AGENDA

GAUTIER PLANNING COMMISSION

November 2, 2017

5:00 PM

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE (VOLUNTEER)

III. APPROVAL OF AGENDA

IV. APPROVAL OF MINUTES

1. October 5, 2017 Minutes

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

VI. OLD BUSINESS

VII. NEW BUSINESS

1. 3612 NORCREST – REQUEST FOR A FIFTEEN FOOT (15') VARIANCE TO MINIMUM FRONT YARD SET-BACK REQUIREMENTS FOR AN ACCESSORY STRUCTURE IN A R-1 LOW DENSITY SINGLE FAMILY RESIDENTIAL ZONING DISTRICT (GPC CASE #17-15-VAR)

2. ERIC JAMES MINOR/GAUTIER AUTO SALES – 1517 OLD SPANISH TRAIL – REQUEST FOR A CONDITIONAL USE – MAJOR THAT WOULD ALLOW A USED CAR SALES LOT IN A C-2, COMMUNITY COMMERCIAL ZONING DISTRICT. (GPC CASE #17-16-CU)

VIII. GENERAL DISCUSSION

1. PREVIOUS CASE UPDATES

A. Consideration of a City-Initiated Rezoning of six (6) Split-Zoned C-2/R-1 properties to R-1 Low Density Single-Family Residential. (GPC CASE #17-13-RZ) Approved by City Council 10/17/2017

2. PERMIT & TRC REPORTS

IX. ADJOURN

October 5, 2017
Gautier, Mississippi

BE IT REMEMBERED that a meeting of the Gautier Planning Commission of The City of Gautier, Mississippi, was held on October 5, 2017 at 5:00 PM in the Council Chambers of the Gautier Municipal Building at 3330 Highway 90, Gautier, Mississippi.

Commission Members present were: Larry Dailey, Chairman; Commissioners Jimmy Green, Paul Gainer, Christopher Scruggs, Kay C. Jamison and James Lee. Also present were Scott Ankerson, Planning Director/Building Official; Tricia L. Thigpen, Deputy City Clerk and Josh Danos, City Attorney. Absent was Vice-Chairman John Hunter.

AGENDA
GAUTIER PLANNING COMMISSION
October 5, 2017
5:00 P.M.

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE (VOLUNTEER)

III. APPROVAL OF AGENDA

IV. APPROVAL OF MINUTES – August 3, 2017 & September 7, 2017

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

VI. OLD BUSINESS

VII. NEW BUSINESS

1. Consideration of a City-Initiated Rezoning of six (6) Split-Zoned C-2/R-1 properties to R-1 Low Density Single-Family Residential. (GPC Case #17-13-RZ)

VII. GENERAL DISCUSSION

A. PREVIOUS CASE UPDATES

1. Amendment of the Official Zoning Map of the City of Gautier, Mississippi by Bridget Booth, agenda for Mississippi Lock Storage LLC. The request is to rezone 2965 Old Spanish Trail, Parcel ID #'s 82435240.080, 82435240.085, and 82435160.055 from C-2, Community Commercial To I, Industrial. (GPC #17-09-RZ)

2. Glenn Scott Ryder & Hwy 90 Pawn – 1823 Hwy 90 – Request for a Conditional Use – Major that would allow a Title Loan Business in a TCMU, Town Center Mixed Use Zoning District. (GPC #17-11-CU)

B. PERMIT & TRC REPORTS

IX. ADJOURN

Chairman Dailey called the meeting to order.

PLEDGE OF ALLEGIANCE (VOLUNTEER) – Commissioner Jamison

APPROVAL OF AGENDA

Commissioner Green made the motion to approve the agenda order.
Commissioner Jamison seconded the motion and the following vote was recorded:

AYES:	**Larry Dailey**
	Jimmy Green
	Paul Gainer
	Christopher Scruggs
	Kay C. Jamison
	James Lee
NAYS:	**None**
ABSENT:	**John Hunter**

Motion passed.

APPROVAL OF MINUTES – August 3, 2017 & September 7, 2017

Commissioner Jamison made the motion to approve the August 3, 2017 Minutes. **Commissioner Scruggs** seconded the motion and the following vote was recorded:

AYES:	**Larry Dailey** **Jimmy Green** **Paul Gainer** **Christopher Scruggs** **Kay C. Jamison** **James Lee**
NAYS:	**None**
ABSENT:	**John Hunter**

Motion passed.

Commissioner Green made the motion to approve the September 7, 2017 Minutes. **Commissioner Gainer** seconded the motion and the following vote was recorded:

AYES:	**Larry Dailey** **Jimmy Green** **Paul Gainer** **Christopher Scruggs** **Kay C. Jamison** **James Lee**
NAYS:	**None**
ABSENT:	**John Hunter**

Motion passed.

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

OLD BUSINESS – None

NEW BUSINESS

Consideration of a City-Initiated Rezoning of six (6) Split-Zoned C-2/R-1 properties to R-1 Low Density Single-Family Residential. (GPC Case #17-13-RZ)

Chairman Dailey introduced the case and stated for the record "This is a Public Hearing and all statements to be made need to be true and accurate for the record".

Ex Parte Disclosure:
Larry Dailey – Visited the site and spoke with staff.
Jimmy Green – Visited the site.
Christopher Scruggs – Visited the site.
Kay C. Jamison – Familiar with the site.
James Lee – Visited the site.

Josh Danos, City Attorney, swore in the witnesses.

Scott Ankerson, Planning Director/Building Official, gave brief overview.

Scott Ankerson, Planning Director/Building Official, gave a brief overview of the case. The Planning Department requests a City-Initiated Rezoning of six (6) parcels on Gautier Vancleave Road, Robertsdale Road, Fairley Road, and Bayou Bend Road (PIN # 82423580.000, 82423563.000, 82424480.050, 82423410.000, 82423520.000, and 82423500.000. These properties are currently split-zoned as C-2 Community Commercial and R-1 Low Density Single Family Residential. Staff requests approval to rezone these parcels to R-1 Low Density Single Family Residential.

The purpose of this city-initiated rezoning is to rezone these parcels based on a mistake in the original zoning designation.

Section 4.15 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 rezoning and shall make an advisory recommendation to the City Council as to the justification for the change. The GPC shall include in its recommendation to the City Council findings and any information which it deems relevant to issues relating to the proposed rezoning.

Upon the City's 2002 annexation, the City zoned many parcels near and adjacent to Gautier Vancleave Road to C-2 Community Commercial. Upon annexation, these parcels were zoned into a split designation of C-2 Community Commercial and R-1 Single Family Residential.

At the time of the 2002 zoning, the parcels at issue (except for Tract 5 PIDN 82423520.000) held residential structures. More importantly, as zoned in 2002, the relevant lots only contain partial sections of C-2 which are not adjacent to the main arterial roadway (Gautier Vancleave Road), but are adjacent to local or minor streets which provide access to residential districts and 2 residential structures. Furthermore, without the removal of existing residential structures from these parcels, (with the exception of Tract 5), no commercial structure could be built.

Tract 5, as shown on exhibits A-D, does not contain a structure of any designation, however also is not adjacent to the main arterial roadway (Gautier Vancleave Road), but is adjacent to a local or minor street which provides access to a residential district and residential structures.

Based on the above, it is the position of staff that the 2002 zoning of these lots was a mistake, and as such, these lots should be rezoned as R-1 in their entirety.

The table on page 3 shows the density and intensity for the R-1 District as well as existing zoning districts.

The Planning Department Staff, in its report and recommendation to the Planning Commission on the appropriateness of the request, has studied and considered the following criteria and recommends that Planning Commission make a recommendation of approval for the rezoning of said six (6) parcels. Staff recommendations are included for consideration.

According to UDO 4.15.3, a rezoning may occur when it is proven by clear and convincing evidence that there “was a mistake in the original zoning”.

Staff finds that, based on the above evidence, there was a mistake in the 2002 zoning, and recommends rezoning the relevant properties to R-1 in their entireties.

Based on the above, and the criteria established by Section 4.15 of the Unified Development Ordinance, the Planning Commission may:

1. Recommend to approve the Rezoning of the subject area to R-1 Low Density Single Family Residential; or

2. Recommend to deny the Rezoning.

Chairman Dailey asked if there were any questions for Staff.

Commissioner Scruggs stated when he visited the site, the address for Track 3 was different than what was listed in the staff report. The residence showed the address of 2505 Fairley Road.

Mr. Ankerson stated that sometimes the information with the County and what the physical address is can be different.

Commissioner Scruggs asked was that an issue.

Mr. Danos replied no. The City uses the Parcel ID Number for identification of a parcel.

Chairman Dailey asked if there was anyone who wanted to speak in support of the request.

Jeff Clark, a resident at 2505 Fairley Road, asked if the rezoning would affect the property value. Mr. Clark was in support of the rezoning.

Chairman Dailey stated that the taxes are based on the use not the zone. All of these properties are being used as residential and the property value should not be affected.

Claude Stubbs, a resident at 2501 Bayou Bend Road, is in support of the rezoning as long as it doesn't affect his property. Mr. Stubbs also requested to see a map.

Mr. Ankerson showed each resident their property on the map and explained the proposed rezoning.

Doretha Benton, a resident at 2505 Moss Hollow Drive, asked if the rezoning would affect her property. Mrs. Benton was in support of the rezoning.

Chairman Dailey stated no.

Chairman Dailey asked if there was anyone who wanted to speak in opposition of the request.

There was no opposition.

Chairman Dailey asked if there was any further questions for Staff.

There were no further questions or comments.

Chairman Dailey stated "This closed the Public Hearing portion of this case" and called for a motion.

Commissioner Jamison made the motion to approve the Rezoning of the subject area to R-1 Low Density Single Family Residential. **Commissioner Lee** seconded the motion.

Chairman Dailey added to the motion the Finding of Fact that based on clear and convincing evidence during the public hearing and that there was no opposition to the request, it is in keeping with the Comprehensive Plan Future Use Map.

The following vote was recorded:

AYES:	**Larry Dailey** **Jimmy Green** **Paul Gainer** **Christopher Scruggs** **Kay C. Jamison** **James Lee**
NAYS:	**None**
ABSENT:	**John Hunter**

Motion passed.

GENERAL DISCUSSION

A. PREVIOUS CASE UPDATED:

1. Amendment of the Official Zoning Map of the City of Gautier, Mississippi by Bridget Booth, agenda for Mississippi Lock Storage LLC. The request is to rezone 2965 Old Spanish Trail, Parcel ID #'s 82435240.080, 82435240.085, and 82435160.055 from C-2, Community Commercial To I, Industrial. (GPC #17-09-RZ) (Request was denied by Council on September 19, 2017)

2. Glenn Scott Ryder & Hwy 90 Pawn – 1823 Hwy 90 – Request for a Conditional Use – Major that would allow a Title Loan Business in a TCMU, Town Center Mixed Use Zoning District. (GPC #17-11-CU) (Request approved by Council on September 19, 2017)

B. PERMIT & TRC REPORT:

1. Permits – September 2017 Permits Report is attached.

2. TRC Reports – There were no new cases.

Commissioner Green made the motion to adjourn the meeting. **Commissioner Scruggs** seconded the motion and the following vote was recorded.

AYES:	**Larry Dailey** **Jimmy Green** **Paul Gainer** **Christopher Scruggs** **Kay C. Jamison** **James Lee**
NAYS:	**None**
ABSENT:	**John Hunter**

Motion passed.

SUBMITTED BY:

_____ _____

Scott Ankerson, **Date**
Planning Director/Building Official

_____ _____

Larry Dailey, Chairman **Date**
Gautier Planning Commission

Gautier Planning Commission

Regular Meeting Agenda

October 5, 2017

City Initiated Rezoning

VII. NEW BUSINESS

1. Consideration of a City-Initiated Rezoning of six (6) Split-Zoned C-2/R-1 properties to R-1 Low Density Single-Family Residential. (GPC CASE #17-13-RZ)

GAUTIER PUBLIC HEARING PROCESS (PLANNING COMMISSION)

Planning Commission Chairman to follow procedure below. All questions/comments to be directed to the Council and not to applicant, staff, or other attendees of the meeting.

1. Chairman announces the case.

2. Chairman makes statement, “This is a Public Hearing and all statements to be made need to be true and accurate for the record.”

3. Staff gives brief overview of case.

4. Applicant presents their case.

5. Anyone to speak in support of the Request? Please state your name and address for the record.

6. Anyone to speak in opposition of the Request? Please state your name and address for the record.

7. Any final comments from the applicant?

8. Questions from Commission?

9. Chairman closes public hearing – “This closes the Public Hearing portion of this case” bang of gavel

10. Motion/Deliberation/Vote

CITY OF GAUTIER
STAFF REPORT

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director/Building Official

Date: September 13, 2017

Subject: Consideration of a City-Initiated Rezoning of six (6) Split-Zoned C-2/R-1 properties to R-1 Low Density Single-Family Residential.

REQUEST:

The Planning Department requests a City-Initiated Rezoning of six (6) parcels on Gautier Vancleave Road, Robertsdale Road, Fairley Road, and Bayou Bend Road (PIN # 82423580.000, 82423563.000, 82424480.050, 82423410.000, 82423520.000, and 82423500.000. These properties are currently split-zoned as C-2 Community Commercial and R-1 Low Density Single Family Residential. Staff requests approval to rezone these parcels to R-1 Low Density Single Family Residential.

The purpose of this city-initiated rezoning is to rezone these parcels based on a mistake in the original zoning designation.

BACKGROUND:

Section 4.15 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 rezoning and shall make an advisory recommendation to the City Council as to the justification for the change. The GPC shall include in its recommendation to the City Council findings and any information which it deems relevant to issues relating to the proposed rezoning.

