

**CITY OF GAUTIER  
MEMORANDUM**

**To:** Samantha Abell, City Manager

**From:** Babs Logan, Planning Technician

**Thru:** Eric Meyer, Economic Development Director

**Date:** April 20, 2012

**Subject:** Conditional Use-Major Permit for Cork N Bottle Liquor and Wine, LLC at 5118 Gautier-Vancleave Road, Suite A (GPC Case No. 12-03-CU)

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**REQUEST:**

The Economic Development/Planning Department has received a request from Mr. Timothy E. Ellis, owner of Cork N Bottle Liquor and Wine, LLC, for a Conditional Use-Major permit to operate a package liquor store at 5118 Gautier-Vancleave Road, Suite A, PID #82423380.125. The application fee of \$250 was paid on March 14, 2012. The application was approved for legal sufficiency by the City Attorney on March 19, 2012. All public notice requirements have been met.

**DISCUSSION:**

Staff has attached a Staff Report with detailed project analysis. The Planning Commission held a public hearing on April 19, 2012 to consider the request and found that the proposed package liquor store will be compatible and harmonious with the C-2 district. The GPC recommends the approval of 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 package liquor store, is permitted as a Conditional Use-Major in the C-2 District.
4. Therefore, the City Council accepts the recommendation of the Planning Commission and approves the application submitted on March 14, 2012 for a Conditional Use-Major Development Permit.

5. The following additional conditions will ensure that the operation of the proposed Conditional Use-Major will minimize any detrimental effects on neighboring properties and shall apply to the project:

- a. One van accessible handicapped parking space shall be provided in accordance to Section 7.3.1 (A) of the Unified Development Ordinance. (See attached)

**RECOMMENDATION:**

The City Council may:

1. Approve the Conditional Use-Major Permit as recommended by the Planning Commission; or
2. Approve the Conditional Use-Major Permit with changes; or
3. Deny the Conditional Use-Major Permit.

**ATTACHMENTS:**

Conditional Use-Major Permit Development Order

Staff Report with Back Up

**CITY OF GAUTIER  
CONDITIONAL USE-MAJOR DEVELOPMENT PERMIT  
GPC CASE NO. 12-03-CU**

**CORK N BOTTLE LIQUOR AND WINE, LLC**

**REGARDING PARCEL ID NO: 82423380.125**

The City of Gautier, at its regular meeting held on May 1, 2012, considered the application for a Conditional Use-Major Development Permit for a package liquor store as submitted by Timothy E. Ellis, owner of Cork N Bottle Liquor and Wine, LLC. The parcel subject to this Permit is located at 5118 Gautier-Vancleave Road, Suite A, 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 package liquor store, is permitted as a Conditional Use-Major in the C-2 District.
4. Therefore, the City Council accepts the recommendation of the Planning Commission and approves the application submitted on March 14, 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. One van accessible handicapped parking space shall be provided in accordance to Section 7.3.1 (A) of the Unified Development Ordinance. (See attached.)
7. The Gautier Planning Commission recommended approval of this Conditional Use-Major Development Permit on April 19, 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 Cork N Bottle Liquor and Wine, LLC, located at 5118 Gautier-Vancleave Road, Suite A, in Gautier, Mississippi, and identified as Jackson County Parcel No. 82423380.125.

May 1, 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

## SECTION 7.3: Accessible Parking for Physically Disabled Persons

### 7.3.1 Number of Accessible Spaces Required

#### A. Non-residential Uses

All parking lots for non-residential uses shall provide the specific number of accessible parking spaces in accordance with Table No. 11. Such spaces shall be level, marked as described in Section 7.4 and identified by above grade signs in accordance with Section 7.4.

| Total Parking Spaces in Lot | Minimum number of required Accessible Spaces | Minimum Number of Van Accessible Spaces | Total Parking Spaces in Lot | Minimum number of required Accessible Spaces | Minimum Number of Van Accessible Spaces        |
|-----------------------------|--|---|-----------------------------|--|--|
| 1 to 25                     | 1  | 1                                       | 201 to 300                  | 7  | 1  |
| 26 to 50                    | 2  | 1                                       | 301 to 400                  | 8  | 2  |
| 51 to 75                    | 3  | 1                                       | 401 to 500                  | 9  | 2  |
| 76 to 100                   | 4  | 1                                       | 501 to 1000                 | 2 percent of total                           | 1 out of every 8 of required accessible spaces |
| 101 to 150                  | 5  | 1                                       | 1000 and over               | 20 plus 1 for each 100 over 1000             |  |
| 151 to 200                  | 6  | 1                                       |                             |  |  |

#### B. Multi-family dwellings.

Multi-family dwellings containing four (4) or more dwelling units shall provide accessible parking spaces as follows:

1. Two (2) percent of the dwelling units must be provided with handicapped accessible parking.
2. Designated accessible parking space must be provided for facilities that serve community facilities and clubhouses

#### C. Location.

Accessible parking spaces must be located in close proximity to building entrances and be designed to permit occupants of vehicles to reach the building entrance on an unobstructed path. If possible, the spaces shall be located so that handicapped persons are not required to cross a driving aisle or road.

## SECTION 7.4: Parking and Loading Design Standards

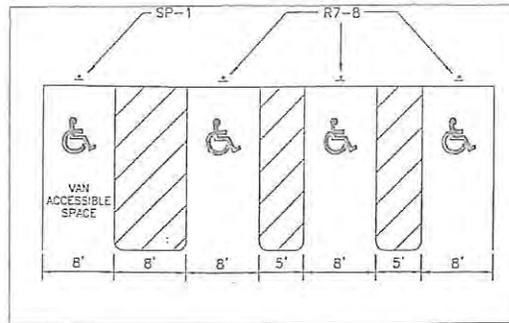
### 7.4.1 Size of automobile parking spaces and Handicapped Signs

#### A. Non-Handicapped spaces

Parking stalls shall be in accordance with Table No. 12. A four-inch stripe "hairpinned" or looped line painted on the pavement, with a minimum of twelve (12) to eighteen (18) inches between the looped lines is required. The width of the parking stalls shall be measured center to center of the hairpinned lines.

