

AGENDA

GAUTIER PLANNING COMMISSION

APRIL 7, 2011

6:00 P.M.

- I. CALL TO ORDER**
- II. PLEDGE OF ALLEGIANCE (VOLUNTEER)**
- III. APPROVAL OF MINUTES - (MARCH 3, 2011)**
- 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 COMPREHENSIVE REZONING OF PROPERTIES TO C-2 COMMUNITY COMMERCIAL (STAFF) (GPC CASE #11-08-RZ)
 - B. LEGISLATIVE**
 - 1. REQUEST TO AMEND THE R-3 MOBILE HOME DISTRICT TO ALLOW RECREATIONAL VEHICLES AS A CONDITIONAL USE-MAJOR WITHIN DESIGNATED MOBILE HOME PARKS (CHARLES AND JON WARWICK, OWNERS) (GPC CASE #11-09-UDO)
- VIII. DIRECTOR'S REPORT**
- IX. ADJOURN**

MARCH 3, 2011

GAUTIER, MISSISSIPPI

BE IT REMEMBERED THAT a regular meeting of the Gautier Planning Commission of the City of Gautier, Mississippi, was held on March 3, 2011, at 6:00 P.M. in the Council chambers of the Gautier Municipal Building at 3330 Highway 90, Gautier, Mississippi.

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

Richard Johnson Vice-Chairman, called the meeting to order and presented the minutes from the February 3, 2011 meeting for approval. The minutes were approved as submitted.

APPROVAL OF AGENDA

There were no changes to the agenda.

AGENDA

GAUTIER PLANNING COMMISSION

MARCH 3, 2011

6:00 P.M.

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE (VOLUNTEER)
- III. APPROVAL OF MINUTES – (FEBRUARY 3, 2011)
- 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 MAJOR CONDITIONAL USE PERMIT FOR A CHURCH IN A TCMU TOWN CENTER MIXED USE DISTRICT, 2800 HIGHWAY 90, (GRANT RANDOLPH, AUTHORIZED AGENT FOR CHURCH ON THE EASTERN SHORE-GAUTIER) GPC CASE #11-03-CU
2. REQUEST FOR A COMPREHENSIVE REZONING OF PROPERTIES TO RE RESIDENTIAL ESTATE (STAFF) GPC CASE #11-05-RZ
3. REQUEST FOR A COMPREHENSIVE REZONING OF PROPERTIES TO MURC-2 MIXED USE RECREATION COMMERCIAL-2 (STAFF) GPC CASE #11-06-RZ

B. LEGISLATIVE

1. AMENDMENT TO THE UNIFIED DEVELOPMENT ORDINANCE RELATING TO SIGN HEIGHT (STAFF) GPC CASE #11-07-UDO

VIII. DIRECTOR'S REPORT

IX. ADJOURN

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

Shane Helms, representative for Top Hat Lounge, explained to the Commissioners that he was using a refrigerated Conex container for storage of beer while the lounge kitchen was being remodeled. Mr. Helms explained that the container was situated where you could walk out the back door of the building directly into the container and that foam had been placed around the container for insulation where it meets the building.

Ms. Abell advised the Commissioners that the Unified Development Ordinance (UDO) does not allow accessory buildings in the TCMU Town Center Mixed Use district or commercial districts. Therefore, Staff had denied the applicant a permit for the use of the Conex container. Ms. Abell said Staff had explained to the applicant that his options were to 1) appeal Staff decision or 2) request to amend the UDO to allow the use.

Commissioner Johnson asked if the unit was still being used after the applicant was notified that the use was not allowed. The applicant said he had requested that the company remove the container, but was told it would take several weeks because their schedule was backed up. Ms. Abell advised the Commission that Code Enforcement had been moving forward on the case but that since the applicant is now working with Staff on a solution Code Enforcement will work with him.

Ms. Abell advised the applicant that he needed to choose one of the options and get with Staff as soon as possible to start the process for a public hearing before the Planning Commission and City Council.

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OLD BUSINESS:

There was no old business.

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NEW BUSINESS

A. QUASI-JUDICIAL

1. **REQUEST FOR A MAJOR CONDITIONAL USE PERMIT FOR A CHURCH IN A TCMU TOWN CENTER MIXED USE DISTRICT, 2800 HIGHWAY 90, (GRANT RANDOLPH, AUTHORIZED AGENT FOR CHURCH ON THE EASTERN SHORE-GAUTIER) GPC CASE #11-03-CU**

There came before the Planning Commission a request on the part of Grant Randolph, Gautier Campus Pastor for Church on the Eastern Shore – Gautier, for a Major Conditional Use permit to allow a church in a TCMU Town Center Mixed Use district. The church would be located at 2800 Highway 90, Spaces #1170 and #1164, PID #82435270.109.