DISCUSSION:

Upon the City's 2002 annexation, the City zoned many parcels near and adjacent to Gautier Vancleave Road to C-2 Community Commercial. Upon annexation, these parcels were zoned into a split designation of C-2 Community Commercial and R-1 Single Family Residential.

At the time of the 2002 zoning, the parcels at issue (except for Tract 5 PIDN 82423520.000) held residential structures. More importantly, as zoned in 2002, the relevant lots only contain partial sections of C-2 which are not adjacent to the main arterial roadway (Gautier Vancleave Road), but are adjacent to local or minor streets which provide access to residential districts and

residential structures. Furthermore, without the removal of existing residential structures from these parcels, (with the exception of Tract 5), no commercial structure could be built.

Tract 5, as shown on exhibits A-D, does not contain a structure of any designation, however also is not adjacent to the main arterial roadway (Gautier Vancleave Road), but is adjacent to a local or minor street which provides access to a residential district and residential structures.

Based on the above, it is the position of staff that the 2002 zoning of these lots was a mistake, and as such, these lots should be rezoned as R-1 in their entirety.

The table on page 3 shows the density and intensity for the R-1 District as well as existing zoning districts.

DATA AND ANALYSIS:

PIDN	NAME	LOCATION	Tract
82423580.000	Stubbs, Claude D & Myrtle W	2501 Bayou Bend Road	1
82423563.000	Lyle, Gordon G & Paula D	5601 Gautier Vancleave Road	2
82423598.000	Clark, Jeffrey Scott	2500 Fairley Road	3
82424480.050	Johnson, Catherine A	2416 Robertsdale Road	4
82424480.050	Crawford, William F (EST OF)	Robertsdale Road	5
82423500.000	McKenzie, A W	2412 Callie Road	6

Location: Tract 1 & 2 – Ward 3
Tract 3-6 – Ward 4

Current Existing Zoning, Existing Land Use and Future Land use.

Tract	Location	Existing Zoning	Existing Land use	Future Land Use
1	2501 Bayou Bend	Split C-2/R-1	Low Density Residential	Low Density Residential
2	5601 Gautier Vancleave	Split C-2/R-1	Low Density Residential	Low Density Residential
3	2500 Fairley	Split C/2-R-1	Low Density Residential	Low Density Residential
4	2416 Robertsdale	Split C-2/R-1	Low Density Residential	Low Density Residential
5	Robertsdale(No Address)	Split C-2/R-1	Vacant	Low Density Residential
6	2412 Callie	Split C-2/R-1	Low Density Residential	Low Density Residential

REVIEW CRITERIA:

The Planning Department Staff, in its report and recommendation to the Planning Commission on the appropriateness of the request, has studied and considered the following criteria and recommends that Planning Commission make a recommendation of approval for the rezoning of said six (6) parcels. Staff's recommendations are included for consideration.

According to UDO 4.15.3, a rezoning may occur when it is proven by clear and convincing evidence that there "was a mistake in the original zoning".

> ***Staff finds that, based on the above evidence, there was a mistake in the 2002 zoning, and recommends rezoning the relevant properties to R-1 in their entireties.***

CONCLUSION AND RECOMMENDATION:

Based on the above, and the criteria established by Section 4.15 of the Unified Development Ordinance, the Planning Commission may:

1. Recommend to approve the Rezoning of the subject area to R-1 Low Density Single Family Residential; or
2. Recommend to deny the Rezoning.

ATTACHMENTS:

