
DECEMBER 2, 2010

GAUTIER, MISSISSIPPI

BE IT REMEMBERED THAT a regular meeting of the Gautier Planning Commission of the City of Gautier, Mississippi, was held on December 2, 2010, at 6:00 P.M. in the Council chambers of the Gautier Municipal Building at 3330 Highway 90, Gautier, Mississippi.

Commission members present: David Wooten, Chairman, Jerry Akins, Larry Dailey and Richard Johnson. Absent were Jim Dodson and James Torrey. Also present were Samantha Abell, Economic Development Director; Bob Ramsay, City Attorney; Babs Logan, Planning Technician; and Melissa Burdine, Court Reporter.

David Wooten, Chairman, called the meeting to order and presented the minutes from the November 4, 2010 meeting for approval. The minutes were approved as submitted.

APPROVAL OF AGENDA

Commissioner Wooten stated that there were two items that needed to be added to the Old Business portion of the agenda: 1) discussion about MEMA cottage skirting, and 2) revision to the Unified Development Ordinance concerning non-conforming uses in the Hastings Road area. There was a consensus among the Commissioners to add the two items to the Old Business portion of the meeting.

It was also suggested that GPC 10-43-CU, the first item under New Business, be moved to the fourth item under New Business. Commissioner Dailey would have to recuse himself from the vote on that request and with only four commissioners present there would not be a quorum to hear the request. There was a possibility that Commissioner Dodson might arrive later in the meeting.

On a motion by Commissioner Dailey to move GPC 10-43-CU to the fourth item on the New Business portion of the meeting and a second by Commissioner Johnson, the following vote was recorded:

<u>AYES</u>	<u>NAYS</u>	<u>ABSENT</u>	<u>ABSTAINED</u>
Larry Dailey		Jim Dodson	
Richard Johnson		James Torrey	
Jerry Akins			
David Wooten			

AGENDA

GAUTIER PLANNING COMMISSION

DECEMBER 2, 2010

6:00 P.M.

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE (VOLUNTEER)
- III. APPROVAL OF MINUTES -- (NOVEMBER 4, 2010)
- IV. APPROVAL OF AGENDA
- V. PUBLIC COMMENTS (MATTERS OF THE PLANNING COMMISSION NOT LISTED ON THE AGENDA)
- VI. OLD BUSINESS
NONE
- VII. NEW BUSINESS
 - A. QUASI-JUDICIAL
 - 1. REQUEST FOR A CONDITIONAL USE PERMIT FOR A TATTOO AND ART GALLERY IN A C-3 HIGHWAY COMMERCIAL ZONING DISTRICT, 1521 HIGHWAY 90 (SHAWN L. MORISON, OWNER) GPC 10-43-CU
 - 2. REQUEST FOR FINAL PLAT APPROVAL, CYPRESS LANDING SUBDIVISION (SILVERGIRL, LLC, OWNER) GPC 08-050-FP

3. REQUEST FOR A COMPREHENSIVE REZONING OF PROPERTIES TO TCMU TOWN CENTER MIXED USE (STAFF)
4. REQUEST FOR A COMPREHENSIVE REZONING OF PROPERTIES TO MURC-MW MIXED USE RECREATION COMMERCIAL-MW (STAFF)

B. LEGISLATIVE

1. AMENDMENT TO THE UNIFIED DEVELOPMENT ORDINANCE RELATING TO MOBILE HOMES AND NON-CONFORMING USES (STAFF REQUEST FOR CONTINUANCE)

VIII. DIRECTOR'S REPORT

IX. ADJOURN

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

There were no public comments.

OLD BUSINESS:

Commissioner Dailey shared with the Commission the information he had obtained since the last meeting concerning skirting for MEMA cottages and mobile homes. He proposed that the Unified Development Ordinance (UDO) further define skirting for a MEMA cottage as either 1) split face or painted masonry chain wall foundation with venting per Building Code, or 2) Masonry pier foundation in-filled with painted treated wood or vinyl lattice in square or diamond pattern, or 1 inch minimum painted treated wood slat or rail panels and that all skirting be supported by 2 inch minimum treated wood framing suspended from the structure with 1 ½ inch minimum ground clearance. Commissioner Dailey also proposed that it be added that mobile home skirting should be manufactured specifically for intended use or similar to that required for MEMA cottages.

