

Gautier Planning Commission

Regular Meeting Agenda

March 6, 2014

(Staff Report and Application Revised for May 1, 2014 GPC Meeting)

Homestead Comprehensive Rezoning

VII. NEW BUSINESS

A. QUASI-JUDICIAL

1. REQUEST FOR A COMPREHENSIVE REZONING OF PROPERTIES TO R-E RESIDENTIAL ESTATE (CITIZEN-INITIATED) GPC CASE #14-01-RZ

Synopsis: This is a citizen-initiated comprehensive rezoning of properties to R-E Residential Estate. The properties are located at the East end of Homestead Boulevard and generally described as properties north of Sioux Bayou, south of Lite Bayou, and west of the Pascagoula River.

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 REPORT**

To: Gautier Planning Commission Chairperson and Members
From: Chandra Nicholson, Economic Development & Planning Director
Date: February 28, 2014 (Revised April 25, 2014)
Subject: Consideration of a Citizen-Initiated Comprehensive Rezoning of Properties Comprising ±443.13 Acres to R-E Residential Estate.

REQUEST:

The Economic Development and Planning Department has received a request from William R. Finnicum, resident of 704 Homestead Boulevard for a Comprehensive Rezoning of the property generally described as the eastern end of Homestead Boulevard south of Lite Bayou, north of Sioux Bayou, and west of the Pascagoula River. The application fee of \$300 was paid on January 2, 2014. All public notice requirements have been met. The applicant provided signatures of owners of contiguous land in excess of 10 acres on Homestead Boulevard and members of the “Homestead Neighborhood Association” for a comprehensive rezoning.

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 a February 16th advertised public hearing by the GPC on March 6th, the Ordinance to amend the City’s Official Zoning Map will be considered for approval by the City Council on March 18th.

DISCUSSION:

On December 16th, 2013, Planning Staff received an e-mail from Mr. Bill Finnicum requesting a rezoning as a result of “a vacant request to sub-develop property along Homestead Boulevard in accordance with R-1 Guidelines” (see Finnicum E-mail as a part of the attached Exhibit E).

The Comprehensive Plan’s Future Lane Use Element establishes the general land use designation for Very Low Density Residential thus:

Very Low Density Residential/Agricultural—Areas with one acre or larger lots and which contain single family residential uses. Very low density residential neighborhoods should ideally be located adjacent to low density residential areas. The overall gross density is one (1) dwelling unit per acre.

The City’s Unified Development Ordinance describes the R-E Residential Estate Zoning District thus:

5.3.2 R-E, Residential Estate District

Purpose and intent. The purpose of this district is to provide for large-lot residential areas for the development of very low density, single-family residential uses and compatible accessory structures. Areas with these characteristics are typically developed as large-lot subdivisions with custom-built homes, suburban areas on the edge of the city and lots which contain environmentally sensitive areas. It is the intent of this Ordinance that these districts should be maintained without intrusive uses so as to minimize the impact of additional traffic or noise.

Unified Development Ordinance Table 7 Intensity and Dimensional Standards (excerpt)

DATA AND ANALYSIS:

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
R-1	9,600	80	35	---	---	25/ 35	10/ 25/ 35	25	---	---	---	---	---	---	25	---	---
RE	<u>43,560</u>	<u>150</u>	<u>35</u>	<u>N/A</u>	<u>N/A</u>	<u>50/ 35</u>	<u>20/ 35</u>	<u>35</u>	<u>none</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>20</u>	<u>N/A</u>	<u>N/A</u>

Homestead Boulevard is a non-striped local residential road with aging homes in generally well-kept conditions on lots greater than two (2) acres, with substantially undeveloped property on the south side of the road. In proximity to Homestead Boulevard is a bayou, a quiet fish camp, and conservation lands. Little to no development has occurred in the last thirty (30) years.

Property Listing for Comprehensive Rezoning Area: See attachment to Draft Ordinance attached.

Location: Ward 4

Current Zoning of the Request Property: R-1 Low Density Residential

Current surrounding existing land use and zoning:

	Current Land Use	Zoning District
North	Bayou, Low Density Residential, Conservation	R-1 Low Density Single Family Residential
South	Single Family Residential	AG Agricultural, PL Public Land
East	River	N/A
West	Fish Camp, Conservation, Low Density Residential	R-1 Low Density Single Family Residential

Comprehensive Plan Land Use Designation: The subject properties are designated Very Low Density Residential.