The applicant advised the Commissioners that he would like to change his request from Spaces #1170 and #1164 to Space #1250 which is located across from Space #1170. The reason for the change is because of the considerable cost involved with renovating Spaces #1170 and #1164. The total square footage for Space #1250 is only slightly larger than the combined footage of the other two spaces.

The applicant stated they would typically only have two church services each Sunday, one at 9:00 a.m. and one at 10:30 a.m; although they might occasionally have something for the youth on Friday nights.

Commissioner Akins asked if the location of the church would hinder the mall if a business that sold alcohol wanted to locate in one of the spaces within 100 feet of the church. The applicant stated that the church would be willing to sign a waiver concerning the distance restrictions if necessary. Ms. Abell advised that if an existing business selling alcoholic beverages should decide to expand to within 100 feet of the church the distance restrictions would have to be re-addressed.

Commissioner Dodson reminded the applicant that a church was considered an assembly occupancy and requirements for exits, bathrooms, etc. would be different than for a business. The applicant stated that he had already talked with the Fire Chief on those issues.

Commissioner Dodson also asked the applicant if any musical instruments would be used in the worship services. The applicant stated that they did use instruments and were addressing the issue by placing extra walls to absorb the sound.

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

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

**2. REQUEST FOR A COMPREHENSIVE REZONING OF
PROPERTIES TO RE RESIDENTIAL ESTATE (STAFF)
GPC CASE #11-05-RZ**

Ms. Abell advised the Commissioners that the comprehensive rezoning presented was to further implement the Comprehensive Plan adopted in 2009. The Comprehensive Plan establishes a new residential use zone and designates property for this new zone; the RE Residential Estate District amends the Official Zoning Map to include certain areas for very low density residential use. One of these designated areas is located in north Hickory Hills and generally described as properties north of Kingslea Drive and Stockton Circle and west of Ferry Point Road to the city limits and is currently zoned R-1 Low Density Single-Family Residential.

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 is R-1 Low Density Single-Family Residential and the Comprehensive Plan re-designates this area to Very Low Density Residential; 2) there is a need for additional lands in the City to be designated RE to implement the Comprehensive Plan's Very Low Density Residential land use for the purpose of ensuring that existing large lot subdivisions or areas with a concentration of larger lots are not subdivided into smaller lots which may not be desirable in some areas; 3) the City has an over abundance of R-1 and the Official Zoning Map has no such Very Low Density Residential designated lands. Furthermore, the City has an over abundance of R-1 lands leading to a lack of areas where owners of large residential lots are protected from adjoining land being subdivided into very small lots; and 4) the recent development of homes on smaller lots is inharmonious with the character of the area, according to area residents and the 2009 Comprehensive Plan, which designates this area for rezoning to allow large-lot residential areas for the development of very low density, single-family residential uses and compatible accessory structures.

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 Torrey 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	
Richard Johnson			
Jerry Akins			
Jim Dodson			
James Torrey			
Marilyn Minor			

3. **REQUEST FOR A COMPREHENSIVE REZONING OF PROPERTIES TO MURC-2 MIXED USE RECREATION COMMERCIAL-2 (STAFF) GPC CASE #11-06-RZ**

Ms. Abell advised the Commissioners that the comprehensive rezoning presented was to further implement the Comprehensive Plan adopted in 2009. The Comprehensive Plan establishes new mixed use zones and designates property for the orderly growth and development of the City; the MURC-2 Mixed Use Recreation Commercial District amends the Official Zoning Map to encourage sustainable projects with a mix of commercial and residential uses with recreational amenities.

This rezoning relates to two areas in the City with multiple owners. "AREA 1" consists of ±274.57 acres known as Indian Point Resort. "AREA 2" consists of ±412.52 acres located north of St. Ann Street to include Santa Maria RV Resort Marina, east of Martin Bluff Road and west of the City limits.

Ms. Abell stated that Staff finds: 1) the existing C-2 Community Commercial zoning in "Area 1" is not in accordance with the Comprehensive Plan in that the Plan specifically directs the rezoning of existing areas containing fish camps, marinas and recreational vehicle (RV) parks to a zoning classification that will allow these current land uses, add new uses which would complement the existing uses and eliminate the uses not wanted in these areas; 2) there is a need for additional lands in the City to be designated MURC-2 to implement the Comprehensive Plan's Recreation Commercial land use for the purpose of

designating appropriate lands for permanent and seasonal residents with recreation and commercial amenities; 3) the Official Zoning Map has no such Recreation Commercial designated lands zoned on the Official Zoning Map; and 4) there is a substantial change in the land use character of the surrounding area in that the conservation lands continue to grow as a tourist attraction for birding enthusiasts. Re-designating the lands to a mixed use land designation will ensure appropriate buffers and also provide a smart growth planning strategy for tourism-oriented uses.