#### B. Handicapped Spaces and Signs

Spaces reserved for handicapped persons shall be at least nine (9) feet wide with an adjacent six (6) foot pedestrian access aisle. The pedestrian aisle width shall increase eight (8) feet for van-accessible stalls. Parking spaces for the handicapped meet federal ADA guidelines and



wide

to

shall  
shall

be marked by signs that meet "Manual of Uniform Traffic Control Devices" (MUTCD) standards. Such signs shall be mounted between fifty-four (54) inches and sixty-six (66) inches high and on a permanently anchored pole or an exterior wall of the buildings. The curb and striping shall be blue for easy identification.

#### C. Minimum Parking Space Dimensions

| Parking Angle | Minimum Width | Stall | Minimum Depth | Stall |
|---------------|---------------|-------|---------------|-------|
| 45 degree     | 9'            |       | 12.7'         |       |
| 60 degree     | 9'            |       | 20'           |       |
| 90 degree     | 9'            |       | 20'           |       |
| Parallel      | 12'           |       | 8'            |       |

### 7.4.2 Width of traffic lanes between parking aisles

Widths between parking rows shall be in accordance with Table No.13.

| Parking Angle | Direction | Width   |
|---------------|-----------|---------|
| 45 degree     | Two-way   | 26 feet |
| 45 degree     | One-way   | 15 feet |
| 60 degree     | Two-way   | 26 ft   |
| 60 degree     | One-way   | 18 feet |
| 90 degree     | Two-way   | 26 ft   |
| 90 degree     | One-way   | 26 feet |

### **7.4.3 Curbing and Wheel Stops**

All parking areas and loading areas shall be provided with a permanent Portland cement curb. All landscaped areas that can be encroached upon by a motor vehicle shall be protected by a wheel stop constructed of Portland cement anchored to the pavement and set a minimum of two (2) feet back from the curb to restrict the destruction of landscape materials by vehicles. (See *Article XI* for landscaping requirements).

### **SECTION 7.5: Off-street loading and unloading space.**

Off-street space for all commercial and industrial uses and any other use involving the receipt or distribution of merchandise or other material on a regular basis is required for the loading and unloading of vehicles and for vehicles temporarily stopped while waiting to be unloaded or serviced. Loading and unloading spaces shall be provided on the premises of the use served and shall have access to a public street or alley.

#### **A. Retail business**

One (1) space of three hundred (300) square feet in size per location and one (1) space of three hundred (300) square feet in size for each three thousand (3,000) square feet of floor area.

#### **B. Wholesaling and industry**

One (1) space of five hundred (500) square feet in size per location or one (1) space of five hundred (500) square feet in size for each ten thousand (10,000) square feet of floor area, whichever is the greater.

# Gautier Planning Commission

## Regular Meeting Agenda

April 5, 2012

### VII. NEW BUSINESS

#### A. QUASI-JUDICIAL

2. REQUEST FOR A CONDITIONAL USE-MAJOR PERMIT FOR A PACKAGE LIQUOR STORE IN A C-2 COMMUNITY COMMERCIAL DISTRICT, 5118 GAUTIER-VANCLEAVE ROAD, SUITE A, (TIMOTHY E. ELLIS, OWNER OF CORK N BOTTLE LIQUOR AND WINE, LLC) (GPC CASE #12-03-CU)

**CITY OF GAUTIER  
STAFF REPORT**

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

**From:** Babs Logan, Planning Technician

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

**Date:** March 28, 2012

**Subject:** Conditional Use-Major Permit for Cork N Bottle Liquor and Wine, LLC at 5118 Gautier-Vancleave Road, Suite A (GPC Case No. 12-03-CU)

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**REQUEST:**

The Economic Development/Planning Department has received a request from Mr. Timothy E. Ellis, owner of Cork N Bottle Liquor and Wine, LLC, for a Conditional Use-Major permit to allow a package liquor store at 5118 Gautier-Vancleave Road, Suite A, PID #82423380.125. The application fee of \$250 was paid on March 14, 2012. The application was approved for legal sufficiency by the City Attorney on March 19, 2012. All public notice requirements have been met.

**BACKGROUND:**

The request property is zoned C-2 Community Commercial which only allows package liquor stores as a Major Conditional Use.

1. Location (See Exhibit A): 5118 Gautier-Vancleave Road, Suite A  
Arterial Street: Gautier-Vancleave Road
2. General features of the proposed project:  
Total Floor Area: 1600 sq. ft.  
Off-Street Parking Area Required: approximately 6 spaces; one space must be van-accessible handicapped  
Potable Water and Wastewater Services: Existing from City
3. Current Zoning: C-2 Community Commercial
4. Current Surrounding Zoning (See Exhibit B): C-2 to the north and south; PL to the west; R-1 to the east
5. Current Surrounding Existing Land Use (See Exhibit C): Commercial Retail; an ambulance service has a substation in Suite B of the same building

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-2 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: Existing building*

*Staff Finding: The proposed use will be located in an existing building and will not further impact the density, bulk and intensity of the structures in the vicinity. The proposed use requires the same amount of parking spaces as the previous use. There are no churches, schools, parks or funeral homes within four hundred (400) feet of the proposed use.*

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

*Applicant Response: No.*

*Staff Finding: There is no evidence to indicate the package liquor store as proposed will degrade the community, lower property values, or cause a detriment to the surrounding properties. Nor is there evidence that the use will pose a real or perceived threat to citizens.*

4. Will your project adversely affect vehicular or pedestrian traffic in the vicinity? Explain.

*Applicant Response: No, existing building.*

*Staff Finding: The proposed use is to be located in an existing building. The use should have no adverse affect on vehicular or pedestrian traffic in the vicinity.*

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: Yes.*

*Staff Finding: The proposed use will be located in an existing building that is already serviced by water, sanitary sewer, streets, etc. The proposed use will be served by existing police and fire protection and will not affect the schools.*

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

*Staff Response: Two of the suggested land uses for Low Impact Commercial Areas listed in the Comprehensive Plan are retail and services that do not require the outdoor storage of goods.*

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: No, existing building.*

*Staff Finding: There is no evidence that the proposed use will pose 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: Yes, existing building.*

*Staff Finding: The proposed use does conform to all district regulations for a C-2 district.*

#### **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).
3. The purpose of the C-2 Community Commercial District is to provide areas of medium density commercial including a mixture of retail, professional services, and studios which cluster together.

