Gautier Planning Commission

Regular Meeting Agenda

MAY 3, 2012

VII. NEW BUSINESS

A. QUASI-JUDICIAL

2. REQUEST FOR A CONDITIONAL USE-MAJOR PERMIT FOR AN AMENDMENT TO THE CONDITIONS FOR GPC 11-29-CU, 3512 HIGHWAY 90, (BYRAN BOZEMAN, OWNER OF COLLISION DEPOT) (GPC CASE #12-08-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 25, 2012

Subject: Conditional Use-Major Permit Amendment for Collision Depot at 3512 Highway 90 (GPC Case No. 12-08-CU)

REQUEST:

The Economic Development/Planning Department has received a request from Mr. Bryan Bozeman, owner of Collision Depot, for an amendment to the conditions of Conditional Use-Major permit GPC #11-29-CU to allow the current signage to remain at 3512 Highway 90, PID #82434023.025. The application fee of $250 was paid on April 13, 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 with linear frontage on Highway 90 which allows one free-standing, on-site sign located on Highway 90 not to exceed sixty (60) square feet of signage and ten (10) feet in height. The business is also allowed one (1) canopy sign or wall sign not to exceed sixty (60) square feet. The current free-standing sign is sixteen (16) feet in height with seventy-four (74) square feet of signage. The wall sign is less than sixty (60) square feet.

1. Location: 3512 Highway 90 (See Exhibit A)
   Principal Arterial: Highway 90

2. General features of the proposed project:
   Gross Acreage: 0.65 acres

3. Current Zoning: C-3 Highway Commercial

4. Current Surrounding Zoning (See Exhibit B): R-1 Low Density Single-Family Residential to the north; C-3 Highway Commercial to the south, east and west

5. Current Surrounding Existing Land Use (See Exhibit C): Commercial- Retail to the south, east and west; Vacant to the north

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

When the existing sign was permitted and installed in July 2008, C-3 districts were allowed 240 square feet of signage (wall and free-standing combined) and could be 60 feet in height.

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 original proposed use requested in GPC #11-29-CU 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 proposed project is very compatible with the surrounding area's businesses.

   Staff Finding: The existing sign was approved for installation in July 2008 at its current size and height. The current pole sign is 5'x10' with a 3'x8' reader board and is 16' in height. The wall sign is approximately meets the requirements. The sign is compatible with the other legal non-conforming signs in the vicinity and smaller than some.

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

   Applicant Response: Our proposed project will not adversely affect property values. It can be assumed that the influx of extra customers will only bring attention to the surrounding area and its businesses and help to promote those businesses to a point where we will all grow from this.

   Staff Finding: There is no evidence to indicate the sign remaining as it is 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 sign as it stands has never received complaints for disrupting view or altering traffic conditions.

   Staff Finding: The existing sign has had no adverse affect on vehicular or pedestrian traffic in the vicinity since it was installed in 2008.

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 project will make no changes to the current running business of Collision Depot, its building, parking lots, driveways, etc. It is currently accessible by all city public services not limited to but including the Police Dept., Fire Dept., Water and Sewer Depts., Garbage Disposal services.

   Staff Finding: The sign is pre-existing and will have no impact to public services.

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

   Staff Response: The Comprehensive Plan states that appropriate scaled signs that are professionally designed and installed are a major component of good urban design.

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: If the sign is approved to stay at its current size it will have no adverse affects on anyone.

   Staff Finding: There is no evidence that the existing sign 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: The proposed use conforms to all regulations in our district.

Staff Finding: The existing sign does conform to all district regulations for a C-3 district regarding legal pre-existing non-conforming structures.

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 existing sign is compatible and harmonious with the Highway Commercial district and recommends approval of amending the conditions for GPC #11-29-CU by deleting the following condition:

d) The existing sign shall be made to conform with code requirements, prior to issuance of any permits.

