OCTOBER 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 October 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, Chairman, Jerry Akins, Larry Dailey and Jim Dodson. Absent were Richard Johnson 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 September 2, 2010 meeting for approval. The minutes were approved as submitted.

APPROVAL OF AGENDA

There were no changes to the agenda.

AGENDA

GAUTIER PLANNING COMMISSION

OCTOBER 7, 2010

6:00 P.M.

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE (VOLUNTEER)

III. APPROVAL OF MINUTES – (SEPTEMBER 2, 2010)

IV. APPROVAL OF AGENDA

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

VI. OLD BUSINESS

A. DISCUSSION

1. VOLUME II, UNIFIED DEVELOPMENT ORDINANCE REVISIONS TO ARTICLES I – V (STAFF)

B. ACTION ITEMS

1. REQUEST TO CONTINUE THE REZONING OF PROPERTY TO MURC CONCURRENT WITH UDO TEXT AMENDMENTS (STAFF)

VII. NEW BUSINESS

A. PRESENTATION

1. (None)

B. ACTION ITEMS

1. CONSIDERATION OF A RESOLUTION ADOPTING A CITYWIDE TAX INCREMENT FINANCING REDEVELOPMENT PLAN (STAFF)

2. REQUEST FOR A SPECIAL MEETING ON OCTOBER 21, 2010 TO CONSIDER A CONDITIONAL USE PERMIT REQUEST BY RICHARD SMITH, AUTHORIZED AGENT FOR THE REFUGE CHURCH; AND ALSO TO CONSIDER PUBLIC COMMENT REGARDING HASTINGS ROAD RESIDENTIAL ZONING (STAFF)

VIII. DIRECTOR'S REPORT

IX. ADJOURN

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

There were no public comments.

OLD BUSINESS:

A. DISCUSSION

1. VOLUME II, UNIFIED DEVELOPMENT ORDINANCE REVISIONS TO ARTICLES I – V (STAFF)

Ms. Abell advised the Commission that these revisions had been continued by the Planning Commission on September 2nd for further study. She told them there had been no additional changes made to the proposed revisions since the last meeting. Ms. Abell discussed the conditional uses listed in the different districts and the Tier Bonus System.

Ms. Abell explained that a major conditional use is a use that could be detrimental to the area but with conditions can be made to be compatible with the surrounding area. A major conditional use runs with the land, but if the operation of the approved use ceased for a period of one hundred and eighty (180) days the conditional use would be voided. A minor conditional use runs with the operation/owner. If a new owner took over the operation of the use, the new owner would have to sign an agreement to abide by the conditions placed on the original owner.

Ms. Abell noted that the City of Gautier has a large area that is zoned R-1 Low Density Single-Family Residential and that some of these areas differ greatly from each other. What might not fit in one R-1 area might be fine in a different R-1 area because of existing uses, etc. Ms. Abell wants to make sure the Planning Commission is comfortable with the conditional uses that she would like to consider at staff level. She reminded the Commissioners that an applicant would still have the appeal process if a request was denied at staff level.

Commissioner Wooten asked if there were any options for churches, cemeteries, etc. to be allowed in a district where they were not an allowable use or listed as a conditional use. Ms. Abell advised him that anything not listed as an allowable use or a conditional use in a zoning district would not be allowed in that district.

Commissioner Wooten asked Ms. Abell what she based her decision on as to what should be considered a conditional use in a district. Ms. Abell told him

that the uses were based on the City's Comprehensive Plan and that the uses come from the stated intent of the district. She also advised the Commissioners that it was unlawful to approve a variance for a use. A variance is the lessening of planning standards in situations beyond someone's control, such as asking for setback variances on a pie-shaped lot.

The Comprehensive Plan establishes the use of an overlay district in order to provide incentives in the City. The intent of the bonus provisions in the tiered land use system is to offer applicants incentives for investing in quality, innovative development that enhances site and building design, enhances compatibility, enhances non-motorized mobility, and provides the opportunities for achieving extraordinary public benefits. Ms. Abell noted that only those properties within the overlay district could apply for the incentives. The area includes such areas along Highway 90, Highway 57, Gautier-Vancleave Road and part of Ladnier Road.

Tier 1 standards represent the maximum "by-right" building height, density and intensity, Tier 2 standards allow for additional building height, density and intensity beyond Tier 1 and Tier 3 standards provide for additional building height, density and intensity beyond Tier 2.

Ms. Abell advised the Commissioners that the public feels the Sign Ordinance is inconsistent, contradicting and confusing. Ms. Abell told Commissioners that Staff had been reviewing other sign ordinances and had found the City of Ocean Springs to have a newly adopted model ordinance that would work well for Gautier. Commissioner Wooten suggested reviewing Peachtree City, Georgia's sign ordinance also.