**RECOMMENDATION:**

Staff finds that the proposed use will be compatible and harmonious with the Community Commercial district and recommends approval with the following condition:

1. One van accessible handicapped parking space shall be provided in accordance to Section 7.3.1 (A) of the Unified Development Ordinance. (See attached)

**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

## PROCEDURE FOR PUBLIC HEARING APPLICATION MAJOR CONDITIONAL USE

- A. Complete application form.
  - (1) Applicant must be owner of property or agent of the owner.
  - (2) Include any required attachments.
- B. Submit fee to cover administration/advertisement costs as follows:
  - (a) Conditional Use - Major.....\$250.00
- C. Sufficient applications submitted by the third Tuesday of one month will be placed on the Planning Commissions agenda for the second month after submittal.
- D. Public Notice will be published in a local paper of general circulation not less than fifteen (15) days prior to the date for the public meeting before the Planning Commission. All property owners within 250 feet from the property under consideration will be notified by first class mail. Such notices will be mailed not less than fifteen (15) days prior to the public hearing. If action is needed before the City Council, the Economic Development/Planning Director will submit the findings of fact and the recommendations of the Planning Commission to the City Clerk not later than one (1) week prior to the next available Council meeting.
- E. The Gautier City Council will act on the application at the next available time on their agenda before final approval or rejection of application.
- F. If approved, application for the proper permit for the use intended shall be made through the City of Gautier Economic Development/Planning Department.

CONDITIONAL USE HEARING APPLICATION

Hearing Number  
18-003-02

| TYPE OF REQUEST:        | SEE:     |
|-------------------------|----------|
| Conditional Use – Major | \$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 : Timothy E Ellis  
Name of Business: Cork N Bottle Liquor and Wine, LLC  
Address: 518 Barber Backhoe Rd Mailing Address (if different): \_\_\_\_\_  
Email Address: TELL151@Cableone.net  
Phone: 228-497-2002 Cell Phone: 228-265-2254

Reason for request, location and intended use of Property: I am currently located next to a church and would like to move away from the Church.  
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: Timothy E Ellis  
Date of Application: 3-14-12

FOR OFFICE USE ONLY

Date Received 3/14/12 Verify as Complete BE

Fee Amount Received \$250

Initials of Employee Receiving Application BE

OWNERS CONSENT AND DESIGNATION OF AGENCY – CONDITIONAL USE

I, Suzanne C. Martin, the fee simple owner of the following described property (give legal description):

Com. SWC LOT 136 Westgate Est. S10 PT 1N 274 E 225.17'  
To POB N 274 E 300' N 614 W 263.96' S 27 W 198.91' N 624  
W 405.68 To E/M Gauthier-Vanc.Rd. S 274 W 100' S 614 E 669.57'  
To POB

hereby petition to the City of Gauthier to Grant a Conditional Use of Cork N  
Bottle Lager and Wine <sup>etc</sup> in 5118 Gauthier-Vanc Rd.  
Gauthier, MS.  
and affirm that Timothy E Ellis 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 Gauthier, MS, and are not returnable.

Suzanne C Martin  
(Owner's Signature)

The foregoing instrument was acknowledged before me this 13<sup>th</sup> day of March

2012, by SUZANNE C. MARTIN, who is personally known to me or has produced \_\_\_\_\_ as identification and who did take an oath.

LANA H. SWEAL  
(Printed Name of Notary Public)

Lana H. Sweal  
(Signature of Notary Public)

Commission # 23908. My commission expires Nov. 18, 2013.  
(Notary's Seal)



## MAJOR CONDITIONAL USE

### 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. Please 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.  
*Existing building*
3. Will your project negatively affect neighboring property values or pose a real or perceived threat to citizens? Explain. *no*
4. Will your project adversely affect vehicular or pedestrian traffic in the vicinity? Explain.  
*no, existing building*
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? *yes*
6. Is the proposed use in harmony with the Comprehensive Plan? Explain how.  
*yes, existing building*
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.  
*no, existing building*
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.  
*yes, existing building*

## **EXCERPT FROM GAUTIER'S UNIFIED DEVELOPMENT ORDINANCE CONCERNING CONDITIONAL USES**

### **SECTION 4.17: Conditional Uses Both Minor and Major**

The development and execution of this Ordinance is based upon the division of the community into districts, within which districts the use of land and building and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are certain uses which are generally compatible with the land uses permitted in a zoning district, but due to their unique characteristics, require individual review to ensure the appropriateness and compatibility of the use on any particular site. Certain uses may be allowed as enumerated in each of the zoning districts established in *Article V* in accordance with the standards and procedures of this Article and the standards enumerated for each Conditional Use in the district regulations.

A hearing for a Conditional Use-Major may be conducted under two separate circumstances: (a) in conjunction with the rezoning of the property, or (b) if the property is already zoned correctly, but the use is not permitted by right. In the case of a rezoning, the Conditional Use must meet the legal threshold required for any rezoning action.

#### **4.17.1 Who may initiate**

A request for a conditional use may be initiated by the property owner of agent of the owner provided:

- A. The proposed use is listed as a Conditional Use in the specific district requirements of the existing or proposed zoning district of the property, **and**
- B. Said property has not been denied a previous request for the same property or portion of the property within the past twelve (12) months; **and**
- C. All procedures and provisions for a public hearing have been met.

#### **4.17.2 Application for Conditional Use-Minor**

A Conditional Use-Minor requires a Finding of Compatibility by the Economic Development Director. Upon application review and after consideration of the surrounding properties and nature of the proposed use, the Director may approve, approve with conditions, elect to hold a public hearing under the procedures of 4.7.3, or deny the application. These uses do not "run with the land" and may not be transferred from one owner to the next without application for a FOC by the Director.

