

AGENDA
GAUTIER PLANNING COMMISSION
OCTOBER 3, 2024
5:30 P.M.

- I. CALL TO ORDER**
- II. PLEDGE OF ALLEGIANCE (VOLUNTEER)**
- III. APPROVAL OF AGENDA**
- IV. APPROVAL OF MINUTES (SEPTEMBER 5, 2024)**
- 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 Property Owner Initiated Rezoning of Property located at John Dailey Drive, PID #82425010.100 & #82424080.200, from R-1 Low Density Single-Family Residential to MURC-2 Mixed Use Recreation Commercial-2 (GPC Case No. 24-37-RZ)
 - 2. Consider a request for a four-foot (4') variance to fence height requirements along the side property line in a front yard and a two-foot (2') variance to fence height requirements along the front property line in a R-1 Low Density Single-Family Residential Zoning District. 6208 Old Spanish Trail, (GPC #24-38-VAR)
 - 3. Consider a request for a four-foot (4') variance to sign height requirements and a one hundred seventy-four (174) square foot variance to sign square footage requirements in a C-3 Highway Commercial Zoning District. 2012 Highway 90, (GPC #24-39-VAR)
- VIII. GENERAL DISCUSSION**
 - A. PREVIOUS CASE UPDATES
 - B. PERMIT & TRC REPORTS
- IX. ADJOURN**

**SEPTEMBER 5, 2024
GAUTIER, MISSISSIPPI**

BE IT REMEMBERED that a meeting of the Gautier Planning Commission of The City of Gautier, Mississippi, was held on September 5, 2024, at 5:30 PM in the Council Chambers of the Gautier Municipal Building at 3330 Highway 90, Gautier, Mississippi.

Commission Members present were: Chairman Kay C. Jamison, Commissioners Josh Ward, DeAnna McManus, Chris Hoover, William Davis, and Ricky Decoteau. Also present were Scott Ankerson, Planning Director, Josh Danos, City Attorney (by phone), and Babs Logan, Planning Technician. Absent was Maurice Hudson.

AGENDA

GAUTIER PLANNING COMMISSION

SEPTEMBER 5, 2024

5:30 P.M.

- I. CALL TO ORDER**
- II. PLEDGE OF ALLEGIANCE (VOLUNTEER)**
- III. APPROVAL OF AGENDA**
- IV. APPROVAL OF MINUTES (JULY 11, 2024, & AUGUST 1, 2024)**
- 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 Conditional Use-Major that would allow Self Service Mini-Warehouses in a C-3 Highway Commercial Zoning District. Highway 90, PID #81831440.000 (GPC #24-32-CU)
 - 2. Consider a request for a Special Exception that would allow the sale of sheds in the TC – Town Center Zoning District. 2101 Old Spanish Trail, (GPC #24-33-SE)

3. Consider a request for a Special Exception that would allow a duplex in an R-3 Mobile/Manufactured Home Residential Zoning District. 7717 Dahlia Drive, (GPC #24-34-SE)
4. Consider a request for a six-foot (6') variance to side yard setback requirements for an accessory building and a one-foot (1') variance to fence height in a front yard in a R-1 Low Density Single-Family Residential Zoning District. 1715 Piney Lane, (GPC #24-35-VAR)

VIII. GENERAL DISCUSSION

- A. PREVIOUS CASE UPDATES
- B. PERMIT & TRC REPORTS

IX. ADJOURN

Commissioner Ward made a motion to approve the Agenda.

Commissioner Decoteau seconded the motion, and the following vote was recorded:

AYES:

Kay C. Jamison
Josh Ward
DeAnna McManus
Chris Hoover
William Davis
Ricky Decoteau

ABSENT:

Maurice Hudson

Motion Passed

Commissioner Ward made a motion to approve the July 11, 2024, & August 1, 2024, minutes.

Commissioner McManus seconded the motion, and the following vote was recorded:

AYES:

Kay C. Jamison
Josh Ward
DeAnna McManus
Chris Hoover
William Davis

ABSTAINED: Ricky Decoteau

ABSENT: Maurice Hudson

Motion Passed.

PUBLIC COMMENTS (MATTERS OF THE PLANNING COMMISSION NOT LISTED ON THE AGENDA) - None

OLD BUSINESS - None

NEW BUSINESS

1. Consider a request for a Conditional Use-Major that would allow Self Service Mini-Warehouses in a C-3 Highway Commercial Zoning District. Highway 90, PID #81831440.000 (GPC #24-32-CU)

Scott Ankerson, Planning Director, gave a brief overview of the case. He explained that the existing structure on the property was permitted as a carwash many years ago, but construction was never completed. Many years later it was completed by this owner who is using it basically as a personal storage building.

REQUEST:

The Planning Department has received a request from Omega Holdings LLC for a Conditional Use-Major that would allow Self Service Mini-Warehouses in a C-3 Highway Commercial Zoning District on Highway 90, PID #81831440.000. (GPC #24-32-CU). The application fee of \$250 was paid on July 30, 2024. All public notice requirements have been met.

BACKGROUND:

The request property is zoned C-3 Highway Commercial.

1. Location: Highway 90, PID #81831440.000 (See Exhibit A)
2. General features of the proposed project:
Total Area of Lot: Approximately 3.69 Acres
Existing structure on property was permitted as a carwash many years ago, but construction was never completed

3. Existing Zoning – C-3 Highway Commercial (See Exhibit B)
4. Existing Land Use – Vacant Building (See Exhibit C)
5. Comprehensive Plan Future Land Use Designation – Low Impact Commercial (See Exhibit D)

DISCUSSION:

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

1. Is the proposed use listed in the list of possible Conditional Uses in the Zoning District?

Applicant Response: See attachment.

Staff Finding: Yes. Mini-Warehouses, Self Service, are listed as a Conditional Use-Major in a C-3 Highway Commercial District.

2. 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.

Applicant Response: See attachment.

Staff Finding: Not substantiated

3. Will your project negatively affect neighboring property values or pose a real or perceived threat to citizens? Explain.

Applicant Response: See attachment.

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.

4. Will your project adversely affect vehicular or pedestrian traffic in the vicinity? Explain.

Applicant Response: See attachment.

Staff Finding: There is no evidence that the proposed use will have any adverse effect on vehicular or pedestrian traffic.

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?

Applicant Response: See attachment.

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

6. Is the proposed use in harmony with the Comprehensive Plan? Explain how.

Applicant Response: See attachment.

Staff Finding: The Comprehensive Plan calls out “Low Impact Commercial” for future land use of this property.

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.

Applicant Response: See attachment.

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

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.

Applicant Response: See attachment.

Staff Finding: The proposed use will conform to all current district regulations.

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 condition.

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:

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

Chairman Jamison asked the applicant to present the case.

Donovan Scruggs, representative for the applicant, said the incomplete carwash had been there for many years and was basically an eyesore. The applicant bought the property in 2022 and made some improvements to the structure. Having invested money in the building, he is now trying to find a use for it. A self-storage facility is a use that would work with the existing structure. The property fronts on De La Pointe, Shaw Drive and Hwy 90, therefore having access on three sides. Access to the property will probably be from Shaw Drive. The applicant plans to use the existing structure and construct five additional buildings all within a fenced area. The project is likely a better fit for the residential area to the north of the property than other more intense commercial uses that are allowed in a C-3 district. Self-storage facilities have lower traffic counts than most commercial developments. Mr. Scruggs also noted that climate controlled self-storage facilities are permitted by right in a C-3 district. He also stated that many of the self-storage facilities within Gautier are in zoning districts where they are not permitted by right.

Chairman Jamison asked Mr. Ankerson about making the existing structure climate controlled but not the other buildings.

Mr. Ankerson said he thought the intent of the Ordinance went along with the fact that climate control storage facilities are generally large, sometimes 2 story, with a brick façade, which is a very different look than the metal buildings that are not climate controlled.

Commissioner McManus asked if the facility was going to be gated or just have a fence around a couple of the sides.

Mr. Scruggs said he expected the facility to be fenced and gated.

Chairman Jamison asked Mr. Ankerson if the Commission could require them to put a certain height wooden fence around the entire facility.

Mr. Ankerson said the Commission could put whatever conditions they wanted to on the request. He added that, per the Ordinance, chain link fences are not allowed to be seen from the public right of way or sidewalks. This parcel probably wouldn't be able to use any chain link fencing because it fronts on three streets. He also said the Ordinance has landscape requirements for new commercial development, such as canopy trees every so many linear feet of the property, bushes in front of parking areas, etc.

Commissioner McManus said there should definitely be a fence around the facility.

Commissioner Ward asked if there was a specific reason the applicant didn't want to have climate-controlled storage.

Mr. Scruggs said he assumed it was the cost of having climate-controlled storage.

Chairman Jamison asked if the buildings were going to be metal buildings, and if the roads would be gravel or asphalt.

Mr. Ankerson said the Ordinance has architectural requirements for commercial buildings, but he wasn't sure if they would apply to mini warehouses without looking at the Ordinance. If they do apply to mini warehouses, it would include things like façade materials, such as brick or stucco.

Mr. Scruggs said that he would assume the front building may have something besides metal since it would be most visible, and the other buildings would probably be metal. As for the roads he wasn't sure. Gravel would reduce the need for retention, because having a site that was totally impervious would cause a tremendous amount of runoff, but they would do whatever the Planning Commission wanted them to do.

Commissioner Davis asked Mr. Scruggs for a little information on the applicant, such as other projects and how they worked out.

Mr. Scruggs said that has worked with Mr. Saucedo on a subdivision in Ocean Springs. Mr. Saucedo built the building on the lot next to this property and moved his business from Ocean Springs to that property. He also works in the building adjacent to this property.

There were none in attendance speaking in opposition of the request.

ACTION TAKEN:

Commissioner McManus made a motion to recommend that City Council approve the Conditional Use – Major with the stipulation that the project contains a decorative fence erected around all areas of public right of way.

Commissioner Ward seconded the motion, and the following vote was recorded:

AYES: **Kay C. Jamison**
 Josh Ward
 DeAnna McManus
 Chris Hoover
 William Davis
 Ricky Decoteau

ABSENT: **Maurice Hudson**

Motion passed.

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2. Consider a request for a Special Exception that would allow the sale of sheds in the TC – Town Center Zoning District. 2101 Old Spanish Trail, (GPC #24-33-SE)

Scott Ankerson, Planning Director, gave a brief overview of the case.

REQUEST:

The Planning Department has received a request from J. Douglas & Angie A. Molyneaux for a Special Exception that would allow sale of sheds in the TC – Town Center Zoning District at 2101 Old Spanish Trail, PID #82436055.195 (GPC #24-33-SE). The application fee of \$250 was paid on July 12, 2024. All public notice requirements have been met.

BACKGROUND:

The request property is zoned TC – Town Center.

1. Location: 2101 Old Spanish Trail, PID #82436055.195 (See Exhibit A)
2. General features of the proposed project:
 Lot Size: 1.7 acres
3. Potable Water and Wastewater Services: Available at current location
4. Current Zoning (See Exhibit B): TC- Town Center
5. Current Surrounding Zoning (See Exhibit B): TC – Town Center, C-2 Community Commercial, R-1 Low Density Single-Family Residential
6. Current Surrounding Existing Land Use (See Exhibit C): Commercial-Retail, Vacant, Very low to low density residential

7. Comprehensive Plan Future Land Use Designation (See Exhibit D): Town Center

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: A strict application of the TC zoning regulations would deprive me of rights commonly enjoyed by others in the district and impose unnecessary hardship. I urge the City Council to consider granting a special exception to allow for the sale of sheds on my property. Such a decision would align with both historical uses and the current economic landscape, ensuring fair and equitable treatment for all property owners in the district.

Staff Finding: There are other businesses that sell these types of sheds within the same district.

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: The initial vision for the TC district has not materialized as expected. A reevaluation of the zoning boundaries east of Ladrner Road is warranted. (See attached)

Staff Finding: Staff does not feel that this use would be injurious to the neighborhood or the general welfare.

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

Applicant Response: The selling of sheds is specifically allowed in any zoning district in the city. I am assuming that it is considered an ancillary product to other retailers such as lumber yards. My property used to be a lumber yard. The need for this proposed special exception is not a result of any action that I have taken.

Staff Finding: Unsubstantiated

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.

Chairman Jamison asked the applicant to present his case.

Commissioner Davis asked Mr. Ankerson why the sale of sheds was not considered retail. He wanted to know why it wouldn't be considered as commercial retail.

Mr. Ankerson explained that the sale of sheds is not a use that is listed in the Unified Development Ordinance (UDO). There are businesses such as Lowe's that do sell them as part of their merchandise, but this is the specific sale of just sheds. He did not see the specific sale of sheds as commercial retail.

Doug Molyneaux, the applicant, gave the Commissioners pictures from the manufacturer's website of the portable buildings that would be sold on the site. He said he would like to address the criteria for a Special Exception as his presentation. He said that in the immediate neighborhood, meaning within 1000 feet of the subject property and east of Ladnier Road, there are multiple uses in the area that are technically permitted in a C-3 zone. There is a self-storage business, Air Masters' warehouse and equipment yard, and an auto repair place that are all permitted in C-3. When he purchased the property a little over four years ago the subject property was being used as a laydown yard for a concrete company equipment storage. Prior to that it was used for selling building supplies, which is also a C-3 permitted use. The property is pretty far removed from the actual Town Center property that was the Singing River Mall property at one time. Adjacent to the old mall is Lowes that sells sheds and trailers in their parking lot as an ancillary use. So, the hardship is that the current zoning is not in alignment with the past use of the property or even the current economic reality of the area east of Ladnier. The hardship basically is that the Town Center zoning is overly restrictive in preventing the effective use of the property.

Mr. Molyneaux further addressed the criteria by stating that the property east of Ladnier Road used to be C-3 and currently has a lot of uses that are permitted in C-3 zoning. This is demonstrative of the fact that the selling of portable buildings would be in harmony with the UDO and not at all injurious to the neighborhood. He said his belief is that everything east of Ladnier should still be C-3 zoning because when that was designated Town Center the economic outlook of Town Center was vastly different than it is today. Had Walmart located within the Town Center as expected, the Town Center would have exploded. It will probably be at least 20 years before Town Center expands that far east. He said he could make a very strong case that the area should still be C-3 for economic development opportunities. That is his opinion and speculation, but he didn't do anything to cause the hardship. If he can get all the other owners on board, he may come back and request rezoning back to C-3.

Chairman Jamison noted that the zoning was Town Center, but the existing use was commercial retail. She asked Mr. Ankerson why he didn't see this as commercial retail.

Mr. Ankerson said when he looked at the definition of commercial retail, he didn't think this was in that category. The proposed use isn't your typical retail commercial. It is large sheds and maybe some equipment needed to move them that would be on the property. He didn't feel comfortable approving it without Planning Commission and Council approval. Examples of what he generally considered commercial retail would be shops selling things like clothing, or Harbor Freight which sells tools and other things.

Commissioner Ward said there is definitely a lot of speculation in what Mr. Molyneaux was saying. He remembered when the construction business was there, and they were trying to make a production facility there that would cause a lot of noise. The noise was the main concern with them because of the neighborhood right there. He asked how much noise the business would generate because there is a neighborhood right across the street from the property.

Mr. Molyneaux said directly across the street from the property was woods. The subdivision was across the street to the east. There should be about twenty or thirty sheds on display at any given time. He didn't know the volume of sheds the business owner was intending to sale but there would be trucks coming in and out to deliver them. They would not be building them on site. He is going to be the landlord for the business owners that would be selling the sheds. He did some research on the sheds and they will meet City of Gautier codes for wind.

Commissioner Ward said the business owner would need to make sure that anyone buying a shed was told that they had to get a permit from the City and verify that the shed met codes. People need to know that just because they are being sold in the city does not mean they meet city code.

Mr. Molyneaux said he and Mr. Ankerson had already discussed that issue and he had talked to the business owner about it. There will also be a lot of the sheds sold that may not be placed in Gautier. People from Vancleave, Ocean Springs, etc. would be buying sheds from that location.

Casey Vaughan who lives at 3109 Bemis Avenue, which is across from the property, said he is open to new business but some of the things stated are not 100 percent factual. One thing was that Air Masters Mechanical was there before Gautier was incorporated. He said he doesn't mind storage sheds being sold on the property but thinks there needs to be some strict guidelines regarding the buffering between the residential area and the commercial area, and when the sheds are being brought in and out. He is also concerned because sister cities have some locations where storage sheds are sold that are overcrowded with sheds and they are not strategically placed on the lots.

Mr. Molyneaux said there would be about an acre designated for sheds. He assumes you could get 30 to 40 shed in that area maximum. He thought that restricting times for delivery from 7:00 a.m. to 7:00 p.m. would be agreeable with the business owners.

Mr. Ankerson advised that the Ordinance has density limitations for each district regarding how much of a lot can be covered. After looking at the UDO he advised that areas density was a maximum of 90 percent. He suggested instead of saying how many buildings could be on the property they need to be looking at a percentage of density. They will also be required to have parking which would be calculated in that density percentage.

Mr. Vaughan said the property had some stipulations on it before and some development agreements. Also, he said there are currently some issues with some urban campers and are the applicants' tenants going to be able to address those issues with some security for the property.

Mr. Molyneaux said he had told his tenants they would probably need to put up some security cameras to keep urban campers from sleeping in the buildings because he had to run some of them off the property himself.

Mr. Ankerson said he did have a concern that he failed to put in the Staff Report. When the buildings are brought in do they tie them down because the only way they would meet the wind load is if they were tied down. If not, that might be a concern the Commissioners might want to address in their conditions.

Commissioner Ward said the sales locations he has been to don't typically tie the sheds down. They might need to require an emergency preparedness plan that so many hours before a named storm they need to tie them down.

Commissioner McManus said there needed to be some type of buffer on the front of the property, either a fence or shrubbery.

Mr. Molyneaux said he wanted people to be able to see that there was a storage shed sales place there. Any type of buffer that would hide the business would not make sense.

Chairman Jamison asked the other Commissioners for ideas on hours of operation. It was suggested that the hours open to looking at the sheds be from 7:00 a.m. to 8:00 p.m.

Mr. Molyneaux said he would like to be open from 7:00 a.m. to 10:00 p.m. He asked if they would restrict Lowe's or Harbor Freight to those hours.

Commissioner Hoover said that they had to consider the lights that would be on the property after dark for shoppers. The bright lights shouldn't disturb the residents.

Mr. Ankerson did advise there were regulations in the Ordinance regarding brightness of the lighting that would have to be adhered to in the parking area.

ACTION TAKEN:

Chairman Jamison made a motion to recommend that City Council approve the Special Exception with the following stipulations: 1) the front facing side on Old Spanish Trail shall have a decorative fence to be aesthetically pleasing for the neighborhood across the street, 2) the hours of operation to shop for sheds will be from 7:00 a.m. to 8:00 p.m., 3) density of property as a whole including parking, roads, sheds, and existing sheds will be 70%, 4) delivery hours for bringing sheds in and out of the property will be limited to 7:00 a.m. to 7:00 p.m., 5) no manufacturing allowed on the property, and 6) if a Category 2-5 hurricane comes to this area the sheds will get tied down.

Commissioner Ward seconded the motion, and the following vote was recorded:

AYES: **Kay C. Jamison**
 Josh Ward
 DeAnna McManus
 Chris Hoover
 Ricky Decoteau

NAYS: **William Davis**

ABSENT: **Maurice Hudson**

Motion passed.

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3. Consider a request for a Special Exception that would allow a duplex in an R-3 Mobile/Manufactured Home Residential Zoning District. 7717 Dahlia Drive, (GPC #24-34-SE)

Scott Ankerson, Planning Director, gave a brief overview of the case.

REQUEST:

The Planning Department has received a request from Luis Elias Mendoza Quintanilla for a Special Exception that would allow a duplex in a R-3 Mobile/Manufactured Home Residential Zoning District at 7717 Dahlia Drive, PID #85441243.000 (GPC #24-34-SE). The application fee of \$250 was paid on July 22, 2024. All public notice requirements have been met.

BACKGROUND:

The request property is zoned R-3 Mobile/Manufactured Home Residential

1. Location: 7717 Dahlia Drive, PID #85441243.000 (See Exhibit A)
2. General features of the proposed project:
 Lot Size: approximately 0.23 acres
3. Potable Water and Wastewater Services: Available at current location
4. Current Zoning (See Exhibit B): R-3 Mobile/Manufactured Home Residential

5. Current Surrounding Zoning (See Exhibit B): R-3 Mobile/Manufactured Home Residential
6. Current Surrounding Existing Land Use (See Exhibit C): Mobile Home
7. Comprehensive Plan Future Land Use Designation (See Exhibit D): Mobile Home Residential

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: See Attached.

Staff Finding: City Council approved a duplex in the same zoning district in August 2023.

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: See Attached.

Staff Finding: Unsubstantiated

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

Applicant Response: I have no evidence that his request is a result of any of my actions.

Staff Finding: Unsubstantiated

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.

Chairman Jamison asked the applicant to present his case.

Luis Elias Mendoza Quintanilla, the applicant, said he wanted to build a duplex to rent to different families. It would be three bedrooms with a garage. His original idea didn't have a garage, but he thought it might help the tenants with storage. A duplex would help the look of the neighborhood and raise the quality of the neighborhood. It would possibly encourage people to start building instead of using manufactured homes.

Chairman Jamison said she couldn't understand why they would even consider denying an improvement to what is allowed because the applicant is taking the risk that his property value will not be as much as it would be if he built the duplex somewhere there are houses. The City wouldn't be taking a risk if what he is building is an improvement to the area.

Mr. Ankerson stated that he thought the intent of the Ordinance in putting this restriction in the R-3 district is because the R-3 district is the only district where mobile homes are allowed. If you start letting that district fill up with single-family dwellings then there is no place to put mobile homes. That is why anything other than a mobile home is going to be a special exception in this district. He also reminded Commissioners that the City had approved a duplex in the same district in August 2023.

Commissioner Decoteau asked if the square footage was a consideration with this request. Even though the building is about 2400 square feet, each individual unit is only about 979 square feet.

Mr. Ankerson said the Ordinance doesn't specify anything regarding a duplex in an R-3 district. The minimum required for a single-family home in an R-3 district is 1100 square feet.

There were none in attendance speaking in opposition of the request.

ACTION TAKEN:

Commissioner McManus made a motion to recommend that City Council approve the Special Exception for a duplex.

Commissioner Decoteau seconded the motion, and the following vote was recorded:

AYES: **Kay C. Jamison**
 Josh Ward
 DeAnna McManus
 Chris Hoover
 William Davis
 Ricky Decoteau

ABSENT: **Maurice Hudson**

Motion passed.

-
-
4. Consider a request for a six-foot (6') variance to side yard setback requirements for an accessory building and a one-foot (1') variance to fence height in a front yard in a R-1 Low Density Single-Family Residential Zoning District. 1715 Piney Lane, (GPC #24-35-VAR)

Scott Ankerson, Planning Director, gave a brief overview of the case.

REQUEST:

The Planning Department has received a request from Roger Dulcich for a six-foot (6') variance to side yard setback requirements for an accessory building and a one-foot (1') variance to fence height in a front yard in a R-1 Low Density Single-Family Residential Zoning District at 1715 Piney Lane, PID #85440148.000 (GPC #24-35-VAR). The application fee of \$175 was paid on July 23, 2024. All public notice requirements have been met.

BACKGROUND:

The applicant would like to put a carport on the side of his house that would be 4' from the property line. The side setback requirement for an accessory building is 10' from the property line. The applicant will need a 6' variance to side yard setback requirements for an accessory building.

The applicant would also like to put a 5' fence around his yard. Part of the fence would be in front of the house. Per the Unified Development Ordinance (UDO), fences shall not exceed four feet in height within a designated front yard. The applicant will need a 1' variance to fence height in a front yard.

DISCUSSION:

The applicant is asking for a 6' variance to side yard setback requirements for an accessory building, and a 1' variance to fence height in a front yard.

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.

Chairman Jamison asked the applicant to present his case.

Roger Dulcich, the applicant, said the reason for the fence is because their dogs are used to running around their property in Oregon. They moved here a couple of months ago. They have a 6' privacy fence in the backyard and would like to have a field fence in part of the front yard that you can see through.

Debra Dulcich, the applicant's wife, said one dog is a Mastiff that stands six feet tall and the other is a boxer over four feet tall. She said they are both very friendly and would not be out in the front yard without them being outside also. They are on a corner lot and statistics show there are more car accidents on corner lots than other houses on a street. Also, the kids that get off the bus cut across their lawn. The septic pipe is also in the front yard and if a kid gets hurt, they would be liable. She said a four-foot fence would not be sufficient for the size of her Mastiff even though he is friendly. The type of fence they want would look nicer if it was five feet. The fence would not be a sight problem for cars turning onto the street.

Chairman Jamison asked Mr. Dulcich about the variance for the carport.

Mr. Dulcich said the property line is about 22' from his garage and the carport he wants to build is 17' wide.

Chairman Jamison said the diagram shows the property line at 21'6" from the garage and the carport as 14' wide. She asked if they were going to put an RV, a regular car, or what under the carport.

Mrs. Dulcich said it was for their boat. They didn't want to park it on the driveway.

Mr. Davis asked if boats could be parked on the driveway in front of the house.

Mr. Ankerson advised that boats could be parked on the driveway in front of the house. If it was not parked on the driveway, it would have to be parked behind the front plane of the house.

Chairman Jamison said she realized they wanted the other side yard for their dogs, but had they considered putting the carport on that side.

Mr. Dulcich said it was more cost effective to have it on the side they show on the diagram. They would have to have power put on the other side as well as fill in a ditch for the culvert so he could drive the boat under the carport.

Commissioner Ward asked if he was planning on putting a 14' or 17' wide carport.

Mr. Dulcich said he would like a 17' but would be ok with a 14'.

Mr. Ankerson advised that Staff had advertised the request for a 6' variance to side yard setbacks for the carport. If the applicant wanted to put in a 17' carport, the variance process would have to start all over. The Commission can give less of a variance than is advertised but not more.

Chairman Jamison asked the applicant if he was going to put a slab in front of the carport to pull the boat in or was he proposing to put gravel.

Mrs. Dulcich said they wanted to put gravel because of the runoff issue with concrete.

Commissioner Ward asked Mr. Ankerson if gravel was allowable.

Mr. Ankerson said the Ordinance does allow gravel with Technical Review Committee (TRC) approval as long as you have 15' of hard surface, concrete or asphalt, from the street.

Chairman Jamison asked if there would be gravel under the carport to park the boat on.

Mr. Dulcich said it would be gravel and the carport would have concrete footings.

Chairman Jamison said she wish she could have heard from the neighbor on that side.

Mrs. Dulcich said she had spoken with the wife, and she didn't have a problem.

Babs Logan, Planning Technician, said the person that lived behind them had called earlier to get a better idea of what the applicant was asking for. Once it was explained he said that he didn't not have any issues with the request.

Mr. Ankerson reminded Commissioners that they had approved a 1' height variance for a fence on Graveline Road on a corner lot and this was the same situation.

There were none in attendance speaking in opposition of the request.

ACTION TAKEN:

Commissioner Decoteau made a motion to recommend that the City Council approve the variances as presented for the fence height and the setback for the carport.

Commissioner Hoover seconded the motion, and the following vote was recorded:

AYES: **Kay C. Jamison**
 Josh Ward
 DeAnna McManus
 Chris Hoover
 William Davis
 Ricky Decoteau

ABSENT: **Maurice Hudson**

Motion passed.

GENERAL DISCUSSION

A. PREVIOUS CASE UPDATES

Mr. Ankerson advised Commissioners that City Council approved GPC #24-27-RZ, GPC #24-28-VAR, and GPC #24-30-CU as originally presented by the applicants. They also approved GPC #24-29-SE with the conditions recommended by the Planning Commission.

B. PERMIT & TRC REPORT

Mr. Ankerson presented the June and July monthly reports. August's monthly report was not complete and will be presented at the October meeting.

Commissioner Decoteau made a motion to adjourn the meeting.

Commissioner Davis seconded the motion, and the following vote was recorded:

AYES: **Kay C. Jamison**
 Josh Ward
 DeAnna McManus
 Chris Hoover
 William Davis
 Ricky Decoteau

ABSENT: Maurice Hudson

Motion Passed.

APPROVED BY:

Scott Ankerson
Planning Director/Building Official

DATE: _____

Kay C. Jamison, Chairman
Gautier Planning Commission

DATE: _____

BACKUP DOCUMENTATION

Gautier Planning Commission

Regular Meeting Agenda

September 5, 2024

GPC #24-32-CU

Omega Holdings, LLC

Highway 90, PID #81831440.000

VII. NEW BUSINESS

1. Consider a request for a Conditional Use-Major that would allow Self Service Mini-Warehouses in a C-3 Highway Commercial Zoning District. Highway 90, PID #81831440.000 (GPC #24-32-CU)

**CITY OF GAUTIER
STAFF REPORT**

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: August 27, 2024

Subject: Consider a request for a Conditional Use-Major that would allow Self Service Mini-Warehouses in a C-3 Highway Commercial Zoning District. Highway 90, PID #81831440.000. (GPC #24-32-CU)

REQUEST:

The Planning Department has received a request from Omega Holdings LLC for a Conditional Use-Major that would allow Self Service Mini-Warehouses in a C-3 Highway Commercial Zoning District on Highway 90, PID #81831440.000. (GPC #24-32-CU). The application fee of \$250 was paid on July 30, 2024. All public notice requirements have been met.

BACKGROUND:

The request property is zoned C-3 Highway Commercial.

