

Gautier Planning Commission

Regular Meeting Agenda

May 3, 2018

GPC #18-05-SE

3880 Gautier Vancleave Rd

Body Art Studio and Collectibles Boutique

VII. NEW BUSINESS

1. William E Morgan on behalf of Studio 613 requests a SPECIAL EXCEPTION PERMIT for a Body Art Studio and Collectibles Boutique at Baywood Commons 3880 Gautier Vancleave Rd Suite 2 PID# 82435010.050 located in a C-2, Community Commercial, Zoning District (GPC CASE #18-05-SE)

GAUTIER PUBLIC HEARING PROCESS (PLANNING COMMISSION)

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

1. Chairman announces the case.
2. Chairman makes statement, "This is a Public Hearing and all statements to be made need to be true and accurate for the record."
3. Staff gives brief overview of case.
4. Applicant presents their case.
5. Anyone to speak in support of the Request? Please state your name and address for the record.
6. Anyone to speak in opposition of the Request? Please state your name and address for the record.
7. Any final comments from the applicant?
8. Questions from Commission?
9. Chairman closes public hearing – "This closes the Public Hearing portion of this case" bang of gavel
10. Motion/Deliberation/Vote

CITY OF GAUTIER STAFF REPORT

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: May 3, 2018

Subject: Special Exception Permit for a Body Art Studio and Collectibles Boutique at PID#82435010.050 3880 Gautier Vancleave RD Suite 2 (GPC Case No. 18-05-SE)

REQUEST:

The Planning Department has received a request from William E. Morgan of Studio 613 for a Special Exception Permit that would allow a Tattoo Parlor in a C-2, Community Commercial Zoning District, at 3880 Gautier Vancleave Rd Suite 2 PID#82435010.050. The application fee of \$250 was paid on March 20, 2018. All public notice requirements have been met.

BACKGROUND:

The request property is zoned C-2 Community Commercial.

1. Location: 3880 Gautier Vancleave RD Suite 2 (See Exhibit A)
2. General features of the proposed project:
Total Building Area: 1000square feet
Site Size: 1.87 Acres
3. Potable Water and Wastewater Services: Existing from City
4. Current Zoning (See Exhibit B): C-2 Community Commercial.
5. Current Surrounding Zoning (See Exhibit B): C-2 Community Commercial, TC Town Center, and R-1 Low Density Single Family.
6. Current Surrounding Existing Land Use (See Exhibit C): Low Density Residential, Town Center, and Community Commercial.
7. Comprehensive Plan Future Land Use Designation (See Exhibit D): Low Impact Commercial

DISCUSSION:

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

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

Applicant: The Unified Development Ordinance defines business locations by Zone. The property in question is located in a strip mall at 3880 Gautier Vancleave Road. This property is Zoned C-2, Community Commercial. Literal interpretation of the Ordinance would prohibit establishment of an upscale body art and collectibles boutique, as offered by Studio 613 Artisans.

Staff Finding: The City of Gautier UDO does not list an upscale body art studio as an allowable use in a C-2 District. The UDO defines this use as a "Tattoo Parlor". A Tattoo Parlor is allowed with a Conditional Use in all other Commercially Zoned Districts. Planning Staff feels that a C-1 district is a more stringent commercial district than a C-2 district as it pertains to uses, density, and intensity. Planning Staff finds that the proposed use is comparable to other uses allowed in the C-2 Commercial District, therefore, denying the proposed use would deprive the applicant of the rights commonly enjoyed by others in all other Commercial Districts.

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 Special Exception will be in harmony with the purpose and intent of the ordinance by offering a location within the immediate Gautier community offering one-of-a-kind artwork and collectibles, as well as elegant body art, either temporary or permanent in nature. All permanent art is limited to adults 18 and older. Studio 613 artists promote awareness of health considerations in safe body art and piercings, as well as providing counseling in selecting appropriate artwork and body locations to not hinder future employment opportunities. The salon work ethic includes refusal to perform questionable or unsavory body art. Henna art in sepia tones are offered as temporary body art, with all natural ingredients.

Staff Finding: This specific proposed use is allowed by right in all other commercially zoned districts. Staff finds that it will be compatible with other businesses in this district due to the fact that it is comparable in size, density, and intensity with other existing businesses in this area..

