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.

The UDO further defines Conditional Uses-Major as uses that are not allowed by right but require a recommendation by the Planning Commission and the approval of the City Council. Additionally, if the conditional use is transferred to a new owner, the new owner must submit a letter to the Economic Development Director agreeing to the current terms and conditions before a business license may be issued.

2. Conditional Uses-Major require a public hearing before the Planning Commission and approval by the City Council (Section 4.14 of the UDO).

RECOMMENDATION:

Staff finds that the proposed use may be compatible and harmonious with the Town Center Mixed Use zoning district and recommends approval with the following conditions:

1. 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.

2. 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.

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

4. 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.

5. 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.

6. 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.

7. 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.

8. 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.

9. 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.

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

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

12. 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.

13. 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.

CONCLUSION:

The Planning Commission may:

1. Recommend that City Council approve the Conditional Use-Major with the conditions listed;
2. Recommend that City Council approve the Conditional Use-Major with changes; or
3. Recommend that City Council deny the Conditional Use-Major.

ATTACHMENTS:

1. Applicant's Exhibit 1 – Application
2. City's Exhibit A – Location Map
3. City's Exhibit B – Existing Zoning Map
4. City's Exhibit C – Existing Land Use Map
5. City's Exhibit D – Future Land Use Map
6. City's Exhibit E – Draft Conditional Use-Major Development Order

EXHIBIT 1

ECONOMIC DEVELOPMENT/PLANNING DEPARTMENT
GAUTIER, MISSISSIPPI

CONDITIONAL USE-MAJOR HEARING APPLICATION

Hearing Number
GPC 13-30-CU

TYPE OF REQUEST:		FEE:
Conditional Use – Major	✓	$250.00

Major Conditional Use – These uses are not allowed by right, and **require** a recommendation by the Planning Commission and approval of the City Council.

Name of Applicant: Danny Senseney

Name of Business: The Boat man

Address: 2029 Hwy 90 Gautier MS. Mailing Address (if different):

Email Address: www.WAlkinthin@yahoo.com

Phone: 228-522-1600 Cell Phone: 228-218-3080

Reason for request, location and intended use of Property: MARINE Sales & SERVICES

ATTACHMENTS REQUIRED AS APPLICABLE:

_____ 1. Diagram of intended use, showing dimensions and distances of property, building with setbacks, parking spaces, entrances and exits.
_____ 2. Legal descriptions and street address.
_____ 3. A detailed project narrative that also addresses the questions on the "Criteria for Approval" page of this application.
_____ 4. Copy of protective covenants or deed restrictions, if any.
_____ 5. Copies of approvals, or requests for approval, from other agencies, such as, but not limited to, the Mississippi State Department of Health, U.S. Army Corp of Engineers, Mississippi Department of Environmental Quality and Department of Marine Resources.
_____ 6. Any other information requested by the Economic Development/Planning Director and/or members of the Technical Review Committee.
_____ 7. Owner's Consent form, if anyone other than 100% sole owner makes application (see attached).

Signature of Applicant: Danny Dewey

Date of Application: Dec 19-13

FOR OFFICE USE ONLY

Date Received 12/19/13 Verify as Complete BS

Fee Amount Received $250 cash

Initials of Employee Receiving Application BS

EXHIBIT 1

OWNERS CONSENT AND DESIGNATION OF AGENCY – CONDITIONAL USE

I, STEVEN R. WADE, PRES., the fee simple owner of the following described property (give legal description):

Commencing at the Southwest corner of Section 36; thence North 1,637.52 feet to the Point of Beginning; thence 196.92 feet; thence North 659.14 feet; thence West 200 feet; thence South 693.09 feet to the Point of Beginning.

hereby petition to the City of Gautier to *Grant a Conditional Use of* Sales and Service in 2024 Highway 90 Gautier MS and affirm that Danny Scn Seney is hereby designated to act as agent on my behalf to accomplish the above.

I certify that I have examined the application and that all statements and diagrams submitted are true and accurate to the best of my knowledge. Further, I understand this application; attachments and fees become part of the official records of the City of Gautier, MS, and are not returnable.

(Owner's Signature)

The foregoing instrument was acknowledged before me this 18 day of Dec 2013,

20 13 by Steven R Wade, who is personally known to me or has produced DL #800366936 Exp 4-27-14 as identification and who did take an oath.

Kyle Hatten
(Printed Name of Notary Public)

(Signature of Notary Public)

Commission # 104452. My commission expires 1-22-17.

(Notary's Seal)

STATE OF MISSISSIPPI
NOTARY PUBLIC
ID # 104452
KYLE HATTEN
Commission Expires
01/22/2017
JACKSON COUNTY

EXHIBIT 1

MAJOR CONDITIONAL USE

Criteria for Approval
Major Conditional Use

1. Is the proposed use listed in the list of possible Conditional Uses in the particular Zoning District? yes

2. Please 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.

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

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

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?

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

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.

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.

EXHIBIT 1

Narrative

Question 3, page 2:
We are wanting to open a marine sales and service shop that will consist of selling new and used boat parts, new trailer parts, boat trailer repair, new and used outboard motors, and many types of sporting good equipments. I think this shop fits into the criteria because I will be engaging in retail and service work, I would consider this a specialty shop and also this is a water and boat base community that could really benefit from this shop.

Criteria major

Page 4, Question 1:
The answer to this question is, Yes, because I will be engaging in retail and services and will consider myself a specialty business.