1. Location: Highway 90, PID #81831440.000 (See Exhibit A)
2. General features of the proposed project:
Total Area of Lot: Approximately 3.69 Acres
Existing structure on property was permitted as a carwash many years ago, but construction was never completed
3. Existing Zoning – C-3 Highway Commercial (See Exhibit B)
4. Existing Land Use – Vacant Building (See Exhibit C)
5. Comprehensive Plan Future Land Use Designation – Low Impact Commercial (See Exhibit D)

DISCUSSION:

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

1. Is the proposed use listed in the list of possible Conditional Uses in the Zoning District?

Applicant Response: See attachment.

Staff Finding: Yes. Mini-Warehouses, Self Service, are listed as a Conditional Use-Major in a C-3 Highway Commercial District.

2. 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.

Applicant Response: See attachment.

Staff Finding: Not substantiated

3. Will your project negatively affect neighboring property values or pose a real or perceived threat to citizens? Explain.

Applicant Response: See attachment.

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.

4. Will your project adversely affect vehicular or pedestrian traffic in the vicinity? Explain.

Applicant Response: See attachment.

Staff Finding: There is no evidence that the proposed use will have any adverse effect on vehicular or pedestrian traffic.

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?

Applicant Response: See attachment.

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

6. Is the proposed use in harmony with the Comprehensive Plan? Explain how.

Applicant Response: See attachment.

Staff Finding: The Comprehensive Plan calls out "Low Impact Commercial" for future land use of this property.

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.

Applicant Response: See attachment.

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

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.

Applicant Response: See attachment.

Staff Finding: The proposed use will conform to all current district regulations.

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 condition.

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:

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 Conditional Use-Major
2. Recommend that City Council approve the Conditional Use-Major with changes;
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

24-32-Cu

FOR OFFICE USE ONLY
Date Received 7/30/24 Verify as Complete BL
Fee Amount Received 25.00 Initials of Employee Receiving Application Babs

*Parcel ID: 81831440.000 – Subject property is unaddressed

OWNERS CONSENT AND DESIGNATION OF AGENT - CONDITIONAL USE

I, Jesus Saucedo for Omega Holdings, LLC, the fee simple owner(s) of the following described property:

Address: 1108 Highway 90, Gautier MS 39553
Corner of Highway 90 and Shaw Drive (east side)

Parcel ID No.: 81831440.000

hereby petition to the City of Gautier to *Grant a Conditional Use Major or Minor of Self-Storage / Mini-warehouses* (state proposed use from Article V of the Unified Development Ordinance) at the above reference property and affirm that Donovan Scruggs of Scruggs Town Planning (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.

[Signature]
(Owner's Signature)

[Signature]
(Owner's Signature)

Notary Information:

The foregoing instrument was acknowledged before me this 30th day of July, 2024 by Jesus Saucedo, who is personally known to me or has produced _____ as identification and who did take an oath.

Kama Geiger
(Printed Name of Notary Public)

Kama Geiger
(Signature of Notary Public)

Commission # 113584 My commission expires August 27, 2027

(Notary's Seal)



Land Use Narrative
For A Conditional Use (Self-Storage/Mini-Warehouses) for
Property Located along North Side of Highway 90 and East Shaw Drive
PIDN: 81831440.000

Prepared by: S. Donovan Scruggs, AICP
Date: July 31, 2024

Omega Holdings LLC recently purchased the subject property along the north side of Highway 90 and the east side of Shaw Drive. The site is vacant, and at the time of purchase, the structure on the site was either incomplete or in disrepair. This condition caused some damage to the structure, and the new owner made repairs to the structure to include the roof, removal of rotted wood, and openings. At present, the appearance of the structure is considerably improved since the new owner took possession. The current owner purchased two parcels and split or subdivided the larger westernmost parcel. The division of the properties resulted in a total of four parcels, and the subject parcel is approximately 2.5 acres. The three other parcels remain under the same ownership. Between 2023 and 2024, a new structure (Phoenix Labor Group) was constructed south east of the subject site. The property owner operates his businesses from that site.



The structure on the subject site was constructed as car wash in approximately 2004, but the site has been vacant for a number of years. The applicant purchased the property in January 2022 and hopes to repurpose the building as a self-storage facility. This will include the construction of additional storage units on the property. The self-storage units are not expected to be climate control.

The property is south of De La Pointe Drive and north of Highway 90. The properties located between these two streets are exclusively designated as Highway Commercial District (C-3). This is the City of Gautier's most intense commercial district. The proposed use of self-storage requires a Conditional Use-Major that must be granted by the City Council after a hearing before the Planning Commission.



Site and Application Overview.

The Site is located within a Highway Commercial (C-3) District. The parcel is approximately 2.6 acres in area. The Gautier zoning ordinance describes this district C-3 District as follows:

The purpose of this district is to provide for areas where relatively high intensity commercial and retail uses, office buildings, medical facilities, automobile car lots and regional shopping areas may be located. C-3 Districts are to be located along major highways or major arterials. Due to the high intensity of some of the permitted uses and the variety of uses, most C-3 uses are not compatible with low- to medium-density residential uses, but may be adjacent to high-density residential uses if adequately buffered.

A review of the standards of the C-3 District demonstrates that mini-warehouses or self-storage facilities are permitted as a Conditional Use-Major. Conditional Uses and Conditional Uses-Major are defined by the zoning ordinance as follows:

Table No. 4: Uses Permitted in Non Residential, Public Land and Town Center Districts						
	C-1	C-2	C-3	I	PL	TC
Group Home for the Handicapped (less than 12 guests)	C	C	C			c
Guest House (As Accessory Use)	c					c
Marina, Public	c				C	
Marine Sales and Service			P			C
Millwork, Cabinet or Woodworking Shop			P	P		C
Mini-Warehouse, Self Service			C	P		
Mini-Warehouse, Controlled Climate			P	P		
Mixed Use Buildings	P	P	P			P
Mixed Use Buildings with dwelling on 2 nd floor and above		C	P			P

CONDITIONAL USE: 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. See subparagraphs below:

MAJOR CONDITIONAL USE: These uses 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.

The site includes a vacant structure that was constructed in approximately 2004. Shortly after purchase in 2022, the new owner repaired the roof and other portions of the structure. The owner is hoping to repurpose the building and property. The western property originally included approximately 3.7 acres, and the property was subdivided to produce three lots (and an additional separate parcel). The two smaller parcels have areas of approximately .56 (Parcel 3) and .52 (Parcel 2) acres. The larger parcel (Parcel 1) has an area of about 2.6 acres. In 2023-2024 the owner constructed a new office building on the easternmost parcel (Parcel 3) of the subdivided properties. The owner is currently working on plans to develop Parcel 2, and he hopes to repurpose Parcel 1 as a self-storage facility.



Conditional Use Considerations.

Conditional Uses are not allowed permitted "by right". However, the uses that are listed within the Permitted Use Table (Table 4) can be permitted after a hearing before the Planning Commission and approval by the City Council. The zoning ordinance outlines considerations (4.17.5 Criteria for Approval of a Conditional Use-Major) for the approval of Conditional Uses. These are listed below with a response in italics.

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. *The proposed development is consistent with the density, bulk, and intensity of the area. The largest building within the proposed development was constructed in approximately 2004. This building provides the defining 'bulk' for the site. To the east of the site are three convenience stores/gasoline stations. Along the north side of Highway 90, a large convenience store was recently constructed (Chevron) and to its east is another convenience store (Dodge's). Immediately south of these convenience stores is a Keith's Super Store. Convenience stores are permitted in the C-3 District, and these uses generate a high volume of traffic. These facilities are well lit with large canopies over the pumps. Directly south of the property is the "Boat Man" boat repair or boat yard. This is a 'by-right use' along Highway 90 within the C-3 District.*

To the north of the convenience stores is a church and fellowship hall. The church is a larger building that provides a similar 'bulk' of the proposed project. To the west of the site is a Merchant and Marine Bank that was constructed approximately 4 years ago. To the immediate east of the site is small Navigator Credit Union (south side of De La Pointe Drive) and a newly constructed office building by the owner of the subject parcel (Phoenix Labor Group). The area along Highway 90 is commercial in nature. To the north of the site and along the north side of De La Pointe are residential sites (single-family neighborhoods.)

Many of the uses that are permitted within the C-3 District 'by right' are more intense than the proposed use. Self-storage facilities generate some of the lowest traffic counts of commercial uses. The oftentimes can have as little as less than 10 trips a day for a total site. The proposed use will not conflict with surrounding uses.

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. *The proposed development is within a site that has been vacant for an extended period of time. The applicant acquired the property approximately 2 years ago. The 'vacant' and 'unfinished' appearance of the property had been an eyesore or blighting influence to the neighborhood. The owner recently repaired the structure and now proposes to improve the building and site. There are limited opportunities to reuse the existing structure, but self-storage is a use that does work with the existing structure. The proposed use will be consistent with the requirements of the zoning ordinance and provide the required landscaping for the site.*

The proposed use will not have a negative impact on surrounding properties and is likely a 'better fit' for some of the nearby residential areas than other more intense commercial uses.

A brief review of the zoning ordinance indicates that the following uses are permitted 'by right' on the property and within the C-3 District. Automobile Dealership, Automobile Gas Station, Automobile Repair Shop-Major and Minor, Bank or Financial Institution, Bar or Tavern, Boat Yard, Building Material and Supply Establishment, Car wash, Convenience Store, Contractor's Storage Yard, Gun Shop, Heavy Equipment Sales and Rental, Hotel and Motel, Lumberyard, Light Manufacturing, Cabinet and Wood working Shop-Millwork, Climate Controlled Mini-warehouses, Mobile Home Sales, Motorcycle Sales and Repair, Package Liquor Sales, Pawn Shops, Plant Nursery, Professional Office, Rehabilitation Center, Fast food and Specialty Restaurants, Supermarket, Title Loan Business, Used Car Sales, Veterinary Clinic, and other uses.

While many of these uses may be less 'bulky' than the proposed use, most of the uses will generate more traffic, noise, and odors than the proposed self-storage facility.

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

mini-warehouse facilities generate some of the lowest traffic counts for commercial developments. As a result the site will have no negative influences on any form of traffic. There are a number of uses such as restaurants (specifically fast food) that could have a profound impact on traffic. With access along Shaw Drive traffic impacts on Highway 90 and De La Pointe Drive will be minimal.

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. *The proposed development is located alongside Highway 90, Shaw Drive and De La Pointe Drive. All three roadways can provide access but Shaw Drive will serve as the principal access point. The facility will have only minimal impact on water, sewer or drainage. Similarly, the site will have no significant impact on fire or police services. Finally, the site will have no impact on the school district.*

E. If the proposed use is in harmony with the Comprehensive Plan. *The proposed development is consistent with the Comprehensive Plan. The area is identified as "High Impact Commercial" which permits such uses as a Lowe's Home Improvement Center. These areas typically permit more intense uses that generate more traffic. Also, appropriate for these areas are some "light industrial campuses or corporate offices". The proposed use of self-storage, mini-warehouses is similar to typical, warehousing except that the scale is much smaller and the items stored are typically household or residential related items.*

F. If the proposed use is listed in the list of possible Conditional Uses in that particular Zoning District. *The proposed use is identified with a capital "C" indicating it is permitted within the C-3 District as a Conditional Use-Major.*

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. *The proposed use of self-storage, mini-warehouse primarily includes the storage of household or residential related items. As a result the proposed use will have no obnoxious characteristics such as noises, glare, smoke, dust, odor, fumes, water pollution, vibration, electrical interference, or other nuisances.*

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. *The proposed development will conform to all applicable standards of the zoning ordinance.*

Property Background.

The property is currently vacant and has been for a number of years. Base on Google Earth review, the structure appears to have been constructed in approximately 2004. The site was part of a larger property and was used as a mobile home dealership which is a permitted use within the district. That use appears have been discontinued around 2010. To the east and west of the site, new developments have occurred. This includes the construction of a new convenience store to the east of the site in approximately 2021. To the south of that, an additional convenience store



was constructed in approximately 2010. To the west of the site, Merchants and Marine Bank was constructed around

2020. Farther west Coastal Insurance was constructed near the intersection of De La Pointe Drive and Highway 90. The structure on the site was repaired in 2023. Based on disrepair and long term vacancy, the building needed repairs to the roof and other portions of the building. The site was divided into smaller portions for more efficient use of the property. This resulted in a new building constructed (Phoenix Labor Group). The owner has plans for an additional commercial development on the remaining smaller parcel (Parcel 2).

Conclusions.

The owner is requesting a Conditional Use-Major to permit the repurposing of an old, existing car wash. The building was constructed in approximately 2004, but was either never complete or has been in disrepair. The new owner has invested funds to repair the shell of the structure. With the size and configuration, the reuse of the building is limited. The owner hopes to modify the existing building and convert it into a self-storage facility. He hopes to build additional self-storage units on the site.

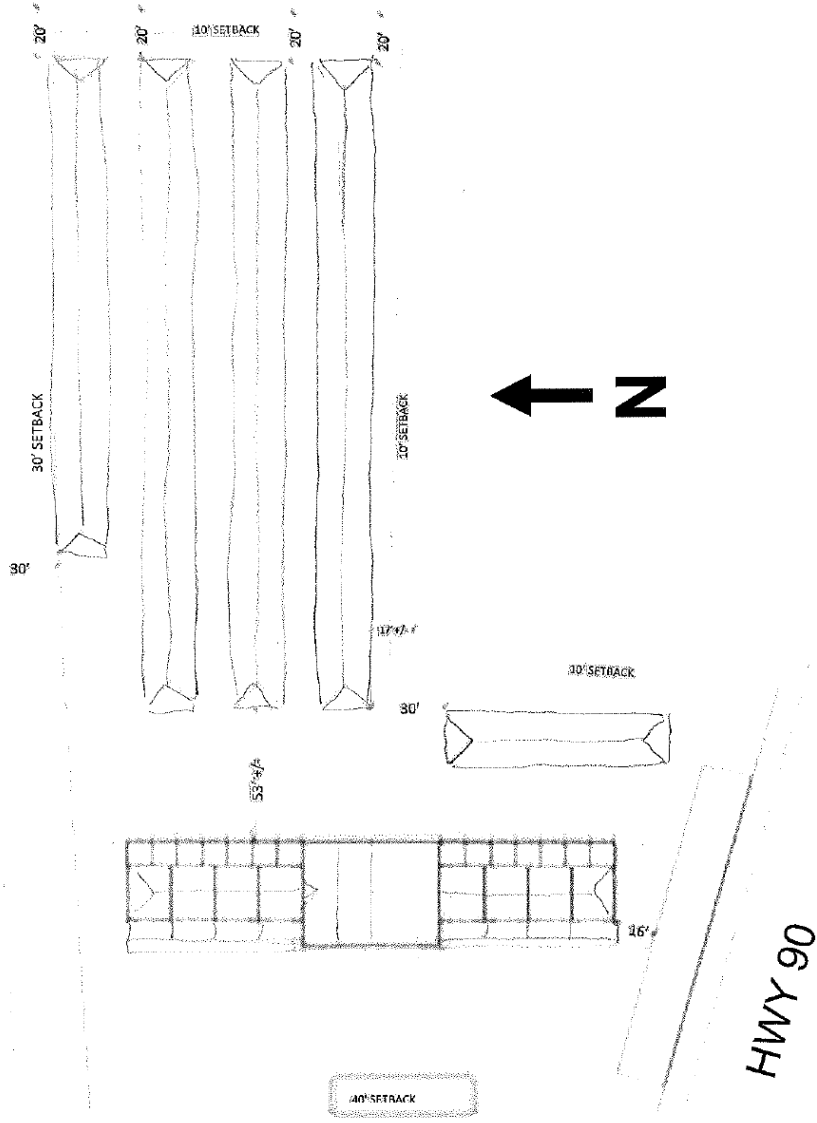
The proposed use is less intense than many of the uses permitted within the C-3 District and should have no negative impacts on the surrounding area. The site will be considered new construction and would have to meet all of the building, landscaping and site requirements of the zoning ordinance.

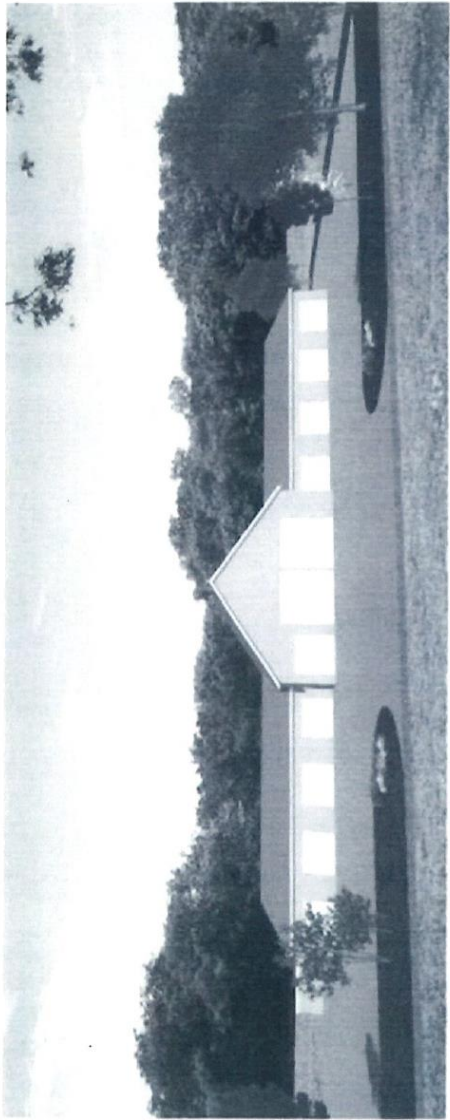
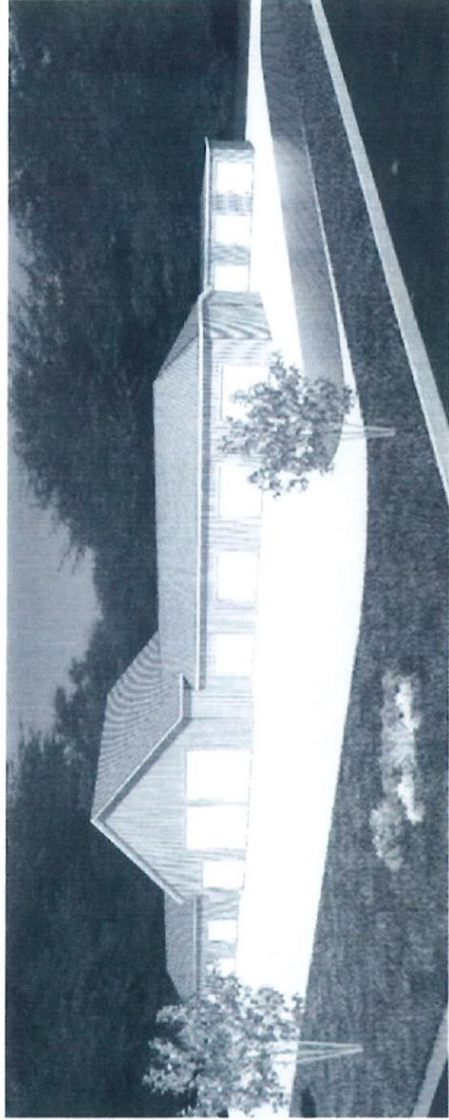
Respectfully Submitted,

A handwritten signature in blue ink, consisting of a stylized 'C' followed by a series of loops and a final flourish.

DE LA POINTE DR

SHAW DR





SUBJECT PROPERTY



PHOENIX LABOR GROUP



CHEVRON CONVENIENCE STORE



DODGE'S



M & M BANK



KEITH'S SUPERSTORE



NAVIGATOR CREDIT UNION



BOAT MAN



COASTAL INSURANCE



BOAT MAN



WATER'S EDGE SUB



81831440.000 OMEGA HOLDINGS LLC

PIDN: 81831440.000

GISP: 769.31-03-0006.00

Owner Information

Percent of Ownership: 100

Name: OMEGA HOLDINGS LLC

Name 2:

Mailing Address: 129 GANNET LN
OCEAN SPRINGS MS
39564

Site Address: HWY 90 GAUTIER

Land Information

Section: 31 Acreage: 3.69

Township: 7

Range: 6

Street Name HWY 90

Value and Tax Information

Total Assessed Value: 37241

Total Appraised Value: 248270

Improvement Value: 9960

Land Value: 238310

Tax Amount: 5253

SQ FT: 0

Year Built: 0

Legal Description

Description: COM SWC SECTION 31 N 1145.36' E
1301.02' TO NE INTERSECTION OF S
HAW DRIVE & HWY 90 & POB N 260.2
7' THEN E ALG DE LA POINTE DR 26
3.99' CONT E 222.76' S 181.35' W
250.18' S 157.17' TO N MGN HWY
90 W ALG HWY 90 230.18' TO POB D
B 1993-296 'PER SURVEY'