Commissioner Dailey advised the other Commissioners that these proposed changes were compliant with building codes and that he had spoken with a mobile home installer who told him that mobile home skirting was readily

available. Ms. Abell stated that Staff was satisfied with the proposed changes and that what was proposed was both affordable and attractive.

Commissioner Akins stated that the design of the skirting should be of uniform consistency around the entire structure.

Commissioner Dailey made a motion to recommend the modification of the definition of skirting as presented and add that the design of the skirting should be of uniform consistency around the entire structure. Commissioner Wooten seconded the motion and the following vote was recorded:

<u>AYES</u>	<u>NAYS</u>	<u>ABSENT</u>	<u>ABSTAINED</u>
Larry Dailey		Jim Dodson	
Richard Johnson		James Torrey	
Jerry Akins			
David Wooten			

Ms. Abell had advised the Commissioners earlier in the meeting that the revision to the Unified Development Ordinance concerning non-conforming uses in the Hastings Road area was originally scheduled to be heard at the January 6, 2011 meeting but was being brought before them tonight. Ms. Abell explained that a Mississippi Development Authority (MDA) grant program was offering assistance to citizens who had not received financial assistance following Hurricane Katrina and that the deadline for application was January 31, 2011. Therefore, passage of the proposed revision prior to January 2011 could possibly benefit those citizens in obtaining assistance from MDA.

At the November 4, 2010 Planning Commission meeting, Commissioners found that in light of the economic recession and deteriorating living conditions in the south Hickory Hills Area there was a need to amend the Unified Development Ordinance to eliminate blight and deteriorated living conditions by allowing the substantial repair or replacement of mobile homes. Commissioners also concurred that in order to foster the eventual transition of this area to single family homes a sunset date of November 1, 2015 should be set.

Ms. Abell recommended the amendment read as follows:

Relating to nonconforming mobile homes within the area annexed in 2002 generally described as bounded to the west by the City Limits, to the east by Martin Bluff Road, to the south by King Fisher Drive, and to the north by Laurel Glen Road, nonconforming mobile homes and/or MEMA cottages may be replaced, substantially repaired, and also leased to new tenants so long as the structure remains in the same family ownership and is not vacated for 180 days or more. This provision shall expire November 1, 2015, in order to comply with the Comprehensive Plan.

Commissioner Wooten asked Ms. Abell how it was determined how long a structure had been vacant. Ms. Abell advised him that it was determined by checking when, or if, the utilities had been disconnected, usage of the utilities, etc.

Commissioner Dailey made a motion to recommend approval of the amendment as presented. Commissioner Johnson seconded the motion and the following vote was recorded:

<u>AYES</u>	<u>NAYS</u>	<u>ABSENT</u>	<u>ABSTAINED</u>
Larry Dailey	David Wooten	Jim Dodson	
Richard Johnson		James Torrey	
Jerry Akins			

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NEW BUSINESS

A. QUASI-JUDICIAL

- 1. REQUEST FOR A CONDITIONAL USE PERMIT FOR A TATTOO AND ART GALLERY IN A C-3 HIGHWAY COMMERCIAL ZONING DISTRICT, 1521 HIGHWAY 90 (SHAWN L. MORISON, OWNER) GPC 10-43-CU**

There came before the Planning Commission a request on the part of Shawn L. Morison for a conditional use permit for a tattoo and art gallery in a C-3 Highway Commercial zoning district at 1521 Highway 90, PID #82436540.000.

It was determined by the City Attorney that Commissioner Dailey could hear the request since the Planning Commission was a recommending board, but should abstain from voting.

There was discussion about a proposed condition to be placed on the conditional use permit should it be approved concerning hours of operation. It was suggested that the business not be open any later than 11:00 PM. The

applicant asked if that might be changed to taking the last customer at 11:00 PM. Ms. Abell explained the reason for placing a condition on the hours of operation was concerns about loitering or late night activities. There are currently no other businesses in the vicinity that are have late hours.