Ms. Abell stated that in "Area 2" Staff finds: 1) that the existing zoning is both R-1 Low Density Single-Family Residential and C-2 Community Commercial and therefore not in accordance with the Comprehensive Plan's Recreational designation; 2) there is a need for additional lands in the City to be designated MURC-2 to implement the Comprehensive Plan's Recreation Commercial land use for the purpose of designating appropriate lands for permanent and seasonal residents with recreation and commercial amenities; 3) the Official Zoning Map has no such Recreation Commercial designated lands zoned on the Official Zoning Map; and 4) there is a substantial change in the land use character of the surrounding area in that Martin Bluff continues to increase in traffic and development as a mixed use corridor. Rezoning the area to mixed use recreation commercial further enhances the property for tourist-oriented development.

Commissioner Dodson made a motion to recommend approval of the comprehensive rezoning of the subject area based on the finding of facts as presented. Commissioner Minor 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	
Richard Johnson			
Jerry Akins			
Jim Dodson			
James Torrey			
Marilyn Minor			

B. LEGISLATIVE

1. AMENDMENT TO THE UNIFIED DEVELOPMENT ORDINANCE RELATING TO SIGN HEIGHT (STAFF) GPC CASE #11-07-UDO

Ms. Abell advised the Commissioners that property owners in the vicinity of Interstate-10 desire taller signage for increased visibility. The City's sign ordinance does not provide for the high speed nature of the Interstate and the need for increased visibility. The proposed amendment will permit signage to increase from 10-20 feet (depending on business size) to 35 feet within a half mile of the Interstate Right-of-Way. A minimum increase to 35 feet will provide visibility from Highway 57's off-ramp for businesses within one half mile of interstate ROW.

Ms. Abell told the Commissioners that Staff was not opposed to changing the height for signage in that area to 75 feet and noted that taller signs along Interstates were common in most cities. Ms. Abell also reminded Commissioners that prior to the adoption of the Unified Development Ordinance (UDO) in 2009 signs along Highway 90 were allowed to be 35 feet.

Commissioner Dailey asked why Gautier-Vancleave Road was not included in this height change. Ms. Abell told him that only Sandhill Crane Refuge land was located within a half mile of the Interstate Right-of Way on Gautier-Vancleave Road.

Ms. Abell also told Commissioners that the ordinance regarding canopy signs on businesses needed to be modified. Under the current ordinance if a business has a canopy sign they can not have a wall sign. Staff proposes to amend the ordinance to allow a wall sign and a canopy sign not to exceed the signage area allowed in that location.

The amended ordinance will read as follows (underline is new):

12.9.1 Lots Abutting Highway 90 or Highway 57:

A. Major Shopping Centers, defined as 100,000 sq ft of building space or larger with linear Highway 90 or Highway 57 frontage equal to or greater than five hundred (500) feet:

1. Two free-standing, on-site signs shall be permitted, provided both signs are located on Highway 90 or Highway 57 frontage.

2. Each sign shall not exceed twenty (20) feet in height. However, within ½ mile of Interstate-10, signage shall not exceed thirty-five (35) feet.
 3. Total sign square footage shall not exceed two hundred fifty (250) square feet. The subject signs shall be separated by a minimum of one hundred fifty (150) linear feet.
 4. Each store, office, or other place of business within the major shopping center shall be permitted one ~~under canopy sign and one wall sign or one canopy sign~~ subject to the area limitation of subsection 12.10, below.
- B. Major Shopping Centers with linear Highway 90 or Highway 57 frontage less than five hundred (500) feet but greater than three hundred (300) feet:
1. One free-standing, on-site sign shall be permitted, provided the sign is located on the Highway 90 or Highway 57 frontage.
 2. Sign shall not exceed ten (10) feet in height. However, within ½ mile of Interstate-10, signage shall not exceed thirty-five (35) feet.
 3. Sign square footage shall not exceed two hundred (200) square feet.
 4. Each store, office, or other place of business within the shopping center shall be permitted one ~~under canopy sign and one wall sign or one canopy sign~~ subject to the area limitation of subsections 12.10, below.
- C. Major Shopping Centers with linear frontage along Highway 90 or Highway 57 up to three hundred (300) feet:
1. One free-standing, on-site sign shall be permitted, provided the sign is located on the Highway 90 or Highway 57 frontage.
 2. Sign shall not exceed ten (10) feet in height. However, within ½ mile of Interstate-10, signage shall not exceed thirty-five (35) feet.
 3. Sign square footage shall not exceed one hundred fifty (150) square feet.
 4. Each store, office, or other place of business within the shopping center shall be permitted one ~~under canopy sign and one wall sign or one canopy sign~~ subject to the area limitation of subsection 12.10, below.
- D. Minor Shopping Centers (no minimum linear Highway 90 or Highway 57 frontage requirement):
1. One free-standing, on-site sign shall be permitted, provided the sign is located on the Highway 90 or Highway 57 frontage.
 2. Sign shall not exceed ten (10) feet in height. However, within ½ mile of Interstate-10, signage shall not exceed thirty-five (35) feet.

