

AGENDA

GAUTIER PLANNING COMMISSION

MAY 3, 2012

6:00 P.M.

- I. CALL TO ORDER**
- II. PLEDGE OF ALLEGIANCE (VOLUNTEER)**
- III. APPROVAL OF AGENDA**
- IV. PUBLIC COMMENTS
(MATTERS OF THE PLANNING COMMISSION NOT LISTED ON THE AGENDA)**
- V. OLD BUSINESS**

NONE
- VI. NEW BUSINESS**
 - A. QUASI-JUDICIAL
 - 1. REQUEST FOR A CONDITIONAL USE-MAJOR PERMIT FOR AN ASSISTED LIVING FACILITY IN A C-3 HIGHWAY COMMERCIAL DISTRICT, 925 DE LA POINTE, (SHIRLEY BROWN AND LAWRENCE RAMSTAD DBA S & L SENIOR CARE CENTER) (GPC CASE #12-07-CU)
 - 2. REQUEST FOR A CONDITIONAL USE-MAJOR PERMIT FOR AN AMENDMENT TO THE CONDITIONS FOR GPC 11-29-CU, 3512 HIGHWAY 90, (BRYAN BOZEMAN, OWNER OF COLLISION DEPOT) (GPC CASE #12-08-CU)
- VII. DIRECTOR'S REPORT**
- VIII. ADJOURN**

Gautier Planning Commission

Regular Meeting Agenda

MAY 3, 2012

VII. NEW BUSINESS

A. QUASI-JUDICIAL

1. REQUEST FOR A CONDITIONAL USE-MAJOR PERMIT FOR AN ASSISTED LIVING FACILITY IN A C-3 HIGHWAY COMMERCIAL DISTRICT, 925 DE LA POINTE, (SHIRLEY BROWN AND LAWRENCE RAMSTAD DBA S & L SENIOR CARE CENTER) (GPC CASE #12-07-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: April 26, 2012

Subject: Conditional Use-Major Permit for S & L Senior Care Center at 925 De La Pointe (GPC Case No. 12-07-CU)

REQUEST:

The Economic Development/Planning Department has received a request from Mr. Lawrence Ramstad and Ms. Shirley Brown for a Conditional Use-Major Permit that would allow an assisted living facility at 925 De La Pointe, PID #81831470.050. The application fee of \$250 was paid on March 28, 2012. The application was approved for legal sufficiency by the City Attorney on April 25, 2012. All public notice requirements have been met.

BACKGROUND:

The request property is zoned C-3 Highway Commercial which only allows assisted living facilities as a Conditional Use-Major.

1. Location: 925 De La Pointe (See Exhibit A)
Principal Arterial: Highway 90
2. General features of the proposed project:
Gross Acreage: 0.46 acres
Total Living Area: 3400 square feet
Off-Street Parking Area Required: 5 spaces; one space must be van-accessible
handicapped
Potable Water and Wastewater Services: Existing from City
3. Current Zoning: C-3 Highway Commercial
4. Current Surrounding Zoning (See Exhibit B): PL Public/Semi-Public to the north;
C-3 Highway Commercial to the south, east and west
5. Current Surrounding Existing Land Use (See Exhibit C): Civic (City Park) to the
north; Vacant to the west and south; Unoccupied mobile home to the east

6. Comprehensive Plan Future Land Use Designation (See Exhibit D): Low Impact Commercial

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: Yes, the proposed use is in the list of Conditional Uses in a C-3 zoning district.

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 project is compatible with the character of development in the vicinity.

Staff Finding: Staff finds that the proposed use will be located in an existing residence and will not add to the density, bulk or intensity of structures in the vicinity. Also, all parking will be in the rear of the building.

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

Applicant Response: The project will not have a negative effect on property values or pose any threats to the citizens of Gautier. The home has been located here for many years and has been used for a home for battered women in the past.

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: The project will not adversely affect vehicular or pedestrian traffic in the adjoining areas. The only traffic it will generate will come from families visiting the residents or by people bringing elders to the home for day care. We expect a minimal amount of pedestrian traffic.

