

# Gautier Planning Commission

## Regular Meeting Agenda

August 2, 2012

### **VII. NEW BUSINESS**

#### **A. QUASI-JUDICIAL**

2. REQUEST FOR A CONDITIONAL USE-MAJOR PERMIT FOR AN OFFICE, DISPATCH SERVICE AND INTAKE OF ANIMALS FOR A WILDLIFE CARE AND RESCUE CENTER IN A PL PUBLIC LAND DISTRICT, AUDUBON LANE, (RANDALL HINES, AGENT FOR WILDLIFE CARE AND RESCUE CENTER, INC.) (GPC CASE #12-12-CU)

## QUASI-JUDICIAL PROCEDURES

1. Announcement of Matter. Read the matter title to be considered.
2. Swear the Witnesses. All witnesses, parties, citizen participants and City Staff who plan to speak at the hearing shall collectively be sworn at the beginning of the hearing by the City Attorney
3. Ex Parte Disclosure. All members must disclose on the record any ex parte communications, to include any physical inspections of the subject property. The disclosure should include with whom any communication has taken place, a summary of the substance of the communication, and the date of the site visit, if any. If anyone has received written communications, the writing must be presented, read into record or a copy provided to all participants, and made a part of the official record.
4. Applicant Presentation.
5. Questions directed to Applicant. The applicant should answer any questions by the public, the Council, or others.
6. Staff Presentation. This includes presentation of the staff report into the official record.
7. Objections from Applicant. Confirm whether there are objections from the applicant regarding the staff report or development order.
8. Questions directed to Staff. The staff answers any questions by the public, the Council, or others.
9. Public Comments. Members of the public should be allowed to make comments regarding the application.
10. Applicant rebuttal/final comments
11. Staff rebuttal/final comments
12. Call for final questions.
13. Close public portion of the hearing.
14. Motion & Deliberation. Council makes a motion, and debates and deliberates regarding the application and development order.
15. Vote.
16. Close the quasi-judicial proceeding.

## **CITY OF GAUTIER STAFF REPORT**

**To:** Chairman and Members, Planning Commission

**From:** Babs Logan, Planning Technician

**Through:** Eric Meyer, Planning/Economic Development Director

**Date:** July 24, 2012

**Subject:** Conditional Use-Major Permit for Wildlife Care and Rescue Center, Inc. on Audubon Lane (GPC Case No. 12-12-CU)

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### **REQUEST:**

The Economic Development/Planning Department has received a request from Mr. Randall Hines, agent for Wildlife Care and Rescue Center, Inc., for a Conditional Use-Major Permit that would allow an office, dispatch service and intake of animals for a wildlife care and rescue center on Audubon Lane, PID #82422800.200. The application fee of \$250 was paid on July 23, 2012. The application was approved for legal sufficiency by the City Attorney on July 25, 2012. All public notice requirements have been met.

### **BACKGROUND:**

The request property is zoned PL Public Land. Jackson County Animal Shelter is located on the property as well as horse stables.

1. Location: Audubon Lane (See Exhibit A)  
Principal Arterial: Highway 90
2. General features of the proposed project:  
Total Area of Structure: 1344 square feet  
Off-Street Parking Area Required: 6 spaces, one space must be van-accessible  
handicapped  
Potable Water and Wastewater Services: Existing from City
3. Current Zoning: PL Public Land
4. Current Surrounding Zoning (See Exhibit B): PL Public/Semi-Public surrounding the proposed use; Agricultural surrounding the 50 acre parcel the use is located on
5. Current Surrounding Existing Land Use (See Exhibit C): Soccer fields and animal shelter on same parcel as proposed use; Vacant surrounding the 50 acre parcel

6. Comprehensive Plan Future Land Use Designation (See Exhibit D): Recreational

**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 particular Zoning District?

*Staff Finding: No, the proposed use is not in the list of Conditional Uses in a PL zoning district. However, the proposed use does fall within the purpose and intent of the PL zoning as stated in the UDO. See below:*

**5.3.11 PL, Public Land**

Purpose and intent. The purpose of this district is to provide for sites where governmental and quasi-governmental uses such as municipal and county facilities, schools, civic, cultural and historic sites as well as recreational facilities can be placed. This type of development is usually developed as a cohesive unit with internal streets and destinations. Due to the diversity of uses allowed, each use shall be considered a conditional use and subject to approval of the City Council. A change of use on land zoned PL shall required approval of the Council.

