Mr. Meyer advised Commissioners that several issues have come up regarding signage and that he wanted to address them as three separate components. The first relates to strip centers located on Highway 90 or Highway 57 with store frontage facing the interior of the property not Highway 90 or Highway 57. Mr. Meyer explained that a business that is perpendicular to the highway and faces the interior of the property requested to have building signs both on the frontage and the side facing the highway. The size of the sign allowed on the front would not change, but if approved the new ordinance will allow the same signage on the side facing the highway.

The second component relates to a business that wants to buy or lease a parcel that is located in the TCMU Town Center Mixed Use zoning district and is within one thousand (1,000) feet of a corner parcel with frontage on Highway 90. The business would like to be able to place a sign on Highway 90. Staff drafted an ordinance that will allow a multi-tenant sign on the corner parcel; however, it will require the owner of the corner parcel to agree to place a multi-tenant sign on his property and allow the other interior parcel(s) to advertise on it.

Commissioner Dailey asked if there was anything in the existing ordinance that would not allow this to occur anyway. Mr. Meyer advised him the Unified Development Ordinance (UDO) did not allow off-site signage.

The last component of the amendment relates to Master Planned Commercial Development such as the new mall area. Mr. Meyer explained that this proposed amendment is to address signage needed for the new mall development. Although the signage square footage is more than currently allowed, consideration must be given to the total square footage of the structures that will be on the property.

Commissioner Dailey stated that he felt the proposed thirty-five (35) feet height limitation for the multi-tenant signs along Highway 90 should be changed to thirty (30) feet.

Commissioner Dailey made a motion to recommend approval of the amendments as presented by Staff with the change to Section 12.8.1, I.2 to thirty (30) feet instead of thirty-five (35) feet. The amendments will read as follows:

Section 12.8.1 Lots Abutting Highway 90 or Highway 57:

Add to A, B, C and D:

5. Each store, office or other place of business located in a section of a shopping center with frontage that is perpendicular to Highway 90 or Highway 57 and is an end suite, shall also be allowed a canopy sign and a wall sign on the Highway 90 or Highway 57 side. The area limitation allowed in subsection 12.9 below shall be allowed for the interior side as well as the highway side.

Add:

H. Commercial parcels located in TCMU Town Center Mixed Use zoning districts with linear frontage along Highway 90:

1. One (1) free-standing, on-site sign shall be permitted, provided the sign is located on the Highway 90 frontage.
2. Sign shall not exceed ten (10) feet in height. However, if it is a multi-tenant sign for commercial businesses within one thousand (1,000) feet of Highway 90, signage shall not exceed fifteen (15) feet in height.
3. Sign square footage shall not exceed sixty (60) square feet. However, if it is a multi-tenant sign for commercial businesses within one thousand (1,000) feet of Highway 90, total signage shall not exceed one hundred fifty (150) square feet with individual stores not exceeding fifty (50) square feet.
4. Each store, office, or other place of business shall be permitted one canopy sign and one wall sign subject to the area limitation of subsection 12.9, below.

I. Master planned commercial developments, defined as consisting of two hundred thousand (200,000) square feet of building space or larger, with linear footage along Highway 90 or Highway 57:

1. Two (2) free-standing, on-site, multi-tenant signs shall be permitted on Highway 90 or Highway 57 frontage, and one (1) free-standing, on-site, multi-tenant sign shall be permitted on other public street frontage.

2. Each sign on Highway 90 or Highway 57 frontage shall not exceed thirty (30) feet in height. Each additional sign allowed on public streets shall not exceed twenty-five (25) feet in height.

3. Total sign square footage for each sign on Highway 90 or Highway 57 frontage shall not exceed five hundred (500) square feet. Total sign square footage for each additional sign allowed on public streets shall not exceed three hundred (300) square feet.

4. Each store, office or other place of business shall be permitted one (1) canopy sign and one (1) wall sign subject to the area limitation of subsection 12.9, below.