Page 4 , Question 3:
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.

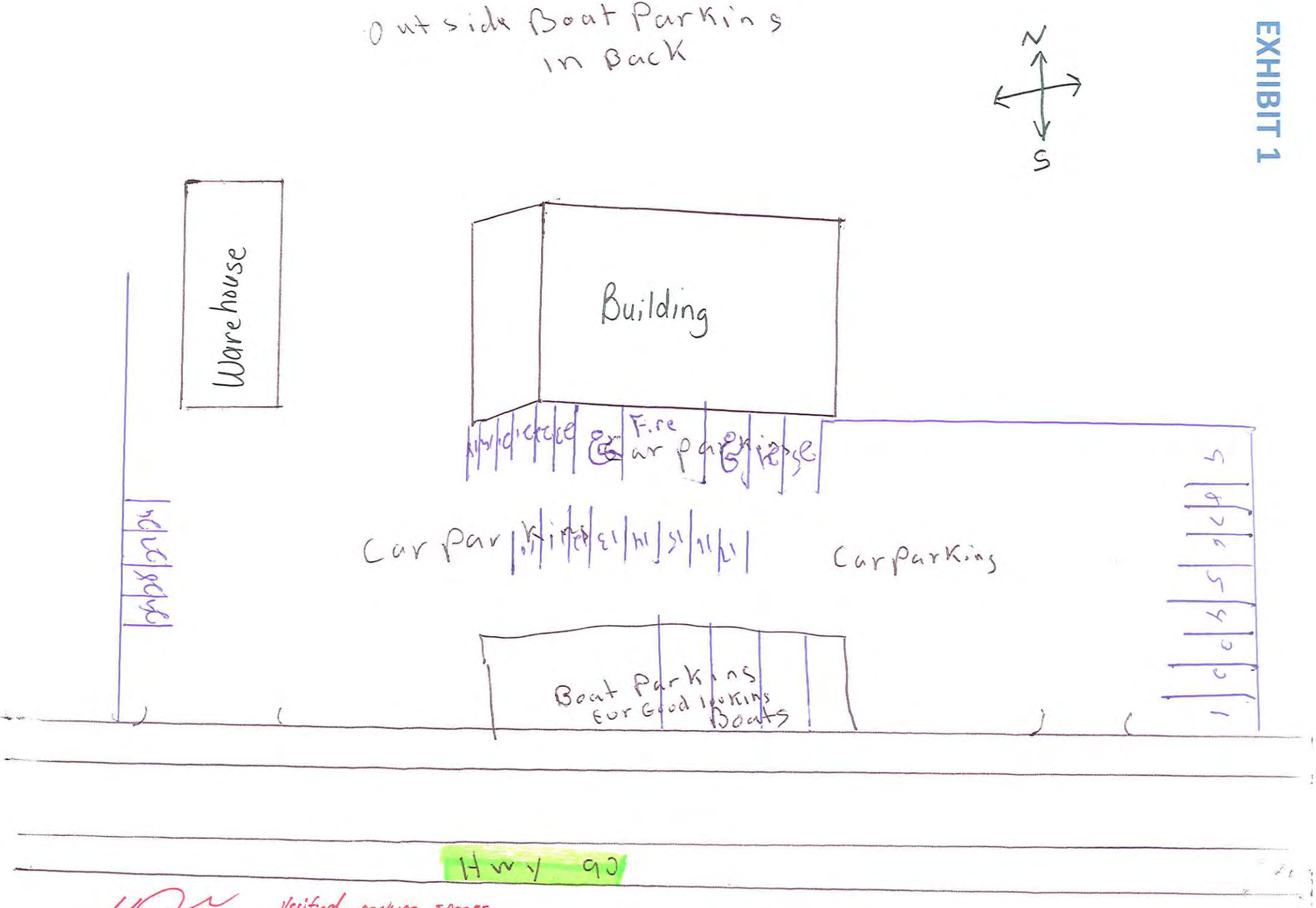
Page 4 , Question 4:
No, my business will not cause a problem for pedestrians or traffic. I am not a high traffic business.

Page 4 , Question 6:
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 base, boat base town, and I will be specializing in taking care of those things. I feel that it will make me a specialty business.

Page 4, Question 7:
No this does not apply to my shop, it does not produce and of these things listed in access .

Page 4, Question 8:
Yes it does. This will be a retail and service business specializing in all marine and boat trailer workings.

EXHIBIT 1



Verified parking spaces

EXHIBIT 1

Parcel Information

PIDN: 82436055.170

GISP: 777.36-03-0110.00

Owner Information

Name: WADE BLOCK & TILE CO INC

Percent of Ownership: 100

Name2:

Mailing Address: 3637 LACHENE ST
MOSS POINT MS 39563

Physical Address: 2029 HWY 90 GAUTIER

Land Information

Section, Township, Range: 36 7S 7W

Acreage: 3.20000004

Street Name: HWY 90

Value and Tax Information

Total Assessed Value: 80691

Total Appraised Value: 537940

Improvement Value: 298840

Land Value: 239100

Tax Amount: 10478

SQ. FT: 0

Year Built: 1986

Legal Description

Description: COM AT SWC SEC 36 N 1378' E 1637.52' TO POB E 196.97' N 659.14' N 79 DEG W 200' S 693.07 TO POB DB 842-292 (110 Map777.36-03)

Deed Book / Page: 842 / 292

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