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: The WCRC Intake and Dispatch Office will blend well with the current use on the proposed site. Parking on the property is abundant and the number of vehicles expected to arrive to utilize the facility during any one week will likely be fewer than twenty during normal operation. Setbacks and the proposed positioning will ensure that the density, bulk and intensity of this proposed use will be acceptable.*

*Staff Finding: Staff finds that the proposed use will be located in a commercial trailer near an existing animal shelter and will be compatible with the character of development in the vicinity. Parking will be sufficient for both the existing use and the proposed use.*

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

*Applicant Response: The proposed use will not have a negative effect on neighboring property values or pose any real or perceived danger to citizens.*

*Staff Finding: There is no evidence to indicate the proposed use will degrade the community, lower 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: Vehicular and pedestrian traffic will be unaffected by this proposed use.*

*Staff Finding: There is no evidence that the proposed wildlife care and rescue center will have any adverse affect 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: All municipal accommodations and services will be available to this proposed use and no perceptible additional demand will be imposed upon these amenities.*

*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 3 of application*

*Staff Response: The Comprehensive Plan acknowledges that there is a need to protect wildlife habitats and their inhabitants.*

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: The proposed use will not pose any real or perceived hazardous, detrimental, or disturbing affect to the surrounding land uses because it blends so well with the present uses and activities on-going at the proposed site.*

*Staff Finding: There is no evidence that the proposed use poses a hazardous, detrimental or disturbing affect 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 3 of application.*

*Staff Finding: The proposed use can be made to conform to district regulations with certain conditions.*

### **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 Economic Development Director agreeing to the current terms and conditions before a business license may be issued.

2. Conditional Uses-Major require a public hearing before the Planning Commission and approval by the City Council (Section 4.14 of the UDO).

### **RECOMMENDATION:**

Staff finds that the proposed use may be compatible and harmonious with the Highway Commercial District upon certain conditions.

- a) The office trailer shall have a ramp for handicap accessibility.
- b) The office trailer shall meet City code requirements for placement of mobile homes as stated in Section 4.23.6 of the Unified Development Ordinance including, but not limited to skirting and landings.
- c) A placement/moving permit for moving the trailer to the proposed site shall be obtained from the Gautier Planning Department.

**ATTACHMENTS:**

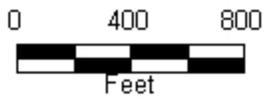
1. Applicant's Exhibit 1 – Application
2. City's Exhibit A – Location Map
3. City's Exhibit B – Existing Zoning Map
4. City's Exhibit C – Existing Land Use Map
5. City's Exhibit D – Future Land Use Map
6. City's Exhibit E – Draft Conditional Use-Major Development Order

