

Gautier Planning Commission

Regular Meeting Agenda

May 5, 2011

VII. NEW BUSINESS

A. QUASI-JUDICIAL

4. REQUEST FOR A COMPREHENSIVE REZONING OF PROPERTIES TO C-3 HIGHWAY COMMERCIAL (STAFF) (GPC CASE #11-15-RZ)

Synopsis: This is a city-initiated comprehensive rezoning of lands on the northeast end of Allen Road.

QUASI-JUDICIAL PROCEDURES

1. Announcement of Matter. Read the matter title to be considered.
2. Swear the Witnesses. All witnesses, parties, citizen participants and City Staff who plan to speak at the hearing shall collectively be sworn at the beginning of the hearing by the City Attorney
3. Ex Parte Disclosure. All members must disclose on the record any ex parte communications, to include any physical inspections of the subject property. The disclosure should include with whom any communication has taken place, a summary of the substance of the communication, and the date of the site visit, if any. If anyone has received written communications, the writing must be presented, read into record or a copy provided to all participants, and made a part of the official record.
4. Applicant Presentation.
5. Questions directed to Applicant. The applicant should answer any questions by the public, the Council, or others.
6. Staff Presentation. This includes presentation of the staff report into the official record.
7. Objections from Applicant. Confirm whether there are objections from the applicant regarding the staff report or development order.
8. Questions directed to Staff. The staff answers any questions by the public, the Council, or others.
9. Public Comments. Members of the public should be allowed to make comments regarding the application.
10. Applicant rebuttal/final comments
11. Staff rebuttal/final comments
12. Call for final questions.
13. Close public portion of the hearing.
14. Motion & Deliberation. Council makes a motion, and debates and deliberates regarding the application and development order.
15. Vote.
16. Close the quasi-judicial proceeding.

**CITY OF GAUTIER
STAFF REPORT**

To: Gautier Planning Commission Chairperson and Members

From: Babs Logan, Planning Technician

Thru: Samantha D. Abell, Planning and Economic Development Director

Date: April 26, 2011

Subject: Consideration of a City-Initiated Comprehensive Rezoning of Properties Comprising 10 Acres to C-3 Highway Commercial.

REQUEST:

The purpose of this city-initiated rezoning is to rezone lands designated as Agricultural since before the City's 2002 annexation, and prepare the lands for appropriate development along a viable commercial corridor. The subject property is generally described as located north of Allen Road and east of Baker Road, and listed on the Jackson County Land Records as Parcel Numbers 85298008.000, and 85298009.000 and 85298009.050.

BACKGROUND:

Section 4.16 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 comprehensive rezoning and shall make an advisory recommendation to the City Council as to the need and justification for the change and the relationship of the proposed change to the goals, objectives and policies of the Comprehensive Plan. The GPC shall include in its recommendation to the City Council findings and any information which it deems is relevant to issues relating to the proposed rezoning.

Following an April 20th advertised public hearing by the GPC on May 5th, the Ordinance to amend the City's Official Zoning Map will be considered for approval by the City Council on May 17th.

DISCUSSION:

On February 3, 2011, the Planning Commission recommended approval of the rezoning of lands south of Allen Road to C-3 Highway Commercial, and directed staff to proceed with rezoning 2002 annexed lands north of Allen Road. Staff has since held multiple meetings with residents. The attached ordinance reflects the first of two ordinances to rezone the area, necessary due to

the timing of neighborhood meetings. Staff intends to bring the second ordinance rezoning the remainder of the area to Planning Commission at their June meeting.

The area in the vicinity of the subject rezoning consists of spot development with dissimilar uses ranging from undeveloped, residential and light manufacturing. Staff recommends a rezoning to the C-3 Highway Commercial zoning district established to the south of the area. The purpose of the C-3 Highway Commercial District is to provide for areas where relative high intensity commercial and retail uses, office buildings, medical facilities, automobile car lots and regional shopping areas may be located. C-3 Districts are to be located along major highways or major arterials.