Deed Book / Page: 1993 / 296

81831440.000 OMEGA HOLDINGS LLC

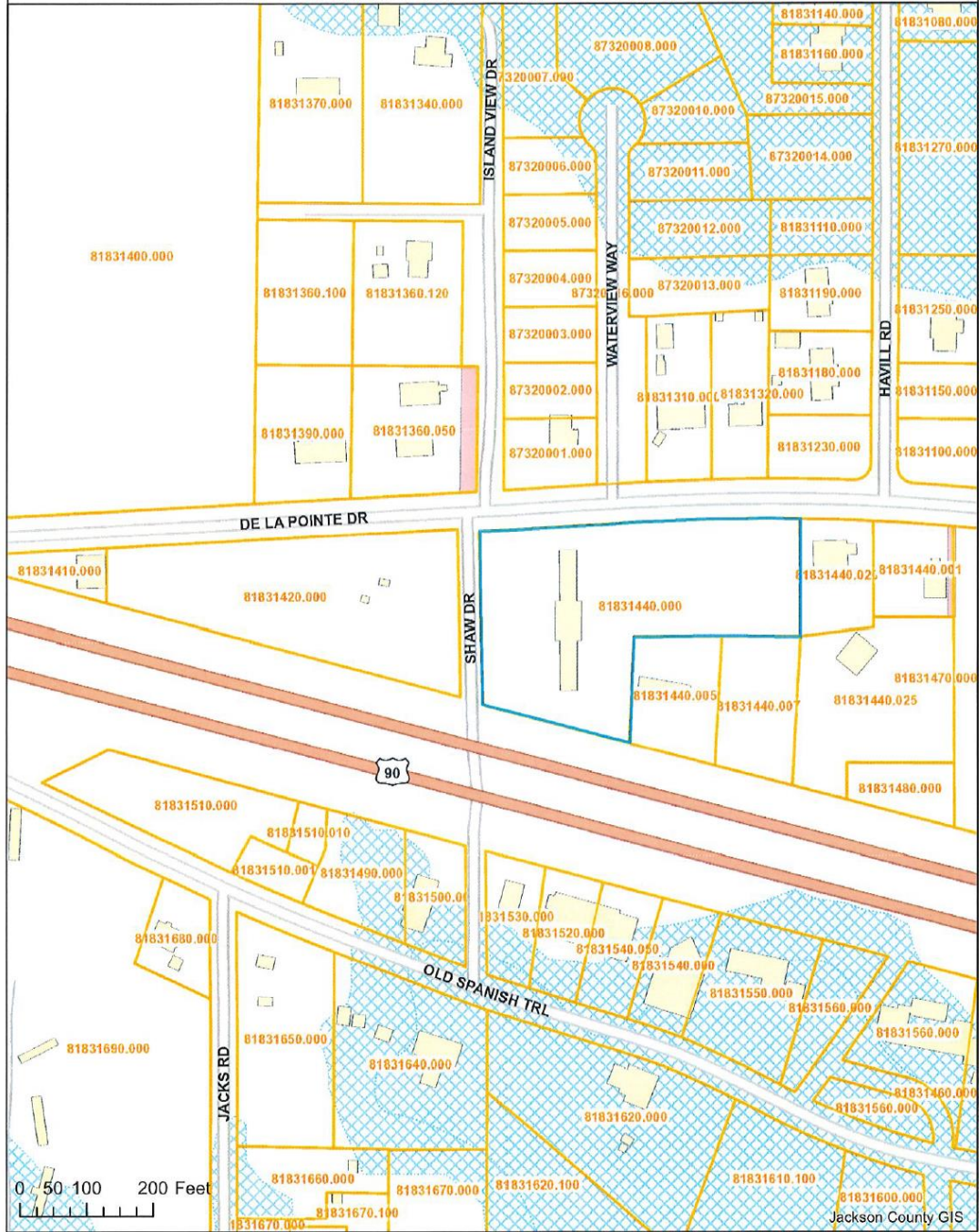


Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department

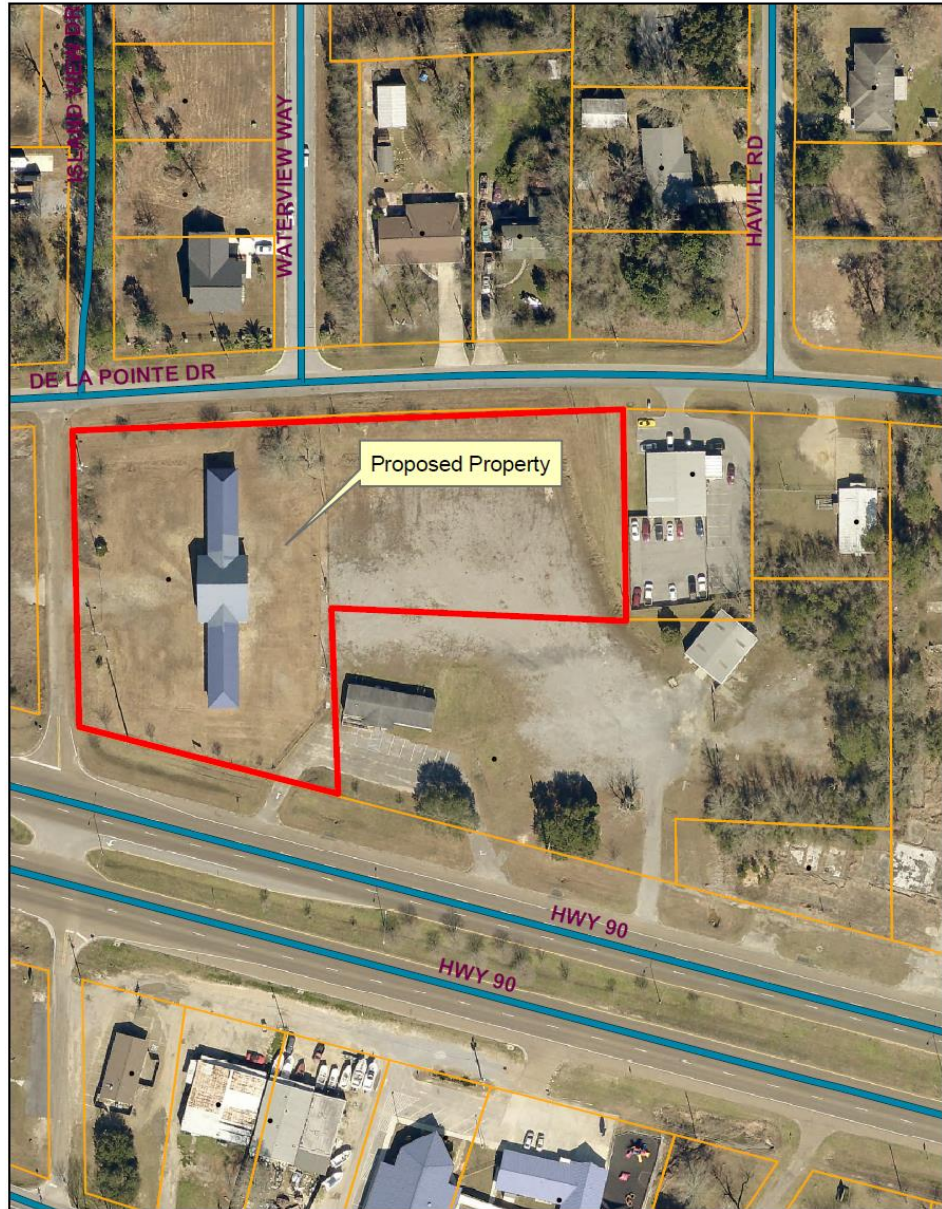


Exhibit B

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

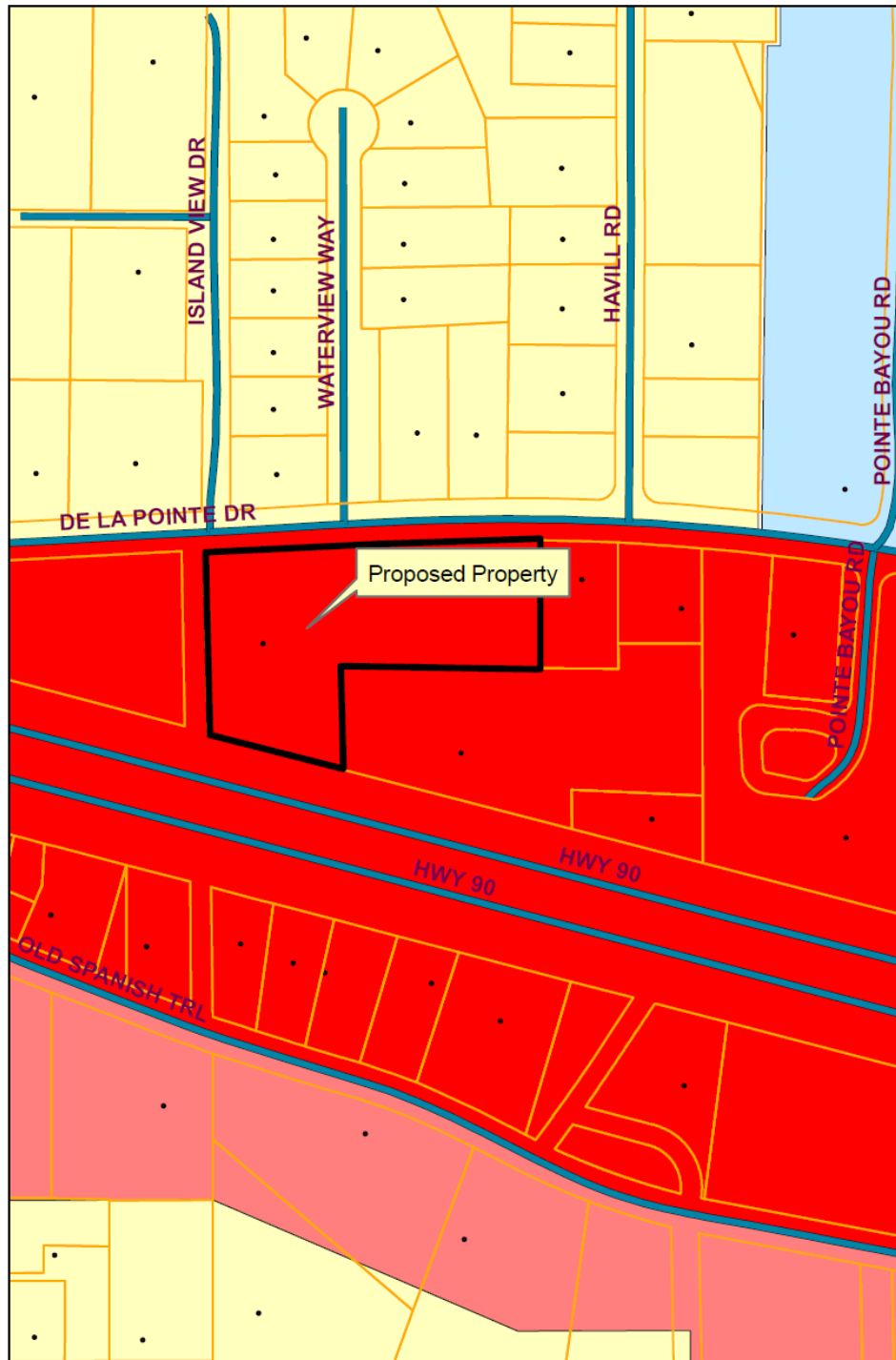


Exhibit C

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

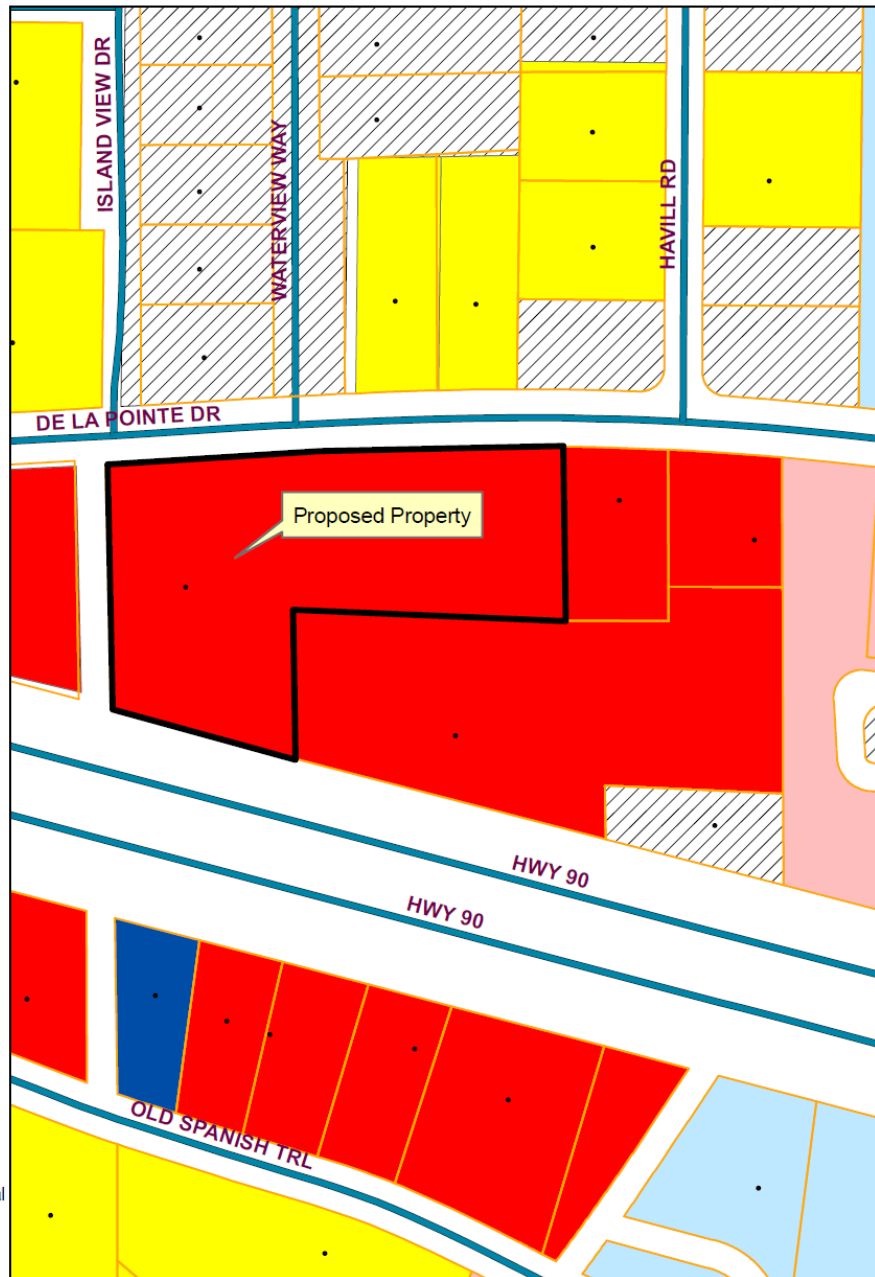


Exhibit D Future Land-Use

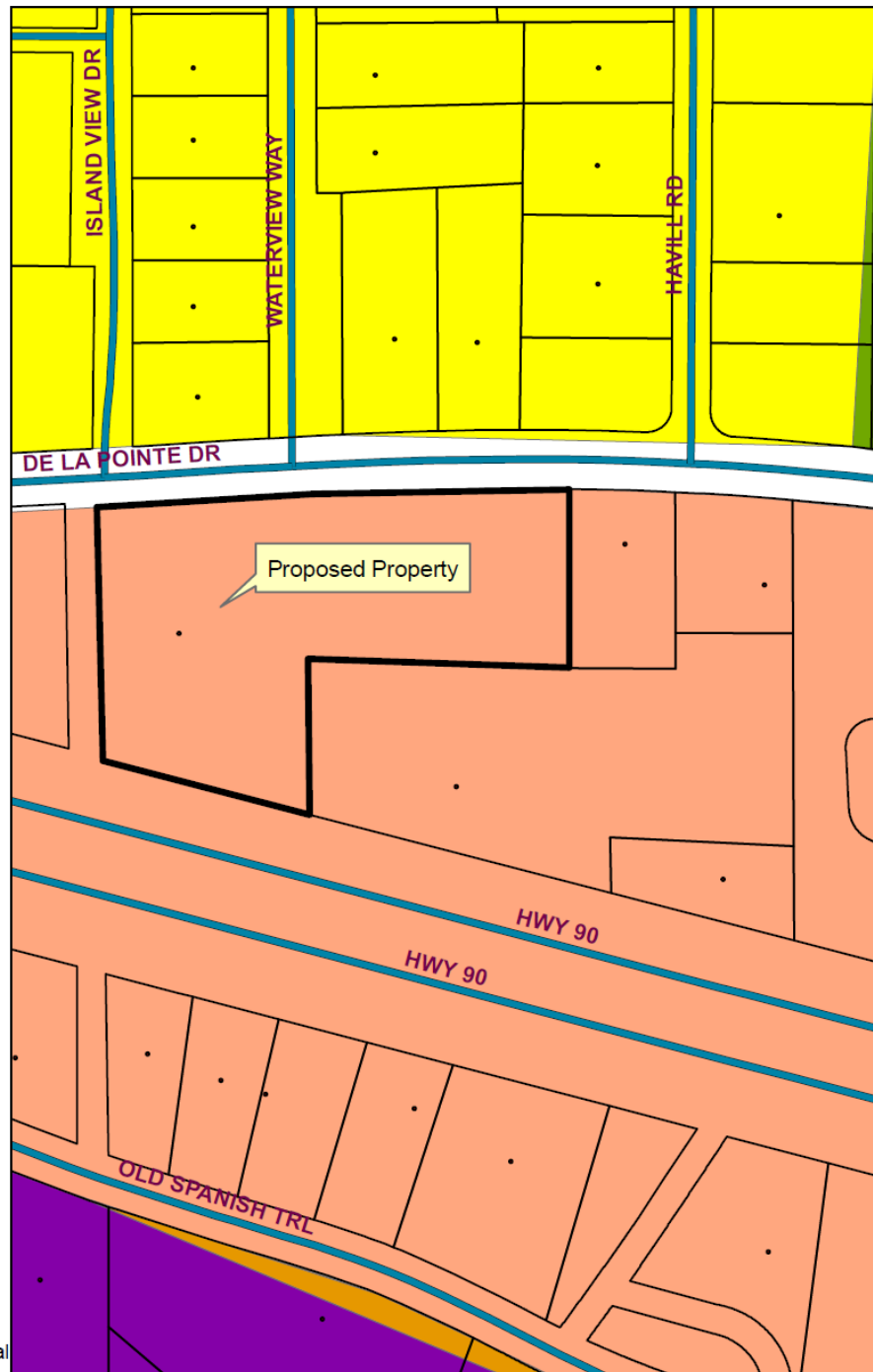
Prepared By:
City of Gautier
Planning Department

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 5, 2024

GPC #24-33-SE

J. Douglas & Angie A. Molyneaux

2101 Old Spanish Trail

VII. NEW BUSINESS

2. Consider a request for a Special Exception that would allow the sale of sheds in the TC – Town Center Zoning District. 2101 Old Spanish Trail, (GPC #24-33-SE)

CITY OF GAUTIER STAFF REPORT

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: August 28, 2024

Subject: Consider a request for a Special Exception that would allow the sale of sheds in the TC – Town Center Zoning District, 2101 Old Spanish Trail. (GPC #24-33-SE)

REQUEST:

The Planning Department has received a request from J. Douglas & Angie A. Molyneaux for a Special Exception that would allow sale of sheds in the TC – Town Center Zoning District at 2101 Old Spanish Trail, PID #82436055.195 (GPC #24-33-SE). The application fee of \$250 was paid on July 12, 2024. All public notice requirements have been met.

BACKGROUND:

The request property is zoned TC – Town Center.

1. Location: 2101 Old Spanish Trail, PID #82436055.195 (See Exhibit A)
2. General features of the proposed project:
Lot Size: 1.7 acres
3. Potable Water and Wastewater Services: Available at current location
4. Current Zoning (See Exhibit B): TC- Town Center
5. Current Surrounding Zoning (See Exhibit B): TC – Town Center, C-2 Community Commercial, R-1 Low Density Single-Family Residential
6. Current Surrounding Existing Land Use (See Exhibit C): Commercial-Retail, Vacant, Very low to low density residential
7. Comprehensive Plan Future Land Use Designation (See Exhibit D): Town Center

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: A strict application of the TC zoning regulations would deprive me of rights commonly enjoyed by others in the district and impose unnecessary hardship. I urge the City Council to consider granting a special exception to allow for the sale of sheds on my property. Such a decision would align with both historical uses and the current economic landscape, ensuring fair and equitable treatment for all property owners in the district.

Staff Finding: There are other businesses that sell these types of sheds within the same district.

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: The initial vision for the TC district has not materialized as expected. A reevaluation of the zoning boundaries east of Ladrone Road is warranted. (See attached)

Staff Finding: Staff does not feel that this use would be injurious to the neighborhood or the general welfare.

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

Applicant Response: The selling of sheds is specifically allowed in any zoning district in the city. I am assuming that it is considered an ancillary product to other retailers such as lumber yards. My property used to be a lumber yard. The need for this proposed special exception is not a result of any action that I have taken.

Staff Finding: Unsubstantiated

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

Public Hearing Number

24-33-56

TYPE OF REQUEST:

☒ Special Exception

FEE:

\$251.00

*Includes \$1.00 filing fee per MS Code §25-60-5

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: J. Douglas Molyneaux & Angie A. Molyneaux

Name of Business: NA

Address: 2101 Old Spanish Trail, Gautier, MS 39553

PID # 82436055.195

Mailing Address (if different): 2701 English Drive, Ocean Springs, MS 39564

Email Address: doug@molyneauxgroup.com

Phone: (228) 238-5008

Cell Phone: (228) 238-5008

Reason for request, location and intended use of Property: sale of sheds

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

Signature of Applicant:

Angie A. Molyneaux

FOR OFFICE USE ONLY

Date Received 7/12/24 Verify as Complete

Bd. / Bd.

Fee Amount Received 251.00

Initials of Employee Receiving Application Babs

TC

Criteria for Approval

Special Exception

The current zoning classification of my property as Town Center (TC) does not align with its historical use, surrounding property uses, or the current economic reality of the area east of Ladnier Road. A strict application of the TC zoning regulations would deprive me of rights commonly enjoyed by others in the district and impose unnecessary hardship.

Historically, my property was zoned C3 and operated as a lumber yard. When I purchased the property in August of 2020 it was being used for storage and as a laydown yard for a concrete company.

Many surrounding properties, in the immediate vicinity of my property, demonstrate a range of uses that typically require C3 or industrial zoning. Notably:

Two mini warehouse/self-storage facilities operate within the TC district, one being just 812 feet from my property. These facilities usually require C3 or industrial zoning.

An auto repair business is within 800 feet of my property, requiring C3 zoning.

The Air Masters warehouse facility and equipment yard would most certainly not be a permitted use in the TC district and is also 800 feet from my property.

Lowe's, which is located adjacent to the actual Town Center property, functions as a hardware store, home improvement store and **lumber yard, selling sheds displayed in their parking lot.**

A Grease Monkey Oil Change facility is situated across the street from Lowe's, another use not typically permitted under TC zoning.

The extension of the TC district east of Ladnier Road might have been justifiable in 2010, coinciding with the anticipated Mall redevelopment and the commitment from major retailers like Walmart. However, the withdrawal of Walmart and other retailers has slowed the envisioned growth and expansion of the Town Center district.

Given the current economic context, applying TC zoning restrictions to my property does not align with its practical use or the surrounding uses. Denying my property the ability to sell sheds—similar to the uses enjoyed by Lowe's and others—would unfairly restrict my rights.

Request for Consideration

I respectfully request the Planning Commission and City Council to consider the following points:

1. Consistency with Historical Use: My property has a long-standing history of having C3 zoning and use, which should be acknowledged and respected.
2. Equity with Surrounding Properties: Other properties within the TC district are currently enjoying uses that typically require C3 or industrial zoning including Lowes which sells sheds and displays them in their parking lot. My property should be afforded the same flexibility.

3. Economic Realities: The initial vision for the TC district has not materialized as expected. A reevaluation of the zoning boundaries east of Ladnier Road is warranted.

Conclusion

In summary, enforcing a literal interpretation of the TC zoning regulations on my property would deprive me of rights commonly enjoyed by others in the district and impose unnecessary hardship. I urge the City Council to consider granting a special exception to allow for the sale of sheds on my property. Such a decision would align with both historical uses and the current economic landscape, ensuring fair and equitable treatment for all property owners in the district.

Furthermore, Harbor Freight tools is a permitted use in the TC district. They sell tools and even tool storage cabinets. If they decided to expand their offerings to include tool sheds, would they be allowed to display them in their parking lot, or behind their store, like Lowes does? Or as Tractor Supply displays trailers? I think "yes". My property is so connected to the Harbor Freight Property that everyone that goes behind the store thinks I work at Harbor Freight Tools if I am at my building. If I am allowed to sell sheds, most people would naturally think that Harbor Freight expanded their offerings to include sheds. This use is in harmony with the purpose and intent of Gautier's Unified Development Ordinance and in no way injurious to the neighborhood or general welfare.

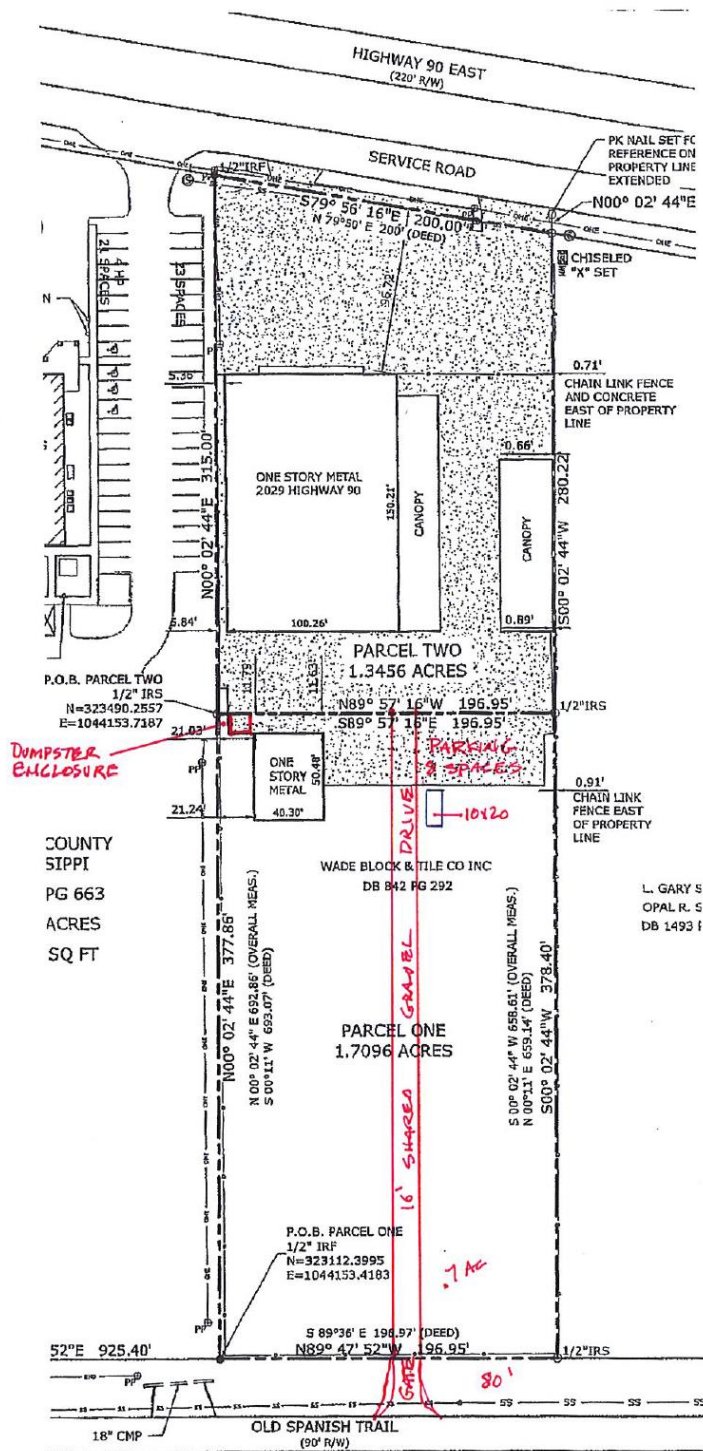
Lastly, the selling of sheds is specifically allowed in any zoning district in the city. I am assuming that it is considered an ancillary product to other retailers such as lumber yards. My property used to be a lumber yard. The need for this proposed special exception is not a result of any action that I have taken.

Thank you for your time and consideration.

Sincerely,



J. Douglas Molyneaux



2102 Old Spanish Trail, Gautier, MS 39553

PROPERTY DESCRIPTION

PARCEL ONE

Being a tract of land situated in the southwest quarter of Section 36, Township 7 South, Range 7 West, Jackson County, Mississippi, and being a portion of that land conveyed to Wade Block & Tile Company, Inc. as recorded in Deed Book 842 Page 292, Deed Records, Jackson County, Mississippi, as shown on survey by Paul D. Pitts, Jr., dated July 24, 2017, whose basis of bearings is the Mississippi State Plane Coordinate System, East Zone (2301), NAD 83 (2011 Epoch 2010.00), Geoid 12B, grid values, using a scale factor of 0.999954111 and a convergence angle of 00 degrees 05 minutes 46 seconds determined specifically for this project using GPS methods from a Base Station located at N325,376.4140, E1,043,584.8500 obtained from the USM Network, and being more particularly described as follows:

Commencing at a concrete monument found for the southwest corner of the southwest quarter of Section 36, Township 7 South, Range 7 West, Jackson County, Mississippi, having State Plane Coordinates of N321,736,5415, E1,042,522.5026;

Thence, along the west line of said southwest quarter of Section 36, North 00 degrees 09 minutes 52 seconds West a distance of 1,378.00 feet, to a point for corner;

Thence, North 89 degrees 54 minutes 31 seconds East a distance of 705.52 feet, to a 5/8 inch iron rod found for the intersection of the east right of way line of Ladnier Road (an 80' right of way) and the north right of way line of Old Spanish Trail (a 90' right of way);

Thence, along said north right of way line, North 89 degrees 47 minutes 52 seconds East a distance of 925.40 feet, to a 1/2 inch iron rod found for the Point of Beginning of the herein described tract, having State Plane Coordinates of N323,112.3995, E1,044,153.4183;

Thence, North 00 degrees 02 minutes 44 seconds East a distance of 377.86 feet, to a 1/2 inch iron rod set for corner;

Thence, South 89 degrees 57 minutes 16 seconds East a distance of 196.95 feet, to a 1/2 inch iron rod set for corner;

Thence, South 00 degrees 02 minutes 44 seconds West a distance of 378.40 feet, to a 1/2 inch iron rod set for corner on the north right of way line of the aforementioned Old Spanish Trail;

Thence, along said north right of way line, North 89 degrees 47 minutes 52 seconds West a distance of 196.95 feet, to the Point of Beginning and containing 1.7096 acres of land.

82436055.195 MOLYNEAUX J DOUGLAS &

PIDN: 82436055.195

GISP: 777.36-03-0110.01

Owner Information

Percent of Ownership: 100

Name: MOLYNEAUX J DOUGLAS &

Name 2: MOLYNEAUX ANGIE A

Mailing Address: 2701 ENGLISH DR
OCEAN SPRINGS MS
39564

Site Address: OLD SPANISH TRL GAUTIER

Land Information

Section: 36 Acreage: 1.7

Township: 7

Range: 7

Street Name OLD SPANISH
TRL

Value and Tax Information

Total Assessed Value: 7125

Total Appraised Value: 47500

Improvement Value: 9600

Land Value: 37900

Tax Amount: 1005

SQ FT: 0

Year Built: 0

Legal Description

Description: COM SWC SW1/4 N 1378' N89°E 705.
52' TO E/M LADNIER RD & N/M OLD
SPANISH TRAIL N89°E 925.4' TO PO
B N 377.86' S89°E 196.95' S 378.
4' TO N/M OLD SPANISH TRAIL N89°
W 196.95' TO POB DB 2043-671 (11
0.01 MAP777.36-03)

