for a Conditional Use-Major that would allow the construction of a new sanctuary building as an expansion of an existing church in a TCMU Town Center Mixed Use Zoning District. 2400 Old Spanish Trail, (GPC #26-31-CU)

**CITY OF GAUTIER
STAFF REPORT**

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: June 15, 2026

Subject: Consider a request for a Conditional Use-Major that would allow the construction of a new sanctuary building as an expansion of an existing church in a TCMU Town Center Mixed Use Zoning District. 2400 Old Spanish Trail, (GPC #26-31-CU)

REQUEST:

The Planning Department has received a request from Christopher Webb dba Spanish Trail Baptist Church for a Conditional Use-Major that would allow the construction of a new sanctuary building as an expansion of an existing church in a TCMU Town Center Mixed Use Zoning District. 2400 Old Spanish Trail, PID #82435110.000 (GPC #26-31-CU) The application fee of \$250 was paid on May 18, 2026. All public notice requirements have been met.

BACKGROUND:

The request property is zoned TCMU Town Center Mixed Use.

1. Location: 2400 Old Spanish Trail, PID #82435110.000 (See Exhibit A)
2. General features of the proposed project:
Total Area: Approximately 3 Acres
Existing Church
3. Existing Zoning – TCMU Town Center Mixed Use (See Exhibit B)
4. Existing Land Use – currently an established Church/Place of Worship (See Exhibit C)
5. Comprehensive Plan Future Land Use Designation – Town Center (See Exhibit D)

DISCUSSION:

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

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

Applicant Response: Yes

Staff Finding: Yes. A Church or Place of Worship is listed as a Conditional Use-Major in a TCMU Town Center Mixed Use District.

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

Applicant Response: Expanding current church to allow greater community assistance. See attached plan.

Staff Finding: The proposed use is allowed in a TCMU zoning district with a Major Conditional Use.

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

Applicant Response: No, the current church is expanding.

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

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

Applicant Response: No, an additional entrance and parking will be provided.

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

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

Applicant Response: Yes.

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

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

Applicant Response: Yes, a church is allowed by conditional use in a Town Center zone.

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

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

Applicant Response: No

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

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

Applicant Response: Yes

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

DETERMINATION OF APPLICABLE LAW:

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

The UDO further defines Conditional Uses-Major as uses that are not allowed by right but require a recommendation by the Planning Commission and the

approval of the City Council. Additionally, if the conditional use is transferred to a new owner, the new owner must submit a letter to the Planning Director agreeing to the current terms and condition.

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

RECOMMENDATION & CONCLUSION:

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

The Planning Commission may:

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

ATTACHMENTS:

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

GAUTIER, MISSISSIPPI
PLANNING DEPARTMENT
CONDITIONAL USE APPLICATION

Public Hearing Number

26-31-CU

TO BE HEARD BY GAUTIER PLANNING COMMISSION AND CITY COUNCIL:

Conditional Use - Major

✓

FEE:

\$251.00

TO BE HEARD BY PLANNING DIRECTOR:

Conditional Use - Minor

FEE:

\$251.00

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

Name of Applicant:

Christopher Webb

Name of Business:

Spanish Trail Baptist Church

Phone:

662-279-4305

Property Address:

2400 Old Spanish Trail

Mailing Address (if Different):

P.O. Box 327 Gautier MS.

E-Mail Address:

spanishtrailmbc@gmail.com

Proposed Use Requiring Conditional Use:

Spanish Trail Baptist Church

(Refer to Article V, UDO)

Proposed Location is:

☒ New Build

☐ Existing (with no modifications)

☐ Existing (with proposed modifications)

ATTACHMENTS REQUIRED AS APPLICABLE:

✓

1. Answers to the Criteria for Approval (see attached).

✓

2. Project Narrative (see attached).

N/A

3. Diagram of intended use (see attached).

N/A

4. Copy of protective covenants or deed restrictions, if any.

N/A

5. Copies of approvals, or requests for approval, from other agencies, such as, but not limited to, the Mississippi State Department of Health, U.S. Army Corp of Engineers, Mississippi Department of Environmental Quality and Department of Marine Resources.

✓

6. Any other information requested by the Planning Director.

✓

7. Owner's Consent form if anyone other than 100% sole owner makes application (see attached).

Signature of Applicant(s):

Christopher Webb

Date of Application:

5-18-2026

FOR OFFICE USE ONLY

Date Received 5/18/26

Verify as Complete

EMP 5/18/26

Fee Amount Received 251⁰⁰

Initials of Employee Receiving Application

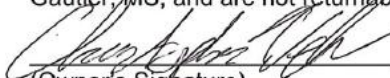
EMP

I, BOARD OF TRUSTEES, the fee simple owner(s) of the following described property:

Address:	<u>2400 OLD SPANISH TRAIL</u>
	<u>GAUTIER, MS 39553</u>
Parcel ID No.:	<u>82435110.000</u>

hereby petition to the City of Gautier to Grant a Conditional Use Major or Minor of SPANISH TRAIL BAPTIST CHURCH (state proposed use from Article V of the Unified Development Ordinance) at the above reference property and affirm that CHRISTOPHER WEBB (name of agent) 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.

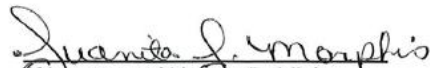

(Owner's Signature)

(Owner's Signature)

Notary Information:

The foregoing instrument was acknowledged before me this 18th day of May, 2020 by Christopher Webb, who is personally known to me or has produced Know by me as identification and who did take an oath.

Juanita S. Morris
(Printed Name of Notary Public)


(Signature of Notary Public)

Commission #

80499

(Notary's Seal)



commission expires

3/26/2030



SPANISH TRAIL BAPTIST CHURCH

PO Box 377 2400 Old Spanish Trail Gautier, MS 39553 (228)471-5049

spanishtrailbc@gmail.com

www.spanishtrailbc.org

www.facebook.com/spanishtrailbaptist

May 15, 2026

Gautier City Hall
3330 US-90
Gautier, MS 39553

To Whom It May Concern:

The Board of Trustees of Spanish Trail Baptist Church hereby grants Pastor Chris Webb the authority to sign documents related to the building project for a new sanctuary, parking lot, and any other matters associated with this project on the church's property.

This authorization is given on behalf of the Board of Trustees of Spanish Trail Baptist Church and shall remain in effect unless otherwise revoked by the Board.

Sincerely,

Pastor Christopher Webb, Trustee

H. Carrol Lewallen, Trustee

Richard Montague, Trustee

James H. Morgan, Trustee

Timothy Suttles, Trustee

Prepared by and Return to:
E. Foley Ranson, P.A.
P. O. Box 848
Ocean Springs, MS 39566
Telephone: 228-875-8770
MS Bar No. 4629
File No: 26-R6968

Indexing Instructions:
Lot 210, Point Clear Riviera, Sec. J
Jackson County, Mississippi

TITLE NOT EXAMINED

Grantor:
Spanish Trail Baptist Church
FKA Gautier Baptist Church
2400 Spanish Trail
Gautier, MS 39553
Telephone: 228-471-5049

Grantee:
Spanish Trail Baptist Church, Inc.
2400 Spanish Trail
Gautier, MS 39553
Telephone: 228-471-5049

STATE OF MISSISSIPPI
COUNTY OF JACKSON

QUITCLAIM DEED

For and in consideration of the sum of Ten Dollars, cash in had paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, **SPANISH TRAIL BAPTIST CHURCH, FORMERLY KNOWN AS GAUTIER BAPTIST CHURCH**, does hereby sell, convey and quitclaim unto **SPANISH TRAIL BAPTIST CHURCH, INC.**, a **Mississippi Corporation**, the following described property, situated in the County Jackson, State of Mississippi, as follows, to-wit:

**Lot 210, POINT CLEAR RIVIERA, SECTION J, as per plat thereof
recorded in Plat Book 10, Page 37, Records of Plats on file in the Office of the**

Chancery Clerk of Jackson County, Mississippi.

Subject property being the same as that conveyed to H. Carrol Lewallen, Chester W. Yocom, James H. Morgan, Larry W. Benefield and Austin W. McKenzie, and/or their successors in Office, Trustees of Gautier Baptist Church by Special Warranty Deed from the Secretary of Veterans Affairs, an Officer of the United States of America, and recorded in Deed Book 1640 at Page 604 in the Land Records of Jackson County, Mississippi.

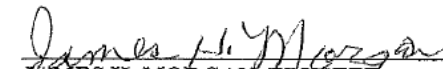
A Name Change Resolution changing the name of Gautier Baptist Church to Spanish Trail Baptist Church is recorded in Book 42 at Page 524 in the Office of the Chancery Clerk of Jackson County, Mississippi.

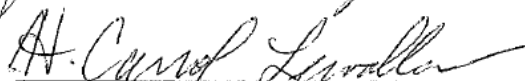
This conveyance is made subject to any and all recorded restrictive covenants, rights of way, easements and reservations of any oil, gas, minerals and other rights.

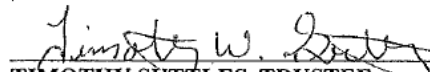
WITNESS THE SIGNATURES of the undersigned on this the 17th day of

May, 2026.


CHRISTOPHER WEBB, TRUSTEE


JAMES H. MORGAN, TRUSTEE


H. CARROL LEWALLEN, TRUSTEE


TIMOTHY SUTTLES, TRUSTEE


RICHARD MONTAGUE, TRUSTEE

STATE OF MS
COUNTY OF Jackson

PERSONALLY appeared before me, the undersigned authority in and for the aforesaid jurisdiction, the within named CHRISTOPHER WEBB, TRUSTEE OF SPANISH TRAIL BAPTISH CHURCH, FORMERLY KNOWN AS GAUTIER BAPTISH CHURCH, who acknowledged that he executed and delivered the above and foregoing instrument on behalf of and as the act and deed of said Church, after first being authorized so to do.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the 1st day of May, 2026.

Juanita J. Morphis
NOTARY PUBLIC

My Commission Expires: March 26, 2030



STATE OF ms

COUNTY OF Jackson

PERSONALLY appeared before me, the undersigned authority in and for the aforesaid jurisdiction, the within named **JAMES H. MORGAN, TRUSTEE OF SPANISH TRAIL BAPTISH CHURCH, FORMERLY KNOWN AS GAUTIER BAPTISH CHURCH**, who acknowledged that he executed and delivered the above and foregoing instrument on behalf of and as the act and deed of said Church, after first being authorized so to do.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the 14th day of may, 2026.

Juanita J. Morphis
NOTARY PUBLIC

My Commission Expires:

March 26, 2030



STATE OF ms

COUNTY OF Jackson

PERSONALLY appeared before me, the undersigned authority in and for the aforesaid jurisdiction, the within named **H. CARROL LEWALLEN, TRUSTEE OF SPANISH TRAIL BAPTISH CHURCH FORMERLY KNOWN AS GAUTIER BAPTISH CHURCH**, who acknowledged that he executed and delivered the above and foregoing instrument on behalf of and as the act and deed of said Church, after first being authorized so to do.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the 17th day of June, 2026.

Juanita J. Morphis
NOTARY PUBLIC

My Commission Expires: March 26, 2030



STATE OF ms

COUNTY OF Jackson

PERSONALLY appeared before me, the undersigned authority in and for the aforesaid jurisdiction, the within named **TIMOTHY SUTTLES, TRUSTEE OF SPANISH TRAIL BAPTISH CHURCH FORMERLY KNOWN AS GAUTIER BAPTISH CHURCH**, who acknowledged that he executed and delivered the above and foregoing instrument on behalf of and as the act and deed of said Church, after first being authorized so to do.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the 14th day of May, 2026.

Juanita J. Morphis
NOTARY PUBLIC

My Commission Expires: March 26, 2030



STATE OF ms

COUNTY OF Jackson

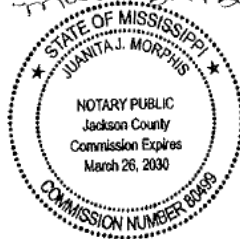
PERSONALLY appeared before me, the undersigned authority in and for the aforesaid jurisdiction, the within named **RICHARD MONTAGUE, TRUSTEE OF SPANISH TRAIL BAPTISH CHURCH FORMERLY KNOWN AS GAUTIER BAPTISH CHURCH**, who acknowledged that he executed and delivered the above and foregoing instrument on behalf of and as the act and deed of said Church, after first being authorized so to do.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the 17th day of May, 2026.

Juanita J. Morphis
NOTARY PUBLIC

My Commission Expires:

March 26, 2030



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

MAJOR CONDITIONAL USE CRITERIA FOR APPROVAL

1. Is the proposed use listed in the list of possible Conditional Uses in the particular Zoning District?
Yes.
2. Please describe how the project is compatible with the character of development in the vicinity relative to (a) density, bulk, and intensity of structures, (b) parking, and (c) other uses. Please attach parking plan, site plan, architectural rendering, or other plans. *expanding current church to allow greater community assistance, see attached*
3. Will your project negatively affect neighboring property values or pose a real or perceived threat to citizens? Explain. *No, current church is expanding.*
4. Will your project adversely affect vehicular or pedestrian traffic in the vicinity? Explain. *No, additional entrance and parking will be provided.*
5. Can the proposed use be accommodated by existing or proposed public services and facilities including, but not limited to, water, sanitary sewer, streets, drainage, police and fire protection, and schools? *Yes.*
6. Is the proposed use in harmony with the Comprehensive Plan? Explain how. *Yes, churches are allowed by conditional use in a town center zone.*
7. Does the proposed use pose a hazardous, detrimental, or disturbing affect, either real or perceived, to present surrounding land uses due to noises, glare, smoke, dust, odor, fumes, water pollution, vibration, electrical interference, or other nuisances? Explain. *No.*
8. Does the use conform to all district regulations for the applicable district in which it is located, or have other provisions been provided for? Explain. *Yes.*

MINOR CONDITIONAL USE CRITERIA FOR APPROVAL

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

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

NARRATIVE

STBC has decided the need to build a bigger auditorium because of the lack of space inside our existing building. God has been moving and we have been growing in number at Spanish Trail Baptist Church. The plan is to build a new Sanctuary detached from the existing building. The building will be 100' from the road and approx 84' long and 50' wide. Seating that will hold around 240 people. We will also build a new drive way on the west side of the property and a new parking lot and pull through to accommodate the bigger Sanctuary. The new Sanctuary will be bricked the same color as the existing building. The new building will be placed in front of the existing building as per the drawing attached.

Pastor Chris Webb

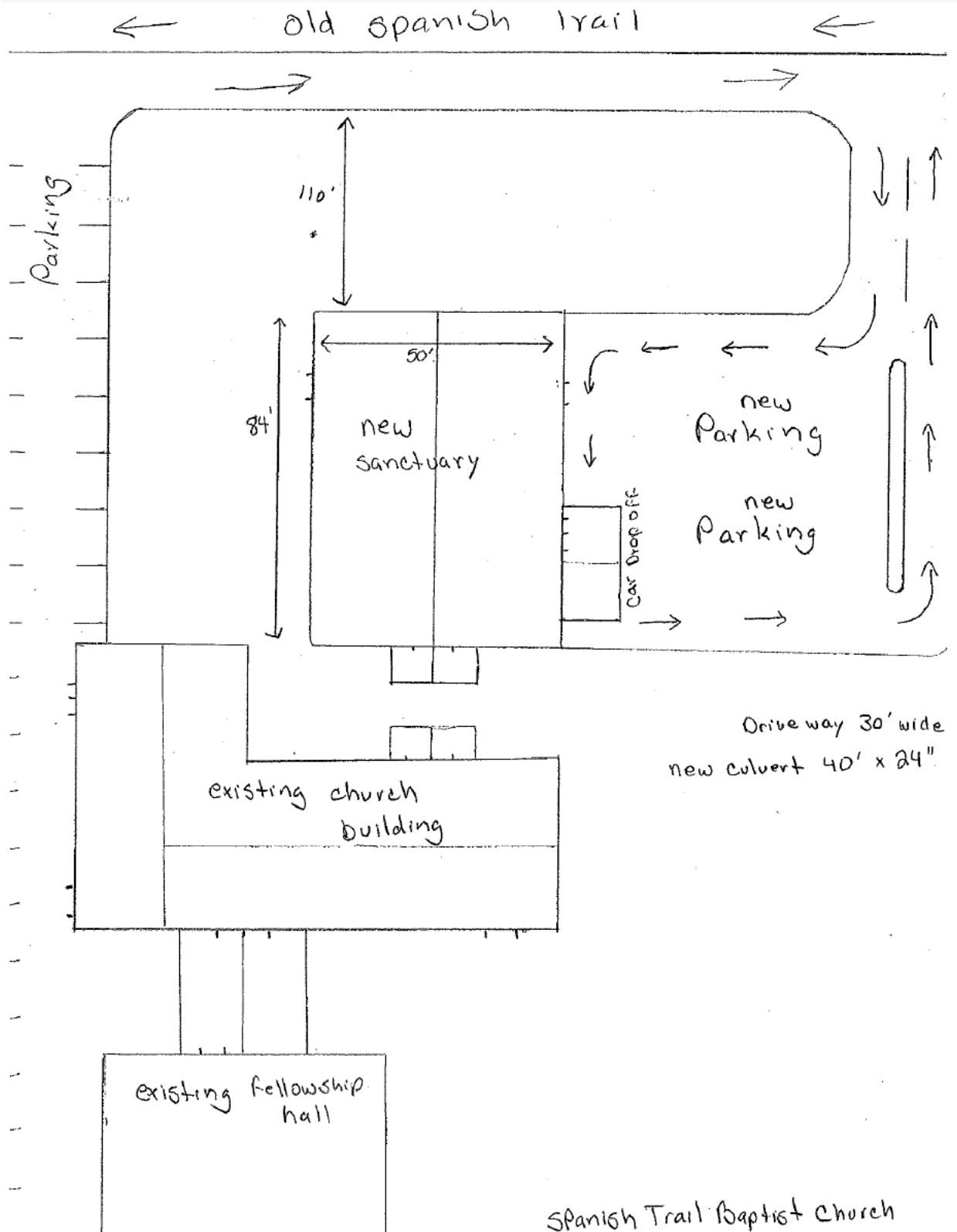


Exhibit A Location Map

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

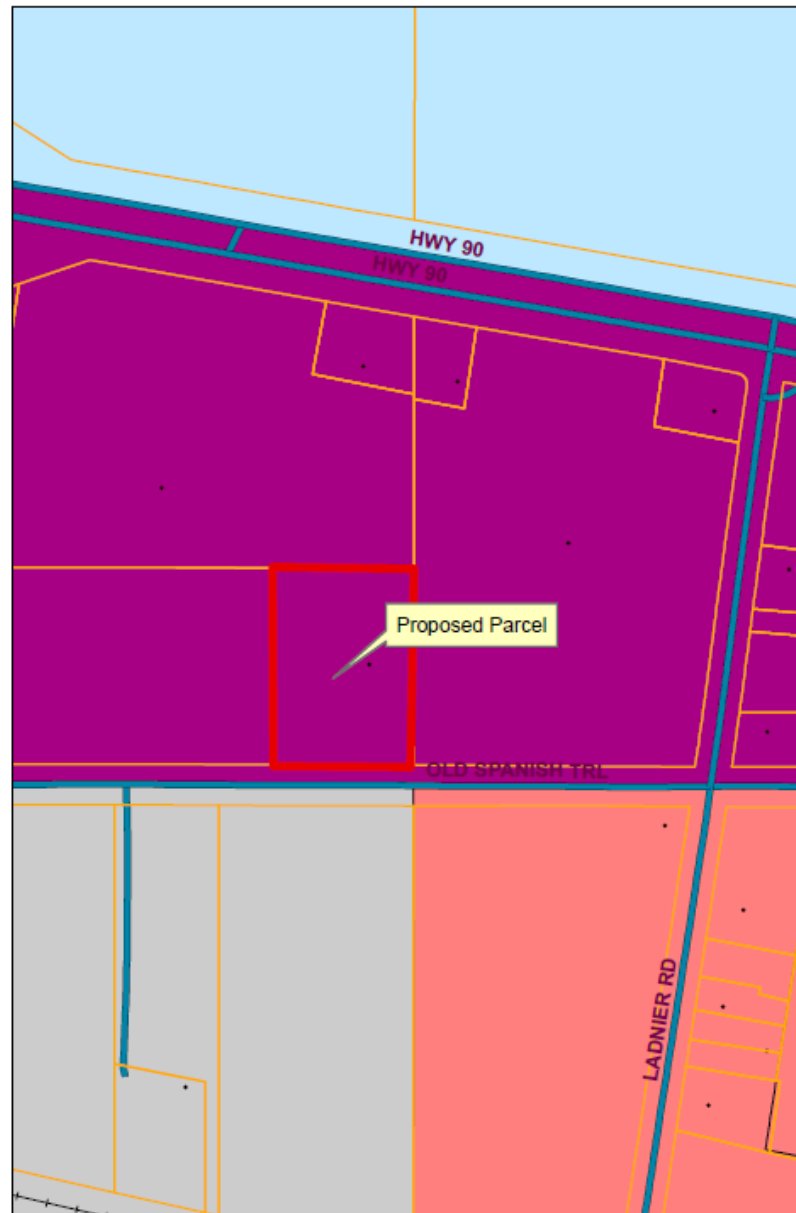


Exhibit C

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

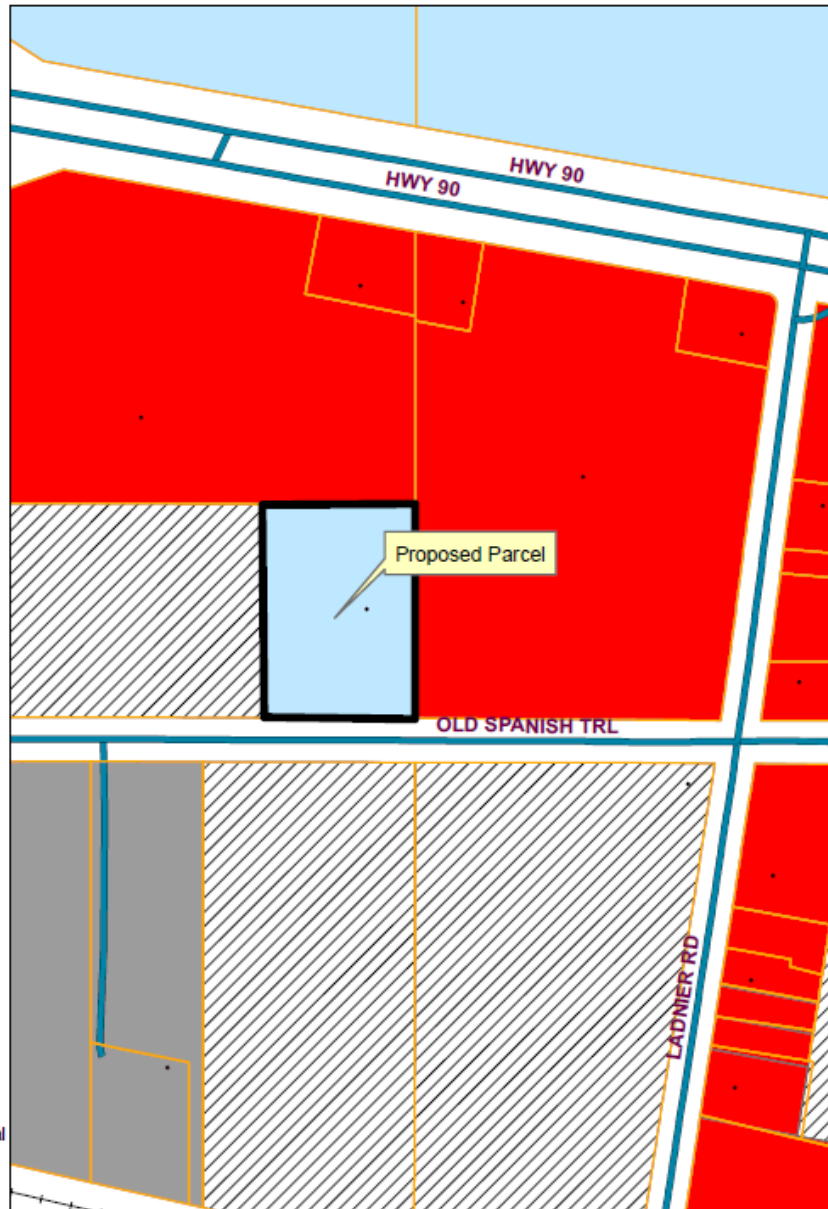


Exhibit D Future Land-Use

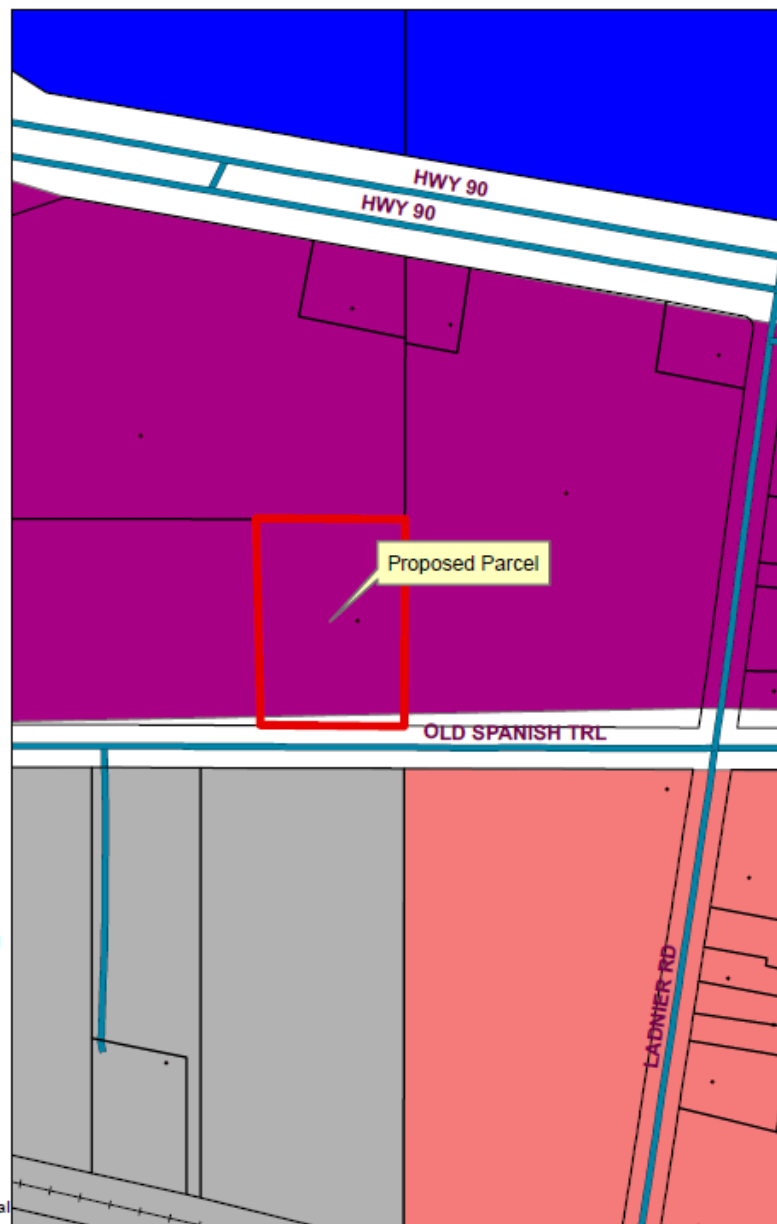
Prepared By:
City of Gautier
Planning Department

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

JULY 2, 2026

GPC #26-32-VAR

9025 FERRY POINT RD

VII. NEW BUSINESS

4. Consider a request for a sixty-foot (60') variance for an accessory structure in front of the rear building line in an RE Residential Estate Zoning District. 9025 Ferry Point Rd, PID #81909514.005, (GPC #26-32-VAR)

**CITY OF GAUTIER
STAFF REPORT**

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: June 15, 2026

Subject: Consider a request for a sixty-foot (60') variance for an accessory structure in front of the rear building line in an RE Residential Estate Zoning District. 9025 Ferry Point Rd, PID #81909514.005, (GPC #26-32-VAR)

REQUEST:

The Planning Department has received a request from Jeff Carey for a sixty-foot (60') variance for an accessory structure in front of the rear building line in an RE Residential Estate Zoning District at 9025 Ferry Point Rd, PID #81909514.005. (GPC #26-32-VAR) The application fee of \$175 was paid on May 19, 2025. All public notice requirements have been met.

