

Scheduled for  
February 2, 2017  
Meeting

Robert E. Smith Jr. and Robert E. Smith III  
Case No. 17-005-PC  
Request for **Preliminary/Final Subdivision Plat**  
**Eaton Oaks Subdivision**



**Planning Commission  
Case Fact Sheet**

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<b>Case Nos.:</b>	17-005-PC
<b>Names of Applicants:</b>	Robert E. Smith Jr. and Robert E. Smith III
<b>Address of Property:</b>	1795 Brasher Road
<b>Tax Parcel/Ward:</b>	1209I-01-009.000/Ward 6

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**Request:** **Preliminary/Final Subdivision Plat**

**Purpose of Request:** To consider a request for **Preliminary Subdivision Plat** approval for a nine (9) lot residential subdivision submitted under the working title: Eaton Oaks Subdivision, for land comprising seven (7) acres in overall size (more or less) and presently identified as 1795 Brasher Road (re: Tax Parcel No. 1209I-01-009.000).

**Size of Property:** 7 Acre (More or Less)

**Present Zoning:** **RM-10 Low Density Multi-Family Residential**

**Present Use:** Vacant

**Most Nearly Bounded By (streets):** To the North by and fronting upon Brasher Road; to the South by and adjacent to the Back Bay of Biloxi; to the East by Savannah Estates Boulevard; and to the West by and adjacent to Wetzel Drive.

**Adverse Influences:** None specifically.

**Positive Influences:** The proposed subdivision will result in the establishment of a total of nine (9) new lots, 8 of which will measure 80' x 250', and the remaining land area to become lot 9.

**Letters or**

**Concerns stated:**

The Planning Division Office has not received any letters or other written communications relative to this case, as of January 26, 2017.

**Comments/**

**Recommendations:**

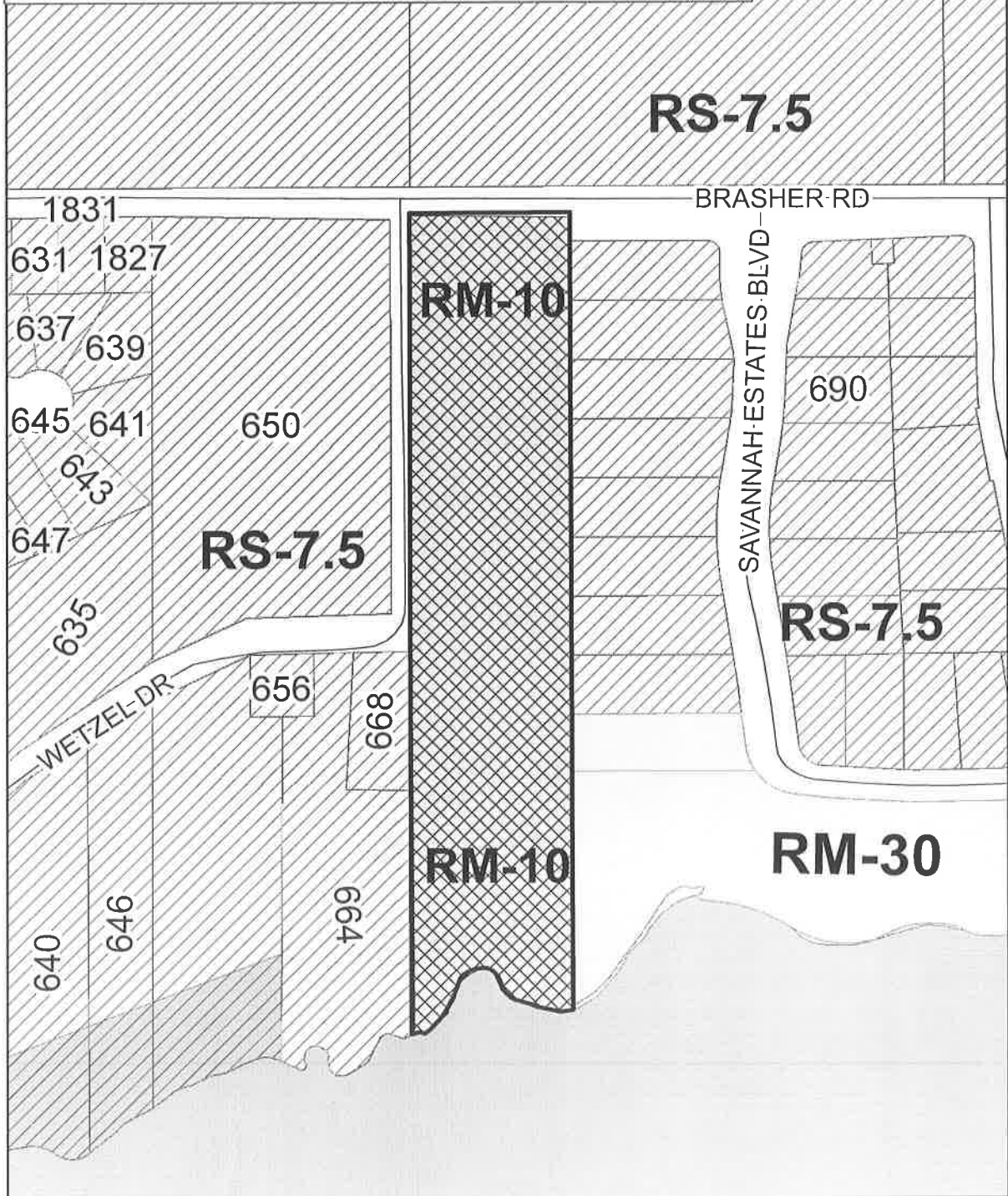
Robert E. Smith Jr. and Robert E. Smith III have requested **Preliminary/Final Subdivision Plat** for a nine (9) lot residential subdivision, submitted under the working title: Eaton Oaks Subdivision, for land comprising seven (7) acres in overall size (more or less) and presently identified as 1795 Brasher Road (re: Tax Parcel No. 1209I-01-009.000).

