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**May 1, 2014**  
**Gautier, Mississippi**

**BE IT REMEMBERED THAT** a regular meeting of the Gautier Planning Commission of the City of Gautier, Mississippi, was held on May 1, 2014, 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, Jimmy Green, Greg Spanier and Sandra Walters. Also present were Chandra Nicholson, Economic Development and Planning Director; Joshua Danos, City Attorney; Tricia Thigpen, Deputy City Clerk; and Michelle Keenlance, Court Reporter. Absent were Commissioners David Wooten and James Torrey.

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Commissioner Dailey called the meeting to order. Commissioner Green made the motion to postpone approval of Planning Commission Minutes for March 6th and April 3rd until June 5th meeting. Commissioner Dailey seconded the motion and the vote unanimously carried.

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**APPROVAL OF AGENDA**

Commissioner Walters made the motion to move GPC # 14-06-CU to No. 1 on the agenda and approve the Agenda Order. Motion seconded by Commissioner Spanier and vote was unanimously carried.

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**AGENDA**

**GAUTIER PLANNING COMMISSION**

**MAY 1, 2014**

**6:00 p.m.**

- I. CALL TO ORDER**
- II. PLEDGE OF ALLEGIANCE (VOLUNTEER)**
- III. APPROVAL OF MINUTES (March 6, 2014 & April 3, 2014)**
- IV. APPROVAL OF AGENDA**
- V. PUBLIC COMMENTS  
(MATTERS OF THE PLANNING COMMISSION NOT LISTED ON THE AGENDA)**
- VI. OLD BUSINESS**
  - A. QUASI-JUDICIAL**

1. SANDHILL RV PARK MAJOR DEVELOPMENT-REQUEST FOR A MAJOR DEVELOPMENT ORDER FOR A 24.18 ACRE RECREATIONAL VEHICLE PARK IN A MURC-2 MIXED USE RECREATION COMMERCIAL – 2 (PENDING), MARTIN BLUFF ROAD (GREG WILLIAMS dab DIRT, INC.) (GPC CASE #14-03-MD) TABLED AT MARCH 6, 2014 AND APRIL 3, 2014 GPC MEETING.

**VII. NEW BUSINESS**

A. QUASI-JUDICIAL

1. T. SMITH LAUNDRY, LLC – REQUEST FOR A CONDITIONAL USE-MAJOR PERMIT FOR A LAUNDROMAT IN A C-1 DISTRICT; 2125 LADNIER ROAD (GPC CASE #14-06-CU).

B. LEGSLATIVE

1. REQUEST TO AMEND THE UDO TO CREATE A SIGN OVERLAY DISTRICT (CITY INITIATED) (GPC CASE #14-07-UDO)

**VII. DIRECTOR'S REPORT**

**IX. ADJOURN**

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**NO PUBLIC COMMENTS**

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**NEW BUSINESS**

T. SMITH LAUNDRY, LLC – REQUEST FOR A CONDITIONAL USE-MAJOR PERMIT FOR A LAUNDROMAT IN A C-1 DISTRICT; 2125 LADNIER ROAD (GPC CASE #14-06-CU).

Planning Commission conducted the Quasi – Judicial Procedures.

Ms. Nicholson stated let the record reflect that I am now entering the Staff Report into the record:

**RECOMMENDATION:**

Staff finds that the proposed use may be compatible and harmonious with the Neighborhood Commercial District and recommends approval with the following conditions:

1. Within 12 months of issuance of the Major Conditional-Use Permit, the owner shall paint the exterior of the building as approved by the Technical Review Committee.
2. Within 24 months of issuance of the Major Conditional Use Permit, the

owner shall install a fence or natural screen along the north property line, as approved by the Technical Review Committee. The fence or natural buffer shall screen the Laundromat from view by the adjacent residential subdivision.

3. Within 36 months of issuance of the Major Conditional Use Permit, the owner shall remove any excess pavement not in use and convert to “green space” as approved by the Technical Review Committee.
4. The location shall meet all accessibility requirements for change of occupancy as stated in Section 3409 of the International Building Code. (See Exhibit E.)
5. Noise levels shall meet the City’s noise ordinance. (See Exhibit F.)
6. The location shall meet all parking requirements as set forth in Article VII of the Unified Development Ordinance.

**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.

Commissioner Dailey closed the public portion of the hearing after discussion. Commissioner Walters made the motion to recommend City Council approve the Conditional Use-Major with the conditions listed. Commissioner Spanier seconded the motion and the following vote was recorded:

AYES:        Larry Dailey  
               Jimmie Green  
               Greg Spanier  
               Sandra Walters

NAYS:        None

ABSENT:     David Wooten  
               James Torrey

Motion carried.

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HOMESTEAD REZONING – REQUEST FOR A CITIZEN-INITIATED  
COMPREHENSIVE REZONING OF PROPERTIES TO R-E  
RESIDENTIAL ESTATE (GPC CASE #14-01-RZ) TABLED AT MARCH 6,  
2014 GPC MEETING.

Planning Commission conducted the Quasi-Judicial Procedures.

Attorney Paul Roberts, 2598 Pass Road, Ste. A, Biloxi, MS, representing William R. Finnicum and Homestead Boulevard residents, requested the following items be entered into record:

1. Email to the City of Gautier.
2. Mr. Finnicum's original application.
3. Appraisal Report.

Commissioner Dailey closed the public hearing and called for a motion.

Commissioner Walter made the motion to deny the rezoning to council because the data and analysis does not support a Comprehensive Rezoning. Motion was not seconded. Motion failed.

Commissioner Spanier made the motion to recommend approval to council because the data and analyses do support a Comprehensive Rezoning at this time. Commissioner Green seconded the motion.

Commissioner Dailey made a motion to go into Closed Session to discuss a need for an Executive Session. Commissioner Spanier seconded the motion and the vote was unanimously carried.

Commissioner Dailey made a motion to go into Executive Session to discuss potential litigation. Commissioner Green seconded the motion and the vote was unanimously carried.

Commissioner Dailey made a motion to return to Open Session. Commissioner Walters seconded the motion and the vote was unanimously carried.

City Attorney Josh Danos announced no action was taken in Executive Session.

Commissioner Spanier withdrew his earlier motion.

Commissioner Dailey made the motion to approve GPC Case #14-01-RZ and that we find that we've heard evidence that this area was clearly being developed as residential estates and as RE did not exist at the time of incorporation of the area, it was brought into Gautier at the highest available zone available, which was R-1; we find that there is clear and convincing evidence that a mapping error occurred and the Comprehensive Plan recognized the error by identifying it to be rezoned RE which would protect the character and quality of the existing neighborhood. Commissioner Spanier seconded the motion and the following vote was recorded:

AYES: Larry Dailey  
Jimmy Green  
Greg Spanier

NAYS: Sandra Walters

ABSENT: David Wooten  
James Torrey

Motion carried.

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REQUEST TO AMEND THE UDO TO CREATE A SIGN OVERLAY  
DISTRICT (CITY INITIATED) (GPC CASE #14-07-UDO)

Planning Commission considered the request to amend the UDO to create a Sign Overlay District (City Initiated) GPC Case #14-07-UDO.

Commissioner Dailey called for a motion after discussion.

Commissioner Dailey made the motion to recommend approval of the Sign Ordinance Overlay District as proposed with the addition that the Economic Development Director has the discretion to allow additional signage for public amenities. Commissioner Spanier seconded the motion and the following vote was recorded:

AYES: Larry Dailey  
Jimmy Green  
Greg Spanier  
Sandra Walters

NAYS: None

ABSENT: David Wooten  
James Torrey

Motion carried.

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**DIRECTOR'S REPORT:**

Chandra Nicholson, Economic Development and Planning Director gave the following report:

1. Lee Bond is the new Building Official and we are currently interviewing for a City Planner.
2. Demolition on the mall is moving forward.
3. Annual car sale at the mall is scheduled for May.
4. Medical complex is also moving forward.

Commissioner Green asked if the Animal Control Officer was required to attend the Planning Commission meetings. Ms. Nicholson stated no.

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Commissioner Dailey made a motion to adjourn the meeting until June 5, 2014 at 6:00 P.M. Commissioner Spanier seconded the motion and the vote was unanimously carried.

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**SUBMITTED BY:**

\_\_\_\_\_  
Chandra Nicholson, Director  
Economic Development & Planning

DATE: \_\_\_\_\_

**APPROVED:**

\_\_\_\_\_  
David Wooten, Chairman  
Gautier Planning Commission

DATE: \_\_\_\_\_

**BACK UP DOCUMENTATION FOR:**

T. SMITH LAUNDRY, LLC – REQUEST FOR A CONDITIONAL USE-  
MAJOR PERMIT FOR A LAUNDROMAT IN A C-1 DISTRICT; 2125  
LADNIER ROAD (GPC CASE #14-06-CU).