BACKGROUND:

The applicant would like to put an accessory structure next to his home in a Residential Estate Zoning District. His home is currently under construction, along with an attached garage and a planned detached shop building. The Unified Development Ordinance (UDO) Section 5.4.3 (D) states that accessory structures shall be located in the rear yard of the principal use structure. The applicant is asking for a sixty-foot (60') variance that would allow the shop to be next to the principal use structure.

DISCUSSION:

The applicant requests a sixty-foot (60') variance to allow an accessory structure to be placed beside the home on Ferry Point Drive. Because the parcel is zoned RE Residential Estate, accessory structures are permitted only in the rear yard. In the R-1 Low Density Single-Family Residential, R-1A Medium Density Residential, and R-2 High Density Residential districts, similar accessory structures may be placed beside the principal structure if they are located behind the front building line. As shown on the attached diagrams and maps, the parcel's nearest road frontage is on Castelle Bluff Drive, which establishes the front building line.

DETERMINATION OF APPLICABLE LAW:

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

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

The UDO defines **Hardship** as:

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

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

UDO SECTION 4.18: Variance

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

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

4.18.1 Who May Initiate

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

4.18.2 Application for Variance

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

4.18.3 Administrative Variances

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

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

4.18.4 Criteria for Approval

The Variance application shall demonstrate the following:

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

RECOMMENDATION & CONCLUSION:

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

The Planning Commission may:

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

ATTACHMENTS:

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

PLANNING DEPARTMENT

PUBLIC HEARING APPLICATION

Public Hearing Number

26-32-VAR

TO BE HEARD BY GAUTIER PLANNING COMMISSION:

FEE:

Variance

\$176.00

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

Name of Applicant: Jeff Carey

Name of Business: N/A Phone: 601-906-8984

Property Address: 9025 Ferry Point Rd Mailing Address (if Different):

E-Mail Address: justjcarey@gmail.com

Reason for request, location and intended use of Property: Accessory Building at Family Residence.

ATTACHMENTS REQUIRED AS APPLICABLE:

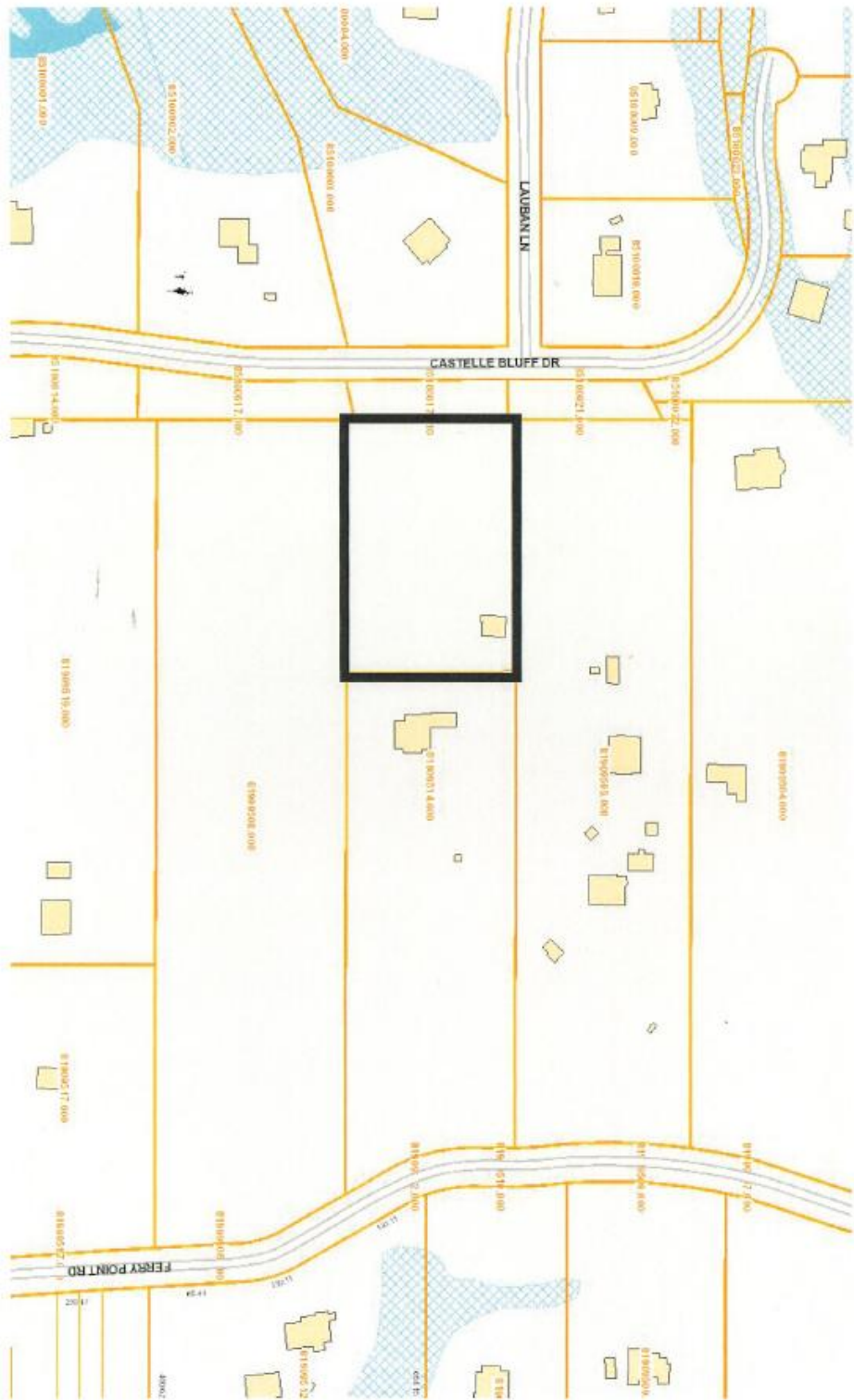
- ☒ 1. Diagram of intended use, showing dimensions and distances of property, building with setbacks, parking spaces, entrances and exits.
- ☒ 2. A detailed project narrative.
- ☒ 3. Copy of protective covenants or deed restrictions, if any.
- ☒ 4. Copies of approvals, or requests for approval, from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

Signature of Applicant: Jeff Carey Date of Application: 5/19/2026

FOR OFFICE USE ONLY

Date Received 5/19/26 Verify as Complete EMP

Fee Amount Received 176.00 Initials of Employee Receiving Application EMP



Parcels: CAREY JEFFREY L

GSP	677.36-00-0057.01
FIRST_ROUTE	0057
FIRST_SUFF	01
FIRST_SHAP	140.691.89
O/D_	
ID	79,711.00
PIDN	81909514.005
MAPNO	
GSP_1	677.36-00-0057.01
NAME	CAREY JEFFREY L
NAME2	CAREY JILAINE
ADDRESS	57 NAPOLEON CIR
CITY	BRANDON MS
ZIP	39047
LOCATION	9020 CASTELLE BLUFF DR GAUTIER
DESC1	COM SWC US GOV LOT 3 E 33' N 660
DESC2	'TO POB N 37.36 S 77°W 54.36' N
DESC3	304.62' E 520' S 329.72' W 465.4
DESC4	1' TO POB DB 2231-119 (57.1 MAP 6
DESC5	77.36) 'PER SURVEY'
DESC6	
DESC7	
DESC8	
DESC9	
D8	2231
DP	119
SECTION	36
TOWN	6
RANGE	7
ACREAGE	3.53
EXEMPT	0
DISTRICT	3840
TYPE	SINGLE FAMILY RESIDENTIAL
COMMERCIAL	

OFFICIAL RECORDS JACKSON COUNTY
JAN 21 10 57 AM
CHANCELLER'S OFFICE
RECORDING FEE \$25.00
#202601390 BK 2244 PG 428-431
01/26/2026 10:57:28 AM 4 PGS
AMELLMAN, DC R00182495



202601390 4 PGS

This instrument prepared by:
Halsey Cumbest, MS Bar No. 7949
Cumbest, Cumbest, Hunter & McCormick, PA
P.O. Drawer 1287
Pascagoula, MS 39568-1287
Telephone: 228-762-5422

Return to:
Cumbest, Cumbest, Hunter & McCormick, PA
P.O. Drawer 1287
Pascagoula, MS 39568-1287

Index in: In Gov't Lots 3 and 4 of
Fractional Section 36, T6S, R7W, Jackson
County, MS

Grantor Address:
Jacqueline M. Cumbest
9023 Ferry Point Rd
Gautier, MS 39553
Telephone: 228-219-9023

Grantee Address:
Jeffrey L. Carey
Jilaine R. Carey
57 Napoleon Circle
Brandon, MS 39047
Telephone: 601-209-9065

STATE OF MISSISSIPPI

COUNTY OF JACKSON

WARRANTY DEED

FOR AND IN CONSIDERATION of the price and sum of TEN AND NO/100 (\$10.00)
DOLLARS, cash in hand paid and other good and valuable consideration, the receipt and sufficiency
of which is hereby acknowledged, I, **JACQUELINE M. CUMBEST**, a widow, do hereby sell,
convey and warrant unto **JEFFREY L. CAREY and wife, JILAINE R. CAREY**, as joint tenants
with full rights of survivorship and not as tenants in common, the following described tract, piece
or parcel of property, located and situated in Jackson County, Mississippi, being more particularly
described as follows, to-wit:

Tract 2:

Being a tract of land situated in Governmental Lots 3 and 4 of Fractional Section 36,
Township 6 South, Range 7 West, Jackson County, Mississippi and more particularly
described as follows:

Commencing at the Southwest corner of U.S. Governmental Lot 3, Fractional Section
36, Township 6 South, Range 7 West, Jackson County, Mississippi and run South 89
degrees 07 minutes 42 seconds East a distance of 33.00 feet to a point; thence run
North 0 degrees 00 minutes 00 seconds East a distance of 660.00 feet to a found 1/2
inch rebar for the POINT OF BEGINNING; thence run North 0 degrees 12 minutes
03 seconds West a distance of 37.36 feet to a set 1/2" rebar; thence run North 0
degrees 18 minutes 05 seconds West a distance of 292.62 feet to a found 1/2 inch
rebar; thence run South 89 degrees 27 minutes 53 seconds East a distance of 467.08
feet to a set 1/2 inch rebar; thence run South 0 degrees 00 minutes 00 seconds East a
distance of 279.72 feet to a set 1/2 inch rebar; thence run South 89 degrees 27 minutes
53 seconds East a distance of 927.54 feet to a set 1/2 inch rebar on the West margin

of Ferry Point Road; thence run along a curve to the left having a radius of 657.95 feet and a chord length of 57.52 feet which bears South 29 degrees 05 minutes 01 seconds East to a found ½ inch rebar; thence run North 89 degrees 27 minutes 53 seconds West a distance of 1420.91 feet back to the Point of Beginning, containing 4.609 acres, more or less, and being shown as Parcel 2 on survey by Duke Land Surveying dated December 29, 2025 attached hereto and made a part hereof.

AND ALSO:

Tract 3:

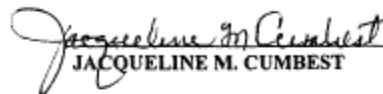
Being a tract of land situated in Governmental Lots 3 and 4 of Fractional Section 36, Township 6 South, Range 7 West, Jackson County, Mississippi and more particularly described as follows:

Commencing at the Southwest corner of U.S. Governmental Lot 3, Fractional Section 36, Township 6 South, Range 7 West, Jackson County, Mississippi and run South 89 degrees 07 minutes 42 seconds East a distance of 33.00 feet to a point; thence run North 0 degrees 00 minutes 00 seconds East a distance of 660.00 feet to a found ½ inch rebar; thence run North 0 degrees 12 minutes 03 seconds West a distance of 37.36 feet to a set ½" rebar for the POINT OF BEGINNING; thence run South 77 degrees 00 minutes 00 seconds West a distance of 54.39 feet to a set ½ inch rebar; thence run North 0 degrees 17 minutes 24 seconds West along the East margin of Castle Bluff Road a distance of 304.62 feet to a set ½" rebar; thence run North 90 degrees 00 minutes East a distance of 53.00 feet to a found ½ inch rebar; thence run South 0 degrees 18 minutes 05 seconds East a distance of 292.39 feet back to the Point of Beginning, containing 0.363 acres, more or less, and being shown as Tract 3 on survey by Duke Land Surveying dated December 29, 2025 attached hereto and made a part hereof.

This Deed includes acreage previously conveyed to the Grantees herein by Warranty Deed dated August 19, 2025, recorded in Deed Book 2224, Pages 872-875 and also includes additional acreage encompassed by the conveyance herein.

This conveyance is made subject to any and all oil, gas and other minerals in, on and under the subject property reserved by former owners, and further made subject to any and all covenants, easements and restrictions of record, together with any and all restrictions imposed on subject property by any governmental authority including any portion of the property which may be considered wetlands.

WITNESS MY SIGNATURE, on this the 23 day of January A.D., 2026.


JACQUELINE M. CUMBEST

[illegible]

1. This survey was performed without the benefit of a Title Search.
2. The field data of this Class C survey is June 9, 2023.
3. Bearings are based on State Plane coordinates, NAD 83, with
bearings located at N252376.631, E1043584.851, a convergence angle
of 0.000549° and a combined scale factor of 0.99995415.
4. Reference Material: Deed Book 179, Page 520; Deed Book
Deed Book 1174, Page 356; Deed Book 1326, Page 115.
Survey by Station & Brown, INC, dated 09/18/1995.

base station located at N25376.431, E1043584.851, a convergence angle of 0°00'54" and a combined scale factor of 0.99995415.

Reference Material: Deed Book 1870, Page 529; Deed Book 1824, Page 749; Deed Book 1174, Page 366; Deed Book 1326, Page 115.

Survey by Batson & Brown, INC, dated 09/18/1995.

FILE NAME 30-6-7.TRV	DRAWING 225-069 B
SCALE 100 Ft/m	DATE 12-29-2025
JOB 225-069	DRAWN BY JTD
	REVISION B
	SHEET 1 of 1

Jeremy T. Duke, PLS
MS PLS No. 3080

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?

Response: Special conditions exist due to the existing physical improvements on the property, including a prepared building pad and the location of a water well. The building pad was constructed based on the originally submitted and approved house plans, which indicated the accessory building in its current proposed location. Relocating the structure would create conflicts with the established well location and would require significant alteration of the existing site conditions. These conditions are unique to this property and are not generally applicable to other properties in the same zoning district.

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

Response: No, these conditions are not the result of intentional actions to circumvent ordinance requirements. The building pad and site work were completed in reliance on the originally approved plans for the residence, which included the accessory building in this location. The current need for a variance arises from a subsequent interpretation or clarification of placement requirements, rather than from any deliberate action by the applicant.

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.

Response: Strict application of the ordinance would prevent the applicant from utilizing the property in a manner consistent with other similarly situated residential properties that include accessory buildings. The proposed accessory structure is typical in size, design, and use for the area. Denial of the variance would require relocation despite previously established site improvements, effectively limiting the reasonable use of the property compared to neighboring properties with similar accessory structures.

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.

Response: Granting this variance will not confer any special privilege. The request is limited to accommodating the existing physical constraints of the property while maintaining a design and use consistent with other residential properties in the area. The accessory building will be constructed to match the primary residence and will not be visible from the roadway, ensuring compatibility with surrounding properties and compliance with the overall intent of the ordinance.

NARRATIVE

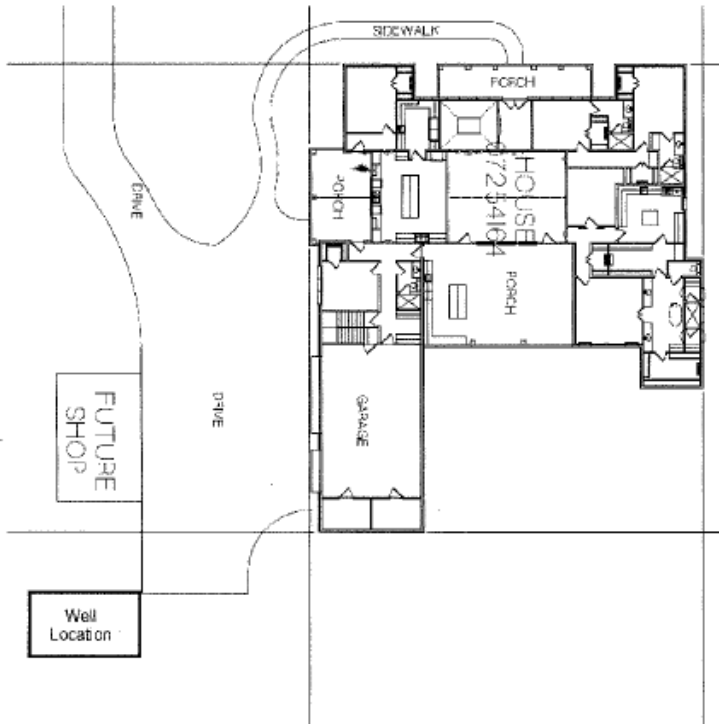
The proposed accessory building location is based on the original site and construction plans submitted and approved for the residence, which indicated the structure in its current position. In reliance on those approved plans, site preparation was completed, including construction of the building pad concurrently with the primary residence.

Unique physical conditions now exist on the property, including the established building pad and the location of a water well, which limit the ability to relocate the accessory structure without significant site disruption. Relocation would require additional land disturbance, potential removal of trees, and could create conflicts with the existing well placement.

The proposed structure is residential in nature, will be constructed with materials consistent with the primary dwelling, and will not be visible from the roadway. The size, design, and use of the accessory building are consistent with similar residential properties in the area.

This request is not intended to circumvent ordinance requirements but rather to accommodate existing site conditions that resulted from reliance on previously approved plans. Approval of the variance will allow reasonable use of the property without granting any special privilege and will remain consistent with the character of surrounding properties and the intent of the ordinance.

DIAGRAM



EXCERPT FROM GAUTIER'S UNIFIED DEVELOPMENT ORDINANCE CONCERNING VARIANCES

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 Planning Commission; 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 a 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 "Public Hearing Application" available from the Planning and Economic Development Department and shall contain:

- A. Diagram of intended use, showing dimensions and distances of property, building with setbacks, parking spaces, entrances and exits.
- B. Legal descriptions and street address
- C. Copy of Protective covenants or deed restrictions, if any
- D. Copies of approval, or requests for approval from other agencies such as, but not limited to the MS State Department of Health, Mississippi DEQ, Corp of Engineers, and Department of Marine Resources
- E. A Detailed Project Narrative
- F. Any other information requested by the Economic Development Director and/or members of the Technical Review Committee

4.18.3 Administrative Variances

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 8.6. The following dimensional variances may be granted by the ED Director at his/her discretion:

- 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.

Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department

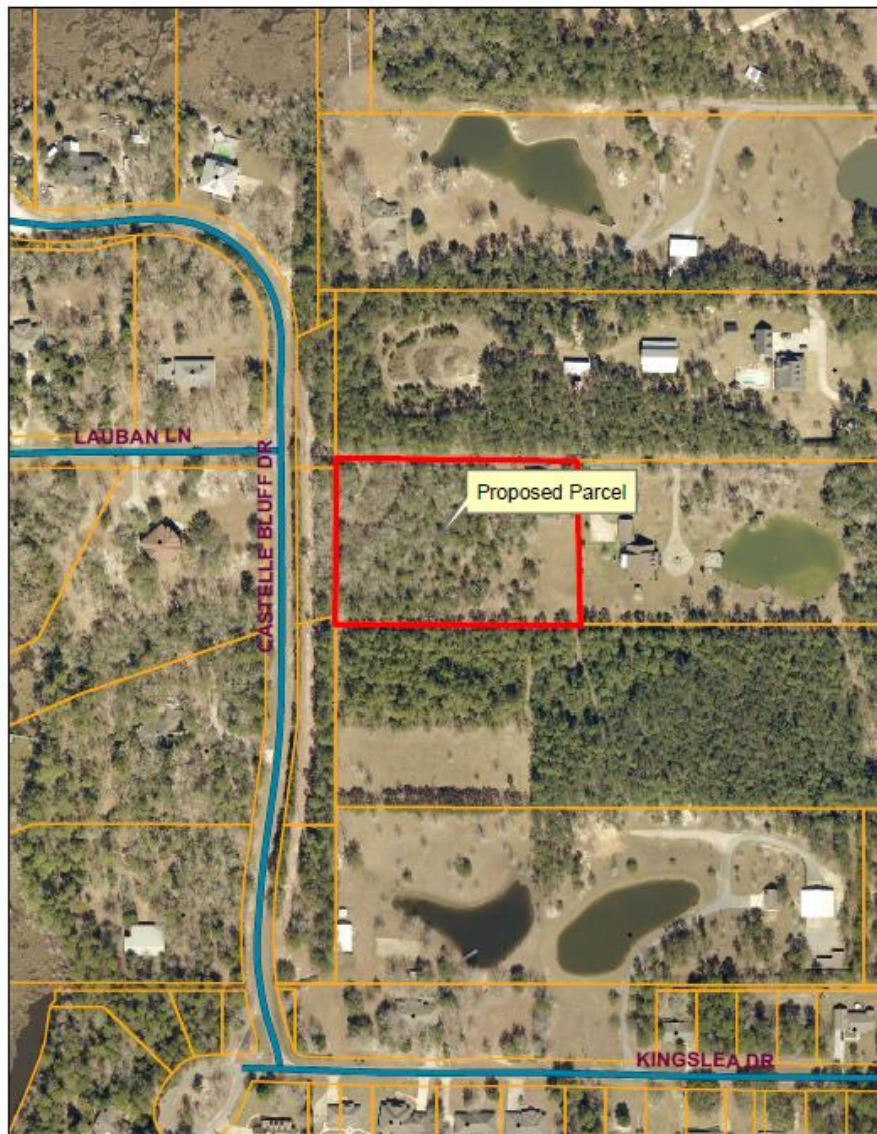


Exhibit B Existing Zoning

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

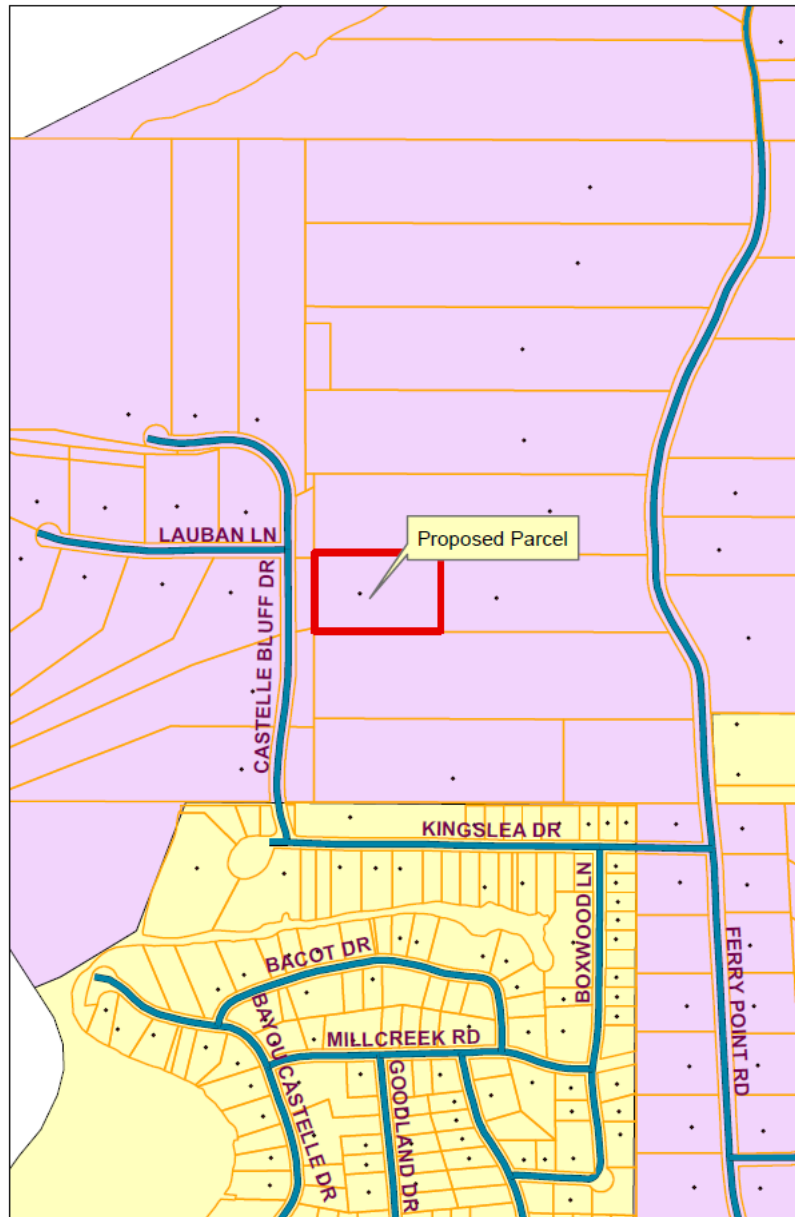


Exhibit C

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

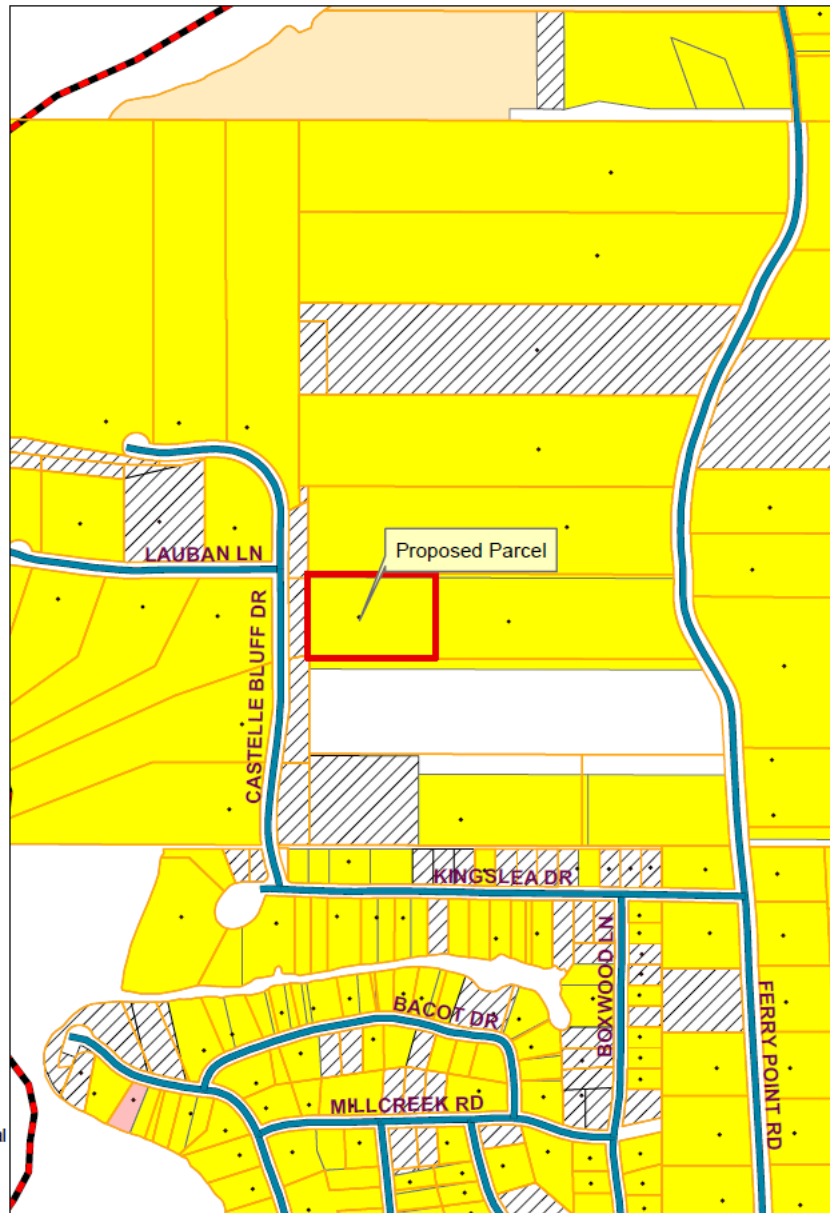


Exhibit D Future Land-Use

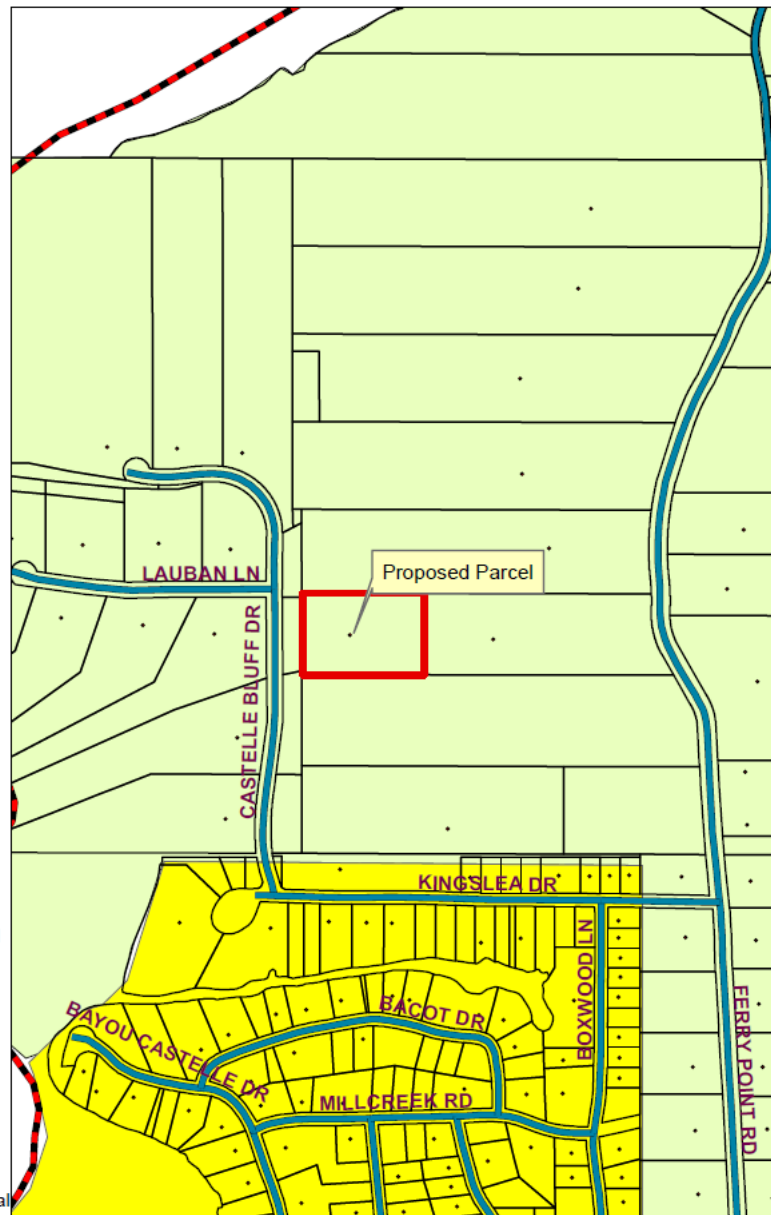
Prepared By:
City of Gautier
Planning Department

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

May 26, 2026

GPC #26-33-CU

DANI H. PATEL dba GALAXY LIQUOR AND WINE

2809 HWY 90

VII. NEW BUSINESS

5. Consider a request for a Conditional Use-Major that would allow a Package Liquor Store in a TCMU Town Center Mixed Use Zoning District. 2809 HWY 90, (GPC #26-33-CU)

**CITY OF GAUTIER
STAFF REPORT**

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: June 15, 2026

Subject: Consider a request for a Conditional Use-Major that would allow a Package Liquor Store in a TCMU Town Center Mixed Use Zoning District. 2809 HWY 90, (GPC #26-33-CU)

REQUEST:

The Planning Department has received a request from Dani H. Patel dba Galaxy Liquor and Wine for a Conditional Use-Major that would allow a Package Liquor Store in a TCMU Town Center Mixed Use Zoning District at 2809 HWY 90, PID #82435240.200 (GPC #26-33-CU) The application fee of \$250 was paid on May 26, 2026. All public notice requirements have been met.

BACKGROUND:

The request property is zoned TCMU Town Center Mixed Use.

1. Location: 2809 HWY 90, PID #82435240.200 (See Exhibit A)
2. General features of the proposed project:
Total Area: Approximately 0.46 Acres
Existing commercial building.
3. Existing Zoning – TCMU Town Center Mixed Use (See Exhibit B)
4. Existing Land Use – current commercial building with Hwy 90 road frontage.
(See Exhibit C)
5. Comprehensive Plan Future Land Use Designation – Town Center (See Exhibit D)

DISCUSSION:

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

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

Applicant Response: Yes

Staff Finding: Yes. A Package Liquor Store is listed as a Conditional Use-Major in a TCMU Town Center Mixed Use District.

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

Applicant Response: Existing building is a great location for a package store. Building will be cleaned up, and fresh paint job will improve overall looks from the road. No major changes to the structure are needed. Building is located in a nice commercial area making it easy for customers to get in & out of the parking lot.

Staff Finding: The proposed use is allowed in a TCMU zoning district with a Major Conditional Use.

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

Applicant Response: No.

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

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

Applicant Response: No, I don't see any traffic patterns being affected.

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

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

Applicant Response: Yes, all utilities are currently on site. No major changes are needed.

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

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

Applicant Response: Yes, I believe this will help the city grow by adding more revenue.

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

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

Applicant Response: No.

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

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

Applicant Response: Yes.

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

DETERMINATION OF APPLICABLE LAW:

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

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

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

RECOMMENDATION & CONCLUSION:

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

The Planning Commission may:

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

ATTACHMENTS:

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

GAUTIER, MISSISSIPPI
PLANNING DEPARTMENT
CONDITIONAL USE APPLICATION

Public Hearing Number

26-33-CU

TO BE HEARD BY GAUTIER PLANNING COMMISSION AND CITY COUNCIL:	
Conditional Use - Major <u>X</u>	FEE: \$251.00
TO BE HEARD BY PLANNING DIRECTOR:	
Conditional Use - Minor _____	FEE: \$251.00
*Includes \$1.00 filing fee per MS Code §25-60-5	

Name of Applicant: Dani H. Patel

Name of Business: MS Galaxy LLC D.B.A. Galaxy liquor & wine Phone: 228-249-9257

Property Address: 2809 US-90 Mailing Address (if Different): 2013 Parkview Dr. Gautier

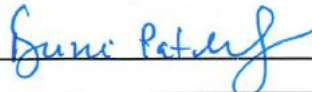
E-Mail Address: DaniPatel5314@gmail.com

Proposed Use Requiring Conditional Use: Package Liquor Store (Refer to Article V, UDO)

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

ATTACHMENTS REQUIRED AS APPLICABLE:

- ✓ 1. Answers to the Criteria for Approval (see attached).
- ✓ 2. Project Narrative (see attached).
- ✓ 3. Diagram of intended use (see attached).
- N/A 4. Copy of protective covenants or deed restrictions, if any.
- N/A 5. Copies of approvals, or requests for approval, from other agencies, such as, but not limited to, the Mississippi State Department of Health, U.S. Army Corp of Engineers, Mississippi Department of Environmental Quality and Department of Marine Resources.
- ✓ 6. Any other information requested by the Planning Director.
- ✓ 7. Owner's Consent form if anyone other than 100% sole owner makes application (see attached).

Signature of Applicant(s):  Date of Application: 5-25-2026

FOR OFFICE USE ONLY	
Date Received <u>5/26/26</u>	Verify as Complete <u>EMP</u>
Fee Amount Received <u>\$251.00</u>	Initials of Employee Receiving Application <u>EMP</u>

OWNERS CONSENT AND DESIGNATION OF AGENT - CONDITIONAL USE

I, Shannon Strunk, the fee simple owner(s) of the following described property:

Address: 2809 US-90, Gautier, MS 39553

Parcel ID No.: 8-24-35-240.200

hereby petition to the City of Gautier to Grant a Conditional Use Major or Minor of Liquor Store (state proposed use from Article V of the Unified Development Ordinance) at the above reference property and affirm that Dani Patel (name of agent) 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)

(Owner's Signature)

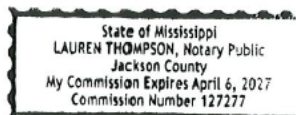
Notary Information:

The foregoing instrument was acknowledged before me this 22nd day of May, 20 26 by Shannon Strunk who is personally known to me or has produced Drivers License as identification and who did take an oath.

Lauren Thompson
(Printed Name of Notary Public)

Lauren Thompson
(Signature of Notary Public)

Commission # 127277. My commission expires April 6, 2027.
(Notary's Seal)





Michael Watson

SECRETARY OF STATE

This is not an official certificate of good standing.

Name History

Name	Name Type
C & S RENTALS, INC.	Legal

Business Information

Business Type:	Profit Corporation
Business ID:	675843
Status:	Good Standing
Effective Date:	09/10/1999
State of Incorporation:	Mississippi
Principal Office Address:	3207 Magnolia Street, STE 100 Pascagoula, MS 39567

Registered Agent

Name
CORPORATION SERVICE COMPANY
109 Executive Drive, Suite 3
Madison, MS 39110

Officers & Directors

Name	Title
Shannon R Strunk 3001 Beach Blvd Pascagoula, MS 39567-7515	Incorporator
Shannon Strunk 3207 Magnolia Street, STE 100 Pascagoula, MS 39567	Director, President
Cynthia Baber-Strunk 3207 Magnolia Street, STE 100 Pascagoula, MS 39567	Director, Secretary
Sheldon Strunk 3207 Magnolia St, Ste 100 Pascagoula, MS 39567	Vice President
Kristin Pugh 3207 Magnolia St, Ste 100	Treasurer

5/26/26, 10:54 AM

about:blank

Pascagoula, MS 39567

Lauren Thompson
3207 Magnolia St, Ste 100
Pascagoula, MS 39567

Director

Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department

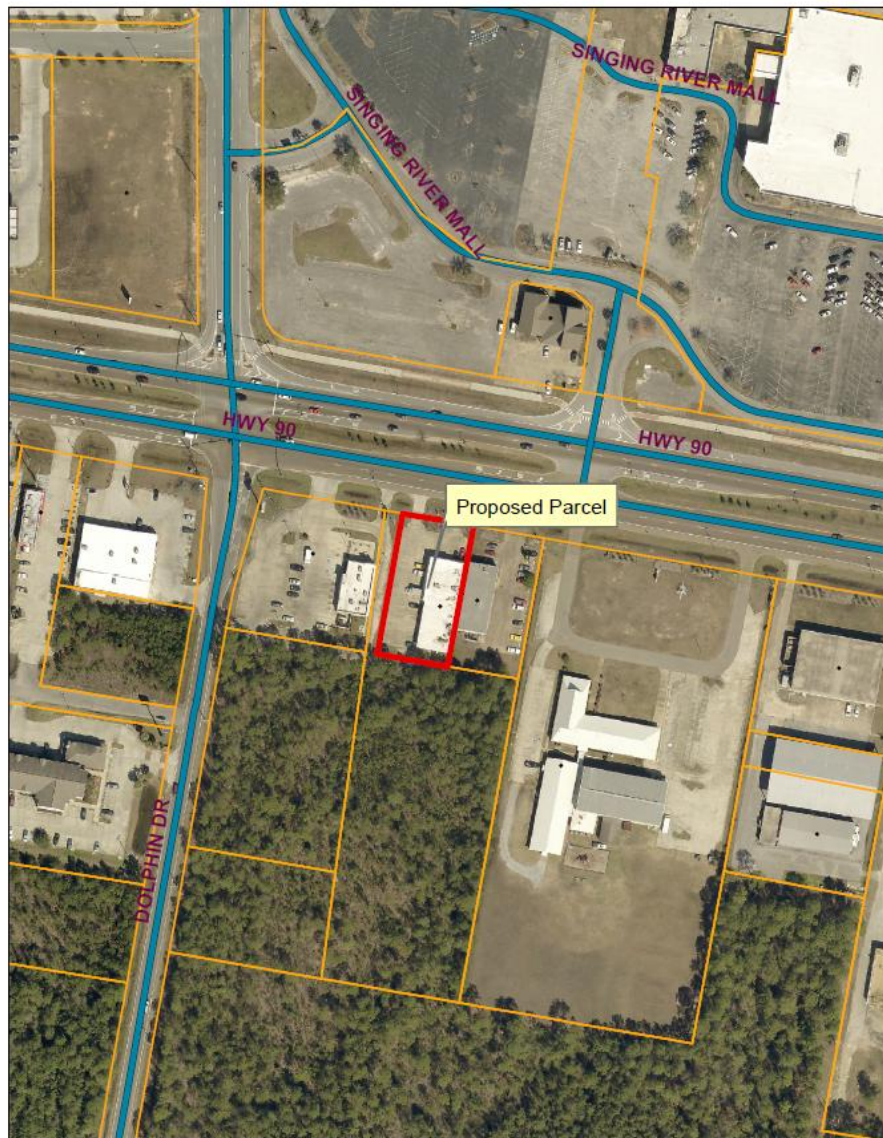


Exhibit B Existing Zoning

Prepared by:
City of Gautier
Planning Department

Legend

Zoning ZONECODE

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

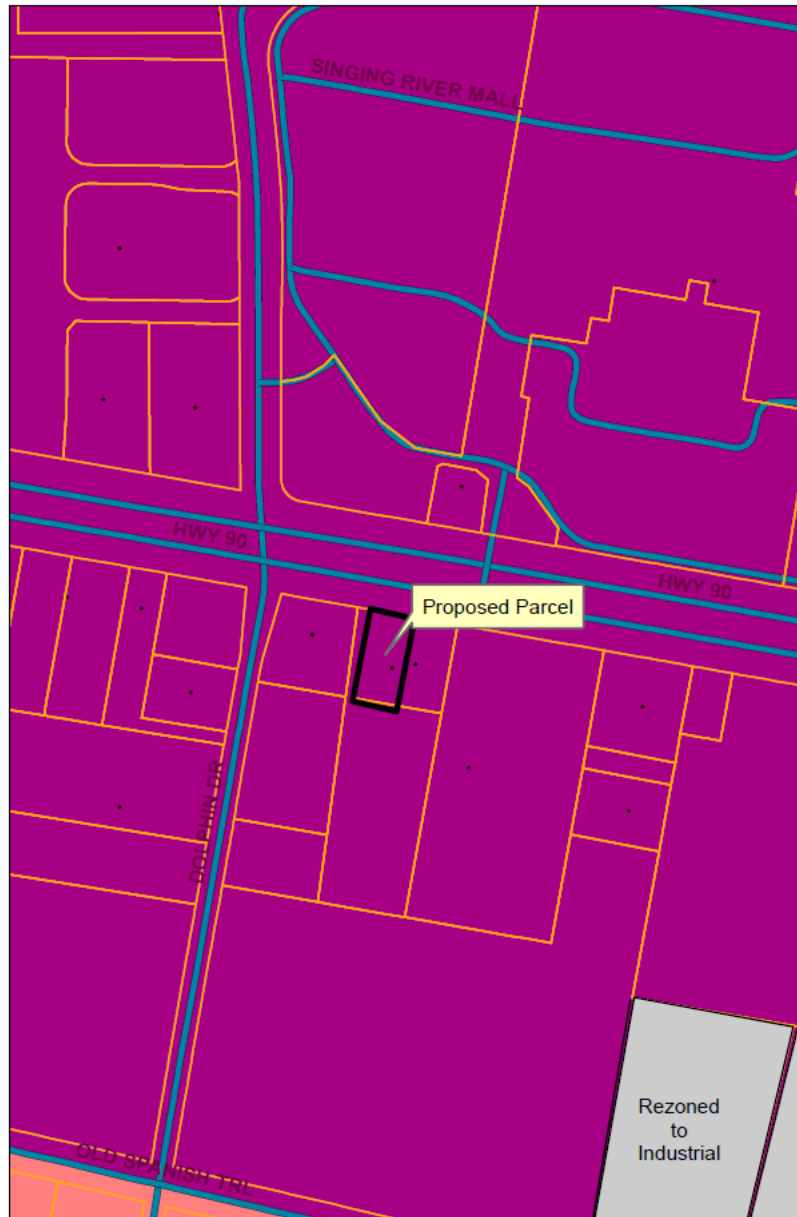


Exhibit C

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

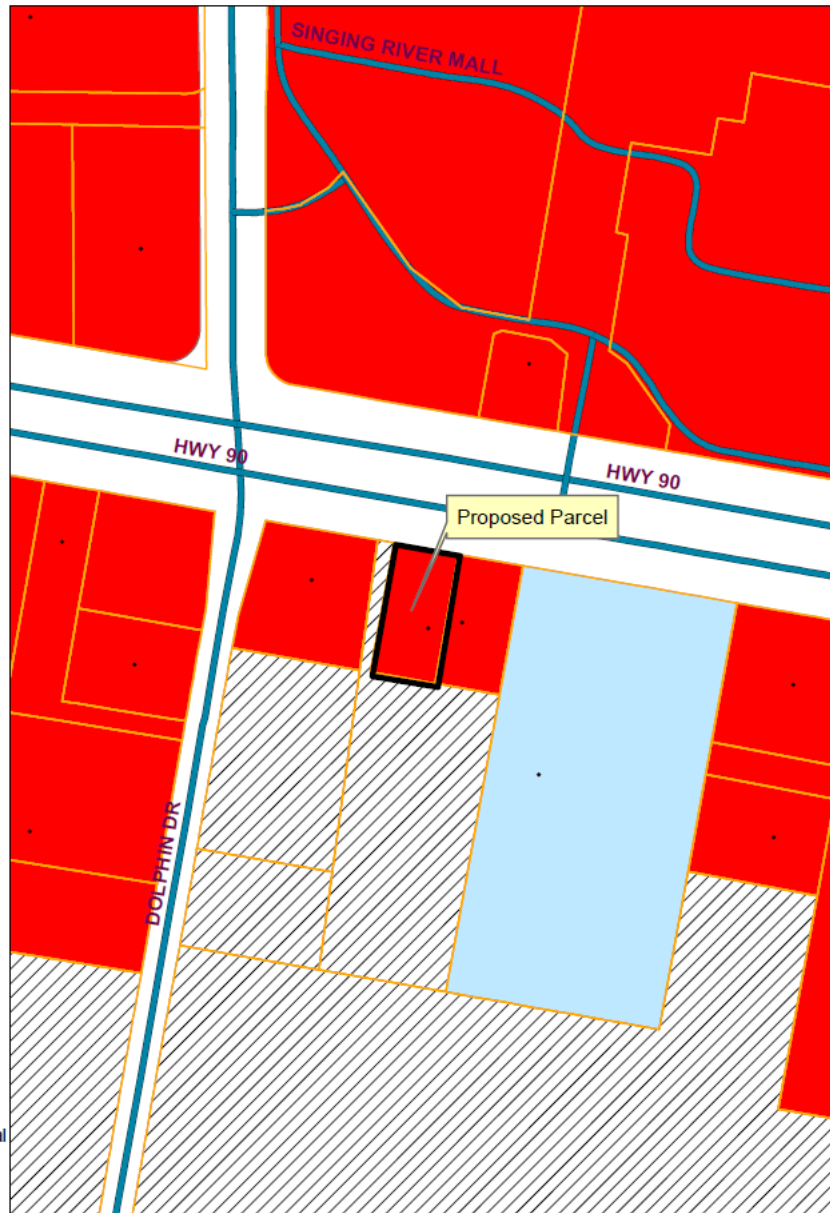
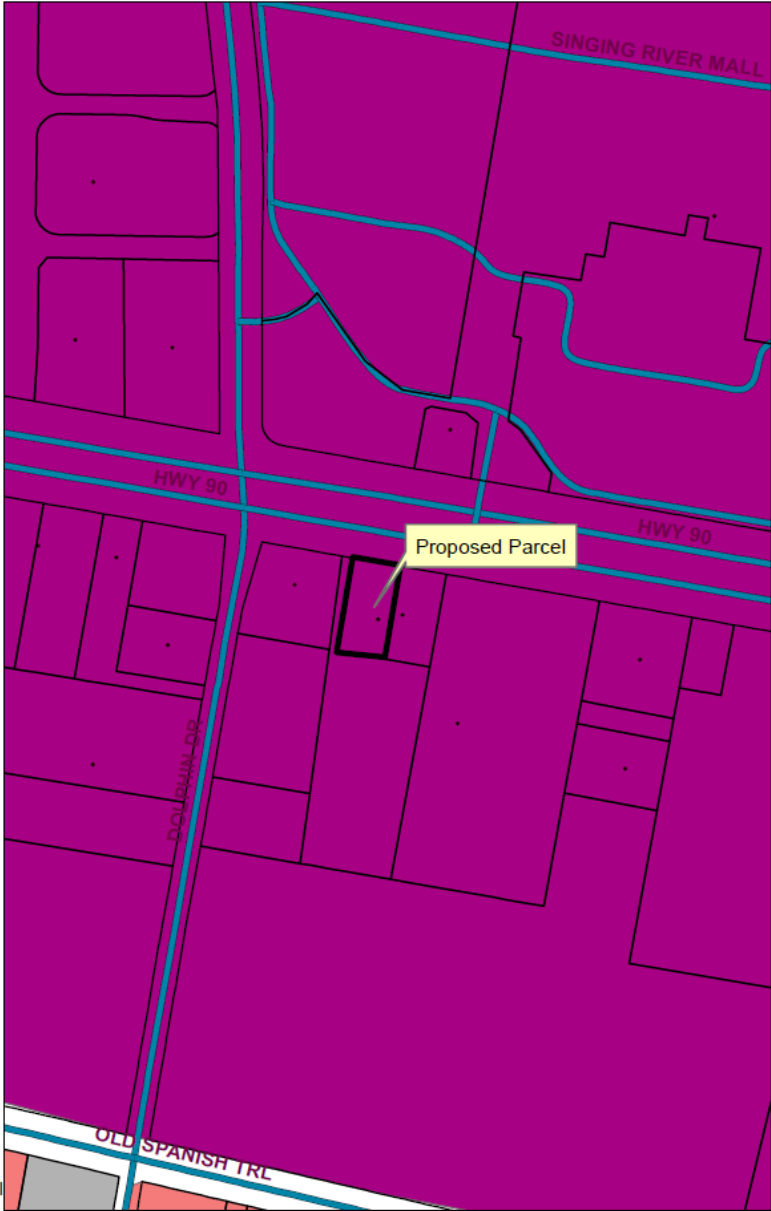
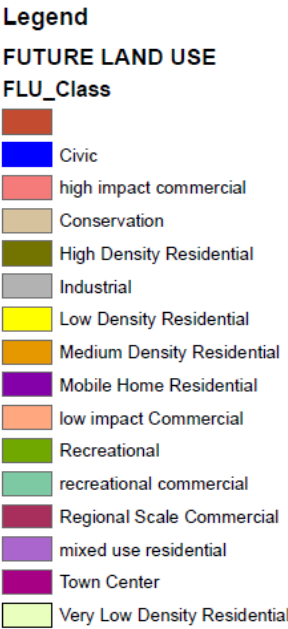


Exhibit D Future Land-Use

Prepared By:
City of Gautier
Planning Department



Gautier Planning Commission

Regular Meeting Agenda

August 6, 2026

GPC #26-38-SE

Giselle Perez

DBA Giselle Taxes and Services Corp

1204 De La Point Drive

PIDN #81831390.000

VII. NEW BUSINESS

1. Consider a request for a **SPECIAL EXCEPTION** that would allow for a Tax and Financial Services Office in an R-1 Low Density Single-Family Residential Zoning District at 1204 De La Point Drive. PIDN's #81831390.000 (GPC #26-38-SE)

CITY OF GAUTIER STAFF REPORT

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: July 20, 2026

Subject: Consider a request for a SPECIAL EXCEPTION to allow a Tax and Financial Services Office in an R-1 Low Density Single-Family Residential Zoning District at 1204 De La Point Drive, PIDN #81831390.000 (GPC #26-38-SE).

REQUEST:

The Planning Department has received a request from Giselle Perez, d/b/a Giselle Taxes and Services Corp., for a Special Exception to allow a Tax and Financial Services Office in an R-1 Low Density Single-Family Residential Zoning District at 1204 De La Point Drive, PIDN #81831390.000 (GPC #26-38-SE). The required application fee of \$250 was paid on June 26, 2026. All public notice requirements have been met.

BACKGROUND:

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

1. Location: 1204 De La Point Drive. PIDN's #81831390.000 (See Exhibit A)
2. General features of the proposed project:
Lot Size: approximately 0.68 acres
3. Potable Water and Wastewater Services: Available at current location
4. Current Zoning (See Exhibit B): R-1 Low Density Single-Family Residential.
5. Current Surrounding Zoning (See Exhibit B): C-3 Highway Commercial to the South. R-1 Low Density Single-Family Residential to the North, East and West.
6. Current Surrounding Existing Land Use Commercial to the South, Vacant to the West, Residential to the East and North South (See Exhibit C):
7. Comprehensive Plan Future Land Use Designation (See Exhibit D): Low Density Residential.