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
12-08-CU

TYPE OF REQUEST:		FEE:
Conditional Use – Major	X	$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 : Bryan Bozeman

Name of Business: Collision Depot

Address: 3512 Hwy 90 Mailing Address (if different):

Email Address: Collision Depot07@bellsouth.net

Phone: 497-4500 Cell Phone: 324-9889

Reason for request, location and intended use of Property: Permission to Keep signage as is. PID # 82434023.025

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: [signature]

Date of Application: 4/13/12

FOR OFFICE USE ONLY

Date Received 4/13/12 **Verify as Complete** BP

Fee Amount Received $250

Initials of Employee Receiving Application BP

OWNERS CONSENT AND DESIGNATION OF AGENCY – CONDITIONAL USE

I, Cao Nguyen, the fee simple owner of the following described property (give legal description):

3512 Hwy 90
Gautier, MS 39553

hereby petition to the City of Gautier to *Grant a Conditional Use of* signage as it is in current size 16 ft tall 5x10 w/ 3x8 reader board and affirm that Bryan Bozeman is hereby designated to act as agent on my behalf to accomplish the above.

I certify that I have examined the application and that all statements and diagrams submitted are true and accurate to the best of my knowledge. Further, I understand this application; attachments and fees become part of the official records of the City of Gautier, MS, and are not returnable.

Cao Nguyen
(Owner's Signature)

The foregoing instrument was acknowledged before me this 13th day of April, 20 12 by Cao Nguyen, who is personally known to me or has produced MS. Drivers License as identification and who did take an oath.

Addie L. Bang
(Printed Name of Notary Public)

Addie L. Bang
(Signature of Notary Public)

Commission # 101387. My commission expires Feb. 13, 2016.

(Notary's Seal)

STATE OF MISSISSIPPI
NOTARY PUBLIC
ID # 101387
ADDIE L. BANG
Commission Expires
Feb. 13, 2016
JACKSON COUNTY

Collision Depot Towing & Recovery	3512 Highway 90 Gautier, MS 39503	tel - 2284974500 fax - 2284974200 collisiondepot07@bellsouth.net

Major Conditional Use Proposal

Prepared for: Gautier Planning Dept

Prepared by: Bryan Bozeman, Owner

April 13, 2012

Collision Depot Towing & Recovery	3512 Highway 90 Gautier, MS 39503	tel - 2284974500 fax - 2284974200 collisiondepot07@bellsouth.net

Objective

The proposed conditional use will allow Collision Depot located at 3512 Highway 90 to keep its current sign which was approved for installation July 2008 at its current size and height. 16' tall 5x10 sign with 3x8 reader board

Goals

To optimize a good relationship with the City of Gautier, its residents, employees, and local authorities. We wish to help promote and grow businesses in our area.

Character of Development Compatibility

The proposed project is very compatible with the surrounding area's business.

Neighboring Property Values

Our proposed project will not adversely affect property values. It can be assumed that the influx of extra customers will only bring attention to the surrounding area and it's businesses and help to promote those businesses to a point where we will all grow from this.

Traffic Conditions

The sign as it stands has never received complaints for disrupting view or altering traffic conditions.

Collision Depot Towing & Recovery	3512 Highway 90 Gautier, MS 39503	tel - 2284974500 fax - 2284974200 collisiondepot07@bellsouth.net

Public Service Accommodations

The proposed project will make no changes to the current running business of Collision Depot, it's building, parking lots, driveways, etc. It is currently accessible by all city public services not limited to but including the Police Dept., Fire Dept., Water and sewer Depts., Garbage Disposal services.

Effects

If the sign is approved to stay at its current size it will have no adverse affects on anyone.

District Regulations

The proposed use conforms to all regulations in our district.