**Gautier Planning Commission**

**Regular Meeting Agenda**

**May 1, 2014**

**GPC #14-06-CU**

**T. Smith Laundry, LLC**

**(Laundry Land)**

**VII. NEW BUSINESS**

**A. QUASI-JUDICIAL**

1. T. SMITH LAUNDRY, LLC - REQUEST FOR A CONDITIONAL USE-MAJOR PERMIT FOR A LAUNDROMAT IN A C-1 DISTRICT; 2125 LADNIER ROAD (GPC CASE #14-06-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  
T. SMITH LAUNDRY, LLC  
(LAUNDRY LAND)**

**To:** Chairman and Members, Planning Commission  
**From:** Chandra Nicholson, Economic Development & Planning Director  
**Date:** April 25, 2014  
**Subject:** Conditional Use-Major Permit for a Laundromat in a C-1 Zoning District at 2125 Ladnier Road (GPC #14-06-CU)

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**REQUEST:**

The Economic Development and Planning Department has received a request from Tyler Smith, owner of the T. Smith Laundry, LLC, for a Conditional Use-Major Permit that would allow a laundromat in a C-1 Neighborhood Commercial zoning district at 2125 Ladnier Road, PID #82514022.000. The application fee of \$250 was paid on February 24, 2014. All public notice requirements have been met.

**BACKGROUND:**

The request property is zoned C-1 Neighborhood Commercial.

1. Location: 2125 Ladnier Road (See Exhibit A)  
Principal Arterial: Ladnier Road
2. General features of the proposed project:  
Total Building Area: 2,070 square feet  
Site Size: 0.32 Acres  
Year Building Constructed: 1970
3. Potable Water and Wastewater Services: Existing from City
4. The building is set-up and was previously used as a laundromat. The building was built prior to 2010 when the UDO became effective. The building has been vacant for more than sixty (60) days, so the “grand-fathered” status has expired.
5. Current Zoning: C-1 Neighborhood Commercial
6. Current Surrounding Zoning (See Exhibit B): R-1 Low Density Residential

7. Current Surrounding Existing Land Use (See Exhibit C): Very Low to Low Density Residential to the North; Vacant to the West and South; and Recreation to the East.
8. Comprehensive Plan Future Land Use Designation (See Exhibit D): Low Density Residential

**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.*

*Staff Finding: Yes. A laundromat is listed as a Conditional Use-Major in a C-1 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: The project will compliment the area positively in every way. We intend on bringing something the community desperately needs while investing money to fix the existing dilapidated building, parking lot, and machines.*

*Staff Finding: The proposed use will be located in an existing building and will not further impact the density, bulk and intensity of the structures in the vicinity. Table No. 9 of the UDO establishes minimum parking spaces requirements for Laundromats as 1 space per 2 clothes washing machines plus 1 per employee. Based on the proposed project, 12 spaces would be required for the number of washing machines. The applicant has stated there will be 1 employee per shift, therefore 1 additional spaces would be required. The total number of spaces required to be provided would be 13 and one of those spaces would need to be ADA accessible.*

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

*Applicant Response: Our property will not affect property value negatively. If anything it will raise values. We are rehabbing a dilapidated building.*

*Staff Finding: There is no evidence to indicate the proposed use will negatively affect the property values, or cause a detriment to the surrounding properties.*

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

*Applicant Response: No, our property is easily accessible.*

*Staff Finding: There is no evidence that the proposed laundromat will have any adverse affect on vehicular or pedestrian traffic.*

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: Yes.*

*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, See attached.*

*Staff Response: The Comprehensive Plan shows a different zoning district for the parcel in question, Low Density Residential. The Plan does not specifically list Laundromats as a use in Low Density Residential but does list low impact civic uses. Churches are listed as an example. The parking requirements for a church would provide a greater impact than a laudromat. There is a need for a Laundromat in this area with the number of apartments and rental houses in the vicinity.*

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.*

*Staff Finding: There is no evidence that the proposed use poses 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.*

*Staff Finding: The proposed use can be made to conform to district regulations with certain 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 requires 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 Neighborhood Commercial District and recommends approval with the following conditions:

1. Within 12 months of issuance of the Major Conditional-Use Permit, the owner shall paint the exterior of the building as approved by the Technical Review Committee.
2. Within 24 months of issuance of the Major Conditional Use Permit, the owner shall install a fence or natural screen along the south property line, as approved by the Technical Review Committee. The fence or natural buffer shall screen the Laundromat from view by the adjacent residential subdivision.
3. Within 36 months of issuance of the Major Conditional Use Permit, the owner shall remove any excess pavement not in use and convert to “green space” as approved by the Technical Review Committee.
4. The location shall meet all accessibility requirements for change of occupancy as stated in Section 3409 of the International Building Code. (See Exhibit E.)

5. Noise levels shall meet the City's noise ordinance. (See Exhibit F.)
6. The location shall meet all parking requirements as set forth in Article VII of the Unified Development Ordinance.

**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. Draft Conditional Use-Major Development Permit
2. Applicant's Exhibit 1 – Application
3. City's Exhibit A – Location Map
4. City's Exhibit B – Existing Zoning Map
5. City's Exhibit C – Existing Land Use Map
6. City's Exhibit D – Future Land Use Map
7. City's Exhibit E – Section 3409 of the International Building Code (Accessibility)
8. City's Exhibit F – Section 15-5 City of Gautier's Code of Ordinances (Noise Ord.)

**CITY OF GAUTIER  
CONDITIONAL USE-MAJOR DEVELOPMENT PERMIT  
GPC CASE NO. 14-06-CU**

**T. SMITH LAUNDRY, LLC (LAUNDRY LAND)**

**REGARDING PARCEL ID NO: 82514022.000**

The City of Gautier, at its regular meeting held on May 20, 2014, considered the application for a Conditional Use-Major Development Permit for a laundromat as submitted by Tyler Smith, representative for The T. Smith Laundry, LLC. The parcel subject to this Permit is located at 2125 Ladnier Road, 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 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 a laundromat, is permitted as a Conditional Use-Major in the C-1 District.
4. Therefore, the City Council accepts the recommendation of the Planning Commission and approves the application submitted on February 24, 2014 for a Conditional Use-Major Development Permit.
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. Within 12 months of issuance of the Major Conditional-Use Permit, the owner shall paint the exterior of the building as approved by the Technical Review Committee.
  - b. Within 24 months of issuance of the Major Conditional-Use Permit, the owner shall install a fence or natural screen along the south property line, as approved by the Technical Review Committee. The fence or natural buffer shall screen the Laundromat from view by the adjacent residential subdivision.

- c. Within 36 months of issuance of the Major Conditional-Use Permit, the owner shall remove any excess pavement not in use and convert to “green space” as approved by the Technical Review Committee.
  - d. The location shall meet all accessibility requirements for change of occupancy as stated in Section 3409 of the International Building Code. (See Exhibit E.)
  - e. Noise levels shall meet the City’s noise ordinance. (See Exhibit F.)
  - f. The location shall meet all parking requirements as set forth in Article VII of the Unified Development Ordinance.
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 on May 1, 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 T. Smith Laundry, LLC, located at 2125 Ladnier Road, in Gautier, Mississippi, and identified as Jackson County Parcel No. 82514022.000.

May 20, 2014  
Date of Issuance

Attest:

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

\_\_\_\_\_  
Cindy Russell  
City Clerk

ECONOMIC DEVELOPMENT/PLANNING DEPARTMENT  
GAUTIER, MISSISSIPPI

CONDITIONAL USE-MAJOR HEARING APPLICATION

Hearing Number

GPC 14-06-CU

<b>TYPE OF REQUEST:</b>	<b>FEE:</b>
Conditional Use – Major <u>X</u>	\$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: Tyler Smith

Name of Business: T. Smith Laundry, LLC

Address: 2125 Ladnier Rd Gautier, MS Mailing Address (if different): 920 Caroline Dr. Biloxi, MS 39532

Email Address: Tydean14@yahoo.com

Phone: 601-695-0230 Cell Phone: 601-695-0230

Reason for request, location and intended use of Property: Re-open laundromat

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.
- NA 4. Copy of protective covenants or deed restrictions, if any.
- N/A 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.
- NA 7. Owner's Consent form, if anyone other than 100% sole owner makes application (see attached).

Signature of Applicant: Tyler Smith

Date of Application: 2-17-14

Date Received	<u>2/24/14</u>	Verify as Complete	<u>JBaug</u>
Fee Amount Received	<u>\$250.00</u>		
Initials of Employee Receiving Application	<u>JB</u>		

## 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.

*The project will compliment the area positively in every way. We intend on bringing something the community desperately needs while investing money to fix the existing dilapidated building, parking lot, and machines.*

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

*Our project will not affect property value negatively. If anything it will raise values. We are rehabbing ~~and~~ dilapidated building.*

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

*No, ~~conveniently~~ Our property is easily accessible.*

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?