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

Applicant Response: The special circumstances are not results of any action of the applicant. The studio has not previously sought to establish itself in the Gautier community, nor previously been denied this opportunity. The special circumstances directly result from the optimum site on Gautier Vancleave Road. The site is a prime location to draw customers from local businesses (to include Ingalls Shipbuilding), local homeowners, and MGCCC students with the intent to spend more money locally than in Ocean Springs or nearby cities.

Staff Finding: There is no evidence to indicate that special circumstances requiring the Special Exception were results of the action of the applicant. Staff finds that the Special Exception will not negatively affect the surrounding businesses, or cause a detriment to the surrounding properties. Staff believes that since Tattoo Parlors are permitted with a Major Conditional Use in a C-1, C-3, and Town Center district, the omission of them in a C-2 Zoning District could have been an oversight.

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.

RECOMMENDATION & CONCLUSION:

Staff finds that the Special Exception proposed use will be compatible and harmonious with the C-2 District and recommends approval with no specific proposed conditions.

The Planning Commission may:

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

ATTACHMENTS:

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

PLANNING DEPARTMENT
GAUTIER, MISSISSIPPI

SPECIAL EXCEPTION HEARING APPLICATION

Hearing Number

18-05-SE

TYPE OF REQUEST:

Special Exception

FEE:

\$250.00

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

Name of Applicant: William E Morgan

Name of Business: Studio 613 3880 GAUTIER VANCELOVE SUITE 2

Address: 104 SALTMEADOW CIR Ocean Springs MS 39564
Mailing Address (if different): 104 Salt Meadow Cir Ocean Springs MS 39564

Email Address: coolish12001@gmail.com

Phone: 228-282-9902 Cell Phone: 282-9902

Reason for request, location and intended use of Property: _____

ATTACHMENTS REQUIRED AS APPLICABLE:

- ☒ 1. Diagram of intended use, showing dimensions and distances of property, building with setbacks, parking spaces, entrances and exits.
- ☒ 2. Legal descriptions and street address.
- ☒ 3. A detailed project narrative that also addresses the questions on the "Criteria for Approval" page of this application.
- ☒ 4. Copy of protective covenants or deed restrictions, if any.
- ☒ 5. Copies of approvals, or requests for approval, from other agencies, such as, but not limited to, the Mississippi State Department of Health, U.S. Army Corp of Engineers, Mississippi Department of Environmental Quality and Department of Marine Resources.
- ☐ 6. Any other information requested by the Planning Director and/or members of the Technical Review Committee.
- ☐ 7. Owner's Consent form, if anyone other than 100% sole owner makes application (see attached).

Signature of Applicant: _____

FOR OFFICE USE ONLY

Date Received 3-20-18 Verify as Complete KM

Fee Amount Received 250.00

Initials of Employee Receiving Application (KM)

SPECIAL EXCEPTION

Criteria for Approval Special Exception

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

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 Unified Development Ordinance defines business locations by Zone. The property in question is located in the strip mall, 3880 Gautier-Vancleave Road. This property is Zoned C-2, Community Commercial District. Literal interpretation of the Ordinance would prohibit establishment of an upscale body art and collectibles boutique, as offered by Studio 613 artisans.

- 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 Special Exception will be in harmony with the purpose and intent of the ordinance by offering a location within the immediate Gautier Community offering one-of-a-kind artwork and collectibles, as well as elegant body art, either temporary or permanent in nature. All permanent art is limited to adults 18 and older. Studio 613 artists promote awareness of health considerations in safe body art and piercings, as well as providing guidance and counseling in selecting appropriate artwork and body locations to not hinder future employment opportunities. The salon work ethic includes refusal to perform questionable or unsavory body art. Henna art in sepia tones are offered as temporary body art, with all natural ingredients.