Exhibit A. Location Map

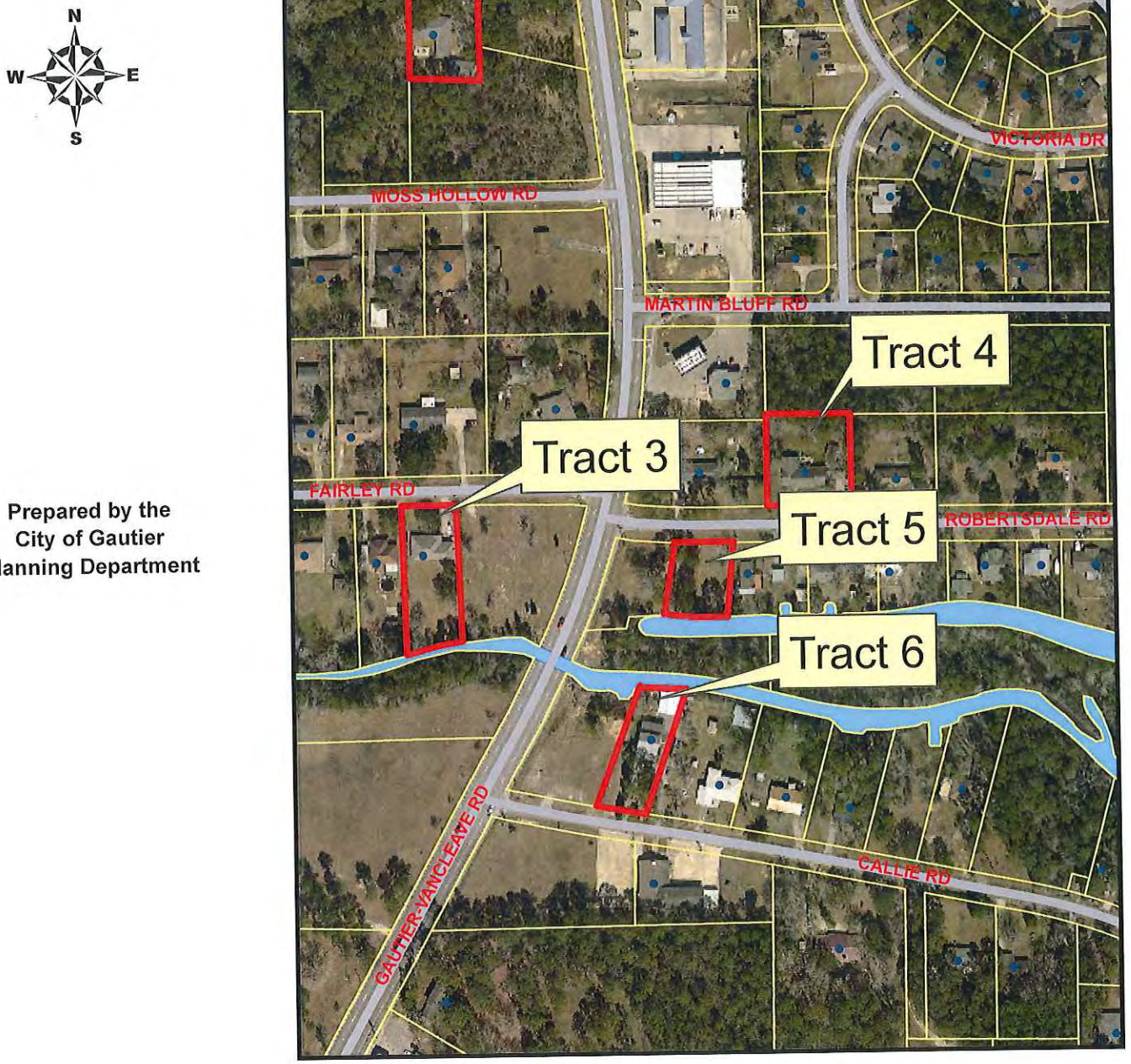
Exhibit B. Existing Zoning Map

Exhibit C. Existing Land Use Map

Exhibit D. Future Land Use Map

Exhibit A
Location Map

City Of Gautier
Planning Department



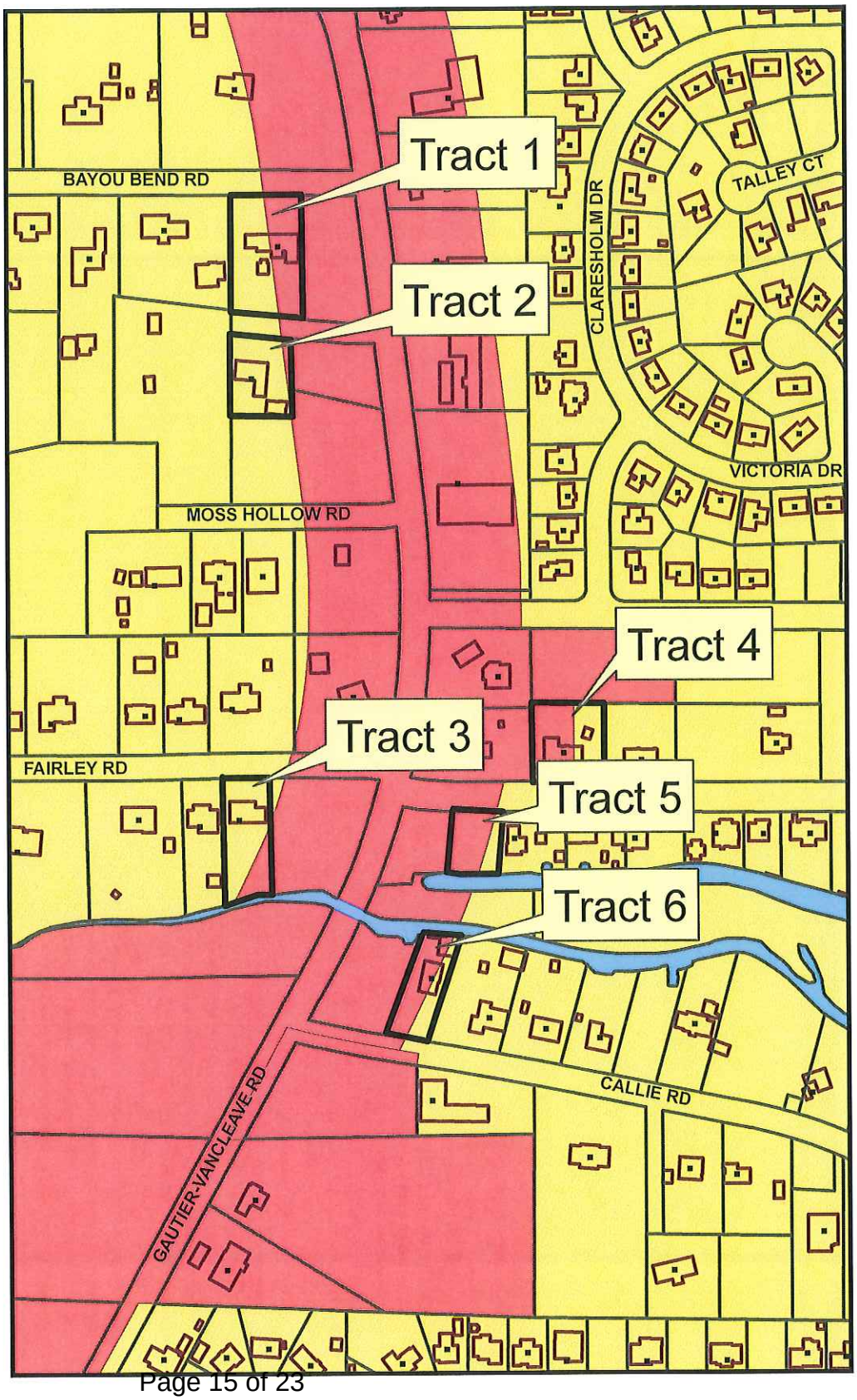
N
W E
S

Prepared by the
City of Gautier
Planning Department

Exhibit B
Existing Zoning Map

City Of Gautier
Planning Department

Prepared by the
City of Gautier
Planning Department



Legend

- <all other values>

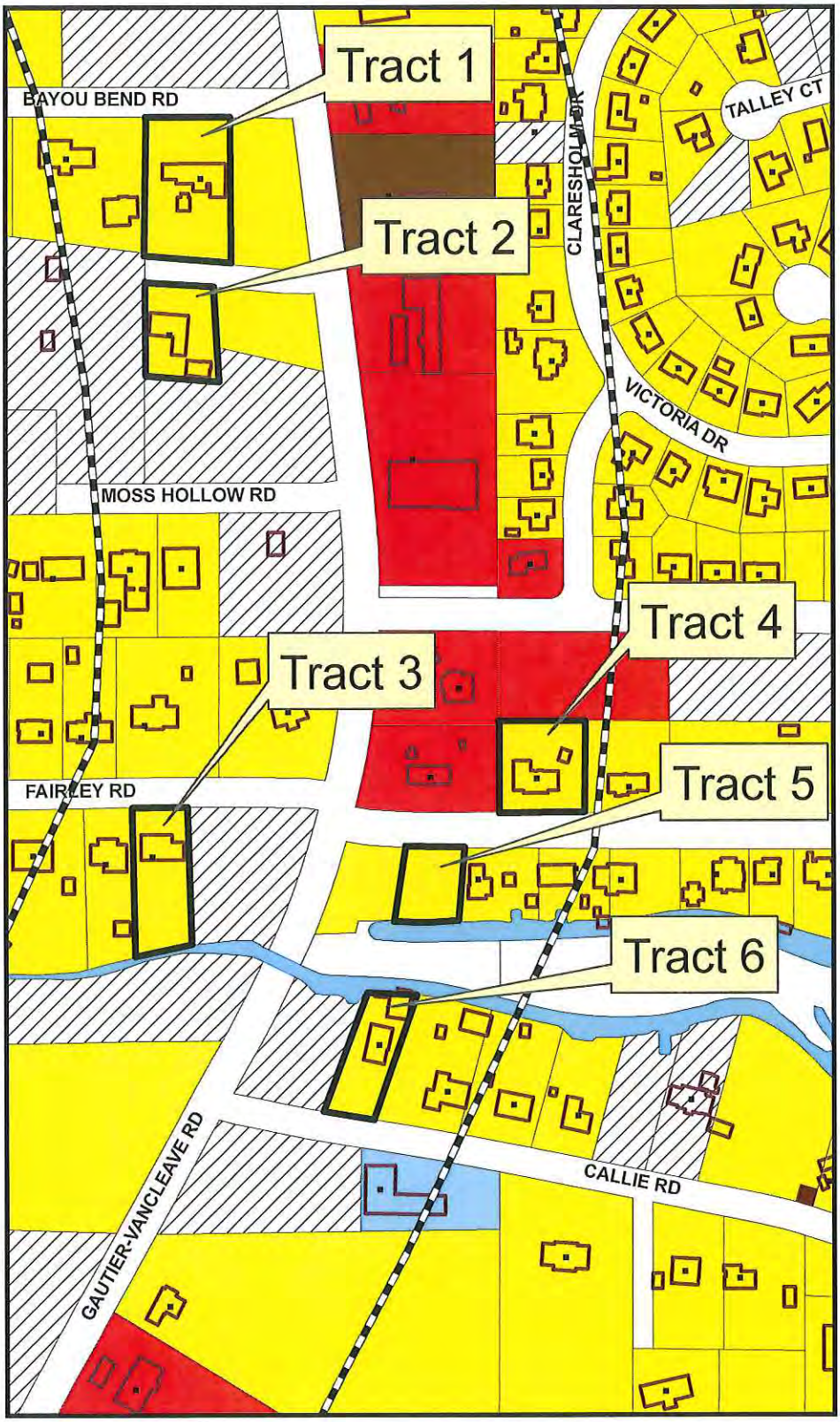
ZONECODE

- AG
- C-1
- C-2
- C-3
- I-2
- MURC-1
- MURC-2
- MURC-MW
- PL
- PUD
- R-1
- R-2
- R-3
- RE
- TC

Exhibit C
Existing Land Use Map

City Of Gautier
Planning Department

Prepared by the
City of Gautier
Planning Department



Legend

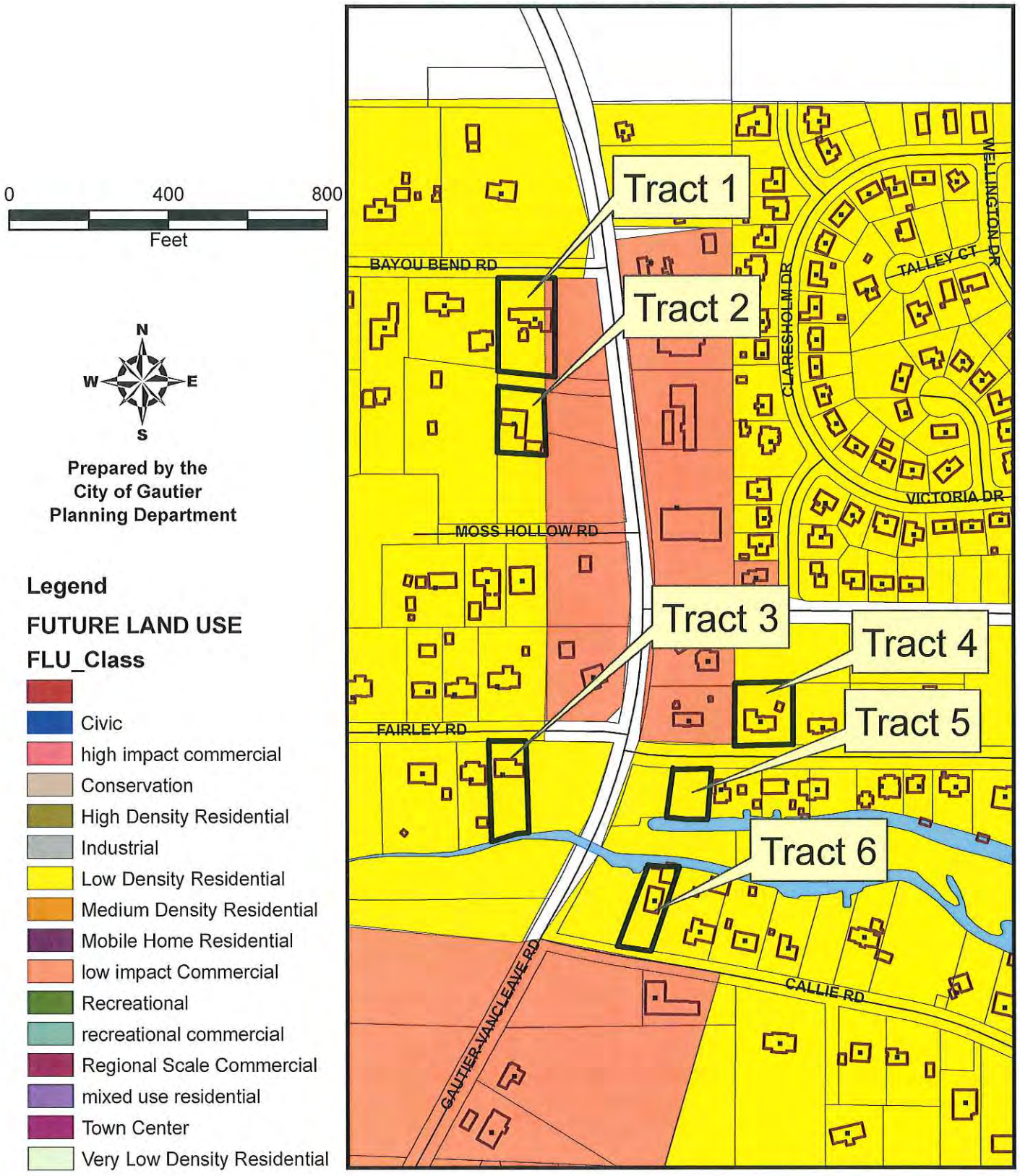
- City_Limits
- CorOverlay
- GautierParTrimmed

EXISTING LAND USE

- Commercial-Retail
- Conservation
- Civic
- Industrial
- Marina/Fish Camps
- High Density Residential
- Mobile Home
- Mobile Home Park
- Medium Density Residential
- Office
- Recreation
- Very Low to Low Density Residential
- Utility
- Vacant

Exhibit D
Future Land Use Map

City Of Gautier
Planning Department



Prepared by the
City of Gautier
Planning Department

Legend

FUTURE LAND USE

FLU_Class

- Civic
- high impact commercial
- Conservation
- High Density Residential
- Industrial
- Low Density Residential
- Medium Density Residential
- Mobile Home Residential
- low impact Commercial
- Recreational
- recreational commercial
- Regional Scale Commercial
- mixed use residential
- Town Center
- Very Low Density Residential

PERMITS APPLIED BY PERMIT TYPE (09/01/2017 TO 09/30/2017)

Selected Types: Accessory Structure, Building – Commercial, Building - Residential, Commercial Signage, Demolition, Electrical, Mechanical, New Business, Plumbing, Power Release, ROW Improvments, Sitework Only

Permit Type	Work Class	Permit Number	Apply Date	Status	Address	Distric	Project
Accessory Structure	Outbuilding	ACCS-000128-2017	09/06/2017	Issued	9101 Ferry Point Rd Gautier, MS 39553		No Project
					TOTAL PERMITS FOR ACCESSORY STRUCTURE:		**1**
Building – Commercial	New Building	BLDGC-000174-2017	09/25/2017	Issued	6300 Allen Rd Gautier, MS 39565	Ward 1	No Project
					TOTAL PERMITS FOR BUILDING – COMMERCIAL:		**1**
Building - Residential	Repair/Remodel	BLDGR-000120-2017	09/05/2017	Issued	2219 Calle De Desoto Gautier, MS 39553		No Project
	Addition	BLDGR-000122-2017	09/05/2017	Issued	1216 Pine Cone Dr Gautier, MS 39553		No Project
	Addition	BLDGR-000125-2017	09/05/2017	Issued	2813 Guillotteville Rd Gautier, MS 39553		No Project
	Repair/Remodel	BLDGR-000126-2017	09/05/2017	Issued	3600 Suter Rd Gautier, MS 39553		No Project
	Repair/Remodel	BLDGR-000130-2017	09/06/2017	Issued			No Project
	Repair/Remodel	BLDGR-000131-2017	09/07/2017	Issued	3574 Mackeral Dr Gautier, MS 39553		No Project
	Addition	BLDGR-000134-2017	09/08/2017	Issued	701 Graveline Rd Gautier, MS 39553		No Project
	Repair/Remodel	BLDGR-000136-2017	09/08/2017	Issued	5520 Prince George Dr Gautier, MS 39553		No Project
	Addition	BLDGR-000146-2017	09/11/2017	Issued	8905 Ferry Point Rd Gautier, MS 39553		No Project
	Repair/Remodel	BLDGR-000151-2017	09/13/2017	Issued	1609 East Village Pkwy Gautier, MS 39553		No Project
	Renovation	BLDGR-000152-2017	09/13/2017	Issued	2619 Lawn Cir Gautier, MS 39553		No Project
	Repair/Remodel	BLDGR-000158-2017	09/15/2017	Issued	1312 Hickory Hill Dr Gautier, MS 39553		No Project
	Repair/Remodel	BLDGR-000159-2017	09/18/2017	Submitted	2537 Avenido Del Pinar Gautier, MS 39553		No Project
	Renovation	BLDGR-000167-2017	09/21/2017	Issued	1409 Hwy 90 Suite: Lot 100 Gautier, MS 39553		No Project
	Addition	BLDGR-000175-2017	09/25/2017	Issued	3201 Bemis Av Gautier, MS 39553		No Project

	New Single-Family House	BLDGR-000177-2017	09/25/2017	Issued			No Project
	New Single-Family House	BLDGR-000179-2017	09/26/2017	Issued		Ward 5	No Project
	Renovation	BLDGR-000180-2017	09/26/2017	Submitted	812 Roys Rd Gautier Gautier, MS 39553	Ward 5	No Project
	Repair/Remodel	BLDGR-000185-2017	09/28/2017	Issued	2101 Ladnier Rd Gautier, MS 39553		No Project
					TOTAL PERMITS FOR BUILDING - RESIDENTIAL:		**19**
Commercial Signage	Standard	CSIGN-000143-2017	09/11/2017	Issued	500 Hwy 90 Gautier, MS 39553		No Project
	Standard	CSIGN-000144-2017	09/11/2017	Issued	500 Hwy 90 Gautier, MS 39553		No Project
	Standard	CSIGN-000161-2017	09/19/2017	Issued	2707 Hwy 90 Gautier, MS 39553		No Project
					TOTAL PERMITS FOR COMMERCIAL SIGNAGE:		**3**
Demolition	Demolition	DEMO-000132-2017	09/08/2017	Issued	726 Hwy 90 Gautier, MS 39553		No Project
					TOTAL PERMITS FOR DEMOLITION:		**1**
Electrical	Stand-Alone/Add-On/Lead Permit Holder	ELEC-000121-2017	09/05/2017	Issued	3125 Graveline Rd Gautier, MS 39553		No Project
	Stand-Alone/Add-On/Lead Permit Holder	ELEC-000149-2017	09/13/2017	Issued	1817 Little Bend Gautier Gautier, MS 39553	Ward 1	No Project
	Stand-Alone/Add-On/Lead Permit Holder	ELEC-000150-2017	09/13/2017	Submitted	3321 Ebbtide St Gautier, MS 39553		No Project
	Stand-Alone/Add-On/Lead Permit Holder	ELEC-000153-2017	09/13/2017	Issued	8905 Ferry Point Rd Gautier, MS 39553		No Project
	Stand-Alone/Add-On/Lead Permit Holder	ELEC-000168-2017	09/21/2017	Issued	3525 Old Spanish Tr Gautier, MS 39553		No Project
	Stand-Alone/Add-On/Lead Permit Holder	ELEC-000182-2017	09/28/2017	Submitted	3401 Old Spanish Tr Gautier, MS 39553		No Project
					TOTAL PERMITS FOR ELECTRICAL:		**6**
Mechanical	Stand-Alone/Add-On/Lead Permit Holder	MECH-000116-2017	09/01/2017	Issued	4700 Hwy 57 Ocean Springs, MS 39564		No Project
	Stand-Alone/Add-On/Lead Permit Holder	MECH-000118-2017	09/05/2017	Submitted	2406 Valley Wood Dr Gautier, MS 39553		No Project
	Stand-Alone/Add-On/Lead Permit Holder	MECH-000119-2017	09/05/2017	Issued	8621 Bayou Castelle Dr Gautier, MS 39553		No Project
	Stand-Alone/Add-On/Lead Permit Holder	MECH-000127-2017	09/06/2017	Issued	1817 Little Bend Gautier Gautier, MS 39553		No Project
	Stand-Alone/Add-On/Lead Permit Holder	MECH-000135-2017	09/08/2017	Issued	5805 Maggie Ln Ocean Springs, MS 39564		No Project
	Stand-Alone/Add-On/Lead Permit Holder	MECH-000147-2017	09/12/2017	Issued	4824 Coventry Dr Gautier, MS 39553		No Project