*yes*

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

*yes, see attached.*

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.

*No*

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.

*Yes*

## **EXCERPT FROM GAUTIER'S UNIFIED DEVELOPMENT ORDINANCE CONCERNING CONDITIONAL USES**

### **SECTION 4.17: Conditional Uses Both Minor and Major**

The development and execution of this Ordinance is based upon the division of the community into districts, within which districts the use of land and building and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are certain uses which are generally compatible with the land uses permitted in a zoning district, but due to their unique characteristics, require individual review to ensure the appropriateness and compatibility of the use on any particular site. Certain uses may be allowed as enumerated in each of the zoning districts established in *Article V* in accordance with the standards and procedures of this Article and the standards enumerated for each Conditional Use in the district regulations.

A hearing for a Conditional Use-Major may be conducted under two separate circumstances: (a) in conjunction with the rezoning of the property, or (b) if the property is already zoned correctly, but the use is not permitted by right. In the case of a rezoning, the Conditional Use must meet the legal threshold required for any rezoning action.

#### **4.17.1 Who may initiate**

A request for a conditional use may be initiated by the property owner or agent of the owner provided:

- A. The proposed use is listed as a Conditional Use in the specific district requirements of the existing or proposed zoning district of the property, **and**
- B. Said property has not been denied a previous request for the same property or portion of the property within the past twelve (12) months; **and**
- C. All procedures and provisions for a public hearing have been met.

#### **4.17.2 Application for Conditional Use-Minor**

A Conditional Use-Minor requires a Finding of Compatibility by the Economic Development Director. Upon application review and after consideration of the surrounding properties and nature of the proposed use, the Director may approve, approve with conditions, elect to hold a public hearing under the procedures of 4.7.3, or deny the application. These uses do not "run with the land" and may not be transferred from one owner to the next without application for a FOC by the Director.

#### **4.17.3 Criteria for Approval of a Conditional Use-Minor**

A Minor Conditional Use Permit is required when projects possess location, use, building or traffic characteristics of such unique and special form as to make impractical or undesirable, their automatic inclusion as permitted uses. Minor Conditional Use Permits may be granted, in whole or in part, from the facts available in the application and determined by investigation, all of the following written findings can be made:

1. The proposed use is substantially compatible with other uses in the area, including factors relating to the nature of its location, operation, building design, site design, traffic characteristics, and environmental impacts.
2. The proposed use will not be materially detrimental to the health, safety, and general welfare of the public or otherwise injurious to the environment or to the property or improvements within the area.
3. The proposed use will be consistent with the Comprehensive Plan.
4. The proposed use is in conformance with specific site location, development, and operation standards as required by this Ordinance.

#### **4.17.4 Application for Conditional Use**

Applications for a Conditional Use-Minor and Major may be filed on applications available from the Economic Development Department and shall contain or have attached to it the following information:

- A. Diagram of intended use, showing dimensions and distances of property, building with setbacks, parking spaces, entrances and exits
- B. Legal descriptions and street address
- C. Copy of Protective covenants or deed restrictions, if any
- D. Copies of approval, 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
- E. A Detailed Project Narrative

- F. Any other information requested by the Economic Development Director and/or members of the Technical Review Committee

#### **4.17.5 Criteria for Approval of a Conditional Use-Major**

A Conditional Use-Major is not allowed "by right" but requires 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.

When considering application for a Conditional Use-Major, the Planning Commission and the City Council shall consider the extent to which:

- A. The proposed use is compatible with the character of development in the vicinity relative to density, bulk and intensity of structures, parking, and other uses;
- B. Any possible detrimental effects might occur as a result of the Conditional Use to the continued use, value, or development of properties in the vicinity;
- C. Whether or not the proposed use will adversely affect vehicular or pedestrian traffic in the vicinity;
- D. If the proposed use can 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;
- E. If the proposed use is in harmony with the Comprehensive Plan;
- F. If the proposed use is listed in the list of possible Conditional Uses in that particular Zoning District;
- G. Whether the proposed use will not be hazardous, detrimental, or disturbing to present surrounding land uses due to noises, glare, smoke, dust, odor, fumes, water pollution, vibration, electrical interference, or other nuisances; and
- H. Whether the use conforms to all district regulations for the applicable district in which it is located unless other provisions are specifically set forth in the application.

#### **4.17.6 Authority for Conditions**

A Conditional Use-Major may be issued subject to such conditions as are necessary to carry out the purpose of this Ordinance and to prevent or minimize adverse effects upon other property in the neighborhood, including, but not limited to:

- A. Adequate ingress and egress to property and proposed structures with particular reference to vehicular and pedestrian safety and convenience, traffic flow and control and access in case of fire or other disaster
- B. Off-street parking and loading areas with particular attention to item (1) above and the economy of the city, and to noise or glare effects of the conditional use on adjoining properties generally in the district
- C. Refuse and service areas, with particular reference to item (1) and (2) above
- D. Utilities with reference to location availability and compatibility
- E. Screening and buffering with reference to type, dimensions, and character
- F. Control of any proposed exterior lighting with reference to glare, traffic safety economic effect and compatibility and harmony with properties in the district
- G. Required yards and open spaces

APPLICATION FOR  
ZONING, BUILDING, AND FIRE INSPECTION PERMIT  
OF  
COMMERCIAL AND/OR NON-RESIDENTIAL ESTABLISHMENTS

In accordance with the International Building code of the City of Gautier, Mississippi, all commercial, industrial, public and other enterprises as deemed appropriate by the Building Official of the City shall be inspected for Building Safety prior to issuance of a Certificate of Occupancy. An Inspection Fee of \$20.00 will be required. Applicants are respectfully requested to complete the following information at their earliest convenience prior to applying for a Privilege License. By so doing, the City is attempting, to the maximum extent possible, to avoid delays in opening new businesses.

BUSINESS NAME: T. Smith Laundry LLC

BUSINESS ADDRESS: 2125 Ladnier Rd. Gautier, MS 39553

KEY CONTACT PERSON: Tyler Smith

PHONE NUMBER OF KEY CONTACT: 601-695-0230

TYPE OF BUSINESS:

Retail Sales:  Service:

Manufacturing:  Storage:

Other:  Describe: Laundromat

Are there to be any structural modifications? No  Yes

Explain: \_\_\_\_\_

List of Materials to be Sold or Otherwise Maintained at the Site: \_\_\_\_\_

Are any of the following Materials to be Stored or Sold on the Premises? Yes \_\_\_ No \_\_\_ If yes, identify:

Flammable	<input type="checkbox"/>	Combustible	<input type="checkbox"/>	Oxidizers	<input type="checkbox"/>
Corrosives	<input type="checkbox"/>	Toxins	<input type="checkbox"/>	Explosives	<input type="checkbox"/>
Poison	<input type="checkbox"/>	Radio Active	<input type="checkbox"/>	Other	<input type="checkbox"/>

Tyler Smith  
Signature

Zoning District C1 -

Use Designated for this Zoning District

major con. use.