Surrounding Future Land Use Map (FLUM) designations:

	FLUM Designation
North	Very Low to Low Density Residential
South	Recreational Commercial, Conservation
East	Low Density, Conservation
West	N/A

Proposed Zoning: R-E Residential Estate

REVIEW CRITERIA:

The Planning 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 in italics.

- A. The existing zoning in the subject area is not in accordance with the Comprehensive Plan; **and**

Staff finds that the existing zoning is not in accordance with the Comprehensive Plan in that the Plan recommends the subject area be Very Low Density Residential. The rezoning of this area will place the Official Zoning Map in accordance with the Plan, however, the Comprehensive Plan specifies in Table No. 27, “create estate zoning district and rezone large lot development areas in select areas and with permission of property owners”.

Staff finds that the Applicants collectively own 23% of the subject lands and at least one property Owner who owns 16.4% of the subject lands objects to the comprehensive rezoning at this time.

- B. The need for additional land in the City having the same zoning classification as the one proposed; **and**

The Unified Development Ordinance, Section 5.3.2 describes R-E Residential Estate as being a transitional zone of suburban area between urban and rural areas and generally contains conservation land. Residential Estate zones are generally on the edge of the city to transition to more rural areas.

Urban areas denote medium high to high density development with smaller lots and structures in close proximity, and core census block groups with a population density of at least 1,000 per square mile, according to the US Census. Rural is any territory (area) that is not urban.

To recommend in favor of the rezoning, the Planning Commission must find that at this time, there is a need for additional lands to be zoned as R-E, and that the current land use designation does not meet this need.

The “need” for additional lands must be based on a change since the adoption of the Comprehensive Plan. Based on the definition of R-E, growth must have increased to an extent that an urban area now exists that makes the R-E zone a necessary buffer between urban and rural territories (areas).

Staff finds no analysis that the current designation does not provide an adequate transitional zone for suburban lots.

- C. A substantial change in the land use character of the surrounding area that justifies the change in zoning; **or**

Staff finds that there has not been a substantial change in the land use character of the surrounding area. Specifically, there is no measurable increase in urban area to meet the statutory obligation of “change”.

- D. The probability of a mapping error in the Comprehensive Plan or a Unified Development Ordinance has occurred.

Staff finds no mapping error exists in the Comprehensive Plan or the Unified Development Ordinance. The Unified Development Ordinance show current zoning of the subject property to be R-1 Low Density Residential. The R-1 zoning fits the needs of the area at this time. The Comprehensive Plan is a vision document for the future through the year 2030. As intensity of development increases in the future years, development demands may increase the need for large tracts of residential land, but related to current development patterns, the need for large tracts of land to limit development intensity are not needed at this time.

FINDINGS / APPROPRIATENESS OF THE REQUEST:

Based on the data and analysis above and pursuant to the comprehensive rezoning criteria in section 4.16 of the Unified Development Ordinance, the Gautier Planning Commission may:

1. Find that the data and analysis do not support a Comprehensive Rezoning at this time and forward a recommendation to deny the rezoning to council; or
2. Find that the data and analyses do support a Comprehensive Rezoning at this time and forward a recommendation of approval to council. **The Planning Commission must make the below findings to recommend approval:**

RE Residential Estate:

The Planning Commission finds that the existing zoning in the subject area is not in accordance with the Comprehensive Plan in that the existing zoning is R-1 zoning and the Comprehensive Plan re-designates this area to Very Low Density Residential; and

The Planning Commission finds that there is a need for additional lands in the City to be designated RE to implement the Comprehensive Plan's Very Low Density Residential land use for the purpose of ensuring that existing large lot subdivisions or areas with a concentration of larger lots are not subdivided into smaller lots which may not be desirable in some areas; and

The Planning Commission finds that the Official Zoning Map has no such Very Low Density Residential designated lands zoned on the Official Zoning Map. Furthermore, the City has an over abundance of R-1 Low Density Residential District lands leading to a lack of areas where owners of large residential lots are protected from adjoining land being subdivided into very small lots; and

The Planning Commission finds that there has been a substantial change in the land use character of the land.