#### **4.17.3 Criteria for Approval of a Conditional Use-Minor**

A Minor Conditional Use Permit is required when projects possess location, use, building or traffic characteristics of such unique and special form as to make impractical or undesirable, their automatic inclusion as permitted uses. Minor Conditional Use Permits may be granted, in whole or in part, from the facts available in the application and determined by investigation, all of the following written findings can be made:

5. The proposed use is substantially compatible with other uses in the area, including factors relating to the nature of its location, operation, building design, site design, traffic characteristics, and environmental impacts.
6. The proposed use will not be materially detrimental to the health, safety, and general welfare of the public or otherwise injurious to the environment or to the property or improvements within the area.
7. The proposed use will be consistent with the Comprehensive Plan.
8. The proposed use is in conformance with specific site location, development, and operation standards as required by this Ordinance.

#### **4.17.4 Application for Conditional Use**

Applications for a Conditional Use-Minor and Major may be filed on applications available from the Economic Development Department and shall contain or have attached to it the following information:

- A. Diagram of intended use, showing dimensions and distances of property, building with setbacks, parking spaces, entrances and exits
- B. Legal descriptions and street address
- C. Copy of Protective covenants or deed restrictions, if any
- D. Copies of approval, 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
- E. A Detailed Project Narrative

- F. Any other information requested by the Economic Development Director and/or members of the Technical Review Committee

#### **4.17.5 Criteria for Approval of a Conditional Use-Major**

A Conditional Use-Major is not allowed "by right" but requires 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.

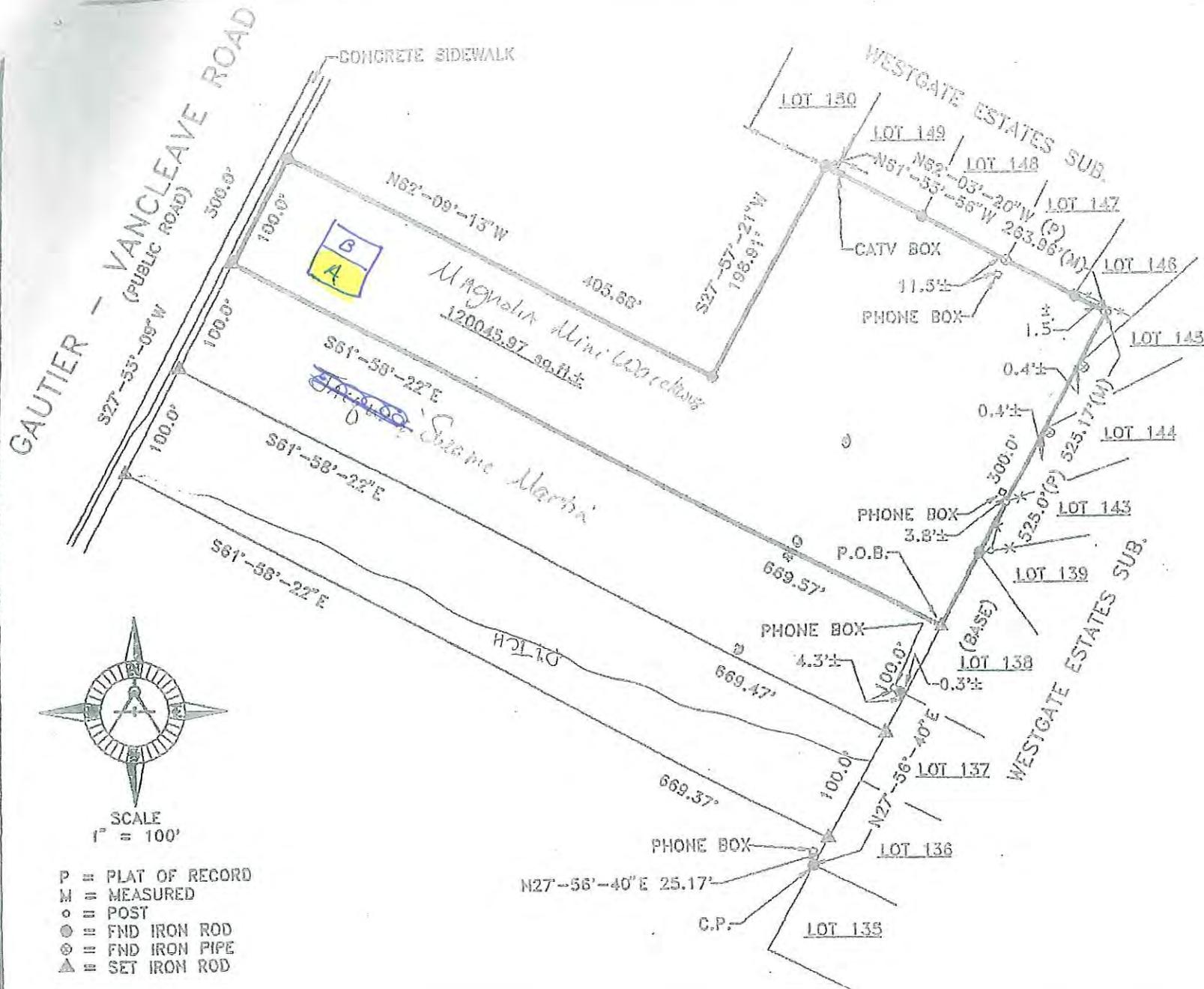
When considering application for a Conditional Use-Major, the Planning Commission and the City Council shall consider the extent to which:

- A. The proposed use is compatible with the character of development in the vicinity relative to density, bulk and intensity of structures, parking, and other uses;
- B. Any possible detrimental effects might occur as a result of the Conditional Use to the continued use, value, or development of properties in the vicinity;
- C. Whether or not the proposed use will adversely affect vehicular or pedestrian traffic in the vicinity;
- D. If the proposed use can 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;
- E. If the proposed use is in harmony with the Comprehensive Plan;
- F. If the proposed use is listed in the list of possible Conditional Uses in that particular Zoning District;
- G. Whether the proposed use will not be hazardous, detrimental, or disturbing to present surrounding land uses due to noises, glare, smoke, dust, odor, fumes, water pollution, vibration, electrical interference, or other nuisances; and
- H. Whether the use conforms to all district regulations for the applicable district in which it is located unless other provisions are specifically set forth in the application.

