

Tuesday
June 3, 2014
Gautier, MS 39553

BE IT REMEMBERED THAT A REGULAR MEETING the Mayor and Members of the Council of the City of Gautier, Mississippi was held June 3, 2014 at 6:30 P.M. in the City Hall Municipal Building, 3330 Highway 90, Gautier, Mississippi.

Those present were Mayor Gordon Gollott, Council Members Mary Martin, Johnny Jones, Hurley Ray Guillotte, Casey Vaughan, Rusty Anderson, Adam Colledge, City Manager Samantha Abell, City Clerk Cynthia Russell, City Attorney Joshua Danos and other concerned citizens.

AGENDA
CITY OF GAUTIER, MISSISSIPPI
CITY HALL COUNCIL CHAMBERS
June 3, 2014 @ 6:30 PM

- I. Call to Order
 - 1 Prayer
 - 2 Pledge of Allegiance
- II. Agenda Order Approval
- III. Announcements
- IV. Presentation Agenda
 - 1 United States Army Birthday Proclamation presented to Commander Capt. Louis Cook by Mayor Gollott
 - 2 Overview of ICSC ReCon attended by City Manager and Mayor Gollott presented by City Manager, Samantha Abell
- V. Public Agenda
 - 1 Agenda Comments
- VI. Business Agenda
 - 1 Consideration of a Citizen-Initiated Comprehensive Rezoning of Property on Homestead Blvd. from R-1 to R-E. (GPC #14-01-RZ). William R. Finnicom, applicant (Quasi-Judicial Procedures).
 - 2 Consideration of an amendment to Article XII of the Unified Development Ordinance to revise the Corridor Overlay District to incorporate a Sign Overlay District. (City Initiated) GPC Case #14-07-UDO.
 - 3 Conduct public hearing (Quasi-Judicial Procedures) and receive public comments regarding 3677 Mackerel Drive, Gautier, MS. Barbara L. Aguillard, owner.
 - 4 Potential adoption of an Ordinance Prohibiting Smoking in Public Places and Places of Employment.
 - 5 Consideration of the Cultural Services Division hosting a NFL Punt Pass & Kick (PP&K) Competition for youths age 6-15.

- 6 Order authorizing proposal for appraisal services for Lowe's Property donation on on William Payne Adams Blvd.
- 7 Order authorizing MDOT Memorandum of Agreement for the 1-10/Hwy. 57 area feasibility study.
- 8 Order authorizing the renewal contract for Inter-local Agreement with Multi-Agency Narcotics Enforcement Team.
- 9 Order approving Docket of Claims.

VII. Consent Agenda (All items approved in one motion)

- 1 Order approving Gautier Historic Preservation Commission appointments.
- 2 Resolution appointing Mississippi Municipal League 2014 Voting Delegates.
- 3 Order approving Minutes from Recessed Council Meeting held May 20, 2014.
- 4 Resolution requesting the Mississippi Department of Archives and History designate the Hilda Fire Tower as a Mississippi Landmark.
- 5 Resolution requesting the Department of Defense to recognize national defense and security value of Keesler Air Force Base and ITSC-130 Tactical Airlift Mission and to preserve and retain Mission Keesler during current fiscal re-organization.

**STUDY AGENDA
CITY OF GAUTIER, MISSISSIPPI
June 3, 2014**

- 1 Discuss Citizen Comments
- 2 Discuss Council Comments
- 3 Discuss City Manager Comments
- 4 Discuss City Clerk Comments
- 5 Discuss City Attorney Comments

Recess until June 17, 2014 @ 6:30 PM

www.gautier-ms.gov

Motion made by Councilman Guillotte to table Business Item #8- Approval of Inter-local Agreement with Multi-Agency Narcotics Enforcement Team and approve the agenda order. Motion seconded by Councilwoman Martin and unanimously carried.

Announcements – None

Presentation Agenda

- 1 United States Army Birthday Proclamation presented to Commander Capt. Louis Cook by Mayor Gollott. (Presentation moved to June 17, 2014 Council Meeting.)
- 2 Overview of ICSC ReCon attended by City Manager and Mayor Gollott presented by City Manager, Samantha Abell

Proclamation

A Proclamation of the Mayor and City Council
of
The City of Gautier, Mississippi

WHEREAS, The United States Army traces its history to ten companies of riflemen that answered the call for a Continental Army and enlisted on June 14, 1775; and

WHEREAS, throughout its history, members of the United States Army have served our country at home and abroad, in defense of our nation and our allies around the world; and

WHEREAS, the bravery and courage of members of the United States Army has resulted in over 2400 Army personnel becoming recipients of our nation's highest award for valor, the Congressional Medal of Honor; and

WHEREAS, today over 700,000 Soldiers continue the rich traditions of the United States Army by serving in over 100 countries throughout the world; and

WHEREAS, JUNE 14, 2014 marks the 239th birthday of the United States Army;

NOW, THEREFORE, I, Gordon Gollott, Mayor of the City Of Gautier do hereby proclaim June 14, 2014, to be United States Army Day and encourage all our citizens to recognize the achievements of current and former members of the United States Army.

Dated this 14th day of June 2014

Gordon Gollott, Mayor

Motion made by Councilman Colledge to amend the initial motion to exclude the lots involved in the subdivision plats. Motion seconded by Councilman Anderson and unanimously carried.

Motion made by Councilwoman Martin to go into Closed Session to determine if there is a need to go into Executive Session. Motion seconded by Councilman Vaughan and unanimously carried.

Motion made by Councilwoman Martin to return to Open Session. Motion seconded by Councilman Vaughan and unanimously carried.

Motion made by Councilman Colledge to go into Executive Session to discuss potential litigation. Motion seconded by Councilwoman Martin and unanimously carried.

Motion made by Councilman Vaughan to return to Open Session. Motion seconded by Councilwoman Martin and unanimously carried.

There came for consideration of the Mayor and Members of the Council of the City of Gautier, Mississippi, the following:

ORDINANCE NUMBER 215-2014

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 May 1, 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 June 3, 2014 after giving due public notice pursuant to the Public Hearing Process of the City's Unified Development Ordinance. The City Council has found that 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

The Planning Commission finds that the development of homes on smaller lots is inharmonious with the character of the area and the 2009 Comprehensive plan, which designates this area for rezoning to allow large-lot residential areas for the development of very low density, single-family residential uses and compatible accessory structures. The Planning Commission further finds that there was a mistake in the original zoning. Now, therefore:

SECTION 4. ZONING MAP AMENDMENT. The Official Zoning Map of the City of Gautier is hereby amended to include a comprehensive change of classification from R-1 Low Density Residential to R-E Residential Estate for the specific parcels described in Exhibit A of this Ordinance.

SECTION 5. SETTING EFFECTIVE DATE AND APPEAL. This Ordinance shall become effective 30 days after approval by the City Council and signature of the Mayor.

Motion made by **Councilman Colledge** to approve the rezoning area to R-E Residential Estate based on clear and convincing evidence including the following:

1. The existing zoning in the subject area is not in accordance with the Comprehensive Plan, which it is not, its R-1 and Comprehensive Plan calls for R-E Residential Estate.

2. That there is a need for additional lands to be zoned as requested as R-E Residential Estate being there is currently no properties zoned that way in that designation, but the Comprehensive Plan does call for areas to be zoned R-E Residential Estate, there is a need for it.