Staff Finding: An adult day care center is permitted by right in a C-3 district and there is no evidence that the proposed assisted living facility 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: The proposed use of the facility can be accommodated by all existing services being provided by the City of Gautier and public service providers.

Staff Finding: The proposed use will be located in an existing building that is already served by existing public services and facilities.

6. Is the proposed use in harmony with the Comprehensive Plan? Explain how.

Staff Response: The Comprehensive Plan acknowledges that certain members of the population have special housing needs such as physically or mentally challenged persons, the elderly, homeless persons and others who may need temporary group living quarters due to domestic violence or other issues.

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 of the existing faculty will not pose any problems to the environment as the home does not generate any exterior effects or conditions that could cause any kind of a nuisance.

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: Presently the building does not meet all the state regulations for a care center. A fire extinguisher system needs to be installed and exit doors need to be realigned. These items will be brought to the State requirements after approval for Conditional use is granted by the City of Gautier.

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 assisted living facility must adhere to all city, state and federal building and fire regulations.

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

ECONOMIC DEVELOPMENT/PLANNING DEPARTMENT
GAUTIER, MISSISSIPPI

CONDITIONAL USE HEARING APPLICATION

Hearing Number

GPC 12-07-CU

TYPE OF REQUEST:	FEE:
Conditional Use – Major <u>X</u>	\$250.00
Conditional Use - Minor _____	\$250.00

Minor Conditional Use – These uses are not allowed by right. The Economic Development/Planning Director may approve or deny a Minor Conditional Use upon review or he/she may choose to forward the request to the Planning Commission and City Council.

Major Conditional Use – These uses are not allowed by right, and require a recommendation by the Planning Commission and approval of the City Council.

Name of Applicant : SHIRLEY BROWN / LAWRENCE RAMSTAD
Name of Business: SIL SENIOR CARE CENTER
Address: 925 De la Pointe Mailing Address (if different): _____
Email Address: DATSMAR@BELLSOUTH.NET
Phone: 497-1914 Business Cell Phone: 202-2923 Shirley
Reason for request, location and intended use of Property: ESTABLISH A SENIOR CARE FACILITY AT 925 De la Pointe, Gautier, MS

ATTACHMENTS REQUIRED AS APPLICABLE:

1. Diagram of intended use, showing dimensions and distances of property, building with setbacks, parking spaces, entrances and exits.
2. Legal descriptions and street address.
3. A detailed project narrative that also addresses the questions on the "Criteria for Approval" page of this application.
4. Copy of protective covenants or deed restrictions, if any.
5. Copies of approvals, or requests for approval, from other agencies, such as, but not limited to, the Mississippi State Department of Health, U.S. Army Corp of Engineers, Mississippi Department of Environmental Quality and Department of Marine Resources.
6. Any other information requested by the Economic Development/Planning Director and/or members of the Technical Review Committee.
7. Owner's Consent form, if anyone other than 100% sole owner makes application (see attached).