DISCUSSION:

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

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

Applicant Response: *The applicant requires a Special Exception to operate Giselle Taxes and Services Office at 1204 De La Point Drive., Gautier, MS, 39553. A strict interpretation that prohibits this professional office would deprive the applicant of reasonable use commonly enjoyed by similar businesses near and across from the location. Denial would create an unnecessary hardship because the proposed use is low-impact and consistent with nearby professional and commercial uses.*

Staff Finding: *Unsubstantiated*

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

Applicant Response: *The requested Special Exception will be in harmony with the purpose and intent of the City of Gautier Unified Development Ordinance because the proposed use is a quiet professional office for tax preparation and business services. It will not involve manufacturing, outdoor storage, hazardous materials, excessive noise, odors, or other activities that would injure the neighborhood or general welfare. The use is compatible with the more commercial character of the area and will provide a needed local service.*

Staff Finding: *Unsubstantiated*

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

Applicant Response: *The circumstances supporting this request were not created by the applicant. They result from the existing location and the area changing over time to a more commercial setting, including nearby banks, insurance companies, and other businesses. The applicant is requesting the Special Exception through the proper process before operating the business.*

Staff Finding: *Unsubstantiated*

DETERMINATION OF APPLICABLE LAW:

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

The UDO defines **Hardship** as:

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

- (1) the land in question cannot yield a reasonable return if used only

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

RECOMMENDATION & CONCLUSION:

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

The Planning Commission may:

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

ATTACHMENTS:

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

PLANNING DEPARTMENT
GAUTIER, MISSISSIPPI

SPECIAL EXCEPTION HEARING APPLICATION

Public Hearing Number

26-38-SE

TYPE OF REQUEST:

Special Exception X

FEE:

\$251.00

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

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

Name of Applicant: Giselle L. Perez

Name of Business: Giselle Taxes and Services Corp

Address:
1204 De La Pointe Dr., Gautier, MS 39553

Mailing Address (if different): Same as business address

Email Address: _____

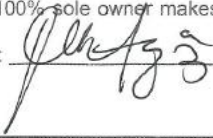
Phone: _____ Cell Phone: _____

Reason for request, location and intended use of Property: To operate a professional tax and business services office.

Giselle Taxes and Services Corp at 1204 De La Pointe Dr., Gautier, MS 39553.

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.
- X _____ 3. A detailed project narrative that also addresses the questions on the Criteria for Approval page of this application.
- _____ 4. Copy of protective covenants or deed restrictions, if any.
- _____ 5. Copies of approvals, or requests for approval, from other agencies, such as, but not limited to, the Mississippi State Department of Health, U.S. Army Corp of Engineers, Mississippi Department of Environmental Quality and Department of Marine Resources.
- _____ 6. Any other information requested by the Planning Director.
- _____ 7. Owner's Consent form if anyone other than 100% sole owner makes application (see attached).

Signature of Applicant: 

FOR OFFICE USE ONLY

Date Received 6/26/26 Verify as Complete EMP

Fee Amount Received 251.00

Initials of Employee Receiving Application EMP

Date of Application: June 02, 2026I, We, Giselle L. Perez and Claudio Perez Lopez, the fee simple owner of the following

described property (give legal description):

Type text here Commencing at the point of intersection of the East line of Governmental Lot #3, Fractional Governmental Section 31, Township 7 South, Range 6 West, Jackson County, Mississippi, with the North Margin of Old U.S. Highway 90; thence run South 87 degrees West along the North Margin of old U.S. Highway #90, 185.4 feet to the Point of Beginning; thence continue South 67 degrees West 145.2 feet to a fence; thence run North 0 degrees 19 minutes East along said fence 208 feet; thence run South 89 degrees 41 minutes East 145 feet; thence run South 0 degrees 19 minutes West 200 feet and back to the Point of Beginning.

hereby petition to the City of Gautier to *Grant a Special Exception of* for the operation of Giselle Taxes and Services Corp, a professional tax and business services office, at 1204 De La Pointe Drive, Gautier, MS 39553, and affirm that Giselle L. Perez 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)

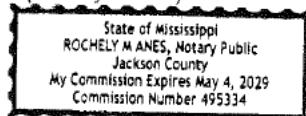
The foregoing instrument was acknowledged before me this 25 day of June, 2026 by Giselle L. Perez, who is personally known to me or has produced Driver License as identification and who did take an oath.

Rochely M. Anes
(Printed Name of Notary Public)

[Signature]
(Signature of Notary Public)

Commission # 495334. My commission expires May 4, 2029.

(Notary's Seal)



SPECIAL EXCEPTION

Criteria for Approval Special Exception

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

Responses / Detailed Project Narrative:

- A. The applicant requests a Special Exception to operate Giselle Taxes and Services Corp as a professional tax preparation and business services office at 1204 De La Pointe Dr., Gautier, MS 39553. A strict interpretation that prohibits this professional office use would deprive the applicant of reasonable use commonly enjoyed by similar businesses in the surrounding area. The area has become increasingly commercial, with banks, insurance companies, and other businesses near and across from the location. Denial would create an unnecessary hardship because the proposed use is low-impact and consistent with nearby professional and commercial uses.
- B. The requested Special Exception will be in harmony with the purpose and intent of the City of Gautier Unified Development Ordinance because the proposed use is a quiet professional office for tax preparation and business services. It will not involve manufacturing, outdoor storage, hazardous materials, excessive noise, odors, or other activities that would injure the neighborhood or general welfare. The use is compatible with the more commercial character of the area and will provide a needed local service.
- C. The circumstances supporting this request were not created by the applicant. They result from the existing location and the area changing over time to a more commercial setting, including nearby banks, insurance companies, and other businesses. The applicant is requesting the Special Exception through the proper process before operating the business.

**EXCERPT FROM GAUTIER'S UNIFIED DEVELOPMENT ORDINANCE
CONCERNING SPECIAL EXCEPTIONS**

SECTION 4.16: Special Exception

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

4.16.1 Application for Special Exception

Applications for a Special Exception may be filed on the appropriate application available from the Planning Department and shall include all requested information, attachments, and submittals.

4.16.2 Procedure

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 outlined below, and make a recommendation to City Council pursuant to UDO Section 4.14.4 (A and B). 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.

4.16.3 Notice of Public Hearing

Notice of the public hearing for the Special Exception shall be made in a newspaper of regular and general circulation in the city at least fifteen (15) days prior to the public hearing, and a notice shall be posted at City Hall and the effected property for the benefit of the public. Additionally, all adjoining property owners shall be notified by first class mail in accordance with UDO Section 4.14.3.

4.16.4 Criteria for Approval

A Special Exception is required for uses not ordinarily permitted in a specific zoning district. Special Exceptions are not permitted by right, and may only be granted when the following criteria are established:

- A. That a literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by others of the district in which the property is located, and that interpretation of this ordinance would work unnecessary hardship upon the applicant;
- B. That the requested Special Exception will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or the general welfare; and
- C. That the special circumstances are not the result of actions of the applicant.

4.16.5 Limitations and Restrictions

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) consecutive days during the existence of the Special Exception.

OFFICIAL RECORDS JACKSON COUNTY, MS
Josh Eldridge, Chancery Clerk
Electronically Recorded
RECORDING FEE: \$38.00
MINERAL TAX: \$0.00
202609853
BK: 2260 PG: 891 - 892
05/18/2026 03:41:43 PM 2 PG(S)
Receipt # 16208

INDEXING INSTRUCTIONS: Section 31, Township 7 South, Range 6 West

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

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

STATE OF MISSISSIPPI
COUNTY OF JACKSON

WARRANTY DEED

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

Timothy Ryan Lee and Rachel Lee
1204 De La Pointe Drive, Gautier, MS 39553

does hereby sell, convey and warrant unto

Giselle L. Perez and Claudio Perez Lopez
1204 De La Pointe Drive, Gautier, MS 39553

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

Commencing at the point of intersection of the East line of Governmental Lot #3, Fractional Governmental Section 31, Township 7 South, Range 6 West, Jackson County, Mississippi, with the North Margin of Old U.S. Highway 90; thence run South 87 degrees West along the North Margin of old U.S. Highway #90, 185.4 feet to the Point of

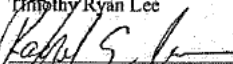
Beginning; thence continue South 67 degrees West 145.2 feet to a fence; thence run North 0 degrees 19 minutes East along said fence 208 feet; thence run South 89 degrees 41 minutes East 145 feet; thence run South 0 degrees 19 minutes West 200 feet and back to the Point of Beginning.

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

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

WITNESS THE SIGNATURE of the Grantor, this the 15th day of May, 2026.


Timothy Ryan Lee


Rachel Lee

STATE OF Ohio
COUNTY OF Franklin

PERSONALLY appeared before me, the undersigned authority in and for the said county and state on this 15th day of May, 2026, within my jurisdiction, the within named Timothy Ryan Lee, who acknowledged that they executed the above and foregoing instrument.

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


NOTARY PUBLIC

File #260269



RYLAN WALLACE
Notary Public, State of Ohio
Commission No. 2026-RE-899479
My Commission Expires
February 10, 2031



Scanned with CamScanner

Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department



Exhibit B Existing Zoning

Prepared by:
City of Gautier
Planning Department

Legend

Zoning ZONECODE

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

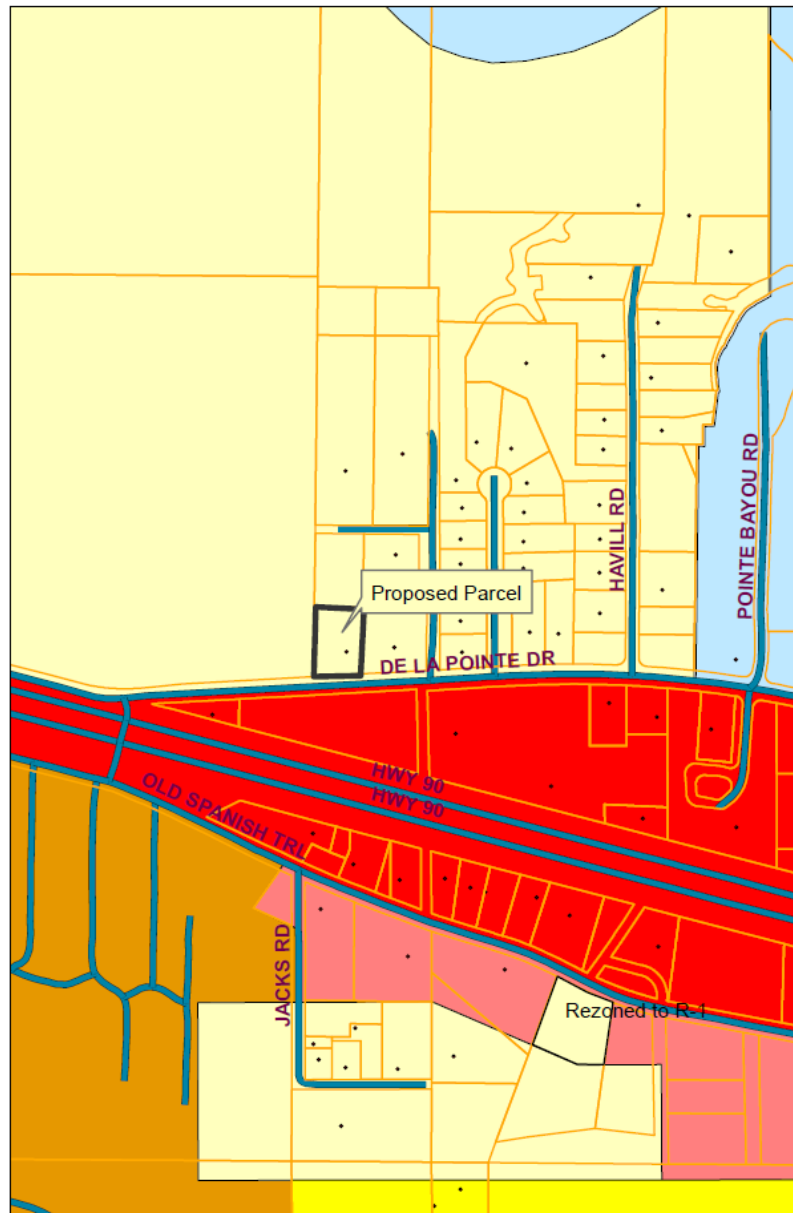


Exhibit C Existing Land-Use

Prepared by:
City of Gautier
Planning Department

Legend

EXISTING LAND USE

ELU_08

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

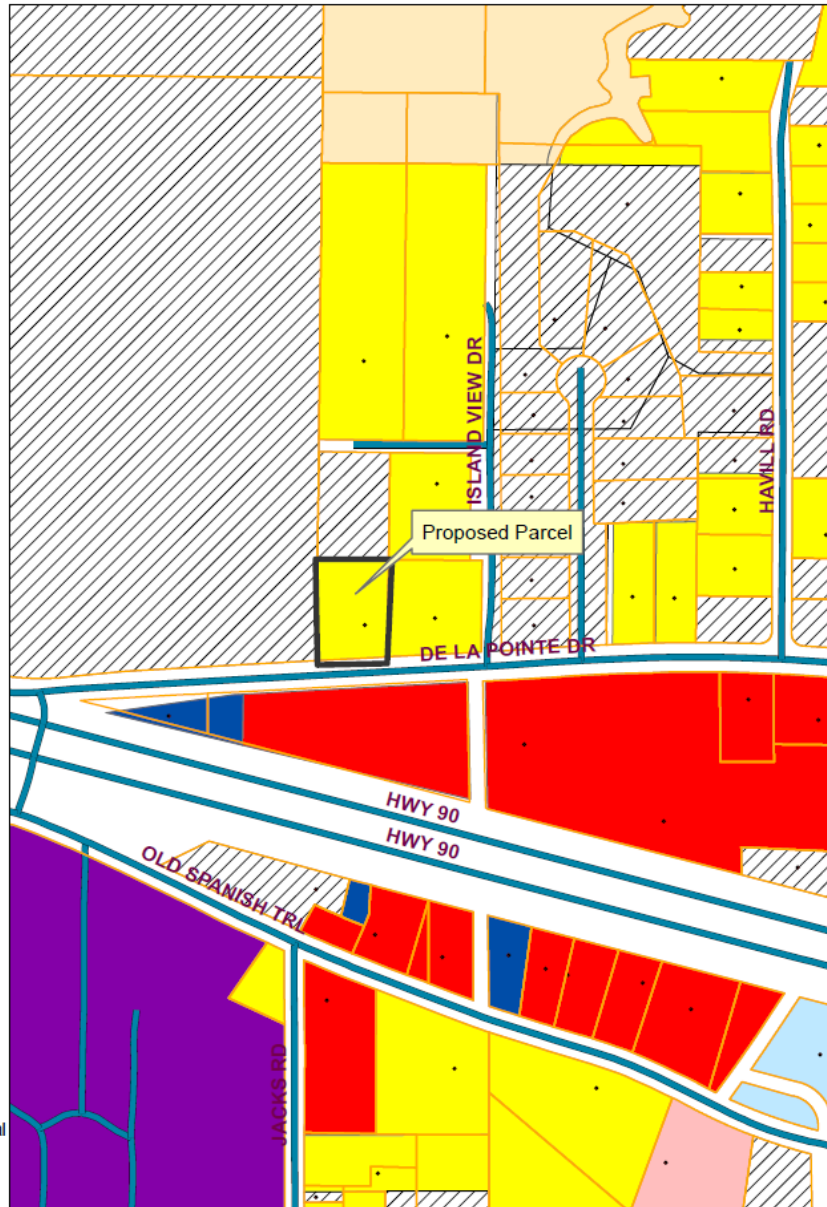


Exhibit D Future Land-Use

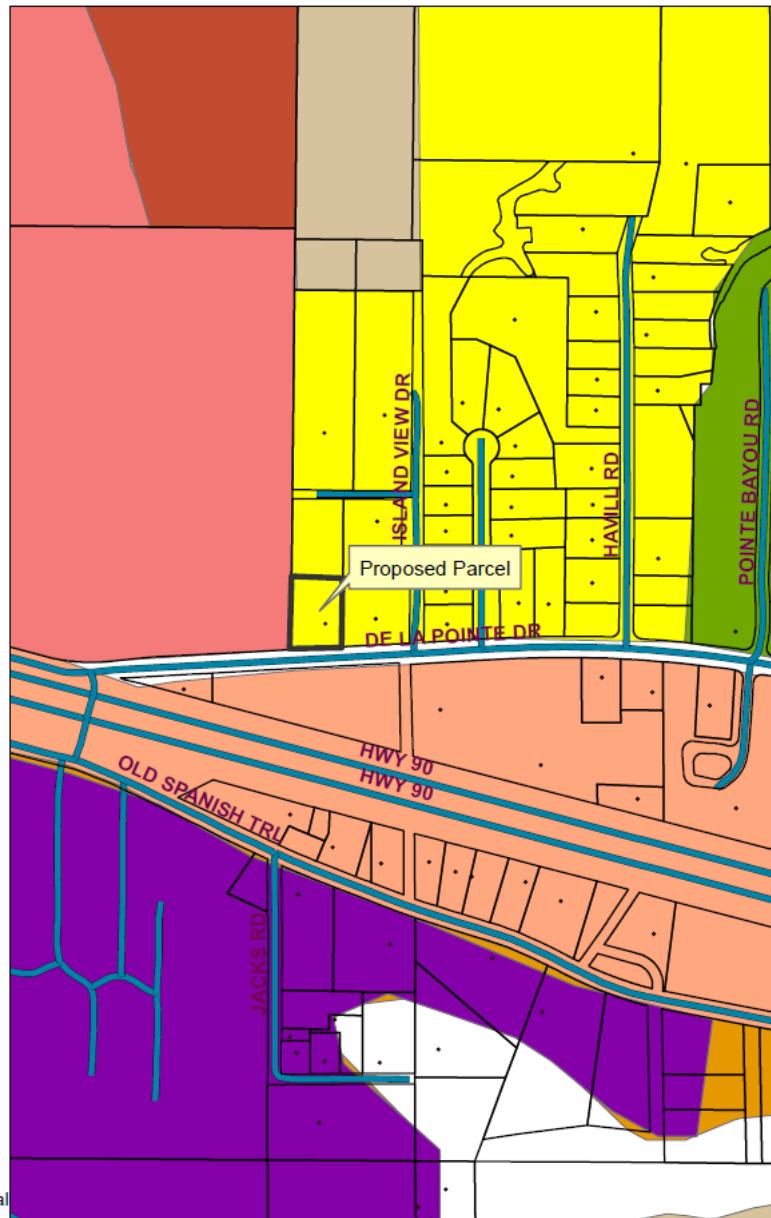
Prepared By:
City of Gautier
Planning Department

Legend

FUTURE LAND USE

FLU_Class

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



Gautier Planning Commission

Regular Meeting Agenda

August 6, 2026

GPC 26-39-RZ

Donovan Scruggs (ARB Properties)

Martin Bluff Road

PIDN #85700299.010, 85700299.000, & 85700075.000

VII. NEW BUSINESS

2. Consider a request for a Property Owner Initiated Rezoning of three parcels located on Martin Bluff Road, PIDN #85700299.000, & 85700075.000 from split zoning C-2 Community Commercial and R-1 Low Density Single-Family Residential to R-1A Medium Density Residential. PIDN #85700299.010 from R-1 Low Density Single-Family Residential to R-1A Medium Density Residential. (GPC #26-39-RZ)

**CITY OF GAUTIER
STAFF REPORT**

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: July 20, 2026

Subject: Consider a request for a Property Owner Initiated Rezoning of three parcels located on Martin Bluff Road, PIDN #85700299.000, & 85700075.000 from split zoning C-2 Community Commercial and R-1 Low Density Single-Family Residential to R-1A Medium Density Residential. PIDN #85700299.010 from R-1 Low Density Single-Family Residential to R-1A Medium Density Residential. (GPC #26-39-RZ)

REQUEST:

The Planning Department has received a request from Donovan Scruggs representing ARB Properties LLC for a proposed Amendment of the Official Zoning Map of the City of Gautier, Mississippi. The request is to Rezone three parcels located on Martin Bluff Road, PIDN #85700299.000, & 85700075.000 from split zoning C-2 Community Commercial and R-1 Low Density Single-Family Residential to R-1A Medium Density Residential and PIDN #85700299.010 from R-1 Low Density Single-Family Residential to R-1A Medium Density Residential. (GPC #26-39-RZ) The application fee of \$300 was paid on July 6, 2026. 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: Martin Bluff Road, PIDN #85700299.010, 85700299.000, & 85700075.000
(See Exhibit A)

2. Existing Zoning: PIDN #85700299.000, & 85700075.000 Split Zoned C-2 Community Commercial & R-1 Low Density Single-Family Residential. PIDN #85700299.010 R-1 Low Density Single-Family Residential. (See Exhibit B)

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

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

DATA AND ANALYSIS:

Property requested for Rezoning: Martin Bluff Road, PIDN's #85700299.010, 85700299.000, & 85700075.000.

Location: Ward 5

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

Existing Land Use: vacant (See Exhibit C)

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

Surrounding Zoning: C-2 Community Commercial to the north and south abutting Martin Bluff Road. R-1 Low Density Single-Family Residential to the North and South of PIDN# 85700299.000. R-1 Low Density Single-Family to the North of PIDN #85700299.010 and Public Land to the South of PIDN #85700299.010.

HISTORY:

Historically, the Planning Commission and City Council have heard rezoning requests from citizens for Split Zoned lots and found that Split Zoning is a mistake. It has been found previously that zoning lines should follow parcel lines. Please see specific case

histories listed below starting with the rezoning of the lots immediately north of the lots in question.

- GPC 25-26-RZ (7313 Martin Bluff – split zoned C-2/R-1 – rezoned to C-2)
- GPC 21-14-RZ (PID #82420170.000 & 82420180.000 HWY 57 – split zoned C-3/AG – rezoned to C-3)
- GPC 20-10-RZ (PID #82429240.000 Brown Rd – split zoned C-3/AG – rezoned to AG)

REVIEW CRITERIA:

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

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

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

STAFF RECOMMENDATION:

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

CONCLUSION:

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

1. Recommend that City Council approve to Rezone the entire subject area to R-1A Medium Density Residential; or
2. Recommend that City Council deny the Rezoning.

ATTACHMENTS:

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

Revised 2/8/23

GAUTIER, MISSISSIPPI
PLANNING DEPARTMENT
PUBLIC HEARING APPLICATION

Public Hearing Number

26-39-RZ

TO BE HEARD BY GAUTIER PLANNING COMMISSION:

FEE:

Zoning Change

☒

\$301.00

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

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

Name of Business: ARB Properties, LLC-Allison Buchanan-Mgr/Owner Phone:

Property Address: Unaddressed- Martin Bluff Rd 317 Pine Dr., Ocean Springs, MS 39564 (agent)
Mailing Address (if Different):
(agent)

E-Mail Address:

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

Summary of change in character and need to be provided on separate document – Rezone from R-1/C-2 to R-1A

ATTACHMENTS REQUIRED AS APPLICABLE:

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

Signature of Applicant: Allison Buchanan Date of Application: 6/23/26

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

FOR OFFICE USE ONLY

Date Received 6/26/26 Verify as Complete EMP

Fee Amount Received Initials of Employee Receiving Application EMP/Adh

I, Allison Buchanan (ARB Properties, LLC), the fee simple owner of the following described property (address or parcel ID number(s) if no address assigned):

85700299.010 (Western/Rear Parcel)
 85700299.000 (Center Parcel)
 85700075.000 (Eastern/Front Parcel)

hereby petition to the City of Gautier to allow the rezoning of the subject parcel from R-1/C-2 to R-1A and affirm that (name of person) Donovan Scruggs (Scruggs Town Planning) are hereby designated to act as agent on my behalf to accomplish the above.

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

Allison B Buchanan
 (Owner's Signature)

The foregoing instrument was acknowledged before me this 23 day of June

2020 by Allison Buchanan, who
 is personally known to me or has produced _____
 as identification and who did take an oath.

Mikel A. Henry
 (Printed Name of Notary Public)

Mikel A. Henry
 (Signature of Notary Public)

Commission # 291828. My commission expires 07/08/2029

(Notary's Seal)

★ STATE OF MISSISSIPPI ★
 MIKEL A. HENRY, NOTARY PUBLIC
 HARRISON COUNTY
 MY COMMISSION EXPIRES JULY 8, 2029
 COMMISSION NUMBER 291828



201901799 6 PGS

6
OFFICIAL RECORDS JACKSON COUNTY
Josh Eldridge
CHANCERY CLERK \$12.00
RECORDING FEE
#201901799 BK: 1917 PG: 770-775
01/30/2019 03:29:24 PM 6 PGS
HROGERS, DC Rpt #2123

Page 1 of 5

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

STATE OF MISSISSIPPI
COUNTY OF JACKSON

Indexing Instructions: Lot No. 10 S3, T7S, R6W and S12, T7S, R7W

QUITCLAIM DEED

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

RAYMOND LLOYD BROWN, JR.
5530 TUPPER LAKE DRIVE
HOUSTON, TEXAS 77056

LYNNE ALLISON BROWN BUCHANAN
988 WILDWOOD LANE
BILOXI, MISSISSIPPI 39532
(228) 506-2122

BEVERLY BROWN DEES
11498 RIO LADO LANE
D'IBERVILLE, MISSISSIPPI 39540

does hereby sell, convey and quitclaim unto the following Grantee,

ARB PROPERTIES, LLC, GRANTEE
988 WILDWOOD LANE
BILOXI MISSISSIPPI 39532
(228)-596-3192

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

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

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

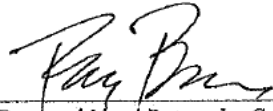
This conveyance is made subject to any prior reservation of oil, gas and other minerals and any restrictions or other matters of record.

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

Taxes for the current year are assumed by the Grantee.

WITNESS OUR SIGNATURES, as the dates set forth below.

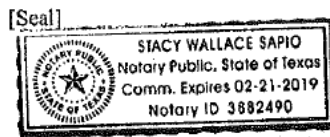
[Signature pages to follow.]


Raymond Lloyd Brown, Jr., Grantor

ACKNOWLEDGMENT

STATE OF TEXAS
COUNTY OF Harris

Personally appeared before me, the undersigned authority in and for the said county and state, on this 19th day of November, 2018, within my jurisdiction, the within named Raymond Lloyd Brown, Jr., who acknowledged that he executed and delivered the above and foregoing instrument.




NOTARY PUBLIC

My Commission Expires:

02-21-2019


Lynne Allison Brown Buchanan, Grantor

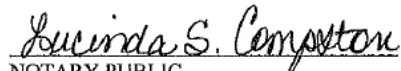
ACKNOWLEDGMENT

STATE OF MISSISSIPPI
COUNTY OF Darlington

Personally appeared before me, the undersigned authority in and for the said county and state, on this 16 day of November, 2018, within my jurisdiction, the within named Lynne Allison Brown Buchanan, who acknowledged that she executed and delivered the above and foregoing instrument.