Deed Book / Page: 2043 / 671

82436055.195 MOLYNEAUX J DOUGLAS &

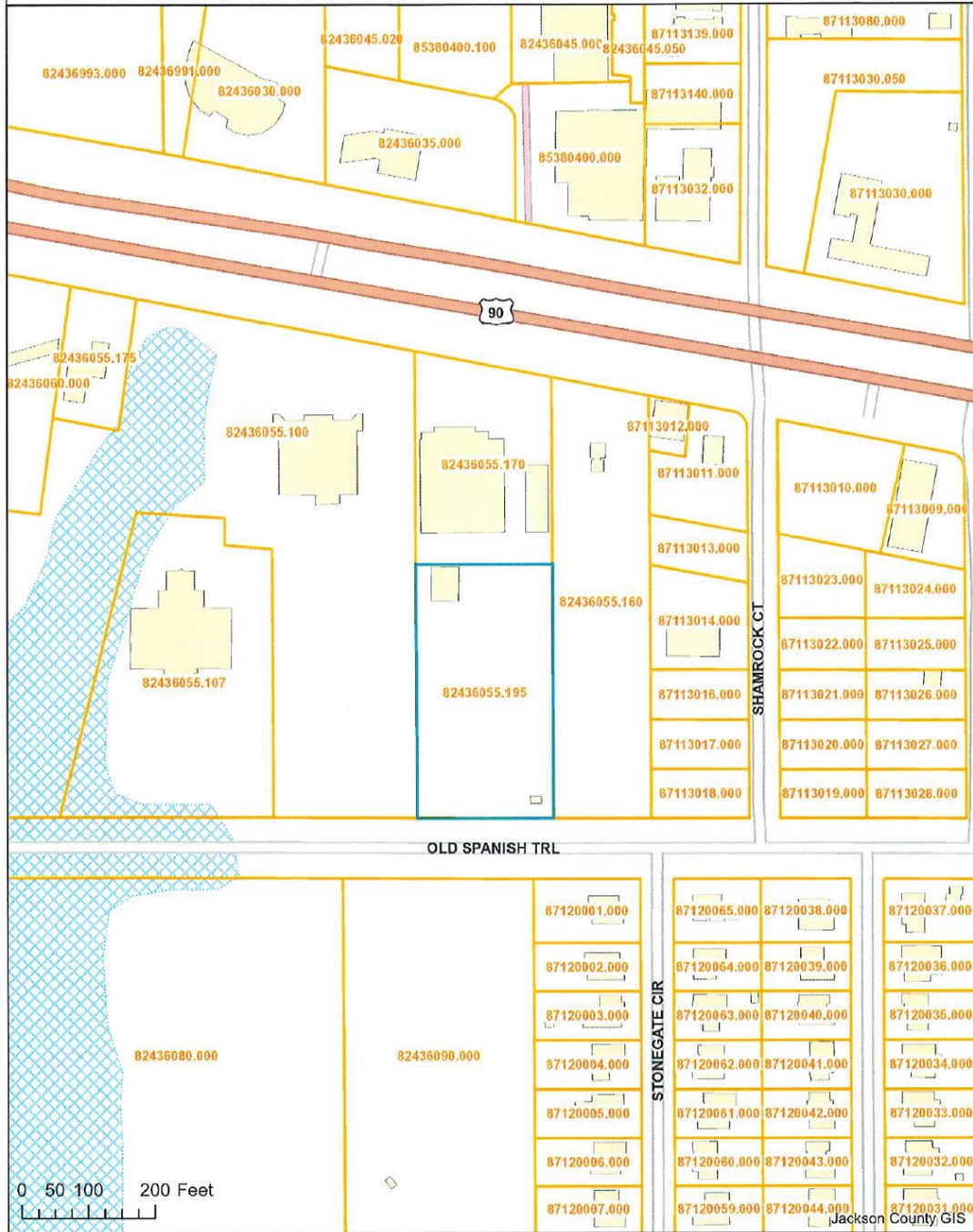


Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department



Exhibit B

Existing Zoning

Prepared by:
City of Gautier
Planning Department

Legend

Zoning

ZONECODE

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

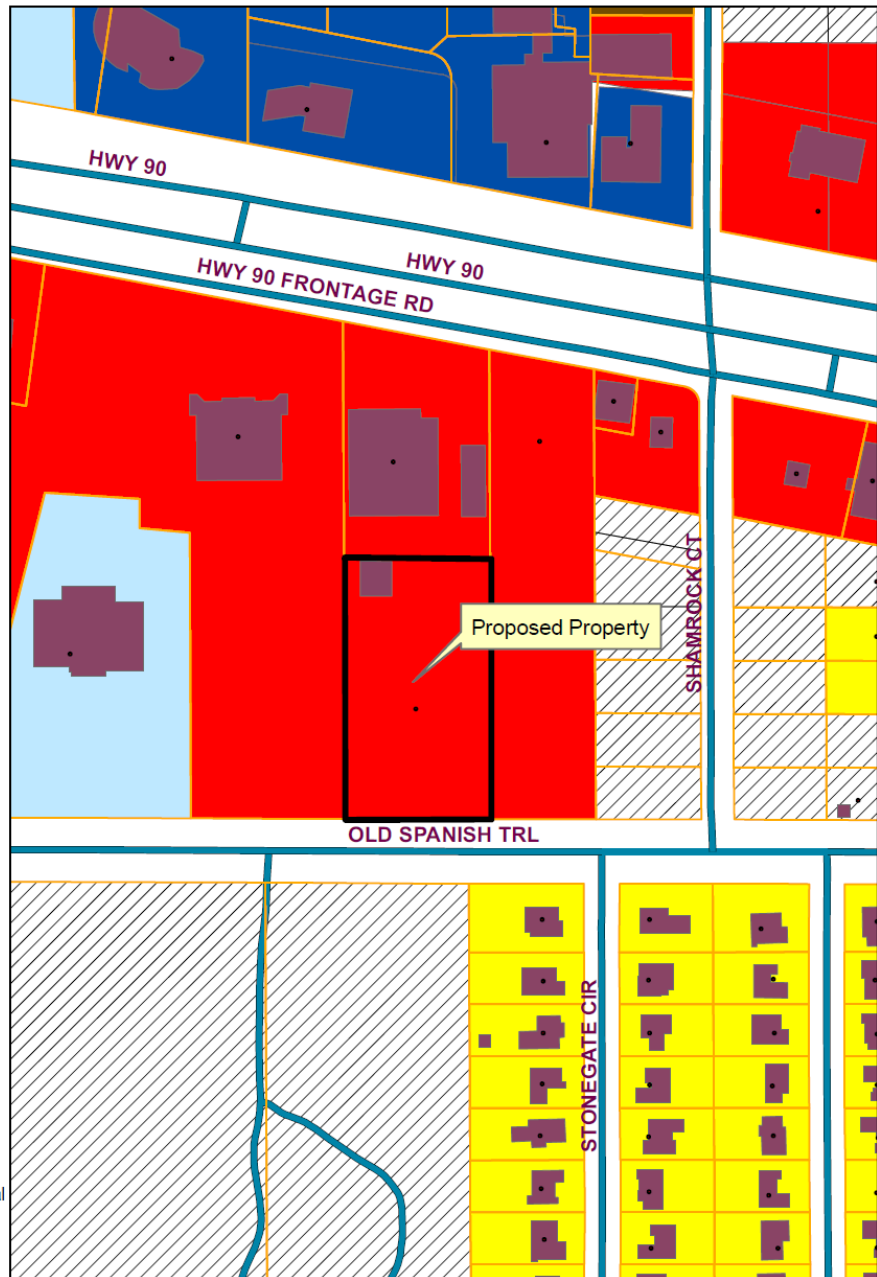


Exhibit D Future Land-Use

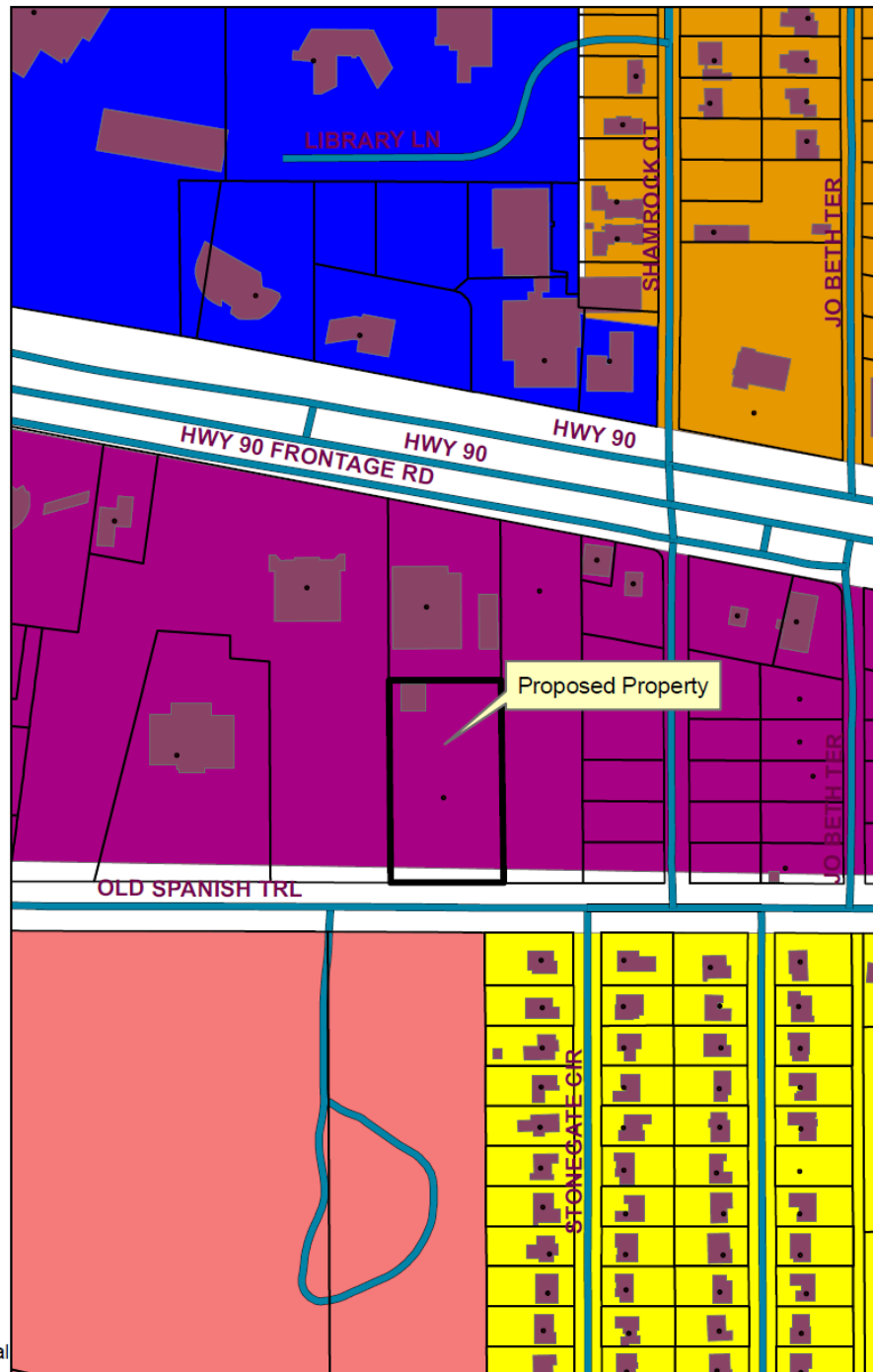
Prepared By:
City of Gautier
Planning Department

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 5, 2024

GPC #24-34-SE

Luis Elias Mendoza Quintanilla

7717 Dahlia Drive

VII. NEW BUSINESS

3. Consider a request for a Special Exception that would allow a duplex in an R-3 Mobile/Manufactured Home Residential Zoning District. 7717 Dahlia Drive, (GPC #24-34-SE)

CITY OF GAUTIER STAFF REPORT

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: August 28, 2024

Subject: Consider a request for a Special Exception that would allow a duplex in a R-3 Mobile/Manufactured Home Residential Zoning District, 7717 Dahlia Drive. (GPC #24-34-SE)

REQUEST:

The Planning Department has received a request from Luis Elias Mendoza Quintanilla for a Special Exception that would allow a duplex in a R-3 Mobile/Manufactured Home Residential Zoning District at 7717 Dahlia Drive, PID #85441243.000 (GPC #24-34-SE). The application fee of \$250 was paid on July 22, 2024. All public notice requirements have been met.

BACKGROUND:

The request property is zoned R-3 Mobile/Manufactured Home Residential

1. Location: 7717 Dahlia Drive, PID #85441243.000 (See Exhibit A)
2. General features of the proposed project:
Lot Size: approximately 0.23 acres
3. Potable Water and Wastewater Services: Available at current location
4. Current Zoning (See Exhibit B): R-3 Mobile/Manufactured Home Residential
5. Current Surrounding Zoning (See Exhibit B): R-3 Mobile/Manufactured Home Residential
6. Current Surrounding Existing Land Use (See Exhibit C): Mobile Home
7. Comprehensive Plan Future Land Use Designation (See Exhibit D): Mobile Home Residential

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: See Attached.

Staff Finding: City Council approved a duplex in the same zoning district in August 2023.

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: See Attached.

Staff Finding: Unsubstantiated

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

Applicant Response: I have no evidence that his request is a result of any of my actions.

Staff Finding: Unsubstantiated

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

Public Hearing Number

24-34-58

TYPE OF REQUEST:	FEE:
☒ Special Exception	\$251.00
*Includes \$1.00 filing fee per MS Code §25-60-5	

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: Luis Elias Mendoza Quintanilla

Name of Business: N/A

Address: 2512 El Viernes Street, Gautier, Mississippi 39553

Mailing Address (if different): 7717 Dahlia PID # 85441243.000

Email Address: lmendoza@aztecasrestaurante.com

Phone: N/A Cell Phone: 228-249-3898

Reason for request, location and intended use of Property: To build a residential duplex home in a R-3 Mobile / Manufactured

Home Residential Zoning District; 7717 Dahlia Drive, Lots 165 & 166, Gautier, Mississippi 39553; rental property

ATTACHMENTS REQUIRED AS APPLICABLE:

- | | |
|------------|--|
| <u>X</u> | 1. Diagram of intended use, showing dimensions and distances of property, building with setbacks, parking spaces, entrances and exits. |
| <u>X</u> | 2. Legal descriptions and street address. |
| <u>X</u> | 3. A detailed project narrative that also addresses the questions on the "Criteria for Approval" page of this application. |
| <u>X</u> | 4. Copy of protective covenants or deed restrictions, if any. |
| <u>N/A</u> | 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. |
| <u>N/A</u> | 6. Any other information requested by the Planning Director. |
| <u>N/A</u> | 7. Owner's Consent form if anyone other than 100% sole owner makes application (see attached). |

Signature of Applicant: X

FOR OFFICE USE ONLY

Date Received 7/22/24 Verify as Complete Babs

Fee Amount Received 251.00

Initials of Employee Receiving Application Babs

R3

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?**

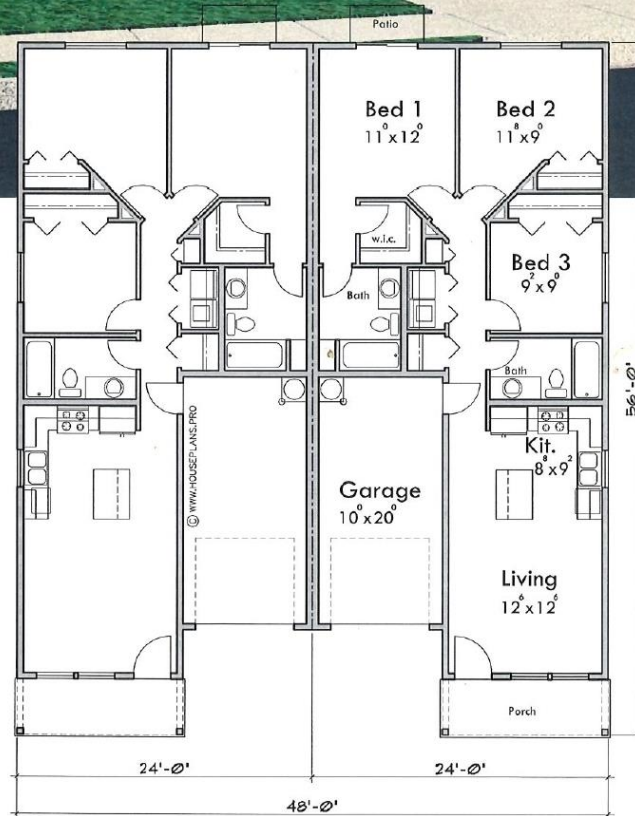
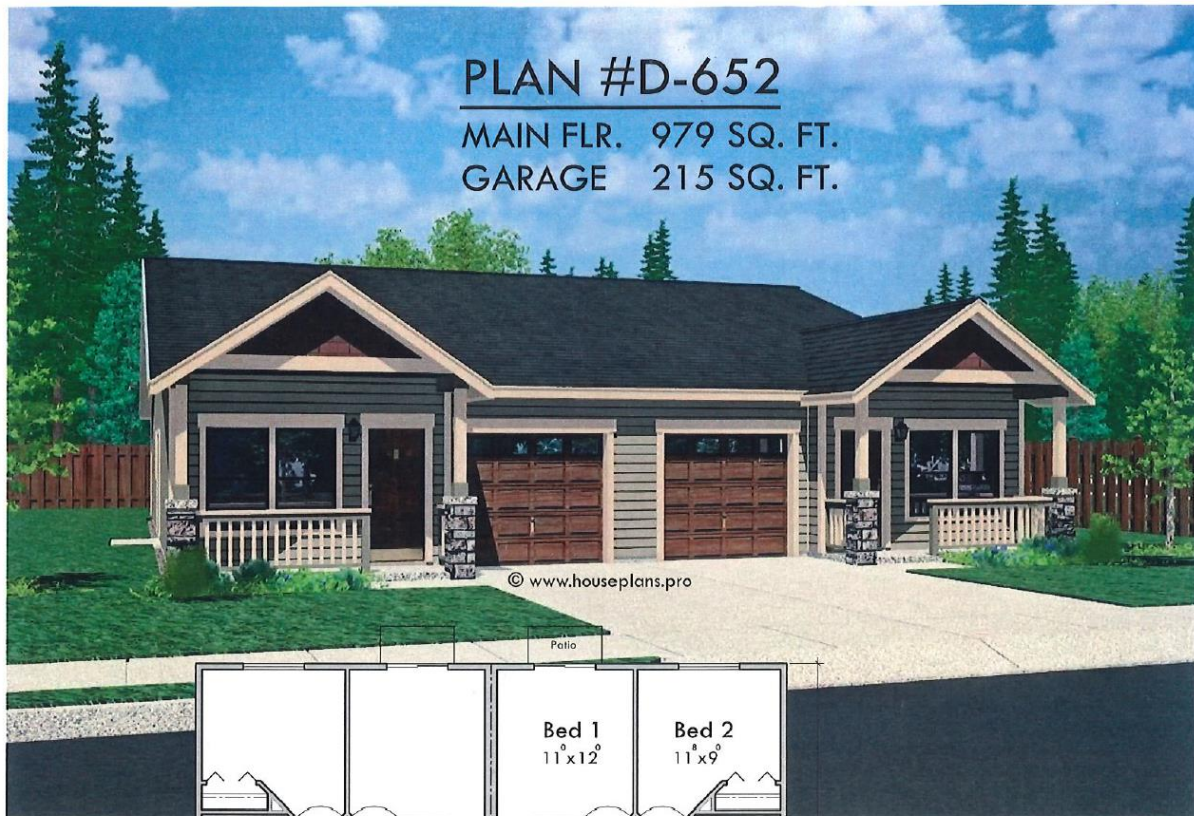
The City of Gautier's Unified Development Ordinance does not allow for the construction of a residential duplex home in a R-3 Mobile / Manufactured Home Residential Zoning District. Purchasing a manufactured home to place on the property located at 7717 Dahlia Drive, Lots 165 & 166, Parcel Identification Number 85441243.000 is not cost effective for my investment in this neighborhood. Due to the value of a manufactured home decreasing compared to building a residential duplex home that would increase in value over the years would cause a hardship due to the cost of property care and maintenance being more over the years to maintain the manufactured home. In addition, the land would not yield a reasonable return on my investment if used only for a manufactured home. If approved to allow a duplex to be constructed by a special exception, it would not alter the essential character of the locality.

- 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?**

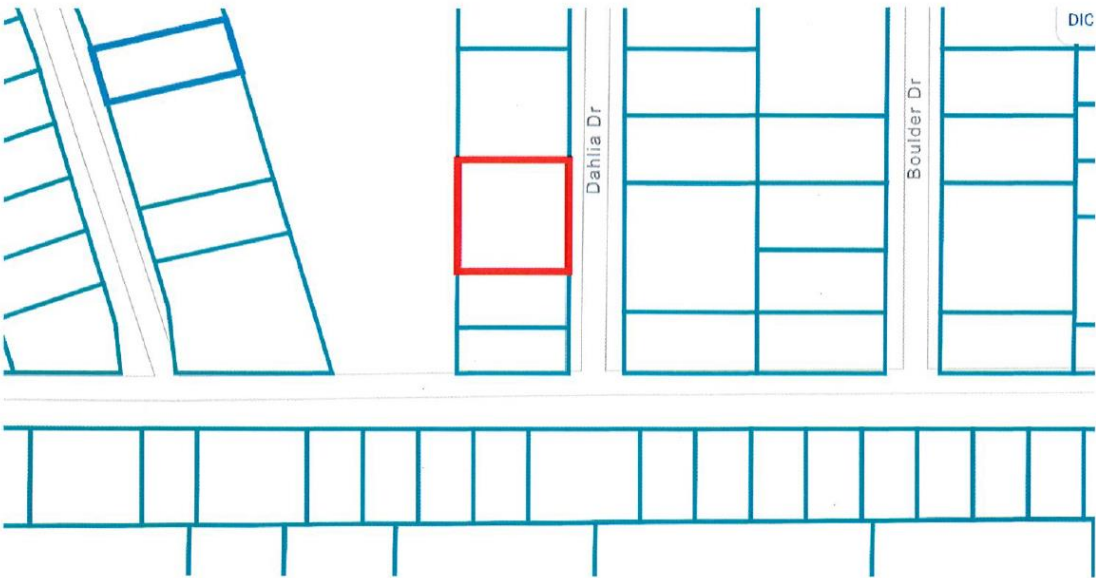
The residential duplex home that I would like to build would provide housing for two families. It would be constructed better than a manufactured home. In addition, it would help the current appearance of the neighborhood and would be safer for the tenant than a manufactured home. It would not be injurious to the neighborhood or the general welfare. This request would help improve the characteristics of the neighborhood and would generate higher ad valorem real property taxes for the City of Gautier. If approved, I believe this construction may encourage people to start building more homes like this, giving a better view of the city and increasing the quality of life of the community in this area in Gautier.

- C. Explain how the special circumstances requiring the proposed Special Exception are not results of actions of the applicant?**

I have no evidence that this request is a result of any of my actions.



www.houseplans.pro by Bruinier & associates, inc. building designers®
1304 SW Bertha Blvd. Portland, Oregon 97219 (503-246-3022)



85441243.000 MENDOZA LUIS

PIDN: 85441243.000

GISP: 771.12-02-0271.00

Owner Information

Percent of Ownership: 100

Name: MENDOZA LUIS

Name 2:

Mailing Address: 2512 EL VIERNES ST
GAUTIER MS
39553

Site Address: 7717 DAHLIA DR GAUTIER

Land Information

Section: 12 Acreage: 0

Township: 7

Range: 7

Street Name DAHLIA
DR

Value and Tax Information

Total Assessed Value: 992

Total Appraised Value: 6610

Improvement Value: 0

Land Value: 6610

Tax Amount: 139

SQ FT: 0

Year Built: 0

Legal Description

Description: LOTS 165 & 166 HICKORY HILLS EST
S/D UNIT #10 DB 2132-625 (271 M
ap771.12-02)

Deed Book / Page: 2132 / 625

85441243.000 MENDOZA LUIS



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

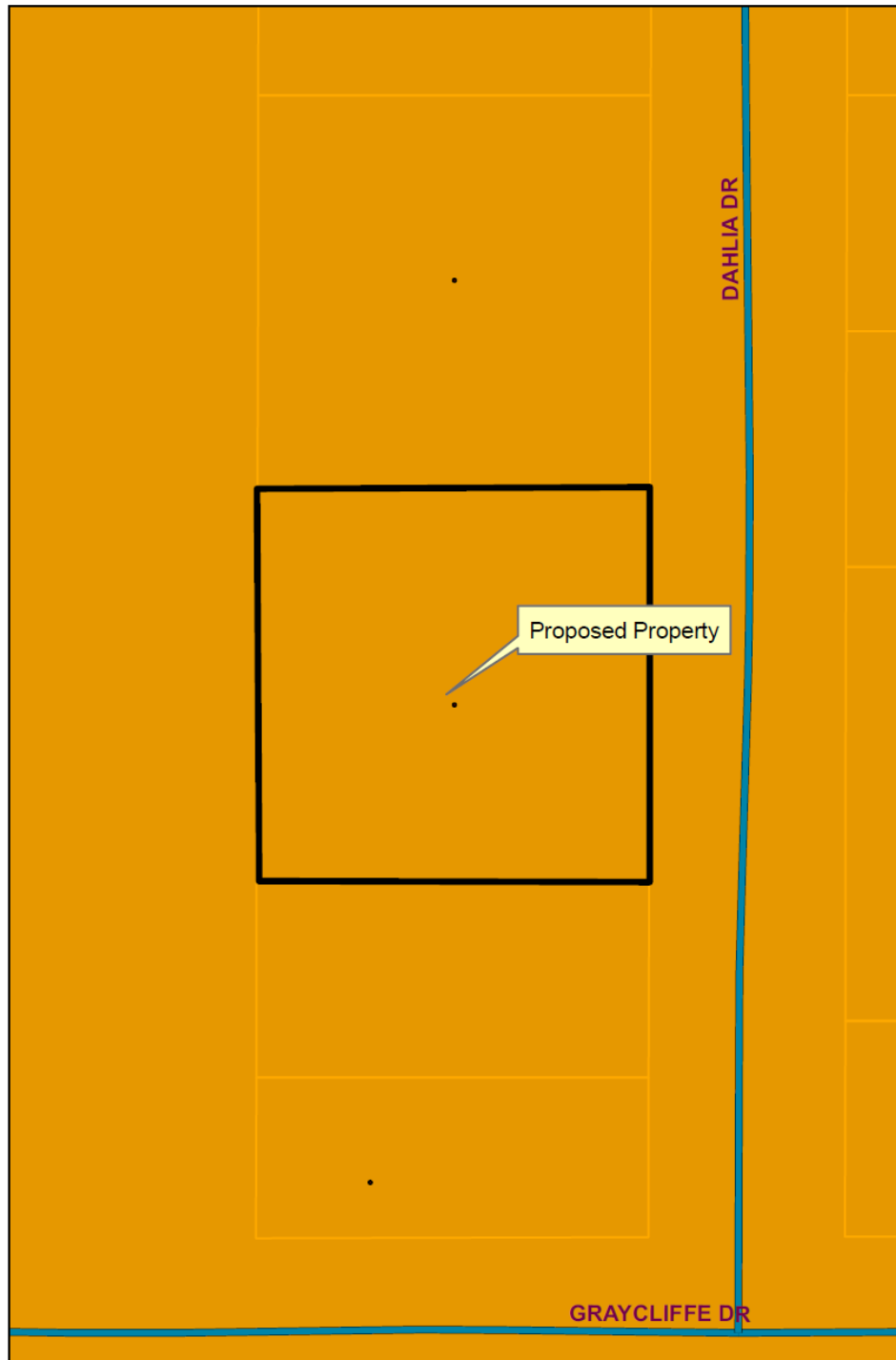


Exhibit C

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

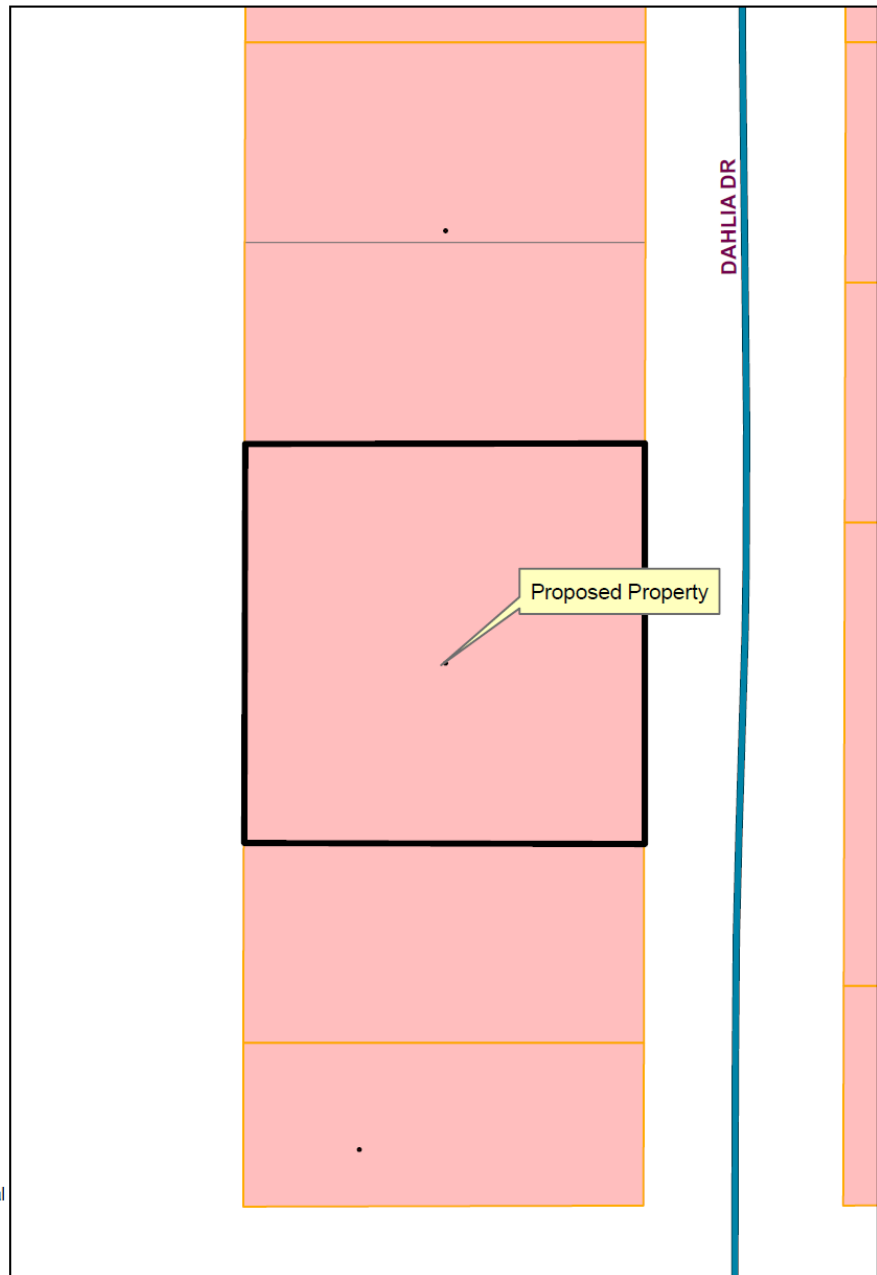


Exhibit D Future Land-Use

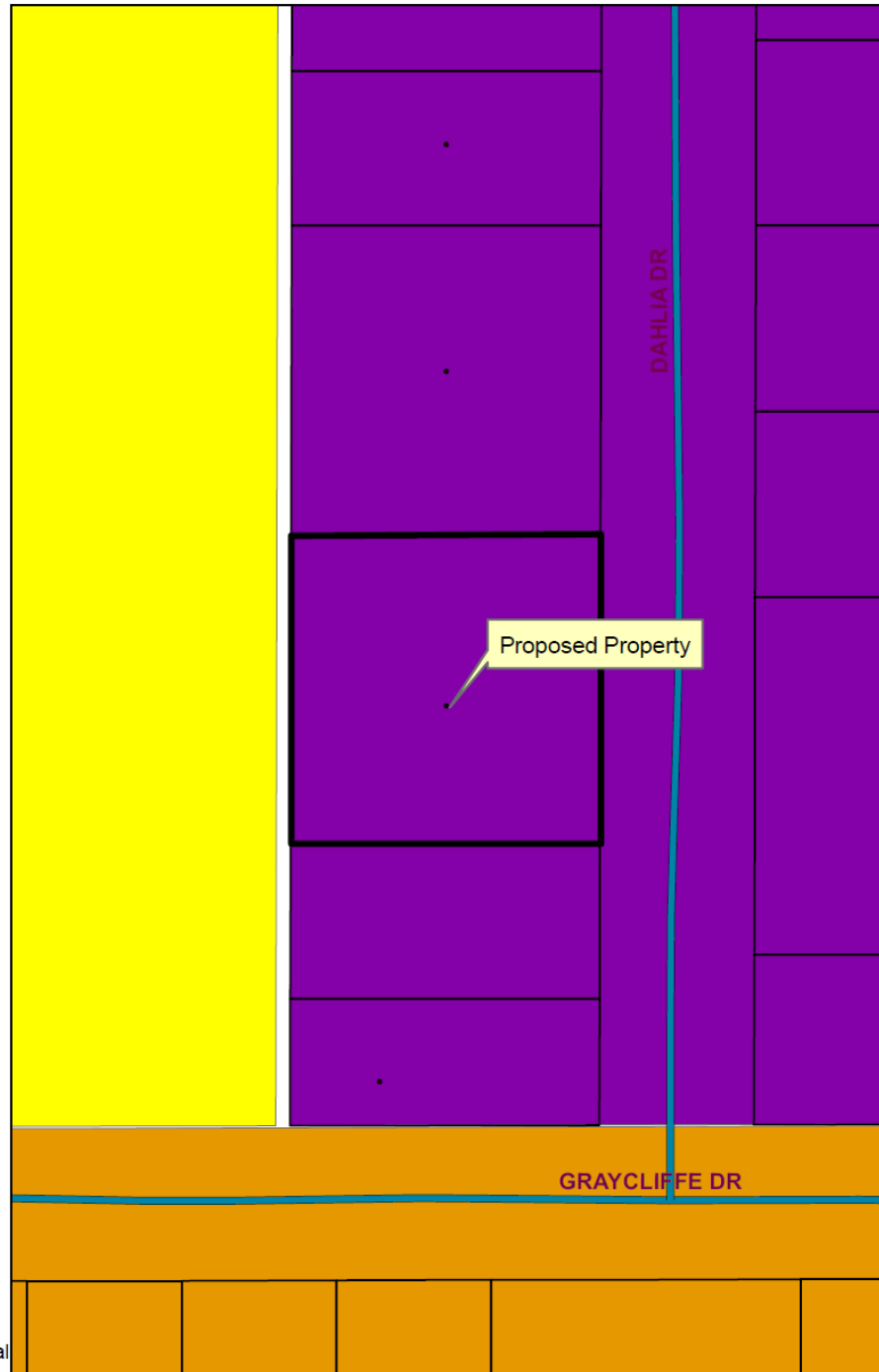
Prepared By:
City of Gautier
Planning Department

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 5, 2024

GPC #24-35-VAR

1715 Piney Lane

VII. NEW BUSINESS

4. Consider a request for a six-foot (6') variance to side yard setback requirements for an accessory building and a one-foot (1') variance to fence height in a front yard in a R-1 Low Density Single-Family Residential Zoning District. 1715 Piney Lane, (GPC #24-35-VAR)

**CITY OF GAUTIER
STAFF REPORT**

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: August 28, 2024

Subject: Consider a request for a six-foot (6') variance to side yard setback requirements for an accessory building and a one-foot (1') variance to fence height in a front yard in a R-1 Low Density Single-Family Residential Zoning District at 1715 Piney Lane, (GPC #24-35-VAR)

REQUEST:

The Planning Department has received a request from Roger Dulcich for a six-foot (6') variance to side yard setback requirements for an accessory building and a one-foot (1') variance to fence height in a front yard in a R-1 Low Density Single-Family Residential Zoning District at 1715 Piney Lane, PID #85440148.000 (GPC #24-35-VAR). The application fee of \$175 was paid on July 23, 2024. All public notice requirements have been met.

