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JANUARY 7, 2010

GAUTIER, MISSISSIPPI

BE IT REMEMBERED THAT a regular meeting of the Gautier Planning Commission of the City of Gautier, Mississippi, was held on January 7, 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, Acting Chairman, Richard Johnson, Wayne Swauncy, James Torrey, Jerry Akins, and Larry Dailey. Absent was Walter Ord. Also present were Anthony Matheny, Community Services Director, Bob Ramsay, City Attorney, Babs Logan, Community Services Administrative Assistant, Rachel Honea, Community Services Customer Service Representative, and Melissa Burdine, Court Reporter.

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David Wooten, Acting Chairman, called the meeting to order and presented the minutes from the December 3, 2009 meeting for approval. The minutes were approved as submitted.

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AGENDA ORDER

There were no changes to the Agenda order.

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AGENDA

GAUTIER PLANNING COMMISSION

JANUARY 7, 2010

6:00 P.M.

I. **CALL TO ORDER**

II. **APPROVAL OF MINUTES – (DECEMBER 3, 2009)**

III. **AGENDA ORDER**

IV. **PUBLIC COMMENTS (OTHER THAN LISTED AGENDA ITEMS)**

V. **PUBLIC AGENDA**

A. GPC #09-063 DIEP NGUYEN – ZONING CHANGE

B. GPC #09-064 DIEP NGUYEN – SUDBIVISION PRELIMINARY PLAT

C. GPC #09-065 DIEP NGUYEN – CONDITIONAL USE

D. GPC #09-066 BENNIE A. ROHR – CONDITIONAL USE

E. GPC #09-067 CHARLOTTE ANN WARLICK – CONDITIONAL USE

VI. NEW BUSINESS

VII. OLD BUSINESS – TAKE ACTION/VOTE ON LARRY MORAN AWARD

VIII. ADJOURN

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PUBLIC COMMENTS (OTHER THAN LISTED AGENDA ITEMS)

There were no public comments.

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PUBLIC AGENDA:

A. GPC #09-063 DIEP NGUYEN – ZONING CHANGE

Mr. Matheny advised the Planning Commission that this request along with GPC #09-064 and GPC #09-065 were by the same applicant and for the same project. Mr. Matheny recommended tabling all three requests until January 21, 2010, because the applicant had been unable to provide all of the required material in time to be reviewed for tonight's meeting.

On a motion by Commissioner Torrey to table the requests until January 21, 2010, and a second by Commissioner Swauncy, the following vote was recorded:

AYES	NAYS	ABSENT	ABSTAINED
James Torrey		Walter Ord	
Wayne Swauncy			
David Wooten			
Richard Johnson			
Jerry Akins			
Larry Dailey			

B. GPC #09-064 DIEP NGUYEN – SUBDIVISION PRELIMINARY PLAT

This request was tabled by the previous motion noted under GPC #09-063.

C. GPC #09-065 DIEP NGUYEN – CONDITIONAL USE

This request was tabled by the previous motion noted under GPC #09-063.

D. GPC #09-066 BENNIE A. ROHR – CONDITIONAL USE

There came before the Planning Commission a request on the part of Bennie A. Rohr for a conditional use that would allow a MEMA cottage in an R-3 Mobile/Manufactured Home Residential zoning district at 2101 Ladnier Road, Lot 189, PID #8251420.025.

Randy King with the MEMA Alternative Housing Program was present to help answer questions regarding the MEMA cottage. Mr. King advised the Commissioners that the MEMA cottage the applicant had bought was placed at the mobile home park in 2008 during the time other MEMA cottages were being moved into the mobile home park.

Commissioner Wooten asked the applicant if he intended to live in the cottage himself. The applicant stated that he did and that the contract he had signed with MEMA, in order to purchase the cottage, required that he do so for at least two years.

Mr. King advised the Commissioners that the applicant had a cottage on his property in Pascagoula, but because of Pascagoula's new regulations he could no longer keep it there. The applicant stated that he was planning to rebuild on his property in Pascagoula.

Mr. Matheny assured the Commissioners, that if the Conditional Use was approved, the MEMA cottage would have to comply with City regulations regarding MEMA cottages.

A motion was made by Commissioner Dailey to recommend approval because it meets the criteria for conditional uses listed in the Unified

Development Ordinance. Commissioner Torrey seconded the motion and the following vote was recorded:

AYES	NAYS	ABSENT	ABSTAINED
James Torrey		Walter Ord	
Wayne Swauncy			
David Wooten			
Richard Johnson			
Jerry Akins			
Larry Dailey			

E. GPC #09-067 CHARLOTTE ANN WARLICK – CONDITIONAL USE

There came before the Planning Commission a request on the part of Charlotte Ann Warlick for a conditional use that would allow a MEMA cottage in an R-3 Mobile/Manufactured Home Residential zoning district at 2885 Flounder Circle, PID #86304217.000.

