
December 4, 2014
Gautier, Mississippi

BE IT REMEMBERED THAT a regular meeting of the Gautier Planning Commission of the City of Gautier, Mississippi, was held on December 4, 2014 at 6:00 P.M. in the Council Chambers of the Gautier Municipal Building at 3330 Highway 90, Gautier, Mississippi.

Commission Members present: David Wooten, Chairman and Commissioners Larry Dailey, Jimmy Green, Anthony York, Greg Spanier and Sandra Walters. Also present were Chandra Nicholson, Economic Development Director; Samantha Abell, City Manager; and Tricia Thigpen, Deputy City Clerk. Absent was Joshua Danos, City Attorney.

Commissioner Wooten called the meeting to order.

AGENDA

GAUTIER PLANNING COMMISSION

December 4, 2014

6:00 P.M.

- I. CALL TO ORDER**
- II. PLEDGE OF ALLEGIANCE (VOLUNTEER)**
- III. APPROVAL OF AGENDA**
- IV. APPROVAL OF MINUTES (November 6, 2014)**
- V. PUBLIC COMMENTS
(MATTERS OF THE PLANNING COMMISSION NOT LISTED ON THE AGENDA)**
- VI. OLD BUSINESS**
 - A. DISCUSSION OF A REVISION TO VARIANCE CRITERIA
 - B. DISCUSSION OF DRAFT GPC RULES AND PROCEDURES

VII. NEW BUSINESS

A. QUASI-JUDICIAL

1. REQUEST FOR A CONDITIONAL USE-MAJOR PERMIT TO ALLOW WRECKER TOWING SERVICES IN A C-3 HIGHWAY COMMERCIAL ZONING DISTRICT, 810 HWY 90 (MIKE AND HEATHER SELLERS, OWNER) (GPC CASE #14-23-CU)

VIII. GENERAL DISCUSSION

XI. ADJOURN

Commissioner Dailey made the motion to reverse the order of New Business Agenda and Old Business and approve the agenda order. **Commissioner Spanier** seconded the motion and the following vote was recorded:

AYES: David Wooten
Larry Dailey
Jimmy Green
Anthony York
Greg Spanier
Sandra Walters

NAYS: None

Motion passed.

APPROVAL OF MINUTES (NOVEMBER 6, 2014)

Commissioner Walter made the motion to approve the minutes from November 6, 2014 meeting.

Motion failed for lack of second.

Commissioner Dailey made the motion to postpone the approval of November 6, 2014 Minutes until the January 5, 2015 meeting. **Commissioner Spanier** seconded the motion and the following vote was recorded:

AYES: David Wooten
Larry Dailey
Jimmy Green
Anthony York
Greg Spanier
Sandra Walters

NAYS: None

Motion passed.

Commissioner Walters stated her reason for making the motion to approve the minutes was because the City Council had voted on all the cases.

PUBLIC COMMENTS (MATTERS OF THE PLANNING COMMISSION NOT LISTED ON THE AGENDA)

Joe Belles resident at 1501 Magnolia Bluff. Mr. Belles stated at the last meeting he had three issues that he was seeking resolutions on.

Commissioner Wooten informed Mr. Belles that he needed to discuss those issues with the City Attorney. The Planning Commission does not have the authority to address those issues.

NEW BUSINESS 1. (Quasi-Judicial) A REQUEST FOR A CONDITIONAL USE-MAJOR PERMIT TO ALLOW WRECKER TOWING SERVICES IN A C-3 HIGHWAY COMMERCIAL ZONING DISTRICT, 810 HWY 90 (MIKE AND HEATHER SELLERS, OWNER) (GPC CASE #14-23-CU)

Commissioner Wooten swore in all witnesses.

EX PARTE DISCLOSURE:

Commissioner Wooten visited the site.
Commissioner Dailey visited the site and discussed with staff.
Commissioner Green did not visit the site.
Commissioner York visited the site.
Commissioner Spanier visited the site and spoke with tenants.
Commissioner Walters visited the site.

APPLICANT PRESENTATION:

Mike Sellers, owner is requesting a Conditional Use-Major Permit to allow a Wrecker Towing Service in a C-3 Highway Commercial Zoning District at 810 Hwy 90.