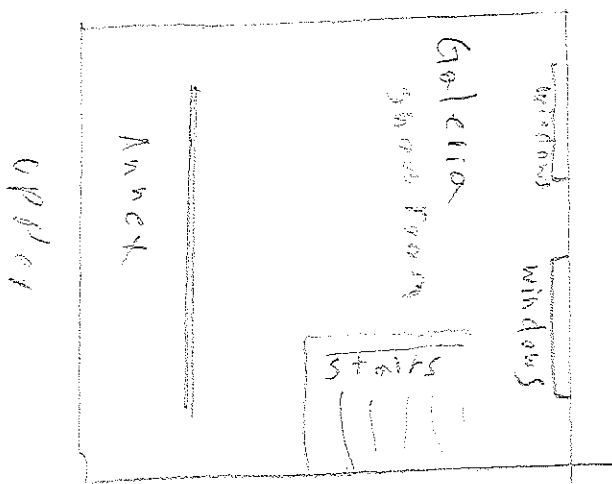
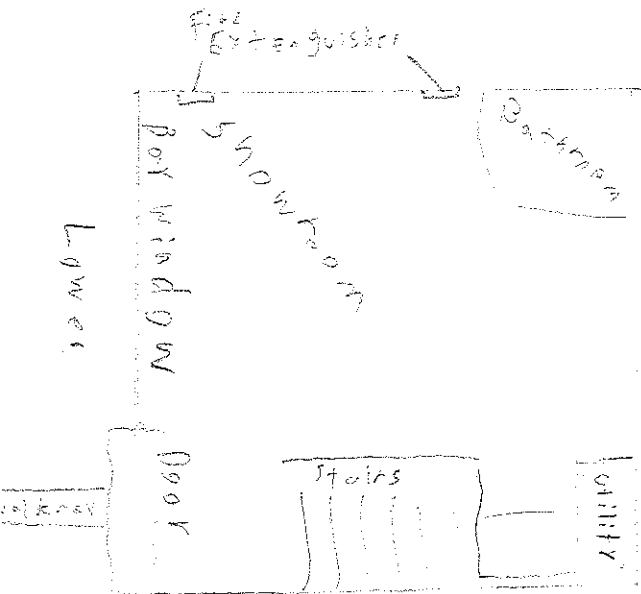
Location of Studio 613 in the 3880 Gautier-Vancleave Road location will not adversely affect adjacent properties, as the business premise does not conflict with the existing shops. It is anticipated that additional business brought in through Studio 613 could increase traffic to the existing nail salon, barber shop, massage parlor, etc.

This studio has the potential to keep body art enthusiasts shopping local rather than travelling out of Gautier, as well as drawing business from other communities.

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

The special circumstances are not results of any action of the applicant. The studio has not previously sought to establish itself in the Gautier community, nor previously been denied this opportunity. The special circumstances directly result from the optimum site on Gautier-Vancleave Road. The site is a prime location to draw customers from local businesses (to include Ingalls Shipbuilding), local

homeowners and MGCCC students with the intent to spend more money locally than in Ocean Springs or nearby cities..



Studio 613's Mission Statement: To promote public education and awareness in understanding the history of body art, and to provide guidance and counseling prior to design application through the assistance of experienced Artisans in the selection of appropriate temporary or permanent artwork as well as body locations to not hinder current employment or future opportunities.

Date of Application: 3/19/18

I, Connie West of Merit Mgmt LLC, the fee simple owner of the following
Joe West Realty Inc, Agent for owner
described property (give legal description):

3880 GAUTIER Vanderve Rd, Ste 2, GAUTIER Ms 39553
P# 82435010.050, Section 35, T7S, R7W

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

in

and affirm that Connie West, Merit Management LLC- See is hereby
AH Acher
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.

Connie West, Agent for Owner
(Owner's Signature)

The foregoing instrument was acknowledged before me this 19th day of March, 2018 by Connie West
, who is personally known to me or has produced

Marsha Myers as identification and who did take an oath.
(Printed Name of Notary Public)

Marsha Myers
(Signature of Notary Public)

Commission # 9009. My commission expires .

(Notary's Seal)



MERIT MANAGEMENT LLC

PROPERTY MANAGEMENT CONTRACT

Constance J. West, Broker
Long Term Rentals

Equal Housing
Opportunity

In consideration of the covenants herein contained, WJB Properties LLC and mla (hereinafter called "Landlord") and Merit Management LLC (hereinafter called "Agent"), agree as follows:

Exclusive Agency 1. The Landlord hereby employs the Agent exclusively to rent, lease, operate and manage the property or properties described as:
Baywood Commons Commercial Center
3880 Gantier Vanleave Rd, Hunter Mo 64553
Renewal Termination (hereinafter referred to as the "Property") upon the terms hereinafter set forth for the period beginning on 8/1/15 and ending on 7/31/16 and thereafter for annual periods unless notice is provided as follows. Landlord may terminate this agreement upon thirty (30) days written notice prior to the expiration of the original term stated above or upon termination of any lease or rental contract originated by the Agent, whichever date is later. Agent shall have the right to terminate the agreement at any time by giving Landlord thirty (30) days prior written notification.