	Stand-Alone/Add-On/Lead Permit Holder	MECH-000154-2017	09/14/2017	Issued	2408 Heritage Dr Gautier, MS 39553		No Project
	Stand-Alone/Add-On/Lead Permit Holder	MECH-000162-2017	09/19/2017	Submitted		Ward 5	No Project
	Stand-Alone/Add-On/Lead Permit Holder	MECH-000164-2017	09/19/2017	Issued	1606 Cedar Point Rd Gautier, MS 39553	Ward 3	No Project
	Stand-Alone/Add-On/Lead Permit Holder	MECH-000165-2017	09/20/2017	Submitted	2616 Fairley Rd Gautier, MS 39553	Ward 4	No Project
	Stand-Alone/Add-On/Lead Permit Holder	MECH-000184-2017	09/28/2017	Issued	3514 Santa Cruz Gautier, MS 39553		No Project
					TOTAL PERMITS FOR MECHANICAL:		**11**
New Business	Standard	NB-000163-2017	09/19/2017	Issued	7350 Hwy 57 Gautier, MS 39565	Ward 1	No Project
					TOTAL PERMITS FOR NEW BUSINESS:		**1**
Plumbing	Stand-Alone/Add-On/Lead Permit Holder	PLUM-000156-2017	09/14/2017	Issued	3215 Stonegate Cir Gautier, MS 39553		No Project
	Stand-Alone/Add-On/Lead Permit Holder	PLUM-000160-2017	09/18/2017	Issued	2539 Indian Pt Gautier, MS 39553		No Project
	Stand-Alone/Add-On/Lead Permit Holder	PLUM-000173-2017	09/25/2017	Issued	2813 Guillotteville Rd Gautier, MS 39553	Ward 2	No Project
	Stand-Alone/Add-On/Lead Permit Holder	PLUM-000178-2017	09/26/2017	Issued	808 Powells Point Dr Gautier, MS 39553	Ward 5	No Project
	Stand-Alone/Add-On/Lead Permit Holder	PLUM-000181-2017	09/28/2017	Submitted		Ward 1	No Project
	Stand-Alone/Add-On/Lead Permit Holder	PLUM-000183-2017	09/28/2017	Submitted		Ward 1	No Project
					TOTAL PERMITS FOR PLUMBING:		**6**
Power Release	Mobile Home	PWRR-000117-2017	09/01/2017	Issued	1409 Hwy 90 Gautier, MS 39553		No Project
	Mobile Home	PWRR-000123-2017	09/05/2017	Issued	2101 Ladnier Rd Suite: Lot 106 Gautier, MS 39553		No Project
	Mobile Home	PWRR-000124-2017	09/05/2017	Issued	2101 Ladnier Rd Suite: 114 Gautier, MS 39553		No Project
	Mobile Home	PWRR-000137-2017	09/08/2017	Issued	2225 Laurelglen Rd Gautier, MS 39553		No Project
	Mobile Home	PWRR-000138-2017	09/08/2017	Issued	1409 Hwy 90 Gautier, MS 39553		No Project
	Mobile Home	PWRR-000139-2017	09/08/2017	Issued	1409 Hwy 90 Suite: 235 Gautier, MS 39553		No Project
	Mobile Home	PWRR-000140-2017	09/08/2017	Expired	2101 Ladnier Rd Suite: 200 Gautier, MS 39553	Ward 2	No Project
	Boat Slip	PWRR-000141-2017	09/11/2017	Issued	3308 Mary Walker Dr		No Project

					Gautier, MS 39553		
	Mobile Home	PWRR-000142-2017	09/11/2017	Issued	7736 Narcissus Dr Gautier, MS 39553		No Project
	Mobile Home	PWRR-000148-2017	09/12/2017	Issued	3416 Bonita Rd Gautier, MS 39553		No Project
	Mobile Home	PWRR-000155-2017	09/14/2017	Issued	1409 Hwy 90 Suite: Lot 35 Gautier, MS 39553		No Project
	Mobile Home	PWRR-000157-2017	09/14/2017	Issued	2101 Ladnier Rd Gautier, MS 39553		No Project
	Mobile Home	PWRR-000166-2017	09/20/2017	Submitted	1409 Hwy 90 Gautier, MS 39553		No Project
	Other _____	PWRR-000171-2017	09/25/2017	Issued	3021 Smith Dr Gautier, MS 39553		No Project
	House	PWRR-000172-2017	09/25/2017	Issued	2813 Guillotteville Rd Gautier, MS 39553	Ward 2	No Project
	Mobile Home	PWRR-000176-2017	09/25/2017	Issued	2809 Flounder Cir Gautier, MS 39553		No Project
					TOTAL PERMITS FOR POWER RELEASE:		**16**
ROW Improvments	ROW Improvements	ROW-000169-2017	09/22/2017	Issued			No Project
					TOTAL PERMITS FOR ROW IMPROVMENTS:		**1**
Sitework Only	Commercial	SITE-000170-2017	09/22/2017	Issued			No Project
					TOTAL PERMITS FOR SITEWORK ONLY:		**1**
					GRAND TOTAL OF PERMITS:		**67**

Permit Number	Main Address	Issue Date	Valuation
PWRR-000141-2017	3308 MARY WALKER DR	9/11/2017	$ -
ELEC-000121-2017	3125 GRAVELINE RD	9/5/2017	$ 800.00
PLUM-000160-2017	2539 INDIAN PT	9/18/2017	$ 2,000.00
PLUM-000178-2017	808 POWELLS POINT DR	9/26/2017	$ 9,000.00
MECH-000116-2017	4700 HWY 57	9/1/2017	$ 2,000.00
PWRR-000123-2017	2101 LADNIER RD LOT 106	9/5/2017	$ -
ELEC-000168-2017	3525 OLD SPANISH TR	9/21/2017	$ 1,000.00
PWRR-000124-2017	2101 LADNIER RD 114	9/5/2017	$ -
BLDGC-000174-2017	6300 ALLEN RD	9/25/2017	$ 2,000,000.00
CSIGN-000161-2017	2707 HWY 90	9/19/2017	$ -
MECH-000184-2017	3514 SANTA CRUZ	9/28/2017	$ 6,000.00
ELEC-000149-2017	1817 LITTLE BEND GAUTIER	9/13/2017	$ -
BLDGR-000125-2017	2813 GUILLOTTEVILLE RD	9/5/2017	$ 12,000.00
MECH-000154-2017	2408 HERITAGE DR	9/14/2017	$ 4,000.00
BLDGR-000136-2017	5520 PRINCE GEORGE DR	9/8/2017	$ 3,000.00
BLDGR-000122-2017	1216 PINE CONE DR	9/5/2017	$ 3,000.00
BLDGR-000158-2017	1312 HICKORY HILL DR	9/15/2017	$ 11,000.00
NB-000163-2017	7350 HWY 57	9/19/2017	$ -
ACCS-000128-2017	9101 FERRY POINT RD	9/6/2017	$ 5,000.00
BLDGR-000185-2017	2101 LADNIER RD	9/28/2017	$ 1,000.00
MECH-000164-2017	1606 CEDAR POINT RD	9/19/2017	$ 3,000.00
BLDGR-000179-2017		9/26/2017	$ 140,000.00
BLDGR-000131-2017	3574 MACKERAL DR	9/7/2017	$ 1,000.00
PWRR-000155-2017	1409 HWY 90 LOT 35	9/14/2017	$ -
BLDGR-000159-2017	2537 AVENIDO DEL PINAR	9/18/2017	$ 4,000.00
PWRR-000137-2017	2225 LAURELGLEN RD	9/8/2017	$ -
BLDGR-000151-2017	1609 EAST VILLAGE PKWY	9/13/2017	$ 27,000.00
BLDGR-000177-2017		9/25/2017	$ 170,000.00
BLDGR-000167-2017	1409 HWY 90 LOT 100	9/21/2017	$ 2,000.00

BLDGR-000175-2017	3201 BEMIS AV	9/25/2017	$	1,000.00
PWRR-000171-2017	3021 SMITH DR	9/25/2017	$	-
PWRR-000148-2017	3416 BONITA RD	9/12/2017	$	-
BLDGR-000134-2017	701 GRAVELINE RD	9/8/2017	$	20,000.00
PLUM-000173-2017	2813 GUILLOTTEVILLE RD	9/25/2017	$	2,000.00
PWRR-000140-2017	2101 LADNIER RD 200	9/8/2017	$	-
MECH-000127-2017	1817 LITTLE BEND GAUTIER	9/6/2017	$	-
PLUM-000156-2017	3215 STONEGATE CIR	9/14/2017	$	1,000.00
PWRR-000117-2017	1409 HWY 90	9/1/2017	$	-
MECH-000135-2017	5805 MAGGIE LN	9/8/2017	$	8,000.00
PWRR-000139-2017	1409 HWY 90 235	9/8/2017	$	-
BLDGR-000130-2017		9/6/2017	$	5,000.00
MECH-000147-2017	4824 COVENTRY DR	9/12/2017	$	4,000.00
CSIGN-000143-2017	500 HWY 90	9/13/2017	$	-
PWRR-000138-2017	1409 HWY 90	9/8/2017	$	-
BLDGR-000126-2017	3600 SUTER RD	9/5/2017	$	3,000.00
PWRR-000142-2017	7736 NARCISSUS DR	9/11/2017	$	-
BLDGR-000146-2017	8905 FERRY POINT RD	9/11/2017	$	42,000.00
ROW-000169-2017		9/22/2017	$	-
BLDGR-000152-2017	2619 LAWN CIR	9/13/2017	$	70,000.00
MECH-000119-2017	8621 BAYOU CASTELLE DR	9/5/2017	$	4,000.00
PWRR-000157-2017	2101 LADNIER RD	9/14/2017	$	-
DEMO-000132-2017	726 HWY 90	9/8/2017	$	-
SITE-000170-2017		9/22/2017	$	-
BLDGR-000120-2017	2219 CALLE DE DESOTO	9/5/2017	$	5,000.00
PWRR-000176-2017	2809 FLOUNDER CIR	9/25/2017	$	-
ELEC-000153-2017	8905 FERRY POINT RD	9/13/2017	$	1,000.00
CSIGN-000144-2017	500 HWY 90	9/11/2017	$	-
PWRR-000172-2017	2813 GUILLOTTEVILLE RD	9/25/2017		
			$	2,572,800.00

Gautier Planning Commission

Regular Meeting Agenda

November 2, 2017

GPC #17-15-VAR

3612 Norcrest Variance Request

VII. NEW BUSINESS

1. 3612 NORCREST – REQUEST FOR A FIFTEEN FOOT (15') VARIANCE TO MINIMUM FRONT YARD SET-BACK REQUIREMENTS FOR AN ACCESSORY STRUCTURE IN A R-1 LOW DENSITY SINGLE FAMILY RESIDENTIAL ZONING DISTRICT (GPC CASE #17-15-VAR)

GAUTIER PUBLIC HEARING PROCESS (PLANNING COMMISSION)

Planning Commission Chairman to follow procedure below. All questions/comments to be directed to the Council and not to applicant, staff, or other attendees of the meeting.

1. Chairman announces the case.

2. Chairman makes statement, “This is a Public Hearing and all statements to be made need to be true and accurate for the record.”

3. Staff gives brief overview of case.

4. Applicant presents their case.

5. Anyone to speak in support of the Request? Please state your name and address for the record.

6. Anyone to speak in opposition of the Request? Please state your name and address for the record.

7. Any final comments from the applicant?

8. Questions from Commission?

9. Chairman closes public hearing – “This closes the Public Hearing portion of this case” bang of gavel

10. Motion/Deliberation/Vote

CITY OF GAUTIER
STAFF REPORT

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: November 2, 2017

Subject: 3612 Norcrest – Request for a fifteen (15) ft. Variance to Minimum Front Yard Setbacks for Accessory Structures. (GPC Case No. 17-15-VAR)

REQUEST:

The Planning Department has received a request from Larry and Denise McGregor for a fifteen (15) ft. Variance to minimum front yard set-back requirements for an accessory structure in an R-1 Low Density Single Family Residential Zoning District at 3612 Norcrest, PID #82436205.000. The application fee of $175 was paid on September 19, 2017. All public notice requirements have been met.

BACKGROUND:

The request property is zoned R-1 Low Density Single Family Residential District. The property contains an existing single-family dwelling and an existing accessory structure that floods with extreme high tide or torrential rain causing damage to mechanical equipment, automobiles, and belongings. The owner would like to construct an accessory structure in his side yard that would cross the main structure front building line by 15feet. The proposed area for this accessory structure is the highest elevation portion of the lot and is a large enough area to place the proposed accessory structure without the need to request the removal of protected trees. Without the request variance being granted, to place the proposed accessory structure on this high portion of the lot would require the removal of a healthy, substantial Live Oak Tree.

DISCUSSION:

The property owner would like to maintain site line views of the bayou and build on the highest elevation portion of the lot for insurance of greater flood protection while preserving a protected Live Oak . A variance request has been submitted to reduce the minimum front set-back for accessory structures requirement to allow fifteen (15) feet of the proposed structure to cross the front main building line.

The proposed density will remain within the minimum requirements of the district and it appears that the minimum front yard setback of twenty-five (25) feet from the front property line to the front of the accessory structure will be maintained. (See Site Plan included in Exhibit 1-application).

DETERMINATION OF APPLICABLE LAW:

The Unified Development Ordinance (UDO) defines **Variances** as:

> A Variance is a relaxation of the terms of the Unified Development Ordinance where such Variance will not be contrary to the public interest and where, owing to conditions peculiar to the property, a literal enforcement of the Ordinance would result in an unnecessary or undue hardship. As used in this Ordinance, a Variance is authorized only for height, area and size of structure, or size of yards, separation of uses, open spaces, off-street parking spaces and some subdivision of property. The establishment or expansion of a use not permitted shall not be allowed by Variance.

The UDO defines **Hardship** as:

> Hardship means the exceptional hardship that would result from a failure to grant the requested variance. The City requires that the variance is exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

The UDO defines **Setback** as:

SETBACK: (SEE YARD*)* The minimum horizontal distance between the lot or property line and the nearest front, side or rear line of the building as measured to the outside face at the enclosing wall or in structures lacking walls (as in the case of a carport) to the face of the supporting columns and beams. Setback does not include roof overhangs, except that they shall not encroach on more than fifty (50) percent of the required setback.

A. **SETBACK, FRONT:** The yard area extending along the full width of a front lot line between side lot lines and from the front lot line to the front building line in depth.

B. **SETBACK, REAR:** The yard area extending across the full width of the lot and lying between the rear lot line and the nearest line of the building. Rear-yard depth shall be measured at right angles to the rear line of the lot.

C. **SETBACK, SIDE:** The yard area lying between the side line of the lot and the nearest line of the building and extending from the front yard to the rear yard, or in the absence of a front yard or a rear yard, to the front or rear lot lines. Side-yard width shall be measured at right angles to side lines of the lot.

UDO SECTION 4.18: Variance

> In certain circumstances, a Variance from the dimensional requirements (i.e. height, setbacks, square footage) of this ordinance may be granted if the applicant can prove that because of

physical constraints of the property involved, he is not able to build the same type of structure that other persons with the same zoning classification can build. Variances for uses permitted will not be considered in as much as "use Variances" are not legal in the State of Mississippi.

Most Variances must be granted by the City Council; however, certain minor Variances may be granted by the Economic Development Director in accordance with *Section 4.18.3* below.

4.18.1 Who May Initiate

A request for a Variance may be initiated by the property owner or agent of the owner provided that said property has not been denied a previous request for a Variance for the same property or portion of property within the past twelve (12) months.

4.18.2 Application for Variance

Applications for a Variance (from dimensional requirements) may be filed on the appropriate application available from the Economic Development/Planning Department and shall include all requested information, attachments and submittals:

4.18.3 Administrative Variances

The following dimensional variances may be granted by the Economic Development Director at his/her discretion (Note: Within the COR, Corridor Overlay District, applicants shall be required to mitigate a requested dimensional variance in accordance with the Tier Land Use Provisions in Section 5.11):

A. 30% of required off-street parking spaces and/or

B. 30% of required setbacks from property lines

4.18.4 Criteria for Approval

The Variance application shall demonstrate the following:

A. That special conditions and circumstances exist which are peculiar to this particular site (lot or parcel), structure or building involved and which are not applicable to other sites (lots or parcels) or structures or buildings in the same district;

B. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the provisions of this Ordinance;

C. That the special conditions and circumstances do not result from actions of the applicant; and

D. That granting the Variance requested will not confer upon the applicant any special privilege that is denied by this Ordinance to other similar sites (lots or parcels) structures or buildings in the same district.

RECOMMENDATION & CONCLUSION:

The Staff has no objection to the Variance requested, but the Planning Commission must record a Finding of Fact regarding the "Criteria for Approval" from the UDO as listed above.

The Planning Commission may:

1. Recommend that City Council approve the Side Set-back Variance request as presented;
2. Recommend that City Council approve the Side Set-back Variance request with changes; or
3. Recommend that City Council deny the Side Set-back Variance request.

ATTACHMENTS:

1. Applicant's Exhibit 1 – Application
2. City's Exhibit A – Location Map
3. City's Exhibit B – Existing Zoning Map
4. City's Exhibit C – Existing Land Use Map
5. City's Exhibit D – Future Land Use Map

GAUTIER, MISSISSIPPI

ECONOMIC DEVELOPMENT/PLANNING DEPARTMENT

PUBLIC HEARING APPLICATION

Public Hearing Number

17-15-VAR

TO BE HEARD BY GAUTIER PLANNING COMMISSION:		FEE:
Zoning Change	_____	$300.00
Zoning Change (Comp.)	_____	$300.00
Major Development	_____	$100.00
Variance	X	$175.00
Appeal to Staff Decision	_____	$100.00

TO BE HEARD BY ECONOMIC DEVELOPMENT/PLANNING DIRECTOR ON STAFF REVIEW:		FEE:
Administrative Waiver	_____	$100.00

Name of Applicant : CARRY + DENISE McGREGOR

Name of Business: _____ Phone: (228) 327.2590

Property Address: 3612 NORCREST Mailing Address (if Different): _____

E-Mail Address: mcgregor3612@yahoo.com

Reason for request, location and intended use of Property: to put STORAGE ~~SHED~~ BUILDING/SHOP IN SIDE YARD

ATTACHMENTS REQUIRED AS APPLICABLE:

_____ 1. Diagram of intended use, showing dimensions and distances of property, building with setbacks, parking spaces, entrances and exits.

✓ 2. A detailed project narrative.

_____ 3. Copy of protective covenants or deed restrictions, if any.

_____ 4. 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.

_____ 5. Any other information requested by the Economic Development/Planning Director and/or members of the Technical Review Committee.

Signature of Applicant: Larry McGregor & Denise McGregor Date of Application: 9-11-17

FOR OFFICE USE ONLY

Date Received 9/19/17 Verify as Complete _____

Fee Amount Received 175 Initials of Employee Receiving Application _____

CK 5416. 88.

July 25, 2017

To Whom it may concern:

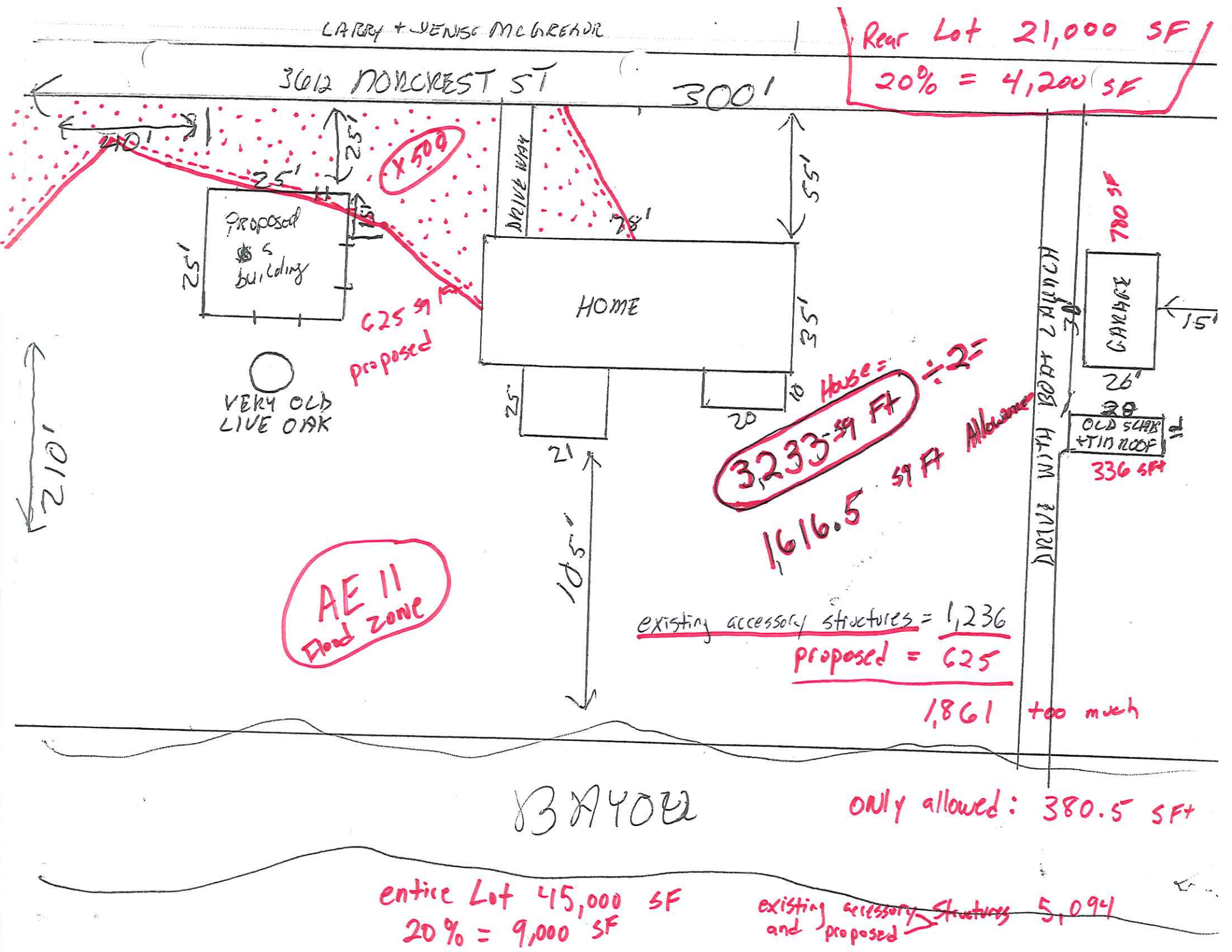
We do not object to Larry McGregor building a shed on the south side of his house. We have seen the location for the proposed shed and we do not have any problems with it.

Sincerely,

Donald and Barbara Wolfe Donald Wolfe - Barbara Wolfe

3620 Norcrest

Gautier MS


LARRY + JENISE MCGREGOR
3612 NORCREST ST
300'
Rear Lot 21,000 SF
20% = 4,200 SF
40'
25'
25'
X 509
DRIVE WAY
28'
55'
Proposed
S
building
25'
15'
HOME
35'
625 sq ft
proposed
VERY OLD
LIVE OAK
25'
21
20
10
House =
3233 sq Ft
÷ 2 =
1616.5 sq Ft Allowance
210'
105'
AE 11
Flood zone
existing accessory structures = 1,236
proposed = 625
1,861 too much
DRIVE WITH BOAT LAUNCH
780 SF
GARAGE
26'
15'
30'
OLD SHED
TIN ROOF
336 SF
11'
ONLY allowed: 380.5 SFt
entire Lot 45,000 SF
20% = 9,000 SF
existing accessory Structures and proposed = 5,094

The reason for the proposed building is the garage on the north side of the house floods with an extreme high tide and/or torrential rain. We need some place to store our belongings that will stay dry. This is the only high and large enough area on our property we can build it. The proposed building will extend 15 feet in from the front of the house. It cannot be further back because of an old, large live oak tree.

