

AGENDA
GAUTIER PLANNING COMMISSION
September 1, 2022
5:30 PM

- I. CALL TO ORDER**
- II. PLEDGE OF ALLEGIANCE (VOLUNTEER)**
- III. APPROVAL OF AGENDA**
- IV. APPROVAL OF MINUTES**
- V. PUBLIC COMMENTS**
(MATTERS OF THE PLANNING COMMISSION NOT LISTED ON THE AGENDA)
- VI. OLD BUSINESS**
- VII. NEW BUSINESS**
 - 1. Consider a request for a Special Exception that would allow a used RV dealership in a C-3 Highway Commercial Zoning District, 3708 Highway 90. (GPC #22-27-SE)
 - 2. Consider a request for a Special Exception that would allow a Cannabis Processing Facility in a C-3 Highway Commercial Zoning District, 3708 Highway 90. (GPC #22-29-SE)
 - 3. Consider a request for a three hundred seven-foot (307') variance to square footage requirements for an accessory building in a R-1 Low Density Single-Family Residential Zoning District. 2312 Santa Cruz, (GPC #22-36-VAR)
- VIII. GENERAL DISCUSSION**
 - 1. PREVIOUS CASE UPDATES
 - 2. PERMIT & TRC REPORTS
- IX. ADJOURN**

Gautier Planning Commission

Regular Meeting Agenda

September 1, 2022

GPC #22-27-SE

Family RV Sales, LLC

3708 Highway 90

VII. NEW BUSINESS

1. Consider a request from Family RV Sales LLC for a Special Exception that would allow a used RV dealership in a C-3 Highway Commercial Zoning District, 3708 Highway 90. (GPC #22-27-SE)

CITY OF GAUTIER STAFF REPORT

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: June 27, 2022

Subject: Consider a request for a Special Exception that would allow a used RV dealership in a C-3 Highway Commercial Zoning District, 3708 Highway 90 (GPC #22-27-SE)

REQUEST:

The Planning Department has received a request from Family RV Sales LLC for a Special Exception that would allow a used RV dealership in a C-3 Highway Commercial Zoning District at 3708 Highway 90, PID #82434003.000, #82434017.000, & 82434009.000 (GPC #22-27-SE). The application fee of \$250 was paid on June 15, 2022. All public notice requirements have been met.

BACKGROUND:

The request property is zoned C-3 Highway Commercial.

1. Location: 3708 Highway 90, PID #82434003.000, #82434017.000, & #82434009.000 (See Exhibit A)
2. General features of the proposed project:
 - Site Size: Approximately 8.75 Acres (PID #82434009.000 is approximately 0.75 acres)
 - Existing construction company on property
3. Potable Water and Wastewater Services: Existing at current location
4. Current Zoning (See Exhibit B): C-3 Highway Commercial
5. Current Surrounding Zoning (See Exhibit B): C-3 Highway Commercial and R-1 Low Density Single-Family Residential
6. Comprehensive Plan Future Land Use Designation (See Exhibit D): High Impact Commercial.

DISCUSSION:

The following addresses the review criteria for a Special Exception outlined in Section 4.16.4 of the UDO.

1. Explain how a literal interpretation of the City of Gautier's Unified Development Ordinance would deprive the applicant of rights commonly enjoyed by others of the district in which the property is located, and would work unnecessary hardship upon the applicant?

Applicant Response: *The City would benefit. Will bring more business to our community. It would benefit us by our business being a part of a City that we love and would be local to us and our family.*

Staff Finding: *Staff is not aware of this specific use being located anywhere in this district within the City of Gautier.*

2. Explain how the requested Special Exception will be in harmony with the purpose of the City of Gautier's Unified Development Ordinance and will not be injurious to the neighborhood or the general welfare?

Applicant Response: *I would think so because it is a storage for RV's and boats, and Family RV Sales has been trying for many years and this is a great location for us. Plenty of space for RV sales.*

Staff Finding: *Staff's opinion is that approval of the request will not negatively character of the property given its current uses.*

3. Explain how the special circumstances requiring the proposed Special Exception are not results of actions of the applicant.

Applicant Response: *More tax revenue to the City and the City of Gautier will benefit from that. Family RV Sales LLC, our RVs are beautiful, very nice RVs. We take pride in our business. It is our livelihood. We will be having seven to twenty RVs at a time. The property will be kept up very clean and neat.*

Staff Finding: *Not substantiated.*

DETERMINATION OF APPLICABLE LAW:

1. The UDO defines a Special Exception as a relaxation of the terms of the Unified Development Ordinance where such an exception 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 undue hardship. Special Exceptions are necessary when an applicant seeks to establish or expand a use not ordinarily permitted in a specific zoning district. "Special Exceptions" are not transferable from one (1) owner of land to another.

2. Special Exception requires a public hearing before the Planning Commission and approval by the City Council (Section 4.14 of the UDO).
3. Once an application for a Special Exception is submitted to the Planning Department, the procedures outlined in UDO Section 4.14.1 will be followed. At the appropriate time, The Planning Commission will conduct a public hearing to determine whether the applicant meets all relevant criteria, and make a recommendation to City Council pursuant to UDO Section 4.14.4. City Council, pursuant to UDO Section 4.14.4(C), will then consider the matter at its next regularly scheduled meeting and approve or deny the Special Exception.
4. A Special Exception is required for uses not ordinarily permitted in a specific zoning district. Special Exceptions are not permitted by right, and may only be granted when certain criteria are established. (4.16.4)
5. Special Exceptions do not run with the land, and may be revoked by the Planning Department if any of the following circumstances are discovered:
 - A. The property changes ownership
 - B. The property is being utilized in a manner not permitted under the zoning regulations or the special exception; or
 - C. The property ceases to be used for the purpose allowed in the Special Exception for a period of one hundred eighty (180) days during the existence of the Special Exception.

The UDO defines **Hardship** as:

Hardship means the unnecessary hardship that would result from a failure to grant the requested variance or special exception. An unnecessary hardship exists if:

- (1) the land in question cannot yield a reasonable return if used only
 - (a) for a purpose allowed in that zone (applicable to special exceptions), or
 - (b) as permitted by the dimensional requirements of this ordinance (applicable to variances);
- (2) that the plight of the owner is due to unique circumstances of the land for which the variance or special exception is sought; and
- (3) that the use to be authorized by the variance will not alter the essential character of the locality.

RECOMMENDATION & CONCLUSION:

If recommending approval, Planning Commission shall record that the evidence presented meets the "Criteria for Approval" from the UDO as listed above.

The Planning Commission may:

1. Recommend that City Council approve the Special Exception;
2. Recommend that City Council approve the Special Exception with changes; or
3. Recommend that City Council deny the Special Exception.

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

PLANNING DEPARTMENT
GAUTIER, MISSISSIPPI

SPECIAL EXCEPTION HEARING APPLICATION

Hearing Number

22-27-SE

TYPE OF REQUEST:

Special Exception

FEE:

\$250.00

Special Exception— These uses are not allowed by right, and **require** a recommendation by the Planning Commission and approval of the City Council.

Name of Applicant: Sophie Costello

Name of Business: Family RV Sales LLC

Address: 3708 Hwy 90

Mailing Address (if different): 7200 Hwy 613, MP 39563

Email Address: Sophia - Sophia15@yahoo.com

Phone: _____ Cell Phone: 228-313-6170

Reason for request, location and intended use of Property: I want to open a used

R.V. Dealer Ship Selling Camper trailers I live in Gautier ms
Since 110 yrs. want to have my business closer
to where I live. Thank you.

ATTACHMENTS REQUIRED AS APPLICABLE:

- ☒ ① Diagram of intended use, showing dimensions and distances of property, building with setbacks, parking spaces, entrances and exits.
- ☒ ② Legal descriptions and street address.
- ☒ ③ A detailed project narrative that also addresses the questions on the "Criteria for Approval" page of this application.
- ☐ 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 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: [Signature]

FOR OFFICE USE ONLY

Date Received 6-15-22 Verify as Complete SA

Fee Amount Received 250.00

Initials of Employee Receiving Application Babs

Date of Application: _____

I, ARLIN MALLETTE, the fee simple owner of the following
described property (give legal description):

30, 39538, -88.67121
± 75 Acres JACKSON CO. MS
MALLETTE BROTHERS CONSTRUCTION CO. INC

hereby petition to the City of Gautier to Grant a Special Exception of _____

RV, SALES in CITY OF GAUTIER MS 3708 HWY 90

and affirm that FAMILY RV SALES LLC 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.

[Signature]
(Owner's Signature)

The foregoing instrument was acknowledged before me this 14th day of June, 2022 by Sophie Costello, who is personally known to me or has produced Drivers license as identification and who did take an oath.

Paula Denise Miller
(Printed Name of Notary Public)

Paula Denise Miller
(Signature of Notary Public)

Commission # 82427. My commission expires August 27, 2022.

(Notary's Seal)



X

SPECIAL EXCEPTION

Criteria for Approval Special Exception

- A. Explain how a literal interpretation of the City of Gautier's Unified Development Ordinance would deprive the applicant of rights commonly enjoyed by others of the district in which the property is located, and would work unnecessary hardship upon the applicant?
- B. Explain how the requested Special Exception will be in harmony with the purpose and intent of the City of Gautier's Unified Development Ordinance and will not be injurious to the neighborhood or the general welfare?
- C. Explain how the special circumstances requiring the proposed Special Exception are not results of actions of the applicant?

A- The City would benefit with
Bring more Business to ARE Community
It would benefit us By are Business.
Being a part of a City that we Love and would Be
Local to us and are Family

B- I would think so Because it is a Storage for
RV's and Boats and Family RV. SALES Have been
trying for many years and this is a great
Location for us plenty of Space for RV. Sales.

C- more tax Revenue to the City and the City of
Gautier will benefit From that. Family RV. SALES LLC
are RVs Are Beautiful Very nice RVs we take
Pride in are business is are livelihood will
Be Having Seven to twenty RVs at a time the
Property will Be kept up very Clean and neat.