Staff finds that the Comprehensive Plan takes only into account the existing Agricultural designation of the area based on Jackson County zoning prior to city annexation. The Plan does not anticipate the commercial development of this area, although a light manufacturing business has anchored the east end of Allen Road for more than a decade, and C-3 Highway Commercial anchors the west end of Allen Road, adjacent to Interstate-10. In order to provide for the orderly growth and development of the area, Staff therefore finds a commercial rezoning appropriate.

Zoning District	Min. Lot Area (sq. ft.)	Min. Lot Width	Maximum Building Height			Setbacks			Maximum Density (units per acre)			Maximum Floor Area Ratio			Max % of area covered on lot		
			Tier 1	Tier 2	Tier 3	Front	Side	Rear	Tier 1	Tier 2	Tier 3	Tier 1	Tier 2	Tier 3	Tier 1	Tier 2	Tier 3
R-1	9,600	80	35	---	---	25/ 35	10/ 25/ 35	25	---	---	---	---	---	---	25	---	---
C-3	---	None	35	45	60	40	15/ 35/ 40	0/ 35	---	---	---	---	---	---	75	80	85
AG	20,000	100	35	---	---	50	20/35	25	---	---	---	---	---	---	15	---	---
I	20,000	100	60	---	---	40	15/ 40/ 30	25/ 80/ 40	---	---	---	---	---	---	---	---	---

The table above shows the density and intensity for the C-3 District as well as existing zoning districts. The table also reflects bonus density and intensity provisions which can be granted according to a Tier Bonus System, in accordance with the City's amended UDO.

DATA AND ANALYSIS:

Location: Ward 1

Current Zoning of the Request Property: AG Agricultural

Current surrounding existing land use and zoning:

	Current Land Use	Zoning District
North	Very Low to Low Density Residential	R-1 Low Density Residential
South	Very Low to Low Density Residential, Industrial	R-1 Low Density Residential, I Industrial
East	Sandhill Crane Refuge	N/A
West	Very Low to Low Density Residential	R-1 Low Density Residential

Comprehensive Plan Land Use Designation: The subject properties are designated Low Density Residential.

Surrounding Future Land Use Map (FLUM) designations:

	FLUM Designation
North	Low Density Residential
South	Low Density Residential
East	Sandhill Crane Refuge
West	Low Density Residential

Proposed Zoning: C-3 Highway Commercial

REVIEW CRITERIA:

The Commission, in its report and recommendation to the City Council on the appropriateness of the request, should study and consider the following criteria and recommend whether or not each is met, if applicable. Staff has recommended findings for the GPC’s consideration.

- A. The existing zoning in the subject area is not in accordance with the Comprehensive Plan; **and**
- B. The need for additional land in the City having the same zoning classification as the one proposed; **and**

- C. A substantial change in the land use character of the surrounding area that justifies the change in zoning; **or**
- D. The probability of a mapping error in the Comprehensive Plan or the Unified Development has occurred.

Staff finds that there is a probability that a mapping error in the original zoning of the property occurred, and subsequently the City's Comprehensive Plan. The 2002 annexation of these lands did not alter the zoning to provide for the future orderly growth and development of the area, but instead perpetuated Jackson County's mix of Agricultural and Commercial land designations. The result has been spot development of dissimilar uses that does not recognize the existing, and likely future, commercial development of the area.

FINDINGS / APPROPRIATENESS OF THE REQUEST:

Based on Staff's recommendation that the GPC forward a favorable recommendation to City Council, the Commission must find the following:

The probability of a mapping error in the Comprehensive Plan and Official Zoning Map has occurred, in that the 2002 city annexation of these lands did not alter the zoning to provide for the future orderly growth and development of the area, but instead perpetuated Jackson County's mix of Agricultural and Commercial land designations. The result has been spot development of dissimilar uses that does not recognize the existing, and likely future, commercial development of the area.

CONCLUSION AND RECOMMENDATION:

Based on the analysis of the site data, existing and future land use maps, impact on the availability of infrastructure, consistency with the Comprehensive Plan, and the appropriateness of the request relevant to the criteria established by Section 4.16 of the Unified Development Ordinance, the Commission may:

1. Recommend that City Council approve the Ordinance to Comprehensively Rezone the subject area to C-3 Highway Commercial; or
2. Recommend that City Council deny the Comprehensive Rezoning.