3. There has been a substantial change in the land use character of the surrounding area that justifies the change in zoning.

Motion seconded by **Councilman Jones** and the following vote was recorded:

AYES: Johnny Jones
Rusty Anderson
Adam Colledge

NAYS: Gordon Gollott
Mary Martin
Hurley Ray Guillotte
Casey Vaughan

ADOPTED: **Motion failed**

Gordon T. Gollott, Mayor

ATTEST:

Cynthia Russell, City Clerk

Codification Instructions: Not Codified.

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
MEMORANDUM**

To: Samantha Abell, City Manager

From: Chandra Nicholson, Economic Development & Planning Director

Date: May 27, 2014

Subject: Consideration of a Citizen-Initiated Comprehensive Rezoning of Property on Homestead Blvd. from R-1 to R-E. GPC #14-01-RZ

REQUEST:

The Economic Development and Planning Department 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:

The subject property is located off of Martin Bluff Road at the eastern end of Homestead Blvd. The current zoning is R-1 Low Density Residential and the applicant is requesting a rezoning to R-E Residential Estate.

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.

A Public Hearing was conducted on Thursday, May 1st, 2014 by the Gautier Planning Commission.

Staff provided findings that the request did not meet the requirements of applicable law. Staff did not find that there has been a significant change in the area, there is not a need for additional R-E designated land at this time, and there is not evidence to support that there was a mistake in the original zoning.

The Planning Commission finds that there was a probability of a mistake in the original zoning and recommends approval of the rezoning request. (GPC Minutes Excerpt Attached)

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 Staff Report 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)

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>

REVIEW CRITERIA:

To determine the appropriateness of the request, the City Council shall study and consider the following criteria to determine Findings of Facts, if applicable. Staff's comments are 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 City Council may:

1. Find that the data and analysis do not support a Comprehensive Rezoning at this time and deny the rezoning; **or**
2. Find that clear and convincing evidence has been provided to prove items A, B, & C of the Review Criteria do support a Comprehensive Rezoning at this time and approve the rezoning; **or**
3. Uphold the GPC recommendation that a mapping error occurred, item D of the Review Criteria, which provides clear and convincing evidence that a Comprehensive Rezoning is appropriate at this time; and approve the rezoning.

ATTACHMENTS:

1. Draft Ordinance
2. Staff Report as Submitted to the GPC with Back-Up
3. GPC Minutes Excerpt Dated May 1, 2014

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

57
58 **SECTION 4. ZONING MAP AMENDMENT.** The Official Zoning Map of the City of Gautier is
59 hereby amended to include a comprehensive change of classification from R-1 Low Density
60 Residential to R-E Residential Estate for the specific parcels described in Exhibit A of this
61 Ordinance.

62
63
64 **SECTION 5. SETTING EFFECTIVE DATE AND APPEAL.** This Ordinance shall become
65 effective 30 days after approval by the City Council and signature of the Mayor.

66
67 Motion made by BLANK, seconded by BLANK and the following vote was recorded:

68
69 AYES:

70
71 NAYS:

72
73
74
75 ADOPTED: _____
76 Gordon T. Gollott, Mayor

77
78 ATTEST:
79
80 _____
81 Cynthia Russell, City Clerk

82
83
84 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

Excerpt from May 1, 2014 Planning Commission Minutes:

Commissioner Dailey made a motion to approve GPC Case #14-01-RZ, and that we find that we've heard evidence that this area was clearly being developed as residential estates, and as R-E did not exist at the time of incorporation of the area, it was brought into Gautier at the highest available zone available, which was R-1; we find that there is clear and convincing evidence that a mapping error occurred, and the Comprehensive Plan recognized the error by identify it to be rezoned R-E, which would protect the character and quality of the existing neighborhood. Commissioner Spanier seconded the motion and the following vote was recorded:

AYES: Larry Dailey
 Jimmy Green
 Greg Spanier

NAYS: Sandra Walters

ABSENT: David Wooten
 James Torrey

Motion carried.

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

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.
60

61
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.
64

65
66
67
68 ADOPTED: _____ Gordon T. Gollott, Mayor
69

70
71 ATTEST:
72
73 _____
74 Cindy Russell, City Clerk
75

76
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

GAUTIER, MISSISSIPPI
 ECONOMIC DEVELOPMENT/PLANNING DEPARTMENT
 PUBLIC HEARING APPLICATION

Public Hearing Number
GPC 14-01-RZ

PERMIT REQUESTED:

<u>TO BE HEARD BY GAUTIER PLANNING COMMISSION:</u>		<u>FEE:</u>
Change in Zoning District	<u>X</u>	\$300.00
Major Development	_____	No Fee
Home Occupation	_____	\$100.00
Variance (greater than 30%)	_____	\$100.00
Appeal to Staff Decision	_____	\$100.00

<u>TO BE HEARD BY ECONOMIC DEVELOPMENT/PLANNING DIRECTOR ON STAFF REVIEW:</u>		<u>FEE:</u>
Home Occupation	_____	\$100.00
Variance (30% or less)	_____	\$100.00

See Attachment for Application Procedure

Name of Applicant: WILLIAM R. FINNICUM

Name of Business: NA Phone: 228-205-2278

Business Address: NA Mailing Address (if Different): 704 HOMESTEAD BLVD

Reason for request, location and intended use of Property: TO REQUEST ALL PROPERTIES (OTCA)
GAUTIER, MS 39553
ADJACENT TO HOMESTEAD BLVD BE REZONED FROM R-1 TO R-E TO
ACHIEVE THE GOALS AND OBJECTIVES OF GAUTIER COMPREHENSIVE PLAN
 ATTACHMENTS REQUIRED AS APPLICABLE: 2030, DATED 15 JUNE 2009,

- NA 1. Diagram of intended use, showing dimensions and distances of property, building with setbacks, parking spaces, entrances and exits.
- ATTCH 1 2. Legal descriptions and street address.
- ATTCH 2 3. A detailed project narrative.
- ATTCH 3 4. Copy of protective covenants or deed restrictions, if any.
- NA 5. Copies of approvals, or requests for approval, from other agencies, such as, but not limited to, the Mississippi State Department of Health, U.S. Army Corp of Engineers, Mississippi Department of Environmental Quality and Department of Marine Resources.
- NA 6. Any other information requested by the Economic Development/Planning Director and/or members of the Site Plan Review Committee.

Signature of Applicant: William R. Finnicum

Date of Application: 2 JANUARY 2014

FOR OFFICE USE ONLY	
Date Received	<u>1/2/14</u> Verify as Complete <u>BR</u>
Fee Amount Received	<u>\$300 - CH# 1191 pd. 1/2/14</u>
Initials of Employee Receiving Application	<u>SB</u>

EXHIBIT 1

City of Gautier
Attn: Economic Development/Planning Department
Gautier, MS 39553

2 Jan 2014

To Whom It May Concern,

This letter transmits a public hearing application to consider property owner's request to rezone properties adjacent to Homestead Boulevard from R-1 (low density single-family residential) to R-E (Residential Estate or very low density single-family residential). This request is consistent with the Gautier Unified Development Ordinance (UDO), Article IV, Section 4.16 and the recommendations outlined in the City of Gautier Comprehensive Plan 2030, dated 15 June 2009.

