OCTOBER 6, 2011

GAUTIER, MISSISSIPPI

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

Commission members present: David Wooten, Chairman, Jerry Akins, Richard Johnson, and Marilyn Minor. Absent were James Torrey and Larry Dailey. Also present were Samantha Abell, Economic Development Director; Bob Ramsay, City Attorney; and Melissa Burdine, Court Reporter.

David Wooten, Chairman, called the meeting to order and presented the minutes from the September 1, 2011 meeting for approval. The minutes were approved as submitted.

APPROVAL OF AGENDA

There were no changes to the agenda.

AGENDA

GAUTIER PLANNING COMMISSION

OCTOBER 6, 2011

6:00 P.M.

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE (VOLUNTEER)

III. APPROVAL OF MINUTES – (SEPTEMBER 1, 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 HOME OCCUPATION PERMIT, HOME OFFICE FOR PHOTOGRAPHY/VIDEOGRAPHY BUSINESS, 7929 MARTIN BLUFF ROAD (CRYSTAL HARKLEROAD, OWNER) (GPC CASE #11-24-HO)

2. REQUEST FOR A CONDITIONAL USE-MAJOR PERMIT FOR A TOWING SERVICE IN A C-3 HIGHWAY COMMERCIAL DISTRICT, 3512 HIGHWAY 90, (BRYAN L. BOZEMAN, OWNER OF COLLISION DEPOT) (GPC CASE #11-29-CU)

B. LEGISLATIVE

1. REQUEST TO AMEND THE MURC-MW MIXED USE RECREATION COMMERCIAL-MARY WALKER DISTRICT TO ALLOW ACCESSORY STRUCTURES AS A CONDITIONAL USE-MINOR (EDWARD H. THORNTON, OWNER OF TIKI RESTAURANT, LOUNGE & MARINA, INC.) (GPC CASE #11-30-UDO)

2. CONDISER AN AMENDMENT TO ARTICLE XI OF THE UNIFIED DEVELOPMENT ORDINANCE THAT WOULD ESTABLISH PROVISIONS FOR MITIGATION OF PROTECTED TREES AND ADOPT CRITERIA FOR APPROVAL BY CITY COUNCIL (STAFF) (GPC CASE #11-31-UDO)

C. DISCUSSION

1. DISCUSS NOMINEES FOR THE LARRY MORAN AWARD

VIII. DIRECTOR'S REPORT

IX. ADJOURN

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

There were no public comments.

OLD BUSINESS:

There was no old business to discuss.

NEW BUSINESS

A. QUASI-JUDICIAL

1. REQUEST FOR HOME OCCUPATION PERMIT, HOME OFFICE FOR PHOTOGRAPHY/VIDEOGRAPHY BUSINESS, 7929 MARTIN BLUFF ROAD (CRYSTAL HARKLEROAD, OWNER) (GPC CASE #11-24-HO)

There came before the Planning Commission a request on the part of Crystal Harkleroad for a home office for a photography/videography business to be allowed as a Home Occupation at 7929 Martin Bluff Road, PID #85442420.000. The subject property is located in an R-1 Single-Family Residential zoning district.

Ms. Abell explained that the request was before the Planning Commission because an objection was received at Staff level. She also noted that there were no code violations at the residence.

The applicant stated that she would use a spare bedroom in her home for an office and computer photo editing, but clients would be viewing the photos online not at her residence. Commissioner Johnson asked Ms. Abell if the applicant had been made aware of the regulations regarding home occupations and Ms. Abell stated that the applicant had been given a copy of the regulations.

On a motion by Commissioner Johnson to approve the request and a second by Commissioner Minor, the following vote was recorded:

AYES	NAYS	ABSENT	ABSTAINED
David Wooten		Larry Dailey	
Richard Johnson		James Torrey	
Marilyn Minor			
Jerry Akins			

2. REQUEST FOR A CONDITIONAL USE-MAJOR PERMIT FOR A TOWING SERVICE IN A C-3 HIGHWAY COMMERCIAL DISTRICT, 3512 HIGHWAY 90, (BRYAN L. BOZEMAN, OWNER OF COLLISION DEPOT) (GPC CASE #11-29-CU)

There came before the Planning Commission a request on the part of Bryan L. Bozeman, owner of Collision Depot, for a Conditional Use-Major that

would allow a towing service in a C-3 Highway Commercial zoning district at 3512 Highway 90, PID #82434023.025.

The applicant stated that he had operated a vehicle repair shop at 3512 Highway 90 for approximately four years but was not aware that he needed additional permission to begin operation of the towing service at that location until he was notified by the City.

Commissioner Johnson asked the applicant if he was aware of the conditions recommended by Staff. The applicant stated that he had a copy of the conditions.

Commissioner Minor made a motion to recommend approval of the request with the following recommendations presented by Staff:

a) Towed vehicles shall remain a maximum of ninety (90) days before being relocated to a salvage yard.
b) Storage area for towed vehicles shall be screened from view. Fence material shall be opaque and made of wood or similar building material approved by Staff.
c) The site shall be properly maintained without vegetative overgrowth, litter and refuse.
d) The existing sign shall be made to conform with code requirements, prior to issuance of any permits.
e) All existing code violations for the existing business must be abated prior to issuance of any permits.

