

# **Neighbors' Opposition to Arbor's Great Southern Subdivision General Plan and Elliott Homes Plan along Beach Drive in Gulfport and Testimonial Quotes**

**Note:** per Arbor Sites No Development Plan is yet available for the Back Nine of the Former Golf Course

# **Gulfport Citizens' Opposition Overview**

- **Excerpts from Testimony before the Gulfport Planning Commission**
- **Issues with Arbor's Plan to Develop the Great Southern Subdivision**
- **Arbor's Testimony to the Harrison County Board of Supervisors**
- **Solutions to Mitigate Adverse Impacts created by Arbor's General Plan**
- **Elliott Home's Request for Variances to the Zoning Board**
- **Key Takeaways**

**Arbor's Comments to the Gulfport Planning  
Commission from the Official  
June 2022 Transcript**

**and**

**Planning Commissioner's and Citizens'  
Testimony and Responses**

## **Arbor's Density Quote**

**Arbor lots 15 through 24: "A lot of those lots are actually 70-foot lots backing up to Mockingbird Lane. Not a big difference, [compared to the lot sizes on Mockingbird] but it is a difference. And it's an effort to try to make things blend a little bit more."**

**p. 4**

## **Citizens' Responses**

**Fact: Only 2 of the 9 lots backing up to Mockingbird Lane are as large as 70-feet. Mockingbird Lane residents will have multiple houses in their back yards. The Arbor project does not fit into the character of the surrounding neighborhoods, whose homes are custom-built, not densely-packed spec homes.**

## Arbor's Density Quote

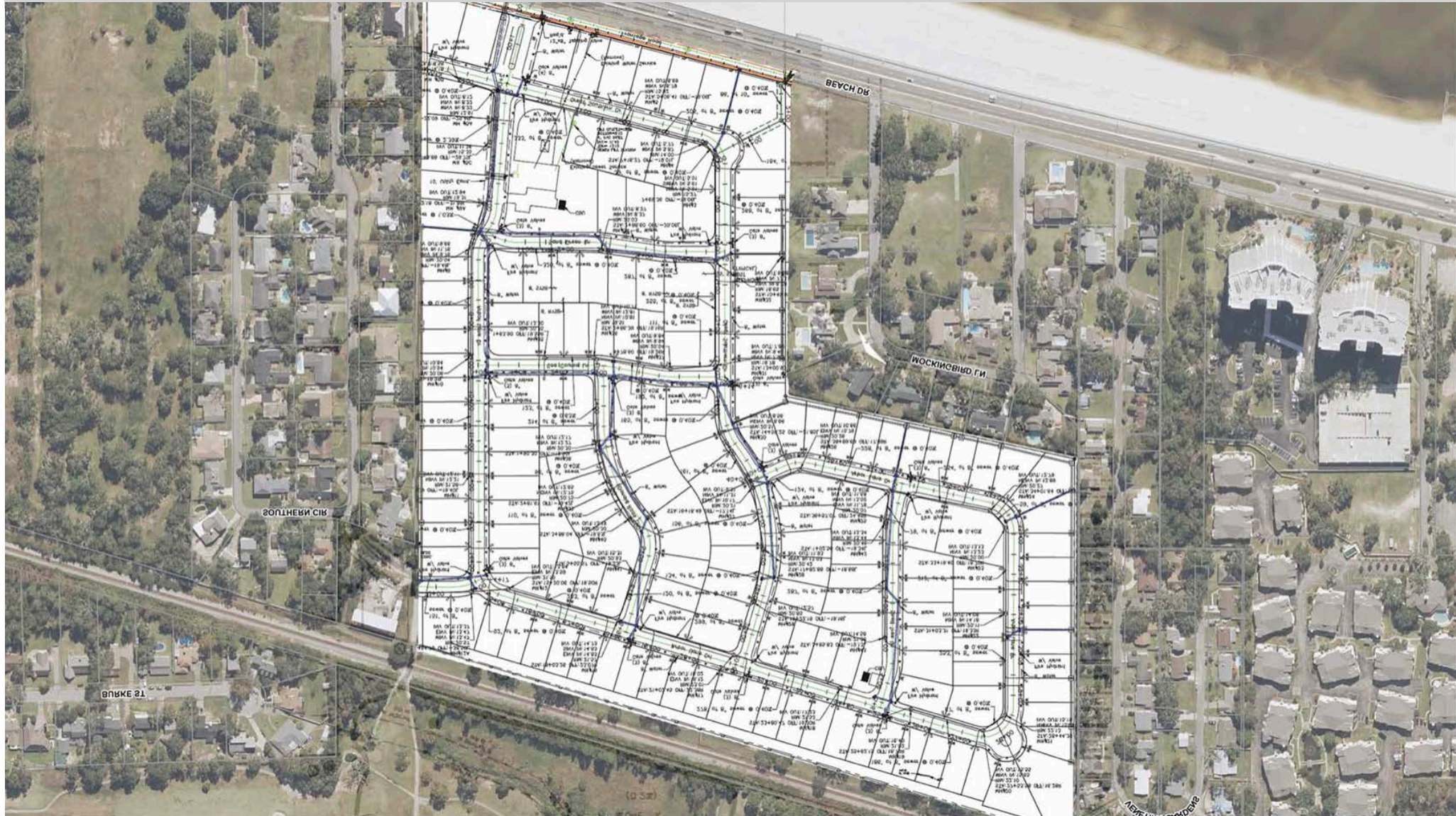
**“The lot size in Southern Circle is slightly larger than the lots in our property in this project, I grant that. We’re bigger than this subdivision, we’re smaller than this [Mockingbird] subdivision, we’re comparable to this subdivision over here [Venetian Gardens]. “It [Arbor project] is a mix.”**