This agreement may be canceled by Landlord before the termination date specified in Paragraph 1 with not less than thirty (30) days prior written notice to the Agent, provided that such notice is accompanied by payment to the Agent of a cancellation fee in an amount equal to 40% of the management fee that would accrue over the remainder of the stated term of the Agreement. For this purpose the monthly management fee for the remainder of the stated term shall be presumed to be the same as the most recent full month's management fee collected prior to service of the notice of cancellation.

2. The Agent accepts the employment and agrees:

Renting of Premise a. To manage the premises for the period and upon the terms herein provided, and agrees to furnish the services of its organization for the renting, leasing, operating and managing of the above described premises.

Periodic Statements/ Initial Deposit Reserve Amount b. To provide monthly quarterly, semiannually or annual income statements of receipts and disbursement and to include copies of all bills paid on behalf of Landlord (other than fees paid to Agent per the terms of this Agreement). In the event disbursements are ever in excess of receipts the Landlord agrees to reimburse such amounts promptly upon demand by the Agent. Landlord agrees to deposit \$ 100 as an initial amount and thereafter leave an amount equal to the current month's rent with Agent as a reserve from which Agent may pay Landlord's obligations.

Landlord further agrees this amount may be adjusted upward to cover anticipated costs of tenant move-out during the final thirty (30) days of any tenancy. Agent agrees to remit to Landlord monthly all amounts over this reserve after bills have been paid, adjusted for any hold backs requested by Landlord for the payment of homeowners Association fees, insurance and or any other special expenditures.

3. Merit Management LLC shall be an agent of the Landlord and will represent only Landlord.

a. Agent shall promote the interest of the Landlord with the utmost good faith, loyalty and fidelity including, but not limited to:

Jackson County Mississippi


 Powered by:
Delta Computer Systems, Inc.

Property Link

JACKSON COUNTY, MS

Current Date 3/19/2018

 Tax Year 2017
 Records Last Updated 3/16/2018

OWNER RANDLE WALTER C SR
 BAYWOOD COMMONS
 1212 COTITA DR
 GAUTIER MS 39553

ACRES : 1.87
LAND VALUE : 120750
IMPROVEMENTS : 468490
TOTAL VALUE: 589240
ASSESSED : 88387

PARCEL 82435010.050
ADDRESS 3880 GAUTIER VANCLEAVE RD

TAX INFORMATION

YEAR 2017	TAX DUE	PAID	BALANCE
COUNTY	4540.35	2270.19	2315.56
CITY	3623.87	1811.93	1848.18
SCHOOL	4055.20	2027.59	2068.16
TOTAL	12219.42	6109.71	6231.90 2% Penalty

Pay Tax

LAST PAYMENT DATE 1 / 23 / 2018

MISCELLANEOUS INFORMATION

EXEMPT CODE		LEGAL BEG SWC LOT 90 NORTHWOOD HILLS
HOMESTEAD CODE	None	S/D S 71 DEG E 194.25' S 23 DE
TAX DISTRICT	3840	G
PPIN	065605	E 114.01' S70 DEG E 123.47' S
SECTION	35	252.67' TO N/M STINE RD N 55 D
TOWNSHIP	7S	EG
RANGE	7W	W 335.6' TO GAUTIER-VANCLEAVE RD
Book	Page	

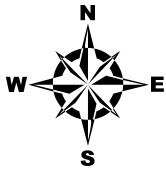
[PURCHASE COUNTY TAX SALE FILES](#)**TAX SALES HISTORY, FOR UNPAID TAXES**

<u>Year</u>	<u>Sold To</u>	<u>Redeemed Date/By</u>
2009	RANDOLPH F & JOEDNA R FAGAN JTWB	4/28/2011 GOVERNMENT STREET LAND & TITLE
2008	RANDOLPH F & JOEDNA R FAGAN JTWB	12/13/2010 MAGNOLIA GROUP LLC