BACKGROUND:

The applicant would like to put a carport on the side of his house that would be 4' from the property line. The side setback requirement for an accessory building is 10' from the property line. The applicant will need a 6' variance to side yard setback requirements for an accessory building.

The applicant would also like to put a 5' fence around his yard. Part of the fence would be in front of the house. Per the Unified Development Ordinance (UDO), fences shall not exceed four feet in height within a designated front yard. The applicant will need a 1' variance to fence height in a front yard.

DISCUSSION:

The applicant is asking for a 6' variance to side yard setback requirements for an accessory building, and a 1' variance to fence height in a front yard.

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

24-35-VAR

TO BE HEARD BY GAUTIER PLANNING COMMISSION:

FEE:

Variance

\$176.00

*Includes \$1.00 filing fee per MS Code §25-60-5

Name of Applicant: Roger Dulcich

Name of Business: _____ Phone: 541-441-4460

Property Address: 1715 Piney Ln Mailing Address (if Different): _____

E-Mail Address: rdul007@yahoo.com

Reason for request, location and intended use of Property: 6' sideyard variance for
1' variance to height front yard
carport on side of garage (see pics)
post a rail fence on Diagram (see pics)

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 Planning Director.

Signature of Applicant: Roger Dulcich Date of Application: 7/23/24

FOR OFFICE USE ONLY

Date Received 7/23/24 Verify as Complete Bals

Fee Amount Received 176.00 Initials of Employee Receiving Application Bals

R1

VARIANCE

Criteria for Approval

1. What 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? *corner lot*
2. Are these special conditions and circumstances a result of your actions? Explain.
Keep dogs and people out of the yard. Dogs in the neighborhood especially.
3. How will the literal interpretation of the provisions of this Ordinance deprive you of rights commonly enjoyed by other properties in the same district under the provisions of this Ordinance? Explain. *? corner lot*
4. Will the granting of the Variance requested confer upon you any special privilege that is denied by this Ordinance to other similar sites (lots or parcels), structures or buildings in the same district? Explain. *NO*

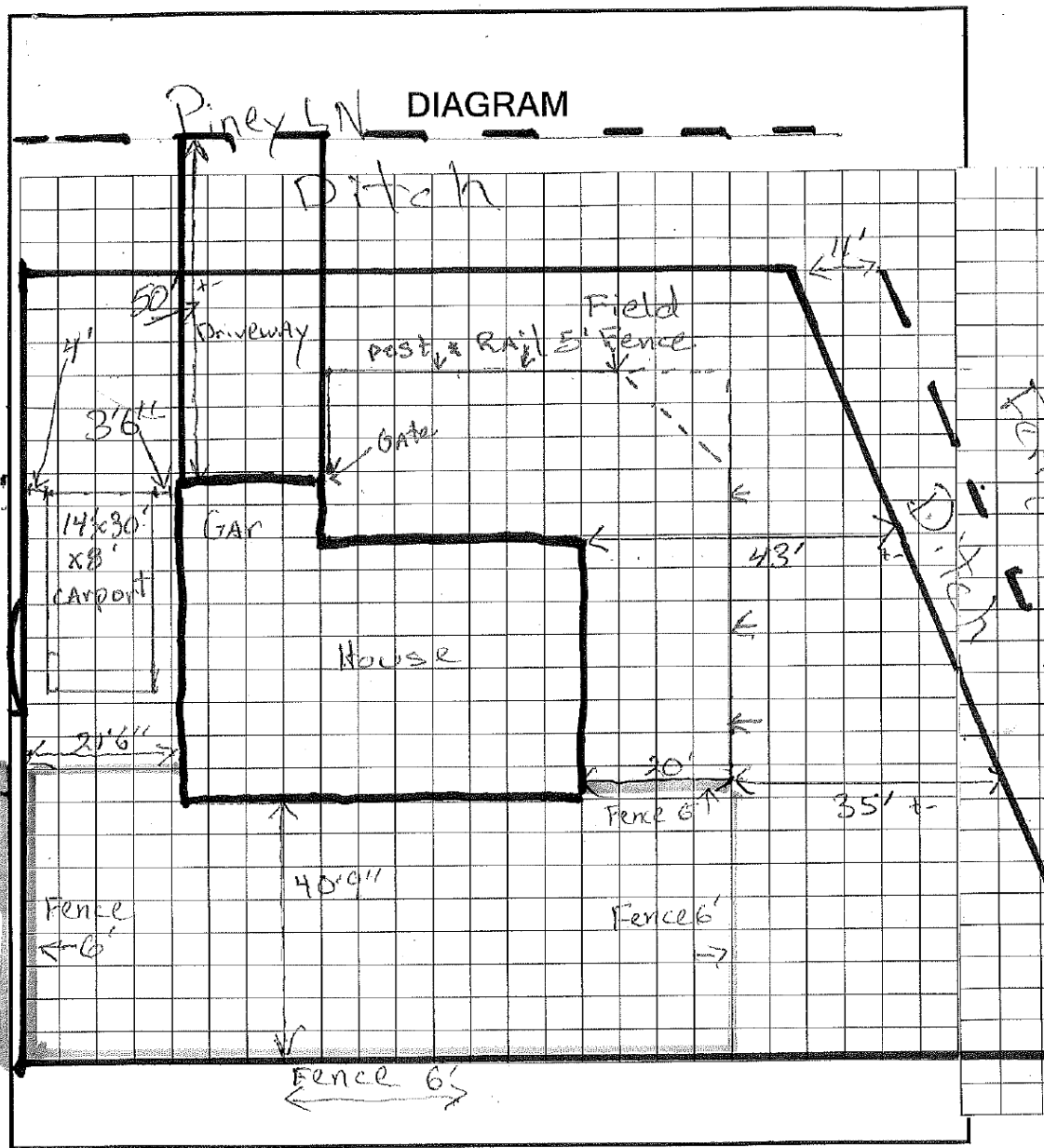
NARRATIVE

7/23/2024

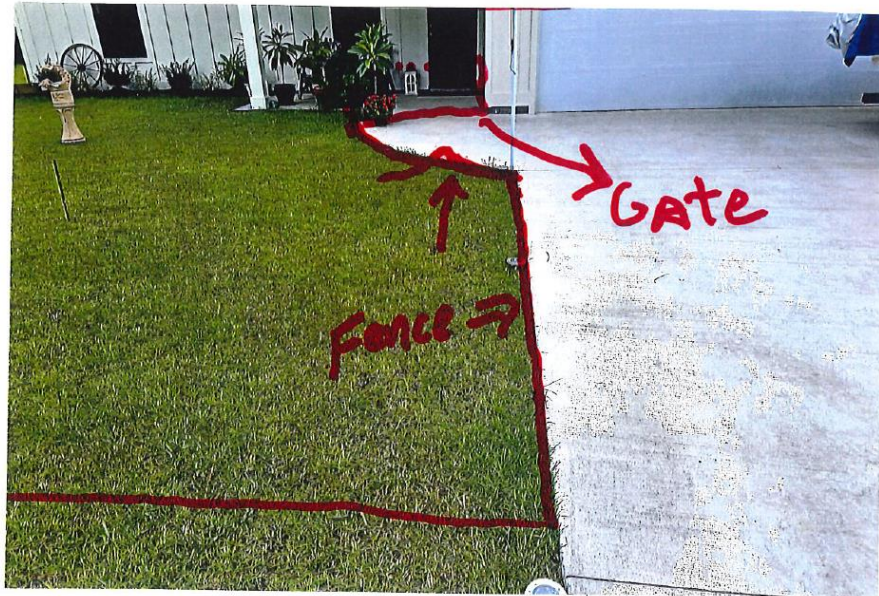
Need to make our property safe due to foot traffic and stray dogs, from injury on our property to not be liable for such. Corner lots have more traffic accidents than homes on the actual street. The fence itself will be in good taste and not an eye sore.

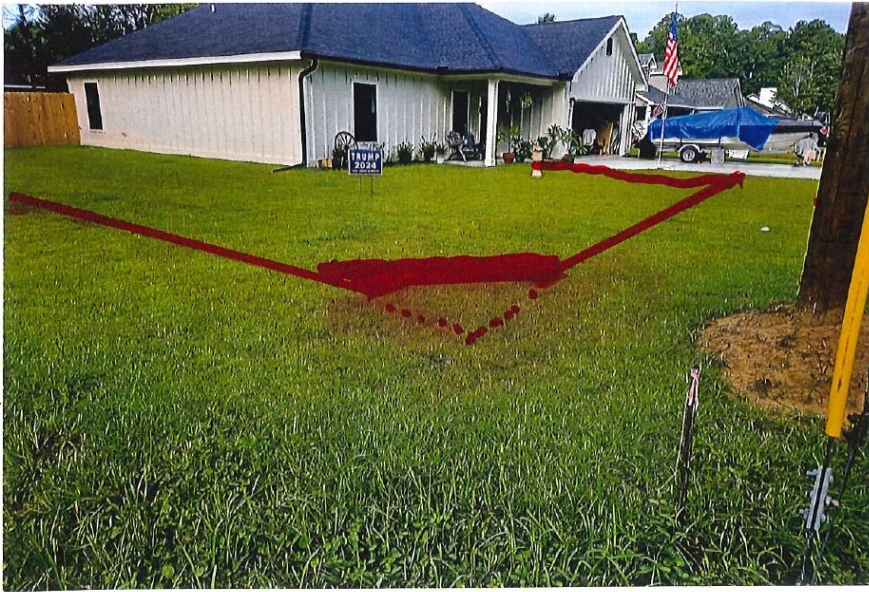
The carport is for our boat to protect from the elements Mississippi brings.

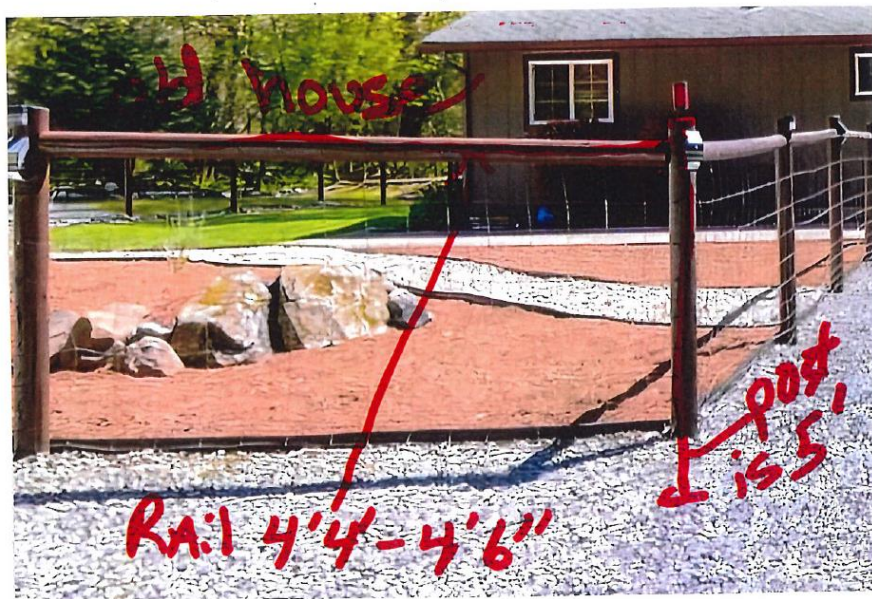
Ⓢ The posts will be 5' tall the top rail will be 4'4" or 4'6" the rails & posts are 3 3/4" round. The for looking.



Legend - each square represents 5'









85440148.000 DULCICH DEBRA

PIDN: 85440148.000

GISP: 771.01-01-0172.00

Owner Information

Percent of Ownership: 100

Name: DULCICH DEBRA

Name 2: DULCICH ROGER

Mailing Address: 1715 PINEY LN
GAUTIER MS
39553

Site Address: 1715 PINEY LN GAUTIER

Land Information

Section: 01 Acreage: 0

Township: 7

Range: 7

Street Name PINEY
LN

Value and Tax Information

Total Assessed Value: 1611

Total Appraised Value: 10740

Improvement Value: 0

Land Value: 10740

Tax Amount: 227

SQ FT: 0

Year Built: 0

Legal Description

Description: LOT 55 HICKORY HILL EST S/D UNIT
#4 DB 2123-361 (172 Map771. 01-
01)

Deed Book / Page: 2169 / 559

[illegible]

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

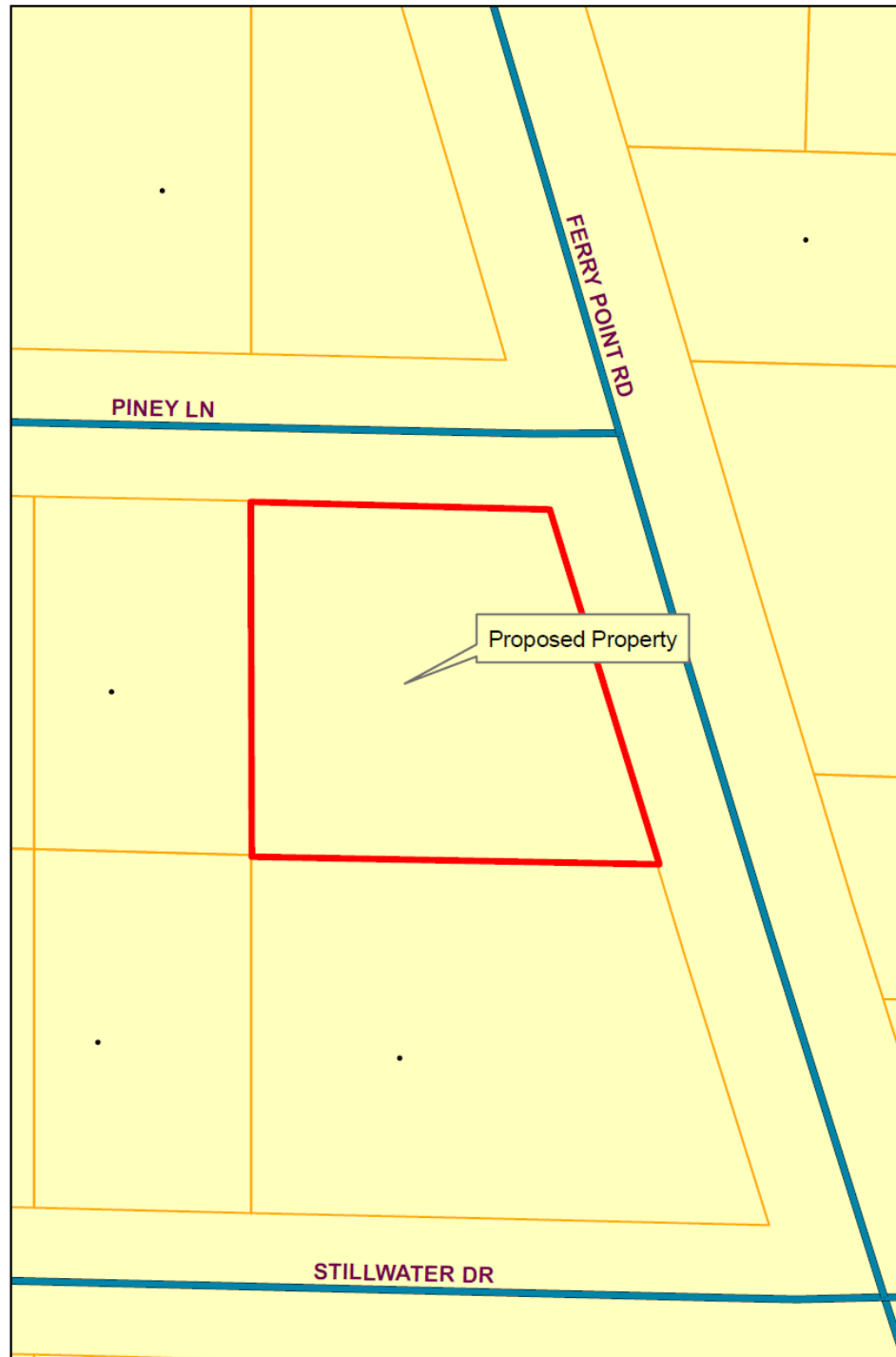


Exhibit C

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

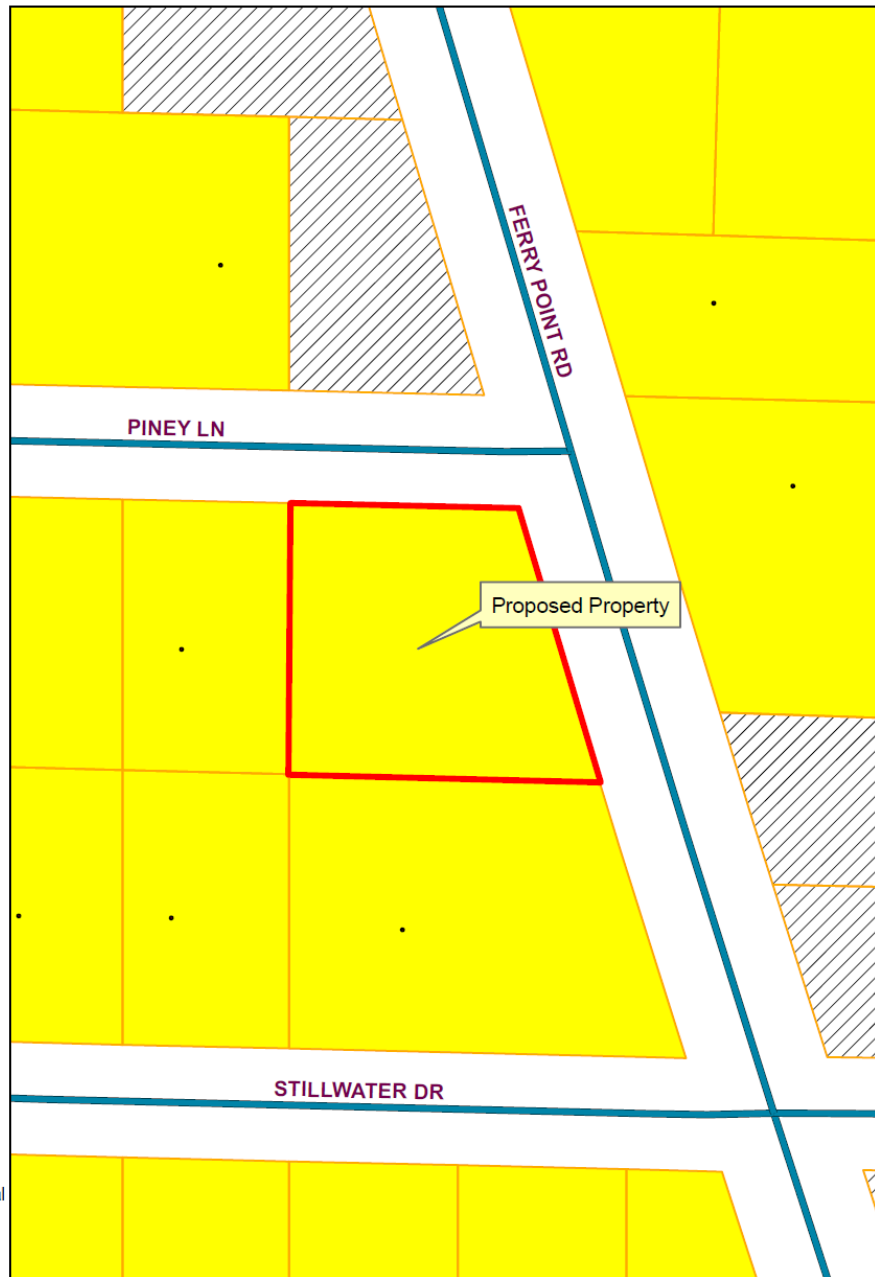


Exhibit D Future Land-Use

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

October 3, 2024

GPC #24-37-RZ

Sioux Bayou Landing, LLC

John Dailey Drive

PID #82425010.100 & #82424080.200

VII. NEW BUSINESS

1. Consider a request for a Property Owner Initiated Rezoning of Property located at John Dailey Drive, PID #82425010.100 & #82424080.200, from R-1 Low Density Single-Family Residential to MURC-2 Mixed Use Recreation Commercial-2 (GPC Case No. 24-37-RZ)

**CITY OF GAUTIER
STAFF REPORT**

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: September 24, 2024

Subject: Consider a request for a Property Owner Initiated Rezoning of Property located at John Dailey Drive, PID #82425010.100 & #82424080.200, from R-1 Low Density Single-Family Residential to MURC-2 Mixed Use Recreation Commercial-2 (GPC Case No. 24-37-RZ)

REQUEST:

The Planning Department has received a request from Sioux Bayou Landing, LLC for a rezoning of property located at John Dailey Drive, PID #82425010.100 & #82424080.200, from R-1 Low Density Single-Family Residential to MURC-2 Mixed Use Recreation Commercial-2 (GPC Case No. 24-37-RZ). The application fee of \$300 was paid on August 9, 2024. All public notice requirements have been met.

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 need and justification for the change when the public welfare justifies such action. The GPC shall include in its recommendation to the City Council findings that the required rezoning criteria have been met.

DISCUSSION:

1. Location: John Dailey Drive, PID #82425010.100 & #82424080.200 (See Exhibit A)
2. Existing Zoning: R-1 Low Density Single-Family Residential. (See Exhibit B)

UDO 5.3.3 R-1, Low Density Single-Family Residential District - Purpose and intent. The purpose of this district is to provide areas where the principal use of land is for single-family detached dwelling units and related recreational facilities which compliment the area and provide a balanced and

attractive residential area. R-1 areas are to be specifically designed to provide for the quiet enjoyment of the uses therein. They should have well defined boundaries and be protected from the encroachment of commercial uses and heavy through traffic.

UDO 5.3.14 MURC-2, Mixed Use Recreation Commercial-2 - Purpose and intent. The Mixed Use Recreational Commercial-2 zoning district implements Future Land Use Section 7.3, Mixed Use Recreation Commercial of the Comprehensive Plan, and also serves as a buffer between areas of lower and higher intensity. The MURC-2 zoning district shall apply to areas suited for tourist-oriented development. Specifically, lands which are developed, redeveloped and/or maintained and conserved as areas that accommodate permanent or seasonal single-family detached or multi-family attached residential dwelling units; commercial hotel, motel, bed and breakfast establishments and other commercial transient living accommodations; and tourist-oriented uses including recreation vehicles, travel trailers, seasonal cabins, marinas, dry boat storage, community buildings, public facilities, clubhouses, museums, visual and performance arts buildings, neighborhood retail commercial goods and services not exceeding 7,000 square feet designed primarily to serve the needs of the Mixed Use Recreational Commercial area, offices, medical clinics, laundries and dry cleaning drop off centers, banks, fitness centers, dinner clubs and restaurants. It is the intent of the MURC-2 zoning district to specifically not allow all non-residential uses to be located in the district.

DATA AND ANALYSIS:

Property requested for Rezoning: John Dailey Drive, PID #82425010.100 & #82424080.200.

Location: Ward 4

Current Zoning of the Request Property: R-1 Low Density Single-Family Residential

Existing Land Use: PID #82425010.100 is an RV park. PID #82424080.200 is vacant. (See Exhibit C)

Future Land Use: Conservation. (See Exhibit D)

Surrounding Zoning: R-1 Low Density Single-Family Residential.

HISTORY:

The existing RV park located on PID #82425010.100, 1221 John Dailey Drive, was established around the late 1950's prior to being annexed by the City. The owner wants

to expand the RV park on the adjoining parcel, PID #82424080.200. The area and current use of the property fits the intent and purpose of the MURC-2 area and is very similar to other existing MURC-2 zoned areas.

REVIEW CRITERIA:

The Planning Commission, in its report and recommendation to the City Council on the appropriateness of the request, shall study and consider the following criteria and record that the evidence presented meets the "Criteria for Approval" from the UDO, if applicable.

- A. There was a mistake in the original zoning; **or**
- B. The character of the surrounding area has changed to such an extent as to justify rezoning **AND** there is a public need for additional property to be zoned in accordance with the request.

The Planning Commission shall not recommend approval of a rezoning unless the applicant has proven by clear and convincing evidence that either of the required criteria items above have been met.

STAFF RECOMMENDATION:

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

CONCLUSION:

Based on the required Review Criteria established by Section 4.15 of the Unified Development Ordinance and the appropriateness of the request relevant to the criteria, the Commission may:

- 1. Recommend that City Council approve to Rezone the subject area from R-1 Low Density Single-Family Residential to MURC-2 Mixed Use Recreation Commercial -2; or
- 2. Recommend that City Council deny the Rezoning.

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

24-37-RZTO BE HEARD BY GAUTIER PLANNING COMMISSION:FEE:

Zoning Change _____

\$301.00

*Includes \$1.00 filing fee per MS Code §25-60-5

Name of Applicant: HEINRICH & ASSOCIATES (BOBBY HEINRICH) (agent)Name of Business: SIOUX BAYOU LANDING LLC Phone: 228-217-4200Property Address: 1221 JOHN DAILEY DR. Mailing Address (if Different): 1806 23RD AVE. STE. B
PID # 82425010.100 & # 82424080.200 GULFPORT, MS 39501E-Mail Address: bobby.h@heinrichassociates.net
marques4042@gmail.comReason for request, location and intended use of Property: REQUEST TO RE-ZONE PROPERTYFROM R-1 TO MURC-2 FOR 27 UNIT R.V. PARK EXPANSION AND
1 CABIN.

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.
- N/A 3. Copy of protective covenants or deed restrictions, if any.
- N/A 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 Planning Director.

Signature of Applicant: [Signature] Date of Application: 8-5-24

FOR OFFICE USE ONLY

Date Received 8/9/24 Verify as Complete Scott / BZFee Amount Received 301.00 Initials of Employee Receiving Application BZ



HEINRICH & ASSOCIATES

RESIDENTIAL & COMMERCIAL DESIGN

September 25, 2024

City of Gautier
Attn: Scott Ankerson
3330 US-90
Gautier, MS 39553

RE: **Public Hearing Application for Rezone**
Parcels – 82425010.000 and 82424080.200
Sioux Bayou Landing – R.V. Park – Phase Two
1221 John Dailey Dr.
Gautier, Mississippi 39553

Dear Mr. Ankerson:

The firm of Heinrich & Associates, LLC is pleased to submit an application requesting a Rezone from R-1 to MURC-2 for the above referenced project. Currently, both parcels are zoned R-1 and Parcel 82425010.100 is an existing R.V. park named Sioux Bayou Landing. Parcel 82424080.200 is adjacent to Sioux Bayou Landing and is vacant. The owners wish to expand the R.V. park and are requesting a rezone due to a mistake in the original zoning and for consistency.

Combined, the properties total approximately 10.57 +/- acres. Sioux Bayou Landing currently has 36 R.V. sites, check-in office, clubhouse, 2 cottages, community bathrooms, laundry room, marina, bar, and deep-water access boat launch.

The purpose of the rezone is to develop the vacant parcel with an additional 27 R.V. spaces and a 2 - unit elevated cabin, known as Sioux Bayou Landing R.V. Park Phase Two. Water, sewer, and electrical hookups will be provided for all sites. Additionally, each site will have a concrete patio and will have access to all of the facilities within the existing park or Phase One.

The development will be designed using the current City of Gautier's development ordinances and follow the current stormwater ordinance. Water and sewer will be supplied by Gautier Utility District. The entire area is currently zoned R-1 and as stated above, including Sioux Bayou Landing R.V. Park Phase One. The existing park was established in the late 1950's, prior to being annexed by the City of Gautier and it is evident that there was a mistake in the original zoning. The area is very secluded and private for guests who visit there. When the adjacent property became available to purchase, the owners immediately made an offer to purchase the property with the intention of expanding the park because of the public need for additional sites. Additionally, although the existing park is not zoned correctly, the rezone request will allow the R.V. park and expansion to be in the correct zoning.

