
SEPTEMBER 1, 2011

GAUTIER, MISSISSIPPI

BE IT REMEMBERED THAT a regular meeting of the Gautier Planning Commission of the City of Gautier, Mississippi, was held on September 1, 2011, at 6:00 P.M. in the Council chambers of the Gautier Municipal Building at 3330 Highway 90, Gautier, Mississippi.

Commission members present: David Wooten, Chairman, Jerry Akins, Richard Johnson, James Torrey, Larry Dailey, and Marilyn Minor. Absent was Jim Dodson. Also present were Samantha Abell, Economic Development Director; Bob Ramsay, City Attorney; Babs Logan, Planning Technician; and Melissa Burdine, Court Reporter.

David Wooten, Chairman, called the meeting to order and presented the minutes from the August 4, 2011 meeting for approval. Commissioner Dailey asked that the second sentence of the third paragraph on page 4 be deleted and replaced with "He stated that it appears the FLUM in this area may be based more on existing land use instead of thorough planning. He requested staff review proper land use for the area, as well as, looking at the big picture, to include beyond the existing commercial, instead of focusing on the isolated lots discussed." Commissioner Dailey made a motion to approve the minutes as amended. Commissioner Minor seconded the motion and the vote was unanimous.

APPROVAL OF AGENDA

Commissioner Dailey made a motion to hear "Item B. Appeal" to the beginning of New Business and hear it first. Commissioner Wooten seconded the motion and the vote was unanimous.

AGENDA

GAUTIER PLANNING COMMISSION

SEPTEMBER 1, 2011

6:00 P.M.

- I. CALL TO ORDER
 - II. PLEDGE OF ALLEGIANCE (VOLUNTEER)
 - III. APPROVAL OF MINUTES – (AUGUST 4, 2011)
 - IV. APPROVAL OF AGENDA
 - V. PUBLIC COMMENTS (MATTERS OF THE PLANNING COMMISSION NOT LISTED ON THE AGENDA)
 - VI. OLD BUSINESS
NONE
 - VII. NEW BUSINESS
 - A. QUASI-JUDICIAL
 - 1. REQUEST FOR A MAJOR DEVELOPMENT ORDER FOR A MULTI-UNIT HOUSING COMPLEX FOR SENIOR CITIZENS IN A MURC-1 MIXED USE RECREATION COMMERCIAL-1 DISTRICT, 2826 LADNIER ROAD (SHERRY ATCHISON, AGENT FOR VOLUNTEERS OF AMERICA SOUTHEAST, INC.) (GPC CASE #11-26-MD)
 - 2. REQUEST FOR A COMPREHENSIVE REZONING OF PROPERTIES TO R-1 LOW DENSITY SINGLE FAMILY RESIDENTIAL, MARTIN BLUFF ROAD (STAFF) (GPC CASE #11-27-RZ)
 - 3. REQUEST FOR A PRELIMINARY PLAT APPROVAL FOR CYPRESS LANDING SUBDIVISION, FERRY POINT ROAD, (SILVERGIRL, LLC, OWNER) (GPC CASE #11-11-SD)
 - B. APPEAL
 - 1. REQUEST FOR AN APPEAL TO STAFF DECISION REGARDING REMOVAL OF A PROTECTED TREE, 325 DE LA POINTE DRIVE, (FIRST BAPTIST CHURCH) (GPC CASE #11-23-AP)
 - VIII. DIRECTOR'S REPORT
 - IX. ADJOURN
-

PUBLIC COMMENTS (MATTERS OF THE PLANNING COMMISSION NOT LISTED ON AGENDA)

There were no public comments.

OLD BUSINESS:

Chairman Wooten and Commissioner Johnson asked that discussion of this year's presentation of the Larry Moran award be placed on the October 6, 2011 agenda.

NEW BUSINESS

A. QUASI-JUDICIAL

1. REQUEST FOR A MAJOR DEVELOPMENT ORDER FOR A MULTI-UNIT HOUSING COMPLEX FOR SENIOR CITIZENS IN A MURC-1 MIXED USE RECREATION COMMERCIAL-1 DISTRICT, 2826 LADNIER ROAD (SHERRY ATCHISON, AGENT FOR VOLUNTEERS OF AMERICA SOUTHEAST, INC.) (GPC CASE #11-26-MD)

There came before the Planning Commission a request from Volunteers of America Southeast, Inc. for an approval of a major development plan for a twenty unit housing complex for Senior Citizens to be located on approximately 5.18 acres at 2826 Ladnier Road.

Sherry Atchison, agent for Volunteers of America Southeast, Inc., explained that the housing will be for those sixty-two or older. Staff will include an on-site manager for the proposed facility and a volunteer service coordinator that will assist residents in obtaining public benefits and other assistance to help them "age in place". Ms. Atchison stated that the facility will have a community room, ample green space and sidewalks much like a traditional neighborhood development.