Approved by: \_\_\_\_\_

<b>A.</b> U.S. DEPARTMENT OF HOUSING & URBAN DEVELOPMENT  <b>SETTLEMENT STATEMENT</b>		<b>B. TYPE OF LOAN:</b> 1. <input type="checkbox"/> FHA    2. <input type="checkbox"/> FmHA    3. <input type="checkbox"/> CONV. UNINS.    4. <input type="checkbox"/> VA    5. <input type="checkbox"/> CONV. INS. 6. FILE NUMBER: SMITH 2125 LADNER 7. LOAN NUMBER: _____ 8. MORTGAGE INS CASE NUMBER: _____	
<b>C. NOTE:</b> <i>This form is furnished to give you a statement of actual settlement costs. Amounts paid to and by the settlement agent are shown. Items marked "[POC]" were paid outside the closing; they are shown here for informational purposes and are not included in the totals.</i> 1.0 3/98 (SMITH 2125 LADNER, PFD/SMITH 2125 LADNERZ)			
<b>D. NAME AND ADDRESS OF BORROWER:</b>  Tyler Smith 920 Caroline Drive Biloxi, MS 39532		<b>E. NAME AND ADDRESS OF SELLER:</b>  W. Pelfresne PO Box 129 Island Lake, IL 60042	
<b>F. NAME AND ADDRESS OF LENDER:</b>  _____ _____ _____		<b>I. SETTLEMENT DATE:</b>  February 6, 2014	
<b>G. PROPERTY LOCATION:</b> 2125 Ladnier Gautier, MS 39553 Jackson County, Mississippi		<b>H. SETTLEMENT AGENT:</b> 72-1342020 James B. Wright, Jr.  <b>PLACE OF SETTLEMENT</b> Post Office Box 249 Ocean Springs, MS 39566	
<b>J. SUMMARY OF BORROWER'S TRANSACTION</b>		<b>K. SUMMARY OF SELLER'S TRANSACTION</b>	
<b>100. GROSS AMOUNT DUE FROM BORROWER:</b>		<b>400. GROSS AMOUNT DUE TO SELLER:</b>	
101. Contract Sales Price	20,000.00	401. Contract Sales Price	20,000.00
102. Personal Property		402. Personal Property	
103. Settlement Charges to Borrower (Line 1400)	815.00	403.	
104.		404.	
105.		405.	
<i>Adjustments For Items Paid By Seller in advance</i>		<i>Adjustments For Items Paid By Seller in advance</i>	
106. City/Town Taxes	to	406. City/Town Taxes	to
107. County Taxes	to	407. County Taxes	to
108. Assessments	to	408. Assessments	to
109.		409.	
110.		410.	
111.		411.	
112.		412.	
<b>120. GROSS AMOUNT DUE FROM BORROWER</b>	<b>20,815.00</b>	<b>420. GROSS AMOUNT DUE TO SELLER</b>	<b>20,000.00</b>
<b>200. AMOUNTS PAID BY OR IN BEHALF OF BORROWER:</b>		<b>500. REDUCTIONS IN AMOUNT DUE TO SELLER:</b>	
201. Deposit or earnest money		501. Excess Deposit (See Instructions)	
202. Principal Amount of New Loan(s)		502. Settlement Charges to Seller (Line 1400)	2,629.25
203. Existing loan(s) taken subject to		503. Existing loan(s) taken subject to	
204.		504. Payoff of first Mortgage	
205.		505. Payoff of second Mortgage	
206.		506.	
207.		507.	
208.		508.	
209.		509.	
<i>Adjustments For Items Unpaid By Seller</i>		<i>Adjustments For Items Unpaid By Seller</i>	
210. City/Town Taxes	to	510. City/Town Taxes	to
211. County Taxes	01/01/14 to 02/07/14	511. County Taxes	01/01/14 to 02/07/14
212. Assessments	to	512. Assessments	to
213.		513.	
214.		514.	
215.		515.	
216.		516.	
217.		517.	
218.		518.	
219.		519.	
<b>220. TOTAL PAID BY/FOR BORROWER</b>	<b>163.52</b>	<b>520. TOTAL REDUCTION AMOUNT DUE SELLER</b>	<b>2,792.77</b>
<b>300. CASH AT SETTLEMENT FROM/TO BORROWER:</b>		<b>600. CASH AT SETTLEMENT TO/FROM SELLER:</b>	
301. Gross Amount Due From Borrower (Line 120)	20,815.00	601. Gross Amount Due To Seller (Line 420)	20,000.00
302. Less Amount Paid By/For Borrower (Line 220)	( 163.52)	602. Less Reductions Due Seller (Line 520)	( 2,792.77)
<b>303. CASH ( X FROM ) ( TO ) BORROWER</b>	<b>20,651.48</b>	<b>603. CASH ( X TO ) ( FROM ) SELLER</b>	<b>17,207.23</b>

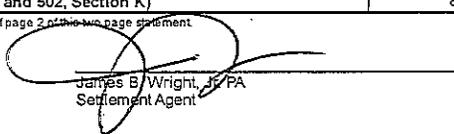
The undersigned hereby acknowledge receipt of a completed copy of pages 1&2 of this statement & any attachments referred to herein.

Borrower  
 Tyler Smith

Seller  
 W. Pelfresne

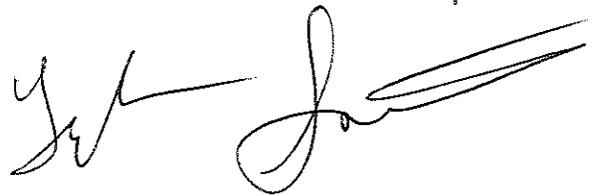
L. SETTLEMENT CHARGES				PAID FROM	PAID FROM
				BORROWER'S	SELLER'S
				FUNDS AT	FUNDS AT
				SETTLEMENT	SETTLEMENT
700. TOTAL COMMISSION Based on Price	\$	20,000.00 @ 5.0000 %	1,000.00		
<i>Division of Commission (line 700) as Follows:</i>					
701. \$ 1,000.00	to	Surf Song Realty			
702. \$	to				
703. Commission Paid at Settlement					1,000.00
704.	to				
<b>800. ITEMS PAYABLE IN CONNECTION WITH LOAN</b>					
801. Loan Origination Fee	%	to			
802. Loan Discount	%	to			
803. Appraisal Fee		to			
804. Credit Report		to			
805. Tax Service Fee		to			
806. Flood Cert		to			
807. Underwriting Fee		to			
808. Processing Fee					
809. Administration Fee					
810. Flood Cert Life of Loan					
811. Doc Prep Fee					
<b>900. ITEMS REQUIRED BY LENDER TO BE PAID IN ADVANCE</b>					
901. Interest From	to	@ \$	/day ( days %)		
902. MIP Totals for LifeOfLoan	for	months to			
903. Hazard Insurance Premium for	1.0 years to				
904. Flood / Wind & Hail Ins. Prem.	1.0 years				
905.					
<b>1000. RESERVES DEPOSITED WITH LENDER</b>					
1001. Hazard Insurance	months @ \$		per month		
1002. Mortgage Insurance	months @ \$		per month		
1003. City/Town Taxes	months @ \$		per month		
1004. County Taxes	months @ \$		per month		
1005. Assessments	months @ \$		per month		
1006. Flood / Wind & Hail Ins. Prem.	months @ \$		per month		
1007.	months @ \$		per month		
1008. Aggregate Adjustment	months @ \$		per month		
<b>1100. TITLE CHARGES</b>					
1101. Settlement or Closing Fee	to	James B. Wright, Jr.		300.00	
1102. Abstract or Title Search	to	CE, LLC		200.00	
1103. Title Examination	to				
1104. Title Insurance Binder	to	Commonwealth Land Title Insurance Company		50.00	
1105. Document Preparation	to	James B. Wright, Jr.		100.00	
1106. Notary Fees	to				
1107. Attorney's Fees	to				
<i>(includes above item numbers: )</i>					
1108. Title Insurance	to	Commonwealth Land Title Insurance Company		150.00	
<i>(includes above item numbers: )</i>					
1109. Lender's Coverage	\$				
1110. Owner's Coverage	\$	20,000.00	150.00		
1111.					
1112.					
1113.					
<b>1200. GOVERNMENT RECORDING AND TRANSFER CHARGES</b>					
1201. Recording Fees: Deed \$	15.00; Mortgage \$		Releases \$	15.00	
1202. City/County Tax/Stamps: Deed	0.00; Mortgage				
1203. State Tax/Stamps: Deed	0.00; Mortgage				
1204.					
1205.					
<b>1300. ADDITIONAL SETTLEMENT CHARGES</b>					
1301. Survey	to				
1302. Pest Inspection	to				
1303.					
1304. 2013 Taxes	to	Jackson County Tax Collector	82514022.000		1,629.25
1305.					
<b>1400. TOTAL SETTLEMENT CHARGES (Enter on Lines 103, Section J and 502, Section K)</b>				<b>815.00</b>	<b>2,629.25</b>

By signing page 1 of this statement the signatories acknowledge receipt of a completed copy of page 2 of this two page statement

  
 James B. Wright, Jr. PA  
 Settlement Agent

Certified to be a true copy.

Our project for 2125 Ludlow ~~Old~~ Road consist  
of us repairing an old building and turning it into a  
vibrant, safe <sup>affordable</sup> place for families to do their laundry. We  
will be investing roughly 35,000 dollars to <sup>improve</sup> ~~repair~~ the  
building, the parking lot, and retool the laundromat with  
better equipment. We will employ 1-2 people.

A handwritten signature in black ink, consisting of a stylized first name followed by a last name with a long horizontal stroke.