[Seal]




NOTARY PUBLIC

My Commission Expires:


Beverly Brown Dees, Grantor

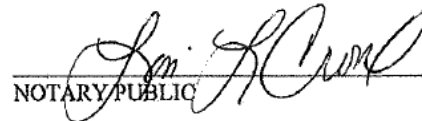
ACKNOWLEDGMENT

STATE OF MISSISSIPPI
COUNTY OF Harrison

Personally appeared before me, the undersigned authority in and for the said county and state, on this 11 day of JAN, 2018, within my jurisdiction, the within named Beverly Brown Dees, who acknowledged that she executed and delivered the above and foregoing instrument.

[Seal]




NOTARY PUBLIC

My Commission Expires:

July 31, 2021

TITLE NOT EXAMINED



PROPERTY DESCRIPTION

Jackson County, Mississippi, Tract 17

That certain tract of land described as Lot No. 10 according to a plat of survey made by E. N. Ramsay for a division of the lands of James Martin Estate as per plat of record in Surveyor's record at page 58 on file in the office of the Chancery Clerk of Jackson County, said lands being situated in Section or Claim No. 3, Township 7 South, Range 6 West and Section or Claim No. 12, Township 7 South, Range 7 West, comprising the Private Claim and Entry of James Ware. Said Lot 10 being that portion of the lands of said Martin Estate allotted to J.P. and J. W. Rabe, containing approximately 130 acres, more or less.

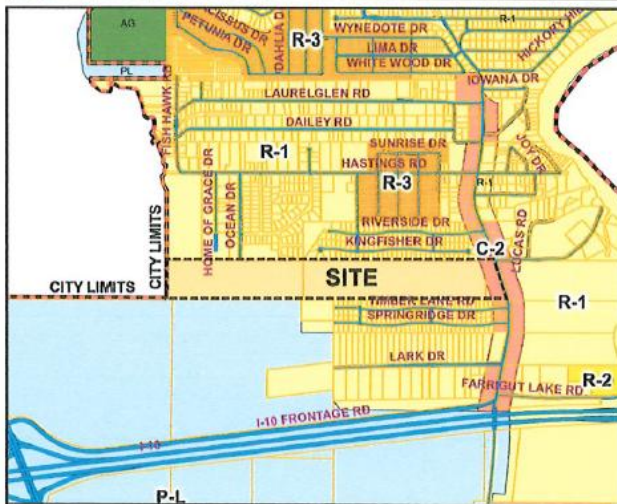
**Land Use Report for a
Zoning Map Amendment Properties Located
Along the West Side of Martin Bluff Road and North of Interstate 10
PIDNS: 85700299.010 (West); 85700299.000 (Central); and 85700075.000 (East)
Applicant: ARB Properties, LLC**

Prepared by: S. Donovan Scruggs, AICP
Date: June 25, 2026

ARB Properties, LLC is submitting an application for a zoning map amendment (rezoning) for approximately 85 acres of land located north of Interstate 10 and west of Martin Bluff Road. The site consists of three parcels that are located south of River Side Subdivision and north of Greenbriar Ridge Subdivision. The parcels have never been developed, and the site is wooded. The property is currently designated as C-2 (Community Commercial) District along Martin Bluff Road, but the majority of the site (approximately 81 acres) is designated as R-1. ARB Properties, LLC (ARB) is requesting that the entire site be rezoned to R-1A. This application is based on a change in neighborhood character and public need, as detailed in this report.

1. Overview

ARB has a contract to convey the property for single-family residential development. Despite the C-2 zoning along Martin Bluff Road, there has been no commercial development that is consistent with this zoning, and the area along Martin Bluff Road is primarily residential in nature. The site is adjacent to the Sand Hill Crane Refuge and the city limits along the south west and western portions area. The rezoning will provide more housing opportunities for those wishing to relocate to Gautier. More importantly, it will locate houses within an area that can provide convenient access to employment centers in Pascagoula, Biloxi, and Mobile. While the site may not have convenient access along Interstate 10 to attract commercial development, the proximity to this corridor and Gautier Vancleave Road provides excellent access for commuters within residential areas.



2. Cluster/Conservation Development

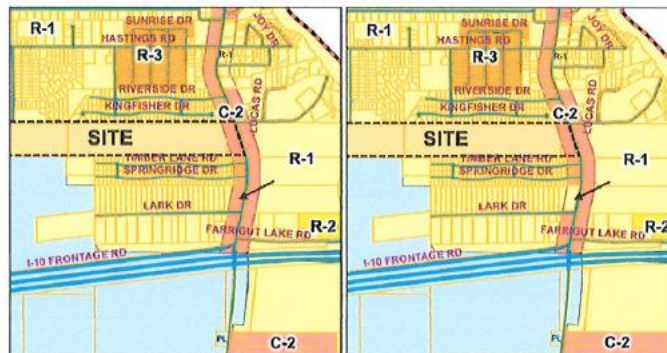
The proposed rezoning relates to a 'cluster or conservation subdivision.' The smaller lot sizes permitted within the R-1A District will allow the "clustering" of lots along the north and eastern portions of the properties while the southwestern portion that consists of wetlands will be preserved. The conservation area should be approximately 20 to 25 percent of the site. The site could be designed as a Planned Unit Development, but this designation could be too binding and cumbersome if changes are required. The preferred route for development would be the rezoning to R-1A that permits the desired dimensional standards within an existing district.

To the right is an image depicting a conservation or cluster development as it compares to a conventional subdivision. Notice that despite an equal number of lots, the plan on the left provides more open space or green space. While conservation subdivisions can preserve a variety of sensitive or unique features, on the Gulf Coast these subdivisions often preserve wetlands. Wetlands provide stormwater storage, wildlife habitat, and other benefits. Because the conservation area is adjacent to the Sand Hill Crane Refuge, this will provide significant open space and buffering without impacting the refuge and its wildlife.



3. Change in Neighborhood Character

The subject area is located along Martin Bluff Road and between two existing subdivisions (Greenbriar Ridge and River Side Subdivisions). The area includes a mix of zoning designations to include R-1, R-2, R-3, and C-2. Parcels along Martin Bluff Road have historically been designated as C-2 despite the overall lack of commercial development along the corridor. In fact, lots with the above referenced subdivisions are designated as C-2 despite their residential character. While this

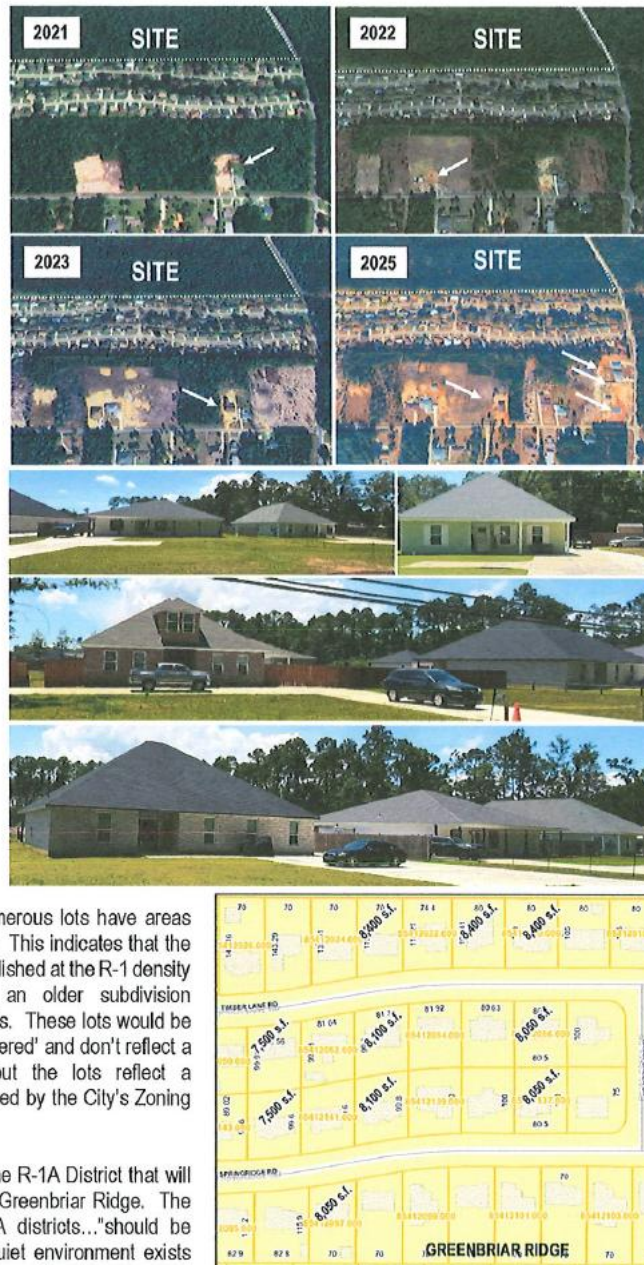


does not meet the requirement for a "mistake in zoning", it should be considered inconsistent with the area or lots within Greenbriar Ridge and Riverside Subdivisions.

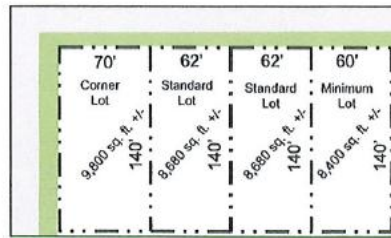
Recently, several parcels along Martin Bluff Road were rezoned from C-2 to R-1 for the construction of new single-family residences. As shown on the GoogleEarth images to the right, the site to the south (and along Lark Drive) were heavily wooded and undeveloped in 2021. Since that time, the area has been cleared and new homes have been constructed. Within the 2025 image, the new houses along Martin Bluff Road are visible which is a strong indicator of change in neighborhood character. Today, these lots have been primarily completed and occupied by families. The owner of the subject parcels intends to convey the property for development of a single family residential neighborhood.

Despite the R-1 District designation, the subdivision located to the south, Greenbriar Ridge, does not meet the minimum requirements of the district. The lot requirements for a R-1 District are 9,600 square feet with a minimum width of 80 feet. As demonstrated in the image below, several lots within Greenbriar Ridge have lot widths that are less than 80 feet. Additionally, numerous lots have areas ranging from 7,500 to 8,500 square feet. This indicates that the 'character' of the area is not entirely established at the R-1 density requirements. Greenbriar Ridge is an older subdivision with initial phases developed in the 1970s. These lots would be considered 'nonconforming' or 'grandfathered' and don't reflect a change in neighborhood character, but the lots reflect a neighborhood that is denser than permitted by the City's Zoning Ordinance.

The applicant is seeking a rezoning to the R-1A District that will permit lot sizes consistent with those in Greenbriar Ridge. The zoning ordinance indicates these R-1A districts..."should be located in areas of the City where a quiet environment exists which is suitable for moderate density residential uses and



adjacent to similar density residential areas." The proximity to a similarly sized subdivision, regardless of zoning, makes this proposal consistent with the zoning ordinance. Because the size of the proposed rezoning (85 acres) and its compatibility with the adjacent subdivisions in terms of lot sizes and density, the request cannot be considered a 'spot zoning'.



The proposed lots sizes will typically range from 8,400 to 9,800 sq. ft. with lots widths primarily between 60 and 60 feet. The area and width requirements of the City is to the right

Zoning District	Min. Lot Area (sq. ft.)	Min. Lot Width
AG	20,000 SF	100
R-E	43,560	150
R-1	9,600	80
R-1A	7,200/10,000	60
	9,600	90
R-2	9,600 +2,000 per du	80

The applicant intends to construct a development with lots sized primarily at approximately 8,700 square feet. This is significantly larger than the minimum lot sized permitted of 7,200 square feet. This is based largely on the desire for medium sized lots with sufficient separation between adjacent lots or neighbors. The minimum lot sizes for corner lots with a wider lot width requirement will be approximately 9,800 square feet.

4. Public Need

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



Maintaining and expanding the population will assist in commercial expansions. Commercial development typically follows 'rooftops' and a strong residential markets encourages and stronger commercial environment.

The subject area has recently seen a slight increase in new residential construction referenced earlier with new single-family residential units along Lark Drive and Martin Bluff Road. This should be considered positive development within an area that has seen little activity over the past 20 years. The proposed project will include significantly more new homes within the area. With new construction and higher values, this is expected to have a positive impact on adjacent subdivisions that have some maintenance and code issues present.

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

5. Consistency with the Comprehensive Plan.

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

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

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

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

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

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

- *Require Conservations Subdivisions or cluster housing in environmentally sensitive areas. (page 58).*

6. Conclusions.

The proposed rezoning represents one of the larger residential developments within the City of Gautier in recent years. The rezoning will permit a conservation subdivision which is encouraged in the Comprehensive Plan to preserve wetlands and the natural environment.

A growing population is important and is preferred to a declining population with out-migration of residents. A growing population supports the local economy which provides more revenues for businesses and the local units of government and schools. These new revenues will be derived from new ad valorem taxes but also with increases in population will increase demand and support for local businesses.

The request is supported by a change in neighborhood character demonstrated by the rezonings of the C-2 areas located south of the subject area and along Martin Bluff Road to R-1, and the subsequent development of those sites into residential lots. The public need is addressed through encouraging smart, population growth that is sensitive to the environment and supports economic growth within Gautier. ARB intends convey the site once the rezoning is complete to a housing developer who will start construction of the infrastructure as quickly as possible. Accordingly, the applicant requests approval of the rezoning from C-2 and R-1 to R-1A for the conveyance and development of land to move forward.

Respectfully Submitted:



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

Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department

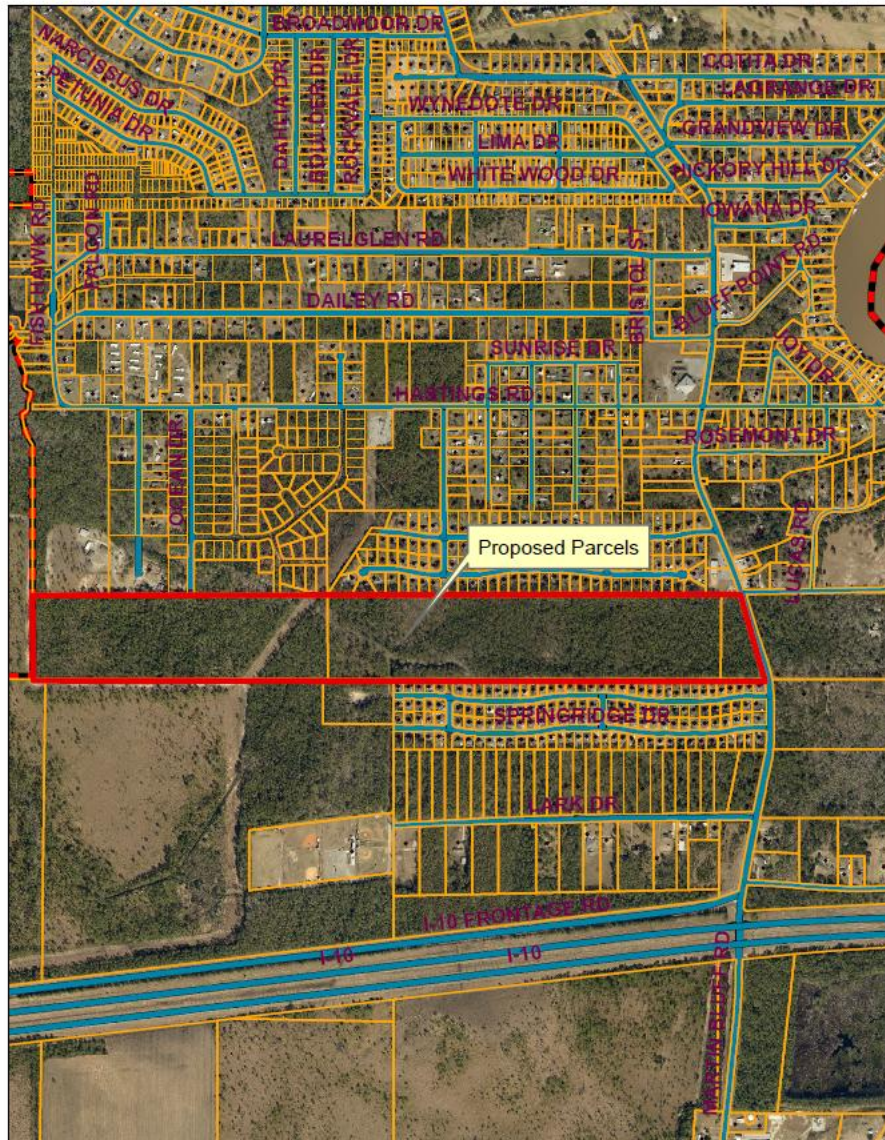


Exhibit B Existing Zoning

Prepared by:
City of Gautier
Planning Department

Legend

Zoning

ZONECODE

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

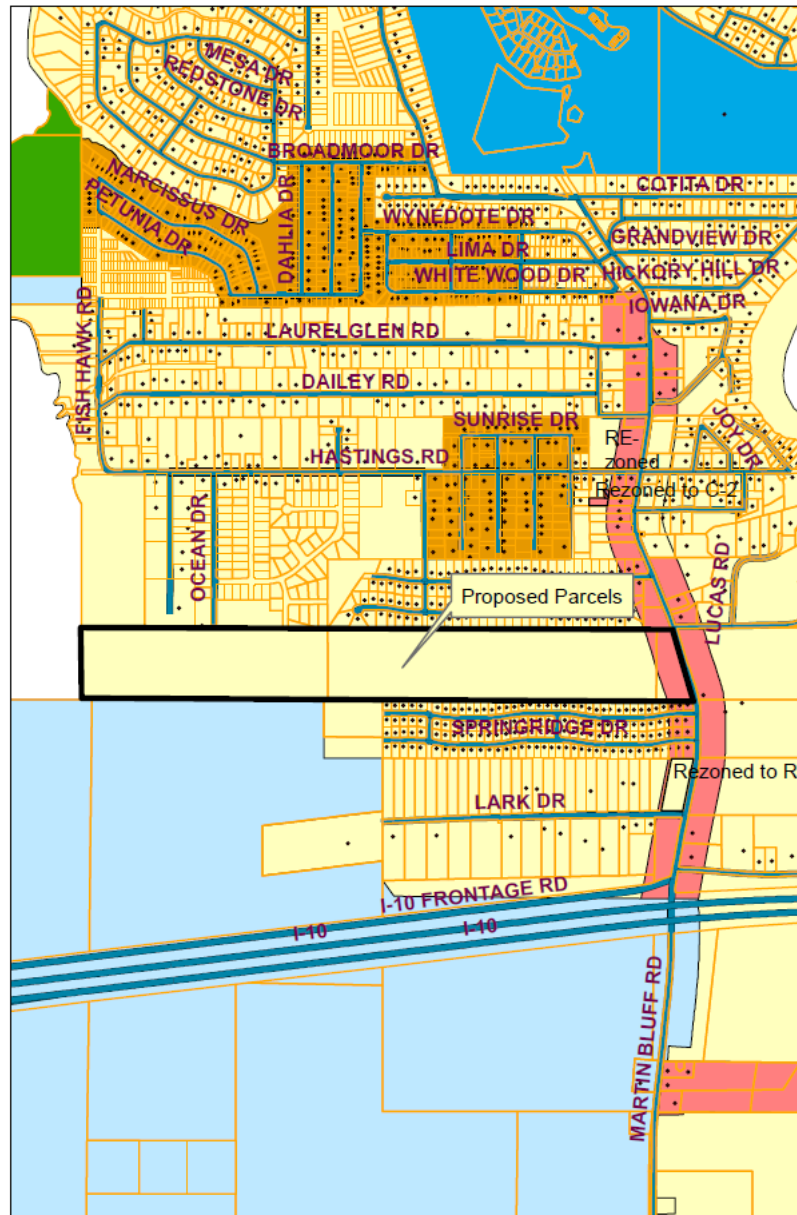


Exhibit C

Existing Land-Use

Prepared by:
City of Gautier
Planning Department

Legend

EXISTING LAND USE

ELU_08

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

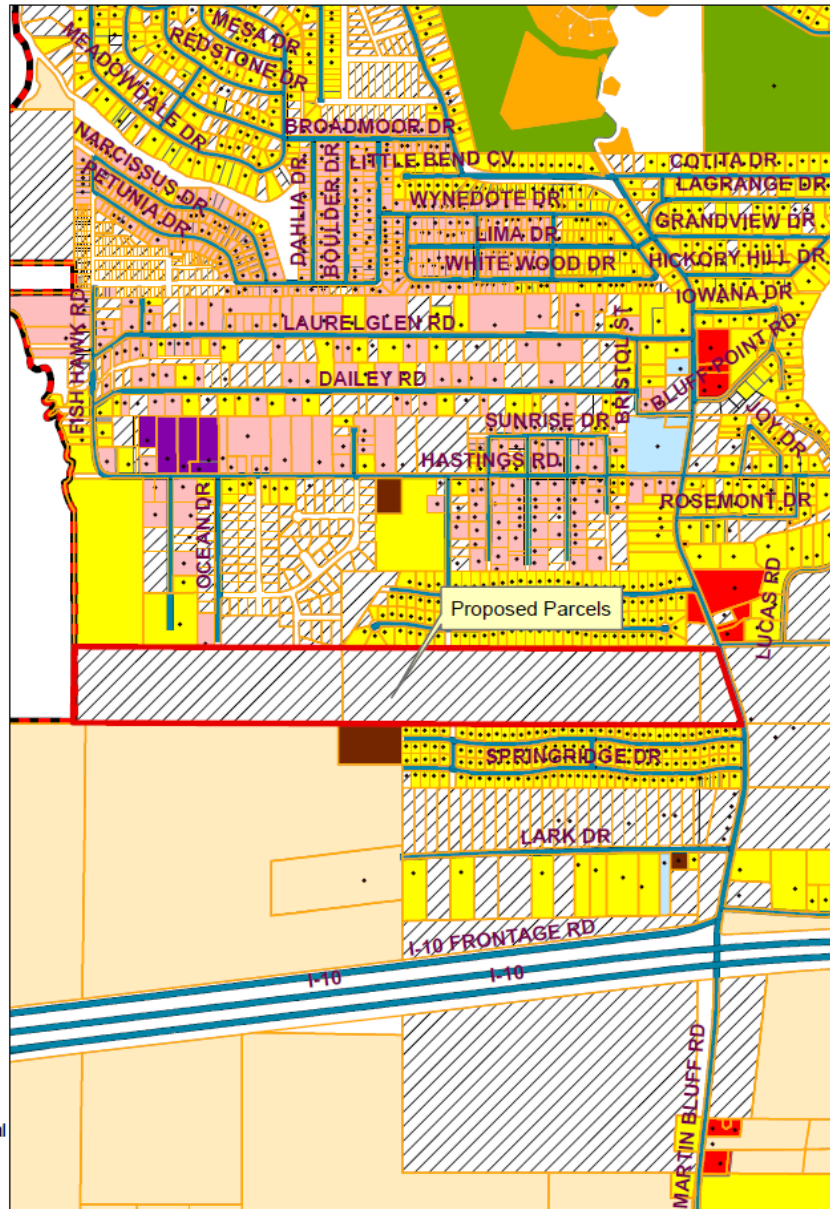


Exhibit D Future Land-Use

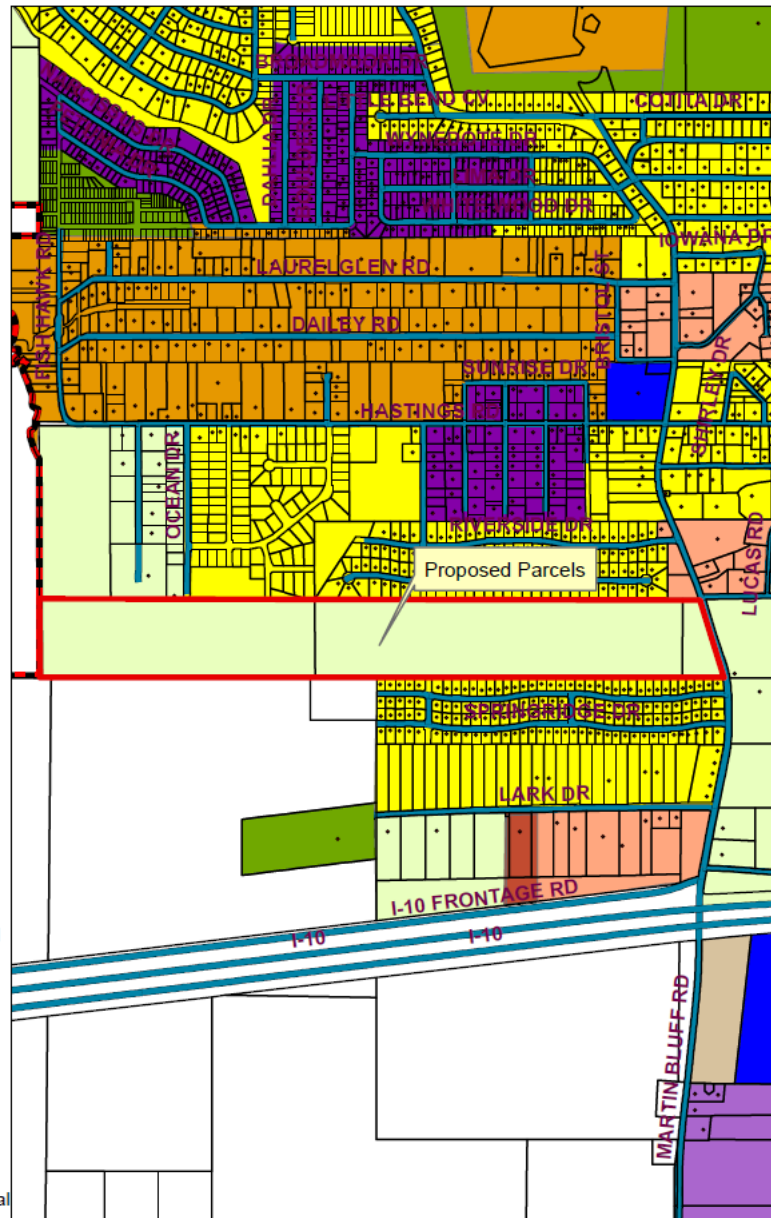
Prepared By:
City of Gautier
Planning Department

Legend

FUTURE LAND USE

FLU_Class

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



Gautier Planning Commission

Regular Meeting Agenda

AUGUST 6, 2026

GPC #26-41-VAR

PIDN# 82420180.000

HWY 57

VII. NEW BUSINESS

2. Consider a request for a five-foot (5') variance to the maximum building height for a previously approved three-story apartment complex in a C-3 Highway Commercial Zoning District. HWY 57, PID #82420180.000, (GPC #26-41-VAR)

**CITY OF GAUTIER
STAFF REPORT**

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: July 20, 2026

Subject: Consider a request for a five-foot (5') variance to the maximum building height for previously approved three story apartment buildings in a C-3 Highway Commercial Zoning District. 5900 HWY 57, PID #82420180.000, (GPC #26-41-VAR)

REQUEST:

The Planning Department has received a request from John Nunn dba Magnolia Landing for a five-foot (5') variance to the maximum building height for a previously approved three-story apartment building in a C-3 Highway Commercial Zoning District located at 5900 HWY 57, PID #82420180.000. (GPC #26-41-VAR) The application fee of \$175 was paid on July 6, 2025. All public notice requirements have been met.