ATTACHMENTS:

Ordinance

Map Exhibits A-E

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ORDINANCE

AN ORDINANCE OF THE CITY OF GAUTIER, MISSISSIPPI, RELATING TO THE COMPREHENSIVE REZONING OF PROPERTY EQUAL TO 10 ACRES TO C-3 HIGHWAY COMMERCIAL; GENERALLY DESCRIBED AS NORTH OF ALLEN ROAD AND EAST OF BAKER ROAD; PROVIDING AUTHORITY; MAKING FINDINGS OF FACT; PROVIDING FOR A ZONING MAP AMENDMENT; AND SETTING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GAUTIER, MISSISSIPPI, AS FOLLOWS:

SECTION 1. AUTHORITY.

The authority for enactment of this ordinance is Section 17-1-5, Mississippi Code Annotated Section 17-1-15 (1972), Mississippi Statutes.

The City Council of Gautier finds that a comprehensive rezoning is necessary to provide for the orderly growth and development of the City. A public hearing was held before the Gautier Planning Commission on May 5, 2011, and the Commission recommended that Council approve the change for a zoning map amendment to adopt the C-3 Highway Commercial District. The City Council has conducted a public hearing on May 17, 2011 after giving due public notice pursuant to the Public Hearing Process of the City's Unified Development Ordinance. The requested rezoning is consistent with the City's Comprehensive Plan.

SECTION 2. PROPERTY REZONED.

The property generally described as located north of Allen Road and east of Baker Road, and listed on the Jackson County Land Records as Parcel Numbers 85298008.000, 85298009.000 and 85298009.050, is hereby rezoned to C-3 Highway Commercial District.

SECTION 3. FINDINGS OF FACT.

The Planning Commission finds the probability of a mapping error in the Official Zoning Map and subsequent Comprehensive Plan has occurred, in that the 2002 city annexation of these lands did not alter the zoning to provide for the future orderly growth and development of the area, but instead perpetuated Jackson County's mix of Agricultural and Commercial land designations. The result has been spot development of dissimilar uses that does not recognize the existing, and likely future, commercial development of the area.

SECTION 4. ZONING MAP AMENDMENT. The Official Zoning Map of the City of Gautier is hereby amended to include a comprehensive change of classification from AG Agricultural to C-3 Highway Commercial for the specific parcels described in Exhibit A of this Ordinance.

SECTION 8. SETTING EFFECTIVE DATE AND APPEAL. This Ordinance shall become effective 30 days after approval by the City Council and signature of the Mayor.

52 ADOPTED: _____

53 _____ Tommy Fortenberry, Mayor

54

55 ATTEST: _____

56 _____

57 _____

58 Wendy McClain, City Clerk

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61 Codification Instructions: Not Codified.

DRAFT

EXHIBIT A

Location Map

B&D PLASTICS

AREA 1 ZONE CHANGE TO C-3

City Of Gautier
Economic Development/Planning



0 400 800
Feet



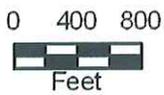
Prepared by the
City of Gautier
GIS Division



EXHIBIT B

Existing Zoning Map

City Of Gautier
Economic Development/Planning



Prepared by the
City of Gautier
GIS Division

Legend

- AG Agricultural
- PL Public/Semi-Public
- PUD Planned Unit Development
- R-1 Low Density Residential
- R-2 Multi-Family Residential
- R-3 Mobile Home District
- MUM
- TC
- MURC-1
- MURC-2
- MURC-MW
- C-1 Neighborhood Commercial
- C-2 Community Commercial
- C-3 Highway Commercial
- I-2 Industrial