Storage

Spa & Tub
Manufacturers, Inc
Hot tub store

Mallette Brothers
Construction Co

Gautier

Scott E Pruitt Memorial Hwy

Jackson Hewitt

SALES

EXIT

Entrance

Scott E Pruitt Memorial Hwy

90

90

90

orial Hwy

82434009.000 MALLETT BROTHERS CONST CO

PIDN: 82434009.000

GISP: 778.34-00-0081.00

Owner Information

Percent of Ownership: 100

Name: MALLETT BROTHERS CONST CO

Name 2:

Mailing Address: 3708 HWY 90

GAUTIER MS

39553

Site Address: 3708 HWY 90 GAUTIER

Land Information

Section: 34

Acreage: 0.75

Township: 7

Range: 7

Street Name HWY 90

Value and Tax Information

Total Assessed Value: 10205

Total Appraised Value: 68030

Improvement Value: 11590

Land Value: 56440

Tax Amount: 1484

SQ FT: 0

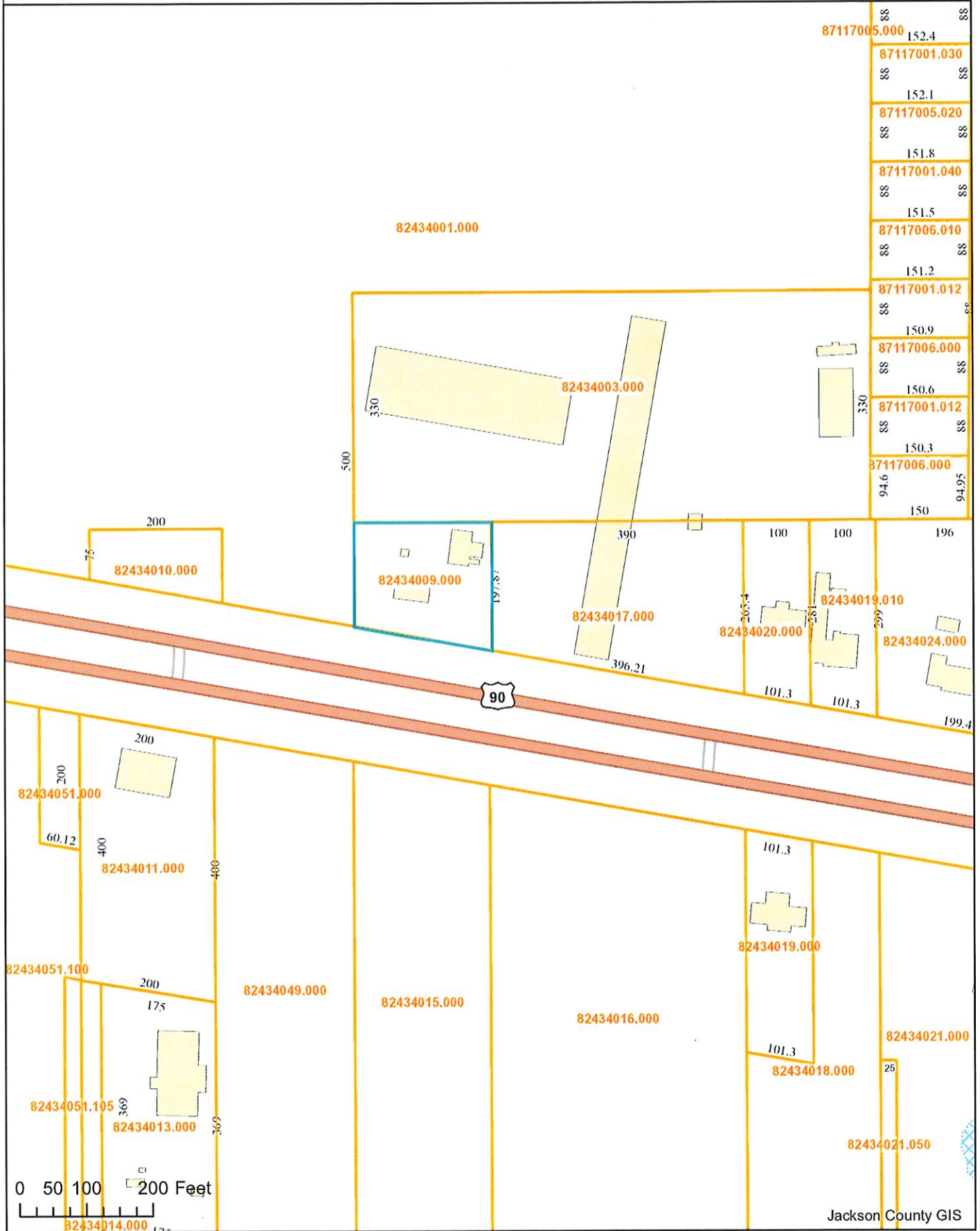
Year Built:

Legal Description

Description: COM SWC NE1/4 OF NE1/4 W 569.3'
FOR POB S TO N/M HWY 90 N 76 DEG
W 170' M/L N TO A PT W OF POB E
TO POB DB 1835-156 (81 MAP778.3
4)

Deed Book / Page: 1835 / 156

82434009.000 MALLETTE BROTHERS CONST CO



Jackson County GIS

Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department



Exhibit B

Existing Zoning

Prepared by:
City of Gautier
Planning Department

Legend

Zoning

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

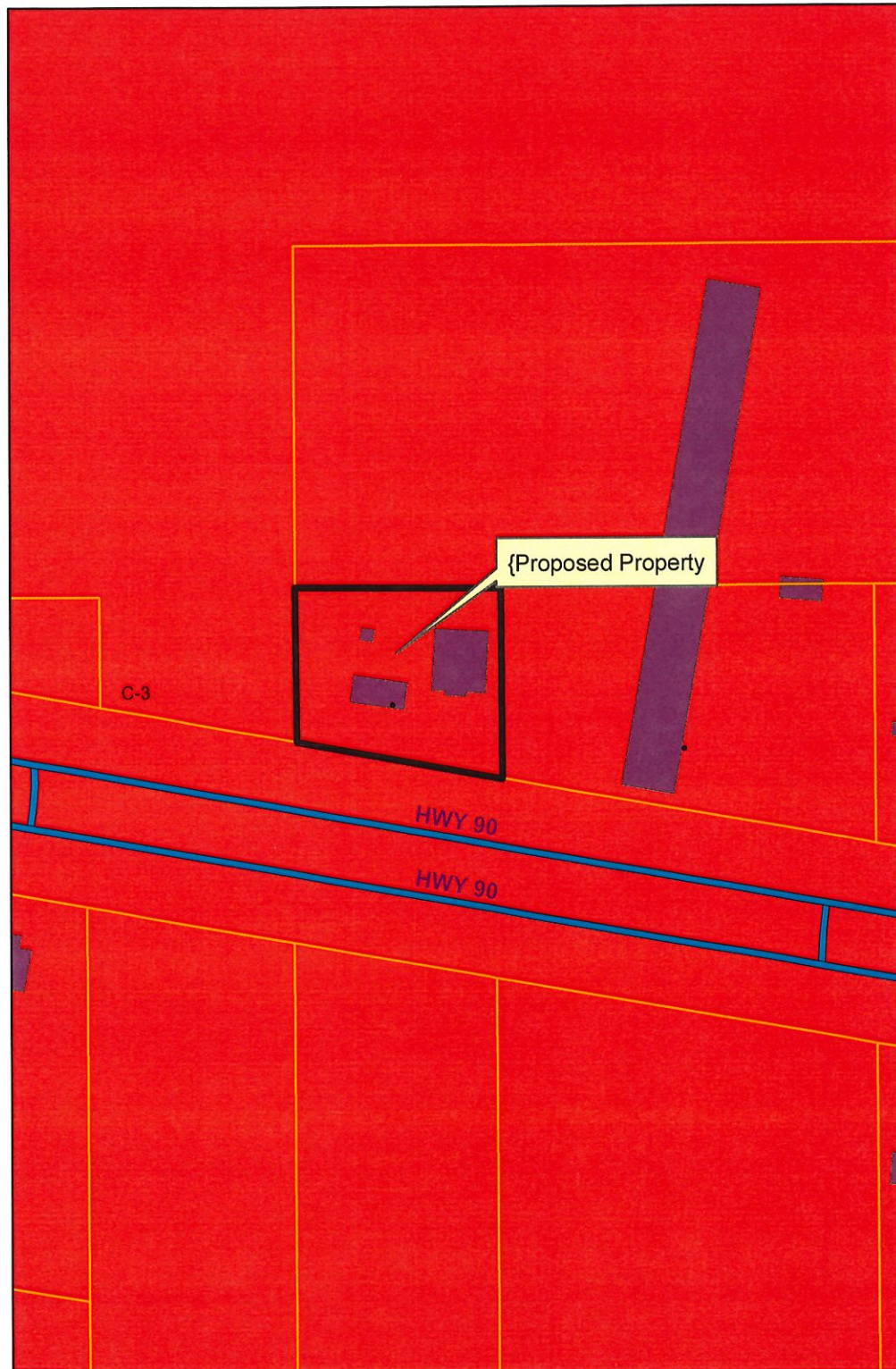


Exhibit C

Existing Land-Use

Prepared by:

City of Gautier
Planning Department

Legend

EXISTING LAND USE

ELU_08

-  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

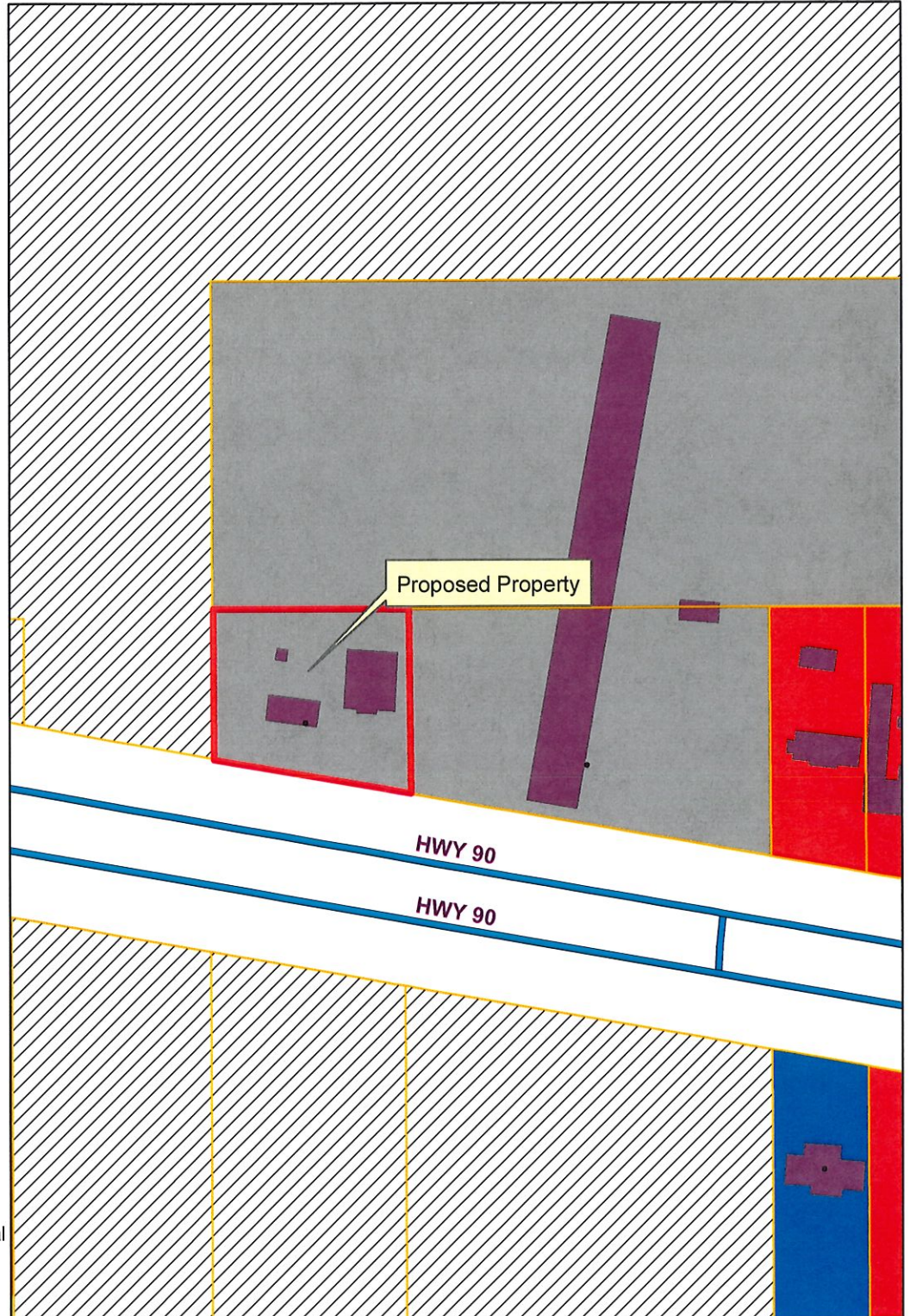


Exhibit D

Future Land-Use

Prepared By:

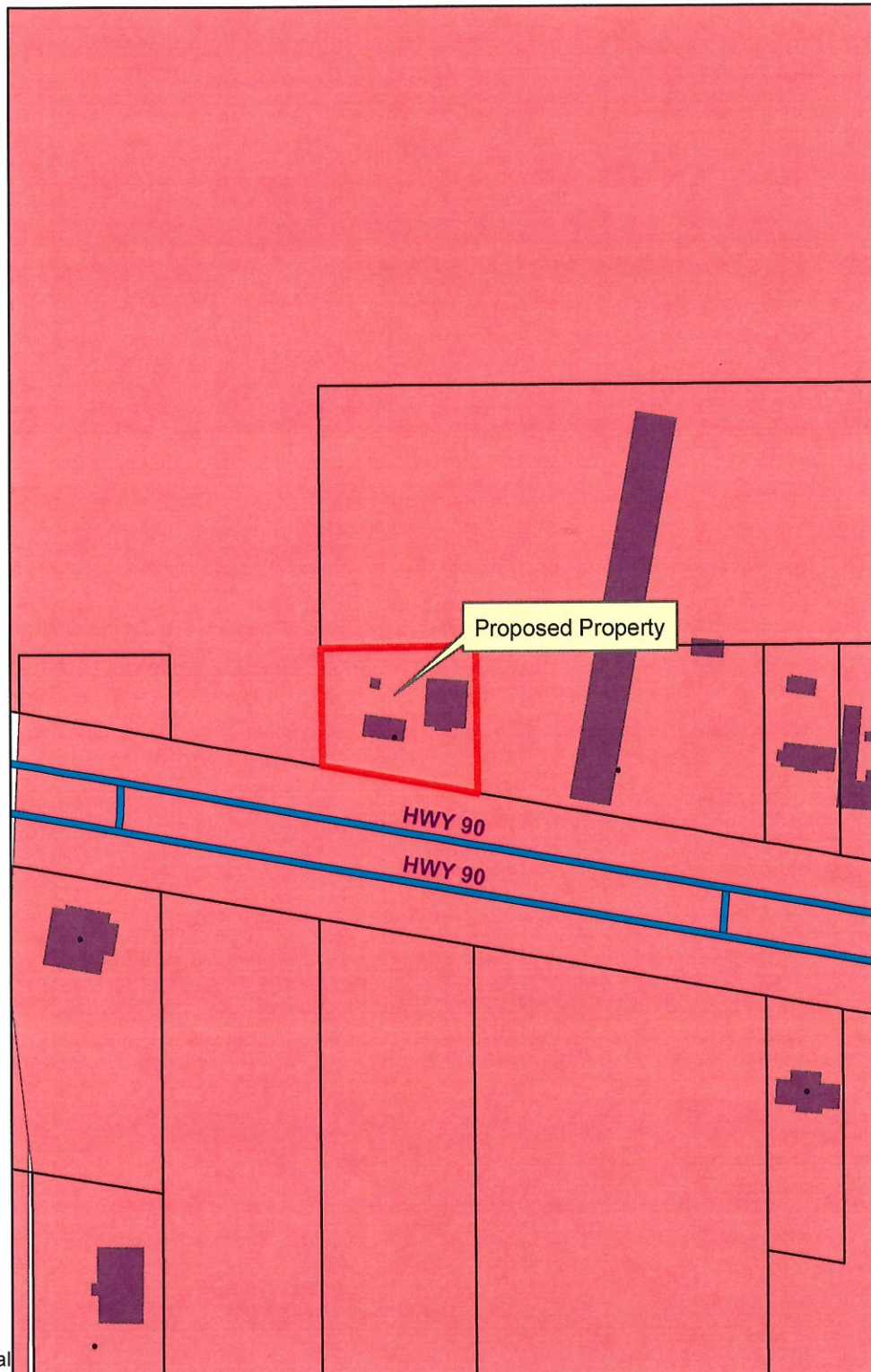
City of Gautier
Planning Department

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

September 1, 2022

GPC #22-29-SE

Glynn A. Mallette, II

3708 Highway 90

VII. NEW BUSINESS

1. Consider a request from Glynn A. Mallette, II for a Special Exception that would allow a Cannabis Processing Facility in a C-3 Highway Commercial Zoning District, 3708 Highway 90. (GPC #22-29-SE)

CITY OF GAUTIER STAFF REPORT

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: August 16, 2022

Subject: Consider a request for a Special Exception that would allow a Cannabis Processing Facility in a C-3 Highway Commercial Zoning District, 3708 Highway 90. (GPC #22-29-SE)

REQUEST:

The Planning Department has received a request from Glynn A. Mallette, II for a Special Exception that would allow a Cannabis Processing Facility in a C-3 Highway Commercial Zoning District at 3708 Highway 90, PID #82434003.000, #82434017.000, & 82434009.000 (GPC #22-29-SE). The application fee of \$250 was paid on July 29, 2022. All public notice requirements have been met.

BACKGROUND:

The request property is zoned C-3 Highway Commercial.

1. Location: 3708 Highway 90, PID #82434003.000, #82434017.000, & #82434009.000 (See Exhibit A)
2. General features of the proposed project:
 - Site Size: Approximately 8.75 Acres (PID #82434009.000 is approximately 0.75 acres)
 - Existing construction company on property
3. Potable Water and Wastewater Services: Existing at current location
4. Current Zoning (See Exhibit B): C-3 Highway Commercial
5. Current Surrounding Zoning (See Exhibit B): C-3 Highway Commercial and R-1 Low Density Single-Family Residential
6. Comprehensive Plan Future Land Use Designation (See Exhibit D): High Impact Commercial.

DISCUSSION:

The following addresses the review criteria for a Special Exception outlined in Section 4.16.4 of the UDO.

1. Explain how a literal interpretation of the City of Gautier's Unified Development Ordinance would deprive the applicant of rights commonly enjoyed by others of the district in which the property is located, and would work unnecessary hardship upon the applicant?

Applicant Response: The Property has been here since 1960 and in that time the property has been used for maintenance, construction, storage, and administration work. The current request would not vary from prior uses. The cannabis operation would be behind closed doors and would not be any different than its current use. If not approved the space may go unused and the City of Gautier would miss the tax opportunity. Furthermore, as the owner, I would like to have this income to help pay the taxes.

Staff Finding: This specific proposed use is not currently listed as a "Use" in the City's Unified Development Ordinance.

2. Explain how the requested Special Exception will be in harmony with the purpose of the City of Gautier's Unified Development Ordinance and will not be injurious to the neighborhood or the general welfare?

Applicant Response: Fortunately, the property has a chain link fence surrounding the property on all sides. The property has surveillance and security also. The production of the cannabis would be behind the closed doors of the metal building. Also, the industry itself will be monitored by the State which has strenuous guidelines in place that will require by law to be met.

Staff Finding: Staff's opinion is that approval of the request will not negatively affect the character of the property given its current uses.

3. Explain how the special circumstances requiring the proposed Special Exception are not results of actions of the applicant.

Applicant Response: Since my current business has been downsized, I have a great amount of space that is going unused. I have advertised for lease space available and was approached by individuals seeking to lease some of the space. The property is nearly ten acres with over 65,000 square feet of metal buildings. I am trying to lease the spaces in a neat orderly manner that will make the property look professional and benefit the citizens of the Coast.

Staff Finding: *State laws and regulations governing Cannabis uses have recently been legalized and adopted in the state of Mississippi. In the near future, the City's ordinances will be amended to closely reflect the relative adopted State statutes for these newly legalized uses.*

DETERMINATION OF APPLICABLE LAW:

1. The UDO defines a Special Exception as a relaxation of the terms of the Unified Development Ordinance where such an exception 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 undue hardship. Special Exceptions are necessary when an applicant seeks to establish or expand a use not ordinarily permitted in a specific zoning district. "Special Exceptions" are not transferable from one (1) owner of land to another.
2. Special Exception requires a public hearing before the Planning Commission and approval by the City Council (Section 4.14 of the UDO).
3. Once an application for a Special Exception is submitted to the Planning Department, the procedures outlined in UDO Section 4.14.1 will be followed. At the appropriate time, The Planning Commission will conduct a public hearing to determine whether the applicant meets all relevant criteria, and make a recommendation to City Council pursuant to UDO Section 4.14.4. City Council, pursuant to UDO Section 4.14.4(C), will then consider the matter at its next regularly scheduled meeting and approve or deny the Special Exception.
4. A Special Exception is required for uses not ordinarily permitted in a specific zoning district. Special Exceptions are not permitted by right, and may only be granted when certain criteria are established. (4.16.4)
5. Special Exceptions do not run with the land, and may be revoked by the Planning Department if any of the following circumstances are discovered:
 - A. The property changes ownership
 - B. The property is being utilized in a manner not permitted under the zoning regulations or the special exception; or
 - C. The property ceases to be used for the purpose allowed in the Special Exception for a period of one hundred eighty (180) days during the existence of the Special Exception.

The UDO defines **Hardship** as:

Hardship means the unnecessary hardship that would result from a failure to grant the requested variance or special exception. An unnecessary hardship exists if:

- (1) the land in question cannot yield a reasonable return if used only
 - (a) for a purpose allowed in that zone (applicable to special exceptions), or
 - (b) as permitted by the dimensional requirements of this ordinance (applicable to variances);
- (2) that the plight of the owner is due to unique circumstances of the land for which the variance or special exception is sought; and
- (3) that the use to be authorized by the variance will not alter the essential character of the locality.

RECOMMENDATION & CONCLUSION:

If recommending approval, Planning Commission shall record that the evidence presented meets the "Criteria for Approval" from the UDO as listed above.

The Planning Commission may:

1. Recommend that City Council approve the Special Exception;
2. Recommend that City Council approve the Special Exception with changes; or
3. Recommend that City Council deny the Special Exception.

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

PLANNING DEPARTMENT
GAUTIER, MISSISSIPPI

SPECIAL EXCEPTION HEARING APPLICATION

Hearing Number

22-29-SE

TYPE OF REQUEST:

Special Exception



FEE:

\$250.00

Special Exception— These uses are not allowed by right, and **require** a recommendation by the Planning Commission and approval of the City Council.