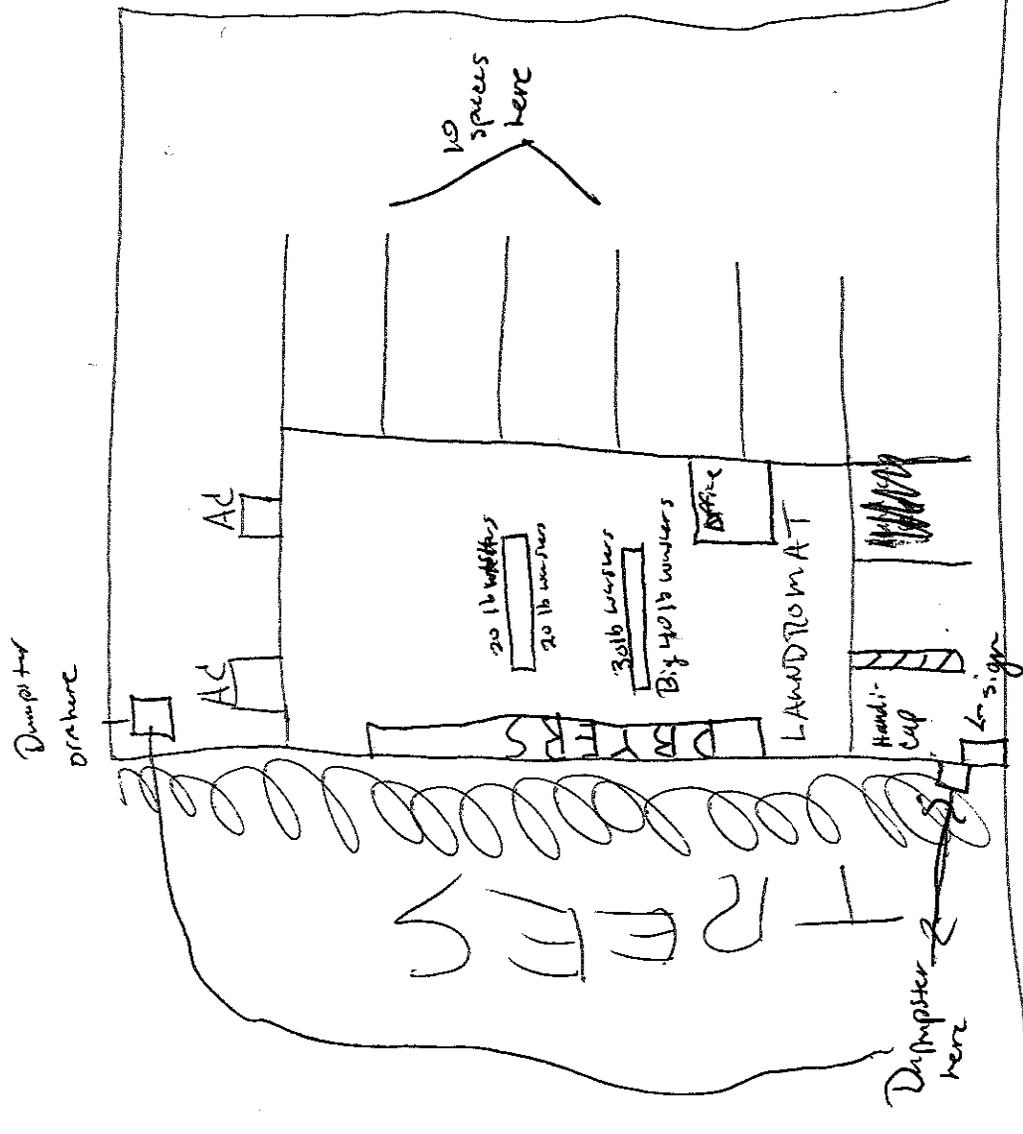
FIVESTAR )

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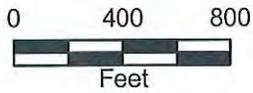


LADNIER RD

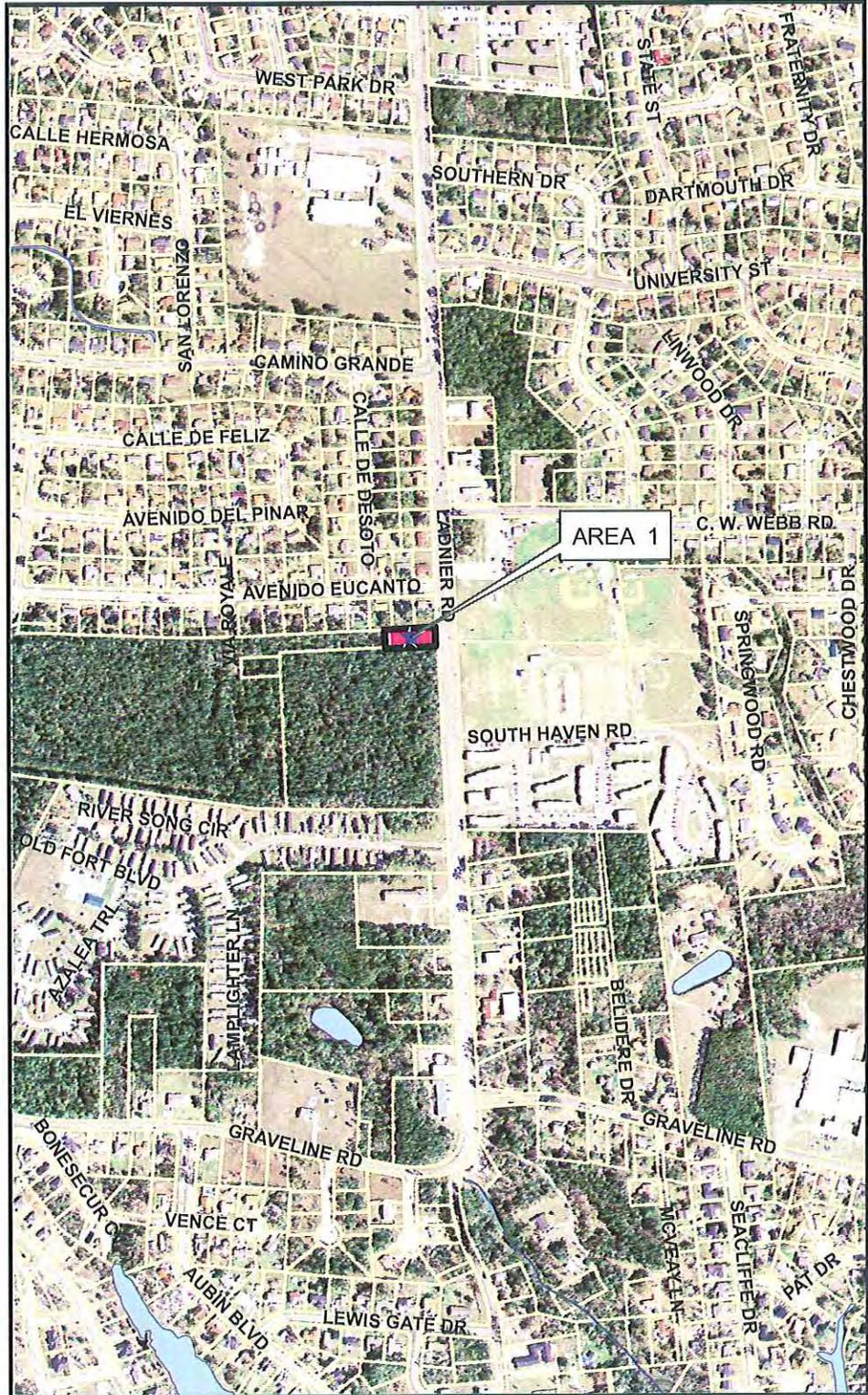
# EXHIBIT A

## Location Map 2125 Ladnier Road Conditional Use

City Of Gautier  
Economic Development/Planning



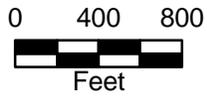
Prepared by the  
City of Gautier  
GIS Division