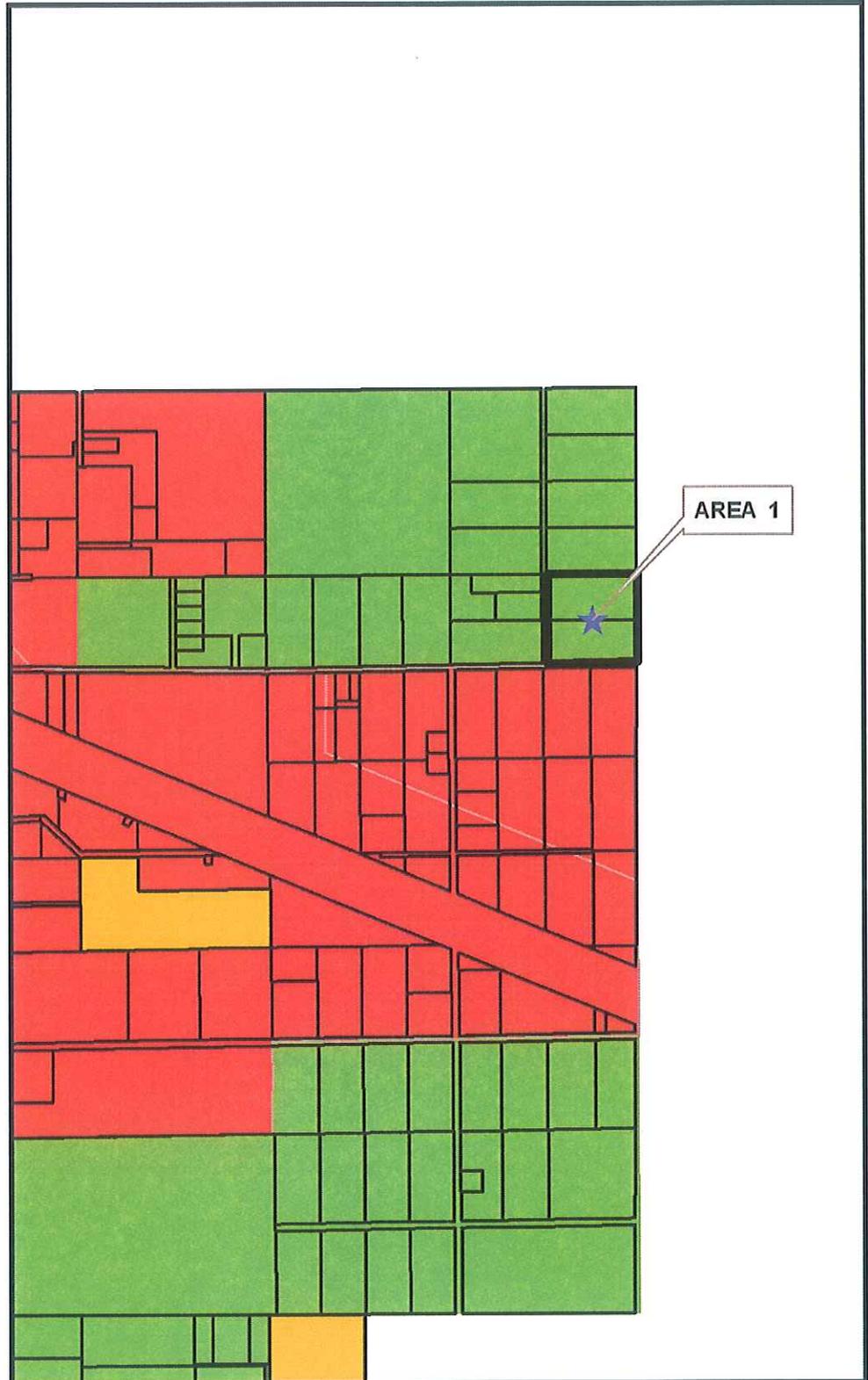


EXHIBIT C

PROPOSED ZONING

City Of Gautier
Economic Development/Planning



0 400 800



Feet



Prepared by the
City of Gautier
GIS Division

Legend

-  AG Agricultural
-  RE Residential Estates
-  PL Public/Semi-Public
-  PUD Planned Unit Development
-  R-1 Low Density Residential
-  R-2 Multi-Family Residential
-  R-3 Mobile Home District
-  MUM
-  TC
-  MURC-1
-  MURC-2
-  MURC-MW
-  C-1 Neighborhood Commercial
-  C-2 Community Commercial
-  C-3 Highway Commercial
-  I-2 Industrial