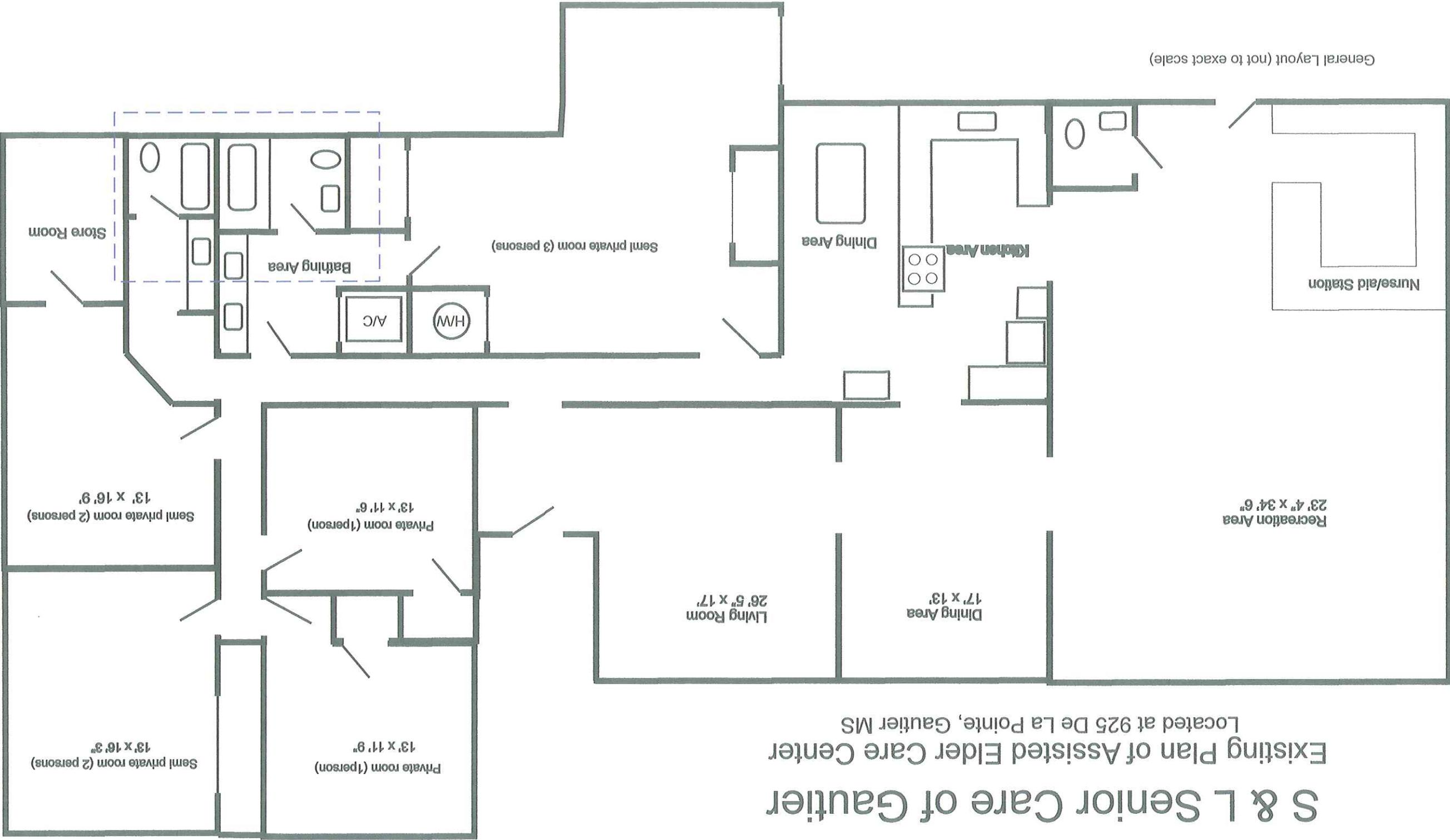
Signature of Applicant: Shirley Brown
Date of Application: 3/28/12

FOR OFFICE USE ONLY

Date Received 3/28/12 Verify as Complete BR
Fee Amount Received \$250
Initials of Employee Receiving Application BR

S & L Senior Care of Gautier

Existing Plan of Assisted Elder Care Center
 Located at 925 De La Pointe, Gautier MS