The Development Review Committee has reviewed this project and has authorized the applicant to apply to the Planning Commission for Preliminary and Final Plat Approval for Eaton Oaks Subdivision.

**Options:**

1. Recommend approval of the request for **Preliminary/Final Subdivision Plat** Approval, for a nine (9) lot residential subdivision, submitted under the working title: Eaton Oaks Subdivision, having determined that said subdivision, as proposed, would be in the best interests of the City of Biloxi and has been found to be in compliance with the requirements of the Land Development Ordinance.
2. Recommend denial of the requested **Preliminary/Final Subdivision Plat**, having determined that said subdivision, as offered, does not promote the public interest at this location, and has not been found to be in compliance with the Land Development Ordinance, as presented.

**Case No. 17-005-PC**  
**Robert Smith Jr & Robert Smith III**  
**1795 Brasher Rd**  
**Preliminary/Final Plat**





**GENERAL INFORMATION READ BEFORE EXECUTING.** Attendance by the applicant(s) at the public hearing is mandatory; however, the applicant may designate a representative to attend the public hearing on his/her behalf, provided said representative has been properly designated to speak on the applicant's behalf either by written permission or oral designation by the applicant at the Public Hearing. If a continuance is to be granted, the applicant must request same in writing a minimum of seven (7) days in advance of the scheduled public hearing. The applicant acknowledges that, in signing this application, all conditions and requirements inherent in the application process have been fully explained and understood, including the timetable for processing of the application; the applicant has further received the following appropriate handouts: Application Processing Timetable; Instructions for Application Completion, Procedures for a Conditional Use or Community Unit Plan; and Variance Procedures. The completed application must be returned to the Planning Office not later than the first or third Thursday of any month in order that a public hearing may be held on the first or third Thursday of the following month. Receipt of fee(s) does not constitute receipt of a completed application.

*[Handwritten Signature]*

Signature of Rightful Owner

*[Handwritten Signature]*

Notary Signature



Signature of Rightful Owner

Notary Signature

(Seal)

*[Handwritten Signature]*

Signature of Rightful Owner

*[Handwritten Signature]*

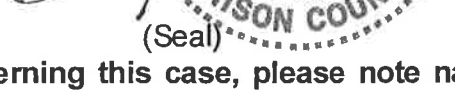
Notary Signature



Signature of Applicant

*[Handwritten Signature]*

Notary Signature



(Seal)

If someone other than the applicant needs to be notified concerning this case, please note name(s) and address (es) below:

**NOTES:**

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**NOTE:** Please see attached instructions for details on documents required for a complete application.

Zoning district in which the property is situated. The placement or size of any structure or infrastructure which triggers a Variance or Waiver must be clearly identified upon the Site Plan. All site plans for commercial projects must be submitted through the development review committee (DRC).