COLLISION DEPOT
CUSTOM PAINT & AUTO BOD
228-497-4500

CUSTOM PAINT & AUTO BODY
228-497-4500
FREE ROADSIDE
ASSISTANCE
COME IN
FOR DETAILS

Location Map

3512 HWY. 90
CONDITIONAL USE

City Of Gautier
Economic Development/Planning

0 400 800
Feet

N
W E
S

Prepared by the
City of Gautier
GIS Division

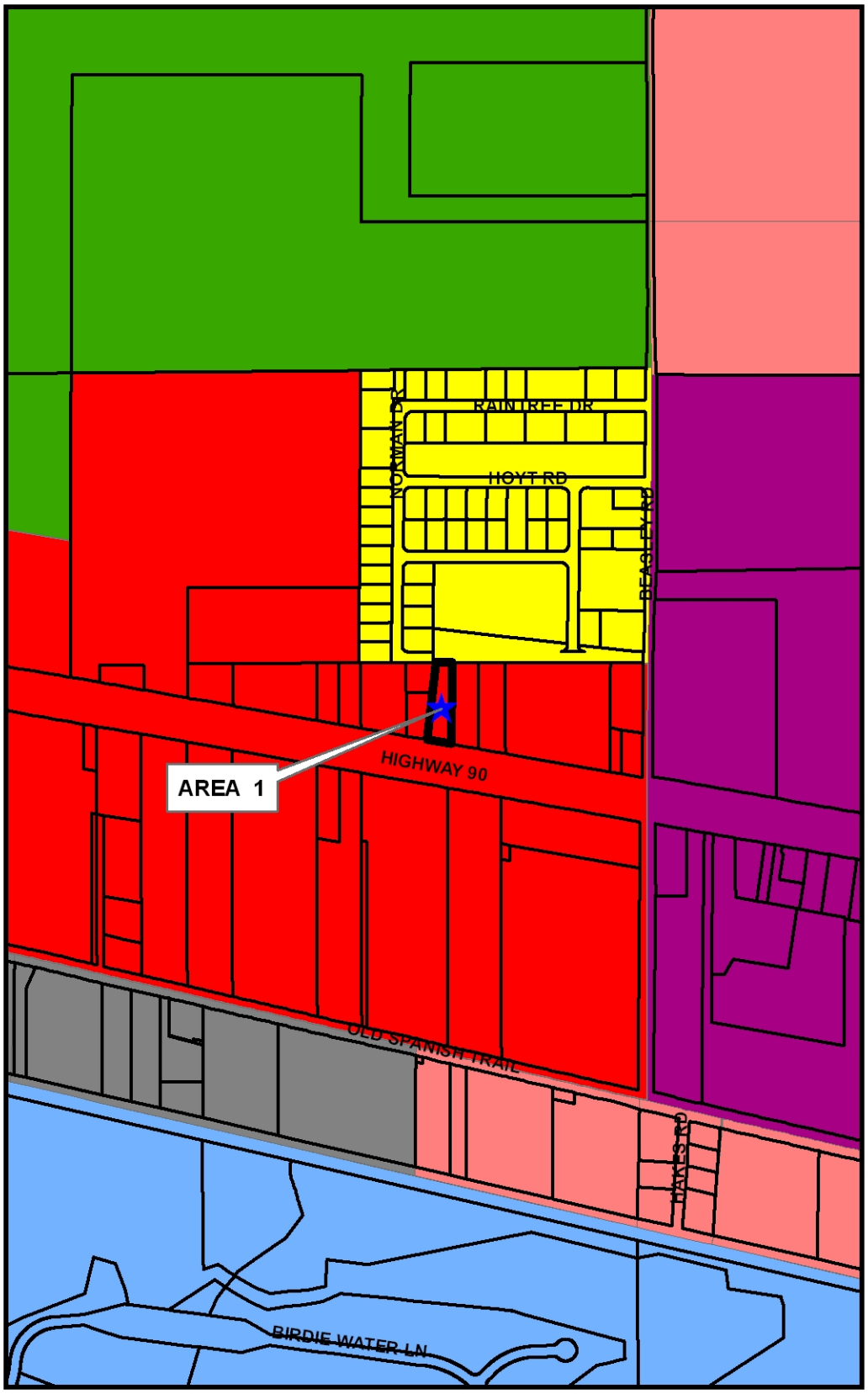
Existing Zoning Map

City Of Gautier
Economic Development/Planning

0 400 800
Feet

N
W E
S

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
- MURC-1
- MURC-2
- MURC-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

0 400 800
Feet

N
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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