# Location Map

## 4400 AUDUBON LANE

### MAJOR CONDITIONAL USE

City Of Gautier  
Economic Development/Planning

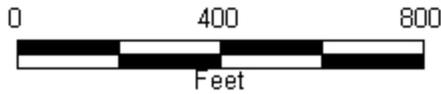


Prepared by the  
City of Gautier  
GIS Division



# Existing Zoning Map

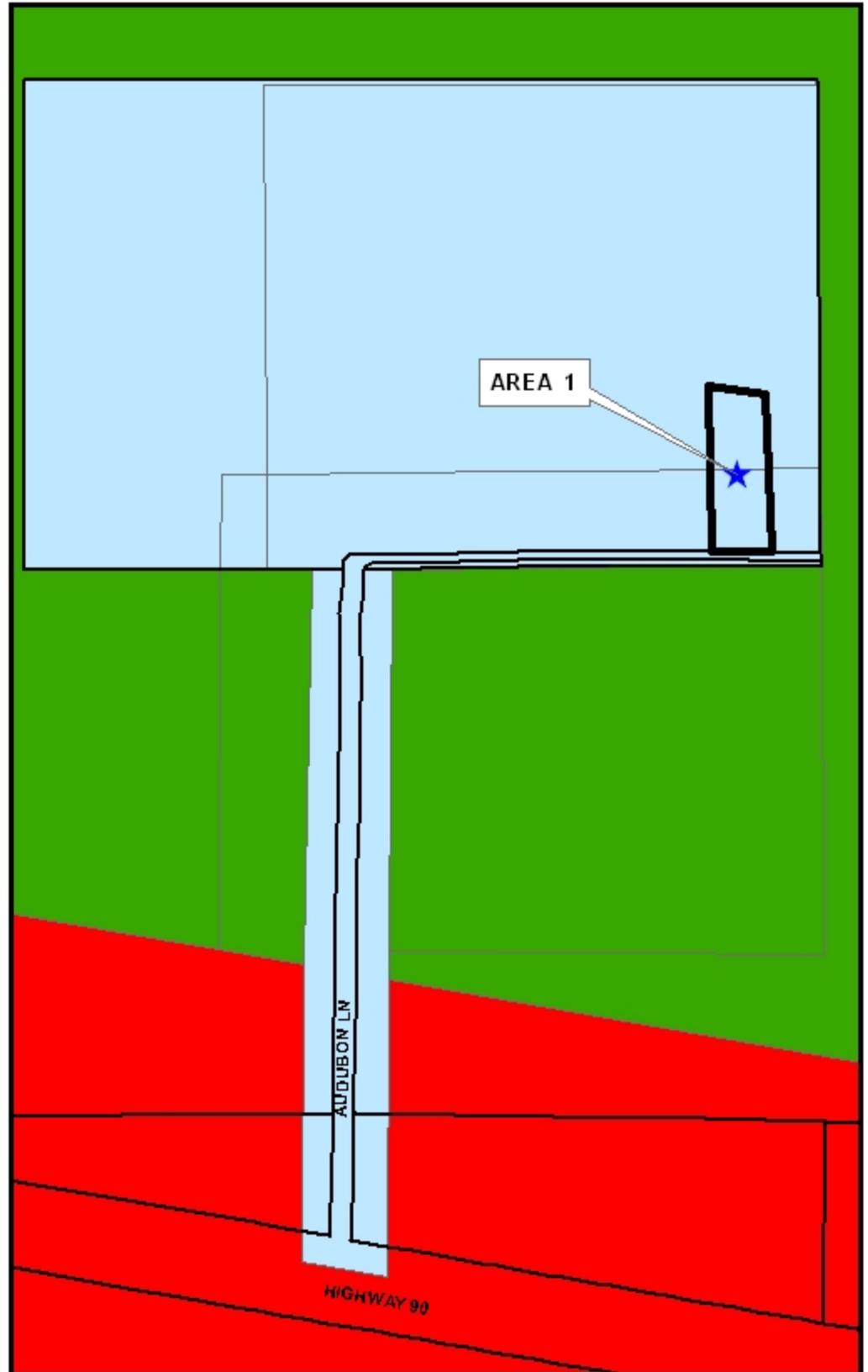
City Of Gautier  
Economic Development/Planning



Prepared by the  
City of Gautier  
GIS Division

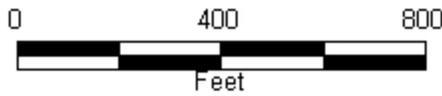
## Legend

- AG Agricultural
- PL Public/Semi-Public
- PUD Planned Unit Development
- R-1 Low Density Residential
- R-2 Multi-Family Residential
- R-3 Mobile Home District
- MUM
- TC
- MUR C-1
- MUR C-2
- MUR C-MW
- C-1 Neighborhood Commercial
- C-2 Community Commercial
- C-3 Highway Commercial
- I-2 Industrial