PLANNING COMMISSION SUPPLEMENT  
**Preliminary Subdivision Review**

City of Biloxi Planning Division  
 676 Martin Luther King Jr., Boulevard  
 Biloxi, MS 39530 (228)435-6266 Fax (228)435-6188

Name of Subdivision: Eaton Oaks  
 Ward No. 6  
 Most nearly bounded by (street names)  
 To the North by: Brasher Rd  
 To the South by: Back Bay  
 To the East by: Power Line easement  
 To the West by: Wetzel Drive  
 Developer: Robert E Smith III  
 Address: 142 Benachi Ave Biloxi, MS 39520  
 Phone: (228)-365-5476

**VICINITY MAP**  
 ATTACH MAP, IF AVAILABLE

Attached

**DEVELOPMENTAL DATA**

	Existing	Proposed
Front Yard Setback	<u>25</u>	<u>25</u>
Rear Yard Setback	<u>20</u>	<u>20</u>
Side Yard Setback	<u>5' 5-0 for townhomes</u>	<u>5' 2-0 for townhomes</u>
Zoning	<u>RM-16</u>	<u>RM-10</u>
Minimum Lot Size	<u>50 x 100 or 18 x 100 for townhomes</u>	<u>50 x 100 or 18 x 100 for townhomes</u>
Minimum Lot Width	<u>50 or 18 for townhomes</u>	<u>50 or 18 for townhomes</u>
Minimum Lot Depth	<u>100</u>	<u>100</u>
Number of Lots	<u>1</u>	<u>1 + out parcel</u>
Total Acres	<u>7</u>	<u>7</u>
Average Lot Size(s)	<u>N/A 250 x 1,243</u>	<u>80ft wide x 250ft</u>
Tax Parcel Number(s)	<u>1209I - 01 - 009.000</u>	

Proposed Street Name(s): Wetzel Dr. Creating street  
 Paved Area, Location and Width of Sidewalks: N/A Already fronts wetzel Dr  
 R.O.W. Width: Already fronts wetzel Dr  
 Is Planned Unit Development (PUD) approval requested?  Yes  No  
 PUD Application attached?  Yes  No

Case No. PC- <u>117-0008</u>		
Is the Supplement complete?		
- Has Pre-application Conference been held? (please circle)	Yes	No
- DRC Case No: <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		
- DRC Letter and Engineering Letter MUST be attached to schedule PC meeting.		
- Site Plan attached? (please circle)	Yes	No
- Is proposed project located in a Historic District? (please circle)	Yes	No
- Certificate of Appropriateness, if applicable? (please circle)	Yes	No
The DRC and/or Planning Commission recommend that the City Council impose the following conditions upon the issuance of the Conditional Use Permit?	Yes	No
1.	3.	
2.	4.	
Staff Initials	Date	

**Eaton Oaks**

**Applicant:** Robert E Smith III

**Narrative:** Split off the North 640' of Parcel 1209I-01-009.000 into 8 – 80' x 250' Lots.  
Intend on entering a contract with a builder to purchase all 8 lots.

**Engineering Department**  
Christy LeBatard, P.E.  
Director of Engineering



214-A Delauney Street  
P. O. Box 429  
Biloxi, Mississippi 39533  
Office: 228.435.6265  
Fax: 228.435.6179  
[www.biloxi.ms.us](http://www.biloxi.ms.us)

December 22, 2016

Mr. Brandon Elliot  
[Brandon@myelliottthome.com](mailto:Brandon@myelliottthome.com)  
(228) 257-9914

Re: Wetzel Dr Parcel 1209I-01-009.000  
Lots 1-8  
Biloxi, Harrison County, MS

Dear Mr. Elliot,

The water and sewer systems on Wetzel Drive have the capacity to meet the demands of the proposed lots 1-8. The water main and Sewer main are already in place, upon placement of water and sewer taps for the in accordance with Biloxi's standards; the City of Biloxi will provide water and sewer to the proposed lots 1-8.

Should you have any questions, please call me at the above listed phone number or email me at [clebatard@biloxi.ms.us](mailto:clebatard@biloxi.ms.us)

Respectfully,

A handwritten signature in cursive script that reads "Christy LeBatard".