3. Sign square footage shall not exceed one hundred twenty five (125) square feet.
 4. Each store, office, or other place of business within the minor shopping center shall be permitted one under canopy sign and one wall sign ~~or one canopy sign~~ subject to the area limitation of subsection 12.10, below.
- E. Commercial and industrial parcels with linear Highway 90 or Highway 57 frontage:
1. One free-standing, on-site sign shall be permitted, provided the sign is located on the Highway 90 or Highway 57 frontage.
 2. Sign shall not exceed ten (10) feet in height. However, within ½ mile of Interstate-10, signage shall not exceed thirty-five (35) feet.
 3. Sign square footage shall not exceed sixty (60) square feet.
 4. Each store, office, or other place of business shall be permitted one under canopy sign and one wall sign ~~or one canopy sign~~ subject to the area limitation of subsection 12.10, below.

12.9.2 Lots That Do Not Abut Highway 90 or Highway 57:

- A. Major and Minor Shopping Centers:
1. One free-standing, on-site sign shall be permitted.
 2. Sign shall not exceed eight (8) feet in height.
 3. Sign square footage shall not exceed one hundred (100) square feet.
 4. Each store, office, or other place of business within the major, minor, shopping center shall be permitted one ~~under canopy sign and one wall sign or one canopy sign~~ subject to the area limitation of subsection 12.10, below.
- B. Commercial, Mixed-Use and Industrial parcels:
1. One free-standing, on-site sign shall be permitted.
 2. Sign shall not exceed eight (8) feet in height.
 3. Sign square footage shall not exceed twenty (20) square feet.
 4. Each store, office, or other place of business one under canopy sign and one wall sign ~~or one canopy sign~~ subject to the area limitation of subsection 12.10, below.

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

AYES

NAYS

ABSENT

ABSTAINED

Larry Dailey

David Wooten

Richard Johnson

Jerry Akins

Jim Dodson

James Torrey

Marilyn Minor

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DIRECTOR'S REPORT

Ms. Abell told the Commissioners there was a citizen interested in opening a daycare in an existing building on Old Spanish Trail west of Dolphin Drive, but the area is zoned Industrial and does not allow for a daycare. The Comprehensive Plan redesignates the area to C-2 Community Commercial which does allow a daycare. Ms. Abell said she let the citizen know that the Planning Commission sets the tempo on implementing the comprehensive rezonings. Ms. Abell stated that if the Commissioners did not have anything more pressing for Staff to do she would like to move forward with drafting an ordinance to bring before them for this comprehensive rezoning. Commissioners had no objections.

Ms. Abell shared an economic development update with the Commissioners. She advised them that Council had approved Planning Commissions recommendation for the comprehensive rezoning of properties south of Allen Road to C-3 Highway Commercial and that B & D Plastics, which is located in the rezoned area, had obtained their permit for expansion of their business. Within a year they have expanded from seven employees to about forty and plan to hire about twenty or thirty more.

B & D Plastics is one of three companies in the country that does their particular type of plastic testing and the business is owned by a Gautier native, Mr. Tom Reeves.

Ms. Abell told the Commissioners that the Board of Supervisors has responded very favorably to widening Allen Road. Also, there is another

potential facility that would like to locate on Allen Road and she hopes to be able to share that information with them in the near future.

The last item Ms. Abell shared with the Commissioners was information on the Streetscape. She told them that apparently there are quite a few people that are not happy with the low lights on Highway 90 and, fortunately, DOT is not happy with them either which allows the City to amend something that otherwise the City would not have been able to change. Because DOT is not satisfied with the lights the City can stay within the parameters of the grant and not have to pay out of the general fund to relocate them. The Engineer will pay to relocate them to Dolphin Drive where lower lights would be appropriate and lights that are 5 feet higher than the existing ones will be installed in the median and on both sides of Highway 90.

Also, to make sure that this does not happen again the engineer is moving forward with one phase instead of multi phases. This way DOT and other agencies can see the whole project at once as the City moves forward.

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SUBMITTED BY:

Samantha Abell
Economic Development Director

DATE: _____

APPROVED:

Richard Johnson, Vice-Chairman
Gautier Planning Commission

DATE: _____