**pp. 133-134**

## Citizens' Facts

**The lots on Venetian Gardens are 40-foot plats, but houses are not built on one lot or plat. The Venetian Gardens lots are not comparable to the Arbor lots because VG homes sit on a combination of multiple lots larger than 60'. One homestead on VG, for example, is built on 6 and a half lots. All neighbors oppose the negative impact of Arbor's plans for 60' lots; they do not “mix.” All the houses on SC, VG, and ML are custom-built. The Arbor project does not mirror these three neighborhoods.**

# Arbor's Acreage Same As Three Adjacent Neighborhoods But Twice As Dense



## Arbor's Traffic Quotes

**“The existing capacity of the MDOT Beach Drive Frontage Road, Hwy 90, DeBuys Road, and Anniston Avenue according to the traffic engineering report provided to the city is adequate to handle the anticipated relatively minor increase in the traffic.” p. 8 “He [engineer] did a thorough review of the traffic, that’s what we’re basing our conclusions on that it’s adequate.” p. 7**

## Commissioners' Quotes

**Daigle, p. 140 on traffic: “I think that’s a big issue.”**

**Williams, p, 144: “Well, there’s got to be something done because somebody talked about the other property is going to be developed on that frontage road.”**

**Hewes, pp. 147-49: “I don’t think the service road will handle that much traffic. Obviously the first thing we do would ask y’all to reduce the density of that subdivision. But if we’re looking at 400 cars for 175 lots, if you drop it to 50, it’s going to drop it to 300 cars. It’s still 300 more cars on that narrow road that I don’t think was planned to have this kind of traffic years ago.”**

# **Citizens' Response to Arbor's Traffic Study Submitted to MDOT**

**Traffic Study was of HWY 90 *to include* Beach Drive (Frontage Road)**

Counted only Southern Circle traffic as Beach Drive traffic

Simulations were used to account for traffic times in/out of 177 homes

**Traffic Study Did NOT Count or Assess:**

Traffic on Mockingbird Lane, Venetian Gardens, Legacy Condos and Legacy Villas

Traffic merge times onto HWY 90 at west end of Beach Drive,

Northbound lane of Anniston Avenue at school pickup/dropoff times,

Traffic Light timing going East to DeBuys and HWY 90

Future development along Beach Drive & Anniston

**MDOT Did NOT conduct a traffic impact assessment before permits were issued**

## **Arbor's Response on Access Roads**

**Arbor: We've done a number of larger developments than this, and that [one access road] has proven to be satisfactory." "It's not that you're not going to have any stacking. You might have a few, four or five, six, half a dozen stacking, but they release quickly. We have done 300 to 600 lot subdivisions before with only one way in and out." p. 18**

