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 Planning Commission, 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 Planning Commission, 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. Planning Commission 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 MEMORANDUM

To: Samantha D. Abell, City Manager

From: Chandra Nicholson, Economic Development & Planning Director

Date: March 11, 2014

Subject: GPC Case #13-28-SD. Consideration of Development Order Approval for the Subdivision of Land for Dees Landing, a Subdivision Comprising ±82.2 Acres. Wilbur Dees, Owner

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REQUEST:

The applicant, Wilbur Dees, is proposing to divide three parcels consisting of approximately 82.2 acres into thirteen (13) parcels. The application fee of $100 was paid on November 18, 2013. All public notice requirements have been met.

Staff has deemed the application sufficient for planning commission and city council consideration. The application was processed in accordance with UDO Section 4.2 and 4.7 for Subdivision of Land. The applicant has submitted drawings indicating the concept of the proposed subdivision regarding lot sizes, street frontage, etc. Prior to Final Plat review and the issuance of building permits, the owner shall provide additional documentation showing compliance with the UDO and City requirements.

The site is currently served by public water and sewer, and is comprised of three parcels containing 5.35 acres, 49.5 acres and 18.5 acres, located on the east end of Homestead Boulevard. The property is zoned R-1 Low Density Single-Family Residential.

BACKGROUND:

The Planning Commission reviewed this case on December 5, 2013 and again on March 6, 2013 where action was taken.

Pursuant to Section 4.7.2 of the UDO, preliminary approval to subdivide land is not required. A development plan is required in order to ensure there are adequate levels of service to provide for the development. An applicant may elect to request preliminary plat approval simultaneous with the development plan approval process.

On December 5, 2013, the applicant proposed a Preliminary Plat that included 10 developable lots (8 lots on the peninsula and 2 lots on the eastern end) and the remainder of the subdivision would remain large tracts of land. The row of developable lots on the western end of the development have been referred to as the "peninsula" for discussion purposes. The Gautier Planning Commission considered the owner's plans for a residential development and directed the applicant to consider larger lots more compatible with surrounding properties. The owner subsequently met with residents to hear concerns regarding compatibility and has made the following changes:

> The owner has altered the preliminary plat to increase the lot road frontage to a minimum of approximately 150 feet, in order to be compatible with existing lots.
>
> The owner has increased lot size from the permissible 1/3 acre to 1/2 acre along Homestead Boulevard.
>
> The owner commits that the lots at the east end of Homestead will be a minimum of an acre and a half.
>
> The owner will develop wetslips that Homestead residents will be able to utilize as an amenity.
>
> The owner will not replat all of his land at this time, though he understands he could make application to do so. He realizes a future rezoning could negatively affect his ability to plat his land in accordance with the stated intentions above. Based on market demand for large homes and large lots, the owner intends to replat the remaining land at a future time, in accordance with the above specifications agreed upon by neighboring property owners.

On March 6, 2014, the applicant proposed a Preliminary Plat that included 7 developable lots (6 lots on the peninsula and 1 lot on the eastern end) and the remainder of the subdivision would remain large tracts of land. The reduction in the number of lots was due to the increase in lots size to accommodate the concerns of the neighbors.

On March 6, 2014, at the Planning Commission Meeting, the applicant requested a change to their submittal to increase the total number of lots back to the initially submitted number of 10 developable lots (9 lots on the peninsula and 1 lot on the eastern end) while maintaining a minimum lot size of ½ acre. The Gautier Planning Commission allowed the revised Preliminary Plat to be entered into the record and be considered.

On March 6, 2014, the Planning Commission voted unanimously to Recommend Approval of the Development Order for the Subdivision of Land.

DISCUSSION:

The Technical Review Committee met to review the proposed subdivision on January 23, 2014. Attached to the Staff Report are an email and a memo from TRC staff members submitted to the

Economic Development and Planning Director. The TRC deems the preliminary plat request technically sufficient for Planning Commission review, in accordance with section 4.7.2.

Section 4.1.8 Major Developments (Development larger than 2.25 acres)
The following procedures, in addition to those listed in Section 4.5, shall apply to all major development order applications:

A. 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 member's 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	Very low to low density residential	R-1 Low Density Single-Family Residential
South	Very low to low density residential, conservation, vacant,	R-1 Low Density Single-Family Residential
East	Marsh, River	N/A
West	Very low to low density residential, vacant	R-1 Low Density Single-Family Residential

   Approximately 45 acres of the total acreage of parcels being divided is upland; approximately 37.2 acres is marsh land which is shown on the plat. Lot 7 of the proposed subdivision has wetlands (salt marsh) along its eastern boundary. There is no evidence of wetlands within Lots 1-6 of the proposed subdivision. (See attached letter from Batson & Brown, Inc.)

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

   Analysis:

   The City has adequate levels of service for the proposed subdivision, including roadways, water and sewer capacity, fire and police.

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 where Lots 1-6 are to be located is currently wooded. Lot 7 at the end of Homestead Boulevard is cleared to some extent. The applicant will not have to build any new roads because all seven proposed R-1 residential lots front on Homestead Boulevard. No recreational facilities are proposed at this time, though the owner proposes wetslips as an amenity at a later phase.

   The section of land where Lots 1-6 will be located is upland and will accommodate construction of new homes. At the east section of the property where Lot 7 is to be located are some wetlands. The lot has been made larger to provide area for the house to be built outside the wetlands area. There are some protected trees that will have to be removed for construction of homes.

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 25' (an additional 10' must be added to the front setback on Homestead Boulevard per the UDO making the front setbacks 35'), Side setbacks 10', Rear setbacks 25', and minimum living area 1,325 S.F. The proposed development conforms to the requirements of the UDO and zoning district.

   Section 5.2.4 (C) also states the following regarding setbacks:
   In any existing residential district, the minimum front yard setback of any new structure built as an infill structure, shall be the same as the adjoining residential structures, or if there are no adjoining residential structures, shall be equal to the average of other residences on the same side of the street within the same block or series of blocks.

   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. Front setbacks 50', Side setbacks 20' and Rear setbacks 35'.

CONCLUSION AND RECOMMENDATION:

At the March 6, 2014 Planning Commission Meeting, the Planning Commission voted unanimously to Recommend Approval of the Development Order for the Subdivision of Land.

Based on the Planning Commission's Recommendation, the Technical Review Committee's review, the analysis of the site data, existing zoning, impact on the available infrastructure, availability of existing utilities, and the appropriateness of the request relevant to the criteria established by Section 4.7 of the Unified Development Ordinance, the staff recommends approval of a Development Order and Preliminary Subdivision Plat. Although, the size and set-back of the proposed lots are not consistent with the Comprehensive Plan, the size and set-backs of the proposed lots do comply with the current code requirements. The size of the proposed lots is consistent with areas that have the availability of water and sewer services. The larger residential estate lots are more consistent with areas that do not have water and sewer service availability.

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 4.7 of the Unified Development Ordinance, the City Council may:

1. Approve the Development Order and Preliminary Plat; or
2. Deny the Development Order and Preliminary Plat.

ATTACHMENTS:

Development Order

Staff Report and backup

Attachment 1: Exhibit Submitted as a Part of December 5, 2013 GPC Packet

Attachment 2: Exhibits Submitted at March 6, 2014 GPC Meeting

Attachment 3: Exhibit Submitted After March 6, 2014 GPC Meeting for Clarification