QUESTIONS DIRECTED TO APPLICANT:

Commissioner Dailey asked Mr. Sellers if his intention was to store illegally parked and towed vehicles at this location until they are claimed.

Mr. Sellers replied yes. He would store the vehicles there for sixty (60) or ninety (90) days and if not claimed move them to his Hurley location.

Commissioner Dailey asked if Mr. Sellers would prefer sixty (60) or ninety (90) day time limit condition to store cars there.

Mr. Sellers stated he would abide by what the Commission decided.

Commissioner Dailey asked what the estimated number of vehicles that would be stored there at any one time.

Mr. Sellers replied he had no idea. The size of the lot would hold twelve (12) to fifteen (15) cars.

Commissioner Dailey asked if anyone else stores cars at that lot.

Mr. Sellers replied a woman at the Title Pawn Shop stores one (1) or two (2) cars a month.

Commissioner Dailey asked if any other tenant uses the lot.

Mr. Sellers replied no.

Commissioner Dailey asked if Mr. Sellers has any intention to resale vehicles there.

Mr. Sellers replied no.

Commissioner Walters stated that while visiting the site she noticed there were four (4) to six (6) cars parked on the side, are they related to his business.

Mr. Sellers replied no.

Commissioner Walters asked by there being only one entrance and one exit, would this business create a traffic problem on Hwy 90.

Mr. Sellers replied he didn't think so. He worked primarily at night and it should not affect traffic.

Commissioner Dailey asked if vehicles would be stored behind the privacy fence.

Mr. Sellers replied yes.

Commissioner Wooten asked if there were any further questions for the applicant.

Commissioners replied no.

STAFF PRESENTATION:

Chandra Nicholson stated the Economic Development and Planning Department received a request from Mike and Heather Sellers, owner of Anytime Towing & Recovery for a Conditional Use-Major Permit that would allow a Wrecker Towing Service in a Highway Commercial (C-3) Zoning District at 810 Hwy 90, PID#87010048.100. The application fee of \$250.00 was paid on November 3, 2014 and verified complete November 4, 2014. The application has been reviewed by the city attorney for legal sufficiency.

Mrs. Nicholson presented a slideshow of the area.

Mrs. Nicholson stated 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" is transferable from one (1) owner of land to another.

Staff finds that the following conditions are appropriate, should the planning commission deem this use to be compatible and recommend approval:

1. Owner or tenant must provide opaque screening/fencing on all sides of the storage yard to screen inoperable vehicles and commercial tow trucks from view.
2. Owner must not store any vehicles and /or equipment in the front of the building. All vehicles must be stored behind a 6 foot tall privacy fence at all times.
3. The location shall meet all accessibility requirements for change of occupancy as stated in Section 3409 of the International Building Code. (See Exhibit E.)
4. Noise levels shall meet the City's noise ordinance. (See Exhibit F.)
5. The location shall meet all parking requirements as set forth in Article VII of the Unified Development Ordinance.

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 Wooten asked Mr. Sellers if he had any objections to the staff presentation.

Mr. Sellers replied no.

Commissioner Dailey asked is the parking provided at this location adequate for the building as an office lease space building for 300 square feet.

Mrs. Nicholson replied staff would have to check it with all the other uses but it is one of the conditions listed that would be checked when the permit is pulled.

Commissioner Dailey asked Mrs. Nicholson if she anticipates a problem with the service of the storage area as far as meeting the hard surfaced parking area requirements.

Mrs. Nicholson replied she doesn't anticipate a problem.

Commissioner Wooten asked if there are any further comments.

The Commission had no further comments.

Commissioner Wooten asked if Mr. Sellers had any further comments.

Mr. Sellers replied no.

Commissioner Wooten asked Mr. Sellers if he had seen the conditions.

Mrs. Nicholson replied she discussed the condition with Mr. Sellers over the phone.

Commissioner Wooten stated the five (5) conditions and asked if Mr. Sellers had any questions.

Mr. Sellers replied no.

Commissioner Wooten asked Mrs. Nicholson if she had any further comments.

Mrs. Nicholson replied no.

Commissioner Dailey asked if St. Mary's was notified and if they had any objections.

Mrs. Nicholson replied notices had been sent out and received no objections. Copies of the letter could be provided to the commission.