ATTACHMENTS:

1. Draft Ordinance w/ Attachment
2. Applicant's Exhibit 1 – Application
3. Applicant's Exhibit 2 – Addendum Letter
4. City's Exhibit A – Location Map
5. City's Exhibit B – Existing Zoning Map
6. City's Exhibit C – Existing Land Use Map
7. City's Exhibit D – Future Land Use Map
8. City's Exhibit E – Ex Parte Communications
 - Nicholson E-mail dated 3/3/14 (Agenda Items)
 - Nicholson E-mail dated 3/3/14 (Attorney Opposition Letter)
 - Letter Attachment from Russell S. Gill
 - Nicholson E-mail dated 3/3/14 (Attorney Case Law Information)
 - Finnicum E-mail dated 1/29/14
 - Finnicum E-mail dated 1/27/14

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ORDINANCE

AN ORDINANCE OF THE CITY OF GAUTIER, MISSISSIPPI, RELATING TO THE COMPREHENSIVE REZONING OF ±443.13 ACRES MORE OR LESS TO R-E RESIDENTIAL ESTATE; GENERALLY DESCRIBED AS PROPERTIES AT THE EAST END OF HOMESTEAD BOULEVARD, NORTH OF SIOUX BAYOU, SOUTH OF LITE BAYOU, AND WEST OF THE PASCAGOULA RIVER; MORE PARTICULARLY DESCRIBED IN THE BODY OF THE ORDINANCE; 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 implement the City's Comprehensive Plan adopted the 16th day of June 2009. A public hearing was held before the Gautier Planning Commission on March 6, 2014, and the Commission recommended that Council approve the change for a zoning map amendment to adopt the R-E Residential Estate District. The City Council has conducted a public hearing on March 18, 2014 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 all property except that owned by Mississippi Gulf Coast Wastewater, parcels 81807021.050, 81807040.430, and 81830020.050, within the boundary described as: beginning at the northwest corner of parcel 81807020.050; thence due south to a point where this line meets the northern boundary of the parcel 81830020.000; from that point due west to the northwest corner of said property; thence due south to the shoreline of Sioux Bayou; from that point eastward following the shoreline to the Pascagoula River; thence following the river shoreline in a northerly direction to the confluence of Lite Bayou and Pascagoula River, marked by the northernmost point of parcel 85070011.000; thence following the northern boundaries of all properties along the south side of Lite Bayou to the northeast corner of property first identified in this description; thence along the northern boundary of said property to the point of beginning, is hereby rezoned to R-E Residential Estate District.

SECTION 3. FINDINGS OF FACT.

The Planning Commission finds that the existing zoning in the subject area is not in accordance with the Comprehensive Plan in that the existing zoning is R-1 zoning and the Comprehensive Plan re-designates this area to Very Low Density Residential; and

The Planning Commission finds that there is a need for additional lands in the City to be designated RE to implement the Comprehensive Plan's Residential land use for the purpose of ensuring that existing large lot subdivisions or areas with a concentration of larger lots are not subdivided into smaller lots which may not be desirable in some areas; and

51 The Planning Commission finds that the development of homes on smaller lots is inharmonious
52 with the character of the area and the 2009 Comprehensive plan, which designates this area for
53 rezoning to allow large-lot residential areas for the development of very low density, single-
54 family residential uses and compatible accessory structures. Now, therefore:
55

56 **SECTION 4. ZONING MAP AMENDMENT.** The Official Zoning Map of the City of Gautier is
57 hereby amended to include a comprehensive change of classification from R-1 Low Density
58 Residential to R-E Residential Estate for the specific parcels described in Exhibit A of this
59 Ordinance.
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62 **SECTION 5. SETTING EFFECTIVE DATE AND APPEAL.** This Ordinance shall become
63 effective 30 days after approval by the City Council and signature of the Mayor.
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68 ADOPTED: _____ Gordon T. Gollott, Mayor
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70
71 ATTEST:
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73 _____
74 Cindy Russell, City Clerk
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77 Codification Instructions: Not Codified.

