j. A clear path shall be kept around the exterior of the building for emergency vehicle access.

k. Noise shall not be at a detectable audible level across property lines.

l. Access to all areas of the property shall be allowed to the City Code Enforcement Officer, with notification to owner and time agreed upon by both, for verification that the conditions are being met.

m. All maintenance or repair (other than cleaning) to boats, trailers, and other merchandise shall be done in areas that are not within the public view shed and are not accessible to the general public.

RECOMMENDATION:

The Economic Development and Planning Director finds that the proposed marine sales and service business is consistent with the goals, objectives and policies of the City's Comprehensive Plan and recommends approval of the request with the conditions listed above.

The City Council may:

1. Approve the Conditional Use-Major Permit as recommended by the Planning Commission with conditions; 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. 13-30-CU

THE BOAT MAN

REGARDING PARCEL ID NO: 82436055.170

The City of Gautier, at its regular meeting held on January 7, 2014, considered the application for a Conditional Use-Major Development Permit for a marine sales and service business as submitted by Danny Senseney, owner of The Boat Man. The parcel subject to this Permit is located at 2029 Highway 90, 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 with conditions 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 marine sales and service, is permitted as a Conditional Use-Major in the TCMU Town Center Mixed Use District.

4. Therefore, the City Council accepts the recommendation of the Planning Commission and approves the application submitted on December 19, 2013 for a Conditional Use-Major Development Permit with conditions.

5. The following additional conditions 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. Merchandise shall be considered any item for sale, new or used, that meets the requirements of these conditions. All merchandise shall be clean, usable, and operable as applicable.

   b. Used merchandise shall be limited to clean operable boats for sale/display, clean reusable parts for sale, and clean reusable tools/fishing equipment, and other items related to Marine Sales and Service.

c. Merchandise other than boats, motors, and trailers shall be located inside of the building or in outdoor storage areas and screened from view.

d. All inoperable boats, unclean parts, tools, equipment, stands, and other items not considered merchandise or other items used for the repair/service portion of the business shall be screened from view and inaccessible to the general public.

e. Boats/trailers for sale may be located inside or outside of the buildings. Only clean, operable boats/trailers for sale may be within the public view shed and accessible to the general public.

f. All boats within the public view shed and accessible to the general public shall be on a trailer. Any Trailers within the public view shed and accessible to the general public shall be maintained in good/clean/presentable condition. Tires shall be in place on trailers and properly inflated at all times.

g. A display area of no more than five (5) operable boats shall be allowed in front of the building by the freestanding sign. Four (4) shall be allowed to the west of the sign and one (1) to the east of the sign.

h. Parts for sale shall be clean/usable and stacked/stored neatly in retail style bins or displays. Unclean parts shall be stacked neatly on pallets that shall be screened from view, be inaccessible to the general public, and kept at least five (5) feet from any property line.

i. The outdoor storage area shall be screened from view by a privacy fence that is a minimum of six (6) feet in height. Outdoor storage areas that contain merchandise for sale shall be segregated from storage areas that are required to be inaccessible to the general public according to these conditions.

j. A clear path shall be kept around the exterior of the building for emergency vehicle access.

k. Noise shall not be at a detectable audible level across property lines.

l. Access to all areas of the property shall be allowed to the City Code Enforcement Officer, with notification to owner and time agreed upon by both, for verification that the conditions are being met.

m. All maintenance or repair (other than cleaning) to boats, trailers, and other merchandise shall be done in areas that are not within the public view shed and are not accessible to the general public.

6. 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.

7. The Gautier Planning Commission recommended approval of this Conditional Use-Major Development Permit with conditions on January 2, 2014.

8. The City Council adopted this Conditional Use-Major Development Permit on a recorded vote of _____ ayes to _____ nays to approve the application of The Boat Man, located at 2029 Highway 90, in Gautier, Mississippi, and identified as Jackson County Parcel No. 82436055.170.

January 7, 2014
Date of Issuance

_____
Gordon Gollott, Mayor
City of Gautier, Mississippi
3330 Highway 90
Gautier, MS 39553

Attest:

_____
Cynthia Russell
City Clerk

DRAFT

Gautier Planning Commission

Regular Meeting Agenda

January 2, 2014

The Boat Man

VII. NEW BUSINESS

A. QUASI-JUDICIAL

1. THE BOAT MAN - REQUEST FOR A CONDITIONAL USE-MAJOR PERMIT FOR A MARINE SALES AND SERVICE BUSINESS IN A TCMU TOWN CENTER MIXED USE DISTRICT, 2029 HIGHWAY 90, (GPC CASE #13-30-CU)

QUASI-JUDICIAL PROCEDURES

1. Announcement of Matter. Read the matter title to be considered.

2. Swear the Witnesses. All witnesses, parties, citizen participants and City Staff who plan to speak at the hearing shall collectively be sworn at the beginning of the hearing by the City Attorney

3. Ex Parte Disclosure. All members must disclose on the record any ex parte communications, to include any physical inspections of the subject property. The disclosure should include with whom any communication has taken place, a summary of the substance of the communication, and the date of the site visit, if any. If anyone has received written communications, the writing must be presented, read into record or a copy provided to all participants, and made a part of the official record.

4. Applicant Presentation.

5. Questions directed to Applicant. The applicant should answer any questions by the public, the Planning Commission, or others.

6. Staff Presentation. This includes presentation of the staff report into the official record.

7. Objections from Applicant. Confirm whether there are objections from the applicant regarding the staff report or development order.

8. Questions directed to Staff. The staff answers any questions by the public, the Planning Commission, or others.

9. Public Comments. Members of the public should be allowed to make comments regarding the application.

10. Applicant rebuttal/final comments

11. Staff rebuttal/final comments

12. Call for final questions.

13. Close public portion of the hearing.

14. Motion & Deliberation. Planning Commission makes a motion, and debates and deliberates regarding the application and development order.