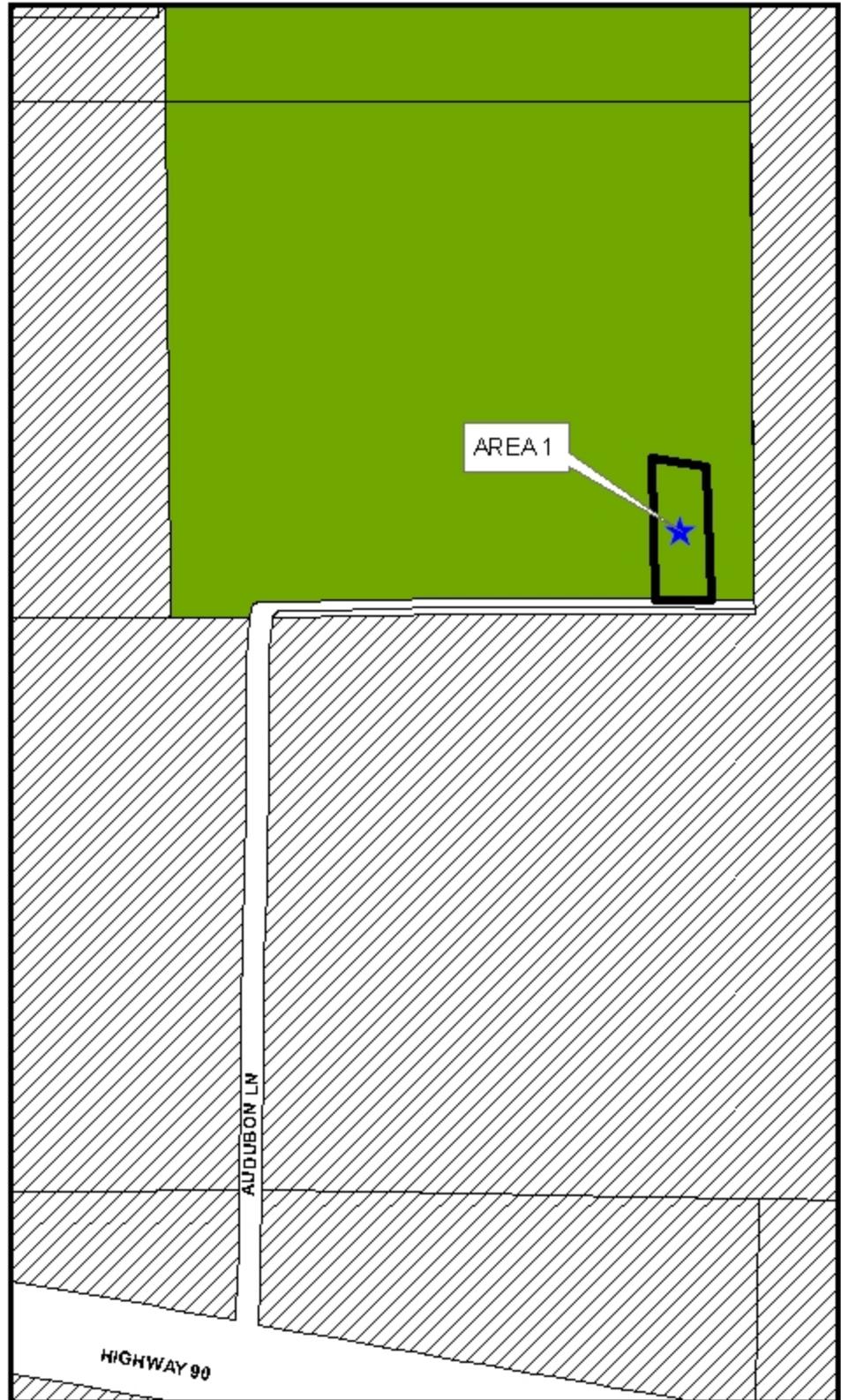


# Existing Land Use Map

City Of Gautier  
Economic Development/Planning



Prepared by the  
City of Gautier  
GIS Division



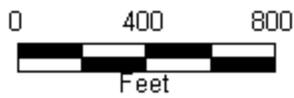
## Legend

### 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

# Future Land Use Map

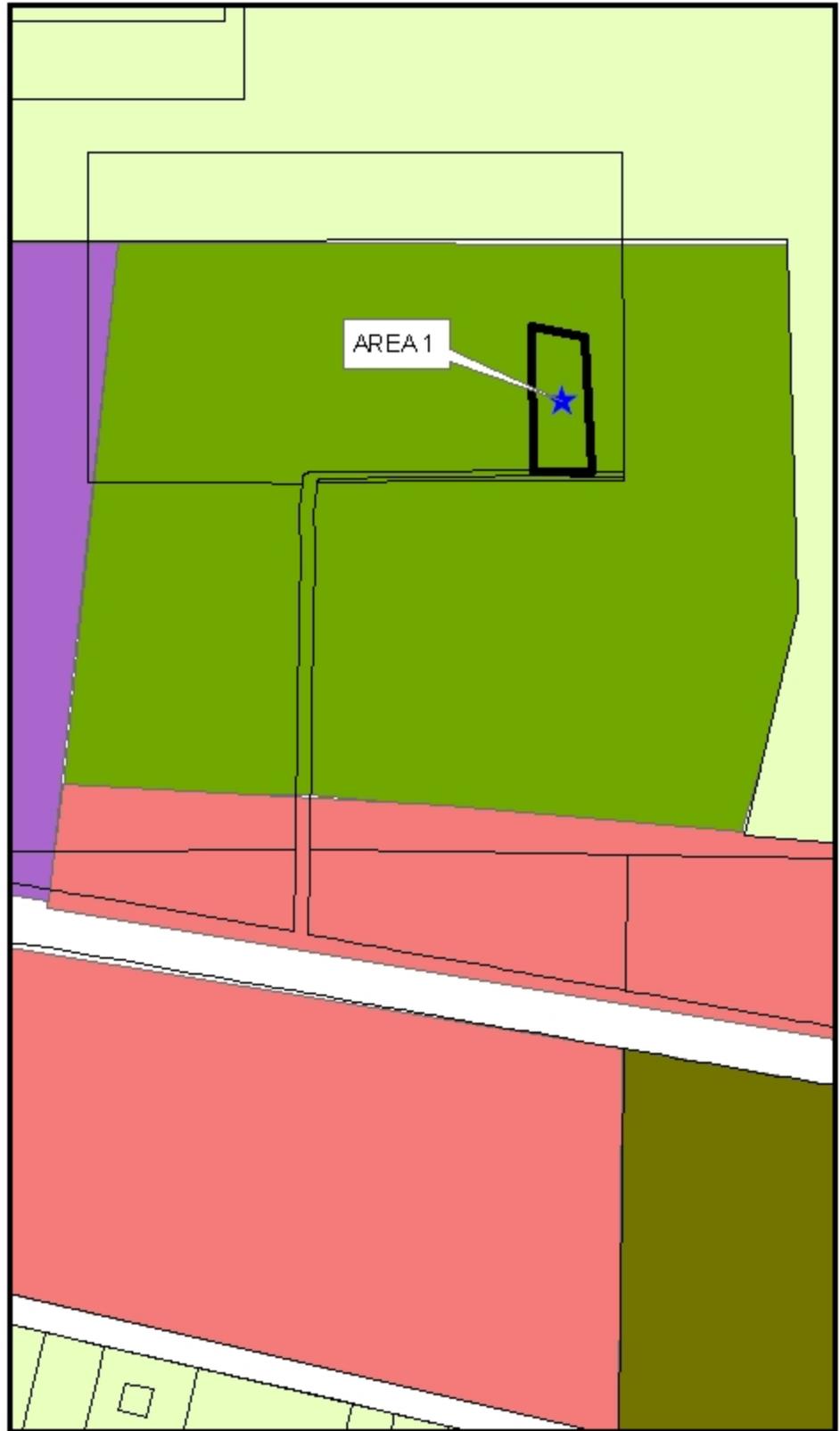
City Of Gautier  
Economic Development/Planning