BACKGROUND:

The applicant is building an apartment complex on the corner of HWY 57 and C Byrd Road. The council has previously approved the buildings to be three stories tall. According to the application, the project calls for nine-foot (9') ceilings and a floor-to-floor dimension of between ten-foot (10') and ten-foot six inches (10'6"). Given these dimensions, the peak of the roof would be five feet above the thirty-five-foot maximum height allowed in a C-3 Highway Commercial Zoning District.

DISCUSSION:

The applicant requests a five-foot (5') variance to allow the Magnolia Landing Apartment Complex to be built above the maximum building height allowed in a C-3 Highway Commercial Zoning District. The application claims that Ocean's 57 Apartments located at 4500 HWY 57, Ocean Springs, MS 39564, located two miles from Magnolia Landing is also built above the maximum building height of 35 feet.

Existing Zoning: C-3 Highway Commercial (Exhibit B)

Existing Land Use: Vacant Land, previously approved for a three-story apartment complex (Exhibit C)

Future Land Use: Mixed Use Residential (Exhibit D)

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

26-41-VAR

TO BE HEARD BY GAUTIER PLANNING COMMISSION:

FEE:

Variance

\$176.00

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

Name of Applicant: John Nunn

Name of Business: Magnolia Landing Investments, LLC

Phone: _____

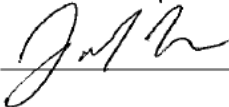
Property Address: _____ Mailing Address (if Different): PO Box 176, Gautier, MS 39553

E-Mail Address: _____

Reason for request, location and intended use of Property: Variance from 35-foot maximum building height (C-3 Highway Commercial District) to allow a maximum building height of 40 feet for the previously approved Magnolia Landing three-story multifamily apartment development at 5900 Hwy 57, Gautier, MS.

ATTACHMENTS REQUIRED AS APPLICABLE:

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

Signature of Applicant: 

Date of Application: 7/2/2026

FOR OFFICE USE ONLY

Date Received _____ Verify as Complete _____

Fee Amount Received _____ Initials of Employee Receiving Application _____

I, Magnolia Landing Investments, LLC, the fee simple owner of the following described property (give legal description):

NW1/4 of NW1/4, Section 20, Township 7 South, Range 7 West, Jackson County, Mississippi.
 Parcel 1: approximately 7 acres, less 0.66 ac. R/W exception (Bk 448, Pg 112).
 Parcel 2: approximately 12 acres, less 0.99 ac. R/W exception.
 Full metes-and-bounds legal description per Special Warranty Deed recorded January 25, 2024, Book 2152, Pages 399-405, Jackson County Chancery Clerk (Recording No. 202401314; Grantor: Magnolia Manager, LLC; Grantee: Magnolia Landing Investments, LLC, a Mississippi limited liability company).

hereby petition to the City of Gautier to Grant a Variance of five (5) feet in
maximum building height in the C-3 Highway District
 and affirm that John Nunn/Magnolia Landing Management, LLC 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 2 day of July, 2026 by John Nunn,
 who is personally known to me or has produced MSDL
 as identification and who did take an oath.

Heather Cuevas
 (Printed Name of Notary Public)

Heather Cuevas
 (Signature of Notary Public)



Commission # 495318. My commission expires April 30, 2029.
 (Notary's Seal)

VARIANCE

Criteria for Approval

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

The Magnolia Landing development consists of three-story multifamily residential buildings previously approved through the Conditional Use Permit process on property zoned C-3 Highway Commercial.

Per Article III, Sec. 6.32 of the Gautier Unified Development Ordinance (Definitions), Building Height is measured to the highest point of the roof surface. For a three-story multifamily structure utilizing a durable pitched roof, appropriate and code-preferred for coastal construction, the roof peak becomes the controlling measurement point.

The project design calls for 9'-0" ceilings in the residential units. To maintain that standard while providing appropriate structural assemblies and mechanical space in a three-story building, practical floor-to-floor dimensions of approximately 10'-10.5' per floor are required. These dimensions are consistent with standard residential construction industry norms for wood-frame multifamily structures with 9-foot finished ceilings. Together with a code-compliant pitched roof form, these dimensions cause the roof peak to modestly exceed the 35-foot limit.

The requested increase is limited to five (5) feet, allowing a maximum height of 40 feet; approximately a 14.3% increase over the permitted building height.

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

They are not. The development remains a three-story multifamily project as previously approved by the City. The request does not seek to add an additional story, increase density, or expand the approved use.

The need for the additional five feet arises from the interaction between the UDO's roof-peak height measurement method and the standard three-story building dimensions necessary for safe, code-compliant construction with appropriate ceiling heights. The condition is dimensional in nature and is not the result of a self-created hardship. No alteration to the approved building program is being requested.

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.

A strict application of the 35-foot height limit would materially constrain the ability to implement the previously approved three-story multifamily building type in a practical and proportionate manner. Without modest relief, the project would be required to compress structural or roof assemblies below reasonable construction norms, or to adopt flat or low-slope roof forms that are less durable and less appropriate for the Gulf Coast climate, neither of which advances the intent of the ordinance.

Furthermore, this variance request is consistent with the character of multifamily development already existing in the immediate area. The existing three-story apartment complex at 4500 Highway 57 (Ocean's 57 Apartments), located approximately two miles south of the subject site on the same corridor, visibly demonstrates this precedent. That community, built in 2011, consists of three-story residential buildings with a visibly pitched asphalt shingle roof.

Under IRC §R905.2.2, asphalt shingles require a minimum roof pitch of 2/12, the lowest slope at which they are code-compliant. A three-story residential building of standard construction carries a wall plate height of approximately 32 feet. Any code-compliant asphalt shingle roof over a multi-unit residential footprint necessarily adds sufficient rise to exceed the 35-foot limit. Any code-compliant asphalt shingle roof over a multi-unit residential footprint (which cannot practically be narrower than ~40 feet) adds a minimum of 3.3 feet at the ridge, pushing the building to at least 35.3 feet before accounting for any overhang, parapet, or mechanical equipment.

This demonstrates that three-story multifamily buildings with pitched roofs comparable in form and scale to Magnolia Landing currently exist and operate along this same highway corridor, and that their construction height materially exceeds the 35-foot limit. Denying the requested variance would deprive the applicant of rights and building forms already enjoyed by similarly situated multifamily properties in the area. The request does not seek additional development intensity, but only a limited dimensional adjustment necessary to reasonably implement the approved use.

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

No. The proposed building remains three stories in height and is consistent with the approved residential use. The request represents a five-foot increase over the 35-foot maximum, equating to a 14.3% deviation.

The variance does not increase density, change the permitted use, or alter the character of the development. It simply allows reasonable dimensional flexibility to construct a three-story building with appropriate ceiling heights and roof proportions consistent with standard construction practice and with comparable multifamily development already present along the Highway 57 corridor.

Granting this request would not afford a special privilege but would allow for completion of the previously approved development on terms consistent with the character of the area and the dimensional realities of three-story residential construction.

WHEN RECORDED RETURN TO:

GERSHMAN INVESTMENT CORP.

Attn: Bill Mejia

7800 Forsyth Blvd, Suite 700

St. Louis, Missouri 63105

DECLARATION OF RESTRICTIVE COVENANT

This Declaration of Restrictive Covenant ("**Declaration**") is executed as of this ____ day of November, 2025 (the "**Effective Date**"), by **MAGNOLIA LANDING INVESTMENTS, LLC**, a Mississippi limited liability company ("**Owner**").

RECITALS

- A. Owner is the owner of that certain parcel of land located in the County of Jackson, State of Mississippi (the "**State**"), which is more fully described on Exhibit A hereto (the "**Property**").
- B. That portion of the Property which is described and/or depicted on Exhibit B hereto contains wetlands as defined at 24 CFR 55.2(b)(11) (said portion of the Property hereinafter referred to as the "**Wetlands**").
- C. In connection with the financing of the Property through a loan from Gershman Investment Corp., an Arkansas corporation insured by the United States Department of Housing and Urban Development ("**HUD**"), Owner has agreed to establish certain restrictions with respect to the use of the Wetlands that are intended to run with the land as more fully set forth herein.
- D. The purpose of this Declaration is to provide for permanent preservation of the Wetlands, as set forth herein.

NOW THEREFORE, in consideration of the foregoing premises, the making, receiving and insuring of the loan, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Owner declares as follows:

1. Use Restrictive Covenant.

- (a) From and after the Effective Date, (i) no new structure, paving, or other improvements shall be constructed on, and no new modifications or landscaping activities (except for minor grubbing, clearing of debris, pruning, sodding or seeding, or other similar activities) shall be carried out within the Wetlands; and (ii) the use of the Wetlands shall be limited solely to passive open or green space.

In addition, from and after the Effective Date, (i) no new construction activities, including draining, dredging, channelizing, filling, diking, impounding, flooding, releasing wastes, and related activities that impact the Wetlands shall be performed; and (ii) no exotic species shall be introduced into the Wetlands, except biological controls preapproved in writing by the Army Corps of Engineers local office or the State environmental office. Provided, that the following are expressly permitted: (i) cumulatively very small impacts associated with hunting (excluding planting or burning), fishing, and similar recreational or educational activities, consistent with the continuing natural condition of the Property; and (ii) restoration or mitigation required under law.

- (b) This Declaration and the covenants set forth herein restricting the use and occupancy of the Wetlands (i) shall be and are covenants running with, touching, and encumbering the Property, binding upon the Owner and all successors in interest or title, transferees, vendees, lessees, mortgagees, and assigns who are owners and/or users of the Property, and (ii) are not merely personal covenants of the Owner.

- (c) Any and all requirements of the laws of the State to be satisfied in order for the provisions of this Declaration to constitute deed restrictions and covenants running with the land shall be deemed to be satisfied in full, and any requirements or privileges of estate are intended to be satisfied, or in the alternate, an equitable servitude has been created to insure that these restrictions run with the land. Each and every contract, deed, or other instrument hereafter executed conveying the Property or portion thereof (excluding instruments granting security interests) shall expressly provide that such conveyance is subject to this Declaration, provided, however, that the covenants contained herein shall survive and be effective regardless of whether such contract, deed or other instrument hereafter executed conveying the Property or portion thereof provides that such conveyance is subject to this Declaration.

2. Enforcement. In the event of a breach or threatened breach of this Declaration, any party adversely affected by such breach, the county or municipality where the Property is located, the State, or the United States of America shall be entitled to institute proceedings at law or in equity for relief from the consequences of said breach including seeking injunctive relief to prevent a violation thereof. The prevailing party in any such action shall be awarded its costs and expenses, including reasonable attorneys' fees, which shall be deemed to have accrued on the commencement of such action and shall be awarded whether or not such action is prosecuted to judgment.

3. Superiority. The charges and burdens of this Declaration are, and shall at all times be, prior and therefore superior to the lien or charge of any mortgage or deed of trust hereafter made affecting the Property or any part thereof, including any improvements now or hereafter placed thereon, and notwithstanding a foreclosure or other voluntary or involuntary transfer of title pursuant to such instrument, shall remain in full force and effect, but are subordinate to the security interests of record on the Effective Date. Provided, however, that a breach of any of the restrictions hereof shall not defeat or render invalid the lien or charge of any mortgage or deed of trust. The charges and burdens of this Declaration are not intended to either create a lien upon the Property, or grant any right of foreclosure, to any person or party.
4. Release. Any person or entity having or acquiring fee or leasehold title to the Property or any portion thereof shall be required to comply with this Declaration only during the period such person or entity is the fee or leasehold owner of the Property, and thereafter shall be released therefrom, except that such person or entity shall continue to be liable for, and shall not be released from liability for, obligations, liabilities or responsibilities that accrue or accrued during said period of ownership. Although persons or entities may be released under this paragraph, the restrictions of this Declaration shall continue to be restrictions upon the Property, running with the land, and shall inure to the benefit of, and be binding upon, their successors and assigns in title or interest.
5. Notices. All notices provided for herein may be delivered in person, sent by Federal Express or other overnight courier service, mailed in the United States mail postage prepaid, or sent by electronic or facsimile transmission, and, regardless of the method of delivery used, shall be considered delivered upon the actual receipt or refusal of receipt thereof. The name, address and other information to be used in connection with such correspondence and notices to Owner shall be the then-current owner's name and address information maintained in the official real property tax records with respect to the Property.
6. Miscellaneous.
 - (a) Headings. The headings in this Declaration are for convenience only and do not in any way limit or affect the terms and provisions hereof.
 - (b) Unenforceability. If any provision of this Declaration is held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect the remainder of such provision or any other provisions hereof.
 - (c) Gender. Wherever appropriate in this Declaration, the singular shall be deemed to refer to the plural and the plural to the singular, and pronouns of certain genders shall be deemed to include either or both of the other genders.
 - (d) Governing Law. This Declaration shall be construed and enforced in accordance with the laws of the State.
 - (e) Intentionally Omitted.

- (f) Amendments. This Declaration may be amended or canceled only by written instrument executed by HUD and the then-current owner of the Property.
- (g) No General Public Access. This Declaration does not establish any rights of access in favor of the general public for any purposes whatsoever.
- (h) Entire Agreement. This Declaration constitutes the entire agreement of Owner with respect to the subject matter hereof and supersedes all prior negotiations or discussions, whether oral or written, with respect thereto.

**[REMAINDER OF PAGE INTENTIONALLY BLANK;
SIGNATURE PAGE TO FOLLOW]**

IN WITNESS WHEREOF, the undersigned has caused this Agreement to be signed by its duly authorized representatives, as of the day and year first above written.

OWNER:

MAGNOLIA LANDING INVESTMENTS, LLC,
a Mississippi limited liability company

By: **MAGNOLIA LANDING MANAGEMENT, LLC,**
a Mississippi limited liability company,
its Manager

By: _____
John Nunn, Manager

STATE OF _____)
) SS:
COUNTY OF _____)

Personally appeared before me, the undersigned authority in and for the said county and state, on this ____ day of _____, 2025, within my jurisdiction, the within named John Nunn, who acknowledged to me that he is Manager of Magnolia Landing Management, LLC, a Mississippi limited liability company and manager of Magnolia Landing Investments, LLC, a Mississippi limited liability company, and that for and on behalf of said limited liability companies, and as the act and deed of said limited liability companies, he executed the above and foregoing instrument, after first having been duly authorized by said limited liability companies so to do.

My Commission Expires:

Notary Public

EXHIBIT A

(Description of the Property)

BEGINNING AT A POINT ON THE EAST MARGIN OF STATE HIGHWAY 57 THAT IS 1056 FEET SOUTH OF THE NORTH LINE OF THE NORTHWEST QUARTER (NW1/4) OF THE NORTHWEST QUARTER (NW1/4) OF SECTION 20, TOWNSHIP 7 SOUTH, RANGE 7 WEST, WHICH IS THE SOUTHWEST CORNER OF THE LANDS THIS DAY DEEDED TO RUSSELL W. HRABE, THE POINT OF BEGINNING; THENCE RUN SOUTH ALONG THE EAST MARGIN OF SAID HIGHWAY A DISTANCE OF 231 FEET, MORE OR LESS, TO THE NORTH MARGIN OF DIRT ROAD; THENCE EAST ALONG THE NORTH MARGIN OF SAID DIRT ROAD A DISTANCE OF 1300 FEET, MORE OR LESS, TO THE EAST LINE OF SAID 40 ACRE TRACT; THENCE NORTH ALONG THE EAST LINE OF SAID 40 ACRE TRACT A DISTANCE OF 231 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF THE RUSSELL W. HRABE TRACT; THENCE WEST ALONG THE SOUTH LINE OF SAID RUSSELL W. HRABE TRACT 1300 FEET, MORE OR LESS, TO THE PLACE OF BEGINNING. CONTAINING 7 ACRES, MORE OR LESS. THIS BEING THE SAME PROPERTY AS THAT CONVEYED TO MARY ALICE HRABE THOMPSON, BY INSTRUMENT RECORDED IN DEED BOOK 289, AT PAGE 24, LAND DEED RECORDS OF JACKSON COUNTY, MISSISSIPPI. MARY ALICE HRABE DIED TESTATE OCTOBER 11, 1992, AND BY THE TERMS OF HER LAST WILL AND TESTAMENT, OF RECORD AT BOOK 47, PAGE 289, DEVISED SAID PROPERTY TO HER CHILDREN, JON RICHARD REHAGE, FREDRICK A. REHAGE, AND ALICE ANN GILLEY.

LESS AND EXCEPT A .66 ACRE OF LAND CONVEYED TO THE STATE OF MISSISSIPPI, DATED NOVEMBER 20, 1972, OF RECORD AT BOOK 448, AT PAGE 112, CHANCERY CLERK FOR JACKSON COUNTY, MISSISSIPPI, AND IS BOUNDED AND DESCRIBED AS FOLLOWS:

BEGIN AT THE POINT OF INTERSECTION OF THE NORTH LINE OF GRANTORS PROPERTY WITH THE CENTERLINE OF THE EAST LANE OF FEDERAL AID PROJECT NO. S-0119(11)A AT HIGHWAY SURVEY STATION 96+65.46 AS SHOWN ON THE PLANS FOR SAID PROJECT; FROM SAID POINT OF BEGINNING RUN THENCE EAST ALONG SAID NORTH LINE, A DISTANCE OF 76.1 FEET TO THE PROPOSED EASTERLY RIGHT-OF-WAY LINE OF SAID PROJECT; THENCE SOUTH 1 DEGREE 53 MINUTES EAST ALONG SAID PROPOSED RIGHT-OF-WAY LINE, A DISTANCE OF 134.7 FEET TO A POINT THAT IS 80 FEET EASTERLY OF AND MEASURED RADially TO THE CENTERLINE OF THE EAST LANE OF SAID PROJECT AT STATION 95+30; THENCE SOUTH 32 DEGREES 46 MINUTES EAST, A DISTANCE OF 65.2 FEET TO A POINT THAT IS 115 FEET EASTERLY OF AND MEASURED RADially TO THE CENTERLINE OF THE EAST LANE OF SAID PROJECT AT STATION 94+75; THENCE SOUTH 76 DEGREES 16

MINUTES EAST, A DISTANCE OF 103.1 FEET TO A POINT THAT IS 215 FEET EASTERLY OF AND MEASURED RADially TO THE CENTERLINE OF THE EAST LANE OF SAID PROJECT AT STATION 94+50; THENCE SOUTH 0 DEGREES 18 MINUTES EAST, A DISTANCE OF 30 FEET, MORE OR LESS, TO THE SOUTH LINE OF GRANTORS PROPERTY AND THE CENTER OF A COUNTY ROAD AS SHOWN ON THE PLANS FOR SAID PROJECT; THENCE WESTERLY ALONG THE CENTER OF SAID COUNTY ROAD, A DISTANCE OF 283 FEET, MORE OR LESS, TO THE CENTER OF PRESENT MISSISSIPPI HIGHWAY NO. 57 AS SHOWN ON THE PLANS FOR SAID PROJECT; THENCE NORTHERLY ALONG THE CENTER OF SAID MISSISSIPPI HIGHWAY NO. 57, A DISTANCE OF 246 FEET, MORE OR LESS, TO THE NORTH LINE OF GRANTORS PROPERTY; THENCE EAST ALONG SAID NORTH LINE, A DISTANCE OF 60 FEET, MORE OR LESS, TO THE POINT OF BEGINNING CONTAINING 0.66 ACRES, MORE OR LESS, EXCLUSIVE OF PRESENT HIGHWAY AND COUNTY ROAD RIGHTS-OF-WAY AND BEING SITUATED IN AND A PART OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 20, TOWNSHIP 7 SOUTH, RANGE 7 WEST, JACKSON COUNTY, MISSISSIPPI.

AND ALSO:

BEGINNING AT A POINT ON THE EAST MARGIN OF STATE HIGHWAY NO. 57 THAT IS 660 FEET SOUTH OF THE NORTH LINE OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 20, TOWNSHIP 7 SOUTH, RANGE 7 WEST, WHICH POINT IS THE SOUTHWEST CORNER OF THE LANDS THIS DAY DEEDED TO RICHARD A. HRABE, THE POINT OF BEGINNING, THEN RUN SOUTH ALONG THE EAST MARGIN OF SAID HIGHWAY A DISTANCE OF 396 FEET; THENCE EAST ALONG A LINE PARALLEL WITH THE NORTH LINE OF SAID 40 ACRE TRACT A DISTANCE OF 1300 FEET, MORE OR LESS, TO THE EAST LINE OF SAID 40 ACRE TRACT; THENCE NORTH ALONG THE EAST LINE OF SAID 40 ACRE TRACT 396 FEET TO THE SOUTHEAST CORNER OF THE RICHARD A. HRABE TRACT; THENCE WEST ALONG THE SOUTH LINE OF THE SAID RICHARD A. HRABE TRACT 1300 FEET, MORE OR LESS, TO THE PLACE OF BEGINNING, CONTAINING 12 ACRES, MORE OR LESS.

LESS AND EXCEPT:

BEGIN AT THE POINT OF INTERSECTION OF THE SOUTH LINE OF GRANTORS PROPERTY WITH THE CENTERLINE OF THE EAST LANE OF FEDERAL AID PROJECT NO. S-0119(11)A AT HIGHWAY SURVEY STATION 98 + 65.46 AS SHOWN ON THE PLANS FOR SAID PROJECT; FROM SAID POINT OF BEGINNING RUN THENCE EAST ALONG SAID SOUTH LINE, A DISTANCE OF 76.1 FEET TO THE PROPOSED EASTERLY RIGHT-OF-WAY LINE OF SAID PROJECT; THENCE NORTH 1° 53' WEST ALONG SAID

PROPOSED RIGHT-OF-WAY LINE., A DISTANCE OF 35.2 FEET TO A POINT THAT IS 75 FEET EASTERLY OF AND MEASURED RADially TO THE CENTERLINE OF THE EAST LANE OF SAID PROJECT AT STATION 97 + 00; THENCE NORTH 0° 32' WEST, A DISTANCE OF 360.9 FEET TO THE NORTH LINE OF GRANTORS PROPERTY; THENCE WEST ALONG SAID NORTH LINE, A DISTANCE OF 72.1 FEET TO THE CENTERLINE OF THE EAST LANE OF SAID PROJECT AT STATION 100 + 61.46; THENCE CONTINUE WEST ALONG SAID NORTH LINE, A DISTANCE OF 65 FEET, MORE OR LESS, TO THE CENTER OF PRESENT MISSISSIPPI HIGHWAY NO. 57; THENCE SOUTHERLY ALONG THE CENTER OF SAID MISSISSIPPI HIGHWAY NO. 57, A DISTANCE OF 396 FEET, MORE OR LESS, TO THE SOUTH LINE OF GRANTORS PROPERTY; THENCE EAST ALONG SAID SOUTH LINE, A DISTANCE OF 65 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, CONTAINING 0.99 ACRES, MORE OR LESS, EXCLUSIVE OF PRESENT MISSISSIPPI HIGHWAY NO. 57 RIGHT-OF-WAY AND BEING SITUATED IN AND A PART OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 20, TOWNSHIP 7 SOUTH RANGE 7 WEST, JACKSON COUNTY, MISSISSIPPI.

EXHIBIT B

(Description and/or Depiction of the Wetlands)

See attached.

Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department



Exhibit B Existing Zoning

Prepared by:
City of Gautier
Planning Department

Legend

Zoning ZONECODE

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

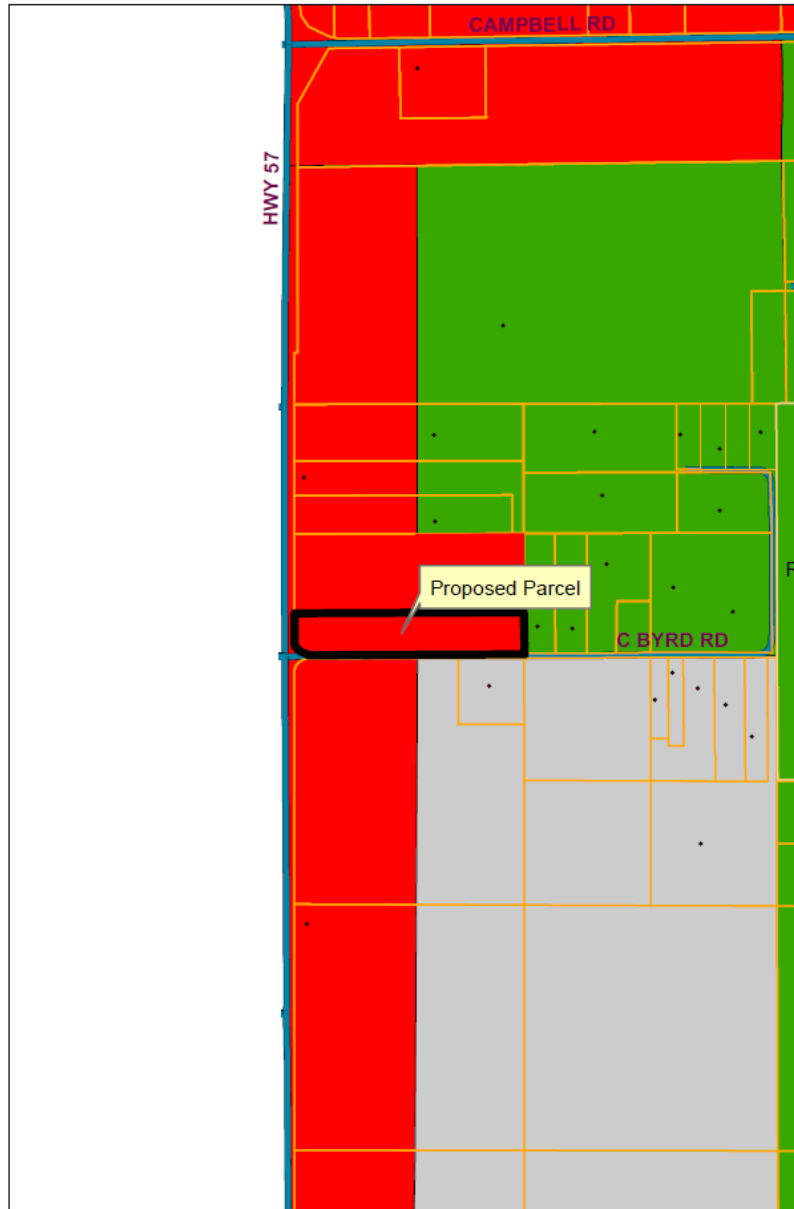


Exhibit C

Existing Land-Use

Prepared by:
City of Gautier
Planning Department

Legend

EXISTING LAND USE

ELU_08

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

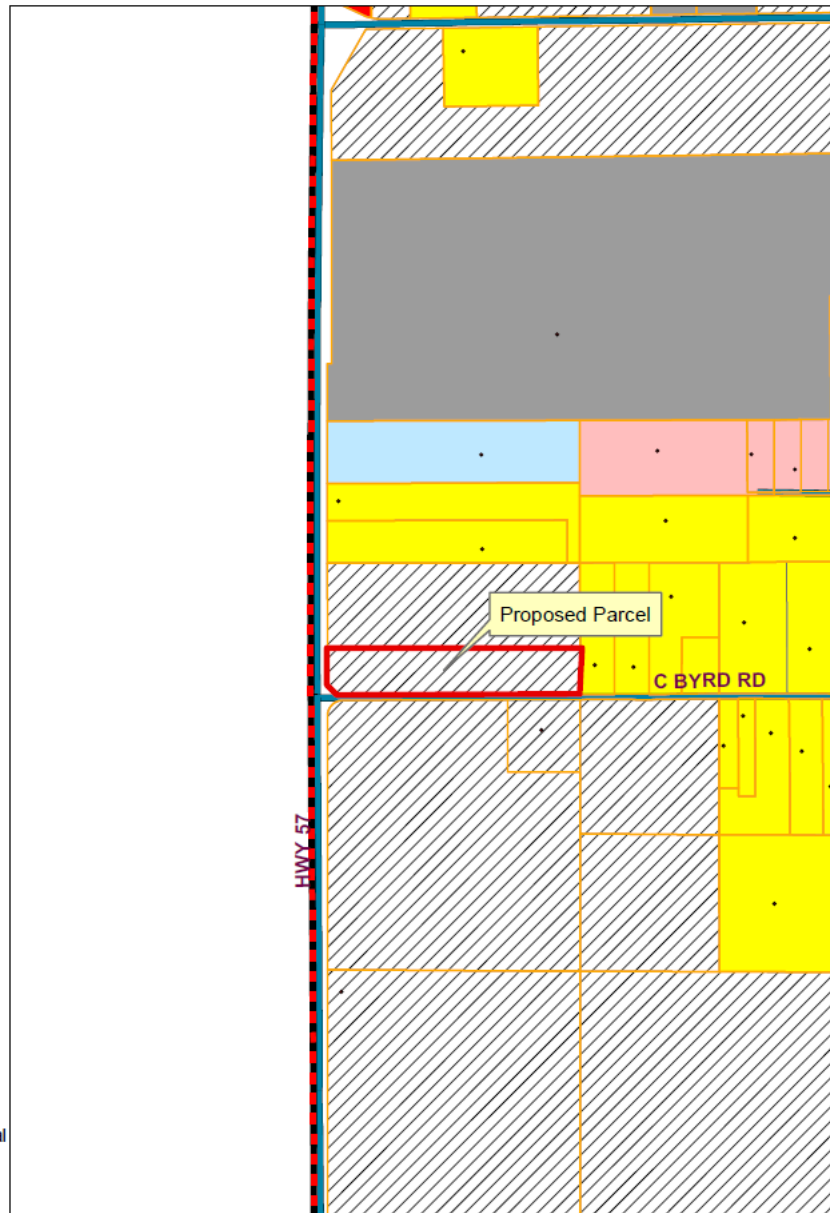


Exhibit D Future Land-Use

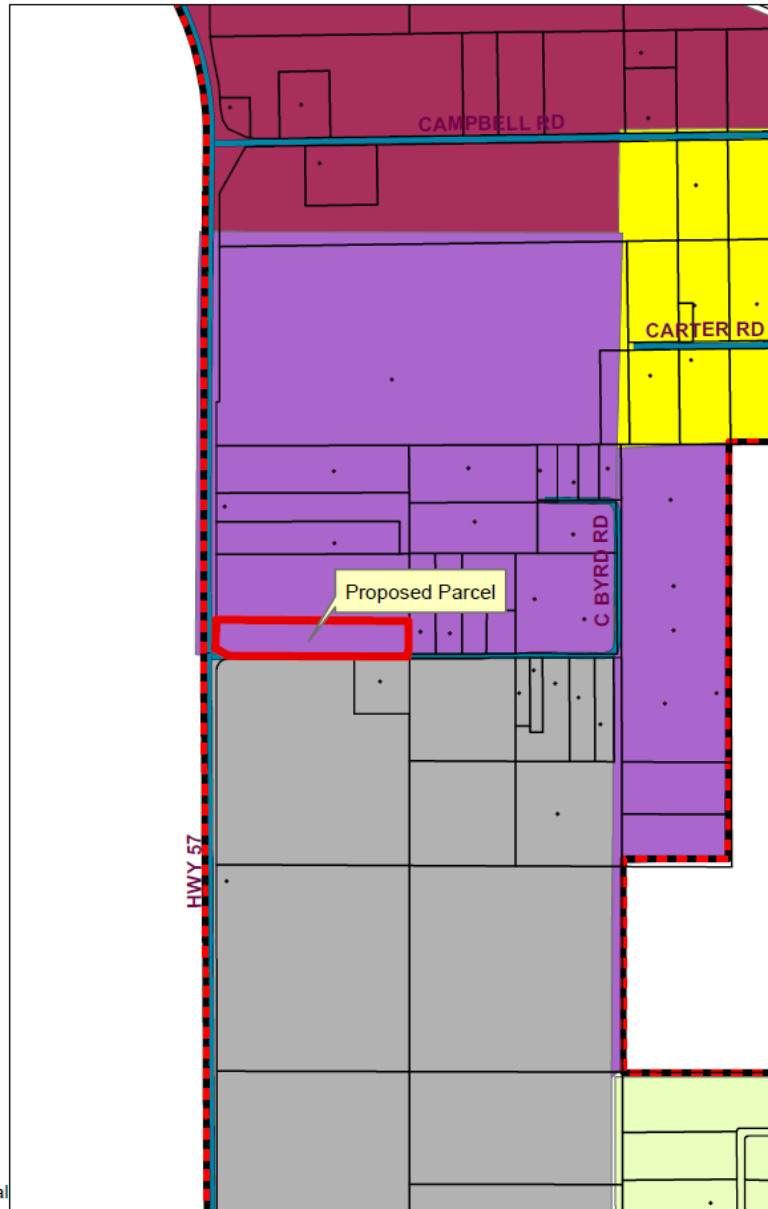
Prepared By:
City of Gautier
Planning Department

Legend

FUTURE LAND USE

FLU_Class

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



Gautier Planning Commission

Regular Meeting Agenda

August 6, 2026

GPC 26-42-RZ

Beau Cox

Birdie Lane

PIDN #87114000.075 & 82503010.175

VII. NEW BUSINESS

2. Consider a request for a Property Owner Initiated Rezoning of two parcels located on Birdie Lane, PIDN #87114000.075 & 82503010.175 from the existing PUD – Planned Unit Development to a new PUD – Planned Unit Development. (GPC #26-42-RZ)

**CITY OF GAUTIER
STAFF REPORT**

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: July 20, 2026

Subject: Consider a request for a property owner-initiated rezoning of two parcels located on Birdie Lane, PIDN #87114000.075 & 82503010.175 from the existing PUD – Planned Unit Development to a new PUD – Planned Unit Development. (GPC #26-42-RZ)

REQUEST:

The Planning Department has received a request from Lionel “Beau” Cox DBA KayBeau Development LLC for a proposed Amendment of the Official Zoning Map of the City of Gautier, Mississippi. The request for a property owner-initiated rezoning of two parcels located on Birdie Lane, PIDN #87114000.075 & 82503010.175 from the existing PUD – Planned Unit Development to a new PUD – Planned Unit Development. (GPC #26-42-RZ) The application fee of \$300 was paid on July 9, 2026. 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: Birdie Lane (Inside Shell Landing), PIDN #87114000.075 & 82503010.175 (See Exhibit A)
2. Existing Zoning: PUD - Planned Unit Development. (See Exhibit B)

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

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

DATA AND ANALYSIS:

Property requested for Rezoning: Birdie Lane, Inside Shell Landing. PIDN #87114000.075 & 82503010.17.

Location: Ward 1

Current Zoning of the Request Property: PUD Planned Unit Development.

Existing Land Use: vacant (See Exhibit C)

Future Land Use: Recreational (See Exhibit D)

Surrounding Zoning: Surrounded by the Shell Landing PUD – Planned Unit Development.

HISTORY:

The subject parcels are currently vacant and sit within the boundaries of the Shell Landing Golf Course and Subdivision. The current PUD does not allow for multi-family structures, and the applicant would like to build single-family homes and duplexes.

REVIEW CRITERIA:

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

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

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

STAFF RECOMMENDATION:

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

CONCLUSION:

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

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

ATTACHMENTS:

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

Revised 2/8/23

GAUTIER, MISSISSIPPI
PLANNING DEPARTMENT
PUBLIC HEARING APPLICATION

Public Hearing Number

26-42-R2

TO BE HEARD BY GAUTIER PLANNING COMMISSION:

FEE:

Zoning Change

✓

\$301.00

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

Name of Applicant: Lionel " Beau " Cox

Name of Business: KayBeau Development LLC

Phone: _____

End of Birdie Lane

115 Clear Springs Circle

Property Address: Shell Landing, Gautier, MS Mailing Address (if Different): Ocean Springs, MS 39564

E-Mail Address: _____

Reason for request, location and intended use of Property: _____

14 acres to be subdivided to build est. 40 Single Family Homes and 10 Duplexes

ATTACHMENTS REQUIRED AS APPLICABLE:

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

Signature of Applicant: _____ Date of Application: 7/6/2026

Beau Cox

FOR OFFICE USE ONLY

Date Received 7/6/26 Verify as Complete EMP

Fee Amount Received 301.00 Initials of Employee Receiving Application EMP

7/9/26

SECTION 4.15: Zoning Map Change (Rezoning)

A zoning map change involves the rezoning of property from one zoning classification to another or the extension of existing zoning district boundaries on the Official Zoning Map. When the public welfare justifies such action, the City Council may amend the Official Zoning Map.

4.15.1 Who May Initiate

A zoning map change may be initiated by the City Council, the Planning Commission or the property owner or agent of the owner provided that:

- A. Said property has not been denied a previous request for the same property or portion a property within the past twelve (12) months; and
- B. All procedures and provisions for a public hearing have been met.

4.15.2 Requests for Zoning Map Change (rezoning)

Applications for a Zoning Map Change (rezoning) may be filed on the appropriate application available from the Planning Department and shall provide all requested information and provide all requested attachments/submittals.

4.15.3 Criteria for Rezoning of Property

The Planning Commission shall not recommend approval of a rezoning and the City Council shall not rezone property unless the applicant has proven by clear and convincing evidence that either:

- 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.

4.15.4 Three-Fifths Council Vote Needed

In accordance with *Mississippi Code Annotated Section 17-1-17 (1972)*, in case of a protest against such change signed by the owners of twenty (20) percent or more, either of the area of the lots included in such proposed change, or of those immediately adjacent to the rear thereof, extending one hundred sixty (160) feet therefrom or of those directly opposite thereto, extending one hundred sixty (160) feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of three-fifths (3/5) of the members of the City Council who are not required by law or ethical considerations to recuse themselves.

4.15.5 Rezoning by Court Order

In the event rezoning is required pursuant to a court order specifically establishing the zoning classification to be applicable to the property which is the subject matter of the suit, the procedural requirements of the Unified Development Ordinance for rezoning property shall not apply. A certified copy of the final court order shall be filed with the Planning Director after all available time for appeal has expired. The Planning Director shall enter the zoning change on the official zoning map and place the certified copy of the court order in the immediate area of the official zoning map, and cause the zoning change to be entered in the minutes of the City Council.

4.15.6 Public Notification

In addition to the required public notices in a newspaper of regular and general circulation in the City at least fifteen (15) days prior to the public hearing, a notice shall be posted at City Hall and the effected property for the benefit of the public prior to a public hearing for a Zoning Map Change (Rezoning).

OWNERS CONSENT AND DESIGNATION OF AGENT - CONDITIONAL USE

I, Donald C. Winfrey of HIS REALTY, LLC, the fee simple owner(s) of the following described property:

Address:

UNKNOWN

Parcel ID No.: 87114000.075 + 82503010.175

hereby petition to the City of Gautier to Grant a Conditional Use Major or Minor of _____ (state proposed use from Article V of the Unified Development Ordinance) at the above reference property and affirm that KAYBEAU DEVELOPMENT LLC (name of agent) 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.

(Owner's Signature)

(Owner's Signature)

Notary Information:

The foregoing instrument was acknowledged before me this 1st day of July, 2026 by Donald C. Winfrey who is personally known to me or has produced Colorado Drivers License as identification and who did take an oath.

(Printed Name of Notary Public)

(Signature of Notary Public)

Commission # 20044026228 My commission expires 2-21-27

(Notary's Seal)

GARY BILLINGS
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20044026228
MY COMMISSION EXPIRES MARCH 21, 2027

REVISIONS

Maisons au 918



Red = 41 (SFR)

1 MASTER PLAN
57 LOTS

Blue = 15 (Golf Villas)

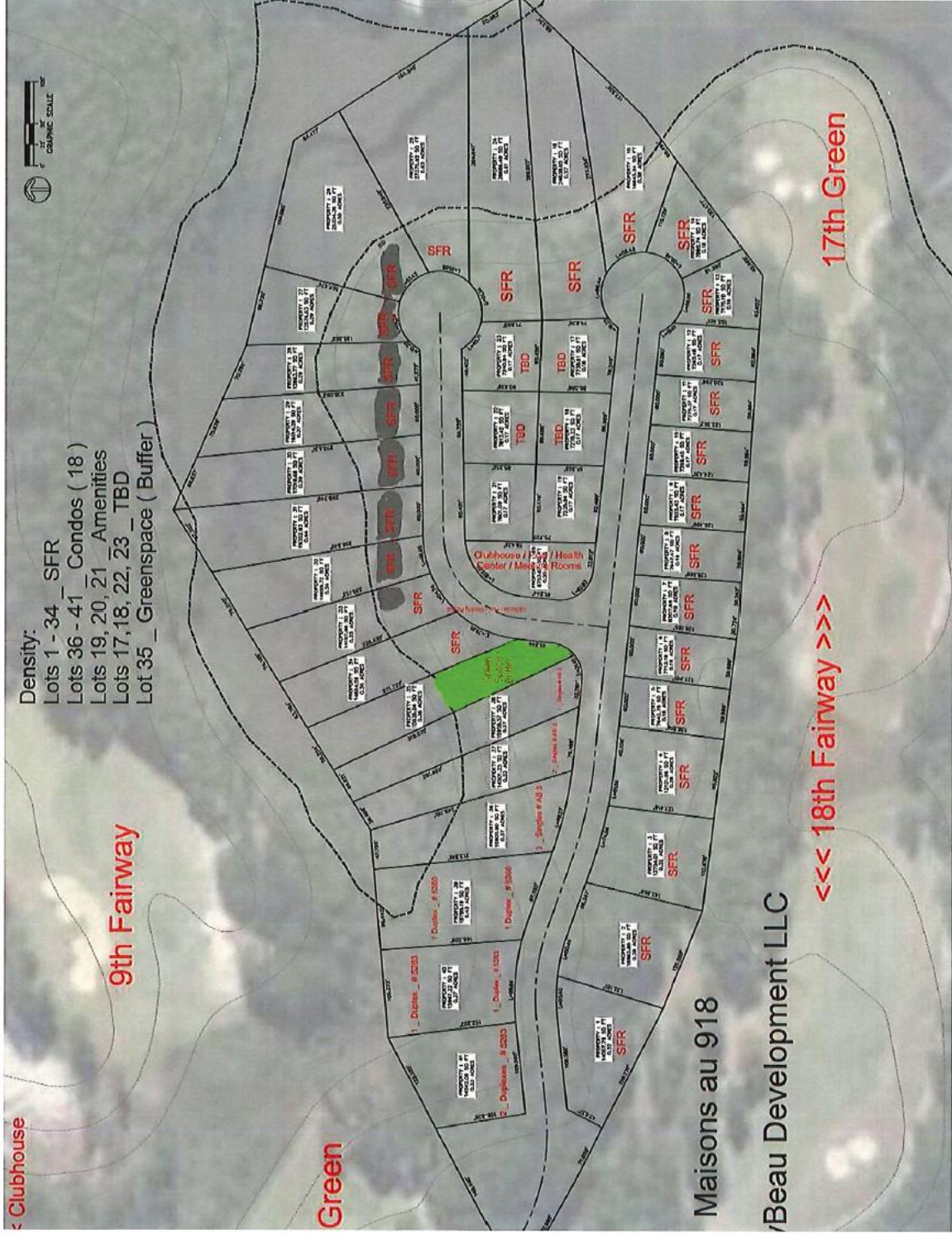
Green = Buffer Area

A TRADITIONAL NEIGHBORHOOD
SHELL LANDING
GAVIITI, MISSISSIPPI

PHIL MASON 215
DATE 24 MAY 202
DESCRIPTION REVIEW

Preliminary
Master Plan

MP100



Clubhouse

9th Fairway

Green

Maisons au 918

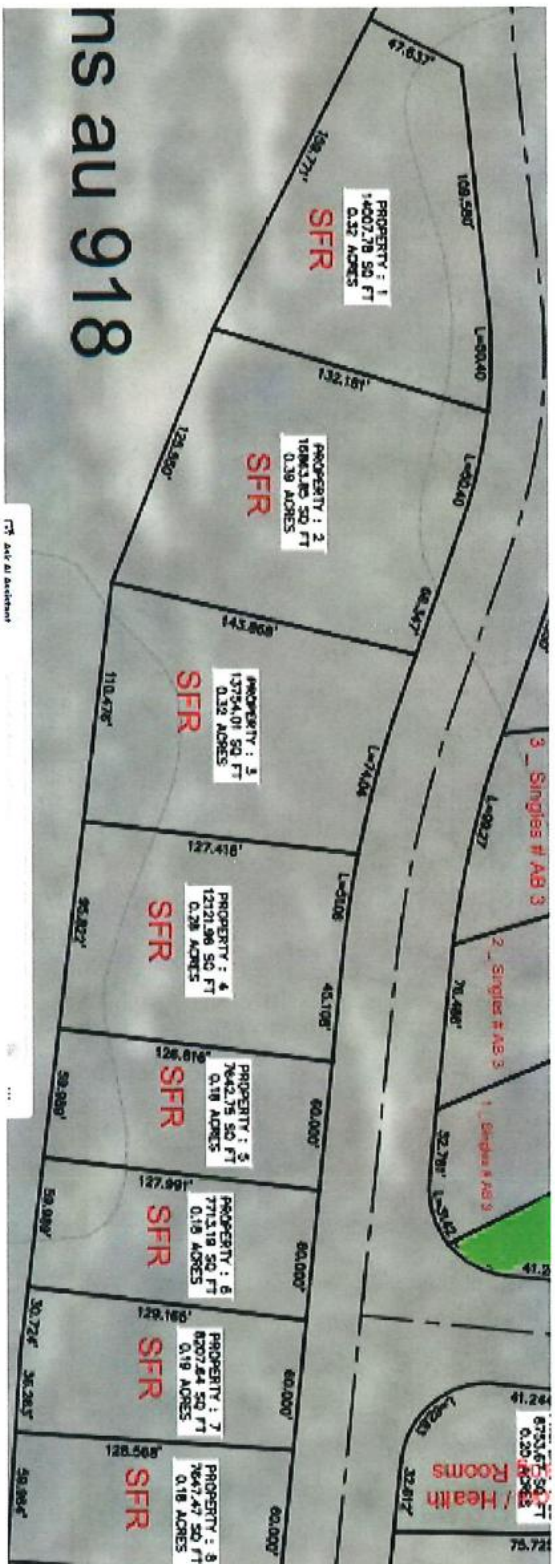
Beau Development LLC

<<< 18th Fairway >>>

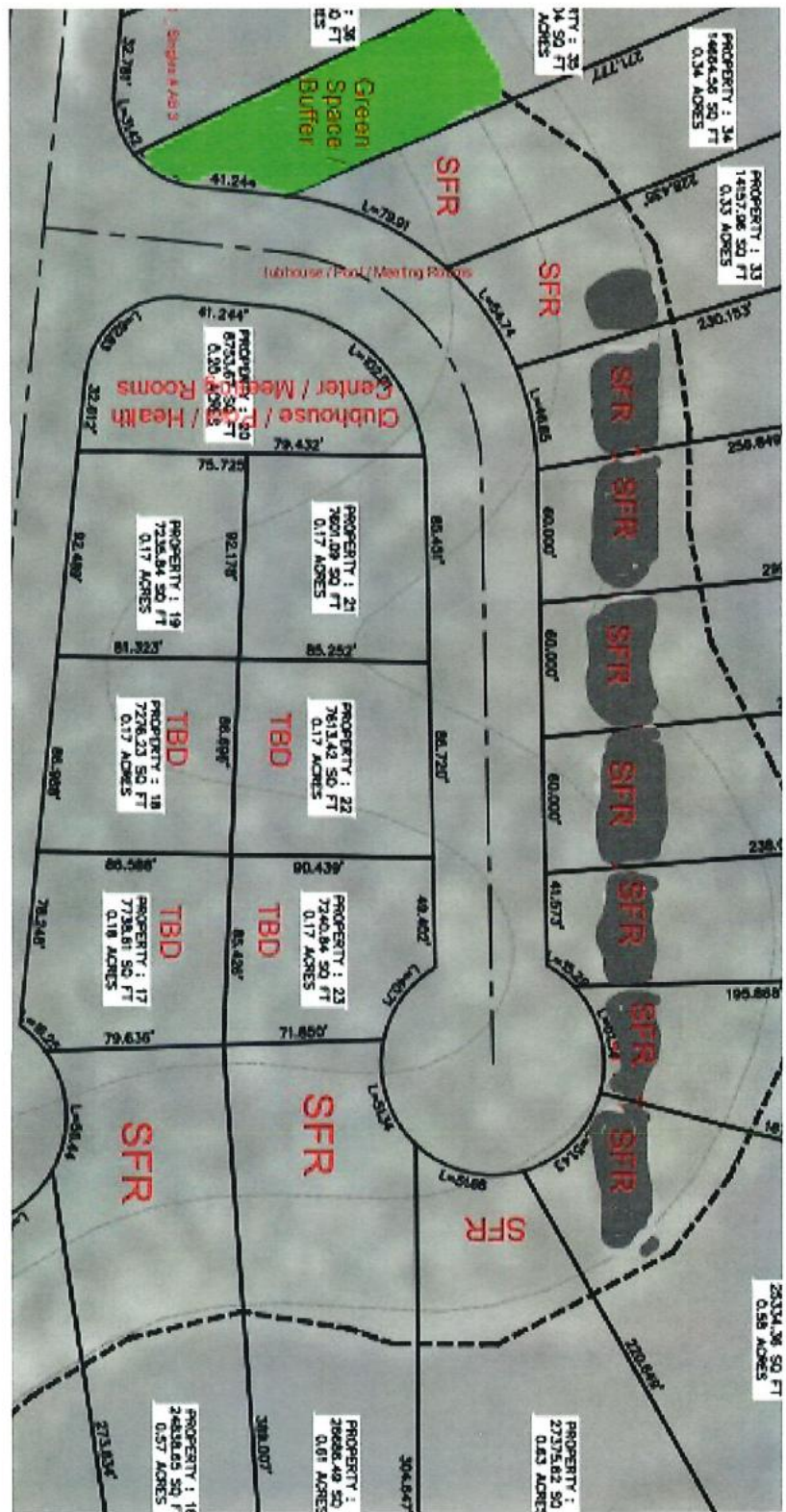
17th Green

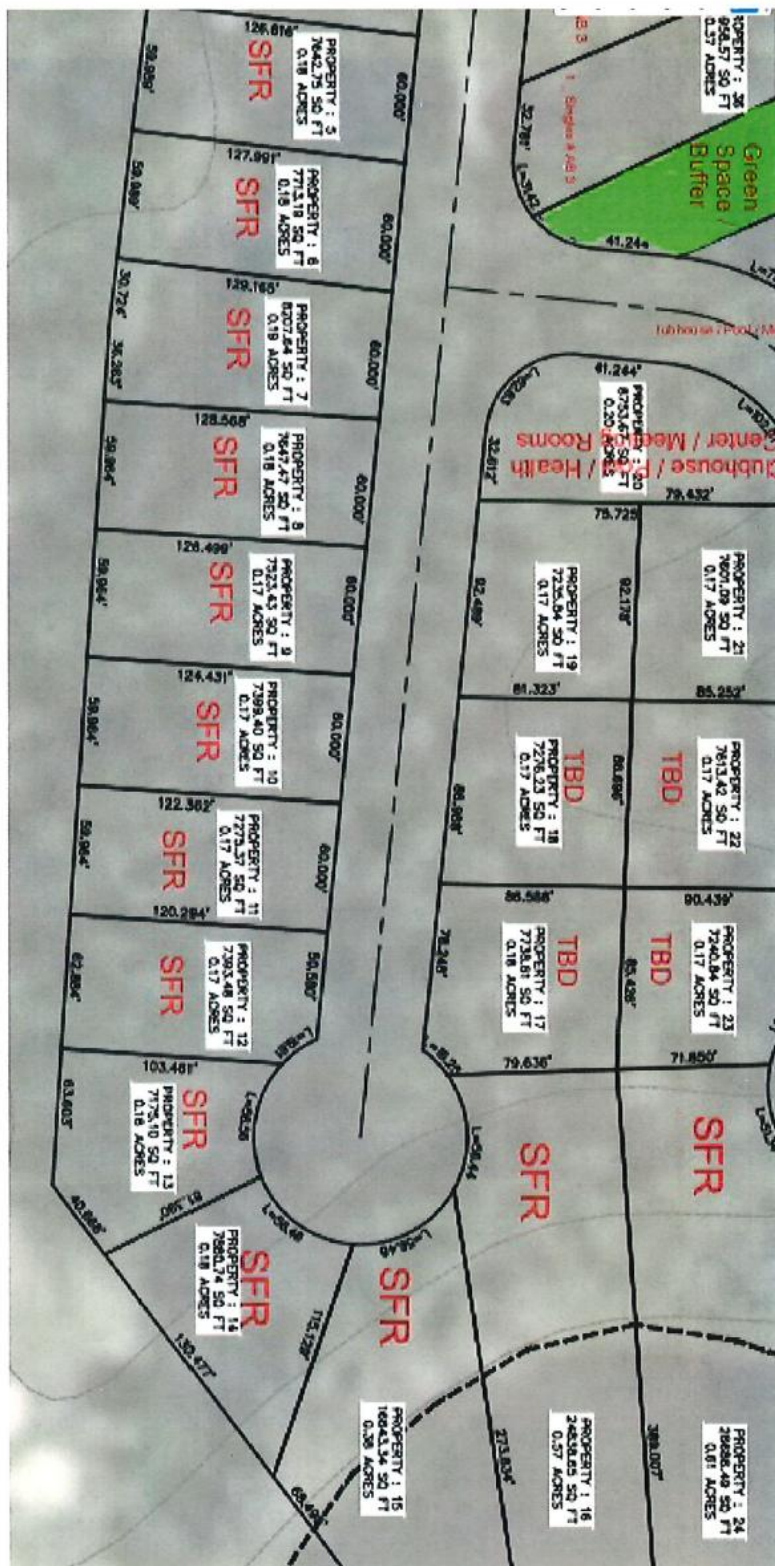
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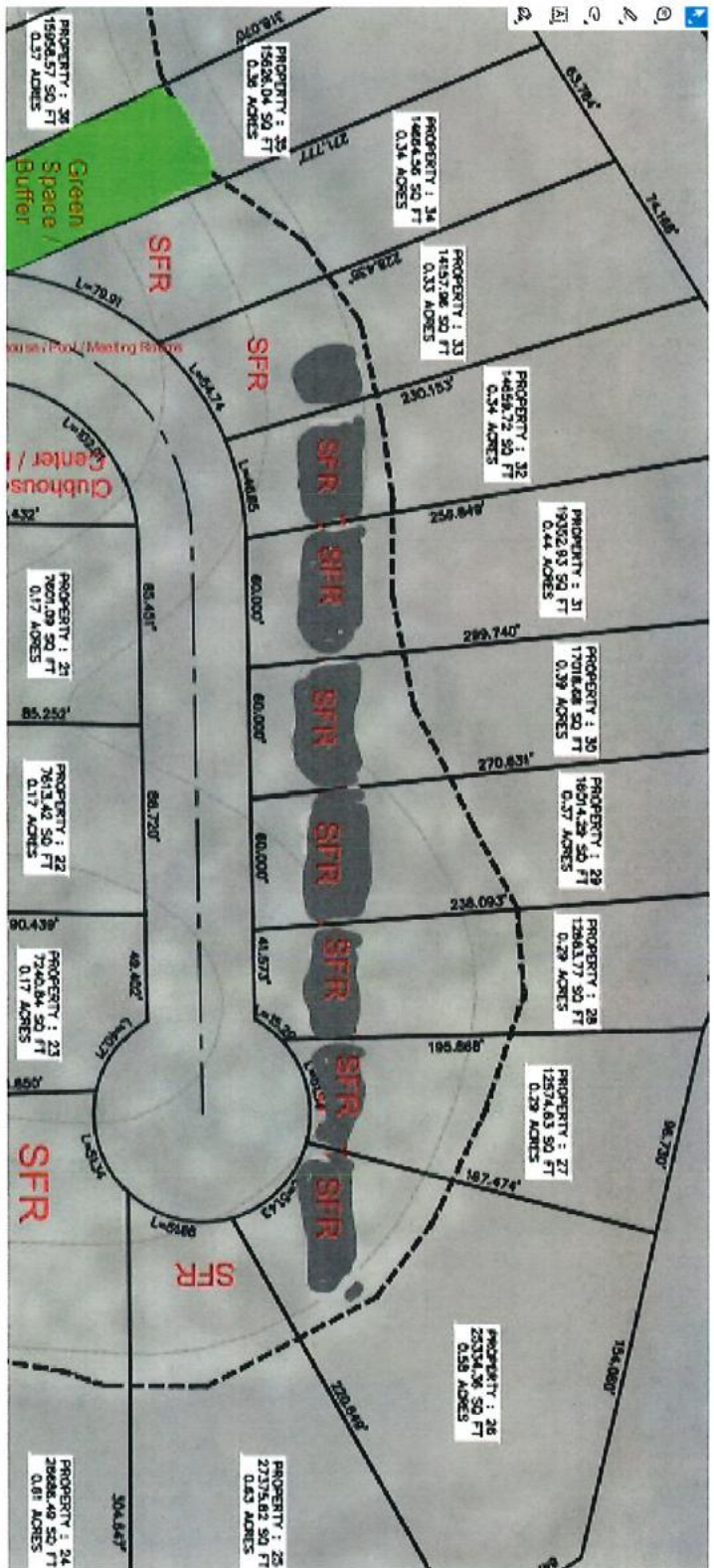
- Lots 1 - 34 _ SFR
- Lots 36 - 41 _ Condos (18)
- Lots 19, 20, 21 _ Amenities
- Lots 17, 18, 22, 23 _ TBD
- Lot 35 _ Greenspace (Buffer)