ORDINANCE EXHIBIT A

PIDN	NAME	LOCATION	ACREAGE
85070002.000	BUGNER MICHAEL L & DEBRA L	904 HOMESTEAD BLVD GAUTIER	2.38
85070001.000	NORTON WANDA P & BRUCE J	908 HOMESTEAD BLVD GAUTIER	2.86
85420005.000	PATTERSON MITCHELL R & TAUNA M	1000 HOMESTEAD BLVD GAUTIER	4.80
85420002.000	DORSETT JAMES A	1004 HOMESTEAD BLVD GAUTIER	10.92
85420001.000	KINSEY JOHN M II & CYNTHIA L	1104 HOMESTEAD BLVD GAUTIER	2.82
81807020.310	JOHNSON MILTON POPE III & KATHLEEN R	1204 HOMESTEAD BLVD GAUTIER	3.18
81807020.330	GRAHAM JAMES R & DONICA L	HOMESTEAD BLVD GAUTIER	3.16
81807020.320	HOWARD MICHAEL C & ANASTASIA A	1316 HOMESTEAD BLVD GAUTIER	4.29
81807020.050	KINSEY JOHN W & CHARLOTTE	1322 HOMESTEAD BLVD GAUTIER	7.89
81807021.000	TUCEI F A & HAZEL M TRUSTEES	LOUIS ALEXIS TR GAUTIER	4.87
81807040.460	WATROUS JOSEPH D & DAPHNE C	LOUIS ALEXIS TR GAUTIER	3.52
81807040.422	SHAW TALMADGE D & ETTA P	LOUIS ALEXIS TR GAUTIER	2.20
81807040.424	WATROUS JOSEPH D & DAPHNE C	1212 LOUIS ALEXIS TR GAUTIER	2.00
81807040.420	SHAW TALMADGE D & ETTA P	LOUIS ALEXIS TR GAUTIER	2.57
81807020.100	LUKE ROYCE B & ROSE MARIE	HOMESTEAD BLVD GAUTIER	6.16
81807020.002	SMITH JIMMIE F & BARBARA A	LOUIS ALEXIS TR GAUTIER	4.49
81807020.000	LUKE ROYCE B & ROSE MARIE	LOUIS ALEXIS TR GAUTIER	3.78
81807020.350	LUKE ROYCE B & ROSE MARIE	1321 HOMESTEAD BLVD GAUTIER	3.12
81807020.340	MANIS STEVE CHARLES	1281 HOMESTEAD BLVD GAUTIER	3.06
81807020.300	SMITH JIMMIE F & BARBARA	1205 HOMESTEAD BLVD GAUTIER	3.01
81807045.025	DEES LIMITED PARTNERSHIP	HOMESTEAD BLVD GAUTIER	18.41
81807045.030	DEES LIMITED PARTNERSHIP	HOMESTEAD BLVD GAUTIER	49.53
81807045.000	DEES DORA VIRGINIA IRREV TRUST WILBUR G DEES, JR.	701 HOMESTEAD BLVD GAUTIER	4.87
81807040.400	ROY ALLEN J JR	700 HOMESTEAD BLVD GAUTIER	4.79
85070011.000	KREBS JOSEPH V & BETTY L	702 HOMESTEAD BLVD GAUTIER	28.80
85070012.000	KREBS JOSEPH V JR & BETTY L	702 HOMESTEAD BLVD GAUTIER	0.28
85070010.000	FINNICUM WILLIAM R & SARAH H	704 HOMESTEAD BLVD GAUTIER	9.78
85070009.000	GAUTIER MELVIN DOUGLAS & PATRICIA F	708 HOMESTEAD BLVD GAUTIER	4.48
85070008.000	SWANSON MARILYN	712 HOMESTEAD BLVD GAUTIER	4.38

PIDN	NAME	LOCATION	ACREAGE
85070007.000	MORGAN JULIUS B JR & SANDRA B	800 HOMESTEAD BLVD GAUTIER	4.10
85070006.000	TERRY MARY S	804 HOMESTEAD BLVD GAUTIER	3.53
85070005.000	HENWOOD TYRRELL A & JEAN Y	808 HOMESTEAD BLVD GAUTIER	3.44
85070004.000	HOOVER CELENA R	812 HOMESTEAD BLVD GAUTIER	3.34
85070003.000	LADNER WILLIAM D & CARRIE ANN	900 HOMESTEAD BLVD GAUTIER	3.36
81830030.000	COLUMBIA VENTURES INC ET AL C/O MAURICE REED	GAUTIER	20.50
81830010.000	MS STATE OF (TAX SALE 1980)	GAUTIER	23.50
81830020.025	TUCEI F A & HAZEL M TRUSTEES	LOUIS ALEXIS TR GAUTIER	77.66
81830080.000	SWANSON MARILYN	INDIAN POINT PKWY GAUTIER	18.91
81830020.000	TUCEI F A & HAZEL M TRUSTEES	JOHN DAILEY DR GAUTIER	78.39
		TOTAL	443.13