# EXHIBIT B

## Existing Zoning Map

City Of Gautier  
Economic Development/Planning

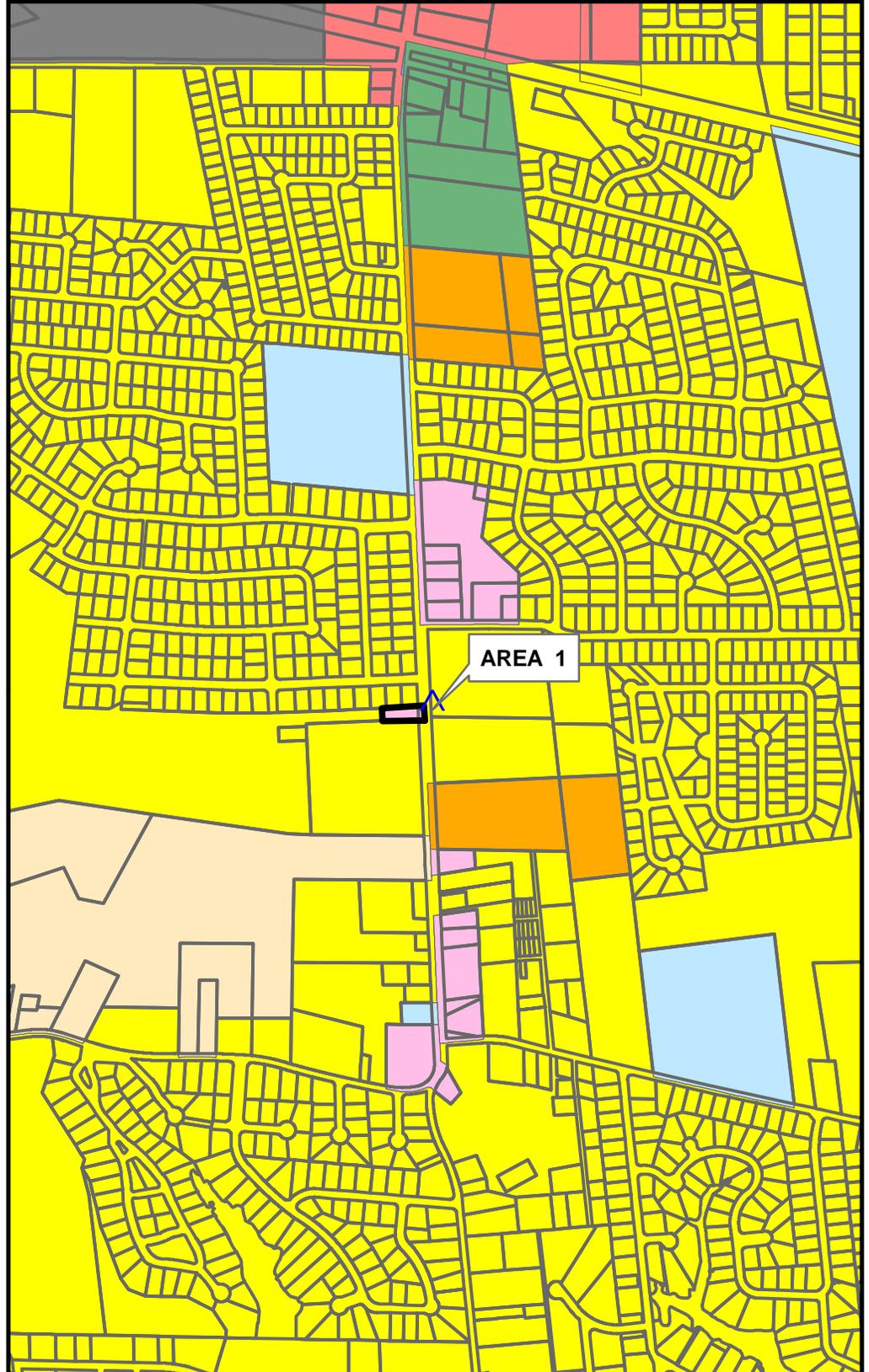


# 4

Prepared by the  
City of Gautier  
GIS Division

### Legend

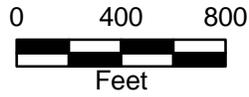
-  AG Agricultural
-  PL Public/Semi-Public
-  PUD Planned Unit Development
-  R-1 Low Density Residential
-  R-2 Multi-Family Residential
-  R-3 Mobile Home District
-  MUM
-  TC
-  MURC-1
-  MURC-2
-  MURC-MW
-  C-1 Neighborhood Commercial
-  C-2 Community Commercial
-  C-3 Highway Commercial
-  I-2 Industrial



# EXHIBIT C

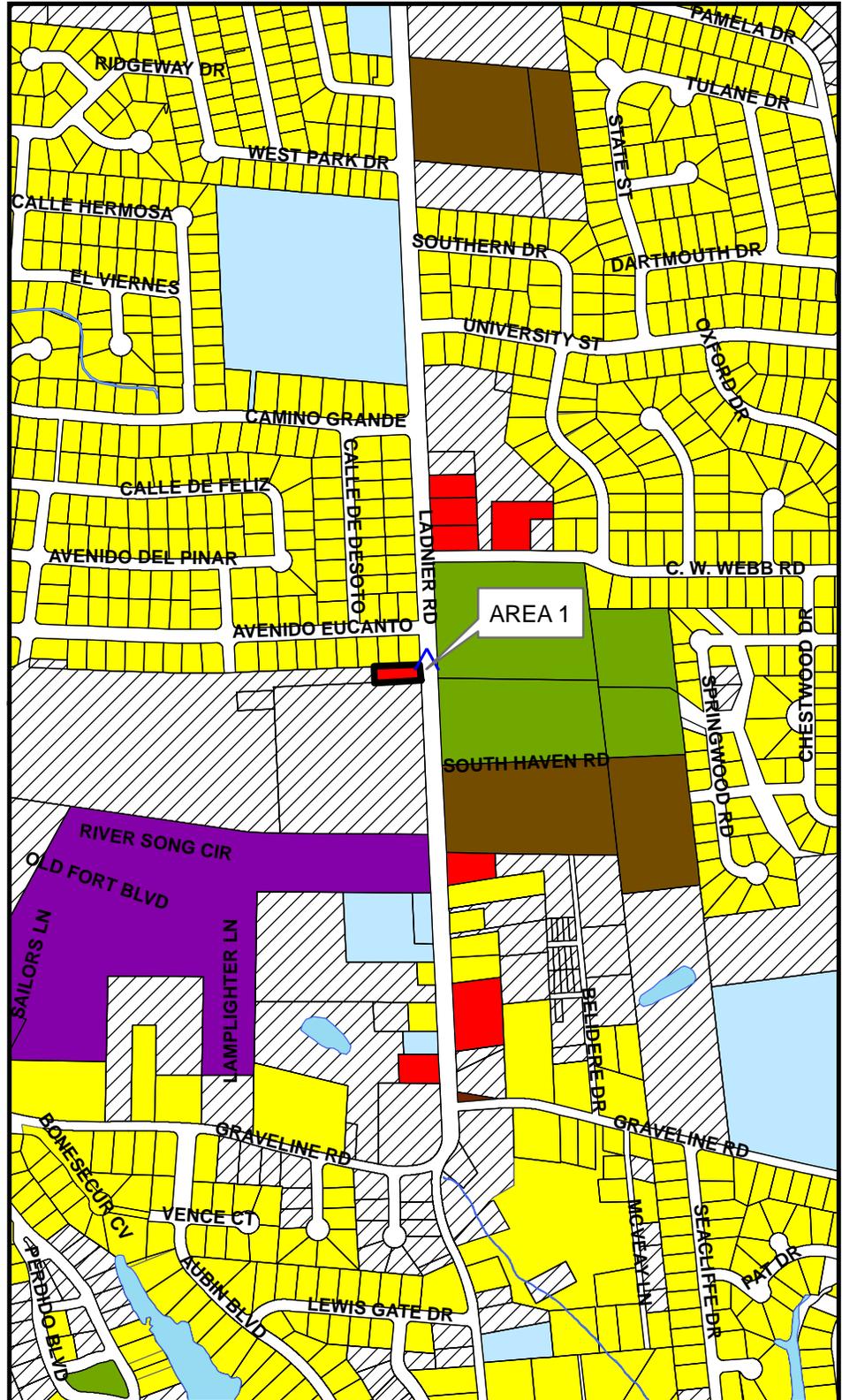
## Existing Land Use Map

City Of Gautier  
Economic Development/Planning



# 4

Prepared by the  
City of Gautier  
GIS Division



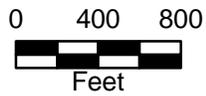
### Legend

#### EXISTING LAND USE

- Commercial-Retail
- Conservation
- Civic
- Industrial
- Marina/Fish Camps
- High Density Residential
- Mobile Home
- Mobile Home Park
- Medium Density Residential
- Office
- Recreation
- Very Low to Low Density Residential
- Utility
- Vacant