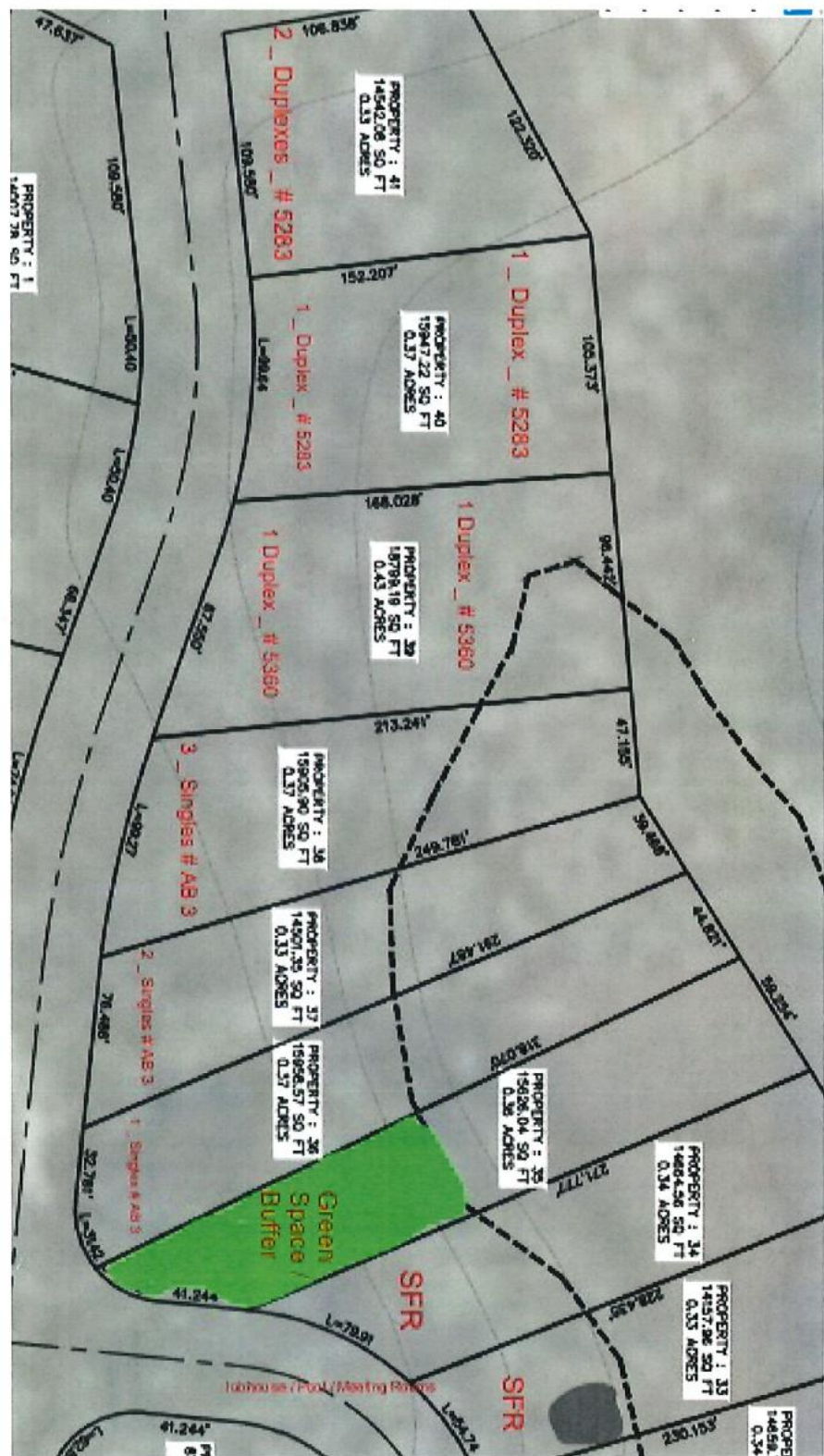


City of Austin









Hydric Rating by Map Unit—Jackson County, Mississippi

Maisons au 918 site



Natural Resources
Conservation Service

Web Soil Survey
National Cooperative Soil Survey

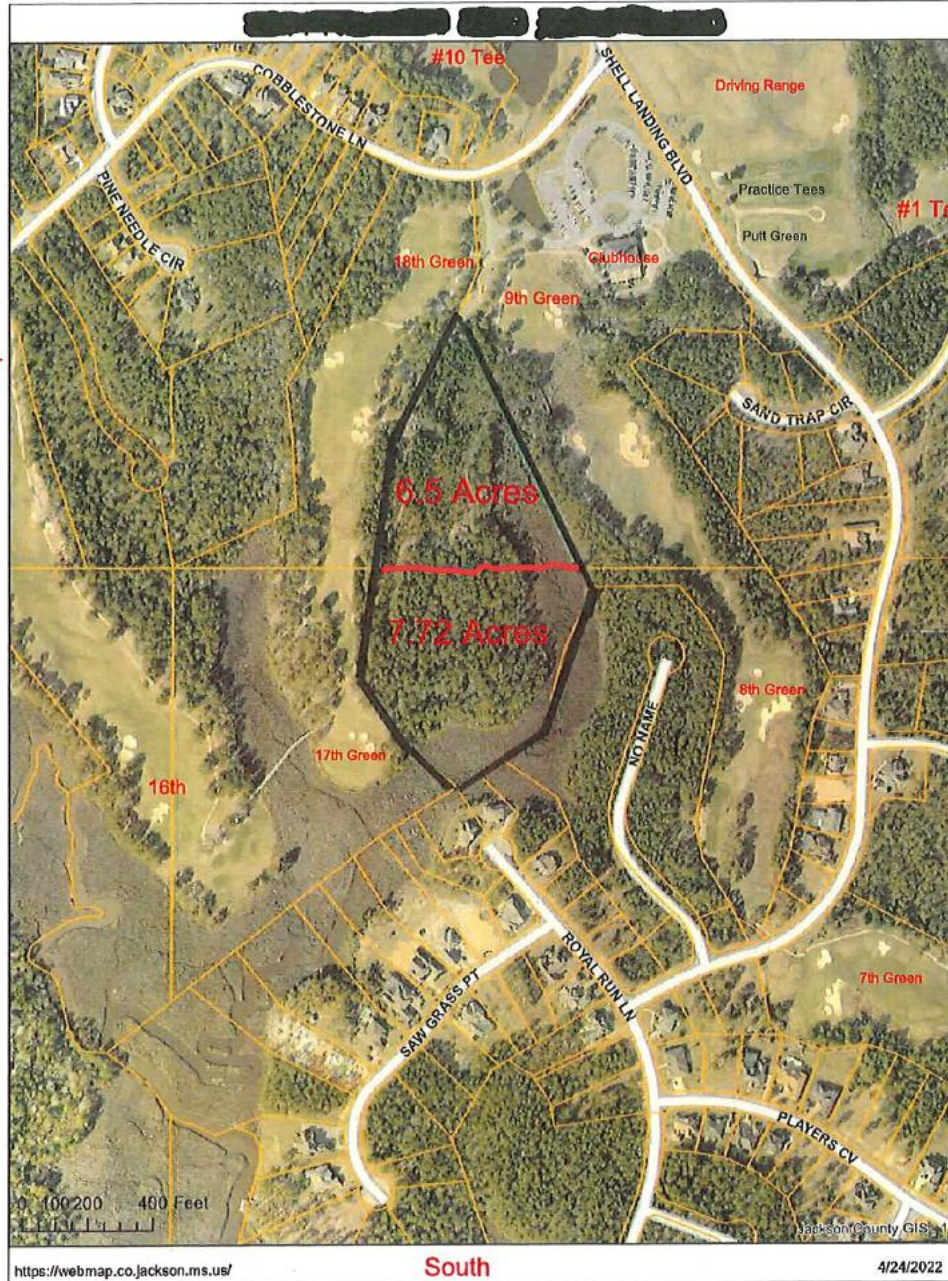
6/26/2022
Page 1 of 5

BRYNEVAN

+/- 13.5 AC

WEST

East



Description

This rating indicates the percentage of map units that meets the criteria for hydric soils. Map units are composed of one or more map unit components or soil types, each of which is rated as hydric soil or not hydric. Map units that are made up dominantly of hydric soils may have small areas of minor nonhydric components in the higher positions on the landform, and map units that are made up dominantly of nonhydric soils may have small areas of minor hydric components in the lower positions on the landform. Each map unit is rated based on its respective components and the percentage of each component within the map unit.

The thematic map is color coded based on the composition of hydric components. The five color classes are separated as 100 percent hydric components, 66 to 99 percent hydric components, 33 to 65 percent hydric components, 1 to 32 percent hydric components, and less than one percent hydric components.

In Web Soil Survey, the Summary by Map Unit table that is displayed below the map pane contains a column named 'Rating'. In this column the percentage of each map unit that is classified as hydric is displayed.

Hydric soils are defined by the National Technical Committee for Hydric Soils (NTCHS) as soils that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part (Federal Register, 1994). Under natural conditions, these soils are either saturated or inundated long enough during the growing season to support the growth and reproduction of hydrophytic vegetation.

The NTCHS definition identifies general soil properties that are associated with wetness. In order to determine whether a specific soil is a hydric soil or nonhydric soil, however, more specific information, such as information about the depth and duration of the water table, is needed. Thus, criteria that identify those estimated soil properties unique to hydric soils have been established (Federal Register, 2002). These criteria are used to identify map unit components that normally are associated with wetlands. The criteria used are selected estimated soil properties that are described in "Soil Taxonomy" (Soil Survey Staff, 1999) and "Keys to Soil Taxonomy" (Soil Survey Staff, 2006) and in the "Soil Survey Manual" (Soil Survey Division Staff, 1993).

If soils are wet enough for a long enough period of time to be considered hydric, they should exhibit certain properties that can be easily observed in the field. These visible properties are indicators of hydric soils. The indicators used to make onsite determinations of hydric soils are specified in "Field Indicators of Hydric Soils in the United States" (Hurt and Vasilas, 2006).

References:

Federal Register. July 13, 1994. Changes in hydric soils of the United States.

Federal Register. September 18, 2002. Hydric soils of the United States.

Hurt, G.W., and L.M. Vasilas, editors. Version 6.0, 2006. Field indicators of hydric soils in the United States.

Soil Survey Division Staff. 1993. Soil survey manual. Soil Conservation Service. U.S. Department of Agriculture Handbook 18.

Soil Survey Staff. 1999. Soil taxonomy: A basic system of soil classification for making and interpreting soil surveys. 2nd edition. Natural Resources Conservation Service. U.S. Department of Agriculture Handbook 436.

Soil Survey Staff. 2006. Keys to soil taxonomy. 10th edition. U.S. Department of Agriculture, Natural Resources Conservation Service.

Rating Options

Aggregation Method: Percent Present

Component Percent Cutoff: None Specified

Tie-break Rule: Lower

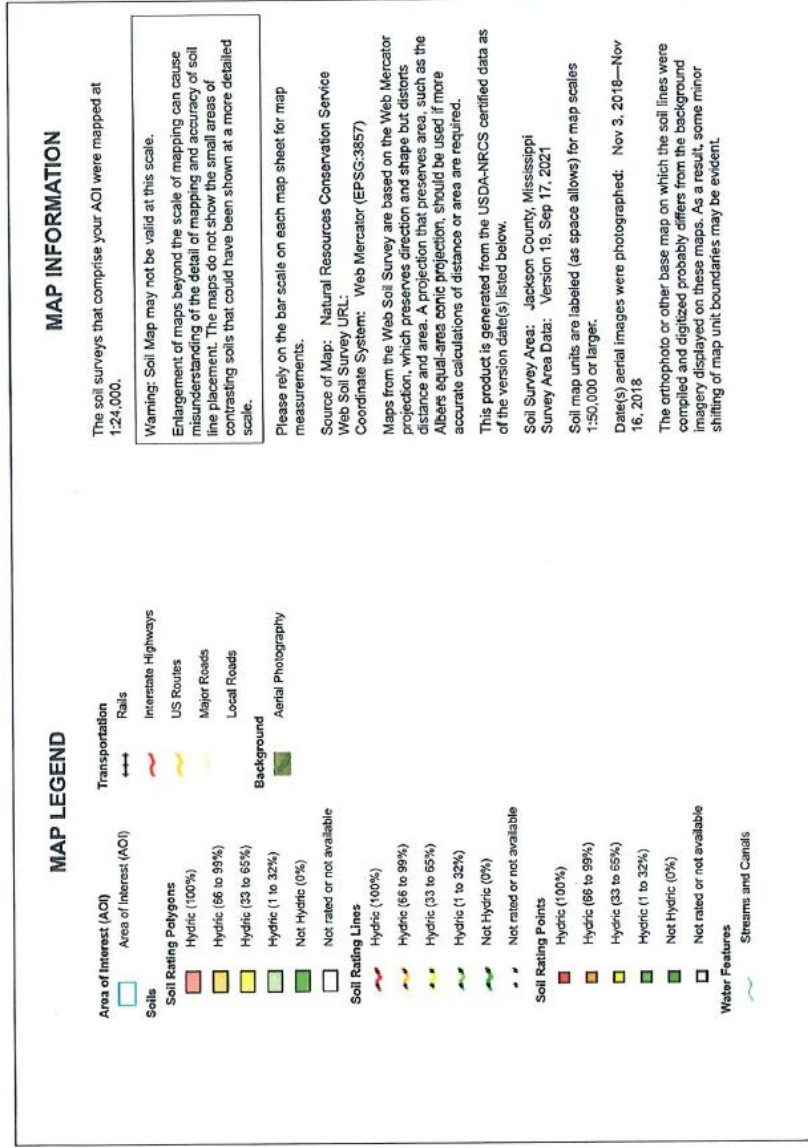


Hydric Rating by Map Unit

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
26	Smithton loam, 0 to 1 percent slopes, occasionally flooded	90	3.5	25.5%
>>>>>> 84	Wadley loamy fine sand, 0 to 5 percent slopes	0	6.4	46.4% <<<<<<
96	Handsboro mucky silt loam, frequently flooded	85	1.1	7.9%
>>>>>> 328	Harleston fine sandy loam, 0 to 2 percent slopes	10	2.8	20.2% <<<<<<
Totals for Area of Interest			13.9	100.0%

Approx. 9.2 acres of
Usuable Land





BRYNEVAN

+/- 13.5 AC

WEST

East



South

Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department

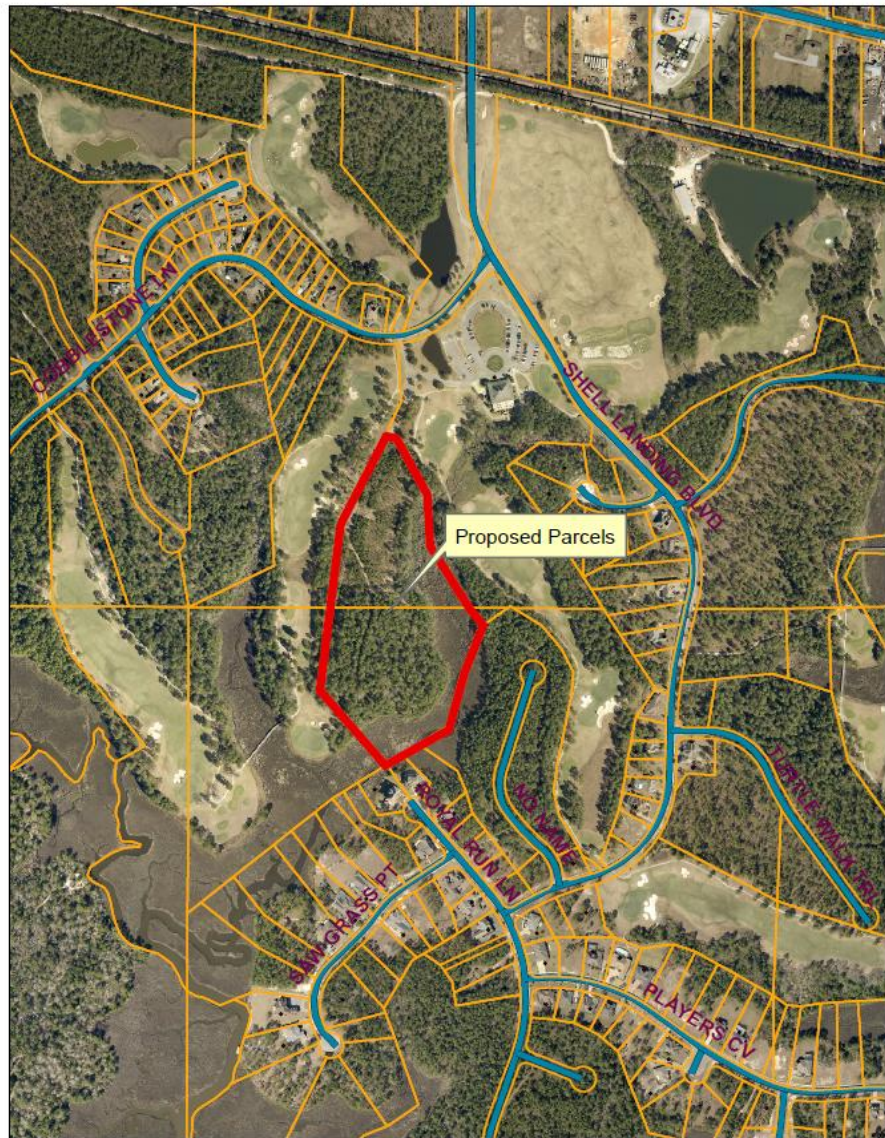


Exhibit B Existing Zoning

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

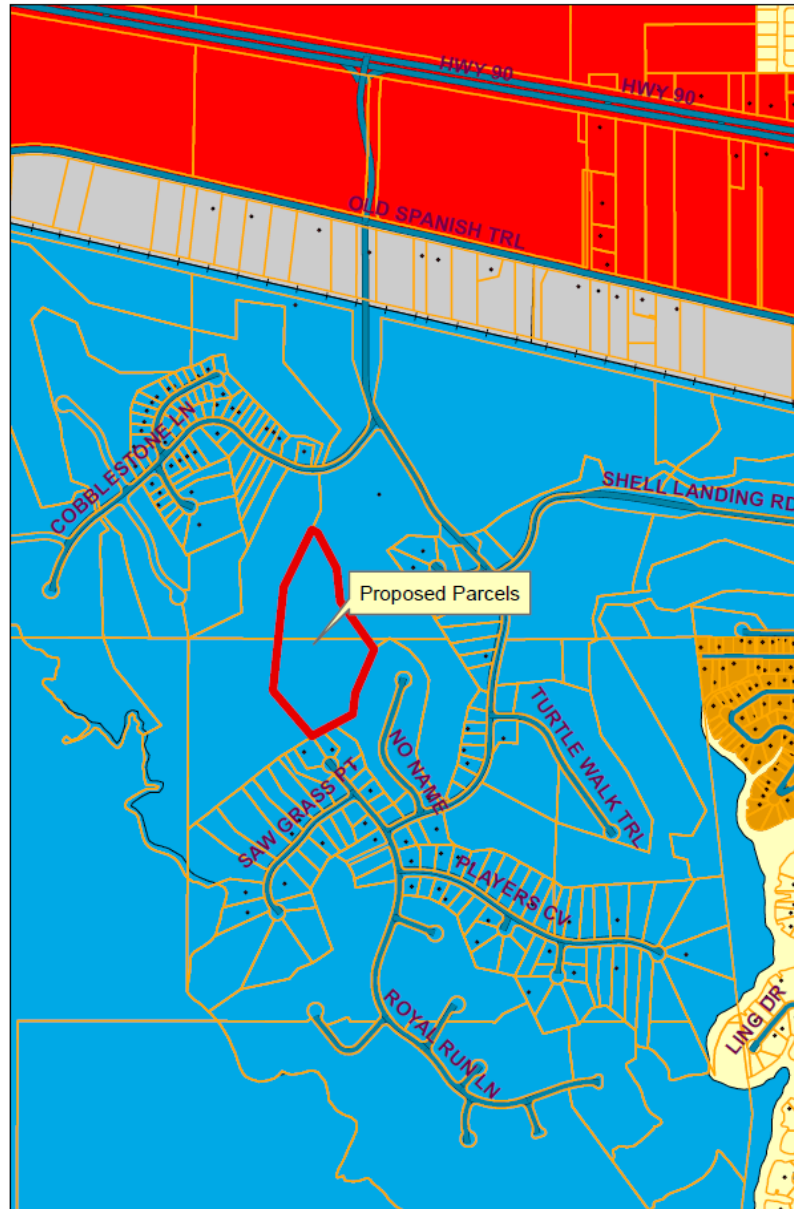


Exhibit C

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

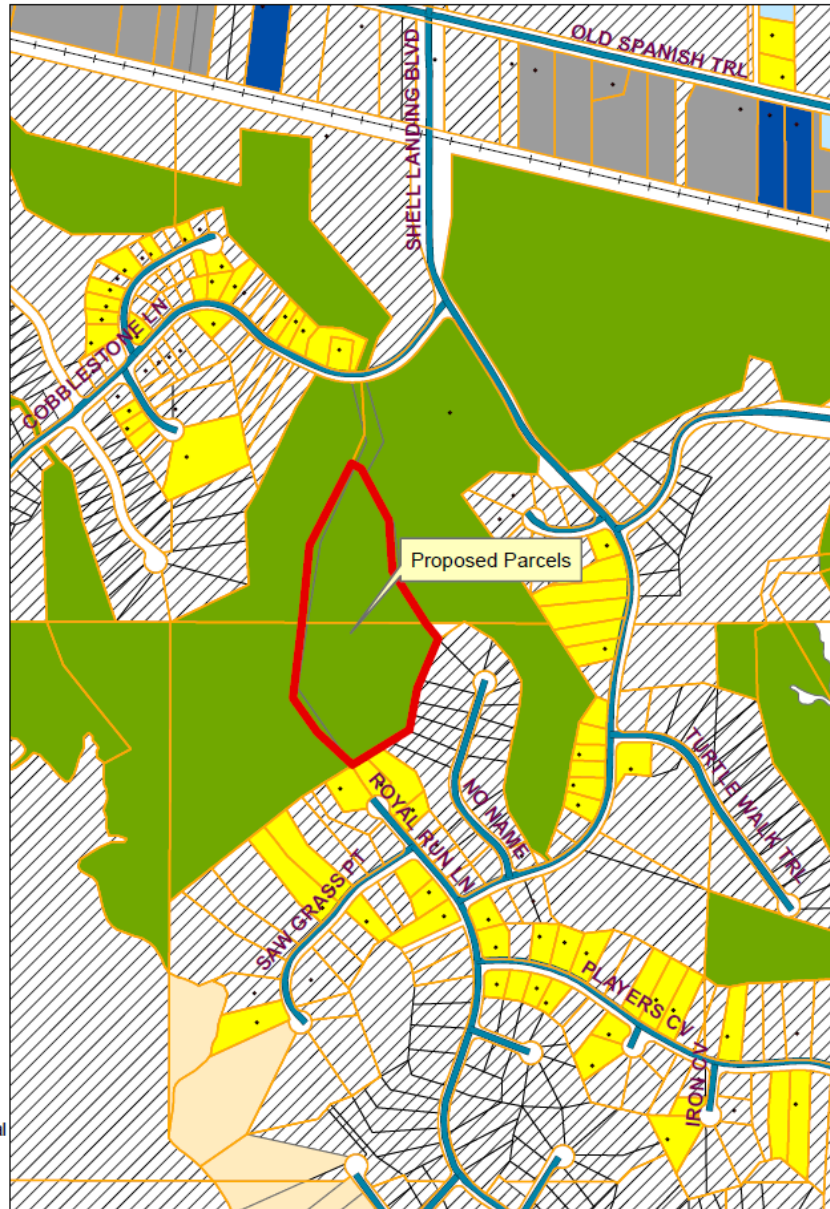


Exhibit D Future Land-Use

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