Ms. Abell advised Commissioners that Staff, in partnership with Volunteers of America Southeast (VOA), has facilitated this project locating to the city as an opportunity for attractive senior housing. Ms. Abell explained that the development had received approval from the Technical Review Committee and that the City had sufficient levels of service for the proposed development.

Commission Dailey asked if the rear of the property would be developed in the future. Ms. Atchison explained that VOA always obtains two to five more

acres than needed for the housing development and that it would not be developed. She further explained that once the housing facility is built the deed is signed over to HUD with a forty year lock which will not allow them to develop that portion of the parcel.

Commissioner Dailey made a motion to recommend approval of the major development as presented with the addition of preserving the entire site as presented. Commissioner Wooten seconded the motion and the following vote was recorded:

<u>AYES</u>	<u>NAYS</u>	<u>ABSENT</u>	<u>ABSTAINED</u>
David Wooten		Jim Dodson	
Larry Dailey			
James Torrey			
Marilyn Minor			
Jerry Akins			
Richard Johnson			

2. REQUEST FOR A COMPREHENSIVE REZONING OF PROPERTIES TO R-1 LOW DENSITY SINGLE FAMILY RESIDENTIAL, MARTIN BLUFF ROAD (STAFF) (GPC CASE #11-27-RZ)

Ms. Abell explained that this city-initiated rezoning was to rezone certain lands along the east side of Martin Bluff Road that has been zoned C-2 Community Commercial since the City's 2002 annexation to R-1 Low Density Single-Family Residential. The Comprehensive Plan adopted by the City in 2009 designates this area as low density residential. The area to be rezoned is generally described as being east of Martin Bluff Road, north of Lucas Road and south of Bluff Point Road.

Ms. Abell further explained that the City rezoned parcels fronting Martin Bluff Road to C-2 Community Commercial when the City annexed the area in 2002. Currently, there are vacant residential homes that are non-conforming uses. The re-use of these homes as commercial structures is extremely unlikely, due to the character of the roadway and surrounding residential areas. The C-2

rezoning has contributed to the disrepair and abandonment of a residential non-conforming use, as well as other structures in the vicinity.

Commissioner Dailey stated that at the last meeting when this item was on the agenda for discussion he had noted that he would like to look a larger area, not just those parcels listed for the rezoning, to better understand why commercial zoning exists as it does in that area. He stated that he did not want to make a decision now that might have to be reviewed later if the commercial zoned areas did develop more in the future.

Commissioner Torrey made a motion to recommend approval of the Comprehensive Rezoning as presented. Commissioner Akins seconded the motion and the following vote was recorded:

<u>AYES</u>	<u>NAYS</u>	<u>ABSENT</u>	<u>ABSTAINED</u>
David Wooten		Jim Dodson	
Larry Dailey			
James Torrey			
Marilyn Minor			
Jerry Akins			
Richard Johnson			

3. REQUEST FOR A PRELIMINARY PLAT APPROVAL FOR CYPRESS LANDING SUBDIVISION, FERRY POINT ROAD, (SILVERGIRL, LLC, OWNER) (GPC CASE #11-11-SD)

There came before the Planning Commission a continued request on the part of Silvergirl, LLC for a preliminary plat approval of a 30 lot subdivision known as Cypress Landing. The subdivision 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. The request was continued from the June 16, 2011 special meeting so the applicant could provide the Planning Commission with a traffic study for Ferry Point Bluff Road.

Stanton Fountain, attorney for the applicant, noted that the traffic study determined that the road was sufficient for the proposed development and that the proposed development met all other City requirements for approval.

Commissioner Dailey stated that the traffic study referred to Ferry Point Road as having a collector status and that it does not meet the criteria for collector status. Commissioner Dailey questioned if the report was based on an incorrect status. Mr. Fountain stated that the study was based on the classification the City had given Ferry Point Road.

William Davis, area resident, noted that there were two commissioners that were not present at the June 16, 2011 special meeting when this request was previously heard, but were present at this meeting. He was concerned that those that were absent from the previous meeting might not be informed of the information discussed. He was advised that the Commissioners were given the minutes from the meeting.

Mr. Davis submitted a petition with additional signatures obtained since the June 16th meeting.

Ms. Abell advised the Commission that the Technical Review Committee had deemed the preliminary plat technically sufficient.

Commissioner Johnson made a motion to recommend approval of the preliminary plat based on the review criteria by the TRC, the engineer and Staff findings. Commissioner Torrey seconded the motion and the following vote was recorded:

<u>AYES</u>	<u>NAYS</u>	<u>ABSENT</u>	<u>ABSTAINED</u>
David Wooten	Larry Dailey	Jim Dodson	
Richard Johnson	Jerry Akins		
James Torrey	Marilyn Minor		

Commissioner Dailey made a motion to recommend denial of the preliminary plat based on the following findings:

Unified Development Ordinance

Article 1 Section 4.2 of the UDO states that the UDO has been formulated following a Comprehensive Plan for the future of the community and contains regulations designed to:

- (A) to implement the adopted Comprehensive Plan;
- (H) to examine the most appropriate use of land;
- (I) to conserve the value of buildings;
- (J) to protect existing neighborhoods;

This development will negatively effect the existing property, is not the most appropriate use of land, and it does not protect existing neighborhoods.