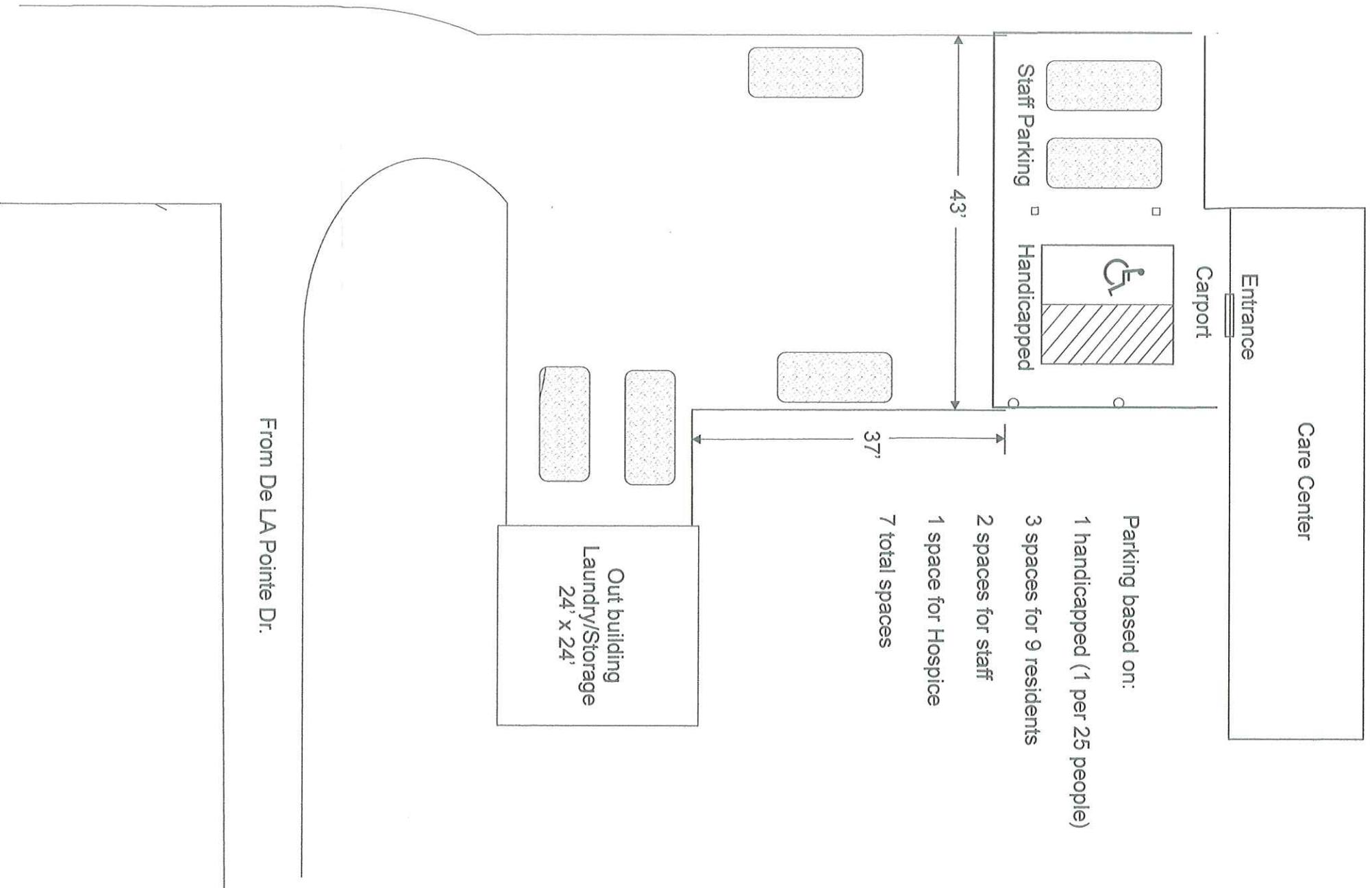
General Layout (not to exact scale)

S & L Senior Care of Gautier

Existing Plan of Parking Assignments and

General Parking at Assisted Elder Care Center

Located at 925 De La Pointe, Gautier MS



Year: 2012 Jackson County, Mississippi 20-MAR-12: 1:05 PM
Card: 1 of 1 ** Parcel Id Screen ** MELISA

* Parcel Identification * * Ownership and Address *

Pidn: 81831470.050
Reco: 582139
Oldn:
Oldm: 767.31-31-020.00
Gisp: 769.31-03-0011.00
Busn:

Owlc: FULLER LARS
Ow2c:
Adrs: 60 NORTH KEEBLE AVE
CtSt: SAN JOSE CA
Zipc: 95126 Zip+: 0000
S DB:

* Deed/Sales/Misc *

* Legal Description *

Book: 1463 Page: 388 DTyp: 1
DDat: 12/18/2006 Vers: 3 Sdcc: C
SAm: 565000 Xmpt: 0 NTUR:
SDat: 12/18/2006 DOMT: 0 SSrc: S
HsNm: Hstp: .00 Slet: N

Lgd1: COM INTERS S/M OLD HWY 90
Lgd2: & W/M GUILLOTTE RD NWLY ALG S/M
Lgd3: OLD HWY 366' TO POB NWLY 100'
Lgd4: SWLY 200' SELY 100' NELY
Lgd5: 200' TO POB DB 1463-388
Lgd6: (11 MAP769.31-03)

Rmk1: CO#31508,60912
Rmk2: '06 SALE W/81831470000 &
Rmk3: 81831480000
Loca: 925 DE LA POINTE DR GAUTIER
SubC: SubN:
Enter Command,Data:

SubU: 7 Rang: 6 Sect: 31 CSec:
SubB: SubL: SubS:

Narrative of Proposed Elder Care Center in Gautier at 925 De La Pointe, Gautier, MS.