A motion was made by Commissioner Wooten to ask Staff to review sign ordinances from other cities and to set a special meeting for November 21, 2010 to review Staff findings. Commissioner Dodson seconded the motion and the following vote was recorded:

AYES	NAYS	ABSENT	ABSTAINED
Larry Dailey		Richard Johnson	
Jerry Akins		James Torrey	

David Wooten

Jim Dodson

B. ACTION ITEMS

1. REQUEST TO CONTINUE THE REZONING OF PROPERTY TO MURC CONCURRENT WITH UDO TEXT AMENDMENTS (STAFF)

Ms. Abell requested the Planning Commission continue the rezoning of property to Mixed Use Recreational Commercial (MURC) concurrent with the UDO text amendments at a special meeting in November.

On a motion by Commissioner Wooten to continue rezoning of property to MURC at the November 21, 2010 meeting and a second by Commissioner Dailey, the following vote was recorded:

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

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NEW BUSINESS

A. PRESENTATION

1. There was no presentation item.

B. ACTION ITEMS

1. CONSIDERATION OF A RESOLUTION ADOPTING A CITYWIDE TAX INCREMENT FINANCING REDEVELOPMENT PLAN (STAFF)

Ms. Abell advised the Planning Commission that the Tax Increment Financing Redevelopment Plan (TIF) was the most powerful tool a city has for encouraging large scale development and redevelopment. The TIF Redevelopment Plan is very broad in nature and the City may not exercise all of the options made available in the plan, but once adopted by the City Council the options will be available in needed.

Ms. Abell explained that Tax Increment Financing is not a tax. TIF utilizes a portion of the future ad valorem taxes generated by a project to pay for improvements (such as infrastructure) that are needed to facilitate the construction of the project. Once the geographical area of a TIF district is defined, the property is stilled taxed – like any other property – by the local jurisdiction. The assessed value of the property when the district is created is determined, then as property values in the district increase, the taxes assessed on the additional value are funneled directly toward improvement within the district. The revenue derived from the increment can be used to fund improvements in the district, but usually bonds are issued and the incremental revenue is used to fund debt service for those bonds. The TIF district is set for periods ranging from ten to thirty years. When the TIF expires, all local taxing authorities then enjoy increased revenues and may levy taxes at they see fit from there on out.

Ms. Abell told the Commissioners she had received several calls from developers already asking if we had a TIF plan.

A motion was made by Commissioner Dailey to recommend approval of the resolution adopting the Tax Increment Financing Redevelopment Plan and the Planning Commission finds the TIF Plan to comply with the City's Comprehensive Plan. Commissioner Dodson seconded the motion and the following vote was recorded:

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

2. **REQUEST FOR A SPECIAL MEETING ON OCTOBER 21, 2010 TO CONSIDER A CONDITIONAL USE PERMIT REQUEST BY RICHARD SMITH, AUTHORIZED AGENT FOR THE REFUGE CHURCH; AND ALSO TO CONSIDER PUBLIC COMMENT REGARDING HASTINGS ROAD RESIDENTIAL ZONING (STAFF)**

Ms. Abell requested a special meeting of the Planning Commission on October 21, 2010 to consider a Conditional Use Permit for The Refuge Church and to consider public comments regarding Hastings Road residential zoning.

Commissioner Dailey asked how the meeting would be advertised regarding the Hastings Road item. Ms. Abell informed him that a public notice would be placed in the Mississippi Press and that notification would be sent to property owners within 500 feet.

Although Commissioner Dailey stated that he felt R-1 Low Density Single-Family Residential was a better use for the area he wanted to know if there was a way to amend the Unified Development Ordinance (UDO) that would allow the current mobile home owners to replace and upgrade their existing mobile homes. Ms. Abell advised him that placing an overlay to allow that option to Hastings Road only could place the City in a position to have lawsuits brought against them and it would also work against the Comprehensive Plan.

A motion was made by David Wooten for a special meeting on October 21, 2010 to consider a Conditional Use Permit for The Refuge Church and to consider changes to the UDO. Jim Dodson seconded the motion and the following vote was recorded:

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

A motion was then made by Commissioner Wooten to receive public comments regarding Hastings Road residential zoning at the regular meeting on November 4, 2010. Commissioner Dailey seconded the motion and the following vote was recorded:

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

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DIRECTOR'S REPORT

Ms. Abell advised the Commissioners that Council had adopted a Tax Abatement Ordinance which is another tool the City can use for future projects. She noted that state statute requires that it not affect the school district in any way and that it can only be for a maximum of seven (7) years.

Commissioner Wooten asked Ms. Abell about the reorganization of her department. Ms. Abell informed Commissioners that the Department had been divided into Planning & Administration, Neighborhood Services, Geographical Information Systems (GIS) and Building and Zoning.

Commissioner Wooten noted that the open position on the Planning Commission needed to be filled as soon as possible. Ms. Abell told him the City Manager was working with the Council on finding a replacement and that the position should be filled soon.

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SUBMITTED BY:

Samantha Abell DATE: 1/11/11
Samantha Abell
Economic Development Director

APPROVED:

D J Wooten DATE: 1-6-11
David Wooten, Chairman
Gautier Planning Commission