Commissioner Dailey questioned a proposed condition concerning hard surface parking. Ms. Abell told him that there was sufficient parking but the UDO requires hard surface parking.

Commissioner Johnson asked the applicant about the building of tattoo machines he had spoken about earlier. The applicant said he basically assembled them and then sold them, but if it was a problem he could do the work at another location.

Commissioner Wooten made a motion to recommend approval of the conditional use permit with the following conditions:

- a) Noise levels shall meet the City's noise ordinance.
- b) There shall be lighting at the front and rear entrances of no less than one foot candle of light to discourage loitering during evening hours and the operator shall discourage loitering during daylight hours. All lighting shall meet the requirements and standards in Section 7.13 of the UDO.
- c) The premises, at all times, will be free of litter and all garbage will be kept in City-approved containers. All other City requirements for dumpsters or waste receptacles shall be met.
- d) All signage must be consistent with the provisions of the City's Unified Development Ordinance (UDO). (See Article XII, Section 12 of the UDO)
- e) The tattooing and body piercing services shall be concealed from view of the sidewalk, store windows and doors, and reception area.
- f) Business hours shall not extend any later than Monday thru Thursday, 11:00 PM and Friday and Saturday, 1:00 AM.
- g) All parking requirements as defined in Article VII, Section 7 of the Unified Development Ordinance must be met.
- h) Any unreported criminal activity will result in the revocation of the Conditional Use Permit.

Commissioner Akins seconded the motion and the following vote was recorded:

<u>AYES</u>	<u>NAYS</u>	<u>ABSENT</u>	<u>ABSTAINED</u>
David Wooten		Jim Dodson	Larry Dailey
Richard Johnson		James Torrey	
Jerry Akins			

2. REQUEST FOR FINAL PLAT APPROVAL, CYPRESS LANDING SUBDIVISION (SILVERGIRL, LLC, OWNER) GPC 08-050-FP

This request was continued from the November 18, 2010 meeting because the applicant had to go out of town unexpectedly. Ms. Abell advised the Commissioners that the applicant had asked to be removed from the agenda because in light of the economic recession she was not going to proceed with the plans as presented.

Commissioner Wooten asked Ms. Abell if this request could be brought back before the Commission at a later date. Ms. Abell advised him that because this request was begun under the old Zoning and Subdivision Ordinances the applicant had to submit the final plat within two years. November 18, 2010 was the deadline and it had been met, but because the applicant had withdrawn her request for a final plat on this project she had the following options: 1) do nothing, 2) start fresh and submit the project under the new Unified Development Ordinance provisions, or 3) build as a phased project. Ms. Abell reminded the Commissioners that under the new UDO if a development was 2.25 acres or less the project could be approved at a Staff level and Staff would then inform the Planning Commission of the new project.

3. REQUEST FOR A COMPREHENSIVE REZONING OF PROPERTIES TO TCMU TOWN CENTER MIXED USE (STAFF)

Ms. Abell advised the Commissioners that the comprehensive rezoning presented was to further implement the Comprehensive Plan adopted in 2009. The property to be rezoned is generally described as located east of Beasley Road, west of Johnston Road, north of Old Spanish Trail and south of Dolphin Drive.

Ms. Abell stated that Staff finds: 1) the existing zoning in the subject area is not in accordance with the Comprehensive Plan in that the existing zoning includes R-1 Low Density Single-Family Residential, C-3 Highway Commercial and C-2 Community Commercial zoning and the Comprehensive Plan re-designates this area to Town Center Mixed Use (TCMU); 2) there is a need for additional lands in the City to be designated TCMU to implement the Comprehensive Plan's Town Center land use for the purpose of designating a central business district with a mix of uses on a relatively dense area; 3) the City has an over-abundance of C-3 land leading to sprawl and vacant commercial space; and 4) there is a substantial change in the land use character of the surrounding area in that Hurricane Katrina and the BP Oil Spill has resulted in disinvestment within the City's urban core. Therefore, designating a flexible, mixed use area for high density uses will foster re-investment and the redevelopment of dilapidated properties.