Larry and Denise McGregor

Exhibit A
Location Map

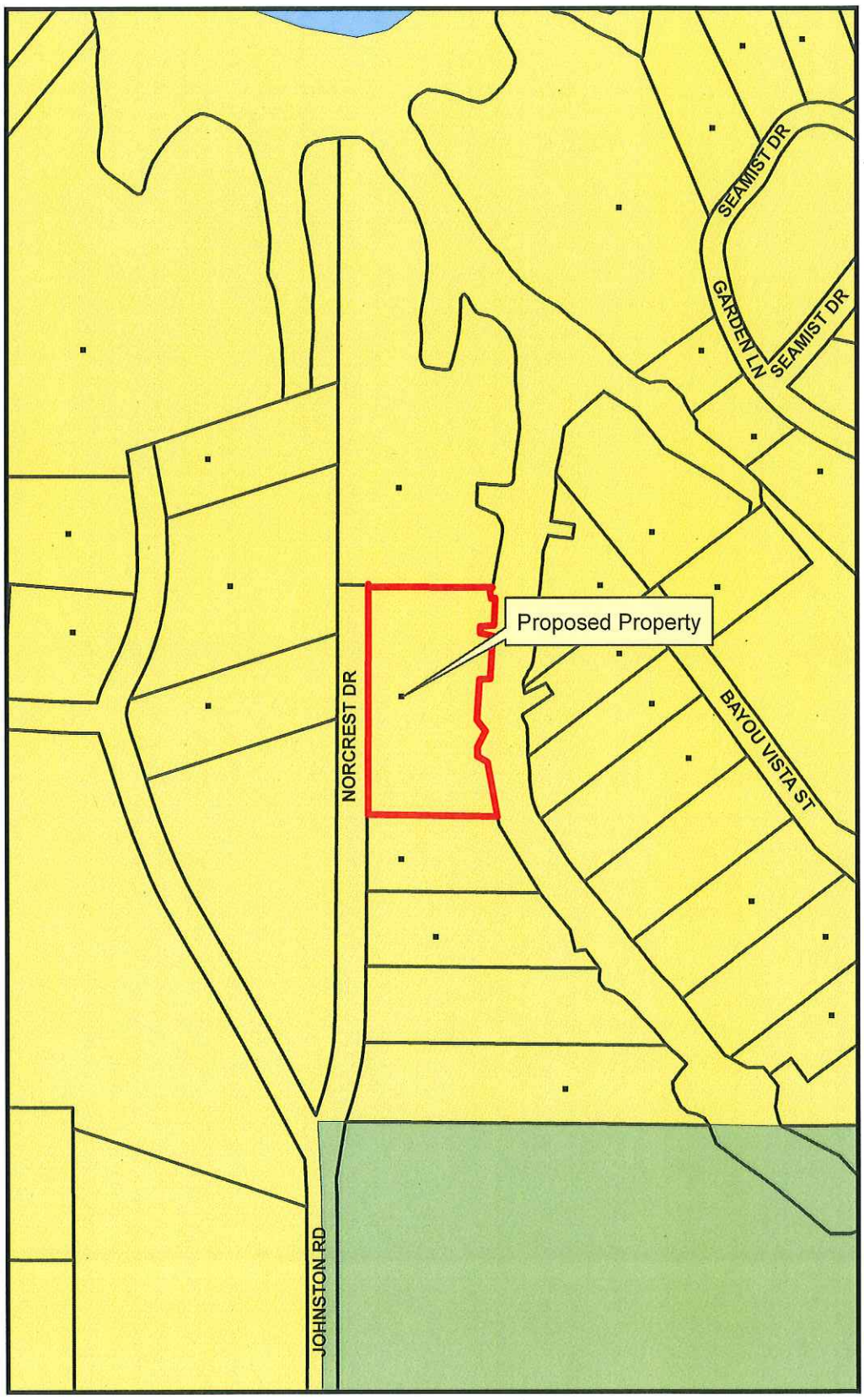
City Of Gautier
Planning Department

Prepared by the
City of Gautier
Planning Department

Exhibit B
Existing Zoning Map

City Of Gautier
Planning Department

Prepared by the
City of Gautier
Planning Department



Legend

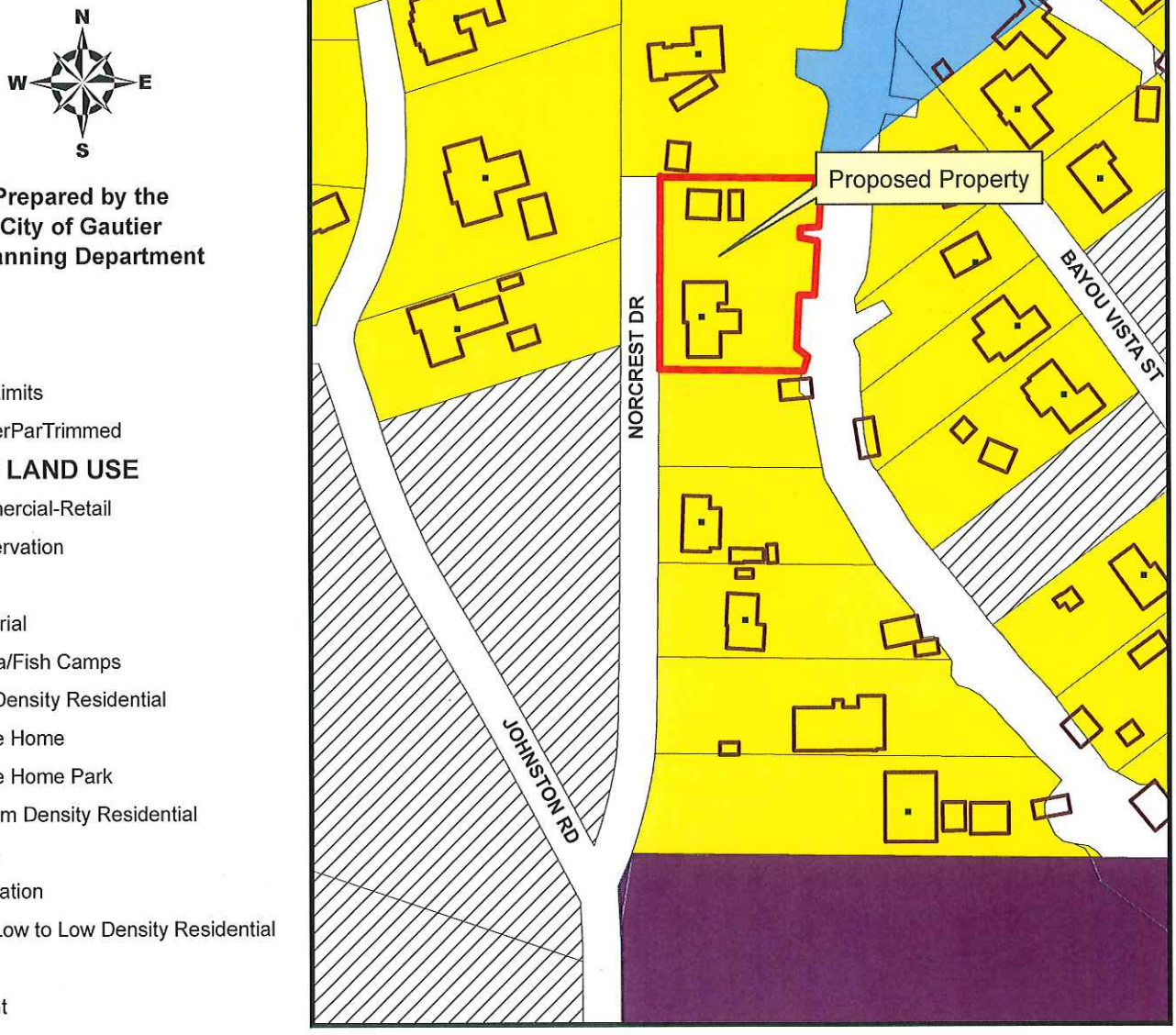
- <all other values>

ZONECODE

- AG
- C-1
- C-2
- C-3
- I-2
- MURC-1
- MURC-2
- MURC-MW
- PL
- PUD
- R-1
- R-2
- R-3
- RE
- TC

Exhibit C
Existing Land Use Map

City Of Gautier
Planning Department



N
W E
S

Prepared by the
City of Gautier
Planning Department

Legend

- City_Limits
- GautierParTrimmed

EXISTING LAND USE

- Commercial-Retail
- Conservation
- Civic
- Industrial
- Marina/Fish Camps
- High Density Residential
- Mobile Home
- Mobile Home Park
- Medium Density Residential
- Office
- Recreation
- Very Low to Low Density Residential
- Utility
- Vacant

Exhibit D
Future Land Use Map

City Of Gautier
Planning Department

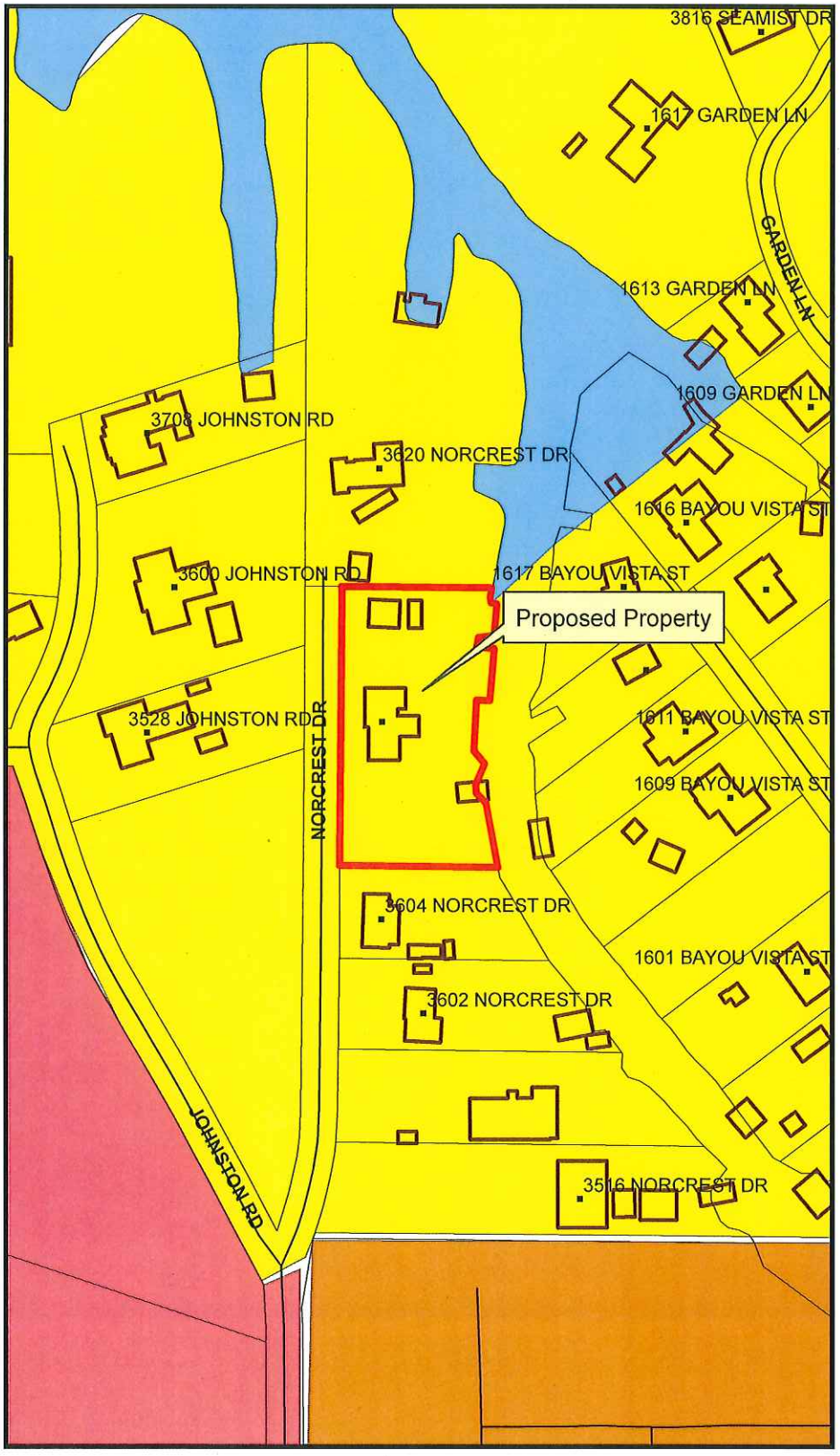
Prepared by the
City of Gautier
Planning Department

Legend

FUTURE LAND USE

FLU_Class

- Civic
- high impact commercial
- Conservation
- High Density Residential
- Industrial
- Low Density Residential
- Medium Density Residential
- Mobile Home Residential
- low impact Commercial
- Recreational
- recreational commercial
- Regional Scale Commercial
- mixed use residential
- Town Center
- Very Low Density Residential



Gautier Planning Commission

Regular Meeting Agenda

November 2, 2017

GPC #17-16-CU

James Eric Minor/Gautier Auto Sales

1517 Old Spanish Trail Conditional Use Major

VII. NEW BUSINESS

1. ERIC JAMES MINOR/GAUTIER AUTO SALES – 1517 OLD SPANISH TRAIL – REQUEST FOR A CONDITIONAL USE – MAJOR THAT WOULD ALLOW A USED CAR SALES LOT IN A C-2, COMMUNITY COMMERCIAL ZONING DISTRICT. (GPC CASE #17-16-CU)

GAUTIER PUBLIC HEARING PROCESS (PLANNING COMMISSION)

Planning Commission Chairman to follow procedure below. All questions/comments to be directed to the Council and not to applicant, staff, or other attendees of the meeting.

1. Chairman announces the case.

2. Chairman makes statement, “This is a Public Hearing and all statements to be made need to be true and accurate for the record.”

3. Staff gives brief overview of case.

4. Applicant presents their case.

5. Anyone to speak in support of the Request? Please state your name and address for the record.

6. Anyone to speak in opposition of the Request? Please state your name and address for the record.

7. Any final comments from the applicant?

8. Questions from Commission?

9. Chairman closes public hearing – “This closes the Public Hearing portion of this case” bang of gavel

10. Motion/Deliberation/Vote

CITY OF GAUTIER
STAFF REPORT

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: November 2, 2017

Subject: Conditional Use-Major Permit for a Used Car Sales Lot in a C-2, Community Commercial Zoning District. (GPC Case No. 17-16-CU)

REQUEST:

Planning Department has received a request from James Eric Minor for a Conditional Use-Major Permit that would allow a Used Car Sales Lot in a C-2, Community Commercial Zone at 1517 Old Spanish Trail, PID #82436580.020. The application fee of $250 was paid on September 19, 2017. All public notice requirements have been met.

BACKGROUND:

The request property is zoned C-2, Community Commercial.

1. Location: 1517 Old Spanish Trail (See Exhibit A)

2. General features of the proposed project:
   Total Building Area: App. 1050 Square Feet
   Site Size: App. 0.33 Acres

3. Existing Zoning - C-2, Community Commercial (See Exhibit B)

4. Existing Land Use – Vacant Commercial Retail (See Exhibit C)

5. Comprehensive Plan Future Land Use Designation - Low Density Residential. (See Exhibit D)

DISCUSSION:

The following addresses the review criteria for a Major Conditional Use outlined in Section 4.17.5 of the UDO.

A. The proposed use is compatible with the character of development in the vicinity relative to density, bulk and intensity of structures, parking, and other uses.

Staff Finding: The proposed use is Used Car Sales which will be compatible with the properties in the vicinity.

B. Any possible detrimental effects might occur as a result of the Conditional Use to the continued use, value, or development of properties in the vicinity.

Staff Finding: There is no evidence to indicate the proposed use will negatively affect the property values, or cause a detriment to the surrounding properties.

C. Whether or not the proposed use will adversely affect vehicular or pedestrian traffic in the vicinity.

Staff Finding: There is no evidence that the proposed Used Car Sales Lot use will have any adverse affect on vehicular or pedestrian traffic.

D. If the proposed use can be accommodated by existing or proposed public services and facilities including, but not limited to, water, sanitary sewer, streets, drainage, police and fire protection, and schools.

Staff Finding: The proposed use can be accommodated by existing public services and facilities.

E. If the proposed use is in harmony with the Comprehensive Plan.

Staff Response: No, the Comprehensive plan's Future Land Use Designation proposes Low Density Residential for this lot.

F. If the proposed use listed in the list of possible Conditional Uses in the particular Zoning District.

Staff Finding: Yes, a Used Car Sales Lot is listed as a Conditional Use-Major in a C-2 district.

G. Whether the proposed use will not be hazardous, detrimental, or disturbing, to present surrounding land uses due to noises, glare, smoke, dust, odor, fumes, water pollution, vibration, electrical interference, or other nuisances.

Staff Finding: There is no evidence that the proposed use poses a hazardous, detrimental or disturbing affect to present surrounding uses.

H. Whether the use conforms to all district regulations for the applicable district in which it is located, unless other provisions are specifically set forth in the application.

Staff Finding: The proposed use will conform to district regulations. This will be ensured by the Planning Department upon review of final submittals before permits are issued.

UDO Article II: Definitions

USED CAR SALES: A retail business which stocks and sells used cars, light passenger trucks, cargo vans and SUVs to the public. Such businesses may offer financing assistance to customers; however no major repair may be conducted on-site.