#### **4.17.6 Authority for Conditions**

A Conditional Use-Major may be issued subject to such conditions as are necessary to carry out the purpose of this Ordinance and to prevent or minimize adverse effects upon other property in the neighborhood, including, but not limited to:

- A. Adequate ingress and egress to property and proposed structures with particular reference to vehicular and pedestrian safety and convenience, traffic flow and control and access in case of fire or other disaster
- B. Off-street parking and loading areas with particular attention to item (1) above and the economy of the city, and to noise or glare effects of the conditional use on adjoining properties generally in the district
- C. Refuse and service areas, with particular reference to item (1) and (2) above
- D. Utilities with reference to location availability and compatibility
- E. Screening and buffering with reference to type, dimensions, and character
- F. Control of any proposed exterior lighting with reference to glare, traffic safety economic effect and compatibility and harmony with properties in the district
- G. Required yards and open spaces



**PROPOSED DESCRIPTION:**

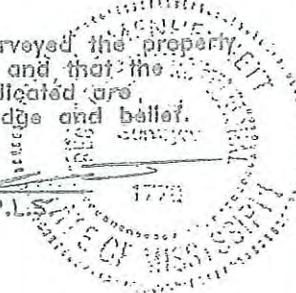
A parcel of land located in the SE 1/4 of the SE 1/4 of Section 23, Township 7 South, Range 7 West, Gaulier, Jackson County, Mississippi, being more particularly described as:

Commencing at an existing iron rod marking the SW corner of Lot 136, Westgate Estates Subdivision, Part 1, as per Plat Book 13, Page 18; thence run N27°-56'-40"E along the westerly line of said Westgate Estates for 225.17 feet to an iron rod and the Point of Beginning; thence continue N27°-56'-40"E along the westerly line of said Westgate Estates for 300.0 feet to an existing iron pipe at the intersection of the westerly and southerly lines of said Westgate Estates; thence run N61°-55'-56"W along said northerly line for 283.96 feet to an existing iron rod; thence run S27°-57'-21"W for 198.91 feet to an existing iron rod; thence run N62°-09'-13"W for 405.68 feet to an existing iron rod on the easterly margin of Gaulier - VanCleave Road; thence run S27°-53'-09"W along said easterly margin for 100.0 feet to an iron rod; thence run S61°-58'-22 E for 669.57 feet to the Point of Beginning.

By graphic scaling only this property is located in Zone " X " as per F.I.R.M. No. 280332 0005 E, as revised August 18, 1992.

This is to CERTIFY that I have surveyed the property hereon described and delineated, and that the measurements and other data indicated are correct to the best of my knowledge and belief.

*Eric Menhennett*  
 ERIC MENHENNETT P.L.S.  
 06 April 1998  
 Class " B "

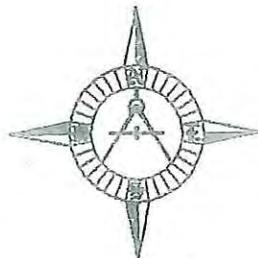


NOTE: Survey performed without benefit of current title exam.

NOTE: Redivision of this property is subject to current subdivision and zoning regulations and of cetera. Approval needs to be obtained by the appropriate governing bodies.

NOTE: Building setbacks, elevations and of cetera to be prescribed by appropriate governing bodies.

ERIC (Rick) MENHENNETT  
 Professional Land Surveyor  
 1099 Campbell Road  
 Biloxi, MS 39532  
 (228) 388-1383  
 (228) 388-9847 (FAX)



SCALE  
 1" = 100'

- P = PLAT OF RECORD
- M = MEASURED
- o = POST
- = FND IRON ROD
- ⊙ = FND IRON PIPE
- ▲ = SET IRON ROD

Magnolia Mini Warehouse  
 5118-A Gautier-Vancleve Rd  
 Gautier, MS 39553  
 228-497-0707

7/31/2008

|                       |                                     |                |                |
|-----------------------|-------------------------------------|----------------|----------------|
| 1400 sq. ft.          | 80ft<br>Bottle                      | 80ft<br>Bottle | 80ft<br>Bottle |
| Suite-A<br>Management | Suite-B<br>Acadian<br>Home<br>Loans |                |                |

**SMILE FOR THE VIDEO CAMERAS**

Building # 3

|     |        |              |       |       |     |     |
|-----|--------|--------------|-------|-------|-----|-----|
|     | 115    | 116          | 117   | 118   | 119 | F/S |
| 53  | 10X30  | OVERSTREET   |       |       | 53  |     |
| 54  | 10X30  | OVERSTREET   |       |       | 54  | M   |
| 55  | 10X30  |              |       |       | 55  | O   |
| 57  | 10X15  |              | 10X15 |       | 56  |     |
| 106 | 10X30  | DAVID MARTIN |       |       | 57  |     |
| 105 | 10X15  |              | 10X15 |       | 58  |     |
| 60  | 10X30  | KREW / VESTA |       |       | 59  |     |
| 61  | 10X30  | NEGUS        |       |       | 60  |     |
| C   | 10X30  | R            |       |       | 61  | O   |
| 63  | McNAB  | 10X30        |       | D/S   | 63  |     |
| 64  | 20X30  |              |       |       | 65  | M   |
| 66  | 10X30  | F/S          |       |       | 66  |     |
| 67  | 10X30  | MUNSON       |       |       | 67  |     |
| 68  | 10X30  | NEGUS        |       |       | 68  |     |
| 102 | 10X15  |              | 10X15 |       | 69  |     |
| 101 | HOLD   | 10X15        | SUZ   | 10X15 | 70  | M   |
| 100 | 10X15  |              | 10X15 |       | 71  |     |
| 99  | 10X15  |              | 10X15 |       | 72  |     |
| 98  | 10X15  |              | 10X15 |       | 73  |     |
| 97  | 10X15  |              | 10X15 |       | 74  | M   |
| 96  | 10X15  |              | 10X15 |       | 75  | O   |
| 95  | 10X15  |              | 10X15 |       | 76  |     |
| 94  | IRVING | 10X15        |       | 10X15 | 77  |     |
| 93  | IRVING | 10X15        |       | 10X15 | 78  |     |
| 92  | 10X15  |              | SUZ   | 10X15 | 79  |     |
| 91  | 10X15  |              | SUZ   | 10X15 | 80  | M   |
| 90  | IRVING | 10X15        |       | 10X15 | 81  |     |
| 89  | IRVING | 10X15        |       | 10X15 | 82  | M   |
| 88  | 10X15  |              |       | 10X15 | 83  | O   |
| 87  | 10X15  |              | NEGUS | 10X15 | 84  |     |
| 86  | 10X15  |              | NEGUS | 10X15 | 85  |     |

Dumpster

Building # 1

|    |          |       |     |                  |
|----|----------|-------|-----|------------------|
| 1  | SUZ      | 10x15 | F/S | CLEANOUT/SALE    |
| 2  |          | 10x15 | O   | Security lights  |
| 3  | SUZ/HOLT | 10x15 | C   | Need Cleaned Out |
| 4  |          | 10x15 | M   | Tim Metal        |
| 5  |          | 10x15 |     | RENTED           |
| 6  | TUCKER   | 10x15 |     | Sweep Out        |
| 7  | TUCKER   | 10x15 |     | VACANT UNITS     |
| 8  |          | 10x15 |     | DO NOT RENT      |
| 9  |          | 10x15 |     | LOCKEDOUT        |
| 10 |          | 10x15 |     | SUZANNE          |
| 11 |          | 10x15 |     |                  |
| 12 |          | 10x15 |     |                  |
| 13 |          | 10x15 |     |                  |
| 14 |          | 10x15 |     |                  |
| 15 | R        | 10x15 |     |                  |
| 16 | SUZ      | 10x15 |     |                  |

|         |           |
|---------|-----------|
| 5X10    | \$ 40.00  |
| 10X10   | \$ 65.00  |
| 10X15   | \$ 75.00  |
| 10X20   | \$ 85.00  |
| 10X30   | \$ 95.00  |
| 20X30   | \$ 170.00 |
| 30X30   | \$ 250.00 |
| Rv/Boat | \$ 45.00  |

Building # 2

|    |    |       |      |       |    |
|----|----|-------|------|-------|----|
| 22 | 21 | 20    | 19   | 18    | 17 |
|    |    | 10x10 |      | 10x20 | 52 |
| 23 |    | 10x10 |      | 10x20 | 51 |
| 24 |    | 10x10 | SW   | 10x20 | 50 |
| 25 |    | 10x10 |      |       | 49 |
| 26 |    | 10x10 |      |       | 48 |
| 27 |    | 10x10 |      |       | 47 |
| 28 |    | 10x10 | F/S  | 10x20 | 46 |
| 29 |    | 10x10 | SUZ  | 10x20 | 45 |
| 30 |    | 10x10 |      | 10x20 | 44 |
| 32 |    | 10x10 | C    | 10x20 | 43 |
| 33 |    | 10x10 |      | 10x20 | 42 |
| 34 |    | 10x10 |      | 10x20 | 41 |
| 35 |    | 10x10 |      | 10x20 | 40 |
| 36 |    | 10x10 | HASP | 10x20 | 39 |
| 37 |    | 10x10 | HASP | 10x20 | 38 |

**SMILE YOU ARE BEING VIDEO TAPED**  
 MANAGED BY

JACKSON COUNTY TAX - DETAIL

Parcel ID 82423380.125  
Owner KAREN SUZANNE MARTIN TRUST  
Owner Address 1105 HICKORY HILL DR  
GAUTIER MS 39553  
Property Location 5118 GAUTIER VANCLEAVE  
Legal Description COM SWC LOT 136 WESTGATE EST S/DPT 1 N 27\* E 225.17' TO POB N27\* E 300' N 61\*  
W 263.96' S 27\*W 198.91' N 62\* W 405.68' TO E/MGAUTIER-VANC RD S 27\* W 100'  
S61\* E 669.57' TO POBDB 1401-339 (8 MAP776.23-04)DB 1416-843

|                             |            |                |          |
|-----------------------------|------------|----------------|----------|
| Appraised Improvement Value | \$345,040  | Acres          | 2.750    |
| Appraised Land Value        | \$143,930  | Forestry Acres | 0.000    |
| Total Appraised Value       | \$488,970  | Sale Date      |          |
| Assessed Value              | \$73,346   | Sale Price     |          |
| Tax Amount                  | \$8,935.81 | Book/Page      | 1416/843 |

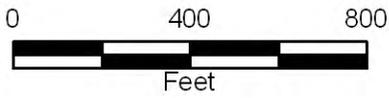
Information not warranted. Information herein is from Jackson Tax Rolls. MLS subscribers are not responsible for its accuracy.