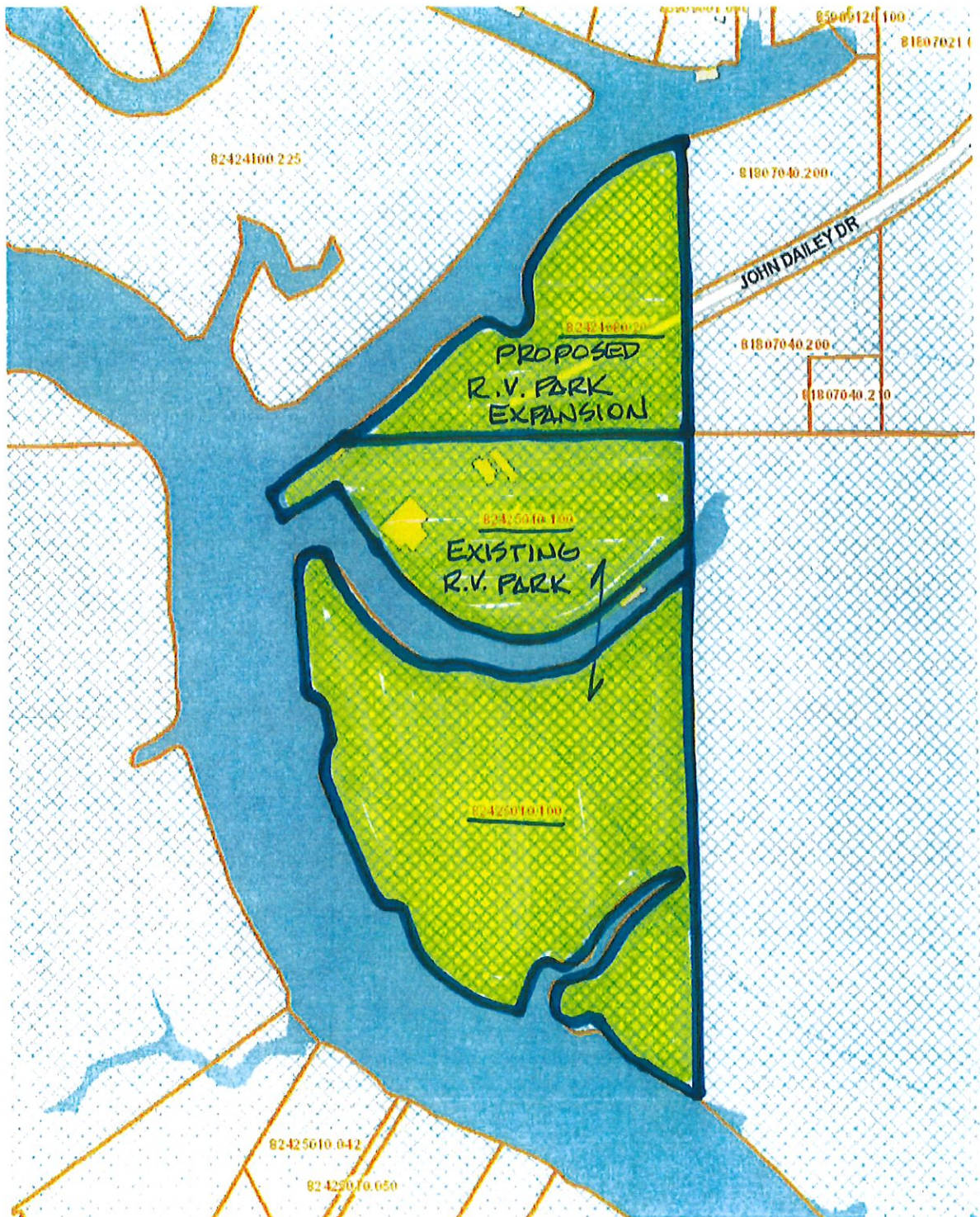
Submitted with this letter is a proposed site plan, a current zoning map, current parcel map, and an aerial map.

We appreciate the opportunity to present this project and look forward to working with the City of Gautier. If you have any questions or need any additional information, please do not hesitate to contact us.

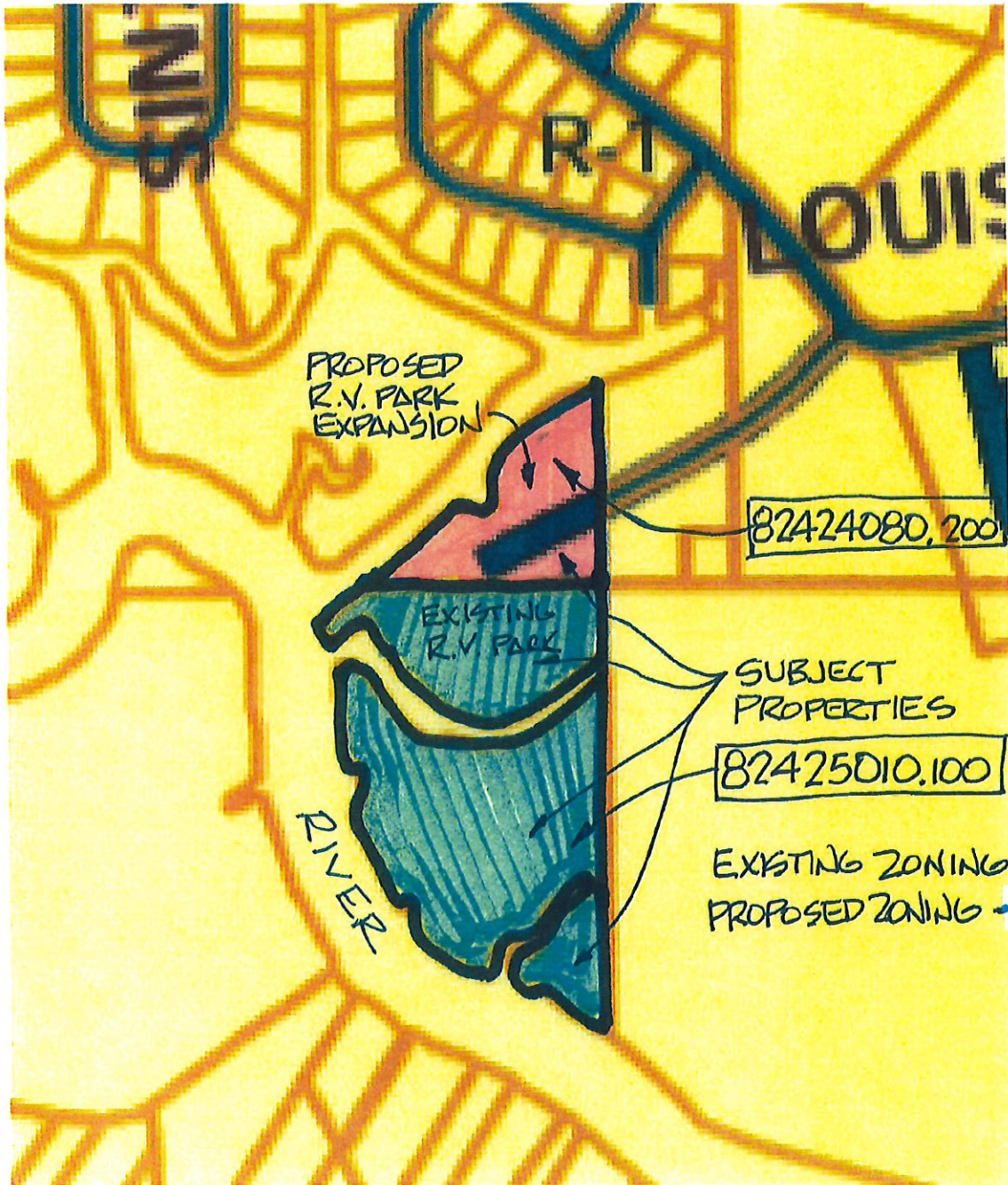
Sincerely,

HEINRICH & ASSOCIATES

Robert B. Heinrich



PARCEL MAP



ZONING MAP

11. ALL WASH WATER MAIN SHALL BE PVC, C900, 4" DIA., APPROVED.
12. ALL SEWER MAIN SHALL BE PVC, ASTM D-3034, EDR 26.
13. WATER AND SEWER SERVICES SHALL COME TO THE DETAIL SHEET.
14. ANY NON-CONCRETE REQUIRED SHALL BE DONE IN SPOCC CONFORMANCE WITH THE PLAN DETAIL AND SPECIFICATIONS.
15. ALL TAPS ON TO EXISTING WATER AND SEWER MAINS SHALL BE COORDINATED WITH MUNICIPALITY OR PRIVATE UTILITY COMPANY.
16. EXISTING UTILITY INFORMATION BASED ON SURVEY

1. WATER AND SEWER - CITY OF GAITHER 407-2775
2. GAS SERVICE - CENTERPOINT 866-7500
3. TV CABLE SERVICE - SPARKLIGHT 864-1906
4. ELECTRICAL SERVICE - MS POWER CO. 856-5800
5. TELEPHONE SERVICE - AT&T 567-6000
8. MISC: CALL OFFICE YOU DIG 1-800-227-8477

POSTCARD	WATER MAIN	DISTING
SEWER LINE	GAS LINE	POWER POLE
FORCE MAIN	FOUR OPTIC	SEWER SERVICE
CABLE	MANHOLE	GAS STATION
WATER VALVE	FIRE HYDRANT	
WATER METER	GAS VALVE	

[illegible]

	TYPICAL SIGN
	TYPICAL STOP SIGN
	HEAD-UP CURB
	CURB & GUTTERS
	STREET LIGHT

ZONING	R-1
ACREAGE	1.92 AC
MIN LOT SIZE	8,071 SQ FT (0.18 AC)
SETBACKS	
	FRONT - 25 FT
	SIDE - 10 FT
	REAR - 25 FT

1. ALL DIMENSIONS ARE FROM BACK OF CURB TO BACK OF CURB.
2. ALL ROADWAY RADIUS DIMENSIONS ARE 20' UNLESS NOTED.
3. CONTRACTOR TO ENSURE ALL CURB RAMPS AND SIDEWALKS MEET AASHTO REQUIREMENTS.
4. STREET LIGHT LOCATIONS AND TYPES TO BE DESIGNATED AND SUBMITTED BY MS POWER.
5. SHOULD CONTRACTOR FIND ANY DISCREPANCIES IN DIMENSIONS, PROJECT ENGINEER SHALL BE NOTIFIED IMMEDIATELY.

BEFORE UNDERTAKING EACH PART OF THE WORK, THE CONTRACTOR SHALL CAREFULLY STUDY AND COMPARE THE PLANS & SPECIFICATIONS AND CHECK AND VERIFY PERTINENT FIGURES SHOWN THEREON AND ALL APPLICABLE FIELD MEASUREMENTS. IF ANY CONFLICTS, ERRORS, DISCREPANCIES, OR OTHER UNSATISFACTORY CONDITIONS ARE DISCOVERED EITHER ON THE CONSTRUCTION DOCUMENTS OR IN THE FIELD, THE CONTRACTOR SHALL PROMPTLY REPORT IN WRITING TO THE ENGINEER OR HIS REPRESENTATIVE BEFORE PROCEEDING WITH ANY WORK AFFECTED THEREBY.

SC-91 E-1" x 20'-0"

SC-91 E-1" x 20'-0"

ArcGIS Web Map



82425010.100 SIOUX BAYOU LANDING LLC

PIDN: 82425010.100

GISP: 777.25-01-0065.00

Owner Information

Percent of Ownership: 100

Name: SIOUX BAYOU LANDING LLC

Name 2:

Mailing Address: P O BOX 4598

BILOXI MS

39535

Site Address: 1221 JOHN DAILEY DR GAUTIER

Land Information

Section: 25

Acreage: 8.3

Township: 7

Range: 7

Street Name JOHN DAILEY
DR

Value and Tax Information

Total Assessed Value: 34277

Total Appraised Value: 228507

Improvement Value: 167047

Land Value: 61460

Tax Amount: 4835

SQ FT: 3314

Year Built: 1974

Legal Description

Description: THAT PT NE1/4 NE1/4 N OF SIOUX B

AYOU DB 1975-644 (65 MAP777.25-0

1)

Deed Book / Page: 1975 / 644

82425010.100 SIOUX BAYOU LANDING LLC



82424080.200 SIOUX BAYOU LANDING LLC

PIDN: 82424080.200

GISP: 776.24-04-0117.00

Owner Information

Percent of Ownership: 100

Name: SIOUX BAYOU LANDING LLC

Name 2:

Mailing Address: 1221 JOHN DAILEY DR
GAUTIER MS
39553

Site Address: LOUIS ALEXIS GAUTIER

Land Information

Section: 24 Acreage: 3

Township: 7

Range: 7

Street Name LOUIS ALEXIS

Value and Tax Information

Total Assessed Value: 8457

Total Appraised Value: 56380

Improvement Value: 0

Land Value: 56380

Tax Amount: 1192

SQ FT: 0

Year Built: 0

Legal Description

Description: 3 AC IN SE1/4 SE1/4 DB 2099-41
(117 MAP776.24-04)

Deed Book / Page: 2165 / 226

82424080.200 SIOUX BAYOU LANDING LLC



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GAUTIER MS

39553

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Acreage: 3

Township: 7

Range: 7

Street Name LOUIS ALEXIS

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Total Appraised Value: 56380

Improvement Value: 0

Land Value: 56380

Tax Amount: 1192

SQ FT: 0

Year Built: 0

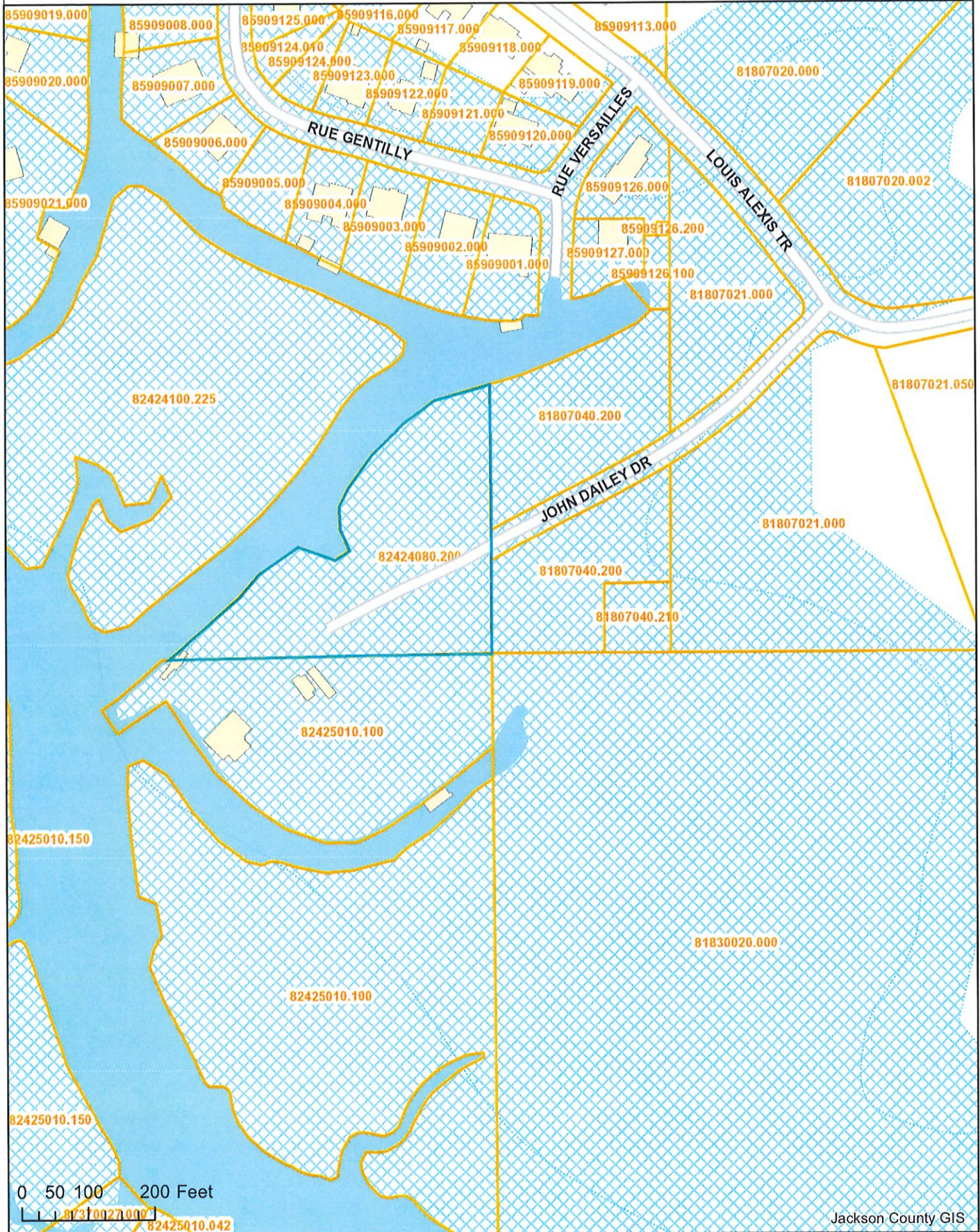
Legal Description

Description: 3 AC IN SE1/4 SE1/4 DB 2099-41

(117 MAP776.24-04)

Deed Book / Page: 2165 / 226

82424080.200 SIOUX BAYOU LANDING LLC



Jackson County GIS

82425010.100 SIOUX BAYOU LANDING LLC

PIDN: 82425010.100

GISP: 777.25-01-0065.00

Owner Information

Percent of Ownership: 100

Name: SIOUX BAYOU LANDING LLC

Name 2:

Mailing Address: P O BOX 4598

BILOXI MS

39535

Site Address: 1221 JOHN DAILEY DR GAUTIER

Land Information

Section: 25

Acreage: 8.3

Township: 7

Range: 7

Street Name JOHN DAILEY
DR

Value and Tax Information

Total Assessed Value: 34277

Total Appraised Value: 228507

Improvement Value: 167047

Land Value: 61460

Tax Amount: 4835

SQ FT: 3314

Year Built: 1974

Legal Description

Description: THAT PT NE1/4 NE1/4 N OF SIOUX B

AYOU DB 1975-644 (65 MAP777.25-0

1)