Based on a City initiated comprehensive rezoning to comply with the Comprehensive Plan and based on finding of facts as presented by Staff, Commissioner Johnson made a motion to recommend approval of the comprehensive rezoning. Commissioner Akins seconded the motion and the following vote was recorded:

<u>AYES</u>	<u>NAYS</u>	<u>ABSENT</u>	<u>ABSTAINED</u>
Larry Dailey		Jim Dodson	
Richard Johnson		James Torrey	
Jerry Akins			
David Wooten			

4. REQUEST FOR A COMPREHENSIVE REZONING OF PROPERTIES TO MURC-MW MIXED USE RECREATION COMMERCIAL-MW (STAFF)

Ms. Abell advised the Commissioners that the comprehensive rezoning presented was to further implement the Comprehensive Plan adopted in 2009. The MURC-MW Mixed Use Recreation Commercial-MW amends the Official Zoning Map to include a special planning area for the area generally described

as the Mary Walker area. The purpose of the special planning area is to protect and encourage a working waterfront with tourism-related businesses while also encouraging compatibility between dissimilar uses through the use of performance standards.

The intensity of MURC-MW falls between MURC-1, which is the least intensive, and MURC-2, which is the most intensive. MURC-MW is a special planning area because of the need to ensure compatibility between mixes of uses. Though a specific use may be considered appropriate for a tourist-oriented district, it is the location of the use that requires a higher level of consideration within MURC-MW.

Ms. Abell stated that Staff finds: 1) the existing zoning in the subject area is not in accordance with the Comprehensive Plan in that the existing zoning includes R-1 Low Density Single-Family Residential, C-3 Highway Commercial and C-2 Community Commercial zoning and the Comprehensive Plan redesignates this area to Mixed Use Recreation Commercial (MURC); 2) there is a need for additional lands in the City to be designated MURC-MW to implement the Comprehensive Plan's Recreation Commercial land use for the purpose of designating a special planning area to encourage a working waterfront with performance standards; 3) the City has an over abundance of C-3 land leading to sprawl and vacant commercial space; and 4) there is a substantial change in the land use character of the surrounding area in that Hurricane Katrina has devastated the waterfront tourism industry in this area. The subsequent single family construction threatens redevelopment of tourism-related uses due to encroachment and compatibility. As pre-existing tourism-related uses continue to redevelop, and new commercial uses develop, the zoning must be conducive to a working waterfront while acknowledging the need for performance standards.

Commissioner Wooten asked about notification of property owners. Ms. Abell advised him that Staff had placed a notice in the local newspaper which is what is required by law. Commissioner Wooten was concerned that property owners in the area were not sent letters advising them of the rezoning. Ms. Abell

reminded the Commissioners that the rezoning was a result of the Comprehensive Plan and that the citizens were very much involved with its creation. Ms. Abell also told the Commissioners that the area was not rezoned MURC-1 or MURC-2 because of citizen's concerns and that no new uses could be allowed in the area without being heard by the Planning Commission and approved by Council.

Commissioner Dailey made a motion to recommend approval of the comprehensive rezoning of the subject area based on the finding of facts as presented. Commissioner Akins seconded the motion and the following vote was recorded:

<u>AYES</u>	<u>NAYS</u>	<u>ABSENT</u>	<u>ABSTAINED</u>
Larry Dailey		Jim Dodson	
Richard Johnson		James Torrey	
Jerry Akins			
David Wooten			

B. LEGISLATIVE

1. AMENDMENT TO THE UNIFIED DEVELOPMENT ORDINANCE RELATING TO MOBILE HOMES AND NON-CONFORMING USES (STAFF REQUEST FOR CONTINUANCE)

Ms. Abell stated that this item had been satisfied by the discussion earlier in the meeting.

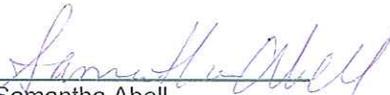
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DIRECTOR'S REPORT

Ms. Abell had nothing to report.

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SUBMITTED BY:


Samantha Abell
Economic Development Director

DATE: 1/11/11

APPROVED:


David Wooten, Chairman
Gautier Planning Commission

DATE: 1-6-11