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

AYES	NAYS	ABSENT	ABSTAINED
Larry Dailey			
Greg Spanier			
David Wooten			
Jimmy Green			
Marilyn Minor			
James Torrey			

2. CONSIDER AN AMENDMENT TO ARTICLE V OF THE UNIFIED DEVELOPMENT ORDINANCE AND CHAPTER 4 OF THE CITY OF GAUTIER CODE OF ORDINANCES REGARDING NUMBER OF DOGS ALLOWED AT A RESIDENCE (STAFF) (GPC 13-04-UDO)

Mr. Meyer advised Commissioners that Code Enforcement had received a call recently regarding a residence where about thirty (30) dogs were being kept and causing a nuisance. He explained that Staff was able to take care of the problem but that the issue of how many dogs could be kept at a residence had to be addressed. Mr. Meyer explained that Staff had researched ordinances from other cities and most allowed no more than five (5) dogs over the age of six (6) months at any residence.

Mr. Meyer also explained that the proposed amendment has a provision that will allow someone wanting to have more than five (5) dogs to appear before Planning Commission and Council and present facts as to why they should be allowed to have more than five (5) and why it would not be a nuisance to their neighbors, etc.

Commissioner Green asked why cats were not addressed also. Mr. Meyer stated that Staff had not researched the number of cats other cities allowed, but that we could do so. Commissioner Green stated that he would like to see the number of cats also restricted to five (5).

Commissioner Dailey stated that he would like the number allowed to be no more than four (4) and that he would prefer the wording 'domesticated animals' instead of dogs and cats, but he was concerned that someone might consider livestock to be domesticated animals. Mr. Meyer explained that we had

a separate ordinance that addressed livestock. Commissioner Dailey also was not in favor of allowing an option to have more than the number agreed upon, and that the UDO allowed for kennels and animal shelters which would cover a larger number.

Mr. Meyer stated that the provision for having more than what would be allowed by right was because the City has property owners in the rural areas with large parcels that might keep ten (10) or more hunting dogs. Commissioner Dailey stated that he felt those situations should be designated as kennels and not considered pets or domesticated animals in a residential area.

Commissioner Dailey made a motion to amend the proposed amendment to add Section 4.28 Maximum Number of Domesticated Animals Allowed and have it state that "It shall be unlawful for any person to have more than four (4) domesticated animals, over the age of six (6) months, on the premises of a residence." Commissioner Minor seconded the motion.

Commissioner Spanier made a motion to amend the motion and add "A request for more than four (4) domesticated animals, over the age of six (6) months, must be approved by the City Council through the Conditional Use-Major process." Commissioner Torrey seconded the motion and the following vote was recorded:

AYES	NAYS	ABSENT	ABSTAINED
James Torrey	Larry Dailey		
Greg Spanier	Marilyn Minor		
David Wooten			
Jimmy Green			

A vote was then taken on the amended motion. The ordinance amendment is to read as follows:

Section 4.28 Maximum Number of Domesticated Animals Allowed

It shall be unlawful for any person to have more than four (4) domesticated animals, over the age of six (6) months, on the premises of a residence. A request for more than four (4) domesticated animals, over the age of six (6) months, must be approved by the City Council through the Conditional Use-Major process.

The following vote was recorded:

AYES	NAYS	ABSENT	ABSTAINED
Larry Dailey			
Greg Spanier			
David Wooten			
Jimmy Green			
Marilyn Minor			
James Torrey			

3. CONSIDER AN AMENDMENT TO ARTICLE V OF THE UNIFIED DEVELOPMENT ORDINANCE ALLOWING AUTOMOBILE DETAIL SHOPS IN C-2, C-3 AND TCMU AS CONDITIONAL USE-MINOR (STAFF) (GPC 13-06-UDO)

Mr. Meyer explained that a citizen had recently requested to have an automobile detail shop in a TCMU Town Center Mixed Use zoning district. In researching the request Staff found that an automobile detail shop was not allowed in any zoning district in the City. Staff found that allowing automobile detail shops in TCMU Town Center Mixed Use, C-3 Highway Commercial and C-2 Community Commercial zoning districts as a Conditional Use-Minor would allow the Technical Review Committee to consider each request to determine if the use was appropriate based on the site location, design, etc. and to place conditions on the permit if required to make the use compatible with the area.

Commissioner Wooten was concerned that an automobile detail shop might not be appropriate on certain parcels within the TCMU zoning district and would like the use considered as a Conditional Use-Major in the TCMU zoning district so the Planning Commission and Council would be able to review the request. He felt the use would be more appropriate in a commercial district.