Prepared by the  
City of Gautier  
GIS Division

## Legend

-  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



**CITY OF GAUTIER  
CONDITIONAL USE-MAJOR DEVELOPMENT PERMIT  
GPC CASE NO. 12-12-CU**

**WILDLIFE CARE & RESCUE CENTER, INC.**

**REGARDING PARCEL ID NO: 82422800.200**

The City of Gautier, at its regular meeting held on August 21, 2012, considered the application for a Conditional Use-Major Development Permit for an office, dispatch service and intake of animals for a wildlife care and rescue center as submitted by Randall Hines, agent for Wildlife Care and Rescue Center, Inc. The parcel subject to this Permit is located on Audubon Lane, Gautier, Mississippi, 39553. After due public notice, the City Council, having considered the favorable recommendation by the Planning Commission, application, testimony and exhibits presented by the applicant, the report of the City Staff and all other relevant testimony, exhibits and other evidence, pursuant to applicable provisions of the City's Unified Development Ordinance, hereby approves the Conditional Use-Major Development Permit and orders as follows:

1. This proposed Conditional Use-Major is consistent with the goals, objectives and policies of the City's Comprehensive Plan.
2. This proposed Conditional Use-Major is consistent with the character of the immediate vicinity of the proposed use.
3. The proposed use, classified as a wildlife care and rescue center, is permitted under the purpose and intent of the Public Land Zoning District as a Conditional Use.
4. Therefore, the City Council accepts the recommendation of the Planning Commission and approves the application submitted on July 23, 2012 for a Conditional Use-Major Development Permit.
5. The City Clerk shall have this permit recorded in the public records of Jackson County, at the expense of the applicant, and provide the applicant a copy of the permit with the recording information affixed.
6. The following additional conditions will ensure that the operation of the proposed conditional use will minimize any detrimental effects on neighboring properties and shall apply to the project:
  - a) The office trailer shall have a ramp for handicap accessibility.
  - b) The office trailer shall meet City code requirements for placement of mobile homes as stated in Section 4.23.6 of the Unified Development Ordinance including, but not limited to skirting and landings.

c) A placement/moving permit for moving the trailer to the proposed site shall be obtained from the Gautier Planning Department.

7. The Gautier Planning Commission recommended approval of this Conditional Use-Major Development Permit on August 2, 2012.

8. The City Council adopted this Conditional Use-Major Development Permit on a recorded vote of \_\_\_\_\_ ayes to \_\_\_\_\_ nays to approve the application of Wildlife Care & Rescue Center, Inc., located on Audubon Lane, in Gautier, Mississippi, and identified as a part of Jackson County Parcel No. 82422800.200.

August 21, 2012  
Date of Issuance

Attest:

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Tommy Fortenberry, Mayor  
City of Gautier, Mississippi  
3330 Highway 90  
Gautier, MS 39553

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Wendy McClain  
City Clerk