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Feet

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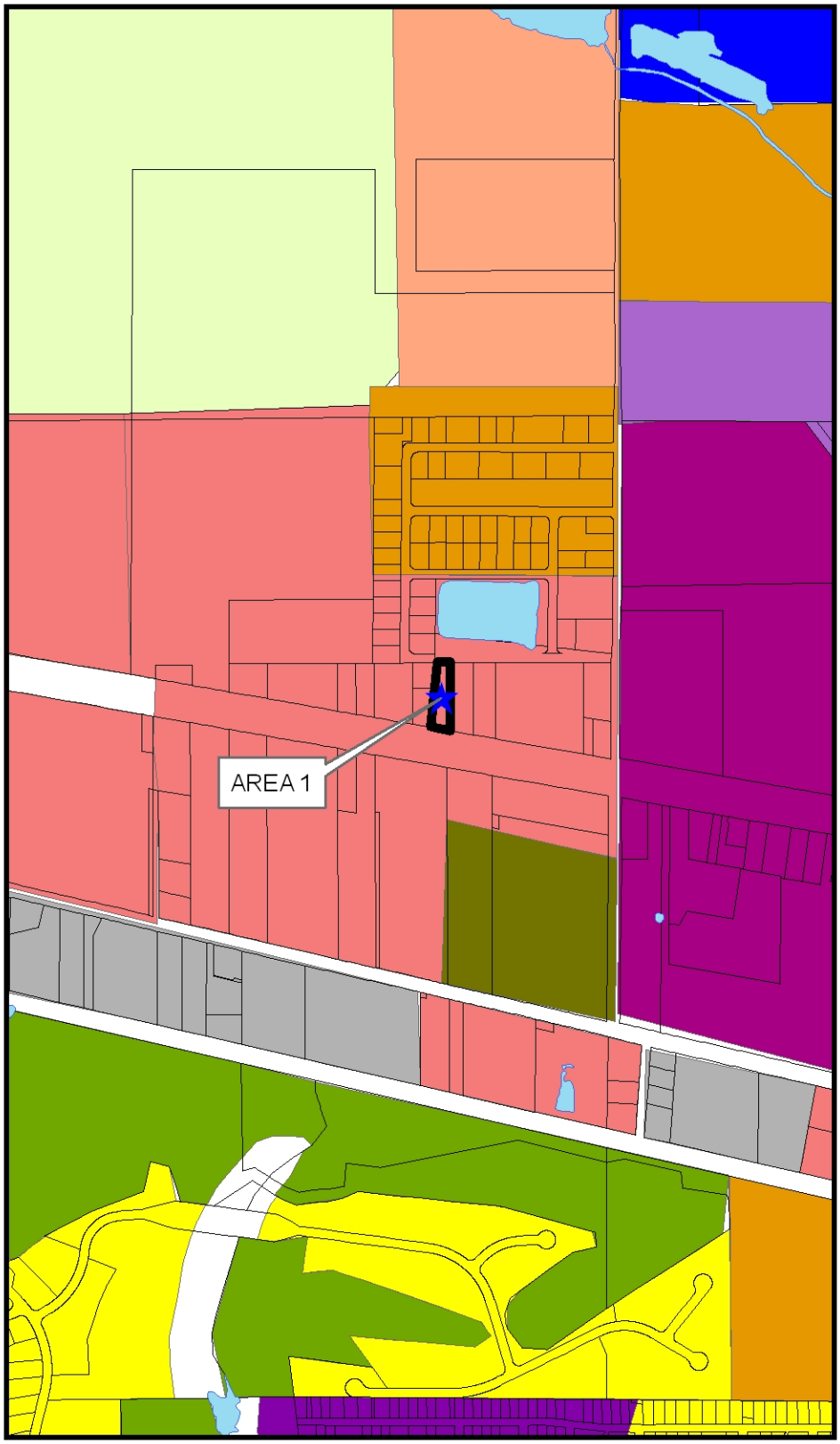
Prepared by the
City of Gautier
GIS Division



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. 12-08-CU

COLLISION DEPOT

REGARDING PARCEL ID NO: 82434023.025

The City of Gautier, at its regular meeting held on May 15, 2012, considered the application for a Conditional Use-Major Development Permit, as submitted by Bryan Bozeman, owner of Collision Depot, for an amendment to the conditions of Conditional Use-Major Permit GPC #11-29-CU to allow the current signage to remain at 3512 Highway 90, 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. Therefore, the City Council accepts the recommendation of the Planning Commission and approves the application submitted on April 13, 2012 for a Conditional Use-Major Development Permit.

4. 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.

5. The following condition will be deleted from Conditional Use-Major GPC #11-29-CU:

   d. The existing sign shall be made to conform with code requirements, prior to issuance of any permits.

6. The Gautier Planning Commission recommended approval of this Conditional Use-Major Development Permit on May 3, 2012.

7. The City Council adopted this Conditional Use-Major Development Permit on a recorded vote of _____ ayes to _____ nays to approve the application of Collision Depot located at 3512 Highway 90, in Gautier, Mississippi, and identified as Jackson County Parcel No. 82434023.025.

May 15, 2012
Date of Issuance

Attest:

_____
Wendy McClain
City Clerk

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