## **Commissioner's and Citizens' Responses**

**Hewes, p. 18. "It looks like you have . . . one ingress, one egress for the main road. Is that going to be enough to support, if we have 175 homes, 350 cars if you look at two cars per home and that doesn't include kids driving."**

**Citizens' Response: Also need to include count of visitors' cars and the number of times per day cars leave and return.**

## **Arbor's Response on Access to Southern Circle**

**“The planning department has recommended that a connection be made to the north end of Southern Circle. And while we agree that this could be beneficial to both communities, we are certainly willing to eliminate this connection if the planning commission so desires. We’ve got subdivisions, [one entrance] has been plenty adequate.”**

**p. 19**

## **Commissioner's Response**

**Hewes, p. 19. “Well, if you’re not going to use it [Southern Circle], that does not fit into this equation.”**

**Note. At the citizens’ 10 Nov 2022 community meeting, Southern Circle residents said that a city official from Urban Development in November stated that the connection into their street would be completely open for the Arbor residents to use to get in and out of the Arbor subdivision, not a locked entrance for only fire department use as previously promised.**

## **Contaminated Soil Testimony:**

**Robert Pyle, Turf Grass Manager of the Great Southern Golf Course**

**There are hundreds and hundreds of asbestos irrigation pipes on the golf course and the schematic for them was lost in the hurricane. These pipes are all over the place. When the developer puts in roads and sewage pipes, he will hit these asbestos pipes.**

**Now banned fertilizers like MSM, a monosodium arsenic-based chemical, were used. Banned toxaphene was used to treat Army worms. Least terns ate the dead worms and died. An environmental soil study should be made before construction begins.**

## **Contaminated Soil Testimony:**

**Skip McDaniel, Ph. D., Former Director, Special Analytical Methods,  
National Monitoring and Residue Analysis Lab**

**I have a Ph.D. in physical organic chemistry. I'm familiar with pesticide residues and their metabolites in the environment.**

**Chlorinated hydrocarbons were used on this golf course. They are very persistent, stay locked in the matrix of the soil, and they do not percolate or move in the soil. However, if you disturb the soil and get them to the surface and then you get a rain, then they can be transported on the soil particles in drainage out into the Mississippi Sound. These residues have significant mammalian and marine toxicities.**

**In addition, we do know that the use of these chlorinated hydrocarbons from 1940 through the 1970s until they were banned by the EPA was fairly heavy. We also know that they were stored in the maintenance shed that's in the northwest corner by the railroad tracks, and that all the old used chemicals were transported to a dump site which is just to the east of Number 10 Fairway on the north side of the track. This should be examined by the developer and checked before any work, especially disturbing the soils around the greens.**

# **Health Issues Testimony: Various Residents Bordering the Golf Course**

**Resident, # 8 Mockingbird Lane: I've had Non-Hodgkins lymphoma and leukemia that I believe was caused by toxic Roundup. I was president of the golf course for six years, and we are all aware that many chemicals were used on the golf course. Lots of earth moving will uncover those toxins, and I worry about the effects on children and others. This situation needs to be investigated.**

**Resident, # 10 Mockingbird Lane: I have dementia. We really need some kind of survey done on the golf course. There's a cluster of illnesses.**

**Resident, # 11 Mockingbird Lane: I've had cancer; my husband at age 53 was diagnosed with Parkinson's and now dementia; my 21-year-old son has cardiac issues that doctors cannot explain; two dogs had cancer, which is rare. I feel these illnesses were probably related to long term exposure to the golf course.**