Commissioner Wooten made a motion not to recommend approval of the proposed amendment because it was not harmonious with the Comprehensive Plan in a TCMU Town Center Mixed Use zoning district. Commissioner Minor seconded the motion and the following vote was recorded:

AYES	NAYS	ABSENT	ABSTAINED
Larry Dailey	Jimmy Green		Greg Spanier

David Wooten

Marilyn Minor

James Torrey

After hearing the next item on the agenda, Mr. Meyer addressed Chairman Wooten noting that the Commissioner had commented that although he did not feel that automobile detail shops were appropriate for TCMU he thought there were other districts where they would be more appropriate. Mr. Meyer asked if the Commission might consider looking at the proposed ordinance again and possibly allowing them in C-3 or C-2 zoning district.

Commissioner Dailey made a motion to recommend allowing an Automobile Detail Shop as a Conditional Use-Minor in a C-3 Highway Commercial zoning district and as a Conditional Use-Major in a C-2 Community Commercial zoning district. Commissioner Spanier seconded the motion and the following vote was recorded:

AYES	NAYS	ABSENT	ABSTAINED
Larry Dailey			
Jimmy Green			
Greg Spanier			
David Wooten			
Marilyn Minor			
James Torrey			

4. CONSIDER AN AMENDMENT TO ARTICLE XIII REGARDING NON-CONFORMING MOBILE HOMES IN MURC-MW (STAFF) (GPC 13-07-UDO)

Mr. Meyer advised the Commissioners that the City Manager had directed Staff to draft an ordinance amendment that would remove the words "is not enlarged and" from the current ordinance 13.2.3 Vested Interest Provision regarding non-conforming structures in order to allow the owners of older mobile homes in MURC-MW the option of upgrading to a larger mobile home. He explained that on June 21, 2011 Council had approved an ordinance amendment to add the sentence "Within the MURC-MW zoning district, mobile homes

existing as of June 21, 2011, may be replaced so long as the nonconforming structure is not enlarged and meets all other requirements of the Code." to Section 13.2.3 of the Unified Development Ordinance.

Commissioner Dailey noted that the UDO states that the Purpose and Intent of Article XIII: Nonconforming Buildings, Structures and Use of Land is to regulate and limit the development and continued existence of uses, structures and lots established prior to the effective date of the UDO which do not conform to the Standards of the UDO. It further states that the intent is to permit these nonconformities to continue until they are eventually removed, but not to encourage their continuation. This being the attitude of the City he was concerned about other areas of the City with nonconforming uses that might want to replace or expand non-conforming uses. Mr. Ramsay advised him that the City could justify making the change in the MURC-MW zoning district because of the various uses in the district which include fish camps, travel trailers, marinas, restaurants, single-family homes, etc.

Commissioner Minor made a motion to recommend approval of the removal of the words "is not enlarged and" from Section 13.2.3 Vested Interest Provision of the UDO. Commissioner Green seconded the motion and the following vote was recorded:

AYES	NAYS	ABSENT	ABSTAINED
Larry Dailey			
Jimmy Green			
Greg Spanier			
David Wooten			
Marilyn Minor			
James Torrey			

B. QUASI-JUDICIAL

1. REQUEST FOR A COMPREHENSIVE REZONING OF PROPERTIES ON HIGHWAY 90 FROM AG AGRICULTURAL TO C-3 HIGHWAY COMMERCIAL (STAFF) (GPC 13-05-RZ)

Mr. Meyer advised the Commissioners that the proposed rezoning would include the property generally described as located north of Highway 90, beginning approximately eleven hundred fifty (1,150) feet east of Highway 57, and continuing approximately sixty-one hundred (6,100) feet along Highway 90. The rezoned property will consist of the sixty-one hundred (6,100) feet along Highway 90 described above, north six hundred twenty-five (625) feet. The rezoning includes portions of the parcels listed on the Jackson County Land Records as Parcel Numbers 82422800.100, 82429210.000, 82438120.000 and all of parcel 82429230.050.

Mr. Meyer explained that there is a gas station/ convenience store in the area proposed to be rezoned that has been closed for more than sixty (60) days and cannot be reopened as a gas station/convenience store if purchased, because the property is zoned AG Agricultural. Mr. Meyer noted that the Comprehensive Plan envisions retail commercial all along Hwy 90. The Future Land Use Map (FLUM) suggests Regional Scale Commercial and Mixed Use Residential along the area to be rezoned. Regional Scale Commercial is in alignment with the C-3 Highway Commercial zoning. The Comprehensive Plan also envisions retail along the frontage of Mixed Use Residential parcels.