The application includes the required attachments as follows:

- Attachment 1 (18 pages): Legal descriptions and addresses as obtained from the Webmapping Portal of the Jackson County Geographic Information Systems Division (Excel spreadsheet, diagrams of the related properties). An area map with boundary description is included for information/clarification.
- Attachment 2 (2 pages): A detailed project narrative (Homestead Boulevard property owners letter to the Gautier Director for Economic Development, dated 16 December 2013).
- Attachment 3 (7 pages): Copy of protective covenants (Bent Tree Point and LaVille de Courmont subdivisions).

A personal check for \$300.00 is enclosed for the processing fee.

Please direct any questions, concerns, and/or updates to the undersigned.

Respectfully submitted,

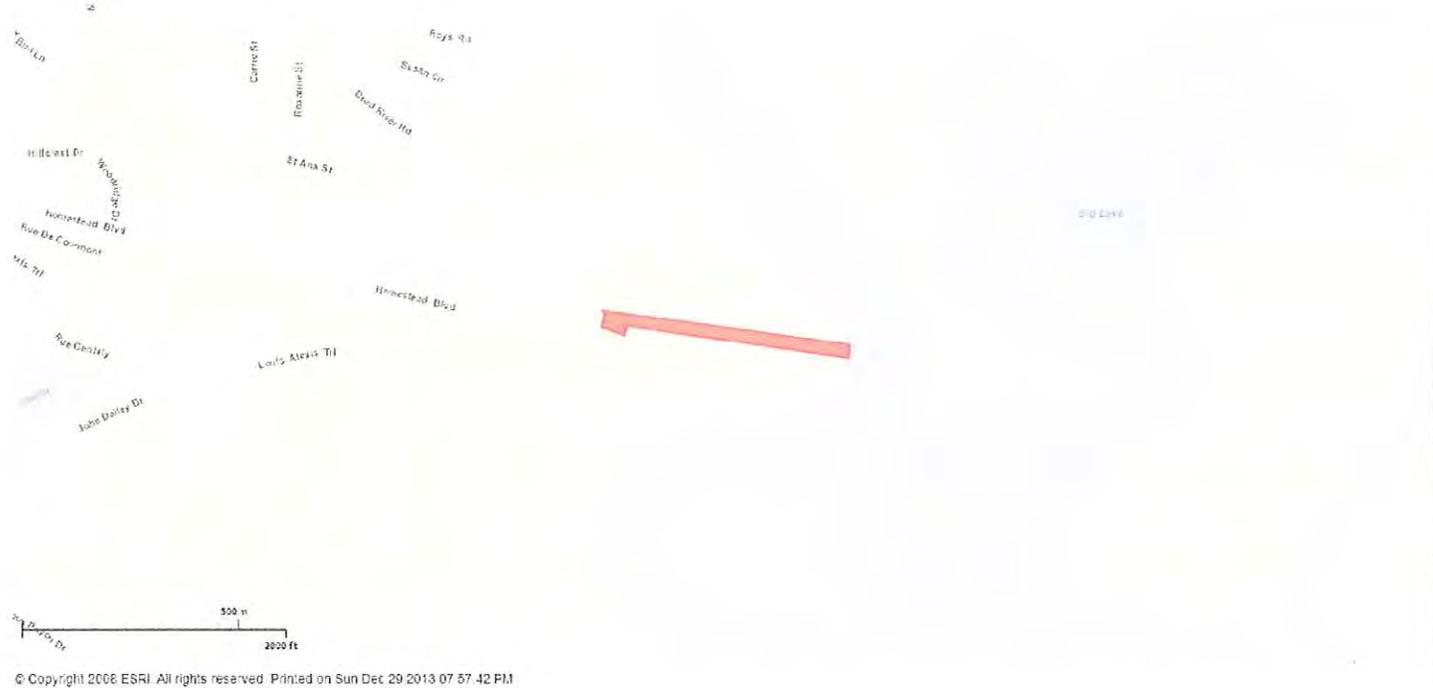


William R. Finnicum
704 Homestead Blvd, Gautier, MS 39553
H: 228-205-2228
C: 703-336-7204
finnicumw@aol.com

LINE #	SUBDIVISION	NAME	NAME2	LOCATION	ADDRESS	CITY	ZIP	PIDN	MAPNO	GISP_1	Legal Description
1	NA	ROY ALLEN J JR		700 HOMESTEAD BLVD GAUTIER	700 HOMESTEAD BLVD	GAUTIER MS	39553	81807040.400	764.19-07-001.00	764.19-04-0004.00	BEG SW/4 CL SEC 7 E 1576' N 24' DEG E 1187' 8" S 77 DEG E 667' 5" S 74 DEG E 654' 5" S 83 DEG E 398' N 140' E 220' POB N 140' E 150' S 800' E 900' TO C/L PASC RIVERS SLY 105' M/L N 800' W 1705' S 140' W 85' N 680' W 195.67' TO POB. DB 1345-602 (4 Map764.19-04)
2	NA	DEES DORA VIRGINIA		701 HOMESTEAD BLVD GAUTIER	15078 LAURELWOOD DR	GULFPORT MS	39503	81807045.000	764.19-07-004.00	764.19-04-0003.00	COM SW/4 CL 7 E 1576' N 24' E 1201.31' TO S/M HOMESTEAD SE 1554' S 81' E 78' S 73' E 1133.2' S 81' E 78' 03' POB S 10' W 477.4' S 60' E 78' 5' S 69' E 135.9' S 64' E 102' N 15' E 1172' E 113.4' N 55' E 70.4' NLY 348.3' N19' E226.3' N56' W695.1' S25M/L W/LY POB DB1162-257 (1 Map764.19-04)
3	NA	DEES LIMITED PARTNERSHIP		HOMESTEAD BLVD GAUTIER	15078 LAURELWOOD DR	GULFPORT MS	39503	81807045.025	764.19-07-003.00	764.19-03-0052.00M	COM SW/4 CL 7 E 1576' N 24' E 1201.31' TO S/M HOMESTEAD N 76' W 607' 6' S 26' W 1485' 86' E 607' 6' N 26' W 148' SELY 350' S 1140' M/L W 870' TO POB DB 1162-257 (22M Map764.19-03)
4	NA	DEES LIMITED PARTNERSHIP		HOMESTEAD BLVD DRO GAUTIER	15078 LAURELWOOD DR	GULFPORT MS	39503	81807045.030	764.19-07-003.00	764.19-04-0001.00	COM SW/4 CL 7 E 1576' N 24' E 1201.31' TO S/M HOMESTEAD SELY 1554' S 81' E 78' S 10' W 477.4' S 60' E 78' 5' S 69' E 135.9' N 64' E 102' N 15' E 1172' E 113.4' N 55' E 70.4' NLY 348.3' N19' E226.3' N56' W695.1' S25M/L W/LY POB DB1162-257 (1 Map764.19-04)
5	BENT TREE POINT	KREBS JOSEPH V & BETTY L		702 HOMESTEAD BLVD GAUTIER	702 HOMESTEAD BLVD	GAUTIER MS	39553	85070011.000	764.19-07-000.00	764.19-04-0005.00	LT 11 BENT TREE POINT DB 729-262 (5 Map764.19-04)
6	BENT TREE POINT	KREBS JOSEPH V JR & BETTY L		702 HOMESTEAD BLVD GAUTIER	702 HOMESTEAD BLVD	GAUTIER MS	39553	85070012.000	764.19-07-000.00	764.19-04-0006.00	A PARCEL OF LAND DESCRIBED AS "RESERVED LOT ON BENT TREE POINT S/D BOUND ON S & BY HOMESTEAD BLVD ON W BY LOT 10 ON N BY LOT 11 BENT TREE POINT S/D DB 761-536 RESERVED AREA (6 Map764.19-04)
7	BENT TREE POINT	FINNICUM WILLIAM R & SARAH H		704 HOMESTEAD BLVD GAUTIER	704 HOMESTEAD BLVD	GAUTIER MS	39553	85070010.000	764.19-07-000.00	764.19-04-0007.00	LT 10 BENT TREE POINT DB 1576-638 (7 MAP764.19-04)
8	BENT TREE POINT	GAUTIER MELVIN DOUGLAS & PATRICIA F		708 HOMESTEAD BLVD GAUTIER	708 HOMESTEAD BLVD	GAUTIER MS	39553	85070009.000	764.19-07-000.00	764.19-04-0008.00	LT 9 BENT TREE POINT DB 1204-461 (8 Map764.19-04)
9	BENT TREE POINT	SWANSON MARLYN		712 HOMESTEAD BLVD GAUTIER	700 TANTALLON DR	OCEAN SPRINGS MS	39564	85070008.000	764.19-07-000.00	764.19-04-0009.00	LOT 8 BENT TREE POINT S/D DB 1491-292 (9 MAP764.19-04)
10	BENT TREE POINT	MORGAN JULIUS B JR & SANDRA B	% J B MORGAN JR	800 HOMESTEAD BLVD GAUTIER	800 HOMESTEAD BLVD	GAUTIER MS	39553	85070007.000	764.19-07-000.00	764.19-04-0010.00	LT 7 BENT TREE POINT DB 685-607 (10 Map764.19-04)
12	BENT TREE POINT	TERRY MARY S		804 HOMESTEAD BLVD GAUTIER	804 HOMESTEAD BLVD	GAUTIER MS	39553	85070006.000	764.19-07-000.00	764.19-04-0011.00	LT 6 BENT TREE POINT DB 1033-333 (11 Map764.19-04)
13	BENT TREE POINT	HENWOOD TYRRELL A & JEAN Y		808 HOMESTEAD BLVD GAUTIER	808 HOMESTEAD BLVD	GAUTIER MS	39553	85070005.000	764.19-07-000.00	764.19-04-0012.00	LOT 5 BENT TREE POINT DB 1029-853 (12 Map764.19-04)
14	BENT TREE POINT	HOOVER CELENA R		812 HOMESTEAD BLVD GAUTIER	812 HOMESTEAD BLVD	GAUTIER MS	39553	85070004.000	764.19-07-000.00	764.19-04-0013.00	LT 4 BENT TREE POINT DB 1399-800 (13 MAP764.19-04) DB 1621-1
15	BENT TREE POINT	LADNER WILLIAM D & CARRIE ANN		900 HOMESTEAD BLVD GAUTIER	900 HOMESTEAD BLVD	GAUTIER MS	39553	85070003.000	764.19-07-000.00	764.19-04-0014.00	LT 3 BENT TREE POINT DB 1133-812 (14 Map764.19-04)
16	BENT TREE POINT	BUGNER MICHAEL L & DEBRA L		904 HOMESTEAD BLVD GAUTIER	904 HOMESTEAD BLVD	GAUTIER MS	39553	85070002.000	764.19-07-000.00	764.19-03-0001.00	LOT 2 BENT TREE POINT 1116-124 (1 Map764.19-03)
17	BENT TREE POINT	NORTON WANDA P & BRUCE J		908 HOMESTEAD BLVD GAUTIER	908 HOMESTEAD BLVD	GAUTIER MS	39553	85070001.000	764.19-07-000.00	764.19-03-0002.00	LT 1 BENT TREE POINT DB 1067-7 DB 1565-423 DB 1565-425 (2 MAP764.19-03) DB 1595-476
18	THE HAMMOCK	DINKEL COREY BRIAN & JEWELL JULIA CLAIRE LANIUS		1000 HOMESTEAD BLVD GAUTIER	1000 HOMESTEAD BLVD	GAUTIER MS	39553	85420005.000	764.19-07-000.00	764.19-03-0003.00	LT 5 HAMMOCK S/D DB 15-36 DB 1644-757 (3 MAP764.19-03)
19	THE HAMMOCK	DORSETT JAMES A		1004 HOMESTEAD BLVD GAUTIER	P O BOX 487	GAUTIER MS	39553	85420002.000	764.19-07-000.00	764.19-03-0006.00M	LTS 2 3 & 4 HAMMOCK S/D DB 15-36 DB 583-363 DB 615-678 (6M Map764.19-03)
20	THE HAMMOCK	KINSEY JOHN W II & CYNTHIA L		1104 HOMESTEAD BLVD GAUTIER	1104 HOMESTEAD BLVD	GAUTIER MS	39553	85420001.000	764.19-07-000.00	764.19-03-0007.00	LT 1 HAMMOCK S/D & A 18' STRIP ON W/SIDE PB 15-36 DB 1444-801 (7 MAP764.19-03)
21	NA	JOHNSON MILTON POPE III & KATHLEEN R		1204 HOMESTEAD BLVD GAUTIER	1204 HOMESTEAD BLVD	GAUTIER MS	39553	81807020.310	764.19-07-036.00	764.19-03-0008.00	COM NW/4 SW/4 CL SEC 7-5 E 268.6' S 877.05' TO CTY RD 5 74 DEG E 378.14' S 78 DEG E 480.48' TO POB S 73 DEG E 163.49' N 24 DEG E 661.15' N 75 DEG W 262.5' S 15 DEG W 649.09' TO POB CONT 3.18 AC DB 624-29 (8 Map764.19-03)
22	NA	SMITH JIMMIE F & BARBARA		1205 HOMESTEAD BLVD GAUTIER	1205 HOMESTEAD BLVD	GAUTIER MS	39553	81807020.300	764.19-07-015.00	764.19-03-0050.00	COM NW/4 SW/4 CL SEC 7-5 E 268.6' S 877.05' S 62.38' S 74 DEG E 262.56' S 73 DEG E 389.82' TO POB CONT 5.71 AC DB 244-44 S 76 DEG E 439.59' TO POB CONT 3.01 AC W/4 SEC 7-5 DB 619-55 (50 Map764.19-03)
23	NA	SMITH JIMMIE F & BARBARA A		1205 ALEXIS TR GAUTIER	1205 HOMESTEAD BLVD	GAUTIER MS	39553	81807020.002	764.19-07-014.00	764.19-03-0036.00	COM NW/4 SW/4 S 89 DEG E 269.6' S 1426.43' S 76 DEG E 553.41' TO POB S 75 DEG E 276.71' S 32 DEG W 578.07' TO N/M LOUIS ALEXIS TR NLY & NWLY TO PT S 42 DEG W OF POB N 43 DEG E 560.75' TO POB DB 931-188 (36 Map764.19-03)

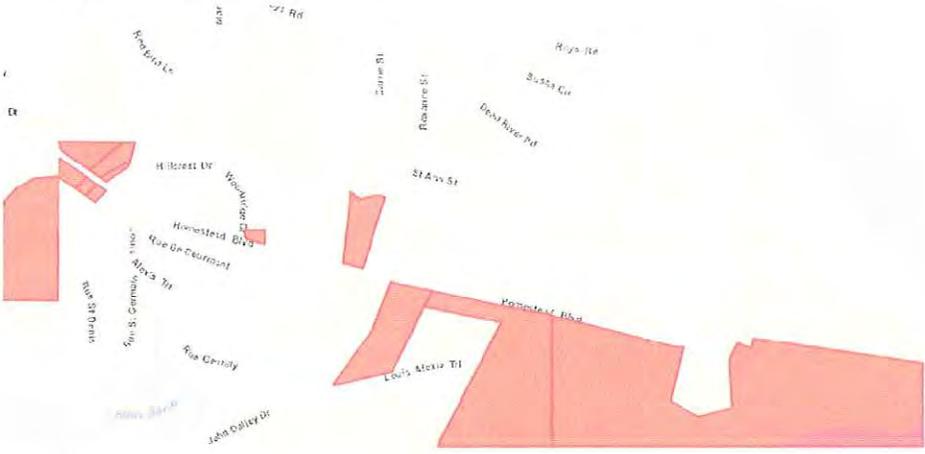
LINE #	SUBDIVISION	NAME	NAMEZ	LOCATION	ADDRESS	CITY	ZIP	PTDN	MAPNO	GTSP 1	Legal Description
24	NA	HANIS STEVE CHARLES		1281 HOMESTEAD BLVD GAUTIER	1281 HOMESTEAD BLVD	GAUTIER MS	39553	81807020.340	764.19-07-000.00	764.19-03-0049.00	COM NW COR SW 1/4 CL SEC 7 E 269.9' S 877.05' S 62.38' S 74 DEG E 262.56' S 73 DEG E 63.42' TO POB S 73 DEG E 326.20' S 11 DEG W 439.59' N 75 DEG W 276.70' N 5 DEG E 454.14' TO POB DB 1105-906 (49 Map764.19-03)
25	NA	HUNTLEY DEBORAH S & GOOD KAREN A	GOOD KAREN A	HOMESTEAD BLVD GAUTIER	1316 HOMESTEAD BLVD	GAUTIER MS	39553	81807020.330	764.19-07-025.00	764.19-03-0005.00	COM NWC SW 1/4 SEC 7 E 269.9' S 877.05' S 74 DEG E 279.14' S 73 DEG E 326.96' TO POB COAT S 73 DEG E 163.48' N 15 DEG E 650' W 15' 263' S 6 DEG W 652' TO POB DB 1205-463 (9 Map764.19-03)
26	NA	HUNTLEY DEBORAH S & GOOD KAREN A	GOOD KAREN A	1316 HOMESTEAD BLVD GAUTIER	1316 HOMESTEAD BLVD	GAUTIER MS	39553	81807020.320	764.19-07-024.00	764.19-03-0010.00	COM NW COR SW 1/4 CL SEC 7 E 269.9' S 877.05' S 74 DEG E 279.14' S 73 DEG E 163.48' TO POB COAT S 73 DEG E 163.48' N 15 DEG E 652' NW 1/4 236' S 3 DEG W 877' TO POB SEC 7-7-6 DB 1303-463 (10 Map764.19-03)
27	NA	LUKE ROYCE B & ROSE MARIE		1321 HOMESTEAD BLVD GAUTIER	1321 HOMESTEAD BLVD	GAUTIER MS	39553	81807020.350	764.19-07-017.00	764.19-03-0046.00	COM NW COR SW 1/4 CL SEC 7 E 269.9' S 877.05' S 62.38' TO POB S 74 DEG E 262.56' S 73 DEG E 63.42' S 5 DEG W 454.14' N 75 DEG W 276.71' N 470' TO POB DB 986-193 (48 Map764.19-03)
28	NA	LUKE ROYCE B & ROSE MARIE		HOMESTEAD BLVD GAUTIER	1321 HOMESTEAD BLVD	GAUTIER MS	39553	81807020.100	764.19-07-010.00	764.19-03-0035.00	COM NWC SW 1/4 CL SEC 7 E 269.9' S 877.05' S 74 DEG E 279.14' S 73 DEG E 326.96' TO POB COAT S 73 DEG E 163.48' N 15 DEG E 650' W 15' 263' S 6 DEG W 652' TO POB DB 1205-463 (9 Map764.19-03)
29	NA	LUKE ROYCE B & ROSE MARIE		LOUIS ALEXIS TR GAUTIER	1321 HOMESTEAD BLVD	GAUTIER MS	39553	81807020.000	764.19-07-018.00	764.19-03-0037.00	COM NWC SW 1/4 CL SEC 7 E 269.9' S 877.05' S 74 DEG E 279.14' S 73 DEG E 326.96' TO POB COAT S 73 DEG E 163.48' N 15 DEG E 650' W 15' 263' S 6 DEG W 652' TO POB DB 1205-463 (9 Map764.19-03)
30	NA	KINSEY JOHN W & CHARLOTTE		1322 HOMESTEAD BLVD GAUTIER	1322 HOMESTEAD BLVD	GAUTIER MS	39553	81807020.050	764.19-07-022.00	764.19-03-0011.00	COM NWC SW 1/4 CL SEC 7 E 269.9' S 877.05' S 74 DEG E 279.14' S 73 DEG E 326.96' TO POB COAT S 73 DEG E 163.48' N 15 DEG E 650' W 15' 263' S 6 DEG W 652' TO POB DB 1205-463 (9 Map764.19-03)
31	NA	SHAW TALMADGE D & ETTA P		LOUIS ALEXIS TR GAUTIER	1631 MARY ANN DR	GAUTIER MS	39553	81807040.420	764.19-07-008.01	764.19-03-0034.00	COM SW COR CL SEC 7 E 928' N 24 DEG E 708.9' TO POB N 24 DEG E 639' S 73 DEG E 191.26' S 24 DEG W 531.32' SW 1/4 ALG RD TO POB DB 455-177 (34 Map764.19-03) DB 1275-820
32	NA	SHAW TALMADGE D & ETTA P		LOUIS ALEXIS TR GAUTIER	1631 MARY ANN DR	GAUTIER MS	39553	81807040.422	764.19-07-008.02	764.19-03-0032.00	COM SW COR CL SEC 7 E 928' N 24 DEG E 1347.9' S 77 DEG E 375.31' TO POB S 77 DEG E 224.39' S 24 DEG W 406.7' SW 1/4 ALG RD 235' M/L N 24 DEG E 444.13' TO POB DB 455-177 (32 Map764.19-03) DB 1275-820
33	NA	WATROUS JOSEPH D & DAPHNE C		1212 LOUIS ALEXIS TR GAUTIER	1212 LOUIS ALEXIS TRAIL	GAUTIER MS	39553	81807040.424	764.19-07-008.03	764.19-03-0033.00	COM SW COR CL SEC 7 E 928' N 24 DEG E 1347.9' S 77 DEG E 375.31' TO POB S 77 DEG E 184.05' S 24 DEG W 444.13' TO RD S 85 DEG W 83.62' S 76 DEG W 135.66' N 24 DEG E 531.32' TO POB DB 1032-832 (33 Map764.19-03)
34	NA	WATROUS JOSEPH D & DAPHNE C		LOUIS ALEXIS TR GAUTIER	1212 LOUIS ALEXIS TRAIL	GAUTIER MS	39553	81807040.460	764.19-07-006.00	764.19-03-0031.00	COM SWC CL SEC 7-7-6 E 1368' TO POB CONT E 208' N 24 DEG E 742.3' N 78 DEG W 89' S 88 DEG W 100' S 87 DEG W 1.4' S 24 DEG W 756' TO POB DB 1199-690 (31 Map764.19-03)
35	NA	TUCEI F A & HAZEL M TRUSTEES		LOUIS ALEXIS TR GAUTIER	3212 OAK ST	GAUTIER MS	39553	81807021.000	764.19-07-013.00	764.19-03-0028.00	COM SWC CL SEC 7 E 275' TO POB N 735' TO S/M LOUIS ALEXIS TRAIL SBL ALG S/M TRAIL 525' S 20 DEG E 435' W 475' TO POB DB 411-465 DB 774-485 DB 1094-546 DB 1090-940 (28 Map764.19-03)
36	NA	TUCEI F A & HAZEL M TRUSTEES		GAUTIER	3212 OAK ST	GAUTIER MS	39553	81800020.025	767.30-30-008.00	769.30-01-0003.00	ALL GOV'T LOT 2 SECT 30-7-6 DB 373-327 DB 774-485 DB 1090-546 DB 1090-940 (3 Map769.30-01)
37	NA	TUCEI F A & HAZEL M TRUSTEES		GAUTIER	3212 OAK ST	GAUTIER MS	39553	81800020.000	767.30-30-008.00	769.30-02-0003.00	N 1/2 GOV'T LOTS 3 & 4, LESS .95 AC IN NEC LOT 4 DB 373-327 DB 774-485 DB 1090-546 DB 1090-940 (3 Map769.30-02)
38	NA	SWANSON MARILYN		INDIAN POINT PKWY GAUTIER	700 TAMALON DR	OCEAN SPRINGS MS	39564	81830080.000	767.30-30-007.00	769.30-02-0002.00	S 1/2 GOV'T LOTS 3 & 4 LYING N OF SIOUX BAYOU DB 1320-237 DB 1554-610 (2 MAP769.30-02)