Christy LeBatard, P.E.  
Director of Engineering, City of Biloxi

cc: File





# EATON OAKS

LOCATED IN THE NW 1/4 - NE 1/4 - W 1/2, OF GOV'T LOT 1,  
FRACTIONAL SECTION 24, TOWNSHIP 7 SOUTH, RANGE 10 WEST  
CITY OF BILOXI, 2ND JUDICIAL DISTRICT OF HARRISON COUNTY, MISSISSIPPI

## SYMBOL LEGEND

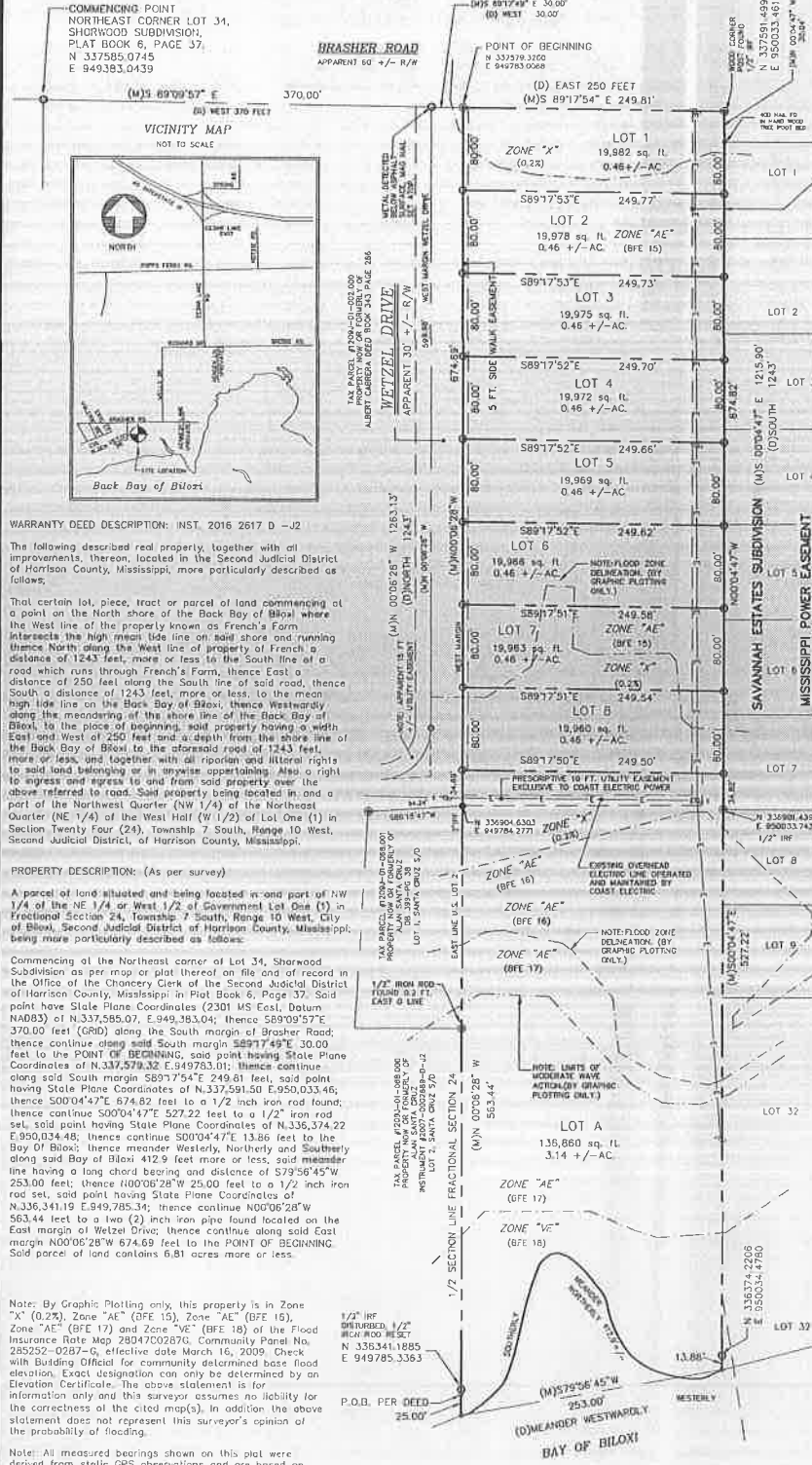
- = 1/2" iron rod set
- ⊙ = 1/2" iron rod found
- ⊙ PKR = P.K. nail found
- ⊙ PKR = P.K. nail set
- ⊙ IPE = iron pipe found
- ⊙ CMF = concrete man. ft.
- ⊙ LKF = highland knot found
- ⊙ = utility pole
- (D) = deed
- (P) = plat
- (R) = record
- (M) = measures
- AC = acres
- = overhead electric



