

**There came for consideration of the Mayor and Members of the Council of the City of Gautier, Mississippi, the following:**

**ORDINANCE NUMBER 212-2013**

**AN ORDINANCE OF THE CITY OF GAUTIER, MISSISSIPPI, RELATING TO THE COMPREHENSIVE REZONING OF PROPERTY EQUAL TO APPROXIMATELY 87.5 ACRES TO C-3 HIGHWAY COMMERCIAL; GENERALLY DESCRIBED AS LOCATED NORTH OF HIGHWAY 90, BEGINNING APPROXIMATELY ELEVEN HUNDRED FIFTY (1,150) FEET EAST OF HIGHWAY 57, AND CONTINUING APPROXIMATELY SIXTY-ONE HUNDRED (6,100) FEET ALONG HIGHWAY 90, AND CONSISTING OF THE SIXTY-ONE HUNDRED (6,100) FEET ALONG HIGHWAY 90 DESCRIBED ABOVE, NORTH SIX HUNDRED TWENTY-FIVE (625) FEET; 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 March 7, 2013, 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 March 19, 2013 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 north of Highway 90, beginning approximately eleven hundred fifty (1,150) feet east of Highway 57, and continuing approximately sixty-one hundred (6,100) feet along Highway 90 and consisting of the sixty-one hundred (6,100) feet along Highway 90 described above, north six hundred twenty-five (625) feet, 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 Agricultural land designations. The result does not recognize the 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 portions of parcels number #82422800.100, #82429210.000 and #82438120.000 and all of parcel #82429230.050 as described in 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.

Motion was made by Councilman Macfarland, seconded by Councilwoman Martin and the following vote was recorded:

AYES: Tommy Fortenberry  
Johnny Jones  
Hurley Ray Guillotte  
Gordon Gollott  
Mary Martin  
Scott Macfarland  
Adam Colledge

NAYS: None

ADOPTED: March 19, 2013

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Tommy Fortenberry, Mayor

ATTEST:

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Cynthia Russell, City Clerk

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Codification Instructions: Not Codified.

**CITY OF GAUTIER  
MEMORANDUM**

**To:** Samantha Abell, City Manager  
**From:** Babs Logan, Planning Technician  
**Thru:** Eric Meyer, Planning and Economic Development Director  
**Date:** March 13, 2013  
**Subject:** Consideration of a City-Initiated Comprehensive Rezoning of Properties Comprising approximately 87.5 Acres to C-3 Highway Commercial. GPC #13-05-RZ

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**REQUEST:**

The Planning Commission held a public hearing on March 7, 2013 and recommended approval of the Ordinance to rezone lands generally described as located north of Highway 90, beginning approximately eleven hundred fifty (1,150) feet east of Highway 57, and continues approximately sixty-one hundred (6,100) feet along Highway 90. The rezoned property will consist of the sixty-one hundred (6,100) feet along Highway 90 described above, north six hundred twenty-five (625) feet. The rezoning includes portions of the parcels listed on the Jackson County Land Records as Parcel Numbers 82422800.100, 82429210.000, 82438120.000 and all of parcel 82429230.050. City Council has final authority to approve the city-initiated rezoning from AG Agricultural to C-3 Highway Commercial.

The purpose of this city-initiated rezoning is to rezone lands designated as Agricultural since before the City's 2002 annexation, and prepare lands for appropriate development along a viable commercial corridor.

**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 advertised public hearing by the GPC on Thursday, March 7th, the Ordinance to amend the City's Official Zoning Map will be considered for approval by the City Council on Tuesday, March 19th.

**DISCUSSION:**

Planning Commission recommends a rezoning to the C-3 Highway Commercial zoning district established to the east, west and 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.

Planning Commission 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. In order to provide for the orderly growth and development of the area, Planning Commission therefore finds a commercial rezoning appropriate.

The table below shows the density and intensity for the C-3 District as well as existing zoning

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

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 and Ward 3

Current Zoning of the Request Property: AG Agricultural

Current surrounding existing land use and zoning:

	Current Land Use	Zoning District
North	Vacant	AG Agricultural
South	Vacant	C-3 Highway Commercial

East	Vacant	C-3 Highway Commercial
West	vacant	C-3 Highway commercial

Comprehensive Plan Land Use Designation: The subject properties are designated Mixed Use Residential and Regional Scale Commercial.

Surrounding Future Land Use Map (FLUM) designations:

	FLUM Designation
North	Mixed Use Residential, Regional Scale Commercial
South	Regional Scale Commercial, High Impact Commercial
East	High Impact Commercial
West	Regional Scale Commercial

Proposed Zoning: C-3 Highway Commercial

**REVIEW CRITERIA:**

The Planning Commission, in its report and recommendation to the City Council on the appropriateness of the request, has studied and considered the following criteria and recommends to City Council that “Item D”, below, meets the requirement for a comprehensive rezoning.

- 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.*

The Planning Commission 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 Agricultural land designations. The result does not recognize the likely future of commercial development of the area.

**FINDINGS / APPROPRIATENESS OF THE REQUEST:**

Based on the Planning Commission's recommendation and findings of facts, the City Council must approve the Commission's below finding:

**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 Agricultural land designations. The result does not recognize the likely future of 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 Council may:

1. Approve the Ordinance to Comprehensively Rezone the subject area to C-3 Highway Commercial; or
2. Deny the Comprehensive Rezoning.

**ATTACHMENTS:**

Ordinance

Staff Report as Submitted to the GPC with Back-Up

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ADOPTED: \_\_\_\_\_

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Tommy Fortenberry, Mayor

ATTEST:

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Cindy Russell, City Clerk

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Codification Instructions: Not Codified.

DRAFT

**Gautier Planning Commission**

**Regular Meeting Agenda**

**March 7, 2013**

**VII. NEW BUSINESS**

**B. QUASI-JUDICIAL**

1. REQUEST FOR A COMPREHENSIVE REZONING OF PROPERTIES ON HIGHWAY 90 FROM AG AGRICULTURAL TO C-3 HIGHWAY COMMERCIAL (STAFF) (GPC 13-05-RZ)

## 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:** Chairman and Members, Planning Commission  
**From:** Babs Logan, Planning Technician  
**Thru:** Eric Meyer, Planning and Economic Development Director  
**Date:** February 28, 2013  
**Subject:** Consideration of a City-Initiated Comprehensive Rezoning of Properties Comprising approximately 87.5 Acres to C-3 Highway Commercial.

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**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 Highway 90, beginning approximately eleven hundred fifty (1,150) feet east of Highway 57, and continues approximately sixty-one hundred (6,100) feet along Highway 90. The rezoned property will consist of the sixty-one hundred (6,100) feet along Highway 90 described above, north six hundred twenty-five (625) feet. The rezoning includes portions of the parcels listed on the Jackson County Land Records as Parcel Numbers 82422800.100, 82429210.000, 82438120.000 and all of parcel 82429230.050.

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Following an advertised public hearing by the GPC on March 7th, the Ordinance to amend the City's Official Zoning Map will be considered for approval by the City Council on March 19th.

**DISCUSSION:**

Staff recommends a rezoning to the C-3 Highway Commercial zoning district established to the east, west and 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. In order to provide for the orderly growth and development of the area, Staff therefore finds a commercial rezoning appropriate.

The table below 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.

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**DATA AND ANALYSIS:**

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Current Zoning of the Request Property: AG Agricultural

Current surrounding existing land use and zoning:

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East	Vacant	C-3 Highway Commercial
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Comprehensive Plan Land Use Designation: The subject properties are designated Mixed Use Residential and Regional Scale Commercial.