DETERMINATION OF APPLICABLE LAW:

1. The UDO defines conditional uses as specific uses which are enumerated in each zoning district and which because of their nature are not allowed by right but may be allowed after the required review process. The City may specify certain conditions as necessary to make the use compatible with other uses in the same district. Conditional uses are issued for uses of land and uses designated "Conditional Uses-Major" are transferable from one (1) owner of land to another.

   The UDO further defines Conditional Uses-Major as uses that are not allowed by right but require a recommendation by the Planning Commission and the approval of the City Council. Additionally, if the conditional use is transferred to a new owner, the new owner must submit a letter to the Planning Director agreeing to the current terms and conditions before a business license may be issued.
2. Conditional Uses-Major requires a public hearing before the Planning Commission and approval by the City Council (Section 4.14 of the UDO).

RECOMMENDATION & CONCLUSION:

Staff finds that the proposed use will be compatible and harmonious with the C-2 District and recommends approval with no specific proposed conditions outside of the UDO regulations and all applicable adopted codes.

The Planning Commission may:

1. Recommend that City Council approve the Conditional Use-Major
2. Recommend that City Council approve the Conditional Use-Major with Conditions; or
3. Recommend that City Council deny the Conditional Use-Major.

ATTACHMENTS:

1. Applicant's Exhibit 1 – Application
2. City's Exhibit A – Location Map
3. City's Exhibit B – Existing Zoning Map
4. City's Exhibit C – Existing Land Use Map
5. City's Exhibit D – Future Land Use Map

11-2-17

GAUTIER, MISSISSIPPI

ECONOMIC DEVELOPMENT/PLANNING DEPARTMENT

CONDITIONAL USE APPLICATION

Public Hearing Number

17-16-CU

TO BE HEARD BY GAUTIER PLANNING COMMISSION:	FEE:
Conditional Use - Major _____	$250.00
TO BE HEARD BY ECONOMIC DEVELOPMENT/PLANNING DIRECTOR:	**FEE:**
Conditional Use - Minor _____	$250.00

Name of Applicant: James Eric Minor

Name of Business: Gautier Auto Sales Phone: 228-990-9123

Property Address: 1517 old spanish trails Mailing Address (if Different): _____

E-Mail Address: EMinor@yahoo.com

Proposed Use Requiring Conditional Use: Auto Sales (Refer to Article V, UDO)

Proposed Location is: ☐ New Build ☒ Existing (with no modifications) ☐ Existing (with proposed modifications)

ATTACHMENTS REQUIRED AS APPLICABLE:

✓ 1. Answers to the Criteria for Approval (see attached).

✓ 2. Project Narrative (see attached).

✓ 4. Diagram of intended use (see attached).

✓ 4. Copy of protective covenants or deed restrictions, if any.

_____ 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.

✓ 6. Any other information requested by the Economic Development/Planning Director and/or members of the Technical Review Committee.

_____ 7. Owner's Consent form, if anyone other than 100% sole owner makes application (see attached).

Signature of Applicant(s): _____ Date of Application: 9-5-17

FOR OFFICE USE ONLY

Date Received 9-19-17 Verify as Complete _____

Fee Amount Received 250 Initials of Employee Receiving Application RMD

OWNERS CONSENT AND DESIGNATION OF AGENT – CONDITIONAL USE

I, James Eric Minor, the fee simple owner(s) of the following described property:

Address: 1517 old Spanish Trail
Gautier, ms 39553

Parcel ID No.:

hereby petition to the City of Gautier to *Grant a Conditional Use Major or Minor of* 1517 old Spanish Trail (state proposed use from Article V of the Unified Development Ordinance) at the above reference property and affirm that James Eric Minor (name of agent) is hereby designated to act as agent on my behalf to accomplish the above.

I certify that I have examined the application and that all statements and diagrams submitted are true and accurate to the best of my knowledge. Further, I understand this application; attachments and fees become part of the official records of the City of Gautier, MS, and are not returnable.

(Owner's Signature) (Owner's Signature)

Notary Information:

The foregoing instrument was acknowledged before me this 5th day of September, 20 17 by James E. Minor, who is personally known to me or has produced Drivers license as identification and who did take an oath.

James B Alford
(Printed Name of Notary Public)

(Signature of Notary Public)

Commission # 90053. My commission expires June 25, 2021

(Notary's Seal)

CONDITIONAL USE CRITERIA FOR APPROVAL - Complete either the Major Conditional Use section or Minor Conditional Use Section below. If more room is needed, answers can be provided on a separate sheet of paper.

MAJOR CONDITIONAL USE CRITERIA FOR APPROVAL

1. Is the proposed use listed in the list of possible Conditional Uses in the particular Zoning District? yes
2. Please describe how the project is compatible with the character of development in the vicinity relative to (a) density, bulk and intensity of structures, (b) parking, and (c) other uses. Please attach parking plan, site plan, architectural rendering or other plans. Their is a major Shopping Center To the East of my house
3. Will your project negatively affect neighboring property values or pose a real or perceived threat to citizens? Explain. no, It will nd change any neighboring Property
4. Will your project adversely affect vehicular or pedestrian traffic in the vicinity? Explain. no old Spanish Trail is a highly Traveled Road
5. Can the proposed use be accommodated by existing or proposed public services and facilities including, but not limited to, water, sanitary sewer, streets, drainage, police and fire protection, and schools? yes
6. Is the proposed use in harmony with the Comprehensive Plan? Explain how. yes, It not in the vecenity of the Down town area.
7. Does the proposed use pose a hazardous, detrimental, or disturbing affect, either real or perceived, to present surrounding land uses due to noises, glare, smoke, dust, odor, fumes, water pollution, vibration, electrical interference, or other nuisances? Explain. no, Its a used Car lot not a factory
8. Does the use conform to all district regulations for the applicable district in which it is located, or have other provisions been provided for? Explain. yes its all Commercial Property surrounding the area

MINOR CONDITIONAL USE CRITERIA FOR APPROVAL

1. Is the proposed use substantially compatible with other uses in the area, including factors relating to the nature of its location, operation, building design, site design, traffic characteristics, and environmental impacts? Explain.
2. Will the proposed use be materially detrimental to the health, safety, and general welfare of the public or otherwise injurious to the environment or to the property or improvements within the area? Explain.
3. Is the proposed use consistent with the Comprehensive Plan? Explain how.
4. Is the proposed use in conformance with specific site location, development, and operation standards as required by this Ordinance? Explain.

CONDITIONAL USE NARRATIVE – Describe the proposed project in detail. Include all types of business activities that will be conducted on-site, any out-door storage or seating proposed, anticipated traffic, access for pick-up/delivery vehicles, proposed improvements, etc. Use the space below or provide a separate type written sheet of paper and attach. Staff will provide guidance as needed on additional information needed in the narrative.

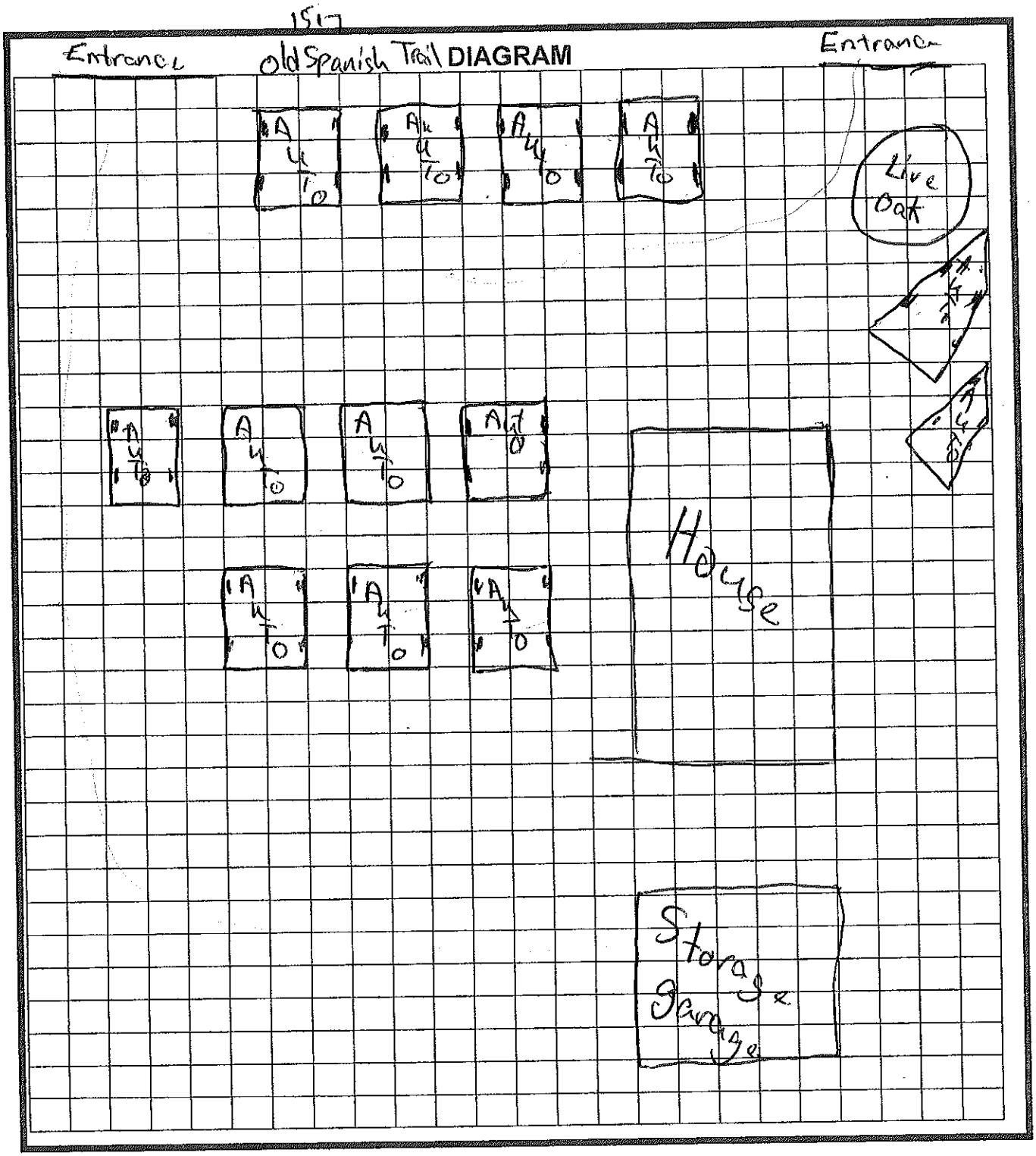
NARRATIVE

This is a perfect location for a used Car lot, it has alot of traffic on the Road but is not on Hwy 90, all property on the Road is Commercial. Their is a storage build on Propery to Store any and all Car Cleaning Products. I bought the build with the hope of opening a used Car lot and ~~when~~ i checked the zone i could have a Auto Repair Shop not a used car lot, So I am asking you to Approve my Reqest for a used Car lot and not a Auto Repair Shop because most Repair Shops Look like Junkyard

Thank You
Eric Miner

I also own the lot next door to the house which in return gives me a total of 2Ac with the House

CONDITIONAL USE DIAGRAM – Provide a diagram of the project site. In cases where certain requirements such as parking are triggered by aspects of the interior of the building, the interior building layout will need to be provided also. Include location and dimensions of property lines, buildings, parking spaces, outdoor storage areas, outdoor seating areas, signage, landscape areas, driveways, loading/unloading areas, limits of paving, exterior elevations (if changes are proposed), entrance/exit locations. Include the whole site. Use the space below or provide separate drawings. Staff will provide guidance as needed on additional information needed on the diagram.



Prepared by:
Mark H. Watts
Attorney at Law
P. O. Drawer 1499
Pascagoula, MS 39568-1499
(228) 762-2373

Return to:
Mark H. Watts
Attorney at Law
P. O. Drawer 1499
Pascagoula, MS 39568-1499
(228) 762-2373

STATE OF MISSISSIPPI
COUNTY OF JACKSON

WARRANTY DEED

For and in the consideration of the sum of Ten Dollars ($10.00), cash in hand, and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, I

JACQUES MARTIN
5904 Martin Bluff Road
Gautier, MS 39553
(228) 217-3335

do hereby sell, convey, bargain and warrant to

JAMES E. MINOR
3015 Bonita Road
Gautier, MS 39553
(228) 990-9123

all of my interest in and to that certain tract, piece or parcel of land situated in Jackson County, Mississippi, and being more particularly described as follows, to-wit:

(See Exhibit A attached)

INDEXING INSTRUCTIONS: Section 36, Township 7 South, Range 7 West, Jackson County, Mississippi

The warranty of this conveyance is expressly made subject to any and all easements, covenants, dedications, right of ways, restrictions, reservations, mineral rights, and mineral conveyances of record, pertaining to or affecting the usage of the herein described property.

This deed was prepared at the request of the Grantor and Grantee without a title examination.

WITNESS MY SIGNATURE, this the 2nd day of February, 2017.

JACQUES MARTIN, GRANTOR

STATE OF MISSISSIPPI

COUNTY OF JACKSON

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the above state and county, the within named, JACQUES MARTIN, who acknowledged that he executed, signed, and delivered the above and foregoing instrument of writing on the day and in the year therein stated as his free and voluntary act and deed and for the uses and purposes therein mentioned.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, on this the 2nd day of February, 2017.

