

## 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 Chairman and Members  
**From:** Babs Logan, Planning Technician  
**Thru:** Samantha D. Abell, Planning and Economic Development Director  
**Date:** August 26, 2011  
**Subject:** GPC Case #11-11-SD. Consideration of Subdivision Preliminary Plat Approval for Cypress Landing, a Subdivision Comprising ±17 Acres. Bob Diamond, P.E. Agent for Owner, Silvergirl LLC.

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**REQUEST:**

The applicant, Silvergirl LLC, is proposing to divide two parcels into a 30-lot subdivision. The application was submitted on April 4, 2011 and application fee on April 7, 2011.

The application was determined to be a Major Development Plan and as such was processed in accordance with UDO Section 4.1.8 for major developments, Section 4.6. and 4.7 for preliminary approval, and Article X for required utilities and improvement for subdivisions.

The site will be served by public water and sewer, and is comprised of two parcels containing 15.67 acres and 1.62 acres, located east of Ferry Point Road and north of Fairway Drive. The property is zoned R-1 Single Family Residential.

**BACKGROUND:**

The Planning Commission continued this request from their June 16<sup>th</sup> 2011 special meeting until their regular meeting on September 1<sup>st</sup> 2011. The Planning Commission requested the applicant provide a traffic study for consideration with their application. The applicant provided the traffic study to Staff on August 26, 2011 and the study is attached.

The City Council granted approval of the proposed subdivision November 2008. Subsequently, the original developer, Trinity Development, absconded and the owner pursued litigation so that Silvergirl LLC now owns all of Cypress Landing Subdivision. Due to the time incurred for the litigation, the infrastructure was not completed subsequent to preliminary plat approval, the 2-year timeframe expired, and no final plat was submitted for approval.

Silvergird LLC desires to continue with subdivision development and therefore, has submitted the attached preliminary plat for approval, which is substantially unchanged from the original submittal approved by City Council November 2008.

**DISCUSSION:**

The Technical Review Committee met to review the proposed preliminary plat on April 28<sup>th</sup> and May 16<sup>th</sup>. Attached to the Staff Report are memos from TRC staff members submitted to the ED Director. All comments from TRC members have been satisfied by the owner’s engineer at this time. The TRC deems the request technically sufficient for Planning Commission review.

Section 4.1.8 Major Developments, established that the Technical Review Committee (TRC) shall review the proposal and submit comments, if any, in writing to the Chairman of the Committee. Once the TRC has come to the conclusion that the proposal can be approved, approved with conditions, approved with modifications or denied, the Chairman shall forward each TRC members written recommendation through the City Manager to the Planning Commission and City Council. In addition to the written recommendations of each TRC member, information provided to the Planning Commission and City Council shall include, but not be limited to, the following:

1. Characteristics of the site and surrounding area, including important natural and manmade features, the size and accessibility of the site and surrounding land uses.

*Analysis:*

	Current Land Use	Zoning District
North	Single Family Residential and pond, (possible wetlands)	R-1 Low Density Residential,
South	Single Family Residential	R-1 Low Density Residential
East	Vacant (possible wetlands)	R-1 Low Density Residential
West	Ferry Point Road, Single Family Residential, and a pond	R-1 Low Density Residential

*Total area of developable lots: 15 acres. Estimated total maximum impervious service: 5.2 acres—from paved road plus 25% of developable lots.*

*The majority of the land is upland pine plantation. The northern portions of lots 17, 18 and 19 are wetlands and are clearly identified as such on the subdivision plat.*

2. Impact on concurrency requirements and level of service standards (LOS).

*Analysis:*

*The City has adequate levels of service for the proposed subdivision, including fire and police. The value and desirability of the subdivision will be protected by Covenants and Restrictions and Architectural Standards (see attached).*

*Initial utility construction will require only the clearing of Lot A (0.06 acres) which is designated to be released to the City of Gautier as part of the utility Right of Way. All other utility Rights of way have been cleared as part of prior development.*

3. The nature of the proposed development, including land use types and densities; the placement of proposed buildings and other improvements on the site; the location, type and method of maintenance of open space and public use areas, if any; the preservation of natural features or protection of sensitive lands, if any; proposed parking areas; internal traffic circulation systems, if any; the approximate total ground coverage of paved areas and structures; stormwater management, and water and sewage distribution, collection and treatment systems.

*Analysis:*

*The existing property is wooded. The applicant proposes to build a road in the center of the "L" shaped property and create 30 new R-1 residential lots on both sides of the new road. The owner has an agreement with an adjacent property owner to provide access to the property to the east of this parcel. (A gravel drive was completed subsequent to the 2008 preliminary plat approval). An existing 30-ft wide drainage easement will be maintained from the Magnolia Bluff Subdivision through this property. No recreational facilities are proposed at this time.*

*The south section of this land adjacent to the Magnolia Bluff Subdivision is level and the lots will accommodate construction of new homes. At the north section of the property there are wetlands. The lots have been made larger at the north end to provide areas for the house to be built outside the wetlands area. There are no protected trees on the land. However, the owner plans to save as many of the trees as possible to provide a buffer with the adjacent properties.*

4. Conformity of the proposed development with the Comprehensive Plan, this Code and other applicable regulations.

*Analysis:*

*The UDO requires the following setbacks and density for the R-1 zoning district: Minimum lot area of 9,600 square feet. Front setbacks 35', Side setbacks 10', Rear setbacks 25', and minimum living area 1,600 S.F. The proposed development conforms with the requirements of the UDO and zoning district.*

*The existing zoning district does not comply with the City's Comprehensive Plan. The Comprehensive Plan, adopted September 2009, reflects a new land designation called RE Residential Estate on the Future Land Use Map. The RE designation would require a minimum of one acre per single family dwelling, and a minimum living area of 1,800 square feet.*

5. Other applicable factors, rules, regulations or criteria prescribed by the Comprehensive Plan, this Code or other law.

*Further Analysis of the Comprehensive Plan:*

*In order to identify specific needs and appropriate intervention strategy, residential neighborhoods in Gautier have been placed in 4 categories within the Comprehensive Plan. The proposed subdivision is located within a category of "Reserve". The Plan states: "Reserve: Areas which are natural habitat, wetlands, or areas which are to be preserved in their natural state and are primarily without manmade buildings.*

*The proposed subdivision would develop approximately 30% of the total 17± acres, or 5.2 acres.*

*Page 53-57 addresses New Neighborhoods and encourages using alternative site layout including a variety of housing styles and types. Infill housing and development is also encouraged. Page 55 states: "Existing large lots in desirable areas may be further subdivided into smaller lots if development regulations permit. Some types of infill development are desired; however, care must be taken to insure the new development fits in contextually with surrounding development.*

## **REVIEW CRITERIA:**

The Technical Review Committee has reviewed each of the technical items required on the preliminary subdivision plan as established by Section 4.6 and found that the engineer has satisfied all items as necessary for approval. Section 4.6 and the applicants' response are attached.

## **CONCLUSION AND RECOMMENDATION:**

Staff recommends approval of the preliminary plan as appropriate for new residential infill. To ensure compatibility, the owner proposes to leave a wooded buffer zone around the entire development. Covenants and Restrictions will protect the value and desirability of the development. Lastly, 5.2± acres will be developed with impervious surface, including streets and homes, from a total of 17± acres in an area zoned for residential use.

Based on the Technical Review Committee's review, the analysis of the site data, zoning, 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 4.17 of the Unified Development Ordinance, the Planning Commission may:

1. Recommend approval of the Preliminary Plat; or
2. Recommend denial of the Preliminary Plat.

**ATTACHMENTS:**

Project Time Line, Dated November 10, 2010. E. Foley Ranson, P.A.

Proximity Map

Covenants and Restrictions

TRC Memos, Dated April 28, 2011 and May 16, 2011

Preliminary Plat

Preliminary Plans

Application, Dated March 24, 2011

Traffic Study

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November 10, 2010

Ms. Samantha Able  
Planning Department  
City of Gautier

Re: Cypress Landing Subdivision

Dear Ms. Able:

I represent Ms. Sybil Sauls who is the managing member of Silvergirl LLC, a Mississippi Limited Liability Company. My client states that you have requested a summary of the history of this project.

On April 4, 2008, after some negotiations Silvergirl, LLC, entered into an agreement with Trinity Development Group of The Gulf States, LLC and Cypress Landing Florida, LLC (Florida LLC's) and Cypress Landing LLC (a Mississippi LLC) for the development of a residential subdivision in Gautier, Mississippi.

An additional party to this agreement was Trinity Development LLC (a Florida LLC) which was to market the lots in the proposed subdivision.

The principal in all of these LLC's was Ms. Kathryn Bickford of Naples, Florida.

The original agreement provided for Silvergirl to provide its 15+ acre parcel of property in exchange for the sum of \$320,000.00, to develop and sell 31 residential lots for upscale homes. Ms. Bickford, through her several business entities was to arrange for the financing for this project.