The applicant advised the Planning Commission that she had lived in a mobile home at this location prior to Hurricane Katrina and that the three bedroom, 14' x 70' MEMA cottage was placed there approximately three years ago. The applicant also stated that she plans to convert the MEMA cottage into a modular home that meets City requirements in approximately one year.

Commissioner Dailey asked if the sewer would have to be placed underground if the MEMA cottage were allowed to remain on the property. Mr. Matheny advised him that the MEMA cottage would have to comply with City regulations governing MEMA cottages and that having the sewer line underground was one of the requirements.

One neighbor objected to the request stating that most everyone in the area had either repaired or rebuilt after Hurricane Katrina. He was also concerned with the number of people living in the cottage. The applicant stated that there were five people living in the cottage: herself, her three children and her finance. Mr. Matheny noted that the Fire Marshall could address the issue of

too many people living in a certain size home if the Fire Marshall was aware of the situation and could prove that there were too many people residing there.

Another neighbor stated that he was not against the applicant having the MEMA cottage there as long as the cottage was brought into compliance with the codes concerning sewer, skirting, etc. within a reasonable amount of time.

Commissioner Wooten asked Mr. Matheny, should the conditional use be approved would it be just for the applicant or could the cottage be occupied by someone other than the applicant at a later date. Mr. Matheny advised Commissioner Wooten that as long as the cottage was not vacant for sixty or more days it could be occupied by someone other than the applicant.

On a motion by Commissioner Torrey to recommend approval of the request and a second by Commissioner Akins, the following vote was recorded:

AYES	NAYS	ABSENT	ABSTAINED
James Torrey		Walter Ord	
Wayne Swauncy			
David Wooten			
Richard Johnson			
Jerry Akins			
Larry Dailey			

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NEW BUSINESS:

Commissioner Wooten noted that the mobile home on Mackeral owned by Bible Way Ministries that was to be moved several months ago, was still on the property and is now for sale. Mr. Matheny advised him that the owners had been to court several times and the judge had given them more time to remove the mobile home because the owner had suffered several strokes recently. Mr. Matheny said the owner was to appear in court again on Monday, January 11, 2010. If no decision was made at that time, the City would start abatement proceedings.

Commissioner Wooten questioned Mr. Matheny about the Council's action on the Unified Development Ordinance (UDO) amendments that were forwarded

to them in December, 2009. Mr. Matheny advised the Commissioners that the Council tabled the amendments until a workshop could be held on January 12, 2010, to discuss the proposed amendments and to consider giving businesses some relief on temporary banner and sign regulations.

Mr. Matheny assured the Commissioners that any amendments that had not already been recommended by the Planning Commission for approval would be brought to them for discussion before going to the Council for a vote.

Commissioner Wooten asked when Commissioner Ord was scheduled to return from deployment because of choosing a chairman for the new year. Mr. Matheny told the Commissioners that Commissioner Ord was expected to return in time to attend the February 4, 2010, meeting, but that he would try and confirm that date.

Commissioner Dailey asked if anything could be done about the condition of some of the residences in the Flounder Circle area noting that quite a few of the mobile homes in the area seemed to be in very bad condition. Mr. Matheny advised him that most of the mobile homes in that area were legal non-conforming structures that could not be made to comply with some current codes unless it was a health and safety issue.

Mr. Matheny also advised Commissioner Dailey that there were a lot of steps that had to be completed before a property could be abated and due to having to obtain bids for the work and not getting reimbursed until the tax lien on the property was recovered, the current budget crisis was slowing down the process.

Commissioner Akins asked Mr. Matheny if the building inspectors were aware of and, if so, were they enforcing the codes that were required for new homes in order for the owner to be eligible for the 30% wind pool for insurance. Mr. Matheny advised that the builder has the ultimate responsibility for knowing and meeting those codes and suggested that Commissioner Akins come to the office and meet with the Building Official, Paul Fox, and himself to further discuss the issue.

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OLD BUSINESS:

TAKE ACTION/VOTE ON LARRY MORAN AWARD

Commissioner Wooten advised the other Commissioners that he and Commissioner Swauncy had briefed the Council on how the Planning Commission wanted to honor deceased Planning Commissioner and Chairman Larry Moran by presenting an award in his memory to a business each year that had exhibited planning and/or zoning excellence. Commissioner Wooten said the Council thought the award was a wonderful idea. Commissioner Swauncy complimented Commissioner Wooten on the great job he did in presenting the idea to the Council.

The nominees for the initial award were Foster's Heating and Air, Lowe's, Handy Lock Storage, Magic Spray Car Wash, Tom's Extreme Pizzeria and DeLo's Heavenly Coffee. After a voting process that used a point system as an elimination process, Lowe's was chosen to be the recipient of the award.

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SUBMITTED BY:

Bobbie Logan for Anthony Matheny DATE: 3/4/10

Anthony Matheny, Director
Community Services

APPROVED:

D. Wooten DATE: 3-4-10

David Wooten, Acting Chairman
Gautier Planning Commission