# Location Map

## 5118 GAUTIER VANCLEAVE ROAD SUITE A

### CONDITIONAL USE

City Of Gautier  
Economic Development/Planning

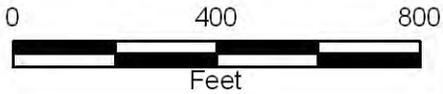


Prepared by the  
City of Gautier  
GIS Division



# Existing Zoning Map

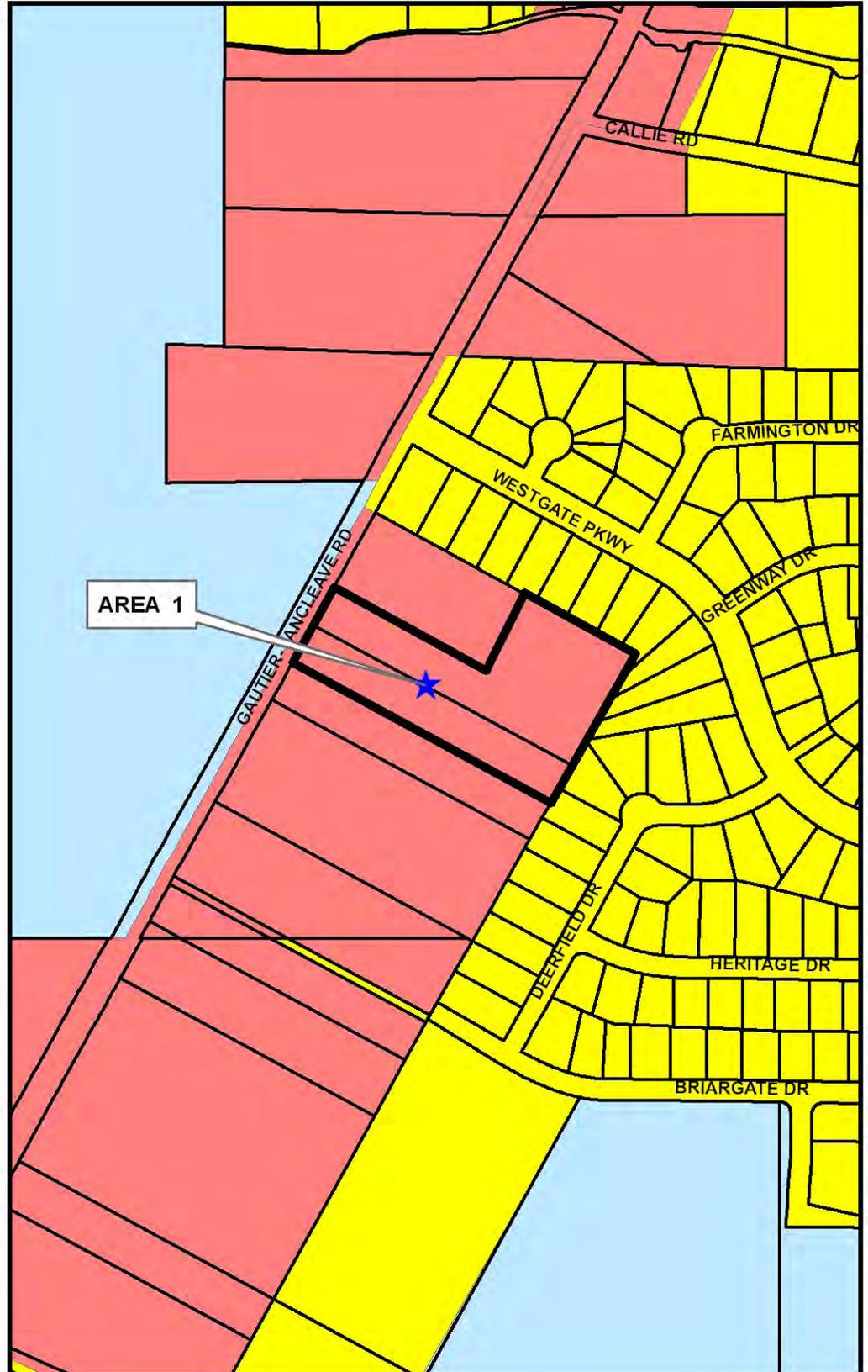
City Of Gautier  
Economic Development/Planning



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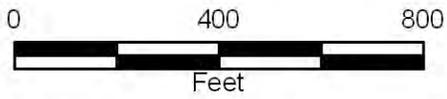
## Legend

- 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
- 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