Back

Exhibit A Location Map

City Of Gautier
Planning Department

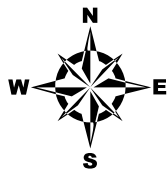


Prepared by the
City of Gautier
Planning Department



Exhibit B Existing Zoning Map

City Of Gautier
Planning Department



Prepared by the
City of Gautier
Planning Department

Legend

<all other values>

ZONECODE

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

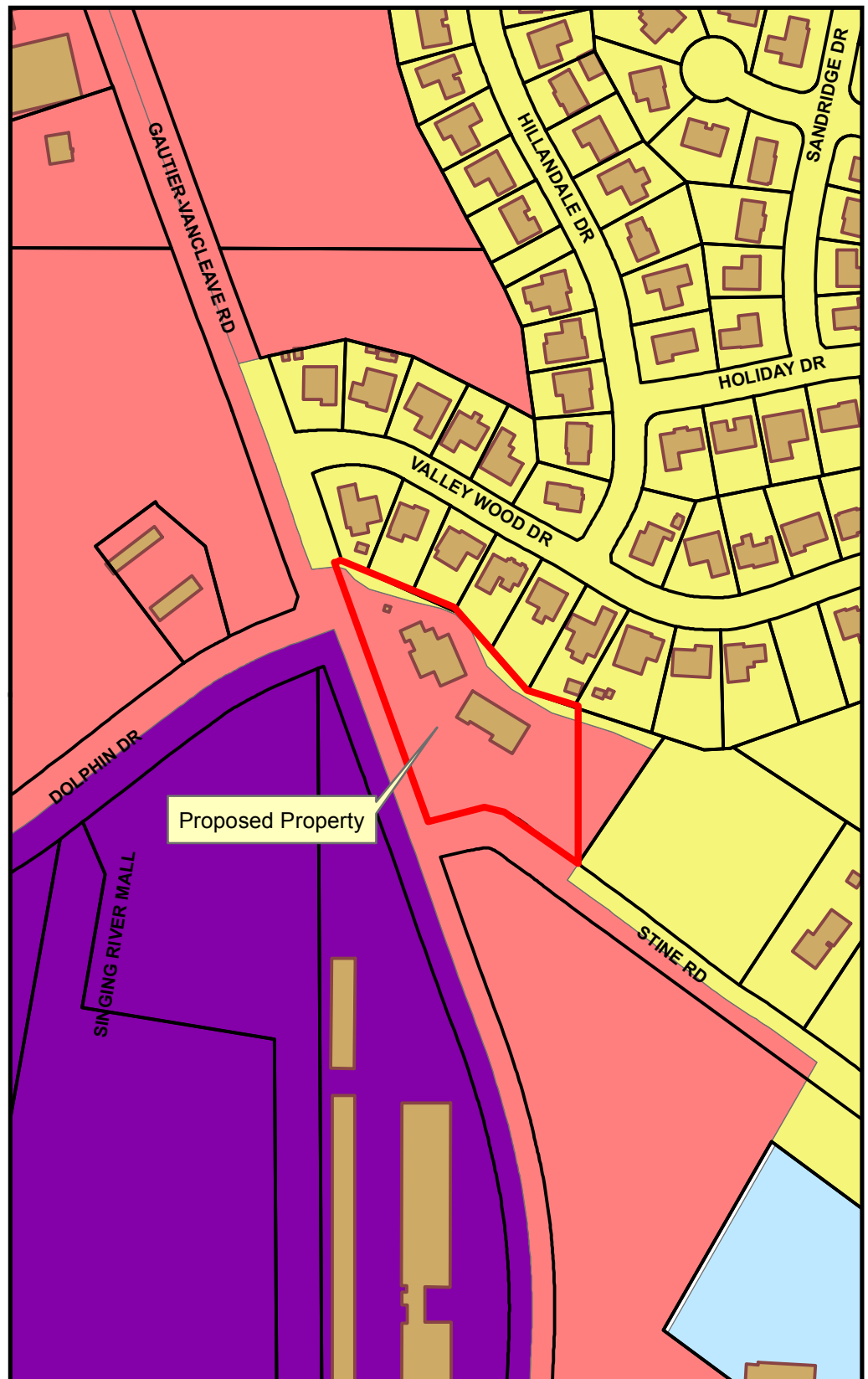


Exhibit C

Existing Land Use Map

City Of Gautier
Planning Department