## **Contaminated Soil Testimony to the Planning Commission: Carolyn Miller, Health Professional**

**At Arbor's June 15, 2022 meeting with residents, I asked if the soil has been tested for toxins. And the Arbor representatives said that they had had a site evaluation. And I asked them specifically if the soil had been tested for toxic levels and eventually got an answer of "no." And the response was that we are going to do what the city requires us to do according to code, and we're going to do what the Mississippi Department of Environmental Quality tells us that we need to do. So from what I'm hearing, there has not been a proper site assessment environmentally done on this particular property. Now, I spoke with someone at the MDEQ, and he told me that they have no experience with developments on golf courses. And my resource told me they do not require testing of the soil for toxic chemicals. He said they do require testing--and I'm sure you commissioners would know better than I would--for soil content and building houses and all that stuff, but not for toxic levels. I was under the impression that this would be done during your due diligence before a piece of property that was a golf course could be developed. You should be pretty knowledgeable that chemicals are used on a golf course. I don't know if the developer is planning to test for toxins. I called MDEQ, and I placed a formal complaint out of fear that the city would not require Arbor to do testing on the soil for toxicities. And also in a formal complaint, it will be investigated, and this will allow MDEQ to be able to come on the site and test if it is necessary. What I'm asking you--I'm not asking you to stop the development--but it's your responsibility to guide the developer and to look out -- to grow the city--and to look out for the people that live in this community.**

# Arbor's Response on Drainage

**“So the [water on the] entire piece of property to the fence line is all being collected, all the drainage is being collected within the subdivision and then transported to the outfall.” p. 6**

**It's the same amount of water for the last 100 years whether this project comes or goes. You've got the same water that's going downhill, and it's going to the Gulf irregardless (sic.) of whether we do this project or not.”**

**pp. 119-120**

# Facts

- **Much of the current drainage on the golf course is collected on site via low lying areas, two large ponds, sand traps, and 58 acres of grass via the water table.**
- **1.7 miles of roads and sidewalks, 177 driveways, and hundreds of patios—all imperious materials—will send more, not less, contaminated water directly into the Gulf.**
- **The Arbor development does not have retention ponds on site because they take up space that can be used to build more houses for maximum profit**
- **City engineers did not provide written comment on Arbor's general plan as required**

## **Arbor's Response on Trees**

**“The infrastructure itself, the roads, the streets, the drainage, utilities, will impact virtually no trees. So the entire subdivision can be constructed saving virtually every protected tree on site. One or two may need to be removed to make room for housing, but not many. It might-just a small, just a few.” p. 10**

## **Citizens' Response**

**The surrounding residents' trees bordering the Arbor development can be killed by digging trenches for drainage pipes that will destroy tree roots.**

**Plan does not show placement of new catch basins that can also destroy root systems of neighbors' protected trees**

**Protected Trees on adjacent properties were not taken into consideration for general site plan**

# Arbor's Testimony to the Planning Commission on Cutting the Grass

Quote from Dennis Stieffel, Arbor Engineer, Planning Commission transcript, June 2002, p.114.

"A gentleman mentioned whether or not this property was going to be maintained.

"That was addressed at the last community -- I'm not sure if he made it to the last community meeting last week. Mr. Thames made it very clear that they will be maintaining the property, mowing it on a regular basis.

"Obviously. it will be mowed more often in the summertime when the grass is growing than in the wintertime, but he does intend to fully maintain it on at least a monthly basis there."

**Reality:** Golf Course mowed twice since Arbor bought property, 21 April 2021. The City Council adopted a Resolution on 3 Jan, 2023 declaring Arbor's property a menace to the health, welfare and safety of the community.

**Citizens' Question:** Why has Arbor received preferential treatment from enforcement of the Resolution to cut the grass, especially on highly visible beach drive?

# Arbor's Property is a Menace to our Community



# Arbor's Property Endangers the Health, Safety and Welfare of our Community



# Testimony On Adverse Impacts of Excessive Density before the June Planning Commission

Jack Krongard, Beach Drive and builder of commercial properties and over 5000 homes: “Arbor can change their density and price point, and the bottom line can stay the same.”

“On a good day Beach Drive is a bad road. There’s a lot of lipstick put on this issue that does not make sense, but you [Planning Commission] already know this.”

Dr. John Douglas, Beach Drive, “Beach Drive could be like the Scenic Drive in Pass Christian with low density, Arbor houses are not similar to those in our neighborhood.

“R-1-7.5, zoning [golf course zoning] is for large lots. 60’ lots in the Arbor plan do not meet that zoning ordinance. 2/3’s of Arbor lots are 60’ lots that can become rentals.”

# Density Testimony Continued:

## June Planning Commission

Johnny Olsen, Southern Circle, architect: I fear the Arbor development could become horizontal apartments, homes bought by a management company that rents only, and Gulfport does not regulate that.