GRID NORTH  
SCALE: 1" = 80'

## REFERENCE MATERIAL:

- (1) INST. #2016-0002617-D-J2
- (2) INST. #2007-0001341-D-J2
- (3) DEED BOOK 291 PAGE 419
- (4) DEED BOOK 343 PAGE 285
- (5) DEED BOOK 360 PAGE 426
- (6) INST. #2007-0002589-D-J2
- (7) SHORWOOD SUBDIVISION PB 6 PG 37
- (8) PREVIOUS SURVEY BY STANLEY K. TURNER
- (9) SAVANNAH ESTATES SD PB 21 PG 27



EXCLUSIVE 30' INGRESS/EGRESS TO LOTS 1 THROUGH 8 AND LOT A, EATON OAKS AND EXCLUSIVE 30' UTILITY EASEMENT TO COAST ELECTRIC POWER COMPANY.

**SURVEYOR'S CERTIFICATE**  
I, Timothy L. Glass, a Registered Professional Land Surveyor in and for the State of Mississippi, do hereby certify that the foregoing plat and description are true and correct to the best of my knowledge and belief.



**CERTIFICATE OF COMPARISON**  
We, the undersigned, do hereby certify that we have compared this duplicate plat of EATON OAKS, with the original plat hereof and find the same to be an exact copy thereof.

**RECORDING CERTIFICATE**  
Filed and recorded in duplicate on the \_\_\_\_\_ day of \_\_\_\_\_, 2017 in the record of plats of Harrison County, Mississippi in Plat Book \_\_\_\_\_, Page \_\_\_\_\_.

**OWNER'S CERTIFICATE AND DEDICATION**  
This is to CERTIFY that the undersigned is the owner of record of the EATON OAKS, and that said owner hereby dedicates the right of way, utilities and easements unto the City of Biloxi, Second Judicial District of Harrison County for public use forever.

**ACKNOWLEDGMENT**  
STATE OF MISSISSIPPI, COUNTY OF HARRISON  
PERSONALLY appeared before me, the undersigned authority in and for the said county and state, on this the \_\_\_\_\_ day of \_\_\_\_\_, 2017, within my jurisdiction, the within named Robert Smith, owner; who acknowledge before me that he executed and delivered the above and foregoing instrument.

**CERTIFICATE OF APPROVAL AND ACCEPTANCE**  
This Subdivision Plat has been submitted to and approved by the Mayor and City Council of the City of Biloxi, Mississippi by order fully adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 2017. And entered in the official minutes of the City of Biloxi in minute book \_\_\_\_\_ on pages \_\_\_\_\_.

WARRANTY DEED DESCRIBED: INST. 2016 2617 D -J2  
The following described real property, together with all improvements, thereon, located in the Second Judicial District of Harrison County, Mississippi, more particularly described as follows:

That certain lot, piece, tract or parcel of land commencing at a point on the North shore of the Bay of Biloxi where the West line of the property known as French's Farm intersects the high mean tide line on said shore and running thence North along the West line of property of French a distance of 1243 feet, more or less to the South line of a road which runs through French's Farm, thence East a distance of 250 feet along the South line of said road, thence South a distance of 1243 feet, more or less, to the mean high tide line on the Bay of Biloxi, thence West along the meandering of the shore line of the Bay of Biloxi to the place of beginning, said property having a width East and West of 250 feet and a depth from the shore line of the Bay of Biloxi, to the aforesaid road of 1243 feet, more or less, and together with all riparian and littoral rights to said land belonging or in anywise appertaining; Also a right to ingress and egress to and from said property over the above referred to road. Said property being located in, and a part of the Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4) of the West Half (W 1/2) of Lot One (1) in Section Twenty Four (24), Township 7 South, Range 10 West, Second Judicial District, of Harrison County, Mississippi.

