

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:

<u>AYES</u>	<u>NAYS</u>	<u>ABSENT</u>	<u>ABSTAINED</u>
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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:

<u>AYES</u>	<u>NAYS</u>	<u>ABSENT</u>	<u>ABSTAINED</u>

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:

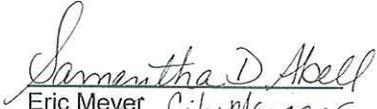
<u>AYES</u>	<u>NAYS</u>	<u>ABSENT</u>	<u>ABSTAINED</u>
Larry Dailey			
Jimmy Green			
Greg Spanier			

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:


Eric Meyer *City Manager*
Economic Development Director

DATE: July 24, 2013

APPROVED:


David Wooten, Chairman
Gautier Planning Commission

DATE: 7-11-13