NOTARY PUBLIC

STATE OF MISSISSIPPI NOTARY PUBLIC ID # 76577 DEANNA J. WADE Commission Expires Oct. 16, 2019 JACKSON COUNTY

MY COMMISSION EXPIRES:

October 16, 2019

EXHIBIT A

JACKSON COUNTY, MISSISSIPPI
TOWNSHIP 7 SOUTH, RANGE 7 WEST

A tract of land situated in Section 36, Township 7 South, Range 7 West, Gautier, Jackson County, Mississippi and more particularly described as follows: Commencing at the Southeast corner of Section 36; thence North 89 degrees 27 minutes 20 seconds West along the south line of Section 36, 730.00 feet to an old fence; thence North along said fence 1145.90 feet to the Point of Beginning: thence North 152.96 feet (recorded-179.10 feet)to the south right-of-way of Old Spanish Trail; thence North 89 degrees 33 minutes 11 seconds West along the south right-of-way of Old Spanish Trail 80.00 feet; thence South 152.96 feet (recorded- 179.10 feet); thence South 89 degrees 33 minutes 11 seconds East 80.00 feet to the Point of Beginning. Being the same property as described in Deed Book 1720, page 455.

Exhibit A
Location Map

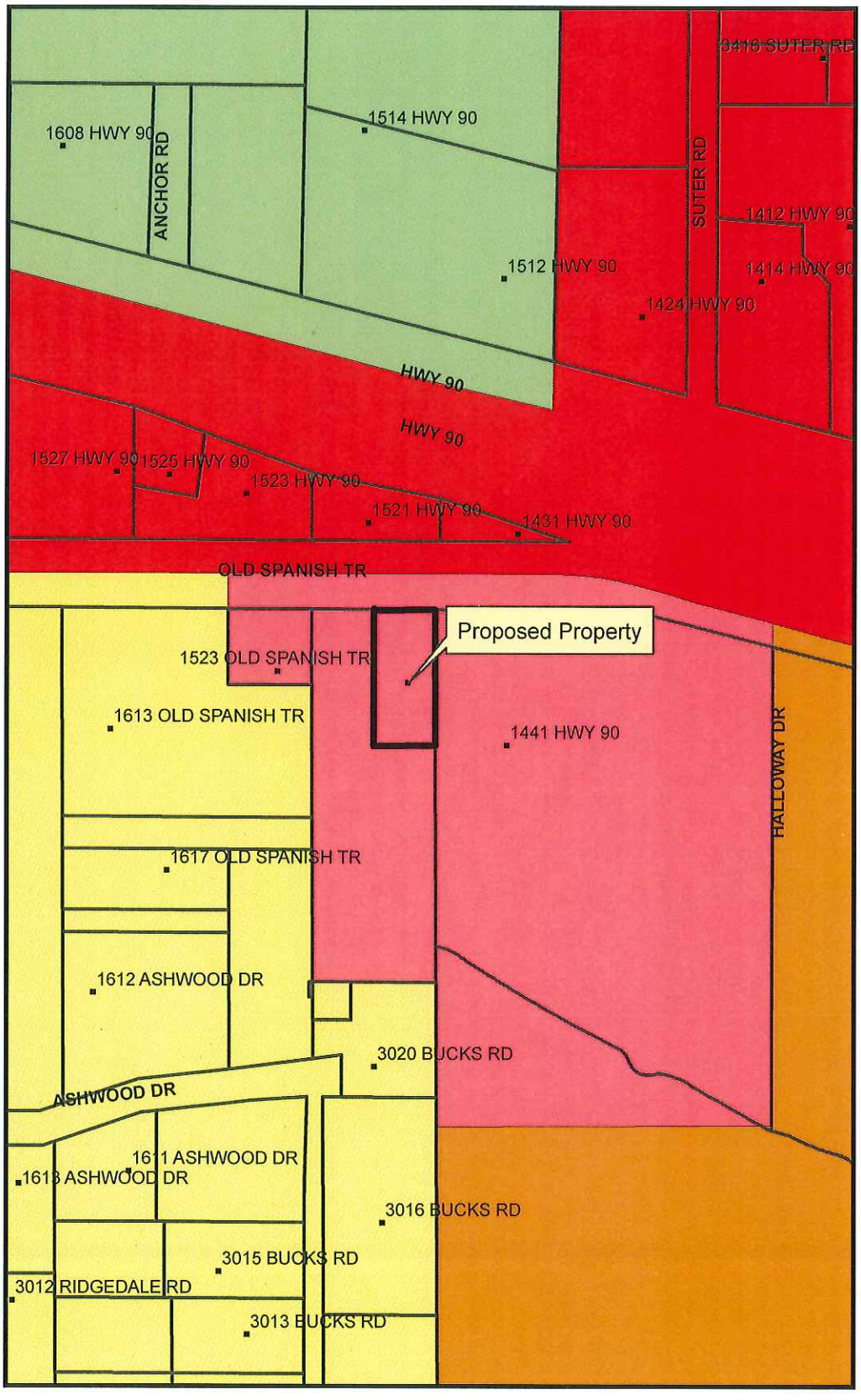
City Of Gautier
Planning Department

Prepared by the
City of Gautier
Planning Department

Exhibit B
Existing Zoning Map

City Of Gautier
Planning Department

Prepared by the
City of Gautier
Planning Department



Legend

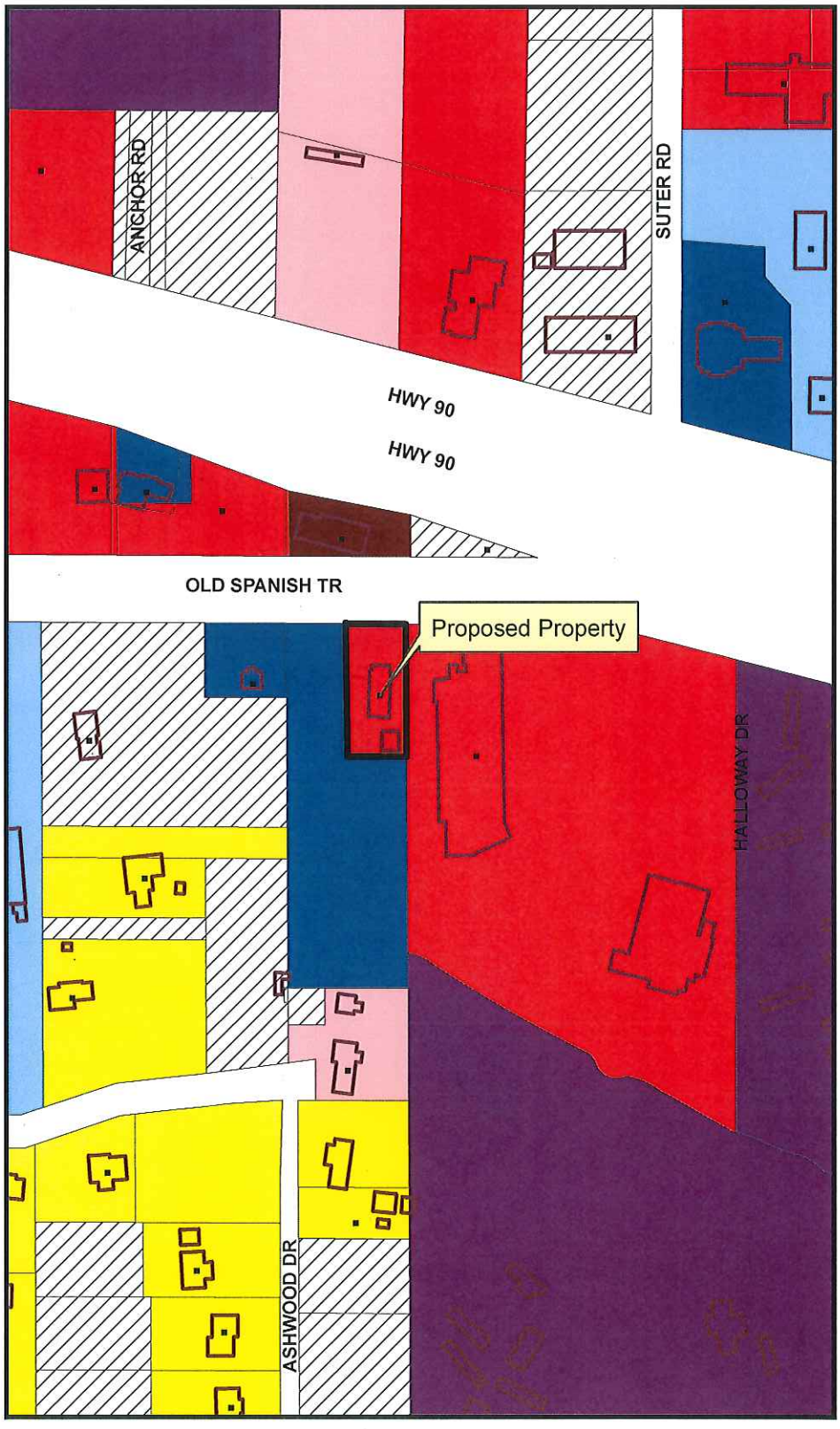
- <all other values>

ZONECODE

- AG
- C-1
- C-2
- C-3
- I-2
- MURC-1
- MURC-2
- MURC-MW
- PL
- PUD
- R-1
- R-2
- R-3
- RE
- TC

Exhibit C
Existing Land Use Map

City Of Gautier
Planning Department



N
W E
S

Prepared by the
City of Gautier
Planning Department

Legend

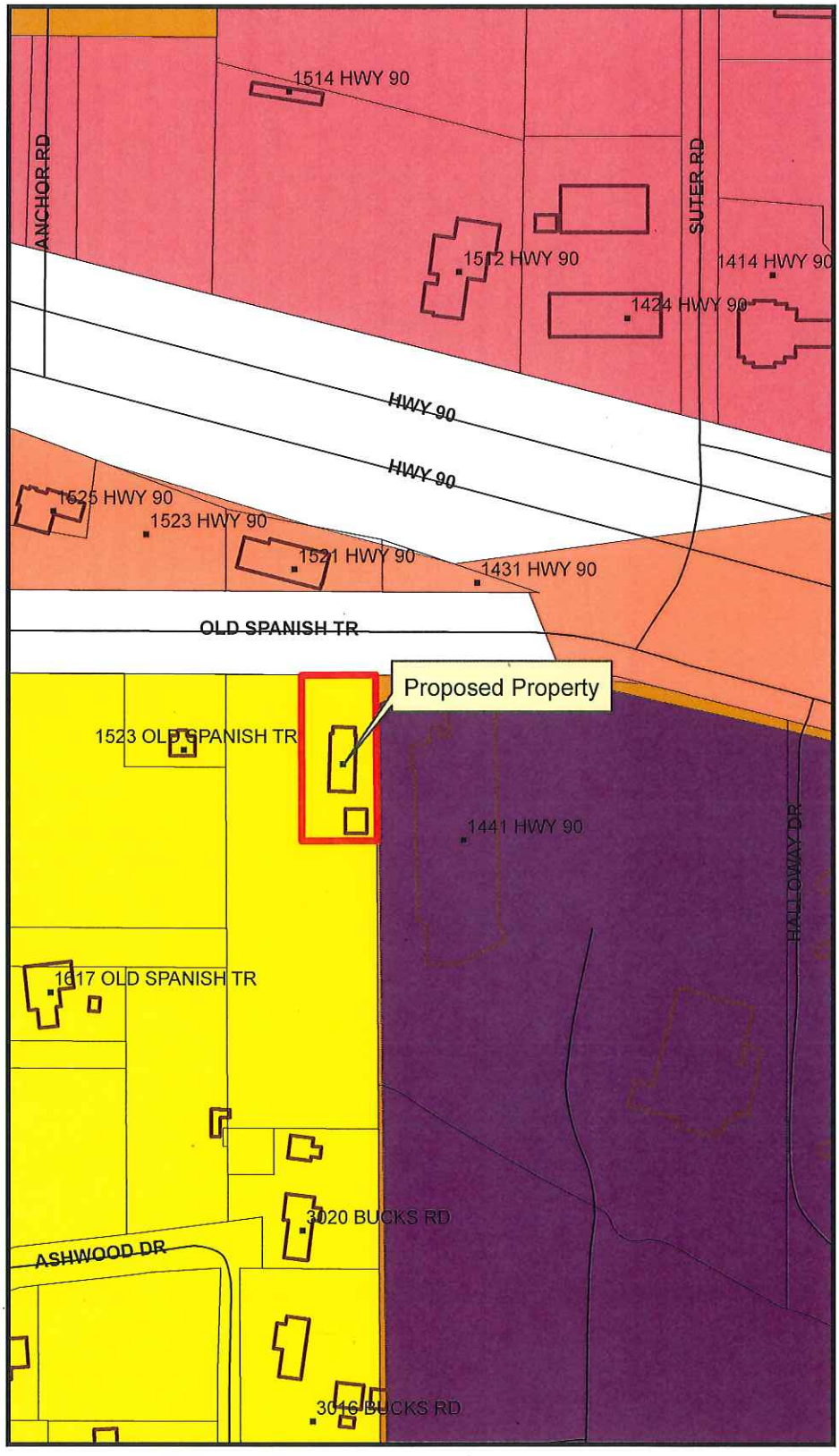
- City_Limits
- GautierParTrimmed

EXISTING LAND USE

- Commercial-Retail
- Conservation
- Civic
- Industrial
- Marina/Fish Camps
- High Density Residential
- Mobile Home
- Mobile Home Park
- Medium Density Residential
- Office
- Recreation
- Very Low to Low Density Residential
- Utility
- Vacant

Exhibit D
Future Land Use Map

City Of Gautier
Planning Department



N
W E
S

Prepared by the
City of Gautier
Planning Department

Legend

FUTURE LAND USE

FLU_Class

- Civic
- high impact commercial
- Conservation
- High Density Residential
- Industrial
- Low Density Residential
- Medium Density Residential
- Mobile Home Residential
- low impact Commercial
- Recreational
- recreational commercial
- Regional Scale Commercial
- mixed use residential
- Town Center
- Very Low Density Residential