There was some discussion and concern regarding entrance to any new development on the remaining Agricultural property if the front portion of the property was rezoned and developed as Commercial. Mr. Ramsay said if the owner of the parcel sells an interior portion of the parcel they would have to give the new owner of the interior portion egress.

On a motion by Commissioner Dailey to recommend approval of the rezoning and a second by Commissioner Torrey, the following vote was recorded:

AYES	NAYS	ABSENT	ABSTAINED
Larry Dailey			
Jimmy Green			
Greg Spanier			

David Wooten

Marilyn Minor

James Torrey

DIRECTOR'S REPORT

Mr. Meyer reminded the Commissioners of the Town Hall Meeting on March 11th at the Community College and that the focus of the meeting will be recreation. He also reminded them that the Town Center Nature's Playground sculpture on Dolphin Drive was to be dedicated on March 22nd at 10:00 a.m.

SUBMITTED BY:

Samantha D. Abell

Eric Meyer City Manager
Economic Development Director

DATE: July 24, 2013

APPROVED:

D. Wooten

David Wooten, Chairman
Gautier Planning Commission

DATE: 7-11-13

APRIL 4, 2013

GAUTIER, MISSISSIPPI

BE IT REMEMBERED THAT a regular meeting of the Gautier Planning Commission of the City of Gautier, Mississippi, was held on April 4, 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, James Torrey, Jimmy Green, 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 March 7, 2013 meeting for approval. The minutes were approved as submitted.

APPROVAL OF AGENDA

There were no changes to the agenda.

AGENDA

GAUTIER PLANNING COMMISSION

APRIL 4, 2013

6:00 P.M.

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE (VOLUNTEER)

III. APPROVAL OF MINUTES – (MARCH 7, 2013)

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 A 25' VARIANCE TO FRONT YARD SETBACK REQUIREMENTS FOR A CARPORT ADDITION IN A R-1; 5200 APOLLO DRIVE (TONY F. TAYLOR, OWNER) (GPC 13-10-VAR)

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 A 25' VARIANCE TO FRONT YARD SETBACK REQUIREMENTS FOR A CARPORT ADDITION IN A R-1; 5200 APOLLO DRIVE (TONY F. TAYLOR, OWNER) (GPC 13-10-VAR)

There came before the Planning Commission a request on the part of Tony F. Taylor for a 25' variance to front yard setback requirements for a carport addition in an R-1 Low Density Single-Family Residential zoning district. The addition is located at 5200 Apollo Drive, PID # 87340037.000. It was built without a permit and does not meet setback requirements.

The applicant explained that he asked the contractor if he needed a permit to build the carport addition. The contractor told him as long as there was no electrical work to be done a permit was not required. The applicant stated that the contractor built the addition while the applicant was out of town and that upon

his return he made the contractor tear it down because of poor quality workmanship and rebuild it under the supervision of the applicant.

Mr. Meyer advised the Commissioners that if a permit had been obtained the contractor would have been made aware of the setback requirements. He also advised them that the request did not meet the criteria requirements in Section 4.18.4 of the Unified Development Ordinance for approval of a variance. Due to the location of the property, a possible legal solution might be for the applicant to ask the City to vacate the east end of Greenway Drive.

Mr. Meyer advised the applicant that the City would have to agree to vacate the 130' right-of-way, a new survey would have to be done and an easement would have to be given to the property owner at the end of Greenway Drive for access to the property, water, sewer, etc.

Commissioner Dailey asked the applicant if he would be interested in exploring the option of possibly having the City vacate that right-of-way. The applicant stated that he was interested in possibly pursuing that option.

Commissioner Dailey made a motion to table the request to allow the applicant ample time to investigate the possibility of vacating the right-of-way and alleviating the setback problem with the carport addition. Commissioner Torrey seconded the motion and the following vote was recorded:

AYES	NAYS	ABSENT	ABSTAINED
Larry Dailey		Marilyn Minor	
Greg Spanier			
David Wooten			
Jimmy Green			
James Torrey			

B. DISCUSSION

1. PARKS MASTER PLAN

Commissioner Dailey, who is Chairman of the Recreation Advisory Committee, began by telling the Commissioners that the Committee has met five times to review existing facilities in Gautier and neighboring cities, and the City