**PROPERTY DESCRIPTION:** (As per survey)  
A parcel of land situated and being located in and part of NW 1/4 of the NE 1/4 or W 1/2 of Government Lot One (1) in Fractional Section 24, Township 7 South, Range 10 West, City of Biloxi, Second Judicial District of Harrison County, Mississippi, being more particularly described as follows:

Commencing at the Northeast corner of Lot 34, Shorwood Subdivision as per map or plat thereof on file and of record in the Office of the Chancery Clerk of the Second Judicial District of Harrison County, Mississippi in Plat Book 6, Page 37. Said point have State Plane Coordinates (2301 MS East, Datum NAD83) of N.337,585.07, E.949,383.04; thence S89°09'57"E 370.00 feet (GRID) along the South margin of Brasher Road; thence continue along said South margin S89°17'49"E 30.00 feet to the POINT OF BEGINNING, said point having State Plane Coordinates of N.337,579.32, E.949,783.01; thence continue along said South margin S89°17'54"E 249.61 feet, said point having State Plane Coordinates of N.337,591.50, E.950,033.46; thence S00°04'47"E 674.82 feet to a 1/2 inch iron rod found; thence continue S00°04'47"E 527.22 feet to a 1/2" iron rod set, said point having State Plane Coordinates of N.336,374.22, E.950,034.48; thence continue S00°04'47"E 13.86 feet to the Bay Of Biloxi; thence meander Westerly, Northerly and Southerly along said Bay of Biloxi 412.9 feet more or less, said meander line having a long chord bearing and distance of S73°58'45"W 253.00 feet; thence N00°06'28"W 25.00 feet to a 1/2 inch iron rod set, said point having State Plane Coordinates of N.336,341.19, E.949,785.34; thence continue N00°06'28"W 563.44 feet to a two (2) inch iron pipe found located on the East margin of Wetzel Drive; thence continue along said East margin N00°06'28"W 674.69 feet to the POINT OF BEGINNING. Said parcel of land contains 6.81 acres more or less.

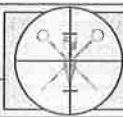
Note: By Graphic Plotting only, this property is in Zone "X" (0.23), Zone "AE" (BFE 15), Zone "AE" (BFE 16), Zone "AE" (BFE 17) and Zone "VE" (BFE 18) of the Flood Insurance Rate Map 28047C0287G, Community Panel No. 285252-0287-G, effective date March 16, 2009. Check with Building Official for community determined base flood elevation. Exact designation can only be determined by an Elevation Certificate. The above statement is for information only and this surveyor assumes no liability for the correctness of the cited map(s), in addition the above statement does not represent this surveyor's opinion of the probability of flooding.

Note: All measured bearings shown on this plat were derived from static GPS observations and are based on State Plane Coordinates (GRID) MISSISSIPPI EAST FEET (2301), DATUM NAD 1983.  
Convergence angle (degrees): -0.05711947  
Point Scale: 0.99995145  
Combined Factor: 0.99995513

Note: This survey "CLASS B" was made in accordance with the current "Standards of Practice for Surveying" in the State of Mississippi.

APPROVED BY:	DATE:	SCALE:	PLAT NO.:	COMPARISON:

Owners:  
**ROBERT E. SMITH, III and ROBERT E. SMITH, JR.**  
PART OF THE WEST 1/2 OF GOVERNMENT LOT 1  
Fractional Sec. 24, T7S, R10W, Harrison County, MS  
TAX PARCEL NUMBER: 12091-01-009.000



**Glass Land Surveying - Established 1996**  
Timothy L. Glass P.L.S. Professional Land Surveying  
10453 Pk. Oak Drive  
Phone (228) 392-5004  
E-Mail: glass@oak.com

REVISIONS:	

**Community Development Director**  
Jerry Creel



676 Dr. Martin Luther King Jr. Blvd.  
P.O. Box 508  
Biloxi, Mississippi 39533  
Office: 228.435.6280  
Fax: 228.435.6188  
[www.biloxi.ms.us](http://www.biloxi.ms.us)

To: Chair, Biloxi Planning Commission

From: Eric Nolan, Development Review Committee Chair

Date: January 19, 2017

Re: Robert Smith  
1795 Brashier Rd

The Development Review Committee (DRC) has reviewed the above-referenced project development and has authorized the applicant to apply to Planning Commission for Preliminary Subdivision for Eaton Oaks.

The City will NOT require further review and approval by DRC prior to permitting, and no Building Permits shall be issued, until a site plan is approved by the DRC and construction documents are approved by the Building Division and the City Fire Marshall.

Your assistance in this matter will be greatly appreciated.

Yours truly,

Eric Nolan

Eric Nolan, Chair

cc: file