Completely eliminate connection to Southern Circle. (applause from audience shut down by Keith Williams.) One ingress only and one egress only would help with emergencies if one was blocked and would only cause the loss of three lots.

I would not use the name planned for this development; it is neither "Great" or "Southern."

Olsen: I have one question for Greg Holmes. Does the city regulate horizontal apartments?

Response from Holmes: "We only regulate zoning. We don't bring in ownership."

Olsen: "OK, Arbor is an apartment developer. There are several members of Arbor's management company here. They can rent only, and they don't have to sell. They can rent every single home on an annual or monthly, or whatever terms, and there's nothing we could do as a neighborhood to prevent that if it's not regulated by the city."

# Results of the June Planning Commission Meeting

The commissioners voted 4 to 3 to approve Arbor's plan without any conditions such as (1) requiring Arbor to test the water and soil before construction or require Arbor to make contact with MDEQ for guidance, (2) no demand for retention ponds on-site to keep contaminants from draining into the Gulf, (3) no mandate for Arbor to reduce the density of its project to fit into the character of the existing neighborhoods, (4) no requirement that new homes will be commensurate in mass and form to adjacent homes to comply with Gulfport city ordinance, (5) no requirement for a comprehensive traffic impact study to mitigate safety concerns over the dangerously narrow Beach Drive, (6) no consideration for Arbor traffic that will encroach upon Southern Circle's quiet, peaceful neighborhood, (7) no consideration for the drainage plan causing polluted stormwater to funnel directly into the MS Sound without mitigation, (8) no consideration for flood mitigation of adjacent neighborhood properties (9) no concern that Arbor's subdivision could allow short term rentals. In short, no concern for the health, safety and welfare of the existing and new taxpayers and our environment.

# **Arbor's Testimony to the Harrison County Board of Supervisors**

## **Arbor's Statement**

**You [the Board of Supervisors] are being misinformed [about Arbor's drainage plans] by a small group of disgruntled people who oppose development.**

## **Supervisor's Response**

**622 people who signed petitions opposing adding new drainage pipes to the sand beach to benefit a developer is not a small group of people.**

Existing Drainage Pipes in Front of Arbor Site:  
Two for the Golf Course and One for Hwy 90.  
Developer wants to add two more 42" drainpipes.



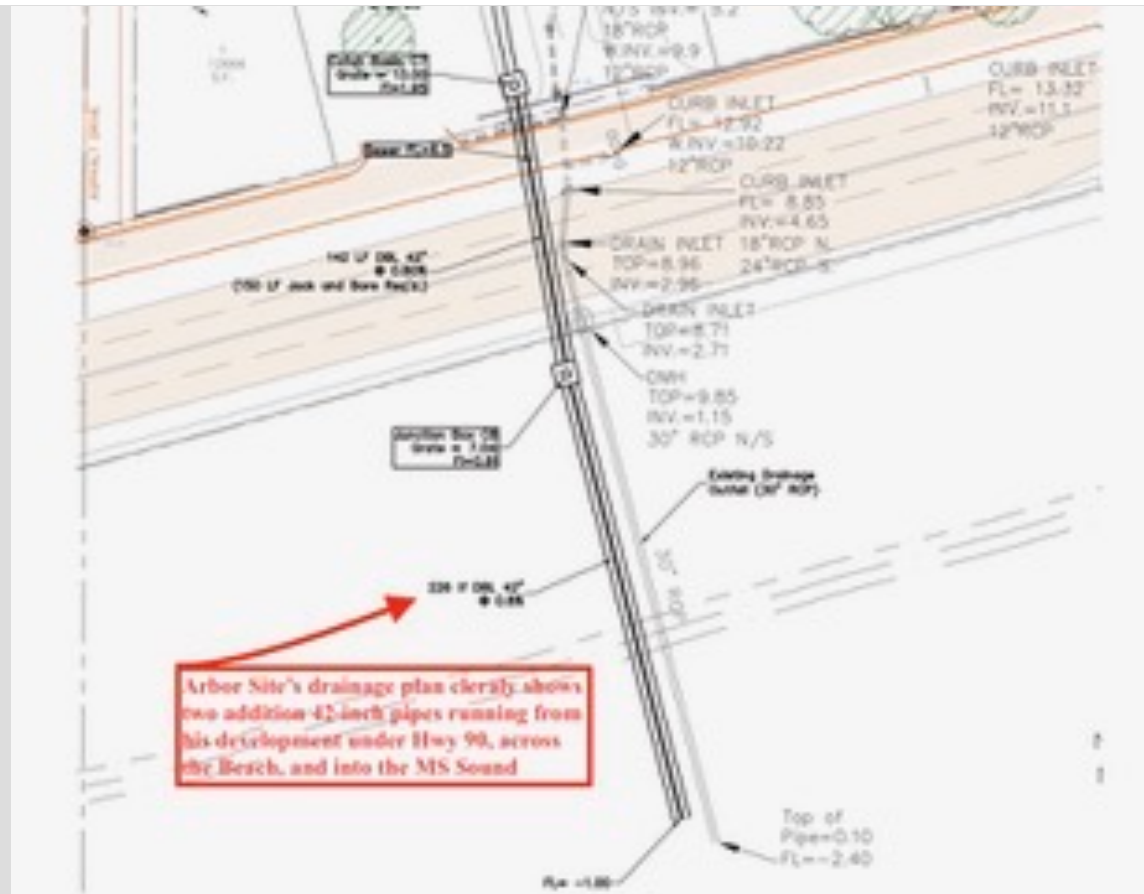
# **Arbor's Testimony to the Harrison County Board of Supervisors**