Name of Applicant: Glynn A. Mallette #

Name of Business: Mellow Fellow

Address: 3708 Hwy 90 Gautier, MS 39553
Mailing Address (if different): SAME

Email Address: reception@mallettebrothers.com

Phone: 228-497-2523 Cell Phone: 228-219-0822

Reason for request, location and intended use of Property: Cannabis Processing Facility
3708 Hwy 90 Gautier, MS 39553

ATTACHMENTS REQUIRED AS APPLICABLE:

- ☒ 1. Diagram of intended use, showing dimensions and distances of property, building with setbacks, parking spaces, entrances and exits.
- ☒ 2. Legal descriptions and street address.
- ☒ 3. A detailed project narrative that also addresses the questions on the "Criteria for Approval" page of this application.
- N/A 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 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: [Handwritten Signature]

FOR OFFICE USE ONLY

Date Received 7/29/22 Verify as Complete BA

Fee Amount Received 250.00

Initials of Employee Receiving Application BL

Date of Application: 7-29-2022

I, Glynn A. Mallette II, the fee simple owner of the following described property (give legal description):

3708 Hwy 90
Gautier, MS 39553 (See Attached)

hereby petition to the City of Gautier to Grant a Special Exception of Cannabis Facility in Gautier, MS

and affirm that Glynn A. Mallette II 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.

[Signature]
(Owner's Signature)

The foregoing instrument was acknowledged before me this 29th day of July, 2022 by Glynn A. Mallette II, who is personally known to me or has produced _____ as identification and who did take an oath.

Tina M. Couch (Printed Name of Notary Public) [Signature] (Signature of Notary Public)

Commission # 325163. My commission expires 6-27-2026.

(Notary's Seal)



PROJECT NARRATIVE

Mellow Fellow and Mallette Brothers Const. Co. Inc. is requesting a Special Exception Permit to obtain proper permitting for the launch of a new addition to our property located at 3708 Hwy 90 Gautier, MS 39553. We will be requesting to add a Cannabis Processing Facility. This plan created by Mellow Fellow and Mallette Brothers Const. Co. Inc. to utilize the unused portions of our property to process oil from cannabis.

The purpose of the addition will not change the purpose of Mallette Brothers Const. Co., Inc. It will not hinder the City of Gautier's Unified Development Ordinance.

Mellow Fellow and Mallette Brothers Construction Co. plans to open the Cannabis Processing Facility created by Mellow Fellow and Mallette Brothers Construction Co. in the building located at 3708 Hwy 90 Gautier, MS. Though as the current owner of Mallette Brothers Const. Co. Inc. we believe the property is the best option to extract the oil from cannabis in a safe and secure manner. This addition of this potential business will be alongside the existing Mallette Brothers Construction Company and Coastal Storage.

SPECIAL EXCEPTION

Criteria for Approval Special Exception

- A. Explain how a literal interpretation of the City of Gautier's Unified Development Ordinance would deprive the applicant of rights commonly enjoyed by others of the district in which the property is located, and would work unnecessary hardship upon the applicant?
- B. Explain how the requested Special Exception will be in harmony with the purpose and intent of the City of Gautier's Unified Development Ordinance and will not be injurious to the neighborhood or the general welfare?
- C. Explain how the special circumstances requiring the proposed Special Exception are not results of actions of the applicant?

SPECIAL EXCEPTION

- A. The Property has been here since 1960 and in that time the property has been used for maintenance, construction, storage, and administration work. The current request would not vary from prior uses. The cannabis operation would be behind closed doors and would not be any different than its current use. If not approved the space may go unused and the City of Gautier would miss the tax opportunity. Furthermore, as the owner, I would like to have this income to help pay the taxes.**
- B. Fortunately, the property has a chain link fence surrounding the property on all sides. The property has surveillance and security also. The production of the cannabis would be behind the closed doors of the metal building. Also, the industry itself will be monitored by the State which has strenuous guidelines in place that will require by law to be met.**
- C. Since my current business has been downsized, I have a great amount of space that is going unused. I have advertised for lease space available and was approached by individuals seeking to lease some of the space. The property is nearly ten acres with over 65000 square feet of metal buildings. I am trying to lease the spaces in a neat orderly manner that will make the property look professional and benefit the citizens of the Coast.**

Dewey H. Lane, MD
611 Lakeview Drive
Pascagoula
MS 39567

July 25, 2022

City of Gautier Planning Commission
3330 Highway 90
Gautier, MS
39553

Dear Planning Commission of Gautier:

I am responding to your letter notifying nearby property owners of a request you received for a zoning Conditional Use - Major that would allow Glynn A. Mallette to build a Cannabis Processing Facility at 3708 Highway 90. The request referenced is GPC 22-29-CU. I have spoken with Babs who was most pleasant and cooperative, but was unable to give any further details of this proposed plant, other than it is not planned that there would be retail sale of the produced cannabis oil.

Our family owns 5 acres on the south side of Hwy 90, across from the proposed plant and is very sensitive to any proposed use which would decrease the value of our property. We see this proposed use as being damaging to the value of our property and other property in the vicinity. Accordingly, we hereby register our objection to this application.

Thank you for your consideration.

Sincerely,


Dewey H. Lane, MD
611 Lakeview Drive
Pascagoula, MS 39567


8/4/2022



Beginning at the Southeast (S.E.) Corner of NW¼ of NE¼, Section 34, T7S, R7W, Jackson County, Mississippi; thence run N 00° 14' W 330 feet; thence run S 89° 42' W 793.7 feet; thence run S 00° 14' E 330 feet; thence run N 89° 42' E 793.7 feet back to the Point of Beginning. Containing 6.0 acres.

Commencing at the Southwest corner of the Northeast Quarter of the Northeast Quarter, Section 34, Township 7 South, Range 7 West, and thence from said point run North 89° 48' West 179.3 feet to the POINT OF BEGINNING for the property herein described; thence South 00° 12' West 265.3 feet to a point that is on the North margin of New U.S. Highway 90, said point also being the Southeast corner of Mallette Brothers Truck Lines, Inc. property that said corporation has been in possession of and occupying since the 5th day of August, 1969, purchased from Ollie Lewis Lamey, Jr., recorded in Deed Book 361, Page 1, and being the Southwest corner of the property that is now owned by Virginia Ruth Baker that she has owned and occupied since the 23rd day of July, 1970, recorded in Deed Book 453, Page 477, said deeds on file in the Office of the Chancery Clerk, Jackson County, Mississippi; thence from said point run North 80° 00' West 396.21 feet along the North right-of-way line of New U.S. Highway 90; thence North 00° 20' East 197.87 feet; thence South 89° 48' East 390 feet back to the Point of Beginning.

Commencing at the Southwest corner of those certain lands in Section 34, Township 7 South, Range 7 West, Jackson County, Mississippi, heretofore conveyed by the Hamill Corporation to Perry Borries by deed of record in Book 87, Pages 273-274 of the Record of Deeds of Jackson County, Mississippi, and from thence running Westerly along the North margin of Old U.S. Highway 90 a distance of 400 feet to the Southwest corner of those certain lands heretofore conveyed by the said Hamill Corporation to Frank Fayard et al, and running thence Northerly along the West line of said lands a distance of 1320 feet, more or less, to the North line of the SW ¼ of NE ¼ of said Section 34 to the point of beginning of the land herein conveyed: From this point running West along the said North line 200 feet; thence South or Southerly to the North margin of new U.S. Highway 90; thence Easterly along the North margin of said U.S. Highway 90 to a point South of the point of beginning; and thence North along the West line of the aforesaid Fayard land to the point of beginning.

82434017.000 MALLETTE BROTHERS CONSTRUCTION

PIDN: 82434017.000

GISP: 778.34-00-0080.00

Owner Information

Percent of Ownership: 100

Name: MALLETTE BROTHERS CONSTRUCTION

Name 2: COMPANY INC

Mailing Address: 3708 HWY 90

GAUTIER MS

39553

Site Address: 3708 HWY 90 GAUTIER

Land Information

Section: 34

Acreage: 2

Township: 7

Range: 7

Street Name HWY 90

Value and Tax Information

Total Assessed Value: 184423

Total Appraised Value: 1229486

Improvement Value: 1131126

Land Value: 98360

Tax Amount: 26518

SQ FT: 19000

Year Built: 1974

Legal Description

Description: COM SW COR NE1/4 NE1/4 W 179.3'

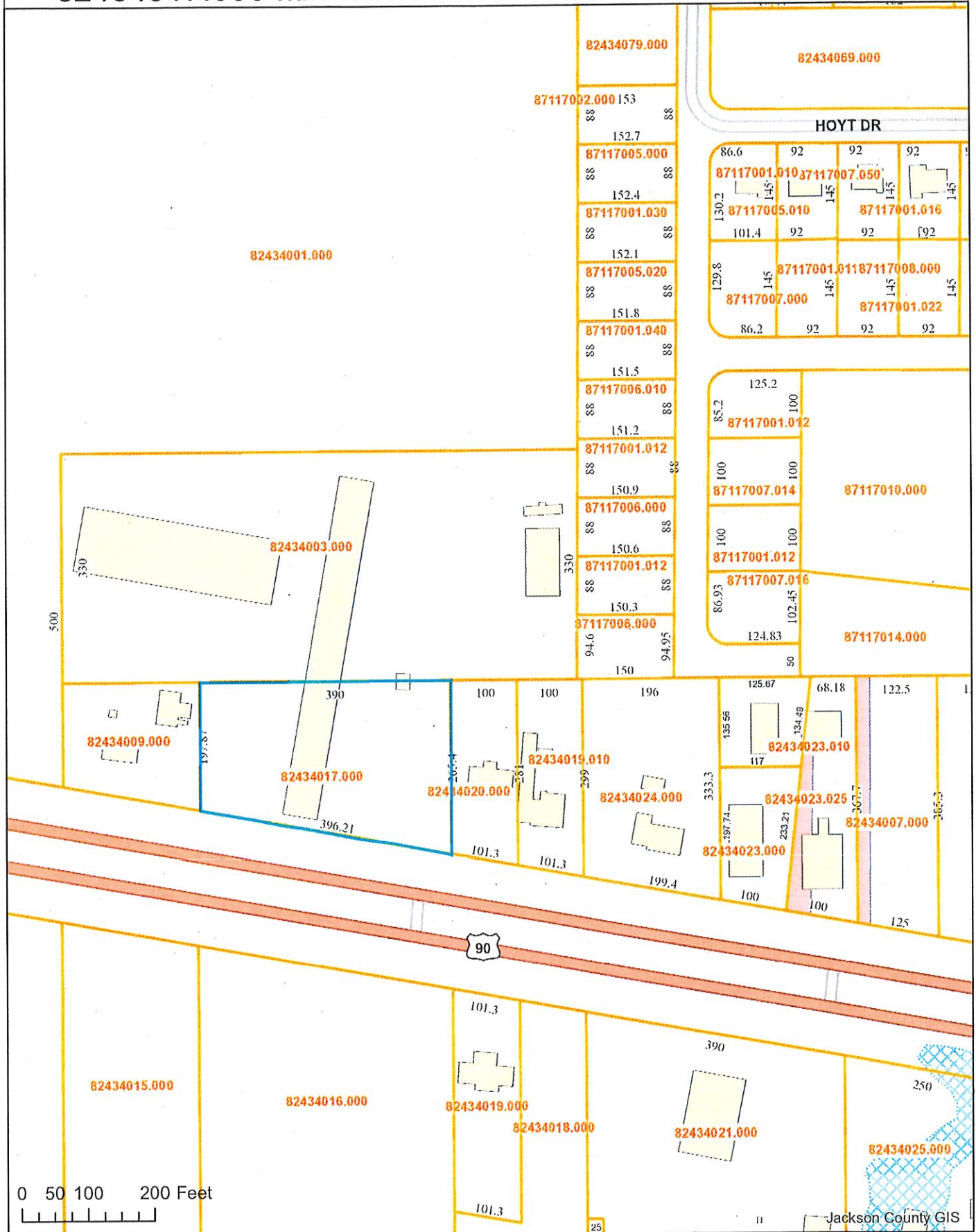
TO POB S 265.3' N 80 DEG W 396.2

1' N 197.87' E 390' TO POB DB 13

12-756 (80 Map778.34)