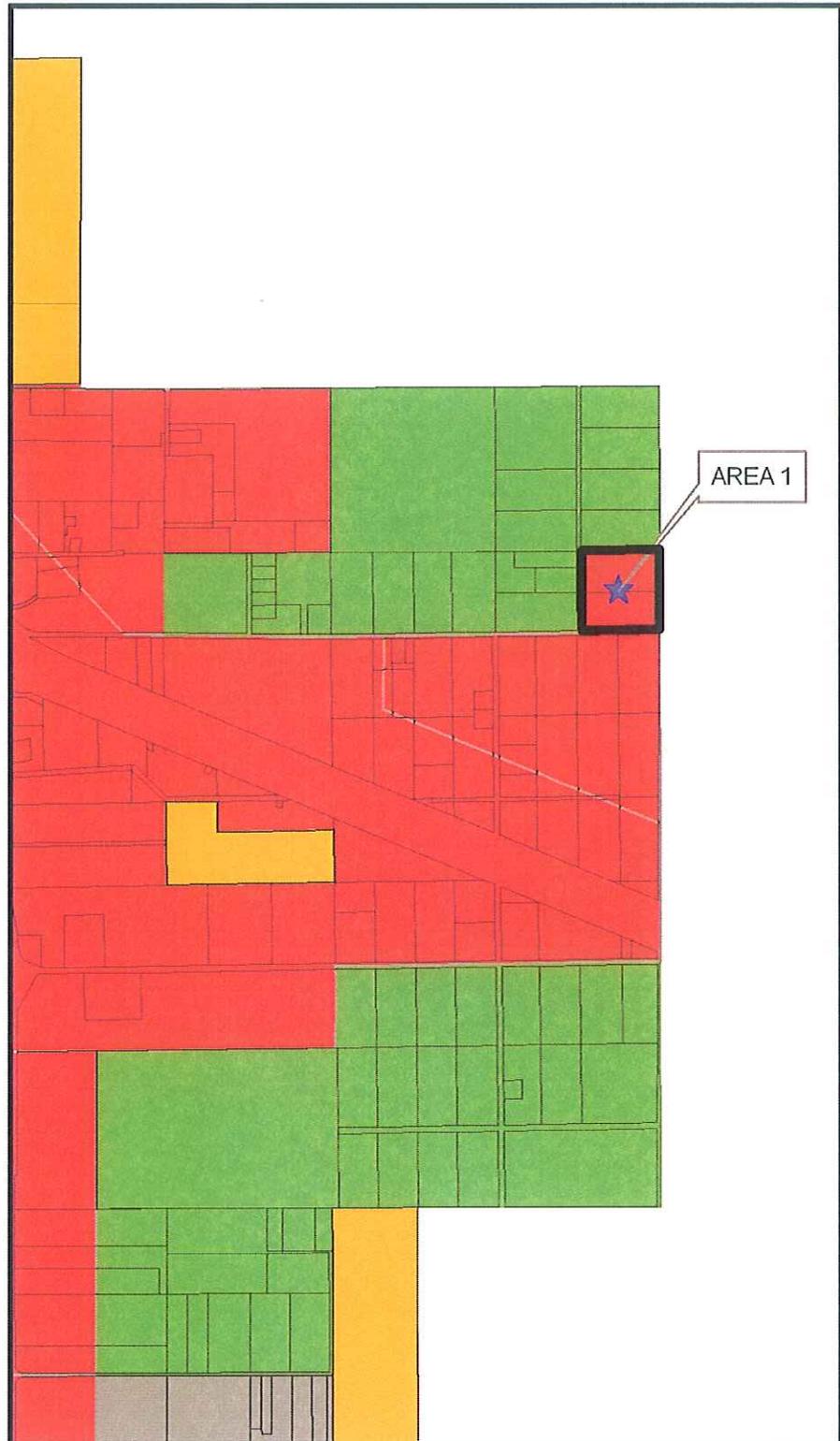
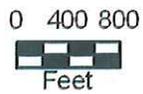