700 Homestead Blvd



Homestead Blvd Properties

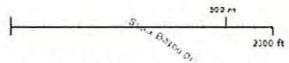
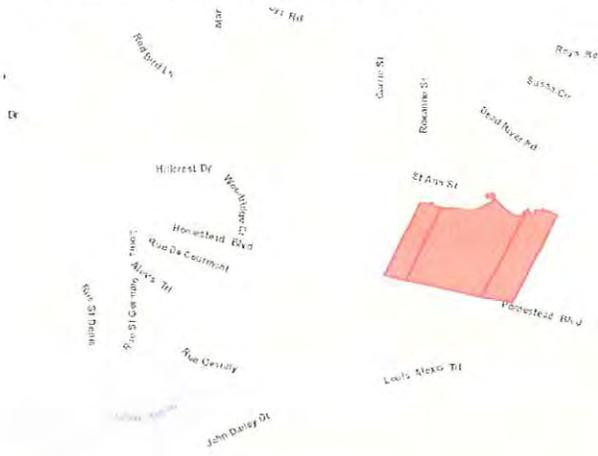
From Woodbridge Drive East



© Copyright 2006 ESRI. All rights reserved. Printed on Sun Dec 29 2013 07:49:12 PM.

The Hammock

1000-1104 Homestead (Lots 1-5)



© Copyright 2008 ESRI. All rights reserved. Printed on Sun Dec 29 2013 06:32:55 PM.

Shaw Property

Louis Alexis Tr adjacent to Homestead Blvd



© Copyright 2006 ESRI. All rights reserved. Printed on Sun Dec 29 2013 06:19:46 PM.

1322 Homestead Blvd

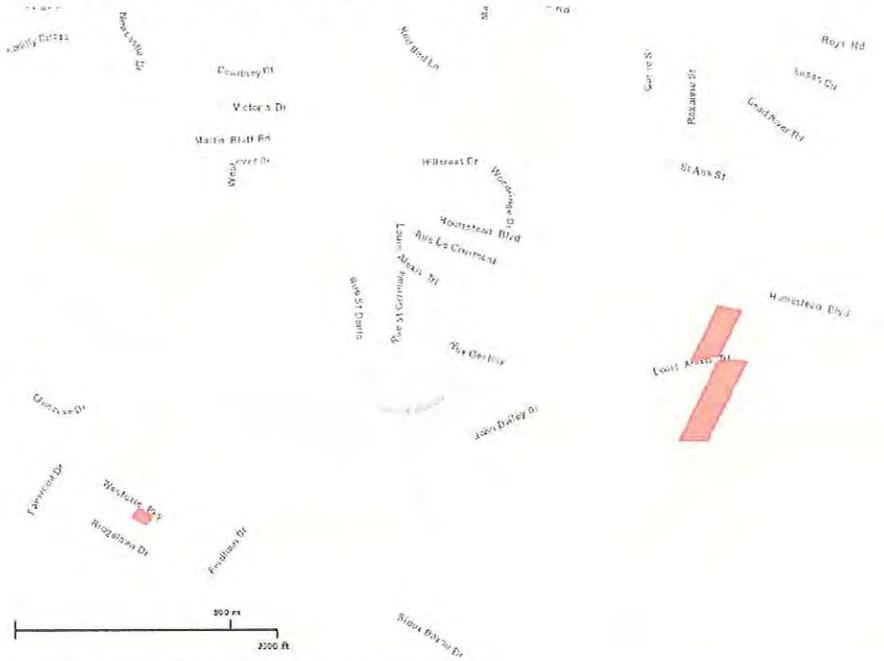
incl property adjacent to Woodbridge Dr



© Copyright 2006 ESRI. All rights reserved. Printed on Sun Dec 29 2013 08:13:47 PM

