JANUARY 3, 2013

GAUTIER, MISSISSIPPI

BE IT REMEMBERED THAT a regular meeting of the Gautier Planning Commission of the City of Gautier, Mississippi, was held on January 3, 2013, 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, Larry Dailey, Richard Johnson, James Torrey, and Greg Spanier. Absent was Marilyn Minor. Also present were Eric Meyer, Economic Development Director; Bob Ramsay, City Attorney; Babs Logan, Planning Technician, and Michele Keenlance, Court Reporter.

David Wooten, Chairman, called the meeting to order and presented the minutes from the December 6, 2012 meeting for approval. The minutes were approved as submitted.

APPROVAL OF AGENDA

There were no changes to the agenda.

AGENDA

GAUTIER PLANNING COMMISSION

JANUARY 3, 2013

6:00 P.M.

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE (VOLUNTEER)

III. APPROVAL OF MINUTES – (DECEMBER 6, 2012)

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. APPEAL

1. REQUEST FOR AN APPEAL TO STAFF DECISION REGARDING OCCUPYING A HOUSE IN A C-3 ZONING DISTRICT AS A RESIDENCE, 3608 HIGHWAY 90 (TONY LUONG DBA HLV, LLC) (GPC CASE #12-26-AP)

B. LARRY MORAN EXCELLENCE AWARD

1. RECEIVE NOMINATIONS AND VOTE FOR 2012 WINNER

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. APPEAL

1. REQUEST FOR AN APPEAL TO STAFF DECISION REGARDING OCCUPYING A HOUSE IN A C-3 ZONING DISTRICT AS A RESIDENCE, 3608 HIGHWAY 90 (TONY LUONG DBA HLV, LLC) (GPC CASE #12-26-AP)

There came before the Planning Commission an appeal to a Staff decision on the part of Tony Luong dba HLV, LLC, regarding occupying a house located in a C-3 Highway Commercial zoning district as a residence. The house is located at 3608 Highway 90, PID #82434024.000, and has recently been occupied by a commercial business.

C-3 Highway Commercial zoning does not allow single-family dwellings. The property, with its existing residence, was annexed in 2002 and zoned C-3.

As long as the house was occupied as a residence it was considered a legal preexisting non-conforming use, but once it was used as a commercial business it lost its legal non-conforming status.

The applicant stated that the renter had asked him about running a psychic reading business out of the house and he told him he had no problem with it. He said he was not aware that the house would lose its legal preexisting non-conforming status if a business was allowed at the house and he would not be able to rent the house out again as a residence.

Commissioner Dailey felt the house had maintained residential status even though the psychic reading business had been there. He stated that the business should have been handled as a home occupation instead of a commercial business because the house was still being used as a residence. He suggested that a process be put in place to assure that property owners were aware of, and approved of, any changes in the status or possible status of thier property.

Commissioner Wooten noted that the lease stated that a business could be ran out of the house, that a privilege license was issued and that a commercial sign had been placed on the property, therefore making the use commercial. Mr. Ramsay stated that when a business license was obtained and a business sign was put up the primary use became commercial.

Commissioner Wooten asked Mr. Ramsay if the Commissioners could legally reverse the decision of Staff and allow the structure. Mr. Ramsay advised that the Commissioners could make a motion that Staff made the right decision or, that because in their opinion the property owner was mislead by the renter in this process, that Staff did not make the proper decision, and the property should not have lost its status as a legal preexisting non-conforming use, and the primary use of the structure during this whole period was as a residence, so it still is a residential use in a commercial district.

Commissioner Dailey made a motion to reverse Staff decision and allow the structure to be occupied as a residence based on his opinion that the house was maintained as a residence for the entire time of occupancy, and that the

lease does not reflect the intention of the land owner for the use of that property. Commissioner Spanier seconded the motion and the following vote was recorded:

AYES	NAYS	ABSENT	ABSTAINED
Larry Dailey	David Wooten	Marilyn Minor	
Greg Spanier	James Torrey		
	Richard Johnson		

B. LARRY MORAN EXCELLENCE AWARD

1. RECEIVE NOMINATIONS AND VOTE FOR 2012 WINNER

Commissioner Johnson asked for the Commissioners nominations for the 2012 Larry Moran Excellence Award which is given in memory of former Planning Commission Chairman Larry Moran. The award is given to a business, group or individual who has exhibited planning and/or zoning excellence, has significantly contributed to increased quality of life for the citizens of Gautier, has consistent and on-going customer service that is worthy of recognition, etc.

The nominees were Handy Lock Self Storage, NFL Lumber, Kenny Smith, Flower Patch, Tiki Restaurant, Gautier Pride and Mallette Brothers. Kenny Smith, Gautier Pride and Handy Lock Self Storage were the top three nominees with Kenny Smith winning the award.

The award will be presented at the February 7, 2013, Planning Commission meeting.

DIRECTOR'S REPORT

Mr. Meyer gave a brief update on some ongoing projects within the City. He advised that the sculpture for the round-a-bout on Dolphin Road should be completed within six to eight weeks, that progress on the Bienville Medical Complex plans has been slow due to the project manager having to work on some IT issues for the company, and that MDOT has approved the expansion of Martin Bluff Road.

Mr. Meyer also informed Commissioners that the Cultural Services/Recreation Division would be moving their office to Shepard State Park on January 28, 2013 and that the Master Plan for Recreation should be completed by April 2013.

SUBMITTED BY:

_____ DATE: 4/16/13
Eric Meyer
Economic Development Director

APPROVED:

_____ DATE: 4-4-13
David Wooten, Chairman
Gautier Planning Commission