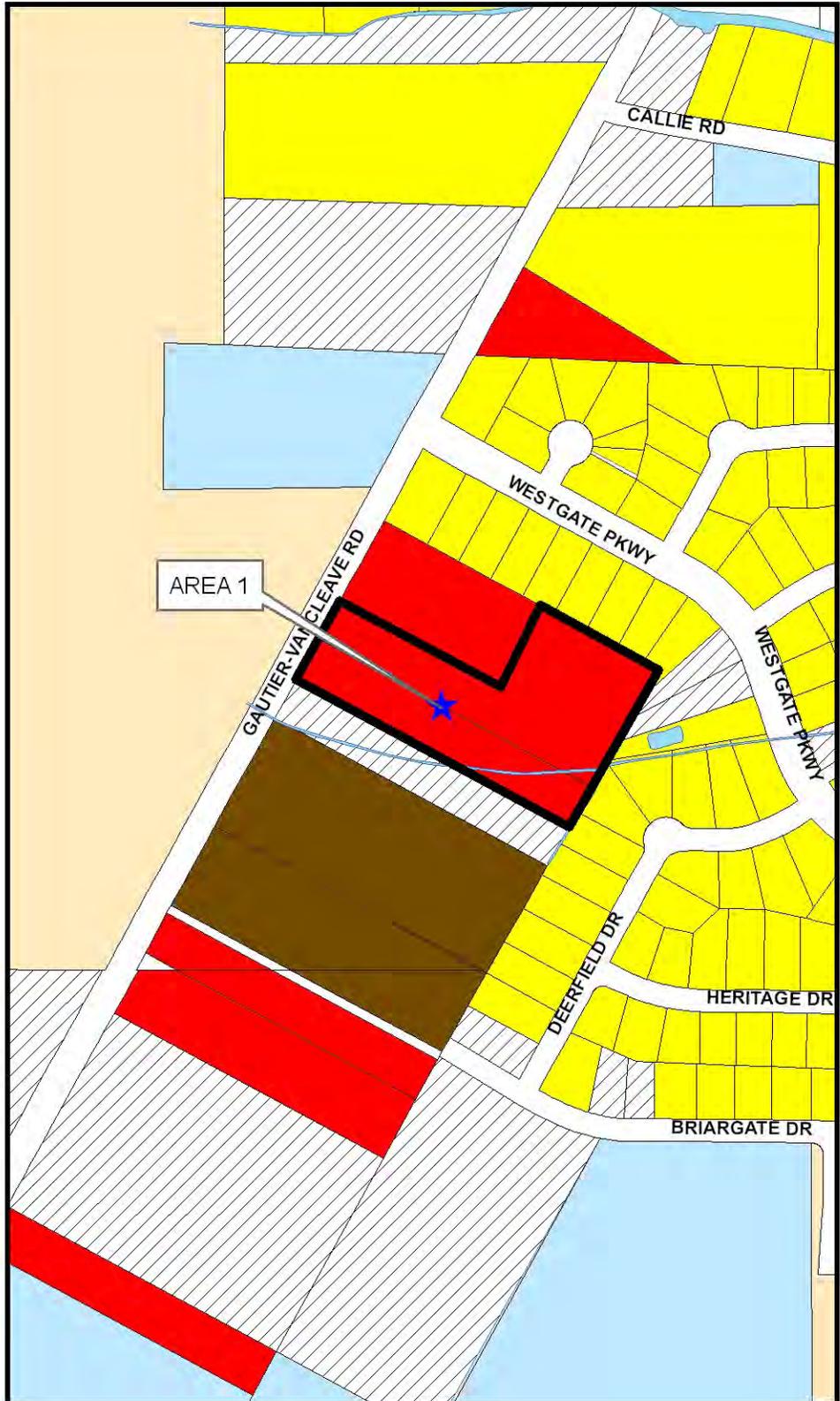


Prepared by the  
City of Gautier  
GIS Division

## Legend

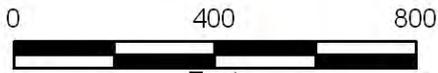
### EXISTING LAND USE

- 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

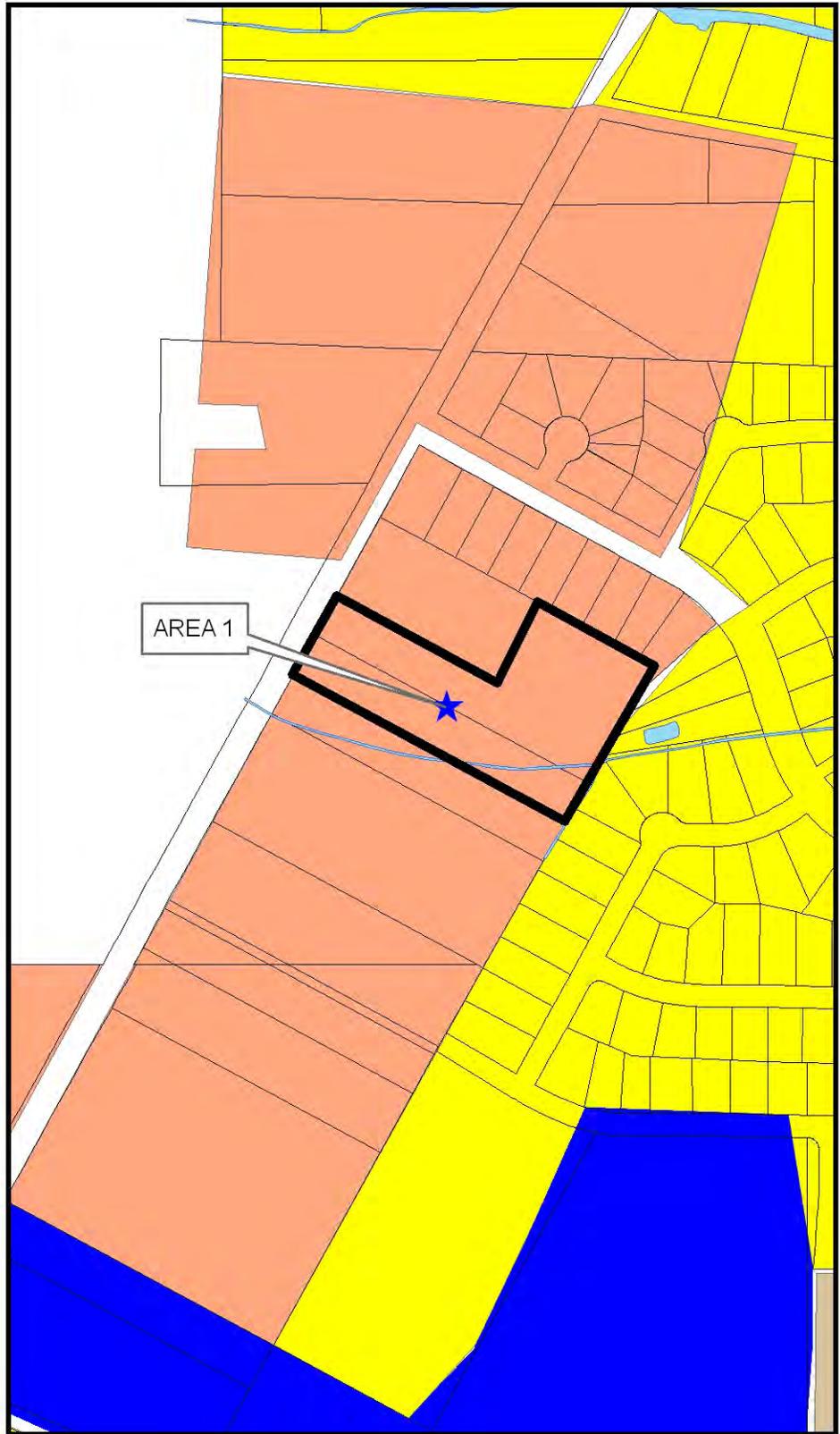
City Of Gautier  
Economic Development/Planning



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. 12-03-CU**

**CORK N BOTTLE LIQUOR AND WINE, LLC**

**REGARDING PARCEL ID NO: 82423380.125**

The City of Gautier, at its regular meeting held on April 17, 2012, considered the application for a Conditional Use-Major Development Permit for a package liquor store as submitted by Timothy E. Ellis, owner of Cork N Bottle Liquor and Wine, LLC. The parcel subject to this Permit is located at 5118 Gautier-Vancleave Road, Suite A, 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 package liquor store, is permitted as a Conditional Use-Major in the C-2 District.
4. Therefore, the City Council accepts the recommendation of the Planning Commission and approves the application submitted on March 14, 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. One van accessible handicapped parking space shall be provided in accordance to Section 7.3.1 (A) of the Unified Development Ordinance. (See attached.)
7. The Gautier Planning Commission recommended approval of this Conditional Use-Major Development Permit on April 5, 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 Cork N Bottle Liquor and Wine, LLC, located at 5118 Gautier-Vancleave Road, Suite A, in Gautier, Mississippi, and identified as Jackson County Parcel No. 82423380.125.

April 17, 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