The building at 925 De La Pointe has previously been used as a house for battered women. It is a large building with approximately 3400 square feet. It is situated on a very large lot (see land map). It has a garage behind the house that houses the laundry equipment (washer and dryer). The front of the house borders De La Pointe and the back is on highway 90. Land records show it is a Trailer Park and included the Bamboo Club facing highway 90. This Club burned down many years ago. There is one trailer left on the property, it is presently empty at this time.

We (Shirley Brown and Lawrence Ramstad) are requesting that the City of Gautier grant approval to use this building for a nine (9) person facility providing 24 hour assisted living care for the residents. In addition, we would like to make available a day care facility for up to four (4) Elders on a "as needed" service between the hours of 7 am and 5:30 pm. This would be a drop off/pickup service with planned activities. We plan to make this service available 7 days a week. Present plans are to call the facility "S & L Senior Care Center"

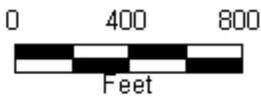
The building presently doesn't meet the state requirements for an assisted care center. Upon use approval by the City of Gautier the building will be brought to the state's requirements for an assisted care center. This includes adding a fire sprinkler system, reversing the entry doors so they open outward and adding an exit at the end of the hallway.

Criteria for Approval Major Conditional Use

1. Is the proposed use listed in the list of possible Conditional Uses in the particular Zoning District?
Yes
2. The project is compatible with the character of development in the vicinity. See attachments
3. The project will not have a negative effect on property values or pose any threats to the citizens of Gautier. The Home has been located here for many years and has been used for a home for battered women in the past.
4. The project will not adversely affect vehicular or pedestrian traffic in the adjoining areas. The only traffic it will generate will come from families visiting the residents or by people bringing Elders to the Home for day care. We expect a minimal amount of pedestrian traffic.
5. The proposed use of the facility can be accommodated by all existing services being provided by the City of Gautier and public service providers.
6. Is the proposed use in harmony with the Comprehensive Plan? No.
7. The proposed use of the existing facility will not pose any problems to the environment as the Home does not generate any exterior effects or conditions that could cause any kind of a nuisance.
8. Presently the building does not meet all the state regulations for a care center. A fire extinguisher system needs to be installed and exit doors need to be realigned. These items will be brought to the State requirements after approval for Conditional use is granted by the City of Gautier.

Location Map
925 De La Point
CONDITIONAL USE

City Of Gautier
Economic Development/Planning

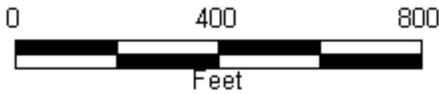


Prepared by the
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GIS Division



Existing Zoning Map

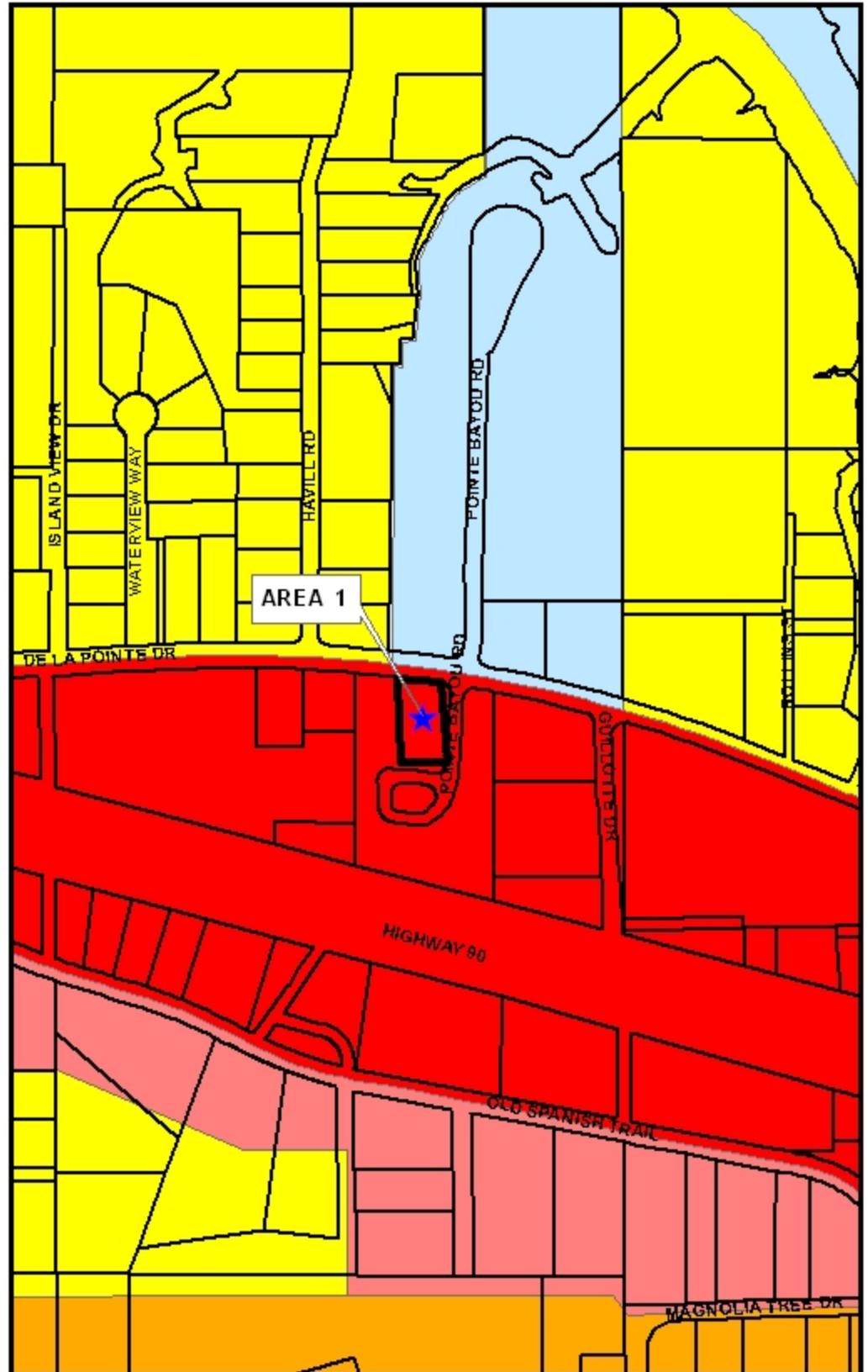
City Of Gautier
Economic Development/Planning



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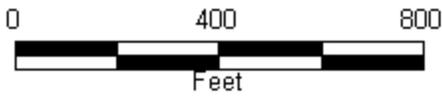
Legend

- 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

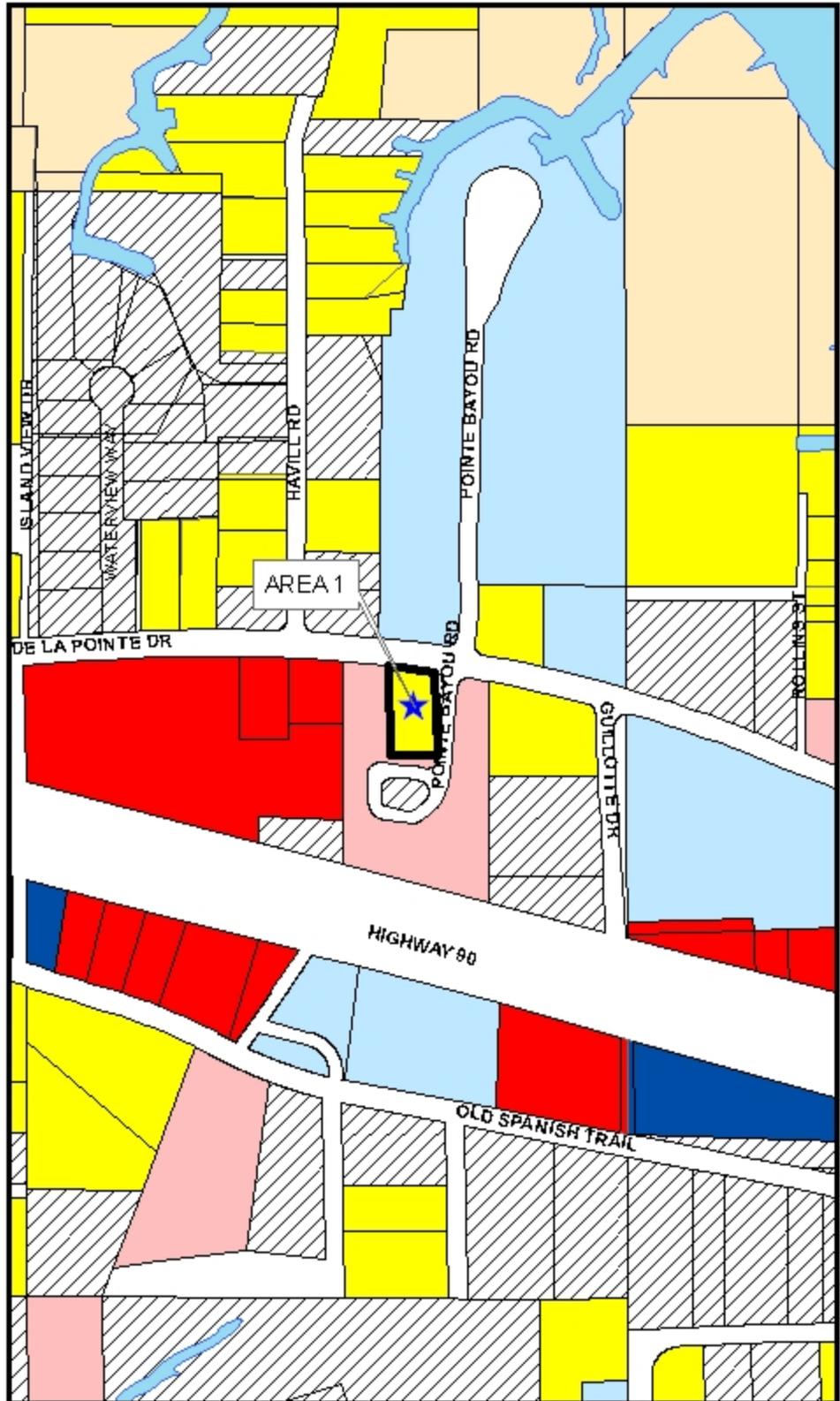


Prepared by the
City of Gautier
GIS Division

Legend

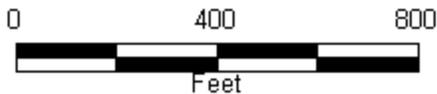
EXISTING LAND USE

- Commercial-Retail
- Conservation
- Civic
- Industrial
- Marina/Fish Camps
- High Density Residential
- Mobile Home
- Mobile Home Park
- Medium Density Residential
- Office
- Recreation
- Very Lowto LowD density Residential
- Utility
- Vacant



Future Land Use Map

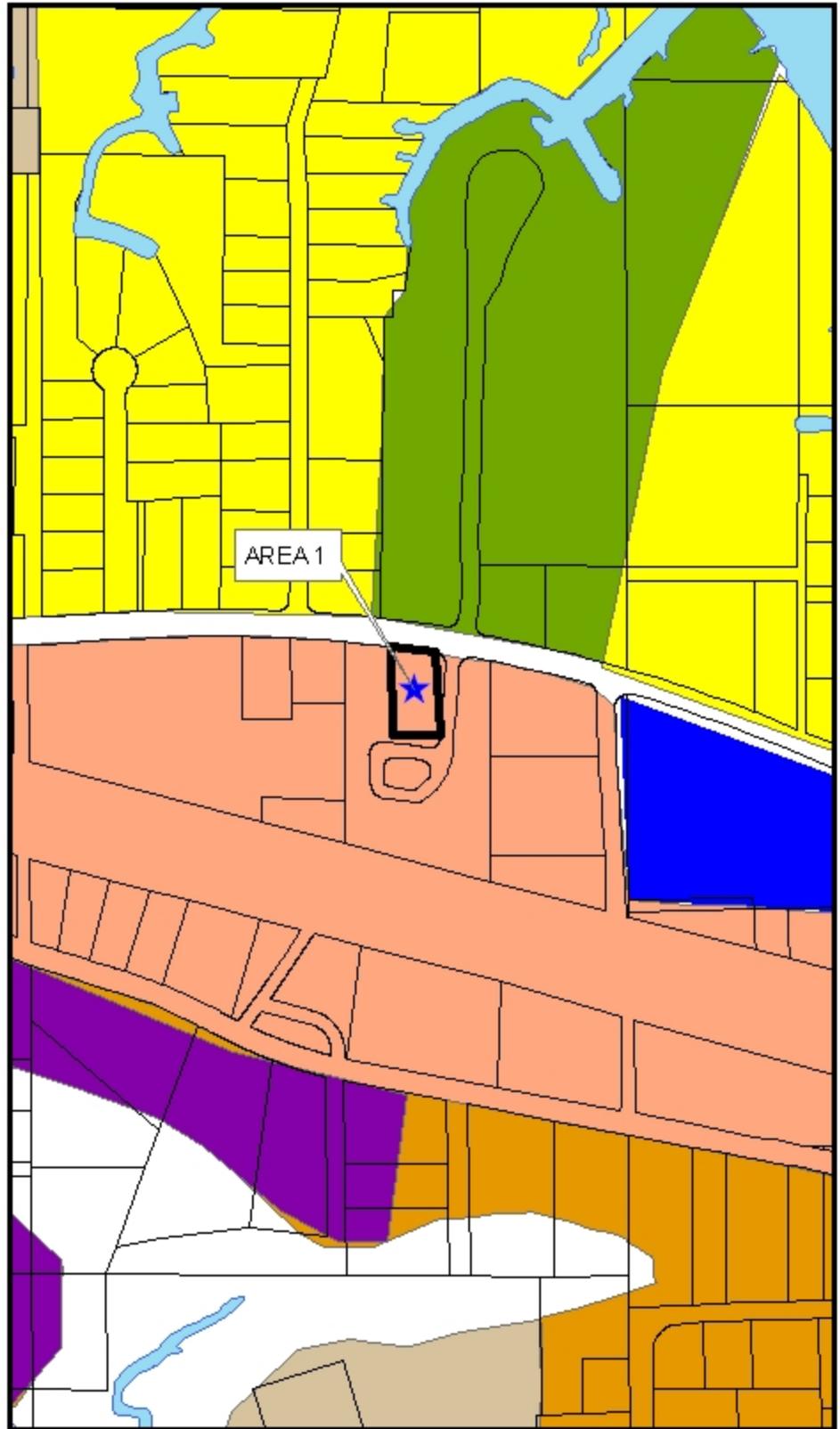
City Of Gautier
Economic Development/Planning



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. 12-07-CU**

S & L SENIOR CARE CENTER

REGARDING PARCEL ID NO: 81831470.050

The City of Gautier, at its regular meeting held on May 15, 2012, considered the application for a Conditional Use-Major Development Permit for an assisted living facility as submitted by Shirley Brown and Lawrence Ramstad. The parcel subject to this Permit is located at 925 De La Pointe, 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 an assisted living facility, is permitted as a Conditional Use-Major in the C-3 District.
4. Therefore, the City Council accepts the recommendation of the Planning Commission and approves the application submitted on March 28, 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 condition 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 assisted living facility must adhere to all city, state and federal building and fire regulations.
7. The Gautier Planning Commission recommended approval of this Conditional Use-Major Development Permit on May 3, 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 Shirley Brown and Lawrence Ramstad, located at 925 De La Pointe, in Gautier, Mississippi, and identified as Jackson County Parcel No. 81831470.050.

May 15, 2012
Date of Issuance

Attest:

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

Wendy McClain
City Clerk