Deed Book / Page: 1312 / 756

82434017.000 MALLETT BROTHERS CONSTRUCTION



82434003.000 MALLETTE BROTHERS CONSTRUCTION

PIDN: 82434003.000

GISP: 778.34-00-0079.00

Owner Information

Percent of Ownership: 100

Name: MALLETTE BROTHERS CONSTRUCTION

Name 2: COMPANY INC

Mailing Address: 3708 HWY 90

GAUTIER MS

39553

Site Address: HWY 90 GAUTIER

Land Information

Section: 34

Acreage: 6

Township: 7

Range: 7

Street Name HWY 90

Value and Tax Information

Total Assessed Value: 23609

Total Appraised Value: 157390

Improvement Value: 0

Land Value: 157390

Tax Amount: 3394

SQ FT: 0

Year Built:

Legal Description

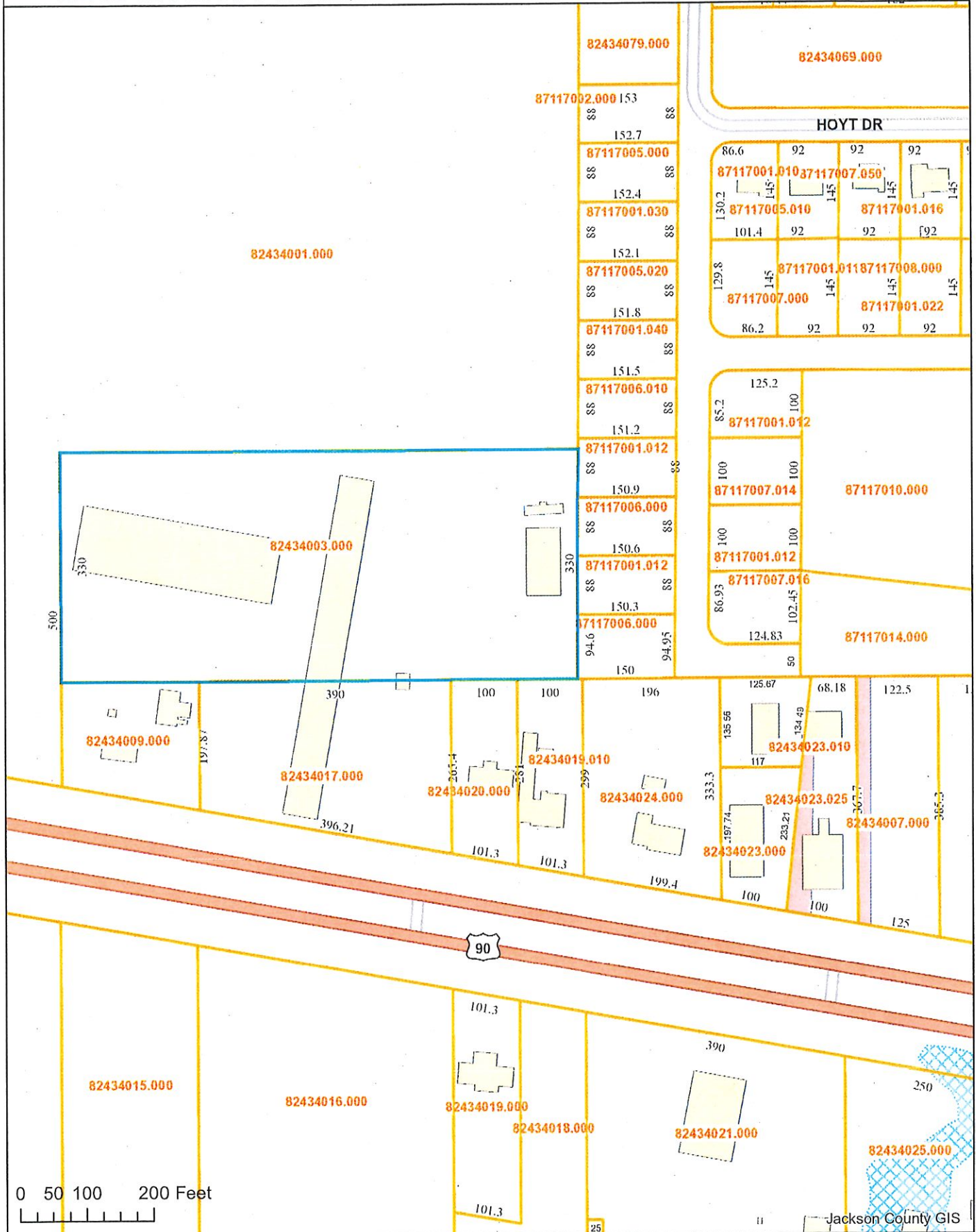
Description: BEG SE COR NW1/4 NE1/4 N 330' W

793.7' S 330' E 793.7' TO POB DB

1312-754 (79 Map778.34)

Deed Book / Page: 1312 / 754

82434003.000 MALLETTE BROTHERS CONSTRUCTION



82434009.000 MALLETT BROTHERS CONST CO

PIDN: 82434009.000

GISP: 778.34-00-0081.00

Owner Information

Percent of Ownership: 100

Name: MALLETT BROTHERS CONST CO

Name 2:

Mailing Address: 3708 HWY 90

GAUTIER MS

39553

Site Address: 3708 HWY 90 GAUTIER

Land Information

Section: 34

Acreage: 0.75

Township: 7

Range: 7

Street Name HWY 90

Value and Tax Information

Total Assessed Value: 10205

Total Appraised Value: 68030

Improvement Value: 11590

Land Value: 56440

Tax Amount: 1467

SQ FT: 0

Year Built:

Legal Description

Description: COM SWC NE1/4 OF NE1/4 W 569.3'
FOR POB S TO N/M HWY 90 N 76 DEG
W 170' M/L N TO A PT W OF POB E
TO POB DB 1835-156 (81 MAP778.3
4)