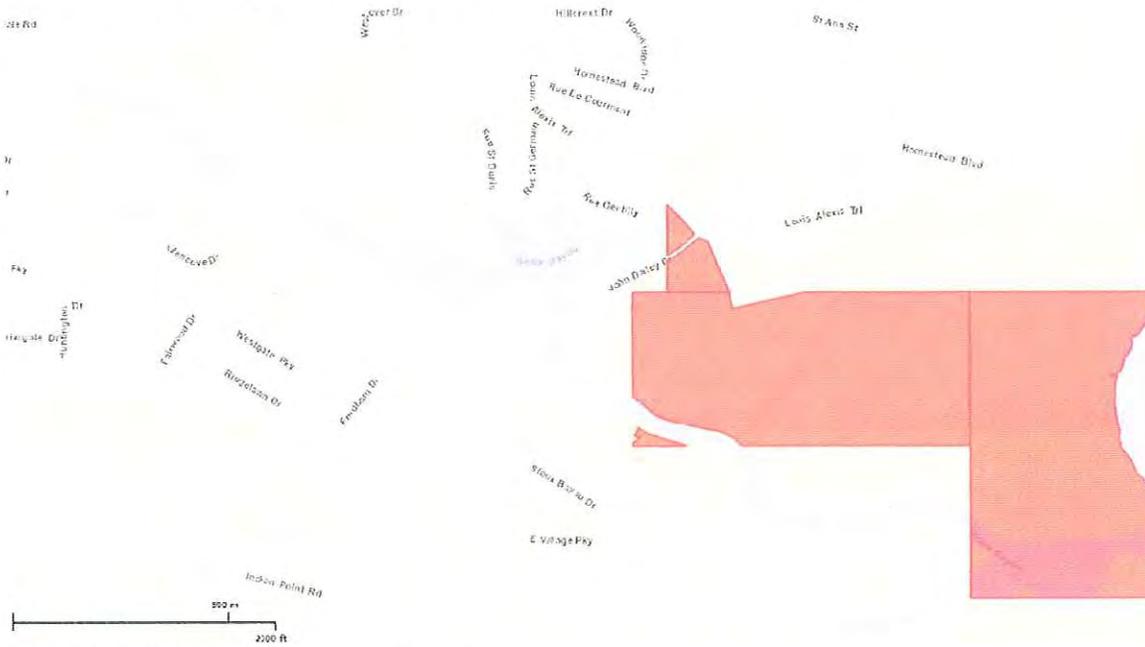
Watrous Property

Louis Alexis Tr adjacent to Homestead Blvd



Tucei Property

Louis Alexis Tr adjacent to Homestead Blvd



© Copyright 2008 ESRI. All rights reserved. Printed on Mon Dec 30 2013 02:11:05 PM

Swanson Property

Adjacent to Homestead Blvd properties

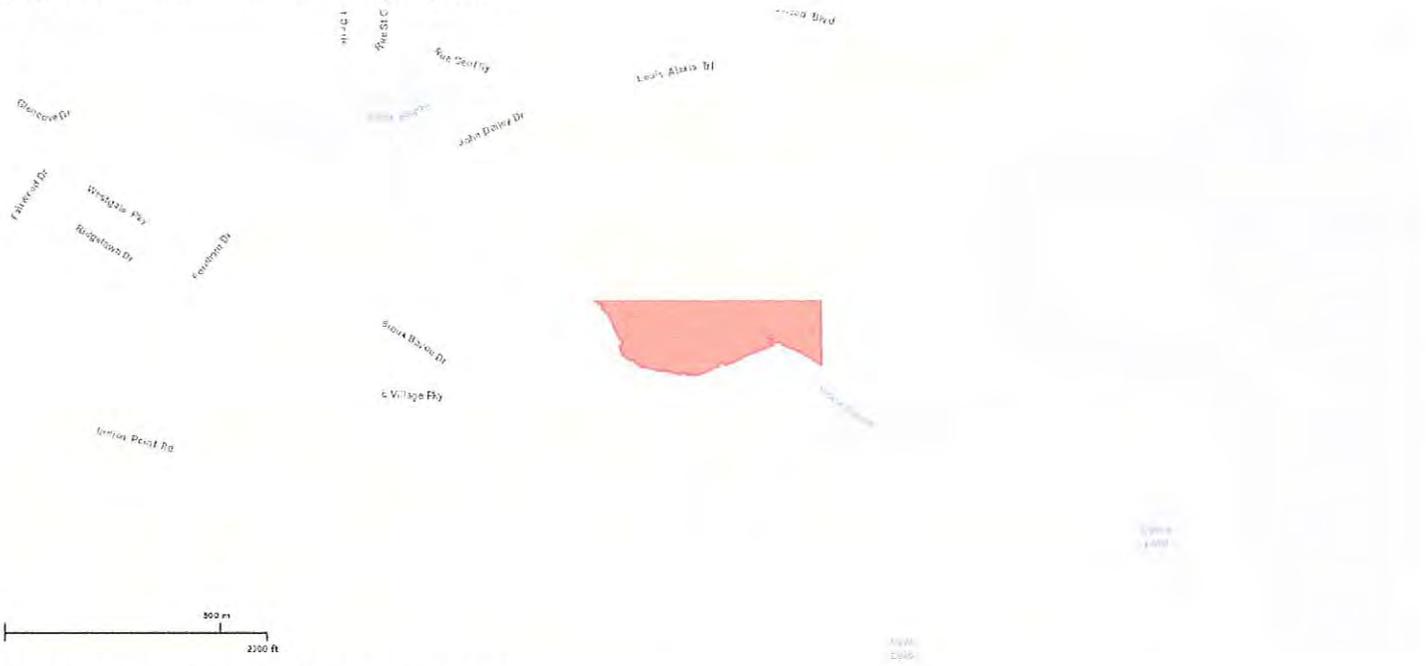


EXHIBIT 1

All property except that owned by Mississippi Gulf Coast Wastewater (blue shading), Parcel #: 81807021.050, 81807040.430 and 81830020.050, within the boundary described as: Beginning at the NW corner of the property owned by John and Charlotte Kinsey, Parcel #: 81807020.050; thence due south to a point where this line meets the northern boundary of the property owned by F A and Hazel M Tucei, Parcel #: 81830020.000; from that point due west to the NW corner of said Tucei 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 property owned by Joseph and Betty Krebs, Parcel #: 85070011.000; thence following the northern boundaries of all properties along the south side of Lite Bayou to the NE corner of property first identified in this description owned by John and Charlotte Kinsey; thence along the northern boundary of said Kinsey property to the point of beginning.