## **Arbor's Statement**

**Arbor's not adding any new drainage pipes to the beach. We're removing the existing two 30" pipes and replacing them with two 42" pipes to help the city, county, and Highway 90 flooding problems. You are being misinformed.**

## **What Approved Plan Shows**

**Arbor's drawings show five pipes in front of the former golf club: two existing 30" pipes that drain the golf course, one existing pipe that drains Highway 90, and two new 42" pipes to drain the housing development. The actual plans approved by the Gulfport Planning Commission show five drainage pipes. Note: Arbor's new pipes do NOT drain or prevent Hwy. 90 flooding as the Arbor engineer stated.**



**Arbor's drainage plan approved by the Gulfport Planning Commission and presented to the Board of Supervisors by Citizens showing the 3 existing pipes plus 2 NEW 42" pipes**

# Arbor's Testimony to the Harrison County Board of Supervisors

## Arbor's Statement

The amount of water flowing into the Gulf will only increase slightly. . . . It'll only be about a 50% increase.

## Supervisor's Response

50% is not a slight increase.

*Note: An independent engineer advised the increased water flow will be increased 200%.*

# **Arbor's Testimony to the Harrison County Board of Supervisors**

## **Arbor's Statements**

**So Gordon Thames, my client, is surely one to spare no expense. My developer is ready to do this [upgrade and repair drainage pipes] on his own nickel. That's not a good reason for you guys to say "OK" and assume you get a blank check.**

**We want to make the drainage all go downhill into the Gulf.**

## **Supervisor's Response**

**Response to statement that all water will go downhill into the Gulf: "There you go," meaning that the supervisors understand that the developer plans for all water to be drained into the Gulf.**

**Why don't you contain water on site and just keep the existing 30" pipes that are now adequate for draining the golf course?**

# **Arbor's Testimony to the Harrison County Board of Supervisors**

## **Supervisor's Question**

**Why did you take out the retention pond that was on the original plan?**

## **Arbor's Response**

**The developer made the decision. He would lose 5 or 6 lots for homes if he had a retention pond and lose a million dollars. New drainage pipes would cost a half million dollars. The developer needed a way to pay for the new drainage pipes and needs the money from those lots to do so.**

## **Arbor's Testimony to the Harrison County Board of Supervisors**

**Arbor: "If you guys don't approve the outfalls, we won't be able to build the project."**

**Supervisor: Why not replace the old drainage pipes with new ones and add retention ponds? What is the loss of one or two million dollars on a \$100 million project for new drainage pipes and adding retention ponds**

**Arbor: No response.  
Representative left the podium.**

**Supervisors did not like plan and made a motion that the Board of Supervisors will not approve additional pipes on the sand beach. Any new plan Arbor presents must be approved by the Board.**