Commissioner Akins seconded the motion and the following vote was recorded:

AYES	NAYS	ABSENT	ABSTAINED
David Wooten		Larry Dailey	
Richard Johnson		James Torrey	
Marilyn Minor			
Jerry Akins			

B. LEGISLATIVE

1. REQUEST TO AMEND THE MURC-MW MIXED USE RECREATION COMMERCIAL-MARY WALKER DISTRICT TO ALLOW ACCESSORY STRUCTURES AS A CONDITIONAL USE-MINOR (EDWARD H. THORNTON, OWNER OF TIKI RESTAURANT, LOUNGE & MARINA, INC.) (GPC CASE #11-30-UDO)

There came before the Planning Commission a request on the part of Edward H. Thornton, owner of Tiki Restaurant, Lounge & Marina, Inc., to amend the Unified Development Ordinance (UDO) to include "Accessory Structures" as

a Conditional Use-Minor in a MURC-MW Mixed Use Recreation Commercial-Mary Walker zoning district.

Ms. Abell explained to the Commissioners that the request was before them because there was a need by the applicant to have restrooms on the base floor of his restaurant but because of the flood elevation and federal regulations at that location the applicant could not construct permanent restrooms on the base floor. Ms. Abell further explained that due to federal flood regulations any structure allowed to be located below the base flood elevation, such as the proposed restrooms, must have quick disconnects so that it could be moved in the event of a storm.

Ms. Abell told the Commissioners that adding Accessory Structures as a Conditional Use-Minor would address the applicant's proposed project as well as future requests for accessory structures in the MURC-MW district. She reminded them that all Conditional Use-Minors had to be approved by the Technical Review Committee and any use that Staff deemed controversial would be sent to the Planning Commission.

On a motion by Commissioner Wooten to recommend approval and a second by Commissioner Minor, the following vote was recorded:

AYES	NAYS	ABSENT	ABSTAINED
David Wooten		Larry Dailey	
Richard Johnson		James Torrey	
Marilyn Minor			
Jerry Akins			

2. CONSIDER AN AMENDMENT TO ARTICLE XI OF THE UNIFIED DEVELOPMENT ORDINANCE THAT WOULD ESTABLISH PROVISIONS FOR MITIGATION OF PROTECTED TREES AND ADOPT CRITERIA FOR APPROVAL BY CITY COUNCIL (STAFF) (GPC CASE #11-31-UDO)

Ms. Abell reminded Commissioners that at their regular meeting on August 4, 2011, the Planning Commission directed Staff to draft an ordinance establishing provisions for the mitigation of protected trees, in some instances. Amendments to the existing ordinance are not intended to encourage the

removal of protected trees, but only to provide a "relief valve" to the existing code in certain instances, upon Council approval.

Ms. Abell stated that the proposed amendment addresses some ambiguity in the existing ordinance as well as provides for means to mitigate the removal of protected trees. In drafting the proposed amendment Staff acknowledged previous codes the City had in place prior to the adoption of the Unified Development Ordinance in 2009 as well as policies from other communities.

Commissioner Wooten made a motion to recommend approval of the amendment to Article XI of the Unified Development Ordinance as follows:

SECTION 11.2: Definitions

SIGNIFICANT TREE (OR SPECIMEN TREE): A healthy tree that is over forty (40) feet in height, excluding pine trees, or has a crown of over thirty (30) feet, or has a trunk diameter of ten (10) inches or greater at four (4) feet from the ground.

11.3.3 Exemptions

A. Individual lots on which detached single family residences are located are exempt from the landscaping requirements.

B. Permit Procedures for the removal of trees may be waived by the Mayor and City Council in the case of protected or specimen trees in public right-of-way, and also in consideration of certain emergencies, such as windstorms or other disasters, so that efforts to restore order to the City will not be hampered.

11.5.3 Permit Required for Significant/Specimen Tree Removal

In accordance with the procedures in *Article IV, Section 4.8: Tree Removal Permit,* a Tree Removal Permit shall be issued by the ED Director prior to issuance of a building permit, if the site proposed for development contains trees. Preservation of native trees including, but not limited to oaks, magnolia, cedar, elms, and pecan shall take priority in determination of trees to be preserved.

11.5.4 Replacement of Significant/Specimen Trees

In the event trees have already been removed prior to the issuance of a tree removal permit, the number of trees on the schedule shall be doubled. Table No. 23 shows the normal replacement number of trees required.