Prepared by the
City of Gautier
Planning Department

Legend

- Gautier_Parcels_Trimmed_0617
- City_Limits
- CorOverlay

EXISTING LAND USE

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

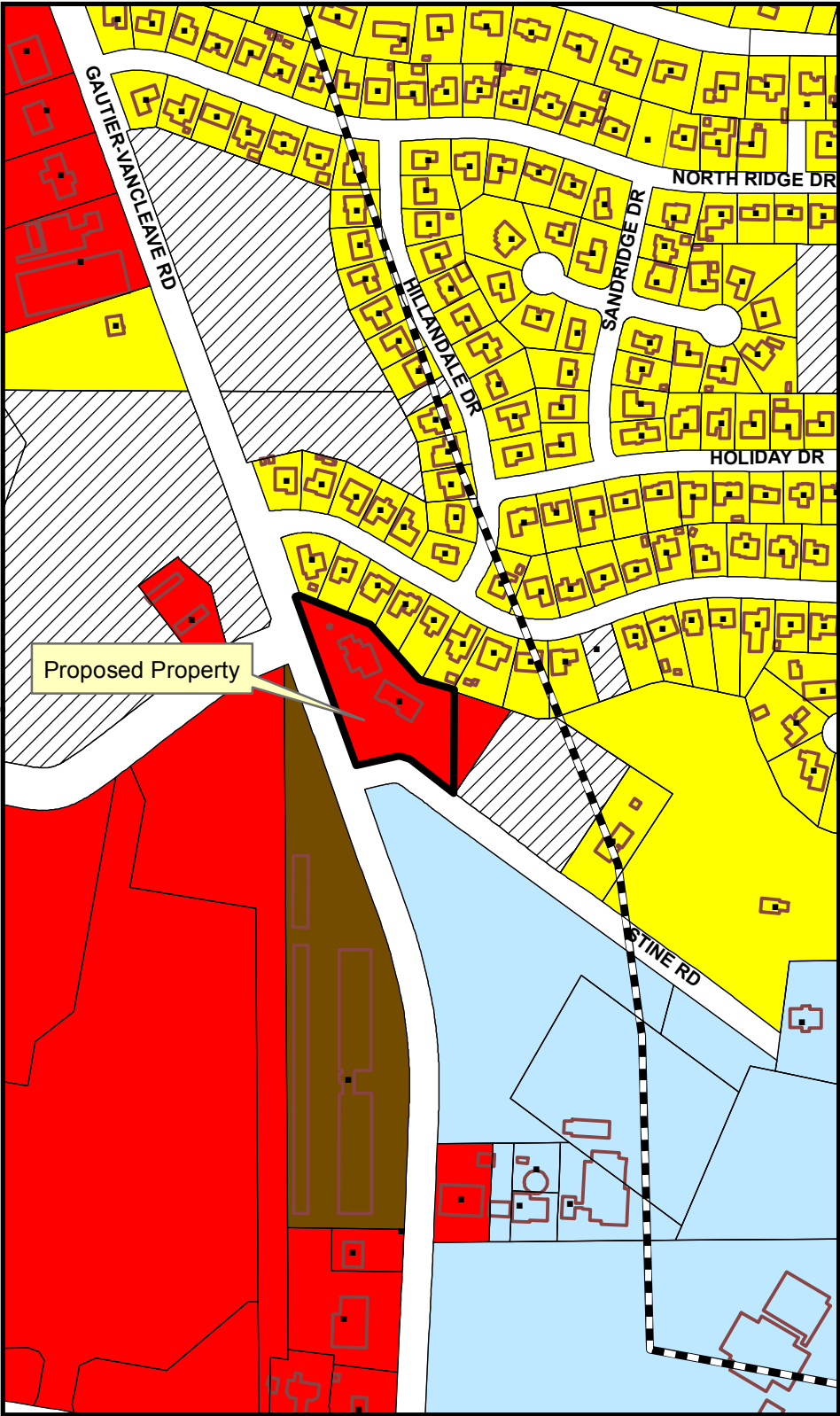
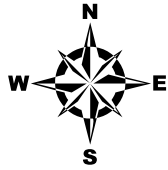


Exhibit D Future Land Use Map

City Of Gautier
Planning Department



Prepared by the
City of Gautier
Planning Department

Legend

FUTURE LAND USE

FLU_Class

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