Deed Book / Page: 1835 / 156

82434009.000 MALLETT BROTHERS CONST CO

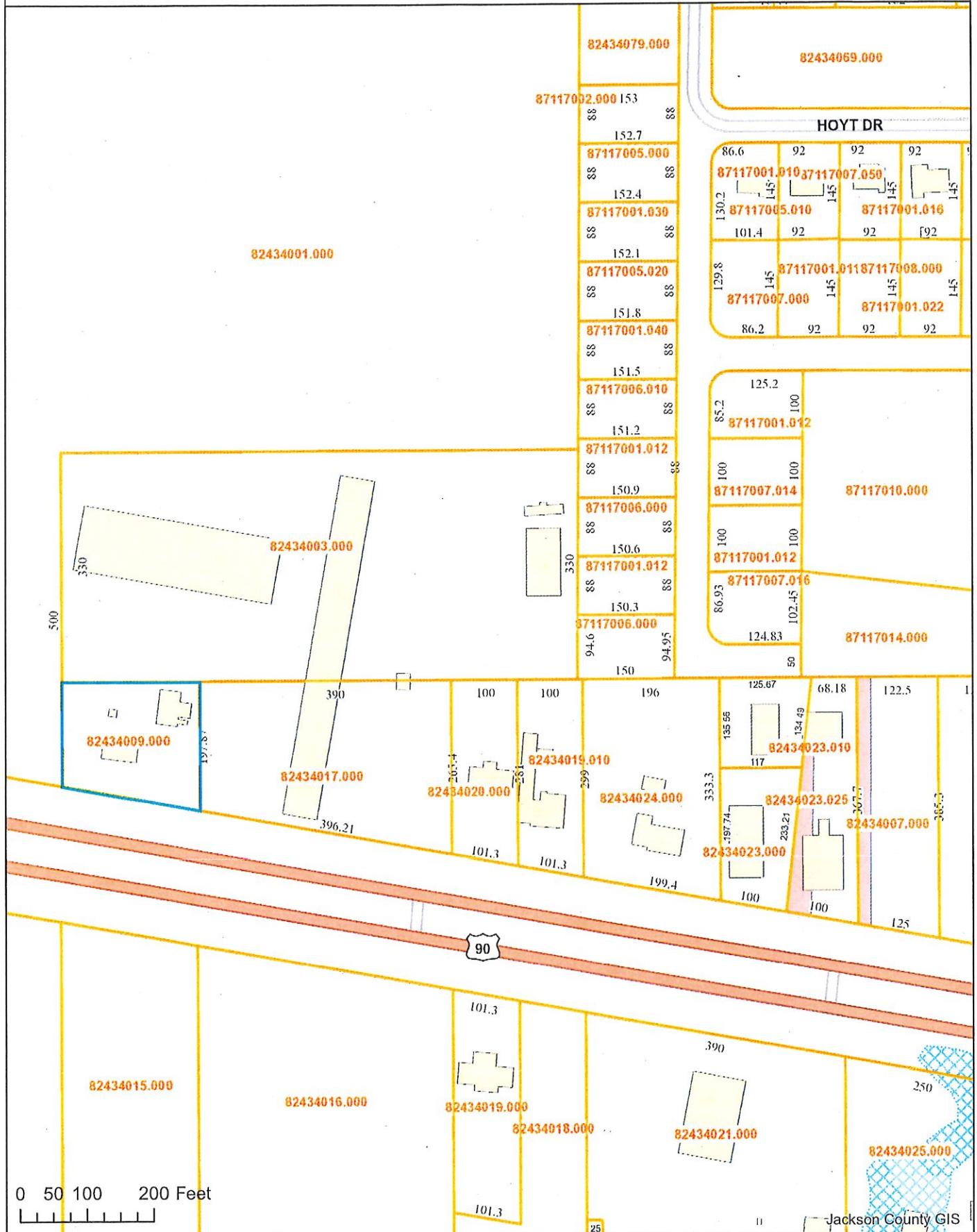


Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department



Exhibit B

Existing Zoning

Prepared by:
City of Gautier
Planning Department

Legend

Zoning

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

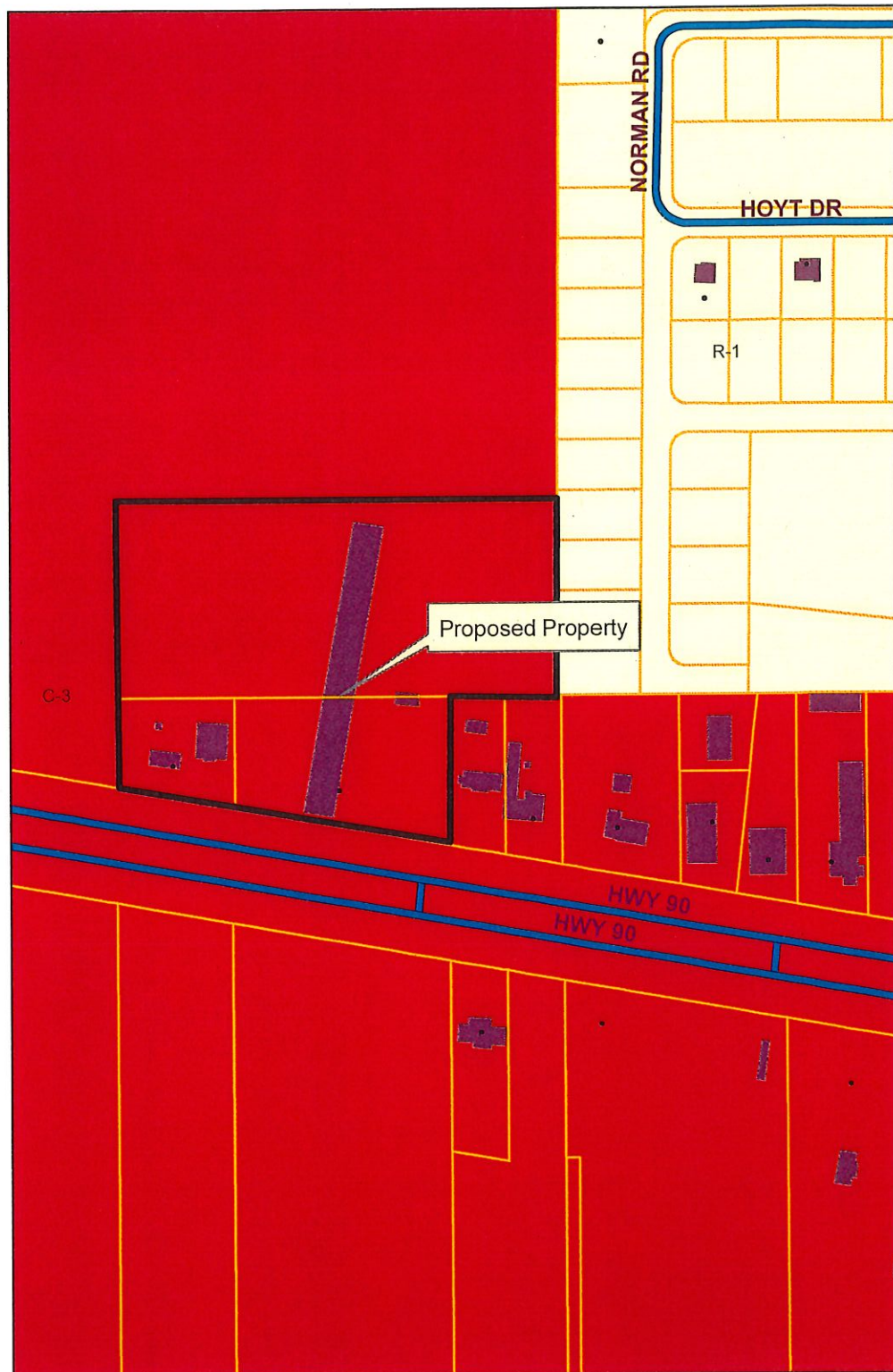


Exhibit C

Existing Land-Use

Prepared by:

City of Gautier
Planning Department

Legend

EXISTING LAND USE

ELU_08

- 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

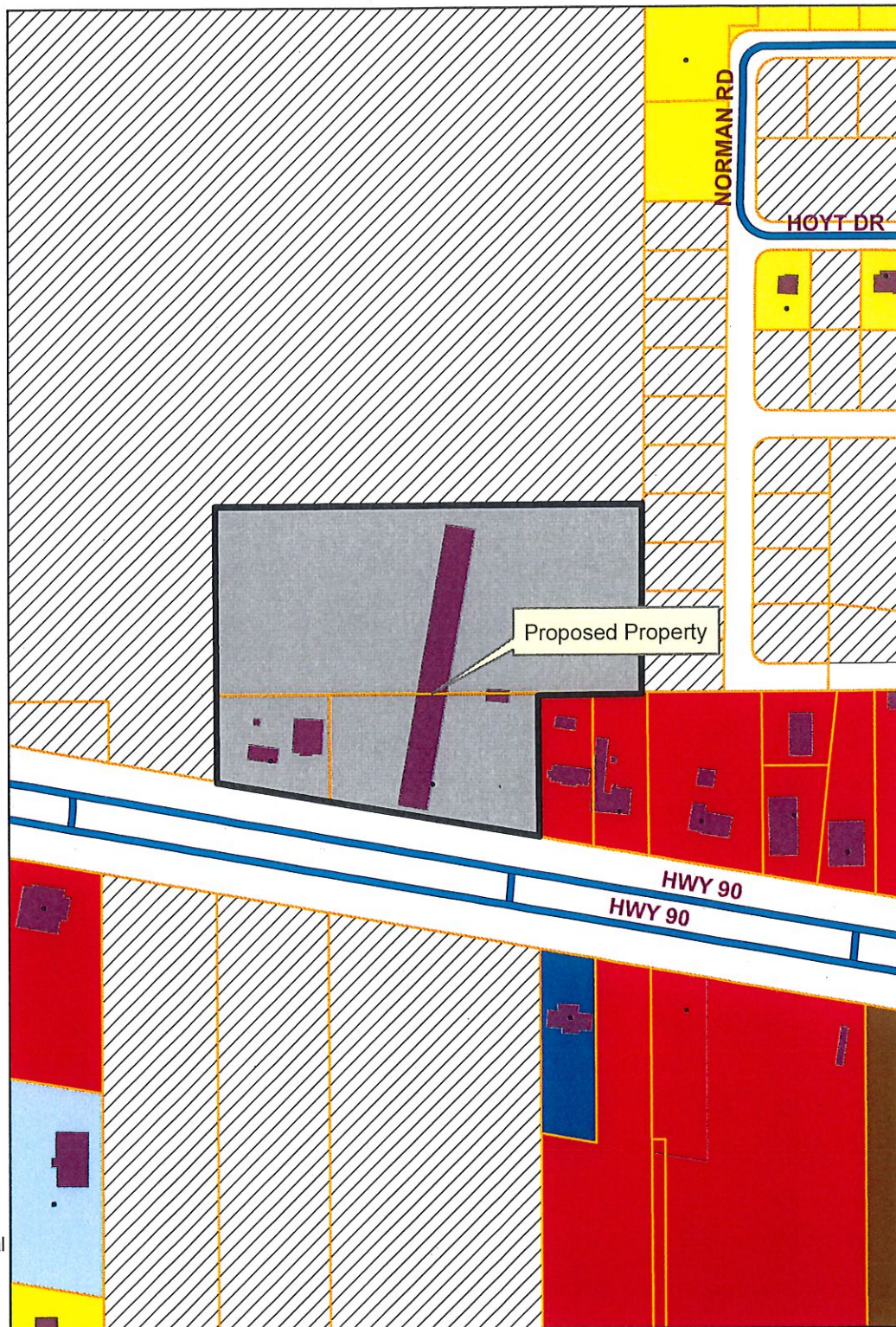


Exhibit D

Future Land-Use

Prepared By:

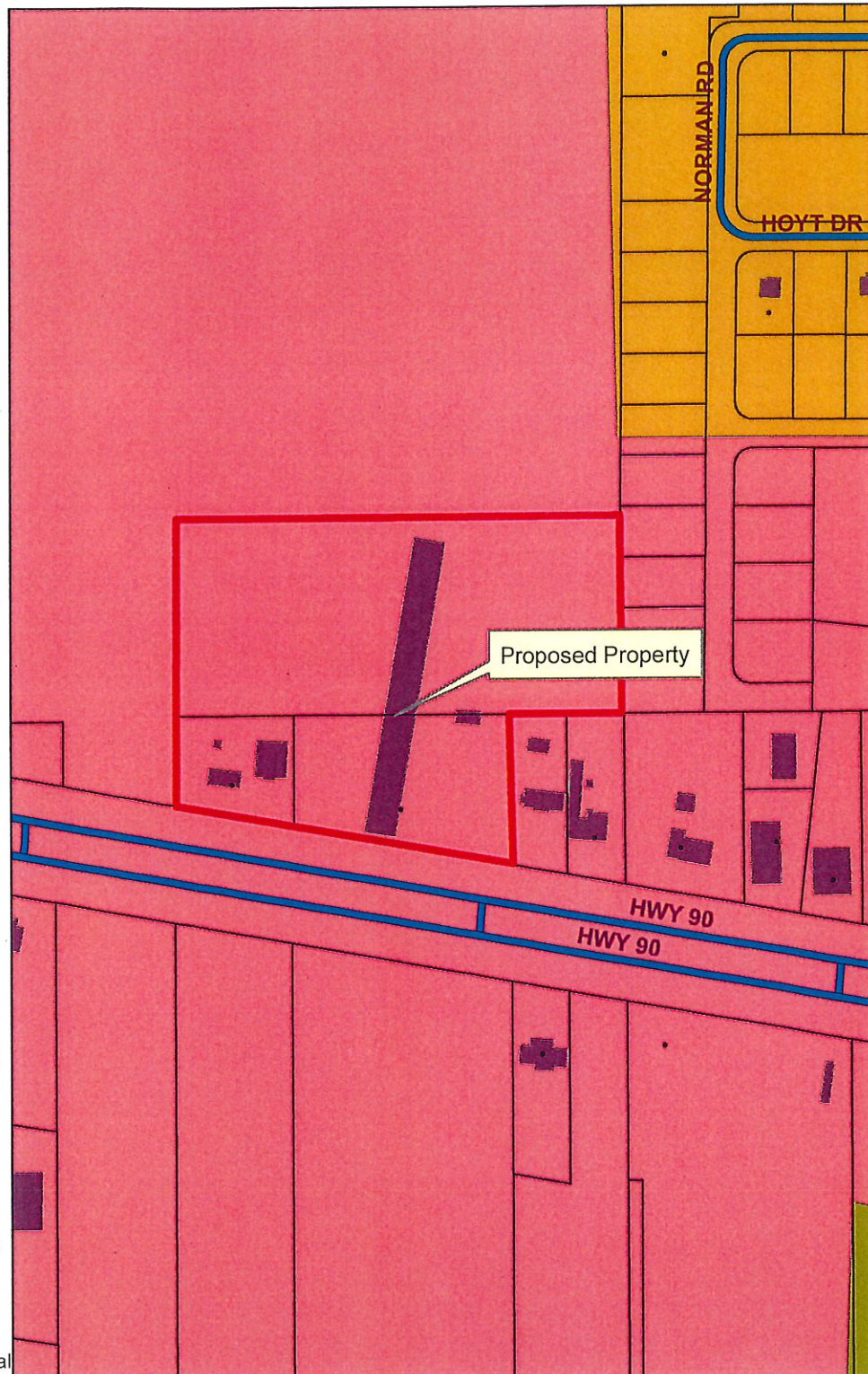
City of Gautier
Planning Department

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

September 1, 2022

GPC #22-36-VAR

2312 Santa Cruz

VII. NEW BUSINESS

1. Consider a request for a three hundred seven-foot (307') variance to square footage requirements for an accessory building in a R-1 Low Density Single-Family Residential Zoning District. 2312 Santa Cruz, (GPC #22-36-VAR)

**CITY OF GAUTIER
STAFF REPORT**

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: August 16, 2022

Subject: Consider a request for a three hundred seven-square feet (307') variance to square footage requirements for an accessory building in a R-1 Low Density Single-Family Residential Zoning District. 2312 Santa Cruz, (GPC #22-36-VAR)

REQUEST:

The Planning Department has received a request from Mike Mellott for a three hundred seven-foot square feet (307') variance to square footage requirements for an accessory building in a R-1 Low Density Single-Family Residential Zoning District. 2312 Santa Cruz, PID #86302008.000 (GPC #22-36-VAR). The application fee of \$175 was paid on July 21, 2022. All public notice requirements have been met.