Deed Book / Page: 1975 / 644

82425010.100 SIOUX BAYOU LANDING LLC

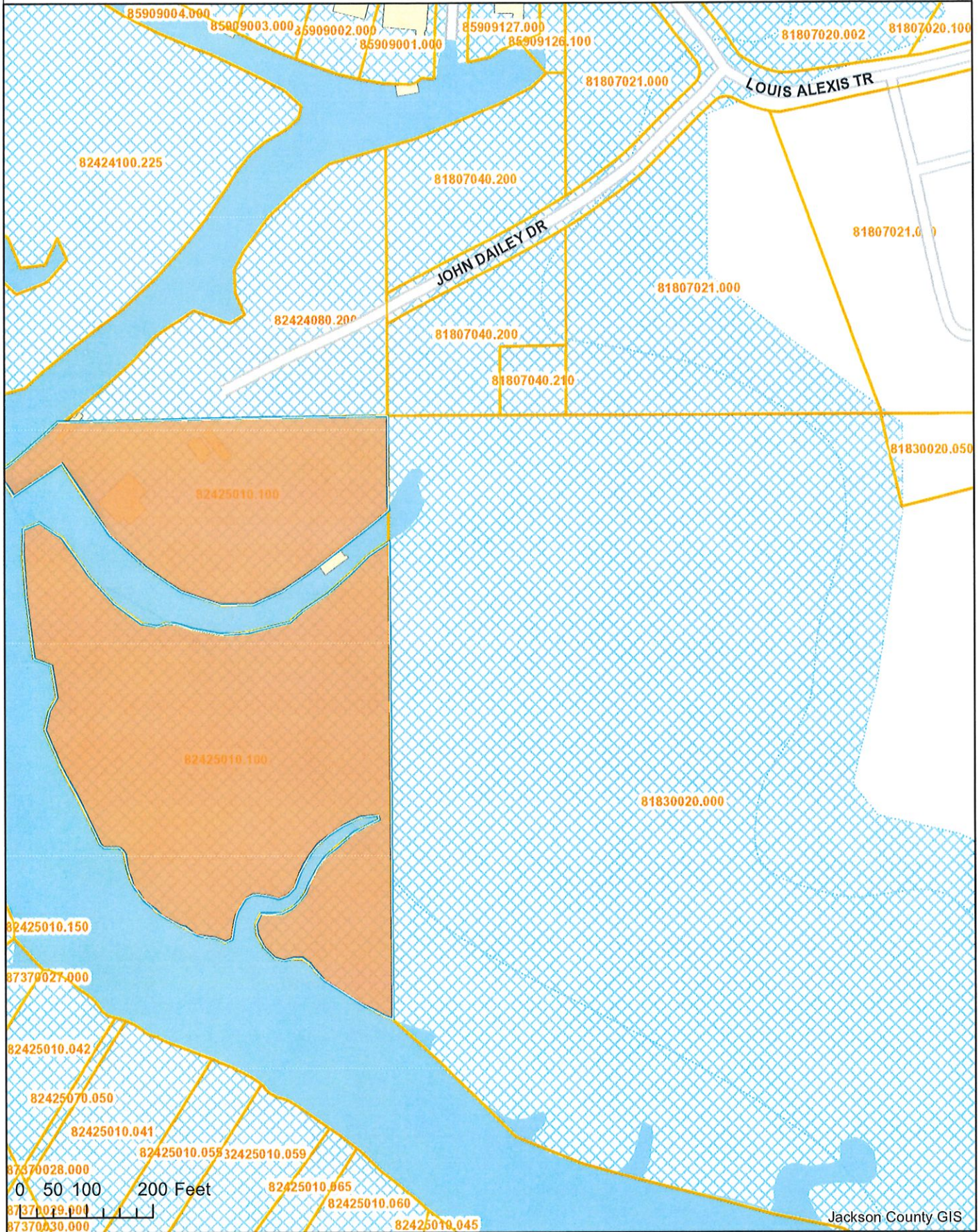


Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department

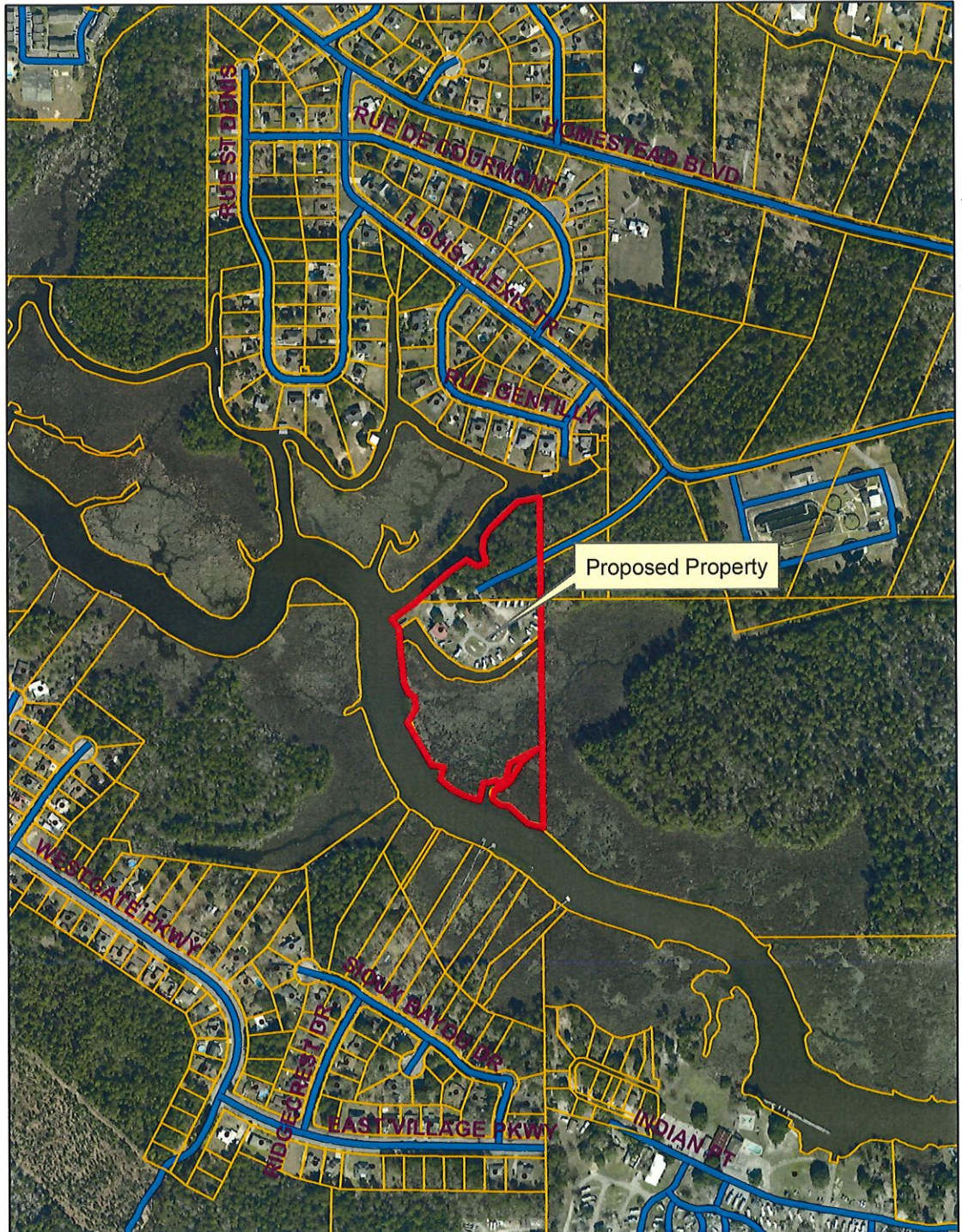


Exhibit B

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

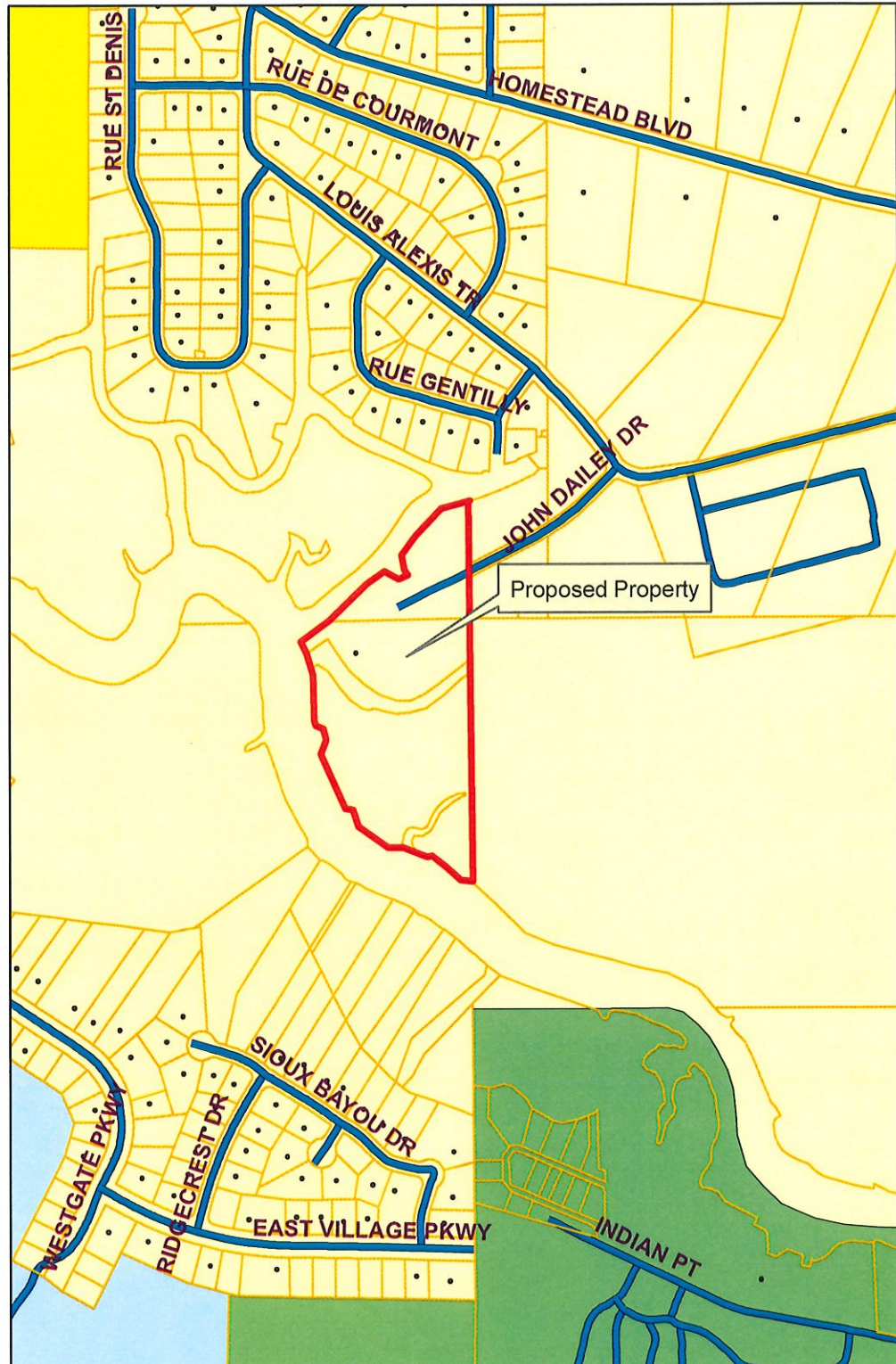


Exhibit C

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

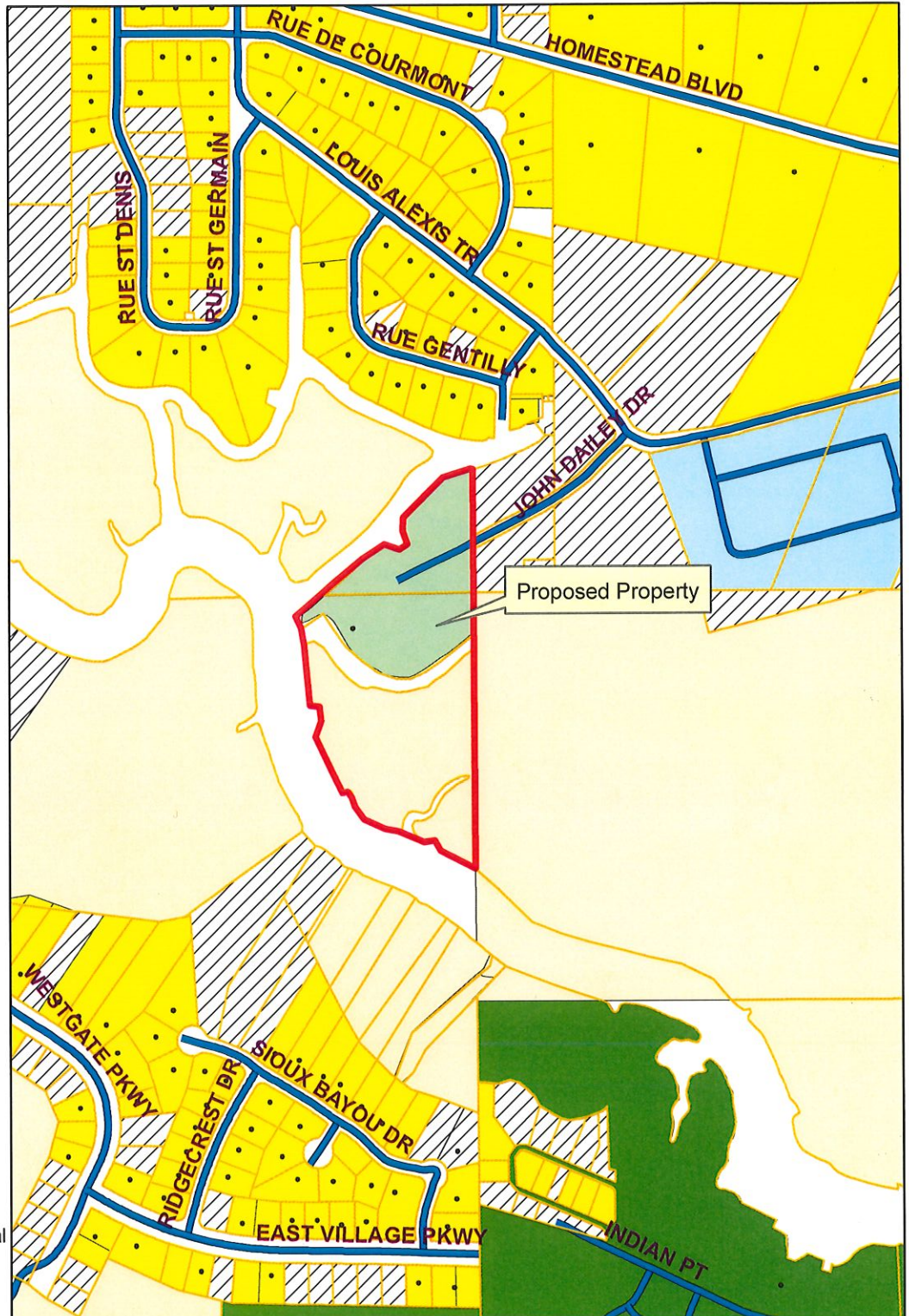


Exhibit D

Future Land-Use

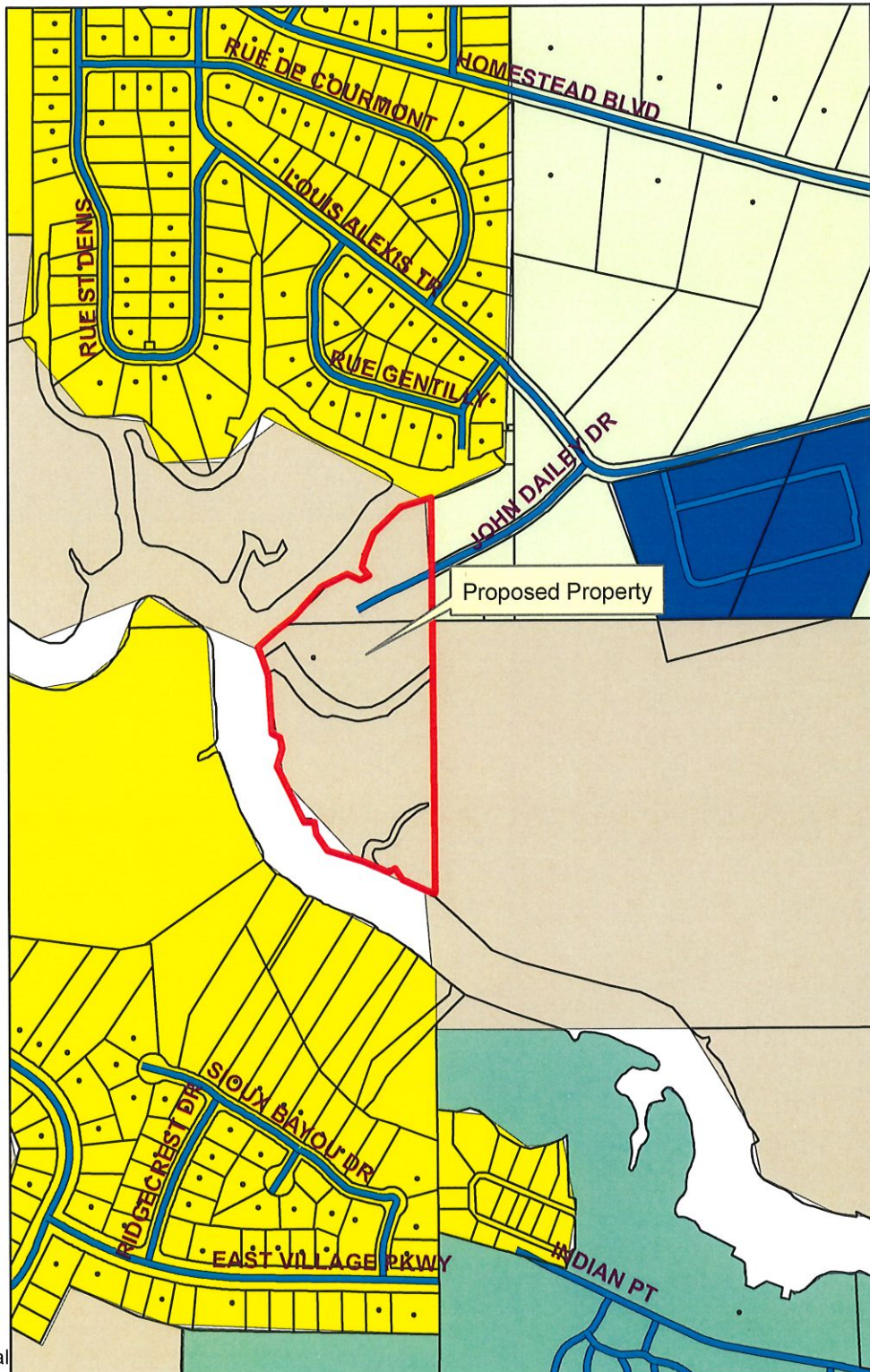
Prepared By:
City of Gautier
Planning Department

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

October 3, 2024

GPC #24-38-VAR

6208 Old Spanish Trail

VII. NEW BUSINESS

2. Consider a request for a four-foot (4') variance to fence height requirements along the side property line in a front yard and a two-foot (2') variance to fence height requirements along the front property line in a R-1 Low Density Single-Family Residential Zoning District. 6208 Old Spanish Trail, (GPC #24-38-VAR)

**CITY OF GAUTIER
STAFF REPORT**

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: September 24, 2024

Subject: Consider a request for a four-foot (4') variance to fence height requirements along the side property line in a front yard and a two-foot (2') variance to fence height requirements along the front property line in a R-1 Low Density Single-Family Residential Zoning District at 6208 Old Spanish Trail, (GPC #24-38-VAR)

REQUEST:

The Planning Department has received a request from Anthony and Armilise Sprague for a four-foot (4') variance to fence height requirements along the side property line in a front yard and a two-foot (2') variance to fence height requirements along the front property line in a R-1 Low Density Single-Family Residential Zoning District at 6208 Old Spanish Trail, PID #82432029.000 (GPC #24-38-VAR). The application fee of \$175 was paid on August 16, 2024. All public notice requirements have been met.

BACKGROUND:

The applicants would like to install an 8' wooden privacy fence along the side property lines of their front yard to keep vehicle lights from shining into their windows. The maximum height allowed for a fence in a designated front yard is 4'. The applicants will need a 4' variance to fence height in a front yard.

The applicant would also like to install a 6' decorative fence with gates along their front property line to keep the public, particularly high school students, from using their circular driveway to make U-turns. As stated above, fences shall not exceed four feet in height within a designated front yard. The applicant will need a 2' variance to fence height in a front yard.

DISCUSSION:

The applicant is asking for a 4' variance to fence height requirements along the side property line of their front yard and a 2' variance to fence height requirements along their front property line.

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
- 6.

PLANNING DEPARTMENT
PUBLIC HEARING APPLICATION

Public Hearing Number

24-38-VAR

TO BE HEARD BY GAUTIER PLANNING COMMISSION:

FEE:

Variance _____

\$176.00

*Includes \$1.00 filing fee per MS Code §25-60-5

Name of Applicant: Anthony & Armilise SpragueName of Business: N/A Phone: 512-970-6701 (Mr.)
504-722-6698 (Mrs.)Property Address: 6208 Old Spanish Trail Mailing Address (if Different): _____
Ocean Springs, MS 39564E-Mail Address: Lisa Sprague 73@gmail.comReason for request, location and intended use of Property: Installation of fence in frontof house and side (sides 8' wooden upto front property line; 6' decorativeATTACHMENTS REQUIRED AS APPLICABLE: Fence across front property line; Per Mrs. Sprague

- ✓ 1. Diagram of intended use, showing dimensions and distances of property, building with setbacks, parking spaces, entrances and exits.
- ✓ 2. A detailed project narrative.
- W/A 3. Copy of protective covenants or deed restrictions, if any.
- MA 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.
- MA 5. Any other information requested by the Planning Director.

Signature of Applicant: _____ Date of Application: _____

FOR OFFICE USE ONLY

Date Received 8/16/24 Verify as Complete ScottFee Amount Received 176.00 Initials of Employee Receiving Application AB/BZ

R-1

VARIANCE

Criteria for Approval

1. What 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?

The lots along Old Spanish Trail are multiple acres zoned R1 residential and have rules more applicable to houses in close proximity of each other that impede the use of a larger property.

2. Are these special conditions and circumstances a result of your actions? Explain.

No. There are numerous houses along old spanish Trail with fences in front of their house running parallel to the street on their property line.

3. How will the literal interpretation of the provisions of this Ordinance deprive you of rights commonly enjoyed by other properties in the same district under the provisions of this Ordinance? Explain.

There are other properties with fences in front of their house. Elliot Homes is building a subdivision on Old Spanish Trail (in Jackson County) that is across the street from our 3.57 acres + house.

4. Will the granting of the Variance requested confer upon you any special privilege that is denied by this Ordinance to other similar sites (lots or parcels), structures or buildings in the same district? Explain.

No. The residential property located at the corner of Old Spanish Trail and Hwy 57 has a privacy fence along both roads at a major intersection which provides privacy from vehicle lights at night-time from penetrating through the windows of their home.

NARRATIVE

We would like to install a ^{wooden privacy} fence 6' to 8' tall along the ^{property line on} west side of our house to block the vehicle lights from sweeping across a bedroom windows and other windows in the front of our house when the Elliot Homes subdivision is largely populated. The vehicles exiting the subdivision turning right (heading east towards Gautier) will be invasive of our windows with vehicle headlights. The same fence along the east side of the property for lights coming down the street from the east.

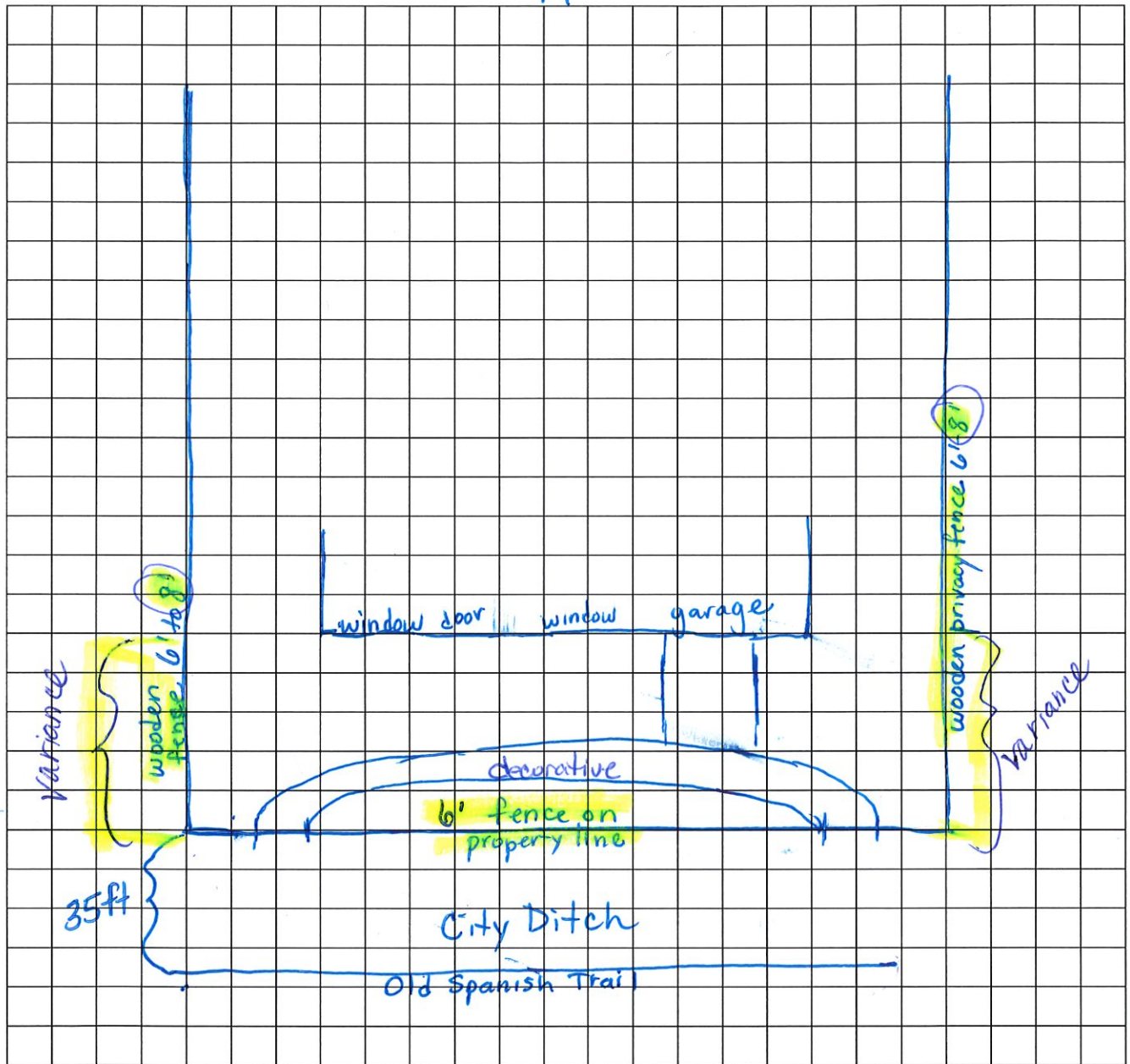
We would like to install a 5ft ^{to 6ft} fence w/ gates across the front of our house. The public and in particular the high school students use our private circular driveway to make U-turns. We will anticipate to become even worse when the subdivision cars from the new Elliott Homes neighborhood. This fence will not be a wooden privacy fence. It will be an iron/aluminum style.

DIAGRAM

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E



Old Spanish Trail

S

PHIL DAVIS RD

OLD SPANISH TRL

House

6208

6216

Elliot Homes

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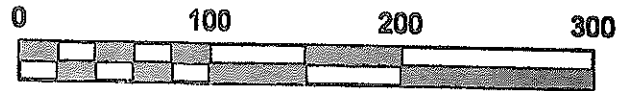
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Parcels	PrimaryRoads
Major	CenterLines

Web AppBuilder for ArcGIS
 . | Jackson County GIS |

CSX RAILROAD 100' RW
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YL 1701

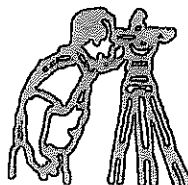
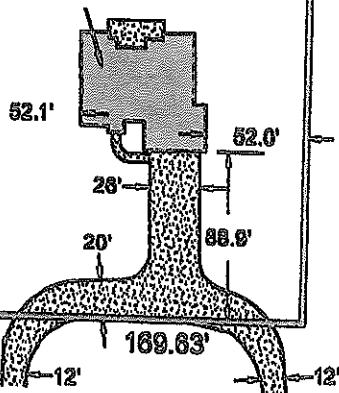
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PIDN:
82432029.000

895.74'

SITE PLAN ON PIDN:
82432029.000 ON NORTH
SIDE OF OLD SPANISH
TRAIL, JACKSON
COUNTY, MISSISSIPPI

5,476 square feet of
driveway and lead
sidewalk



OLD SPANISH TRAIL

CROSBY SURVEYING

PROFESSIONAL LAND SURVEYING

716 LIVE OAK DRIVE

BILOXI, MISSISSIPPI 39532

PHONE: 228-234-1648

EMAIL: cliffordcrosby@cableone.net

82432029.000 GUILLORY ARMILISE ALBERT

PIDN: 82432029.000

GISP: 779.32-00-0025.00

Owner Information

Percent of Ownership: 100

Name: GUILLORY ARMILISE ALBERT

Name 2: SPRAGUE ANTHONY

Mailing Address: 6208 OLD SPANISH TRL
OCEAN SPRINGS MS
39564

Site Address: 6208 OLD SPANISH TRL GAUTIER

Land Information

Section: 32 Acreage: 3.57

Township: 7

Range: 7

Street Name OLD SPANISH
TRL

Value and Tax Information

Total Assessed Value: 32037

Total Appraised Value: 320372

Improvement Value: 268572

Land Value: 51800

Tax Amount: 4816

SQ FT: 3475

Year Built: 2017

Legal Description

Description: E 170' OF W 470' OF LOT 2 N OF O
LD HWY 90 & S OF L&N RAILROAD DB
1842,778 (25 MAP779.32) 'PER SU
RVEY'

Deed Book / Page: 1842 / 778

82432029.000 GUILLORY ARMILISE ALBERT



Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department

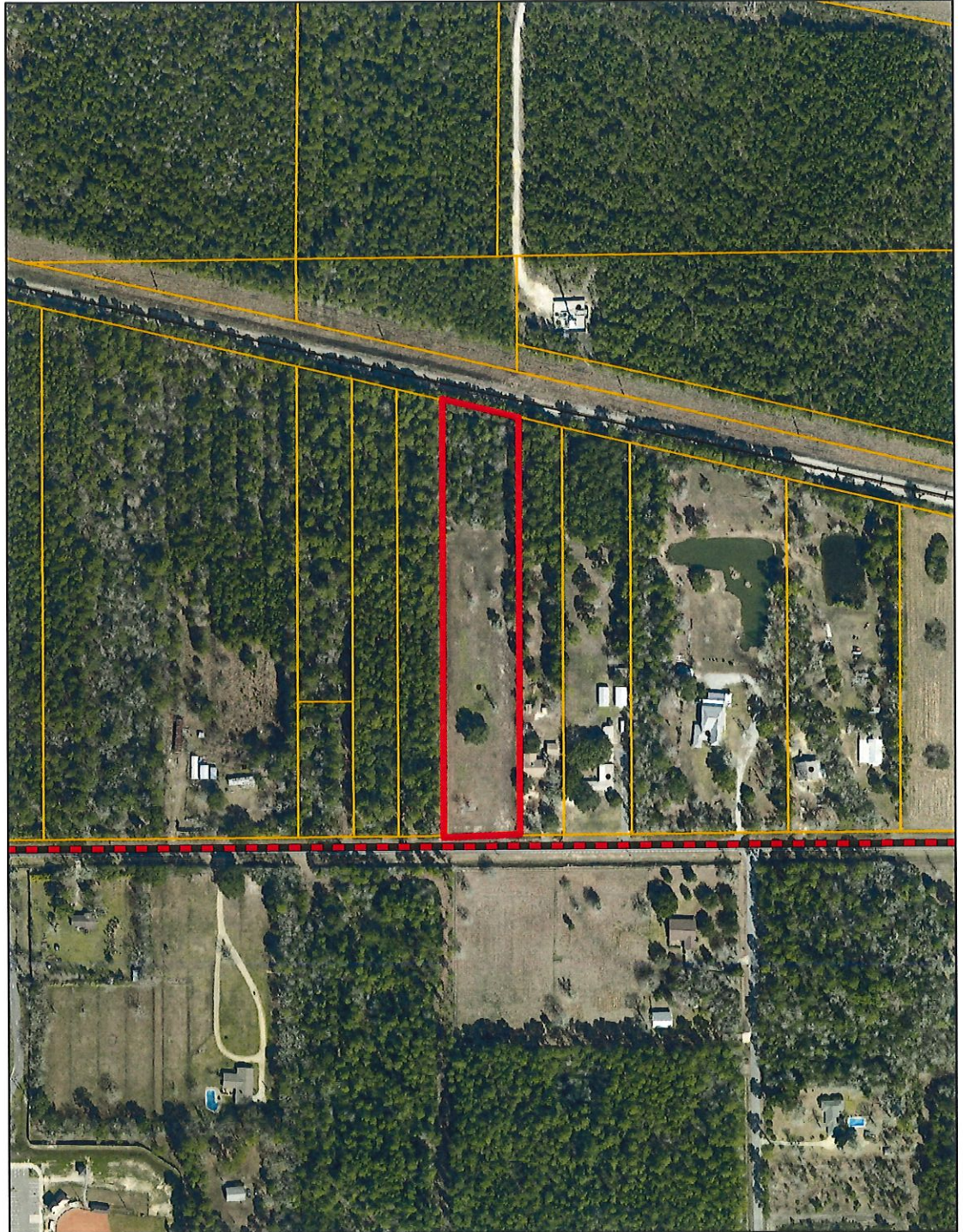


Exhibit B

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

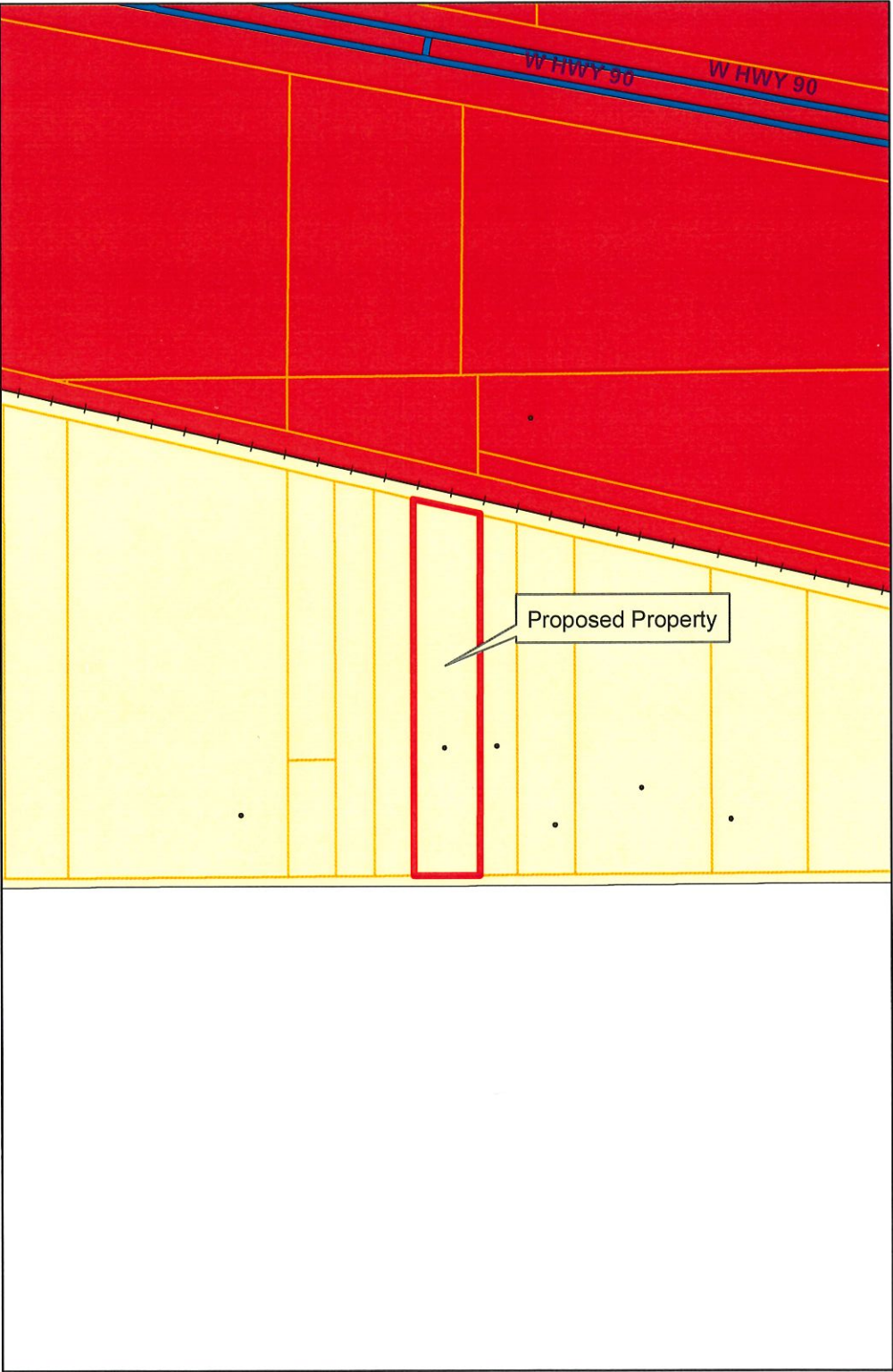


Exhibit C

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

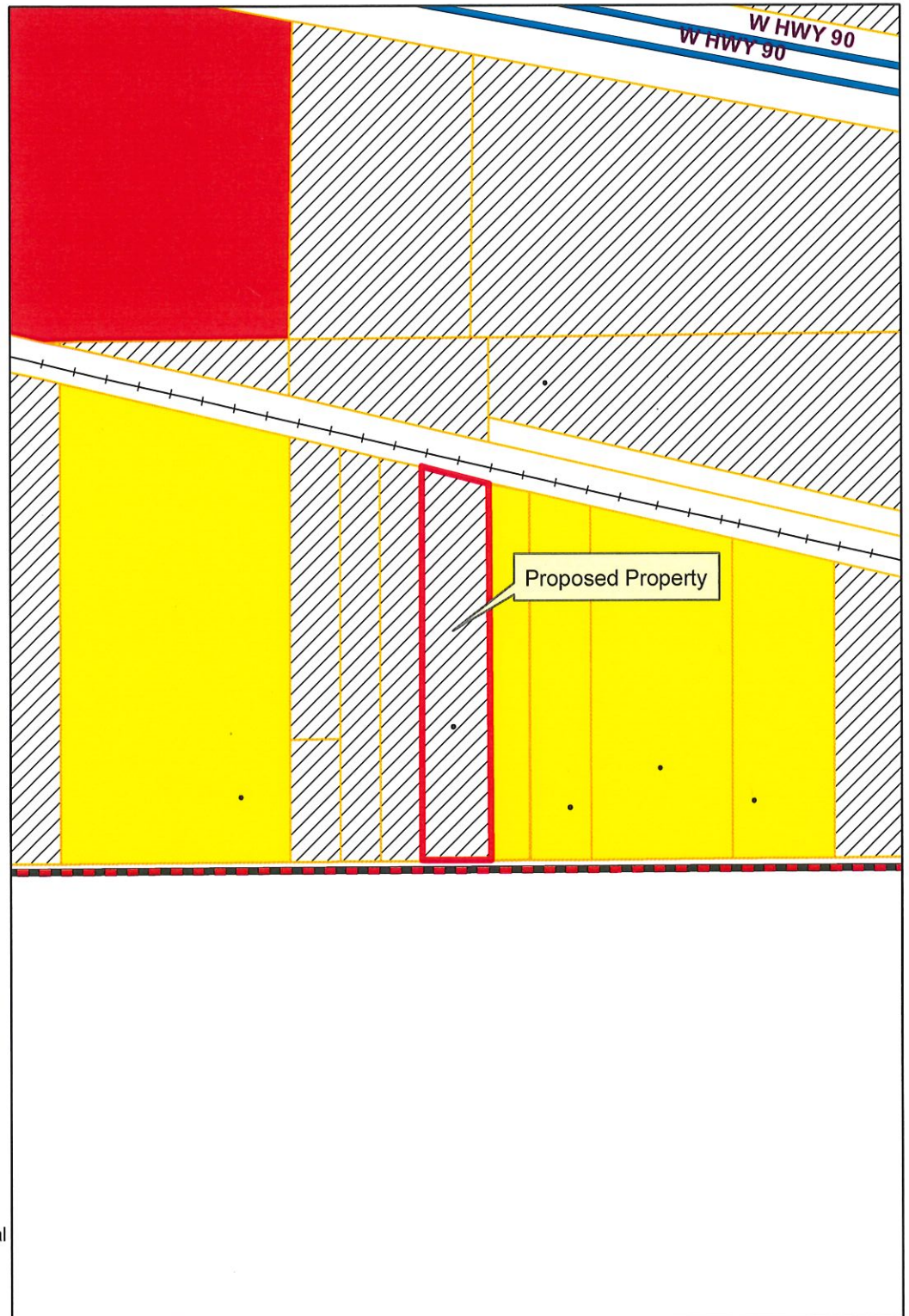


Exhibit D

Future Land-Use

Prepared By:

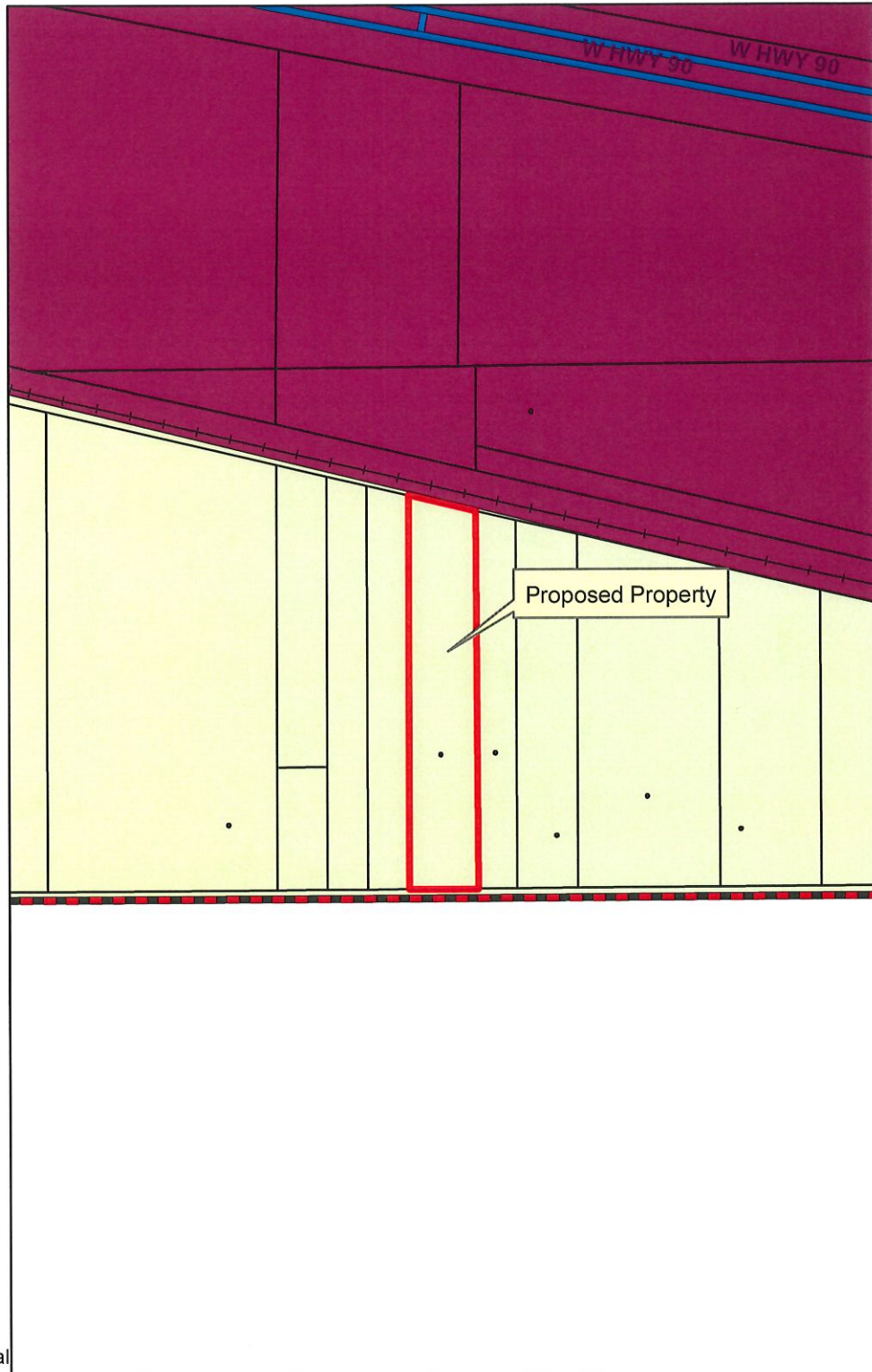
City of Gautier
Planning Department

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

October 3, 2024

GPC #24-39-VAR

2012 Highway 90

VII. NEW BUSINESS

3. Consider a request for a four-foot (4') variance to sign height requirements and a one hundred seventy-four (174) square foot variance to sign square footage requirements in a C-3 Highway Commercial Zoning District. 2012 Highway 90, (GPC #24-39-VAR)

**CITY OF GAUTIER
STAFF REPORT**

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: September 25, 2024

Subject: Consider a request for a four-foot (4') variance to sign height requirements and a one hundred seventy-four (174) square foot variance to sign square footage requirements in a C-3 Highway Commercial Zoning District at 2012 Highway 90, (GPC #24-39-VAR)

REQUEST:

The Planning Department has received a request from GCC, LLC (Gautier Commerce Center) for a four-foot (4') variance to sign height requirements and a one hundred seventy-four (174) square foot variance to sign square footage requirements in a C-3 Highway Commercial Zoning District at 2012 Highway 90, (GPC #24-39-VAR). The application fee of \$175 was paid on September 16, 2024. All public notice requirements have been met.

BACKGROUND:

The applicant would like to add to his existing legal non-conforming sign. Section 12.16 (D) of the Unified Development Ordinance (UDO) states that a legal non-conforming sign loses its status if it is enlarged. The applicant would like to add seventy-two (72) square feet to his existing sign. The existing sign is currently fourteen feet (14') high and consists of two hundred fifty-two (252) square feet. With the additional seventy-two (72) square feet he will need a variance of one hundred seventy-four (174) square feet to sign square footage requirements. Because the maximum sign height allowed at that location is ten feet (10'), he will also need a four-foot (4') variance to sign height requirements.

DISCUSSION:

The applicant is asking for a four-foot (4') variance to sign height requirements, and a one hundred seventy-four (174) square foot variance to sign square footage requirements because he would like to add additional signage to his existing legal non-conforming sign.

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

PLANNING DEPARTMENT
PUBLIC HEARING APPLICATION

Public Hearing Number

24-39-VARTO BE HEARD BY GAUTIER PLANNING COMMISSION:FEE:

Variance _____

\$176.00

*Includes \$1.00 filing fee per MS Code §25-60-5

Name of Applicant: Jack PilgerName of Business: GCC, LLC (Gautier Commerce Center) Phone: 228-365-1917Property Address: 2012 Hwy 90 Mailing Address (if Different): 5905 Ridge Rd. Ocean Springs
MS. 39564E-Mail Address: Jack Pilger 2 @ yahoo. Com.Reason for request, location and intended use of Property: Not enough signage fortenants in this rental building - building is now full for first timeATTACHMENTS REQUIRED AS APPLICABLE: (enlarge sign)See Attached 1. Diagram of intended use, showing dimensions and distances of property, building with setbacks, parking spaces, entrances and exits.See Attached 2. A detailed project narrative.None 3. Copy of protective covenants or deed restrictions, if any.None 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 Planning Director.

Signature of Applicant: Jack PilgerDate of Application: Sept 6, 2024

FOR OFFICE USE ONLY

Date Received 9/16/24Verify as Complete Scott/BabsFee Amount Received 176.00Initials of Employee Receiving Application Babs

VARIANCE

Criteria for Approval

1. What 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? *Rent A) Bldg is largest in area.*
2. Are these special conditions and circumstances a result of your actions? Explain. *yes - I am the rental agent along with my next door neighbor - Caldwell Barker Real Estate.*
3. How will the literal interpretation of the provisions of this Ordinance deprive you of rights commonly enjoyed by other properties in the same district under the provisions of this Ordinance? Explain. *The businesses renting space in the building need to have their name on a marquee sign.*
4. Will the granting of the Variance requested confer upon you any special privilege that is denied by this Ordinance to other similar sites (lots or parcels), structures or buildings in the same district? Explain. *There are not any similar sites in the neighborhood. Each business will theoretically have a conforming sign.*

Gautier Commerce Center

2012 Hwy 90
Gautier, MS 39563

September 9, 2024

Gautier is growing and so is my demand for rental space. I purchased the building in 2018 and since then have improved the building with an elevator to the 2nd floor. For the first time in 6 years, we will be full as of September 1st, 2024.

Our last tenant was the State of Mississippi and their new childcare operation. I have attached their flyer at the end of my application.

My son, David Pilger has Pilger Title Company in the building, along with his 10 other Title offices here in Mississippi, it is the largest Title Company in the state now. Another prominent one of our tenants is our medical tenant "Mississippi Cardio Vascular Center of Excellence", also Toddler Town a prominent day care center for the children of Gautier. The balance of our tenants are from various industries and signage is very important to them.

Our day care center, Toddler Town has been voted "Best in Gautier" for the 3rd year in a row!

Many of the children's parents are employed by the city of Gautier Fire Department, Police Department and Ingalls Shipyard, just to name a few.

My other son, Jason Pilger is also a business owner in Gautier. He owns Jason Pilger Hyundai on Hwy 90 and has owned this car dealership for some 10 years now.

My preference would be option 3 first, which would make the sign 24' x 10', and then option 2 which would make sign 12' x 18'.

Our next door neighbor Caldwell Banker has their sign about 24' high.



Jack Pilger

GCC, LLC.

Owner, Manager

OPTION 3:

18'

Gautier Commerce Center

Addition
12'

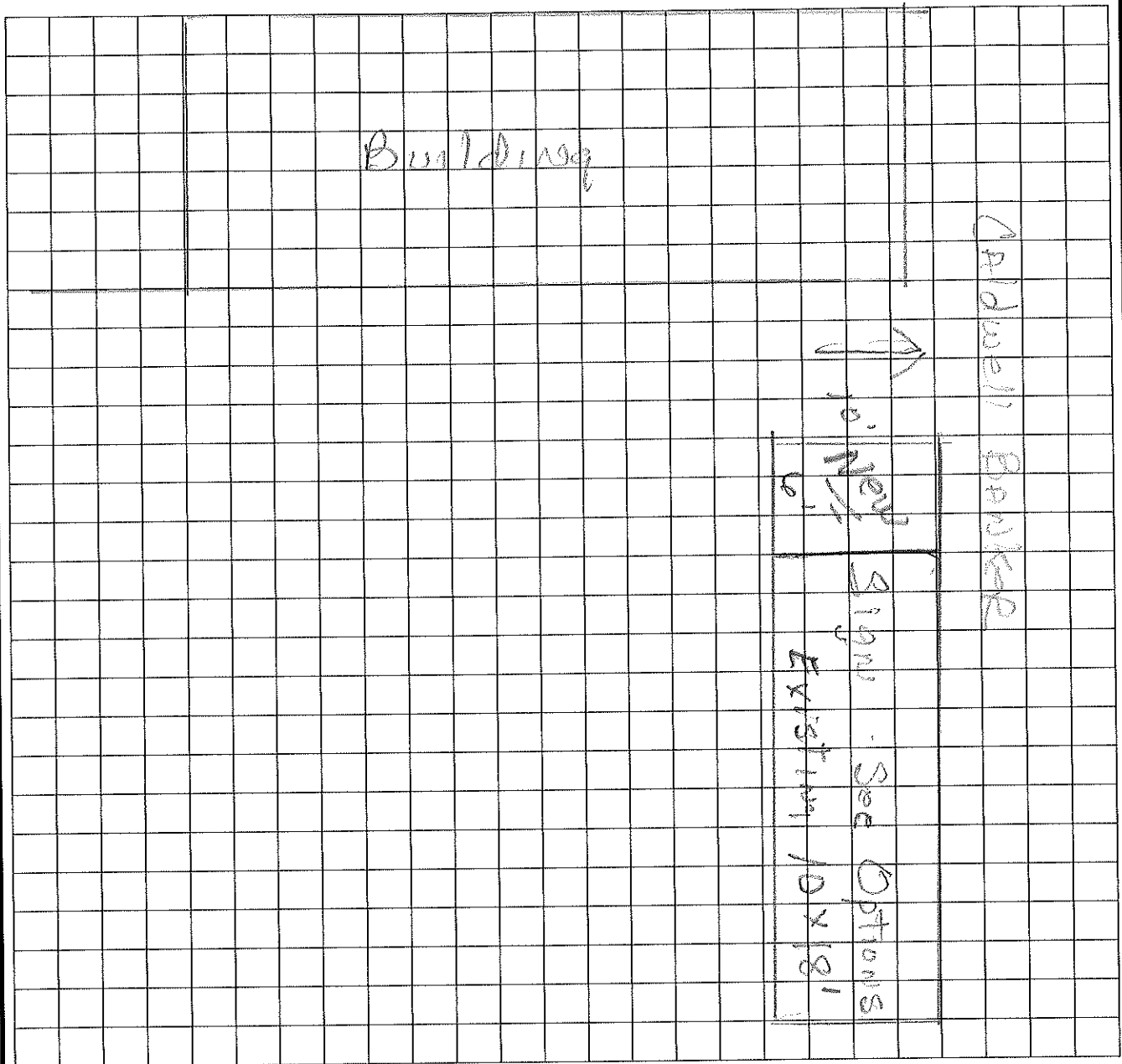
6'

14'

Extend the current stucco structure out to the north of the sign

view facing east

DIAGRAM



← West

Hwy- 90

East →

Gautier Commerce Center



Hanger
CLINIC

Empowering Human Potential



PILGER TITLE CO.

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INSURANCE AGENCY

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Homecare Services, LLC

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**TODDLER
TOWN
ACADEMY**



**COMPASSIONATE SENIOR
HEALTHCARE ASSOCIATES**

Life, Health, ACA and Medicare Insurance





GAUTIER COMMERCE CENTER

PILGER TITLE CO.
REAL ESTATE SERVICES

2012

Missouri State Office
of Economic Development

BISHOP
INSURANCE AGENCY

Reserved
Parking
for
C

Reserved
Parking
for
C



85380400.000 GCC LLC

PIDN: 85380400.000

GISP: 777.36-02-0002.00

Owner Information

Percent of Ownership: 85

Name: GCC LLC

Name 2:

Mailing Address: 1406 BIENVILLE BLVD

OCEAN SPRINGS MS

39564

Site Address: 2012 HWY 90 GAUTIER

Land Information

Section: 36

Acreage: 0.96

Township: 7

Range: 7

Street Name HWY 90

Value and Tax Information

Total Assessed Value: 145035

Total Appraised Value: 966902

Improvement Value: 816362

Land Value: 150540

Tax Amount: 20458

SQ FT: 26046

Year Built: 1968

Legal Description

Description: COM NWC SW1/4 S89°E1495.75 S89°E
279.64 S89°E141.27 S72.13 N87°E
4.33 S7.77 S87°W3.04 S81.44 S83
* E28.1 S8.9 TO POB S30 E21.3 S2
5 E10.4 S2°W181.6 N79°W196.9 N14
9.34 THENCE ALG CRV N40°W42.4 N
48° E34 E169.15 TO POB PB 24-91
PARCEL 1 GAUTIER COMMERCE CENTER
CONDO PROP (2 MAP777.36-02)

Deed Book / Page: 1884 / 389

85380400.000 GCC LLC

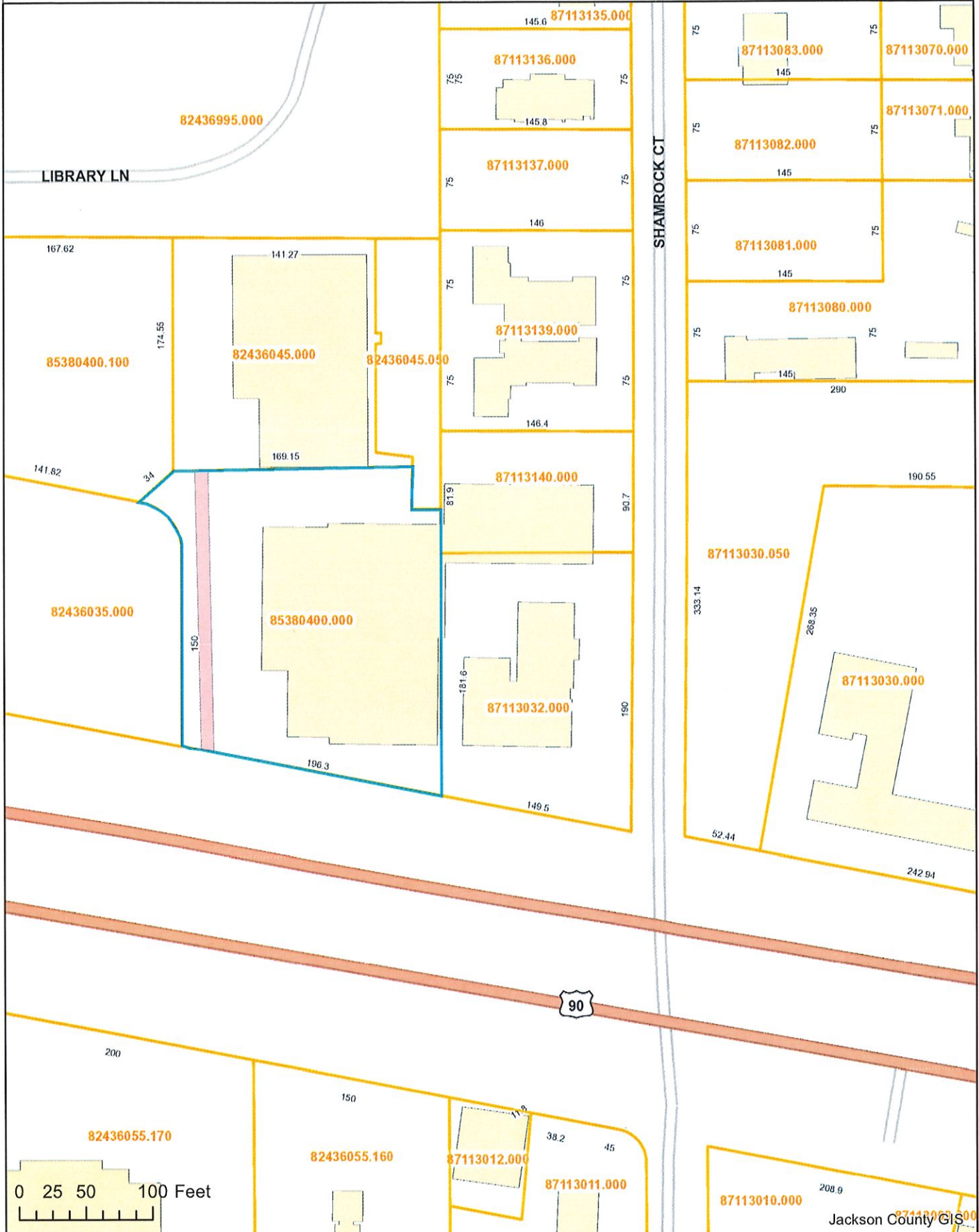


Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department

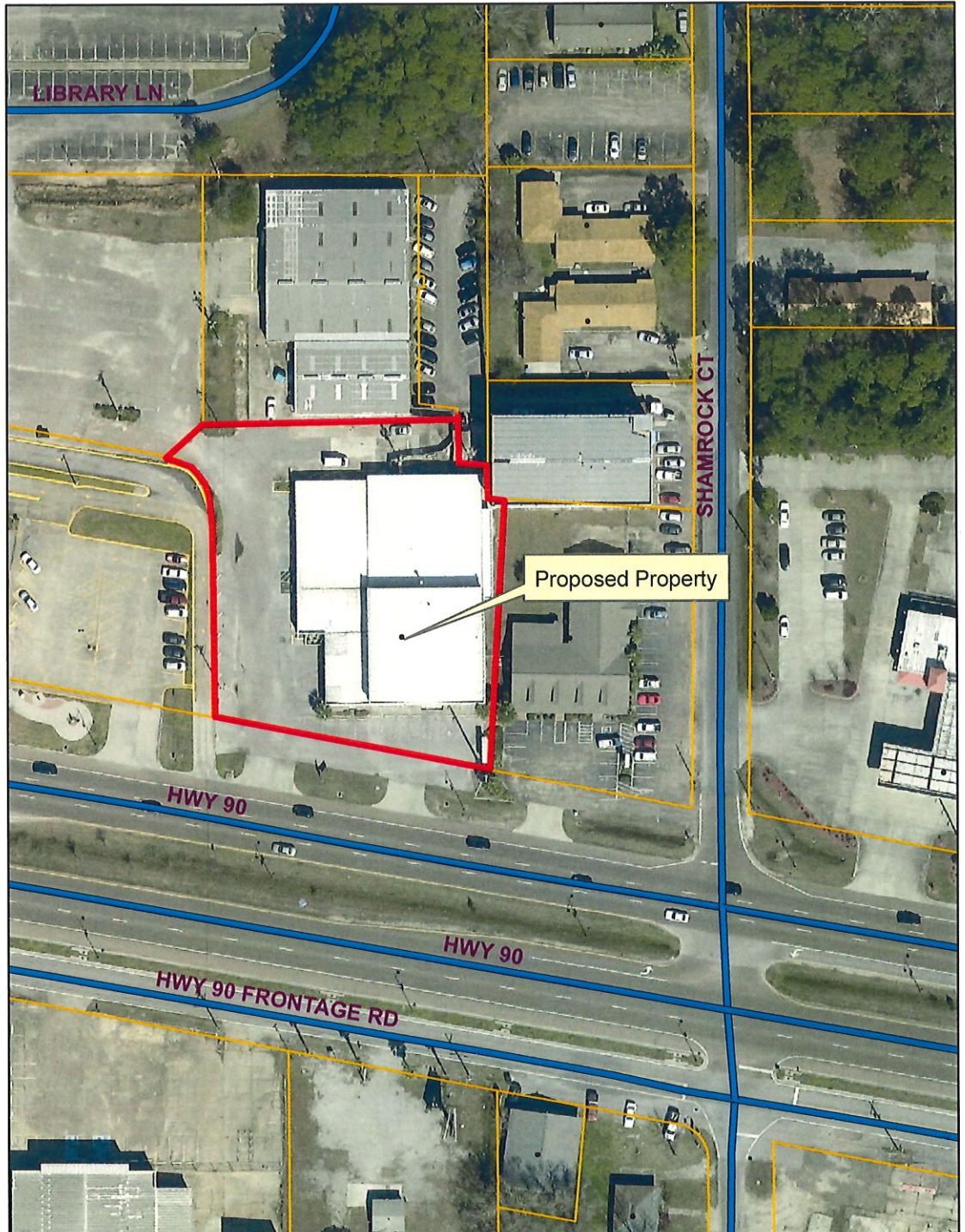


Exhibit B

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

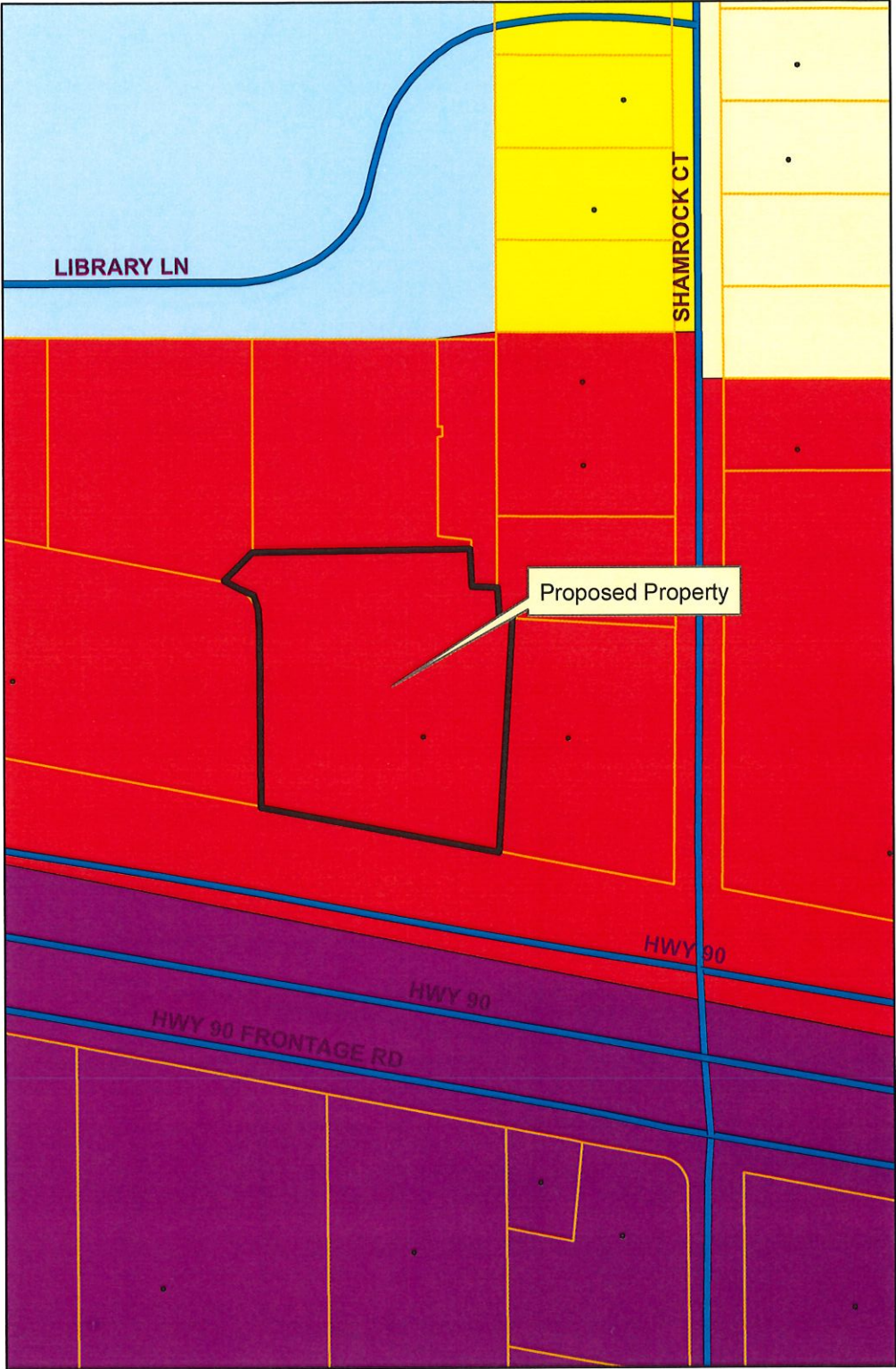


Exhibit C

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

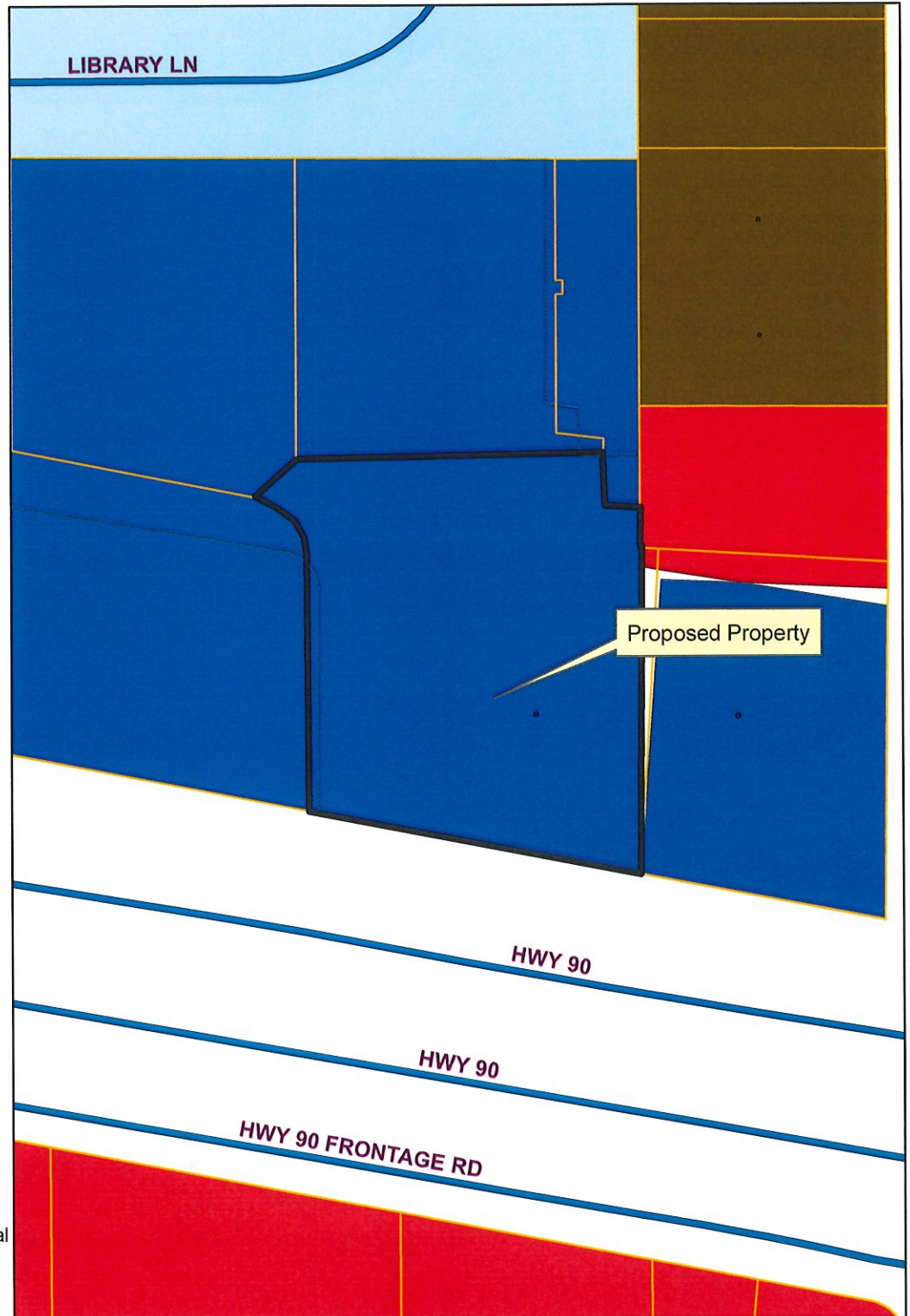


Exhibit D

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