EXHIBIT D

Existing Land Use Map

City Of Gautier
Economic Development/Planning



Prepared by the
City of Gautier
GIS Division

Legend

EXISTING LAND USE

-  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

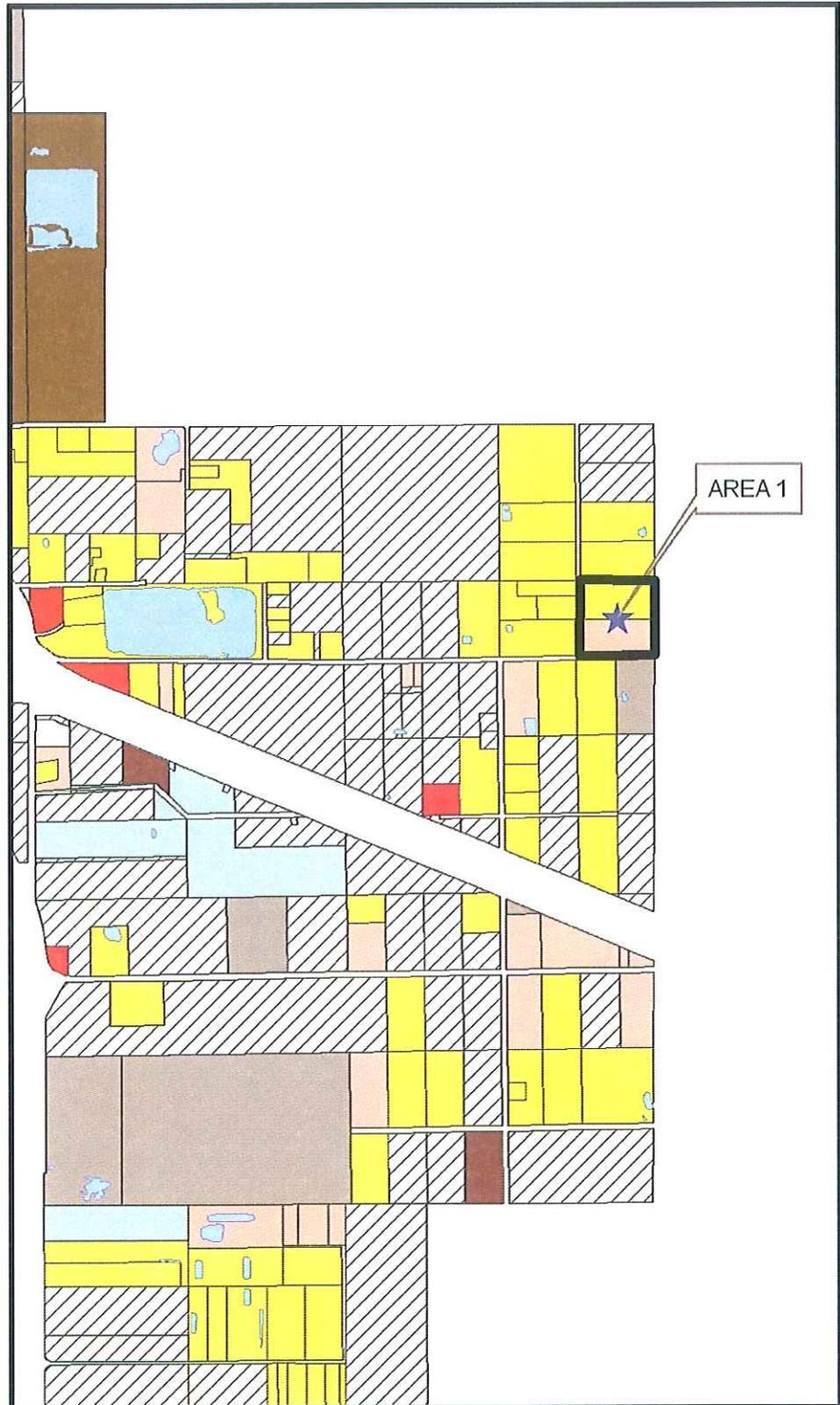
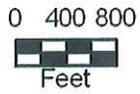


EXHIBIT E

Future Land Use Map

City Of Gautier
Economic Development/Planning



Prepared by the
City of Gautier
GIS Division

Legend

-  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