# Future Land Use Map

City Of Gautier  
Economic Development/Planning

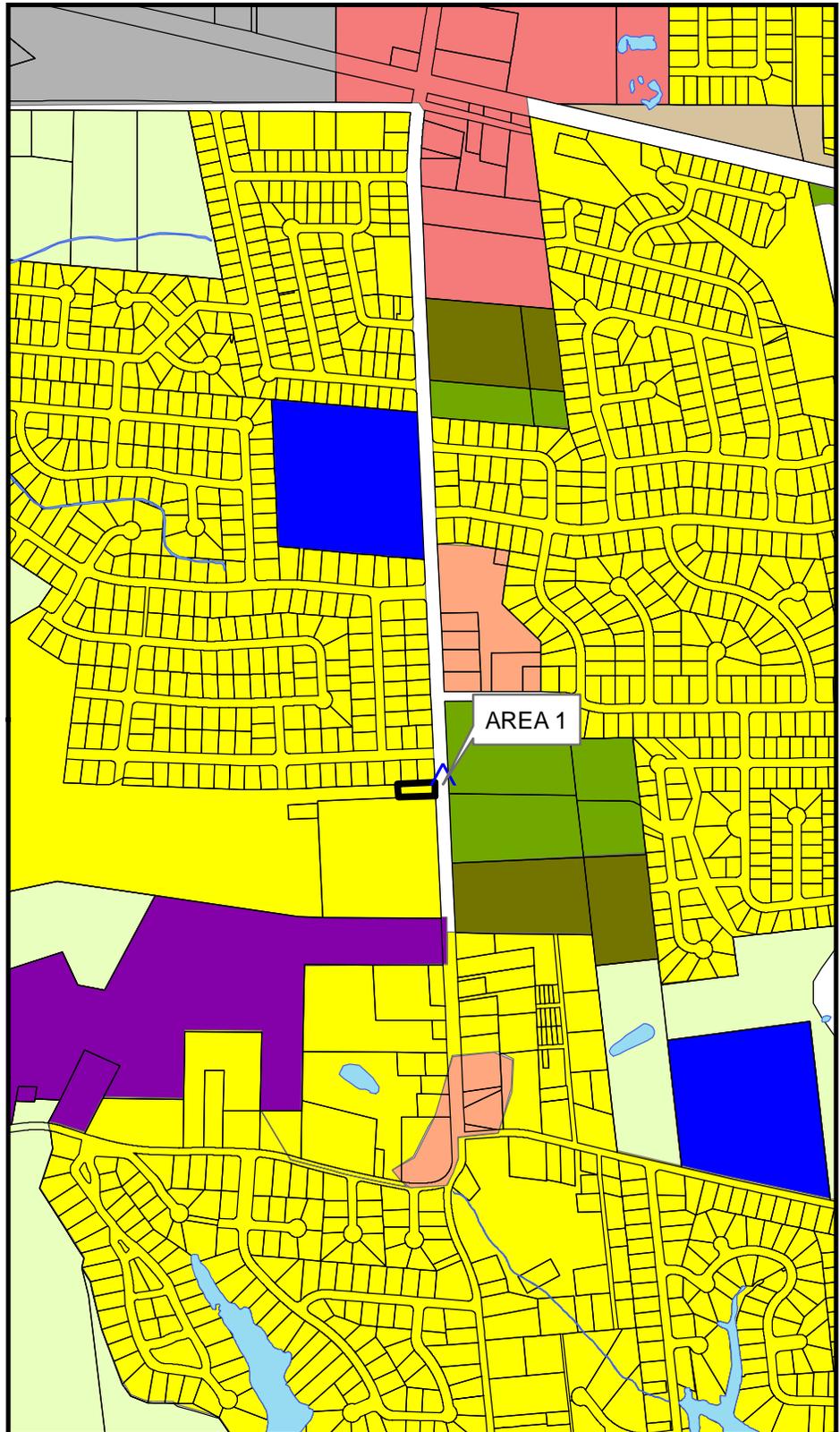


4

Prepared by the  
City of Gautier  
GIS Division

## Legend

-  Civic
-  High Impact Commercial
-  Conservation
-  High Density Residential
-  Industrial
-  Low Density Residential
-  Medium Density Residential
-  Mobile Home Residential
-  Low Impact Commercial
-  Recreational
-  Recreational Commercial
-  Regional Scale Commercial
-  Mixed Use Residential
-  Town Center
-  Very Low Density Residential



40 inches (1016 mm) wide by 36 inches (914 mm) long, located not more than 8 inches (203 mm) below the door.

3404.5 **Opening protectives.** Doors and windows along the fire escape shall be protected with ¾-hour opening protectives.

## SECTION 3405 GLASS REPLACEMENT

3405.1 **Conformance.** The installation or replacement of glass shall be as required for new installations.

## SECTION 3406 CHANGE OF OCCUPANCY

3406.1 **Conformance.** No change shall be made in the use or occupancy of any building that would place the building in a different division of the same group of occupancy or in a different group of occupancies, unless such building is made to comply with the requirements of this code for such division or group of occupancy. Subject to the approval of the building official, the use or occupancy of existing buildings shall be permitted to be changed and the building is allowed to be occupied for purposes in other groups without conforming to all the requirements of this code for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use.

3406.2 **Certificate of occupancy.** A certificate of occupancy shall be issued where it has been determined that the requirements for the new occupancy classification have been met.

3406.3 **Stairways.** Existing stairways in an existing structure shall not be required to comply with the requirements of a new stairway as outlined in Section 1009 where the existing space and construction will not allow a reduction in pitch or slope.

3406.4 **Change of occupancy.** When a change of occupancy results in a structure being reclassified to a higher occupancy category, the structure shall conform to the seismic requirements for a new structure.

### Exceptions:

1. Specific seismic detailing requirements of this code or ASCE 7 for a new structure shall not be required to be met where it can be shown that the level of performance and seismic safety is equivalent to that of a new structure. Such analysis shall consider the regularity, overstrength, redundancy and ductility of the structure within the context of the existing and retrofit (if any) detailing provided.
2. When a change of use results in a structure being reclassified from Occupancy Category I or II to Occupancy Category III and the structure is located in a seismic map area where  $S_{DS} < 0.33$ , compliance with the seismic requirements of this code and ASCE 7 are not required.

## SECTION 3407 HISTORIC BUILDINGS

3407.1 **Historic buildings.** The provisions of this code relating to the construction, repair, alteration, addition, restoration and movement of structures, and change of occupancy shall not be mandatory for historic buildings where such buildings are judged by the building official to not constitute a distinct life safety hazard.

3407.2 **Flood hazard areas.** Within flood hazard areas established in accordance with Section 1612.3, where the work proposed constitutes substantial improvement as defined in Section 1612.2, the building shall be brought into conformance with Section 1612.

**Exception:** Historic buildings that are:

1. Listed or preliminarily determined to be eligible for listing in the National Register of Historic Places; or
2. Determined by the Secretary of the U.S. Department of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined to qualify as an historic district; or
3. Designated as historic under a state or local historic preservation program that is approved by the Department of Interior.

## SECTION 3408 MOVED STRUCTURES

3408.1 **Conformance.** Structures moved into or within the jurisdiction shall comply with the provisions of this code for new structures.

## SECTION 3409 ACCESSIBILITY FOR EXISTING BUILDINGS

3409.1 **Scope.** The provisions of Sections 3409.1 through 3409.9 apply to maintenance, change of occupancy, additions and alterations to existing buildings, including those identified as historic buildings.

**Exception:** Type B dwelling or sleeping units required by Section 1107 are not required to be provided in existing buildings and facilities.

3409.2 **Maintenance of facilities.** A building, facility or element that is constructed or altered to be accessible shall be maintained accessible during occupancy.

3409.3 **Extent of application.** An alteration of an existing element, space or area of a building or facility shall not impose a requirement for greater accessibility than that which would be required for new construction.

Alterations shall not reduce or have the effect of reducing accessibility of a building, portion of a building or facility.

3409.4 **Change of occupancy.** Existing buildings, or portions thereof, that undergo a change of group or occupancy shall have all of the following accessible features:

1. At least one accessible building entrance.

2. At least one accessible route from an accessible building entrance to primary function areas.
3. Signage complying with Section 1110.
4. Accessible parking, where parking is being provided.
5. At least one accessible passenger loading zone, when loading zones are provided.
6. At least one accessible route connecting accessible parking and accessible passenger loading zones to an accessible entrance.

Where it is technically infeasible to comply with the new construction standards for any of these requirements for a change of group or occupancy, the above items shall conform to the requirements to the maximum extent technically feasible. Change of group or occupancy that incorporates any alterations or additions shall comply with this section and Sections 3409.5, 3409.6, 3409.7 and 3409.8.

**3409.5 Additions.** Provisions for new construction shall apply to additions. An addition that affects the accessibility to, or contains an area of, a primary function shall comply with the requirements in Section 3409.7.

**3409.6 Alterations.** A building, facility or element that is altered shall comply with the applicable provisions in Chapter 11 and ICC A117.1, unless technically infeasible. Where compliance with this section is technically infeasible, the alteration shall provide access to the maximum extent technically feasible.

**Exceptions:**

1. The altered element or space is not required to be on an accessible route, unless required by Section 3409.7.
2. Accessible means of egress required by Chapter 10 are not required to be provided in existing buildings and facilities.
3. The alteration to Type A individually owned dwelling units within a Group R-2 occupancy shall meet the provision for a Type B dwelling unit and shall comply with the applicable provisions in Chapter 11 and ICC/ANSI A117.1.

**3409.7 Alterations affecting an area containing a primary function.** Where an alteration affects the accessibility to, or contains an area of primary function, the route to the primary function area shall be accessible. The accessible route to the primary function area shall include toilet facilities or drinking fountains serving the area of primary function.

**Exceptions:**

1. The costs of providing the accessible route are not required to exceed 20 percent of the costs of the alterations affecting the area of primary function.
2. This provision does not apply to alterations limited solely to windows, hardware, operating controls, electrical outlets and signs.
3. This provision does not apply to alterations limited solely to mechanical systems, electrical systems,

installation or alteration of fire protection systems and abatement of hazardous materials.

4. This provision does not apply to alterations undertaken for the primary purpose of increasing the accessibility of an existing building, facility or element.