Comprehensive Plan

Chapter 4 Section 3 of the Comprehensive Plan shows the following:

- Neighborhood character and condition must be included as an integral part of any long-range planning strategy. *The existing lots are large acreage lots.*
- The subject area is classified as reserve neighborhood. Reserve neighborhoods are areas which are natural habitat or areas which are to be preserved in their natural state and are primarily without manmade buildings. *All other areas in the neighborhood respect that classification. They have large lots small house footprint on lots.*
- Care must be taken to insure that new infill development "fits-in" contextually with existing development. *This development does not fit in regarding lot size and home size.*

Chapter 4 Section 4 states that as new homes are being built, a concentrated and sustained effort must be made to preserve the integrity of existing neighborhoods. *This development has no consideration of the context of those neighborhoods.*

In Chapter 7 of the Comprehensive Plan the future land use of the development area is identified as a very low residential district. *The Planning Commission has reviewed, accepted and taken action so that that occurs.*

The Comprehensive Plan and the UDO must be used as a directive as the Planning Commission makes decisions.

Commissioner Minor seconded the motion and the following vote was recorded:

<u>AYES</u>	<u>NAYS</u>	<u>ABSENT</u>	<u>ABSTAINED</u>
Larry Dailey	David Wooten	Jim Dodson	
Jerry Akins	Richard Johnson		
Marilyn Minor	James Torrey		

The preliminary plat will be forwarded to Council without a recommendation.

B. APPEAL

1. REQUEST FOR AN APPEAL TO STAFF DECISION REGARDING REMOVAL OF A PROTECTED TREE, 325 DE LA POINTE DRIVE, (FIRST BAPTIST CHURCH) (GPC CASE #11-23-AP)

The Planning Commission received a request on the part of David Aultman, Pastor of First Baptist Church, for an Appeal to Staff Decision regarding removal of a protected live oak tree at 325 De La Pointe Drive. Staff found no lawful provision for allowing the removal of the protected tree therefore they denied the applicant's request.

Mr. Aultman explained that around the first part of 2007 the church began a preliminary design for improvements of the church facilities that would include the construction of a new two story building that would cover the area where the live oak tree is located. The former Building Official for the City then advised them that the plan could not be approved unless the slab elevation was raised by two feet because of the flood zone the new building would be located in. Raising the foundation would be an added expense so the church decided on a new plan.

Mr. Aultman stated that even with the new plans removal of the tree was discussed with the former Building Official because of the damage it was causing the parking lot, sidewalk and curbs. He also stated that the former Building Official agreed that the tree could be removed and mitigated with five two and one half inch trees in strategic areas around the remodeled building.

Ms. Abell stated that Staff found no documentation from the past that would lawfully let Staff approve removal of the live oak. Action was never taken on the plans that were presented in 2008 so they are expired and the plans presented in 2010 must be reviewed under the new Unified Development Ordinance which does not place a value on mitigating protected trees. Therefore the tree must be preserved unless it is diseased.

Commissioner Dailey stated that he did not find anything in the UDO that allowed replacement of protected trees only significant trees not classified as protected. He also noted that the tree was surviving but not thriving and suggested some options for helping the tree to thrive.

Commissioner Minor made a motion to affirm the Staff's decision and require the applicant to protect the live oak. Commissioner Dailey seconded the motion and the following vote was recorded:

AYES

NAYS

ABSENT

ABSTAINED

David Wooten

Richard Johnson

Jim Dodson

Larry Dailey

Jerry Akins

James Torrey

Marilyn Minor

Commissioner Dailey made a motion to direct Staff to present to the Commission a revision to the UDO to address procedure and mitigation of protected trees. Commissioner Torrey seconded the motion and the following vote was recorded:

AYES

NAYS

ABSENT

ABSTAINED

David Wooten

Jim Dodson

Larry Dailey

James Torrey

Marilyn Minor

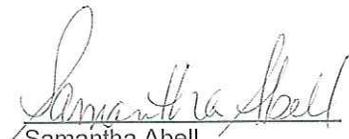
Jerry Akins

Richard Johnson

DIRECTOR'S REPORT

Ms. Abell did not have a report but invited the Planning Commissioners to the City Council meeting on September 20th to hear an update from the Economic Development for last year.

SUBMITTED BY:


Samantha Abell
Economic Development Director

DATE: 12/1/11

APPROVED:


David Wooten, Chairman
Gautier Planning Commission

DATE: 12-1-11