Table No: 23 Schedule for Replacement of Specimen/Significant Trees

Diameter of Tree Removed	Minimum Number of Trees	Height (Feet)	Diameter (As Measured After Planting)
61--72"	10	12	2"

49--60"	9	12	2"
43--48"	8	12	2"
37--42"	7	12	2"
31--36"	6	10	2"
25--30"	5	10	2"
19--24"	4	10	2"
13--18"	3	7	1"
7--12"	2	7	1"
4--6"	1	7	1"

11.5.5 Permit Required for Protected Tree Mitigation

The ED Director shall issue a tree removal permit for a protected tree only upon Council adoption of a resolution finding a necessity for the removal of the protected tree(s). To determine whether a request warrants a finding of necessity, the Council shall consider the Comprehensive Plan, the intent of this ordinance to preserve protected trees, and also the following:

A. Whether the continued preservation of the tree(s) places a significant hardship on the property owner; and
B. Whether the continuation of the tree(s) would threaten public safety and welfare; and
C. Whether all other options for preservation and/or relocation have been explored and found unsatisfactory.

Except for owner-occupants of single-family residential homes, applicants who request permits to remove protected trees shall be required to prepare and implement a tree mitigation and preservation plan. Mitigation plans shall include provisions for planting the same species of protected tree, temporary or permanent irrigation, and monitoring for a two-year period, or an in-lieu fee.

A. The on-site mitigation plan shall include, but not be limited to, the following:
1. A site plan depicting all living protected trees to be removed, utilizing clear and concise graphics.
2. The plan shall include tree planting locations, size and species of trees to be planted, and planting and irrigation methods.

B. Off-Site Mitigation Plan. The applicant may request that the approving authority approve one of the following methods for off-site mitigation within the City:
1. Payment of an inch-for-diameter-inch replacement in-lieu fee, as set by city council resolution, to cover the cost of purchasing, planting and initial cost of the off-site plantings. Such fee shall be calculated based on $1,000 per caliper inch, and shall be placed into the tree planting and maintenance fund to provide for tree planting and maintenance on public projects.

2. A mitigation credit towards the value of the replacement in-lieu fee may be approved by Council for public amenities provided at the subject site, upon the submittal of project estimate and approval by Council.
3. Planting of trees on either public property, property with a conservation easement, or on property with an irrevocable offer of dedication to the city, pursuant to the ratios set forth in subsection C of this section.

C. Mitigation Tree Planting and Tree Preserve Replacement Ratios

Table No: 24 Schedule for Replacement of Protected Trees	
Diameter of Tree Removed	**Minimum Number of Trees**
40" and above	35 twenty-four inch box protected trees, or fee set by Council resolution
Above 35--40"	50 fifteen-gallon protected trees, or 25 twenty-four inch box protected trees, or fee set by Council resolution
Above 30--35"	40 fifteen-gallon protected trees, or 20 twenty-four inch box protected trees, or fee set by Council resolution
Above 25--30"	35 fifteen-gallon protected trees, or 17 twenty-four inch box protected trees, or fee set by Council resolution
Above 20--25"	30 fifteen-gallon protected trees, or 15 twenty-four inch box protected trees, or fee set by Council resolution
Above 15--20"	20 fifteen-gallon protected trees, or 10 twenty-four inch box protected trees, or fee set by Council resolution
Above 10--15"	15 fifteen-gallon protected trees, or 6 twenty-four inch box protected trees, or fee set by Council resolution
6--10"	8 fifteen-gallon protected trees, or 4 twenty-four inch box protected trees, or fee set by Council resolution

11.5.6 Relocation of Specimen and Protected Trees

Existing trees may be relocated with the permission of the ED Director subject to the following requirements:

A. Trees to be relocated shall be removed with a root ball sized in proportion to their calipers. Root balls shall be twelve (12) inches in diameter for each one (1) inch of tree caliper. Trees four (4) inches in caliper and smaller are to be measured six (6) inches from the ground. Trees (4) four inches to eight (8) inches caliper

are measured twelve (12) inches from the ground, and trees eight (8) inches caliper or larger are measured at breast height.

B. Trees which are to be relocated in areas which do not require grading are to be placed directly into their new location. Trees to be relocated in areas which will have site work, shall have tree barriers put in place in accordance with *Section 11.5.2.*

C. Trees to be planted offsite in full leaf shall be covered entirely with a protective cloth covering prior to transporting. Trees to be planted on site do not require a covering.

D. Trees which are to be relocated in areas to be graded are to be stockpiled. Stockpiled trees shall be well heeled in and protected from excessive wind and sun. The contractor shall provide water to maintain a healthy condition.

Commissioner Minor seconded the motion and the following vote was recorded:

AYES	NAYS	ABSENT	ABSTAINED
David Wooten		Larry Dailey	
Richard Johnson		James Torrey	
Marilyn Minor			
Jerry Akins			

C. DISCUSSION

1. DISCUSS NOMINEES FOR THE LARRY MORAN AWARD

Commissioner Johnson stated that he wanted to briefly review who Larry Moran was, why and how the award was created and the voting process for any new Commissioners. He asked that each Commissioner be prepared to nominate a business at the November meeting so a winner for the 2011 award could be determined and preparations made for the presentation.

DIRECTOR'S REPORT

Ms. Abell advised the Commissioners that a TIF Redevelopment Plan was to be presented to the Council at their October 18th meeting and that this was a very important move for the development of the Town Center.

SUBMITTED BY:

Samantha Abell
Economic Development Director

DATE: 3/19/12

APPROVED:

David Wooten, Chairman
Gautier Planning Commission

DATE: 1-5-12