
SEPTEMBER 5, 2013

GAUTIER, MISSISSIPPI

BE IT REMEMBERED THAT a regular meeting of the Gautier Planning Commission of the City of Gautier, Mississippi, was held on September 5, 2013, at 6:00 P.M. in the Council chambers of the Gautier Municipal Building at 3330 Highway 90, Gautier, Mississippi.

Commission members present: Larry Dailey, Vice-Chairman, Jimmy Green, James Torrey, and Greg Spanier. Absent were David Wooten and Marilyn Minor. Also present were Chandra Nicholson, Planning and Economic Development Director; Charlie McVea, 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 August 1, 2013 meeting for approval. The minutes were approved as submitted.

Mrs. Nicholson introduced the new City Attorney, Charlie McVea.

APPROVAL OF AGENDA

There were no changes to the agenda.

AGENDA

GAUTIER PLANNING COMMISSION

SEPTEMBER 5, 2013

6:00 P.M.

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE (VOLUNTEER)
- III. APPROVAL OF MINUTES – (AUGUST 1, 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 AN APPEAL TO STAFF DECISION REGARDING ALLOWING AN RV ON A PRIVATE LOT IN MURC-MW ZONING DISTRICT, LOTS 25, 26 AND 27, WILLIS HEIGHTS SUBDIVISION #2, RIVER OAKS DRIVE (JAMES T. LACY, OWNER) (GPC CASE #13-21-AP)

B. LEGISLATIVE

1. CONSIDER A REVISION OF CHAPTER 4 OF THE CITY OF GAUTIER CODE OF ORDINANCES REGARDING ANIMAL CONTROL (STAFF) (GPC 13-20-UDO)

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 AN APPEAL TO STAFF DECISION REGARDING ALLOWING AN RV ON A PRIVATE LOT IN MURC-MW ZONING DISTRICT, LOTS 25, 26 AND 27, WILLIS HEIGHTS SUBDIVISION #2, RIVER OAKS DRIVE (JAMES T. LACY, OWNER) (GPC CASE #13-21-AP)

There came before the Planning Commission an appeal to a Staff decision on the part of James T. Lacy regarding allowing an RV on a private lot located in the MURC-MW Mixed Use Recreation Commercial – Mary Walker zoning district. The lot is located at the corner of Willis Street and River Oaks Drive, Lots 25, 26 and 27, Willis Heights Subdivision #2, PID #87420025.000.

The applicant explained that he wants to leave the RV on the property but that he and his wife would only come down occasionally to stay two or three days to fish and clean the property. The applicant stated that he always turns the water off at the street and unhooks the sewer when they leave to return to their home in Hattiesburg. He also explained that his wife has cancer and he isn't sure how much longer they will be able to come down and enjoy the property.

Commissioner Dailey asked the applicant if there was a residence on the property when he bought it. The applicant stated that he bought the property around 1980 and there was a residence on the property at that time. He said he was later told it would cost more to repair the house than to tear it down and rebuild. The applicant said he contacted the fire department and allowed them to use the structure for training purposes in order to remove it from the property.

Commissioner Dailey stated that he recognized that MURC-MW was established to address the need for recreational vehicle spaces in the city in allowing them in specific locations. He asked Ms. Nicholson what directed her in her review to determine that RV's were not allowed in this specific instance. Ms. Nicholson explained that she reviewed the Staff decision and the Unified Development Ordinance (UDO) and found that recreational vehicles are listed as a Conditional Use-Major in an R-3 Mobile/Manufactured Home Residential zoning district but are not listed as a permitted use or as a conditional use in MURC-MW. Only recreational vehicles parks are allowed in MURC-MW which means an RV would only be allowed in an RV park.

Ms. Lee, who owns the property to the east of the applicant, asked if the codes had changed because there are existing mobile home parks and rental houses all around the applicant's property so why would the code not allow an RV on private property. Commissioner Dailey explained that RV's are allowed as part of RV parks but not on a vacant single lot. He further explained that the area was originally zoned R-1 Single-Family Residential but the Planning Commissioners and Council recognized that the area was unique with the waterfront, marinas, etc. and a special zoning was developed to allow for those

features to remain in the area, but it was decided to only allow recreational vehicles in RV parks.

Commissioner Green stated that with the character of the area, which includes marinas, mobile homes and RV parks, that the applicant should be allowed to have his RV there. He stated that he doesn't think there will be a deluge of RV's moving in if an amendment was made to allow RV's on private lots. Commissioner Dailey noted that the UDO does not allow for RV's on single lots in MURC-MW and the only legal way to allow it would be to amend the code with a text change.

On a motion by Commissioner Spanier to uphold Staff's decision and a second by James Torrey, the following vote was recorded:

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

The Staff decision was upheld.

The applicant was advised that he did have the option to request a text change to the UDO if he wanted to pursue the matter.