**3409.8 Scoping for alterations.** The provisions of Sections 3409.8.1 through 3409.8.12 shall apply to alterations to existing buildings and facilities.

**3409.8.1 Entrances.** Accessible entrances shall be provided in accordance with Section 1105.

**Exception:** Where an alteration includes alterations to an entrance, and the building or facility has an accessible entrance, the altered entrance is not required to be accessible, unless required by Section 3409.7. Signs complying with Section 1110 shall be provided.

**3409.8.2 Elevators.** Altered elements of existing elevators shall comply with ASME A17.1 and ICC A117.1. Such elements shall also be altered in elevators programmed to respond to the same hall call control as the altered elevator.

**3409.8.3 Platform lifts.** Platform (wheelchair) lifts complying with ICC A117.1 and installed in accordance with ASME A18.1 shall be permitted as a component of an accessible route.

**3409.8.4 Stairs and escalators in existing buildings.** In alterations where an escalator or stair is added where none existed previously, an accessible route shall be provided in accordance with Sections 1104.4 and 1104.5.

**3409.8.5 Ramps.** Where steeper slopes than allowed by Section 1010.2 are necessitated by space limitations, the slope of ramps in or providing access to existing buildings or facilities shall comply with Table 3409.8.5.

TABLE 3409.8.5  
RAMPS

SLOPE	MAXIMUM RISE
Steeper than 1:10 but not steeper than 1:8	3 inches
Steeper than 1:12 but not steeper than 1:10	6 inches

For SI: 1 inch = 25.4 mm.

**3409.8.6 Performance areas.** Where it is technically infeasible to alter performance areas to be on an accessible route, at least one of each type of performance area shall be made accessible.

**3409.8.7 Dwelling or sleeping units.** Where I-1, I-2, I-3, R-1, R-2 or R-4 dwelling or sleeping units are being altered or added, the requirements of Section 1107 for Accessible or Type A units and Section 907 for accessible alarms apply only to the quantity of spaces being altered or added.

**3409.8.8 Jury boxes and witness stands.** In alterations, accessible wheelchair spaces are not required to be located within the defined area of raised jury boxes or witness stands and shall be permitted to be located outside these spaces where the ramp or lift access restricts or projects into the means of egress.

**3409.8.9 Toilet rooms.** Where it is technically infeasible to alter existing toilet and bathing facilities to be accessible, an

**EXHIBIT F****Sec. 15-5. - Loud music and sounds.**

- (a) The operation and use of sound or loudspeaking machines or any equipment for magnifying, amplifying or projecting music, sound or noise on the streets of the city is hereby prohibited.
- (b) It shall be unlawful for any person to use or allow to be used from their place of business, residence or any other location, equipment for magnifying or amplifying and/or enlarging music, sound or noise in an unreasonably loud and large volume, disturbing the public generally and/or citizens and residents in close proximity to such place or places.
- (c) Religious, political, civic or public gatherings, speakings and meetings are specifically excluded from the effect of this section; provided, however, that such meeting or gathering be first approved by the chief of police and a formal written permit be issued by the planning director. Provided further, that any such permit so issued may, by the chief of police or planning director, be recalled and/or revoked at will if in the opinion of the chief of police or planning director the use of such equipment is objectionable or should for any reason not be allowed.

*(Ord. No. 97, §§ 1—3, 12-3-96)*

*Editor's note—*

Ord. No. 97, adopted Dec. 3, 1996, did not specifically amend the Code; hence, inclusion of §§ 1—3 of such ordinance as § 15-5 was at the discretion of the editor.

BACK UP DOCUMENTATION FOR:

HOMESTEAD REZONING – REQUEST FOR A CITIZEN-INITIATED  
COMPREHENSIVE REZONING OF PROPERTIES TO R-E  
RESIDENTIAL ESTATE (GPC CASE #14-01-RZ) TABLED AT MARCH 6,  
2014 GPC MEETING.

**Gautier Planning Commission**

**Regular Meeting Agenda**

**March 6, 2014**

**(Staff Report and Application Revised for May 1, 2014 GPC Meeting)**

**Homestead Comprehensive Rezoning**

**VII. NEW BUSINESS**

**A. QUASI-JUDICIAL**

1. REQUEST FOR A COMPREHENSIVE REZONING OF PROPERTIES TO R-E RESIDENTIAL ESTATE (CITIZEN-INITIATED) GPC CASE #14-01-RZ

*Synopsis: This is a citizen-initiated comprehensive rezoning of properties to R-E Residential Estate. The properties are located at the East end of Homestead Boulevard and generally described as properties north of Sioux Bayou, south of Lite Bayou, and west of the Pascagoula River.*

## 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**

**To:** Gautier Planning Commission Chairperson and Members  
**From:** Chandra Nicholson, Economic Development & Planning Director  
**Date:** February 28, 2014 (Revised April 25, 2014)  
**Subject:** Consideration of a Citizen-Initiated Comprehensive Rezoning of Properties Comprising ±443.13 Acres to R-E Residential Estate.

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**REQUEST:**

The Economic Development and Planning Department has received a request from William R. Finnicum, resident of 704 Homestead Boulevard for a Comprehensive Rezoning of the property generally described as the eastern end of Homestead Boulevard south of Lite Bayou, north of Sioux Bayou, and west of the Pascagoula River. The application fee of \$300 was paid on January 2, 2014. All public notice requirements have been met. The applicant provided signatures of owners of contiguous land in excess of 10 acres on Homestead Boulevard and members of the “Homestead Neighborhood Association” for a comprehensive rezoning.

**BACKGROUND:**

Section 4.16 of the City’s Unified Development Ordinance (UDO) establishes the procedure to amend the City’s Official Zoning Map. The Gautier Planning Commission (GPC) shall review a proposal for a comprehensive rezoning and shall make an advisory recommendation to the City Council as to the need and justification for the change and the relationship of the proposed change to the goals, objectives and policies of the Comprehensive Plan. The GPC shall include in its recommendation to the City Council findings and any information which it deems is relevant to issues relating to the proposed rezoning.

Following a February 16th advertised public hearing by the GPC on March 6th, the Ordinance to amend the City’s Official Zoning Map will be considered for approval by the City Council on March 18th.

**DISCUSSION:**

On December 16<sup>th</sup>, 2013, Planning Staff received an e-mail from Mr. Bill Finnicum requesting a rezoning as a result of “a vacant request to sub-develop property along Homestead Boulevard in accordance with R-1 Guidelines” (see Finnicum E-mail as a part of the attached Exhibit E).

The Comprehensive Plan’s Future Lane Use Element establishes the general land use designation for Very Low Density Residential thus:

*Very Low Density Residential/Agricultural—Areas with one acre or larger lots and which contain single family residential uses. Very low density residential neighborhoods should ideally be located adjacent to low density residential areas. The overall gross density is one (1) dwelling unit per acre.*

The City’s Unified Development Ordinance describes the R-E Residential Estate Zoning District thus:

**5.3.2 R-E, Residential Estate District**

*Purpose and intent. The purpose of this district is to provide for large-lot residential areas for the development of very low density, single-family residential uses and compatible accessory structures. Areas with these characteristics are typically developed as large-lot subdivisions with custom-built homes, suburban areas on the edge of the city and lots which contain environmentally sensitive areas. It is the intent of this Ordinance that these districts should be maintained without intrusive uses so as to minimize the impact of additional traffic or noise.*

Unified Development Ordinance Table 7 Intensity and Dimensional Standards (excerpt)

**DATA AND ANALYSIS:**

Zoning District	Min. Lot Area (sq. ft.)	Min. Lot Width	Maximum Building Height			Setbacks			Maximum Density (units per acre)			Maximum Floor Area Ratio			Max % of area covered on lot		
			Tier 1	Tier 2	Tier 3	Front	Side	Rear	Tier 1	Tier 2	Tier 3	Tier 1	Tier 2	Tier 3	Tier 1	Tier 2	Tier 3
R-1	9,600	80	35	---	---	25/ 35	10/ 25/ 35	25	---	---	---	---	---	---	25	---	---
RE	<u>43,560</u>	<u>150</u>	<u>35</u>	<u>N/A</u>	<u>N/A</u>	<u>50/ 35</u>	<u>20/ 35</u>	<u>35</u>	<u>none</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>20</u>	<u>N/A</u>	<u>N/A</u>

Homestead Boulevard is a non-striped local residential road with aging homes in generally well-kept conditions on lots greater than two (2) acres, with substantially undeveloped property on the south side of the road. In proximity to Homestead Boulevard is a bayou, a quiet fish camp, and conservation lands. Little to no development has occurred in the last thirty (30) years.

Property Listing for Comprehensive Rezoning Area: See attachment to Draft Ordinance attached.

Location: Ward 4

Current Zoning of the Request Property: R-1 Low Density Residential

Current surrounding existing land use and zoning: