

**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

1  
2  
3 **ORDINANCE**

4 **AN ORDINANCE OF THE CITY OF GAUTIER, MISSISSIPPI, RELATING TO THE**  
5 **COMPREHENSIVE REZONING OF PROPERTY EQUAL TO APPROXIMATELY 87.5 ACRES**  
6 **TO C-3 HIGHWAY COMMERCIAL; GENERALLY DESCRIBED AS LOCATED NORTH OF**  
7 **HIGHWAY 90, BEGINNING APPROXIMATELY ELEVEN HUNDRED FIFTY (1,150) FEET**  
8 **EAST OF HIGHWAY 57, AND CONTINUING APPROXIMATELY SIXTY-ONE HUNDRED**  
9 **(6,100) FEET ALONG HIGHWAY 90, AND CONSISTING OF THE SIXTY-ONE HUNDRED**  
10 **(6,100) FEET ALONG HIGHWAY 90 DESCRIBED ABOVE, NORTH SIX HUNDRED TWENTY-**  
11 **FIVE (625) FEET; PROVIDING AUTHORITY; MAKING FINDINGS OF FACT; PROVIDING**  
12 **FOR A ZONING MAP AMENDMENT; AND SETTING AN EFFECTIVE DATE.**

13  
14 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GAUTIER,**  
15 **MISSISSIPPI, AS FOLLOWS:**

16  
17 **SECTION 1. AUTHORITY.**

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

20  
21 The City Council of Gautier finds that a comprehensive rezoning is necessary to provide for the  
22 orderly growth and development of the City. A public hearing was held before the Gautier  
23 Planning Commission on March 7, 2013, and the Commission recommended that Council  
24 approve the change for a zoning map amendment to adopt the C-3 Highway Commercial  
25 District. The City Council has conducted a public hearing on March 19, 2013 after giving due  
26 public notice pursuant to the Public Hearing Process of the City's Unified Development  
27 Ordinance. The requested rezoning is consistent with the City's Comprehensive Plan.

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29 **SECTION 2. PROPERTY REZONED.**

30 The property generally described as north of Highway 90, beginning approximately eleven  
31 hundred fifty (1,150) feet east of Highway 57, and continuing approximately sixty-one hundred  
32 (6,100) feet along Highway 90 and consisting of the sixty-one hundred (6,100) feet along  
33 Highway 90 described above, north six hundred twenty-five (625) feet, is hereby rezoned to C-3  
34 Highway Commercial District.

35  
36 **SECTION 3. FINDINGS OF FACT.**

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

42  
43 **SECTION 4. ZONING MAP AMENDMENT.** The Official Zoning Map of the City of Gautier is  
44 hereby amended to include a comprehensive change of classification from AG Agricultural to C-  
45 3 Highway Commercial for the specific portions of parcels number #82422800.100,  
46 #82429210.000 and #82438120.000 and all of parcel #82429230.050 as described in this  
47 Ordinance.

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

**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 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.

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

Surrounding Future Land Use Map (FLUM) designations:

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

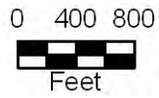
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# Location Map

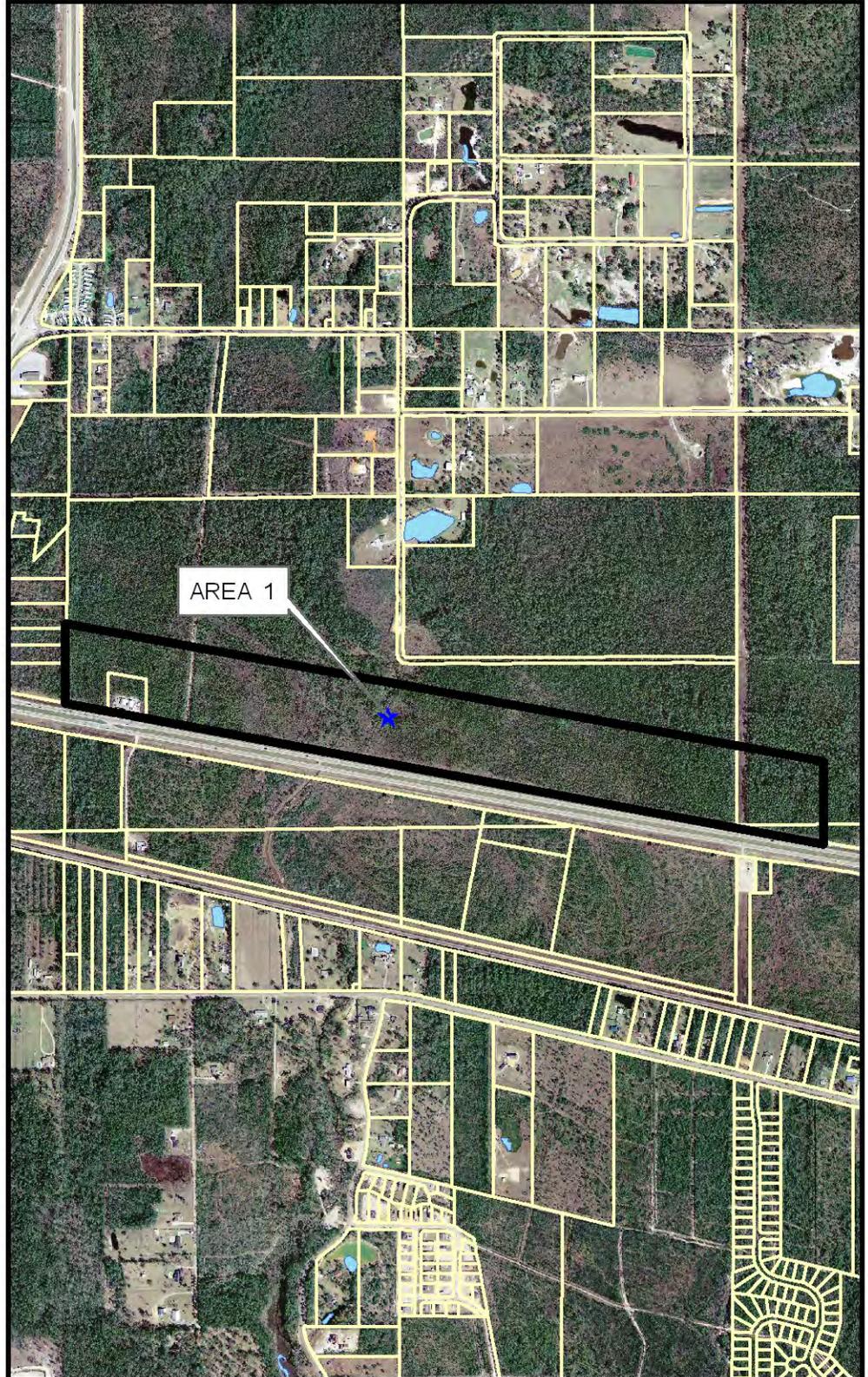
## HWY 90

### Proposed Zoning Change

City Of Gautier  
Economic Development/Planning

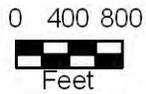


Prepared by the  
City of Gautier  
GIS Division



# Existing Zoning Map

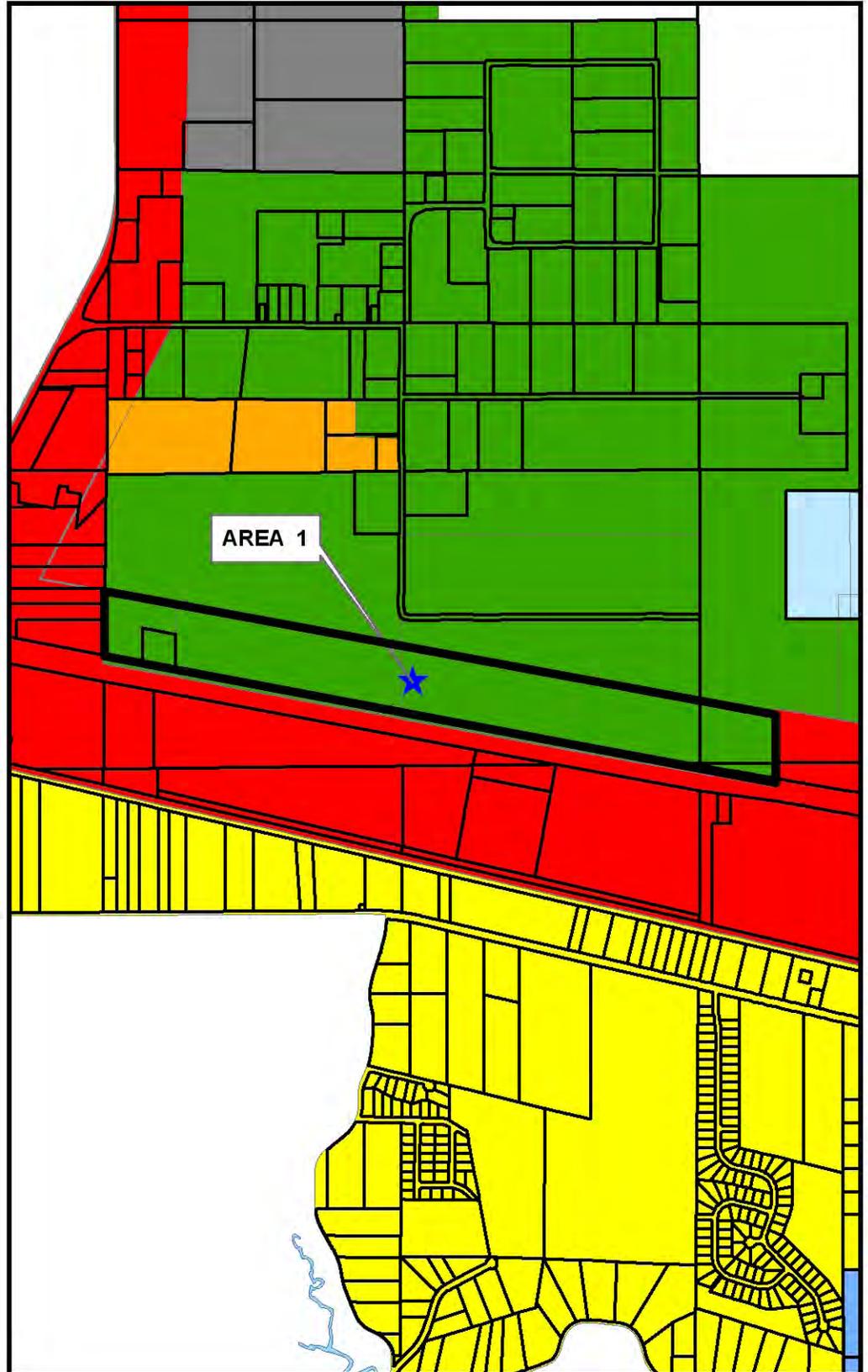
City Of Gautier  
Economic Development/Planning



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

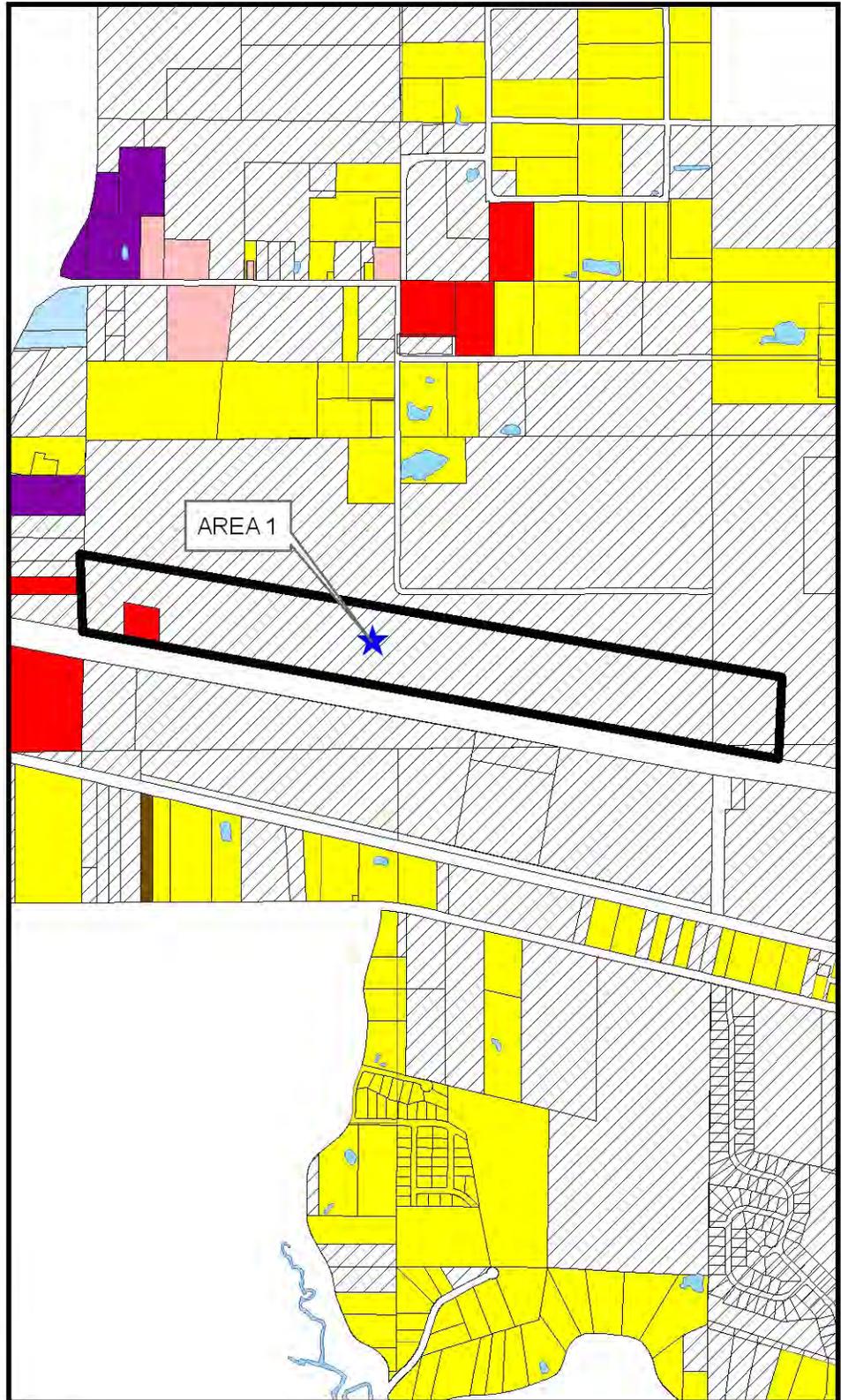


# Existing Land Use Map

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

# Future Land Use Map

City Of Gautier  
Economic Development/Planning



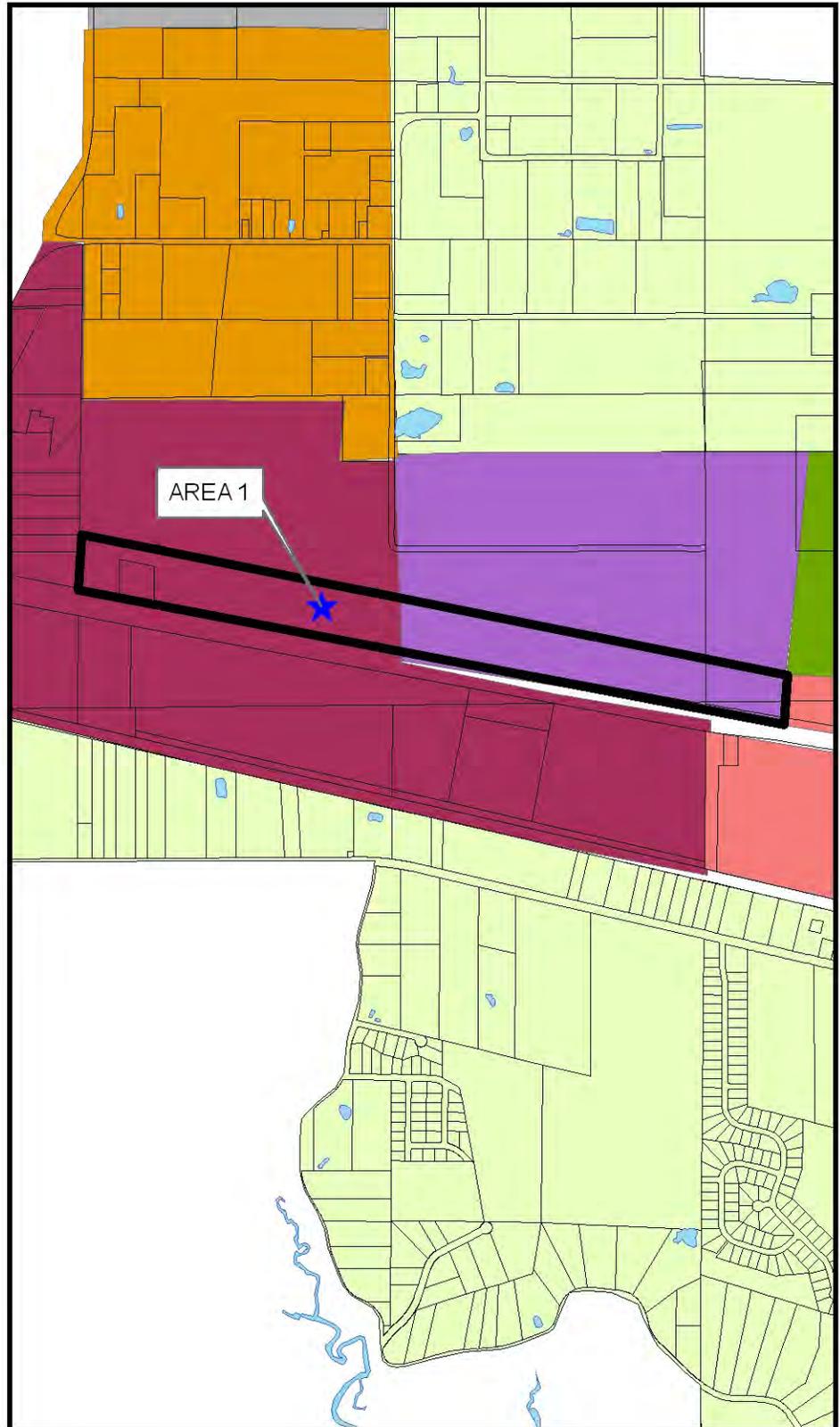
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Prepared by the  
City of Gautier  
GIS Division

## 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



# PROPOSED ZONING

**City Of Gautier**  
Economic Development/Planning



0 400 800



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