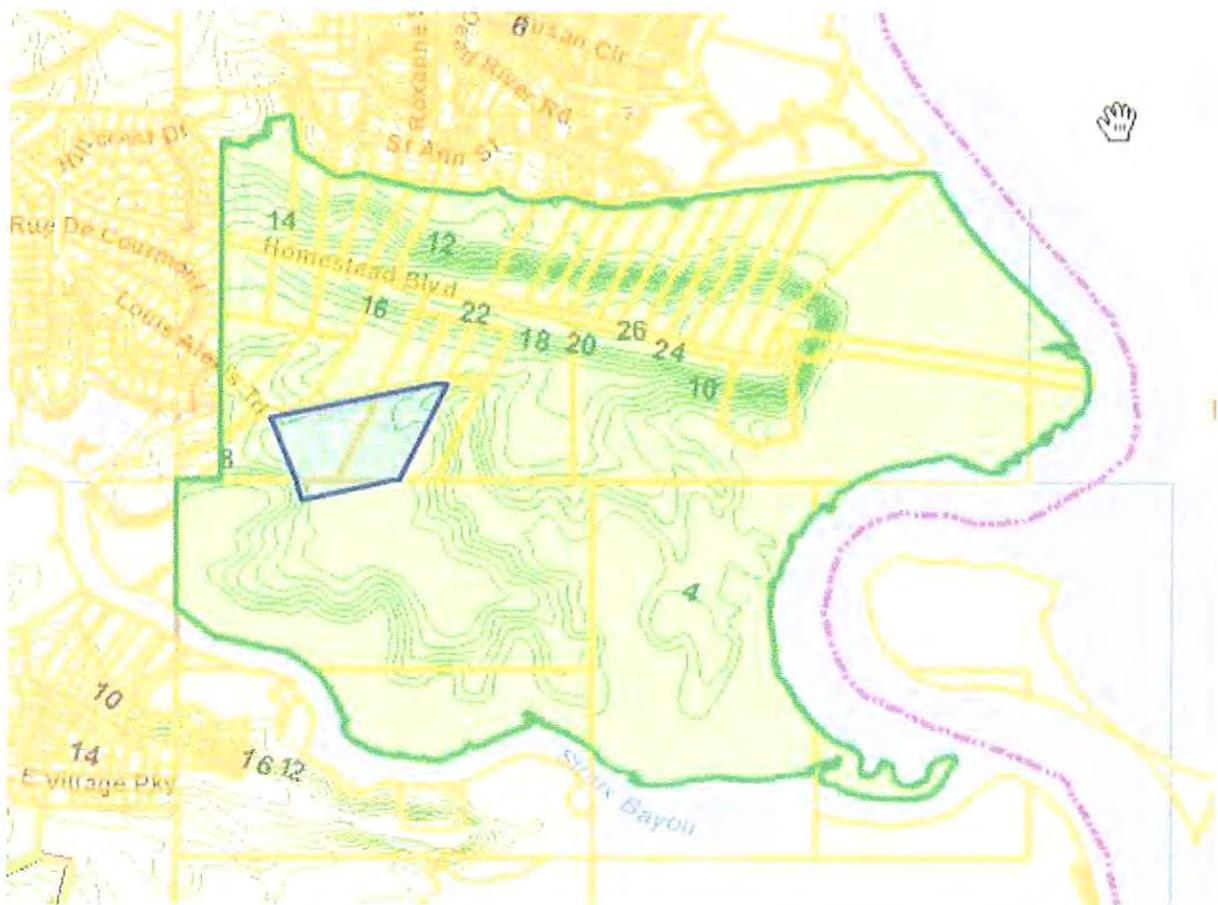


EXHIBIT 1

Homestead Boulevard Rezoning Application Project Narrative

City of Gautier
Attn: Director, Economic Development
Gautier, MS 39553

December 16, 2013

Dear Ms Nicholson,

In accordance with the Gautier Unified Development Ordinance (UDO), Article IV, Section 4.16, the undersigned residents of Homestead Boulevard (owners of contiguous land in excess of 10 acres along Homestead Boulevard and members of the Homestead Neighborhood Association), request immediate action by the city of Gautier to rezone the properties adjacent to Homestead Boulevard from R-1 (low density single-family residential) to R-E (Residential Estate or very low density single-family residential). This request is consistent with the recommendations outlined in the City of Gautier Comprehensive Plan 2030, dated 15 June 2009 and should not be delayed any further.

Delay in implementing the Comprehensive Plan is now a threat to our general welfare as property owners, the value of our homes, and the viability of our neighborhood. These are protections clearly mandated in Article I of the Gautier UDO.

As you know, the Gautier City Planning Commission is considering a request to sub develop additional property (Dees Landing) adjacent to Homestead Boulevard. We welcome further subdivision of Homestead Boulevard property as a deterrent to questionable activities and potential crime in the vacant lots. We also understand that the proposed plat for the Homestead Boulevard subdivision (re: GPC #13-28-SD), as requested, is legally sufficient in accordance with existing R-1 zoning regulations. However, we believe the small lots (1/3 acre) proposed in the preliminary plat, although consistent with the current R-1 zoning, is contrary to the intended land use for this area as outlined on the Comprehensive Plan 2030 map 9, Future Use, which shows the City of Gautier intends this area to be Very Low Density Residential. All existing home sites on Homestead Boulevard currently fit this description and we believe the small lots proposed in the preliminary plat will not support dwelling units that compliment the area and promote a balanced and attractive residential area with the surrounding properties on Homestead Boulevard: a specified purpose and intent of R-1 zoning as outlined in Section 5.3.3 of the UDO. Furthermore, additional delay in implementing the Comprehensive Plan zoning recommendations for Homestead Boulevard could result in further sub development that is inconsistent with both the UDO and the Comprehensive Plan causing significant imbalance in the neighborhood character and appeal.

We understand that future R-E rezoning for Homestead Boulevard may not impact the Dees Landing sub development request. However, we believe the rezoning is necessary to ensure subsequent development of Homestead Boulevard is consistent with the current characteristics of the neighborhood and mirrors the design characteristics of the future land use in the Comprehensive Plan (i.e., one acre or larger lots, abundant setbacks, low traffic, adjacent to low density residential areas).

EXHIBIT 1

Homestead Boulevard Rezoning Application
Project Narrative

We believe the Homestead Boulevard neighborhood presently demonstrates the study requirements to qualify for a comprehensive rezoning, as outlined in Section 4.16 of the UDO. Therefore, we respectfully submit this rezoning request for your timely consideration and favorable disposition.

Respectfully,
Concerned citizens of Gautier and residents of Homestead Boulevard:

William R. Finnican
704 HOMESTEAD
Joseph V. Krebs Jr.
702 HOMESTEAD BLVD.
Pat Gautier
708 HOMESTEAD BLVD
J.B. Morgan Jr.
800 HOMESTEAD BLVD.
Mary Sue Terry
804 HOMESTEAD BLVD.
Terry Henwood
808 Homestead Blvd - A4

Bruce North
908 HOMESTEAD BLVD
Tammie M Patterson
1000 Homestead Blvd
Kathleen R Johnson
1209 Homestead Blvd.
Barbara Smith
1205 Homestead
Barbara Smith
Charlotte Kinsey
1322 Homestead Blvd.
Gautier MS
Royce B Luke
1321 Homestead

Carrie Ladner
900 HOMESTEAD BLVD
Melodie Day
Melodie Day
700 Homestead Blvd.
Copies furnished: 700 Homestead Blvd.
Caucer, MS 37558

Samantha Abell, Gautier City Manager
Charles "Rusty" Anderson, Councilman, Ward 4

STATE OF MISSISSIPPI

COUNTY OF JACKSON

PROTECTIVE COVENANTS

BENT TREE POINT SUBDIVISION

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned KENNETH O. SMITH, being the owner of that certain property situated in the County of Jackson, State of Mississippi, to-wit:

BENT TREE POINT SUBDIVISION, in Claim Section 7, Township 7 South, Range 6 West, Jackson County, Mississippi, as per plat thereof recorded in Book 15, Page 46, of the Records of Plats of Jackson County, Mississippi, do hereby agree and covenant with the purchasers and future owners of all lots in said BENT TREE POINT SUBDIVISION, according to said Plat, reference to which is hereby made, that the following Protective Covenants shall apply to property in said Subdivision, to-wit:

1. LAND USE AND BUILDING TYPE

All lots in said subdivision shall be known and used as residential lots only. No structure shall be erected, altered, placed or permitted to remain on any lot herein designated as residential lots other than one residential building constructed for the purpose of housing, not to exceed two families nor to exceed three stories in height, with a private garage for not more than three cars and other outbuildings incidental to residential use of the lots, including servants quarters separated from the dwelling or connected with the garage.

2. DWELLING COSTS, QUALITY AND SIZE

On any lot no dwelling shall be permitted under 1400 square feet heated area and each shall have two baths. It is the intention and purpose of the covenant to assure that all dwellings shall be of a quality of workmanship and materials substantially the same or better than that which can be produced on the date these covenants are recorded for the minimum permitted dwelling size.

3. BUILDING LOCATION

No building shall be located on any lot nearer to the front lot line as follows, to-wit:

<u>Lot Number</u>	<u>Front Set Back</u>		<u>Lot Number</u>	<u>Front Set Back</u>
1	60 feet		7	225 feet
2	80 feet		8	250 feet
3	125 feet	Attachment 3	9	275 feet
4	150 feet	Page 1 of 7	10	300 feet
5	175 feet	Page 50 of 2101		35 feet
6	200 feet			