BACKGROUND:

The applicant would like to put a 1600 square foot (40' x 40') accessory building on his property for the described purpose of vehicle storage. The UDO states that in a R-1 Zoning District accessory structures shall not exceed twenty (20) percent of the rear lot area or fifty (50) percent of the principal structure area, whichever is less. The approximate area of the rear yard is ten thousand (10,000) square feet. The total square footage of the existing house and attached garage is 2,587 square feet which would allow the applicant to build an accessory structure of 1,293 square feet. The difference in what is allowed, 1293 square feet, and the size of his proposed accessory building, 1600 square feet, is approximately 307 square feet. The applicant needs a 307 square foot variance for the proposed accessory building.

DISCUSSION:

The applicant is requesting a three hundred seven-foot (307') variance to square footage requirements for an accessory building in a R-1 Low Density Single-Family Residential Zoning District. The maximum square footage allowed for an accessory building can be either twenty (20) percent of the rear lot area or fifty (50) percent of the principal structure area, whichever is less.

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 unnecessary hardship that would result from a failure to grant the requested variance or special exception. An unnecessary hardship exists if:

- (1) the land in question cannot yield a reasonable return if used only
 - (a) for a purpose allowed in that zone (applicable to special exceptions), or
 - (b) as permitted by the dimensional requirements of this ordinance (applicable to variances);
- (2) that the plight of the owner is due to unique circumstances of the land for which the variance or special exception is sought; and
- (3) that the use to be authorized by the variance will not alter the essential character of the locality.

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:

If recommending approval, Planning Commission shall record that the evidence presented meets all "Criteria for Approval" from the UDO as listed above.

The Planning Commission may:

1. Recommend that City Council approve the variance request as presented;
2. Recommend that City Council approve the variance request with changes; or
3. Recommend that City Council deny 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
PLANNING DEPARTMENT
PUBLIC HEARING APPLICATION

Public Hearing Number

22-36-VAR

36

TO BE HEARD BY GAUTIER PLANNING COMMISSION:

FEE:

Zoning Change	_____	\$300.00
Major Development	_____	\$100.00
Variance	☒	\$175.00
Appeal to Staff Decision	_____	\$100.00

17 FI
Lind

Name of Applicant: MIKE MELLOTT

Name of Business: _____ Phone: 805 432 0178

Property Address: 2215 SANTA CRUZ ST Mailing Address (if Different): _____

E-Mail Address: MELLOTTMIKE99@YAHOO.COM

Reason for request, location and intended use of Property: VARIANCE FOR GARAGE

307 sq. ft variance to size of accessory bldg

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: [Signature] Date of Application: 7-15-22

FOR OFFICE USE ONLY

Date Received 7-21-22 Verify as Complete SIA

Fee Amount Received 175.00 Initials of Employee Receiving Application BJ

VARIANCE CRITERIA for APPROVAL — Please answer the questions below to establish that you meet the Criteria for Approval for a Variance. If more room is needed, answers can be provided on a separate sheet of paper.

- A. Do 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? If yes, please explain.

SLOPE, ELEVATION

- B. Would the literal interpretation of the provisions of this Ordinance deprive the applicant (you) of rights commonly enjoyed by other properties in the same district under the provisions of this Ordinance? If yes, please explain.

YES, LARGER GARAGE, OTHER PROPERTIES
HAVE GARAGE OR BIGGER BUILDING

- C. Do the special conditions and circumstances result from actions of the applicant (you)?

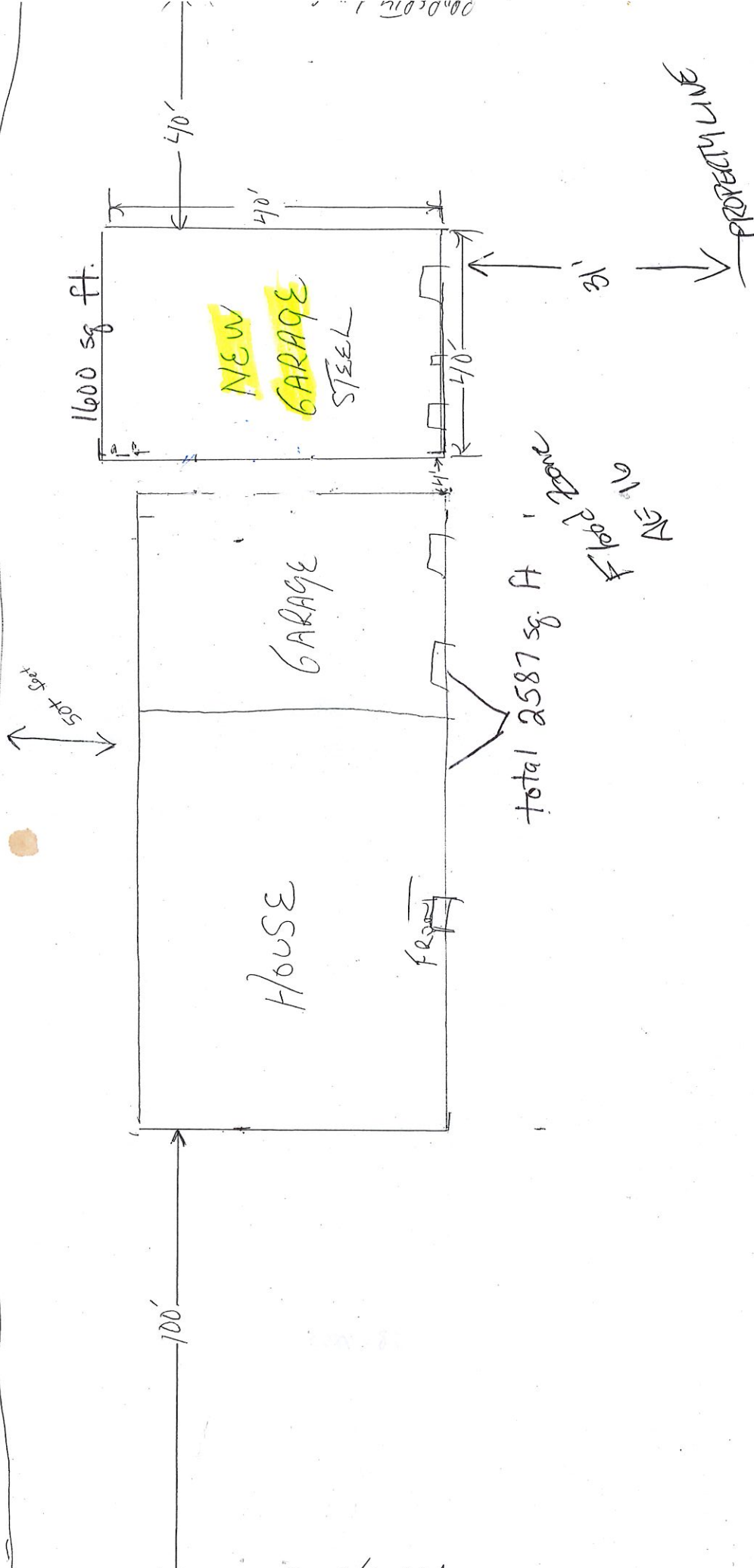
YES

- D. Does granting the Variance requested confer upon the applicant (you) any special privilege that is denied by this Ordinance to other similar sites (lots or parcels) structures or buildings in the same district?

NO

RIVER

Cannot be
attached -



2312 STREET - SANTA CRUZ ST

NARRATIVE

MY NAME IS MIKE MELLOTT. I HAVE A FOUR WHEEL DRIVE MONSTER TRUCK. I'M BUILDING FOR FUN PLEASURE PARADES. I JUST SPENT \$7000⁰⁰ HAVING IT SHIPPED FROM CALIF TO HERE. I NEED A BIGGER GARAGE TO WORK ON TO FINISH IT. I HAVE A LOT OF TOOLS + TOYS. WILL NOT FIT IN NORMAL GARAGE. THE STEEL BUILDING I'M TRYING TO BUILD. WHICH I'VE ALL READY PURCHASED WILL COST APPROX \$100,000⁰⁰ TO COMPLETION. I ORDERED IT LIGHT BROWN WITH DARK BROWN TRIM TO MATCH THE COLOR OF THE HOUSE. IT ALSO SITS BEHIND SOME OAK TREES TO BLEND IN.

GARAGE WILL SIT APPROX 40' FROM NEIBOR PROPERTY. HE HAS NO PROBLEM AT ALL WITH IT. I JUST FOUND OUT THAT GARAGE TO HOUSE RATIO IS 600 SQ FT TO BIG WHICH IS NOT A LOT. THE GARAGE IS 40'X40' WHICH WILL JUST HOLD THE LIMO TO WORK ON. I'M TRYING TO WORK WITH ALL AGENCIES TO COMPLY TO MAKE THIS WRIGHT. THATS WHY I'M ASKING FOR A VARYANCE TO BUILD MY GARAGE. I AM NOT COMMERCIAL JUST RESIDENTIAL. I'M 75 YRS OLD AND HAVE A LOT OF TOY, TOOLS ETC. I'M TRYING TO KEEP MY HOME NEAT & CLEAN THIS WILL REALLY HELP. TO FINISH LIMO CANNOT BE DONE OUT SIDE. THE 1293 SQ FT IS ONLY 8% OVER THE 50% SIZE LIMIT. FROM 1293 SQ FT TO 1600 SQ FT - ONLY 303 SQ FT WHICH IS ABOUT ONE BEDROOM THIS WILL BE THE ONLY OUT BUILDING ON THE PROPERTY

86302008.000 MELLOTT MICHAEL

PIDN: 86302008.000

GISP: 872.03-04-0340.00M

Owner Information

Percent of Ownership: 100

Name: MELLOTT MICHAEL

Name 2:

Mailing Address: P O BOX 1926
BETHEL ISLAND CA
94511

Site Address: 2312 SANTA CRUZ DR GAUTIER

Land Information

Section: 3 Acreage: 0

Township: 8

Range: 7

Street Name SANTA CRUZ
DR

Value and Tax Information

Total Assessed Value: 32895

Total Appraised Value: 219299

Improvement Value: 166619

Land Value: 52680

Tax Amount: 4729

SQ FT: 1848

Year Built: 1972

Legal Description

Description: LOTS 725; 726 & 727 POINT CLEAR
RIVIERA S/D SECTION F PB 9-50 DB
2052-642 (340M MAP872.03-04)

Deed Book / Page: 2052 / 642

86302008.000 MELLOTT MICHAEL

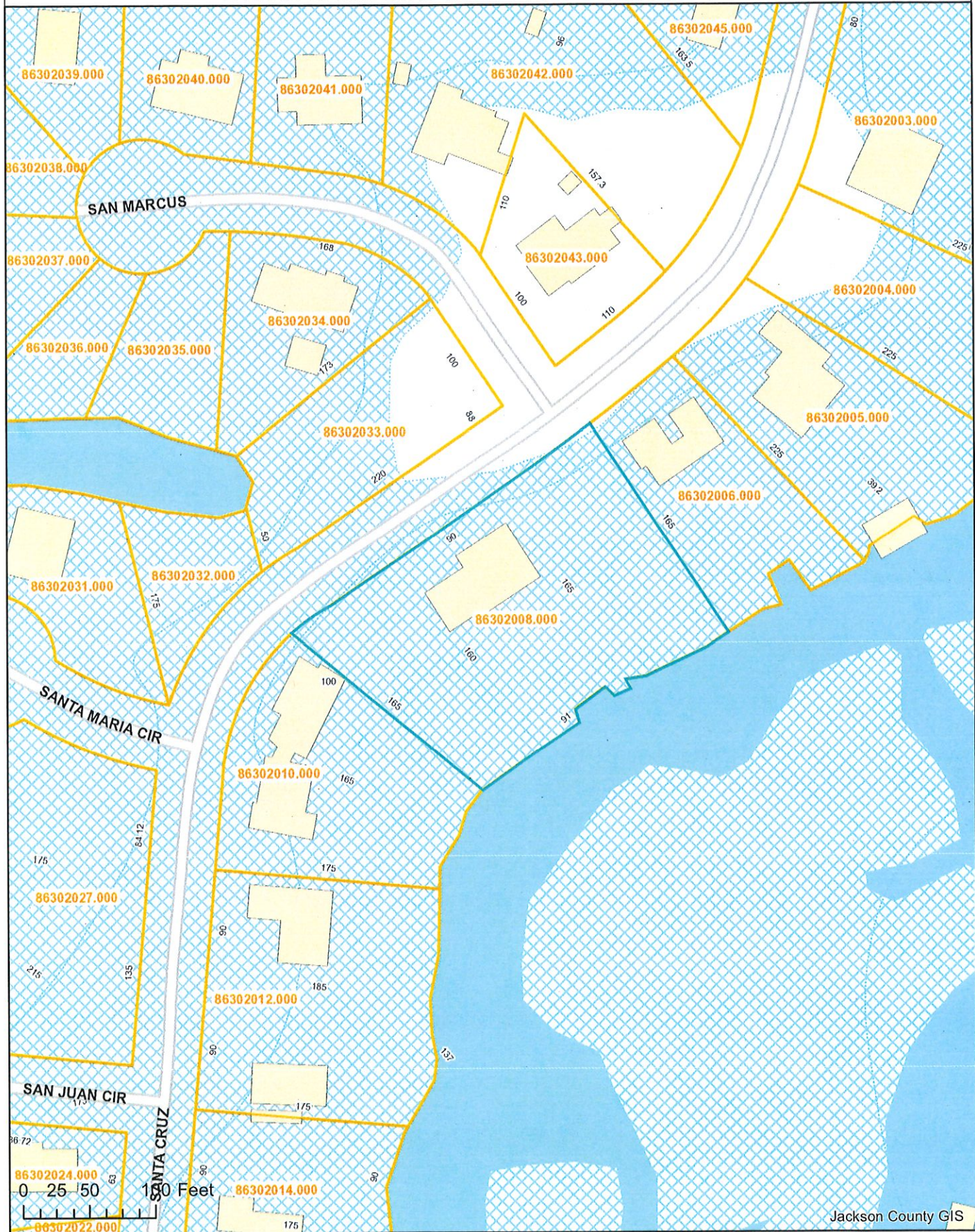


Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department

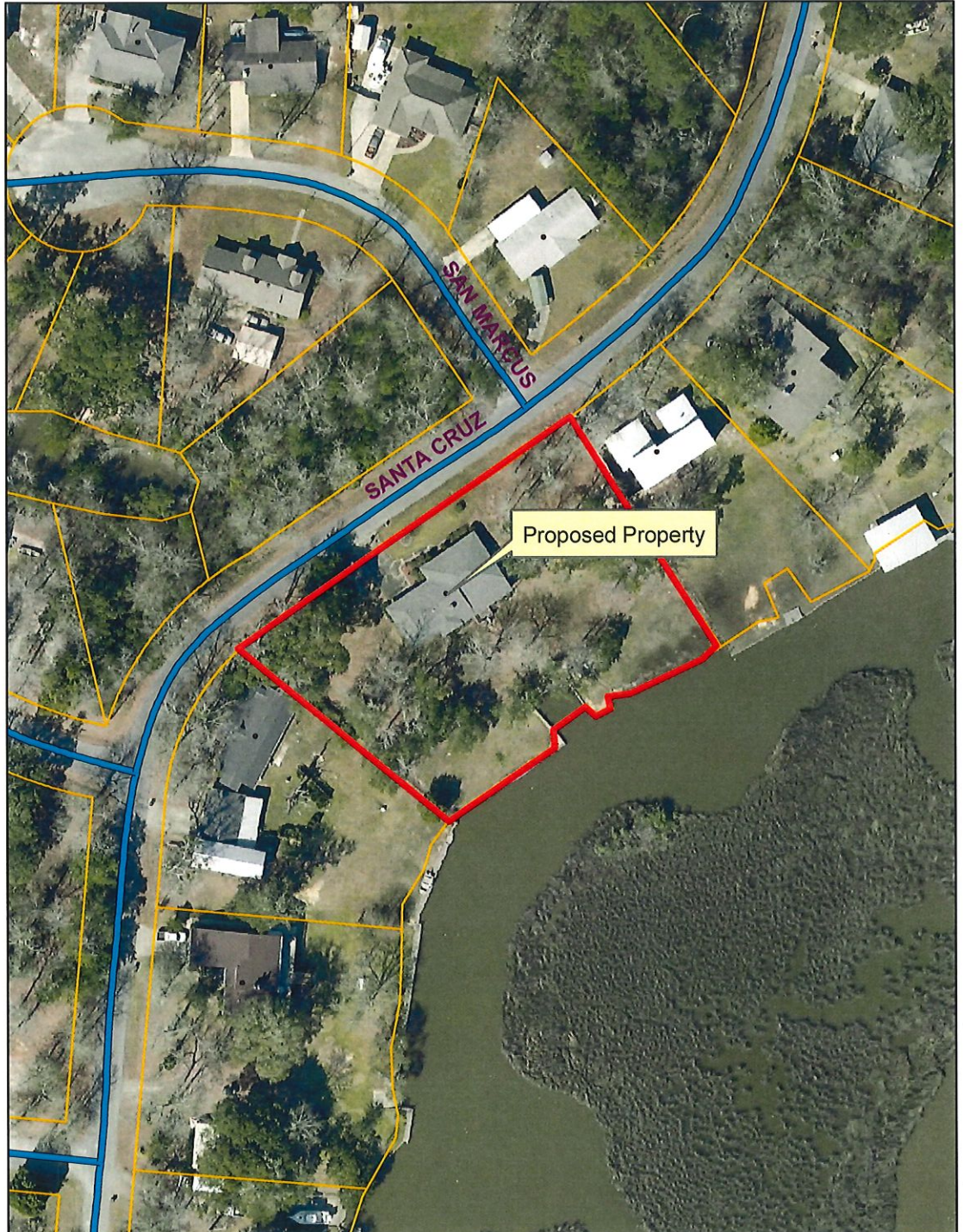


Exhibit B

Existing Zoning

Prepared by:
City of Gautier
Planning Department

Legend

Zoning 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

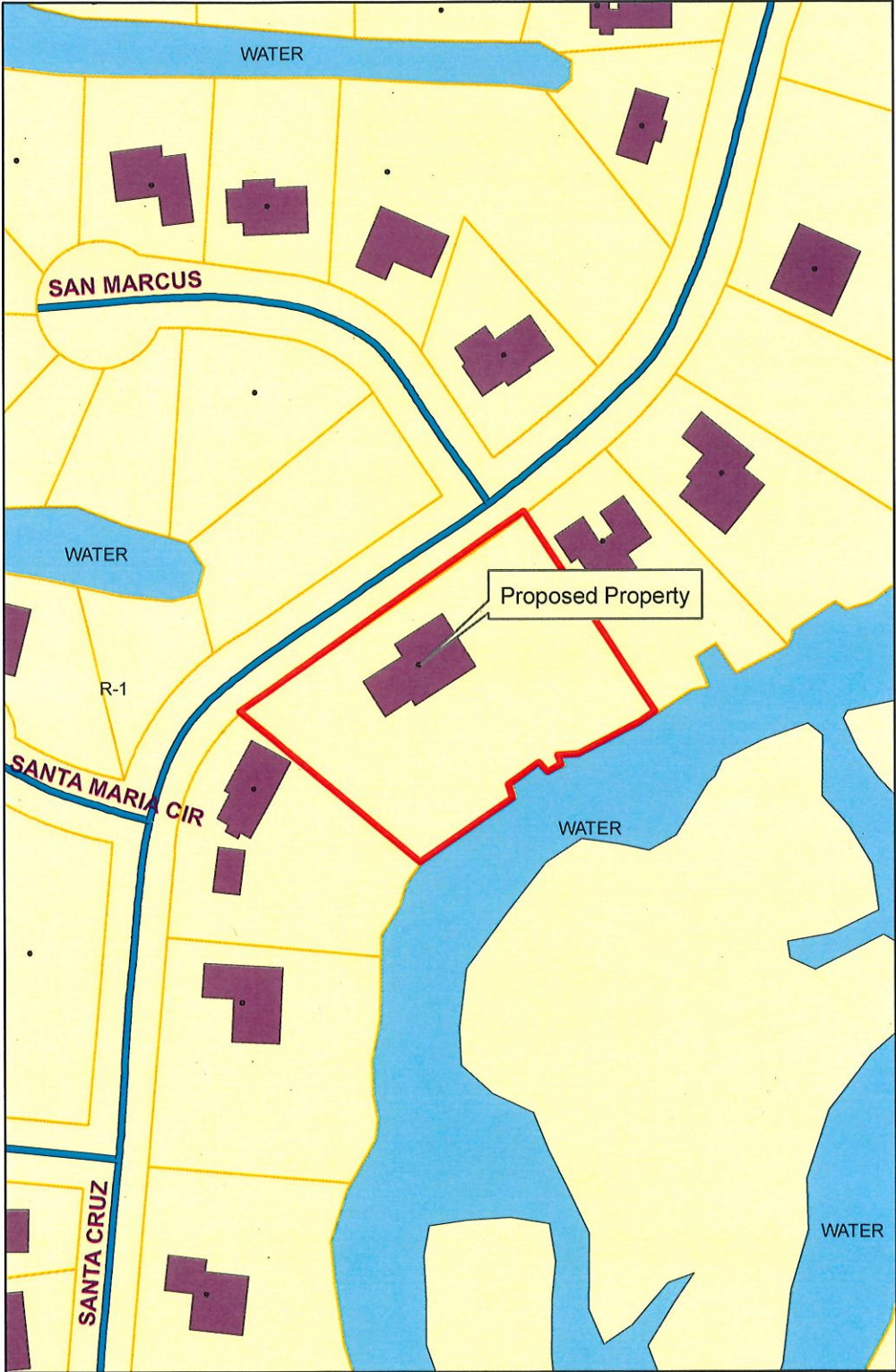


Exhibit C

Existing Land-Use

Prepared by:
City of Gautier
Planning Department

Legend

EXISTING LAND USE

ELU_08

- 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

Prepared By:
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