15. Vote.

16. Close the quasi-judicial proceeding.

CITY OF GAUTIER
STAFF REPORT
THE BOAT MAN

To: Chairman and Members, Planning Commission

From: Babs Logan, Planning Technician

Through: Chandra Nicholson, Economic Development and Planning Director

Date: December 26, 2013

Subject: Conditional Use-Major Permit for a Marine Sales & Service Business in a TCMU Town Center Mixed Use Zoning District at 2029 Highway 90 (GPC #13-30-CU)

REQUEST:

The Economic Development and Planning Department has received a request from Danny Senseney, owner of The Boat Man, for a Conditional Use-Major Permit that would allow a marine sales and service business in a TCMU Town Center Mixed Use zoning district at 2029 Highway 90, PID #82436055.170. The application fee of $250 was paid on December 19, 2013. All public notice requirements have been met.

BACKGROUND:

The request property is zoned TCMU Town Center Mixed Use.

1. Location: 2029 Highway 90 (See Exhibit A)
   Principal Arterial: Highway 90/Service Drive
   Collector Street: Old Spanish Trail

2. General features of the proposed project:
   Gross Lot Acreage: 3.2 acres
   Main Building Area: approximately 15,000 square feet: 10,000 square feet is heated and cooled retail area, the other 5,000 square feet is storage
   Other Storage Area: an overhang off the main building (open on three sides) consists of approximately 3,250 square footage of storage area; there is a 2,000 square foot unattached storage building in the rear and a 2,800 square foot unattached lumber shell that is open on one side to the east of the building.
   Off-Street Parking Area Required: 40 spaces; 2 must be accessible spaces and one of those must be a van accessible space.
   Potable Water and Wastewater Services: Existing from City

3. Current Zoning: TCMU Town Center Mixed Use

4. Current Surrounding Zoning (See Exhibit B): C-3 Highway Commercial to the north; C-2 Community Commercial to the south; TCMU Town Center Mixed Use to the east and west

5. Current Surrounding Existing Land Use (See Exhibit C): Vacant land to the south; Commercial-Retail (SRHS Lingle Building) to the west; Office (Hancock Bank and Kenny Smith Office Building) to the north; Commercial-Retail (used car lot) to the west.

6. Comprehensive Plan Future Land Use Designation (See Exhibit D): Town Center

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?

   Applicant: Yes, because I will be engaging in retail and services and will consider myself a specialty business.

   Staff Finding: Yes. Marine Sales and Service is listed as a Conditional Use-Major in a TCMU 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: (none)

   Staff Finding: There will not be any new structures constructed on the property. The applicant will use the existing buildings which will not further impact the density, bulk or intensity of the structures in the vicinity.

   Table No. 9 of the UDO establishes minimum parking spaces requirements. Marine Sales and Service is not listed in the schedule; therefore is left up to interpretation as to which description listed better fits the proposed use. For a standalone retail store required parking is 1 per 250 square feet of Gross Floor Area. For Automobile and Truck Sales required parking is 1 parking space per each 3,000 square foot devoted to the sale, display, lease, rental or repair of vehicles. For an automobile repair shop required parking is 1 per 375 square feet of gross floor area including service bays, wash tunnels, and retail areas plus adequate parking lot for overnight storage of vehicles, if needed. Due to the ambiguity in the UDO, staff feels the standalone retail store would be the most stringent. Using the retail store requirements the proposed use would require

40 parking spaces. Section 7.2.4 gives the Economic Development and Planning Director the authority to issue an administrative variance for a reduced number of off-street parking spaces not to exceed thirty percent (30%) if, in her opinion, unusual circumstances exist which warrant such a relief from the requirement of this Ordinance. With a thirty percent (30%) variance a total of 28 spaces would be required. The applicant is providing 31 available spaces.

Table No. 11 of the UDO establishes a minimum of 2 accessible parking spaces are required when the total parking spaces required are between 26 and 50. One of the accessible spaces must be a van accessible space. The applicant is required to have a total of 40 parking spaces and he is showing 31 available spaces.

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

   Applicant Response: I think that everybody in the community would benefit from this business in this new location because everything can be kept out of sight, nice and neat. My business also brings a lot of people to the community and keeps more money in our town.

   Staff Finding: With certain conditions placed on the proposed use it can be made so that it will not have a negative effect on surrounding property values, or cause a detriment to the surrounding properties. The proposed location gives the applicant plenty of space for storage that is not readily visible from public areas, also described as outside the public viewshed.

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

   Applicant Response: No, my business will not cause a problem for pedestrians or traffic. I am not a high traffic business.

   Staff Finding: There is no evidence that the proposed business will have any 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: (none)

   Staff Finding: The proposed use can be accommodated by existing public services and facilities.

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

   Applicant: Yes, it is in harmony with the comprehensive plan because the type of business this is. It will be a retail service business and this is a water based, boat based town, and I will be specializing in taking care of those things. I feel that it will make me a specialty business.

   Staff Response: The Comprehensive Plan suggests various types of retail and service businesses, such as specialty shops and restaurants, as land uses in a town center area. Imposed conditions can ensure that a marine sales and service business is compatible with its surroundings and other retail and service businesses in the TCMU district.

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, this does not apply to my shop. It does not produce any of these things listed in excess.

   Staff Finding: Conditions can be imposed on the proposed use to ensure that it does not 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 it does. This will be a retail and service business specializing in all marine and boat trailer workings.

   Staff Finding: The proposed use can be made to conform to district regulations with certain imposed conditions.

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.