B. LEGISLATIVE

1. CONSIDER A REVISION OF CHAPTER 4 OF THE CITY OF GAUTIER CODE OF ORDINANCES REGARDING ANIMAL CONTROL (STAFF) (GPC 13-20-UDO)

When the Animal Control Officer was reclassified and placed under the Planning and Economic Development Department several issues with the existing Animal Control Ordinance surfaced. The Planning and Economic Development Director at that time directed Staff to draft a revision to the City of Gautier Code of Ordinances regarding animal control within the City.

Some of the items that needed to be addressed were inoculation of dogs and cats for rabies, confinement of animals to premises, running at large,

authorized impoundment, feral cats, determination of vicious animals and keeping of vicious animals.

Joe Belles, Code Enforcement Officer, advised Commissioners that before he began the revisions that were being proposed he researched codes for neighboring cities as well as other cities throughout the state. He stated that the proposed ordinance they were given is almost identical to Ocean Springs and Jackson County. Ms. Nicholson stated that Staff had advertised on the website and Facebook that revisions were being made to the Animal Control Ordinance and requested comments but only one comment was received.

Mr. Belles explained that a comment was received regarding feral cats but that feral cats were not a major issue in Gautier. Tony Malis, Animal Control Officer, stated that feral cats could not be released to a family because of their nature and there were not many locations in the city where a feral cat colony would be advantageous.

Commissioner Dailey stated that he had several questions regarding the revisions. He began by suggesting that the definition of cruelty be changed to read domesticated animals instead of animals which would include those animals that are meant to be hunted such as squirrels, etc. After some discussion regarding not being able to hunt within City limits, State regulations regarding hunting seasons, and being allowed to kill vermin, Commissioner Dailey asked that his suggestion be considered.

Commissioner Dailey noted that the existing ordinance includes a section addressing providing basic needs for dogs and a section about fenced yards and enclosure areas but he did not find where the revised version addressed minimal standards about what an enclosure would be and the fact that basic needs should be provided. Commissioner Dailey suggested that the revised ordinance should contain some inclusion of the existing ordinance regarding fenced yards and enclosures and providing basic need for dogs.

Commissioner Dailey also noted that the revised ordinance stated that underground electronic fences were not sufficient to contain unsupervised dogs which contradicted the existing code. Mr. Belles stated that he had checked with

the City of Ocean Springs and Jackson County and both had the same statement. Mr. Belles stated that anyone, such as a utility worker, Girl Scout, salesman, etc., could unknowingly walk into a yard with an underground fence and be attacked by an unsupervised dog. He also noted that if a shock collar had dead batteries it would not work. Commissioner Dailey noted that this inclusion was a significant change and that a lot of citizens had underground fences. Ms. Nicholson reminded Commissioners that the public had sufficient notification and time to review the proposed revisions and comment.

Commissioner Dailey noted that Mr. Belles had stated that there was no significant change to the section regarding overcrowded, unsanitary conditions and offensive odors, unless the Council wanted to limit the number of dogs. Commissioner Dailey asked Mr. McVea if more definition should be given to the number of dogs & cats allowed at a residence. Mr. McVea stated that he had an issue with whether or not to limit the number of dogs also. Commissioner Dailey asked Mr. McVea to review the issue and provide his suggestions and possible wording at the next meeting. One possibility would be to limit the number of dogs at a residence with the option to request a Conditional Use-Major to have more dogs than the ordinance allows.

Commissioner Dailey reminded Commissioners that he had previously recommended some changes to the ordinance regarding keeping of fowl. He noted a few changes to the original draft the Commissioners had and asked that it be considered to be added to the portion of the ordinance regarding keeping of fowl.

Commissioner Torrey made a motion to table the item until the October meeting so Mr. McVea could present the Commissioners with appropriate language for certain items that were discussed and so Staff could modify the proposed revisions to include discussion items agreed upon at this meeting. Commissioner Green seconded the motion and the following vote was recorded:

<u>AYES</u>	<u>NAYS</u>	<u>ABSENT</u>	<u>ABSTAINED</u>
James Torrey		Marilyn Minor	
Greg Spanier		David Wooten	

Larry Dailey

Jimmy Green

DIRECTOR'S REPORT

Ms. Nicholson advised Commissioners that she had been told that all mall tenants had to be out by the end of October. She also gave the Commissioners an update on some of the old mall tenants and their new locations in Gautier.

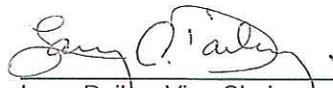
Ms. Nicholson told Commissioners about some of the events going on in the City: 1) Autumn on the Bayou which encourages businesses and residences to decorate their home or place of business for fall; 2) Haunted Trails which will be at Shepard Park several weekends in October and will include hayrides and games for the younger children; and 3) football and cheerleading registration.

SUBMITTED BY:


Chandra Nicholson, Director
Planning and Economic Development

DATE: 1/16/14

APPROVED:


Larry Dailey, Vice-Chairman
Gautier Planning Commission

DATE: 5 DEC 2013