**The vote to deny this version of Arbor's drainage plan was unanimous.**

## **Result of the 5 December, 2022 Harrison County Board of Supervisors Meeting**

**The Board of Supervisors voted unanimously not to approve Arbor's plan to add two additional drainage pipes across the sand beach to drain water from Arbor's Great Southern Subdivision into the Gulf of Mexico.**

**The Board also recommended that any new plan address the concerns of the 622 citizens who signed petitions opposing Arbor's current drainage plan.**

# **Solutions to Mitigate Adverse Impacts Caused by Arbor's General Plan**

- **Reduce density to align with adjacent neighborhoods while adhering to city ordinances and laws.**
- **Along the east and west perimeters, build homes commensurate to the mass and form of adjacent homes, making Arbor's homes a one-to-one home/lot ratio.**
- **Conduct a comprehensive traffic impact assessment to include Beach Drive and Anniston Ave.**
- **Require two access roads off Beach Drive from developer's property.**
- **No access roads encroachment into adjacent neighborhoods.**
- **No additional water pollution drained into the MS Sound.**

# **More Solutions to Mitigate Adverse Impacts Caused by Arbor's General Plan**

- **Add on-site retention and detention ponds**
- **Meet MDEQ remediation requirements for contaminated soil & water.**
- **Safe removal and proper disposal of improperly stored hazardous material and dumping sites**
- **Initiate a Public Health Assessment prior to any soil disturbance activities**
- **Ensure all departments have reviewed and documented their decisions as required by city law**

## **And More Solutions to Mitigate Adverse Impacts Caused by Arbor's General Plan**

- **Ensure the preservation of protected trees per city ordinances.**
- **Enforce city ordinances and resolutions requiring Arbor Sites to maintain its property.**
- **Add a Plant Barrier along the 20-foot drainage easement on the east and west sides of the development.**
- **Add a Plant Barrier between the railroad track and development.**
- **Prohibits short-term rentals less than 30 days.**

# **Opposition to Elliott Homes' Variance Request to Develop the William Carey University Property**

- **Volunteer's attended both presentations provided by Elliott Homes to discuss plans and to provide input.**
- **A packed city hall of citizens opposing Elliot Homes' proposed density provided testimony to the Gulfport's Zoning Board. The William Carey property is zoned R-1-75, meaning that residential lots must be at least 7,500 square feet. Brandon Elliott asked for variances to allow 5,000 square ft lots with 5-ft setbacks. In addition, the Developer prepared a plan that showed a one entrance boulevard to the proposed subdivision.**
- **Result of April 2023 Zoning Board meeting at City Hall - The Zoning Board denied Elliott's request for variances.**
- **William University and Elliott Homes are under contract to sell/purchase the property by 31 July 2023.**

# Neighbors' Pleas to the City Council

- Protect Our Neighborhoods from irresponsible development
- Set conditions to protect our health, safety and welfare
- Act upon the input of taxpayers to resolve concerns prior to final plat approval of the Arbor Sites and Elliott Homes proposed subdivisions

# Overview of Citizen's Volunteer Work

- **Studies Development Plans, Issues, City Ordinances and Laws**
- **Collects and disseminates information to communicate amongst concerned parties**
- **Prepares correspondence and other documentation to Local, State and Federal leadership on behalf of concerned citizens**
- **Participates in media requests**
- **Tracks the progress of any new development plans**
- **Reviews and provides technical feedback to the Mississippi Department of Environmental Quality leadership on Arbor's soil and water testing plans for the former golf course**

- **Maintains a Facebook page and website to include an electronic version of the neighborhood petition to the City of Gulfport**
- **Submit and track various public records requests**
- **Present testimony to Government Boards**
- **Organizes petition drives, community meeting(s) and yard sign campaign**
- **Identify and Register Historic Trees in Ward 2**
- **Welcome new volunteers to our cause**

# Key Takeaways

- **Neighbors do not oppose responsible development.**
- **Developer's plans will cause adverse impacts to the health, safety and welfare of the community.**
- **Elected officials have the authority to resolve and/or mitigate adverse impacts.**