Commissioner Wooten called for a motion.

RECOMMENDATION:

Commissioner Walters made the motion to recommend that City Council approve the Conditional Use-Major with the Conditions listed:

1. Owner or tenant must provide opaque screening/fencing on all sides of the storage yard to screen inoperable vehicles and commercial tow trucks from view.
2. Owner must not store any vehicles and/or equipment in the front of the building. All vehicles must be stored behind a 6 foot tall privacy fence at all times.

3. The location shall meet all accessibility requirements for change of occupancy as stated in Section 3409 of the International Building Code. (See Exhibit E).
4. Noise levels shall meet the City's noise ordinance. (See Exhibit F).
5. The location shall meet all parking requirements as set forth in Article VII of the Unified Development Ordinance.

Commissioner Green seconded the motion.

Commissioner Dailey made a motion to modify the conditions by adding two (2) new conditions and amending conditions #1 & 2 as follows:

New conditions:

6. The temporary storage of vehicles shall be limited to sixty (60) days.
7. The sale of vehicles is prohibited for this Conditional Use at this location.

Modification of conditions 1 & 2 as follows:

1. Owner or tenant must provide opaque screening/fencing on all sides of the temporary storage yard to screen inoperable vehicles and commercial tow trucks from view.
2. Owner must not store any vehicles and/or equipment in the established parking lot at the front and side of the building. All temporary stored vehicles must be placed behind 6 foot tall privacy fence at all times.

Commissioner York asked if Mr. Sellers could have opaque screening or a privacy fence.

Mrs. Nicholson replied either is acceptable as long as you can't see what is behind the fence.

Commissioner Spanier seconded the motion and the following vote was recorded:

AYES: **David Wooten**
 Larry Dailey
 Jimmy Green
 Anthony York
 Greg Spanier
 Sandra Walters

NAYS: **None**

Motion passed.

Commissioner Wooten called for a vote on the original motion made by **Commissioner Walters** to approve the Conditional Use-Major with the Conditions listed and **Commissioner Green** seconded the motion. The following vote was recorded:

AYES: **David Wooten**
 Larry Dailey
 Jimmy Green
 Anthony York
 Greg Spanier
 Sandra Walters

NAYS: **None**

Motion passed.

OLD BUSINESS – DISCUSSION OF A REVISION TO VARIANCE CRITERIA

The Gautier Planning Commission; City Manager and Economic Development Director discussed a revision to Section 5.4.18.6 to the UDO that would expand the authority of the Director of Economic Development and Planning to 100% for setbacks, but only in cases of demonstrated fraud and compatibility with surroundings.

After a lengthy discussion Mrs. Nicholson stated that she will be presenting the Planning Commission with Unified Development Ordinance Comprehensive updates. Mrs. Nicholson suggested pulling this item and address any changes the Commission might have at that time.

The Planning Commission agreed.

OLD BUSINESS – DISCUSSION OF DRAFT GPC RULES AND PROCEDURES.

Mrs. Abell stated she had spoken with the City Attorney regarding the Rules and Procedures of the Planning Commission and his expectation is that it is going to be carving out the particular policies for how you operate within the authority that Council has given the commission in the UDO. If the rules and procedures expand on the authority that Council has given the Commission then those changes will have to be approved by Council.

Mrs. Abell excused herself from the meeting.

Commissioner Wooten requested a five (5) minute break.

The meeting resumed at 7:05 PM.

The Planning Commission reviewed and discussed the Rules and Procedures of the Planning Commission.

No action was taken.

GENERAL DISCUSSION:

Mrs. Nicholson state the Bienville Medical Complex ground breaking will be Friday, December 12th at 9:30 AM and the Commission is invited.

The Gautier Christmas Parade will be Saturday, December 6th at 11:00 AM.

Commissioner Green made the motion to adjourn the meeting. **Commissioner Spanier** seconded the motion and the following vote was recorded:

AYES: **David Wooten**
 Larry Dailey
 Jimmy Green
 Anthony York
 Greg Spanier
 Sandra Walters

NAYS: **None**

Motion passed.

SUBMITTED BY:

Chandra Nicholson, Director
Economic Development & Planning Director

DATE: _____

David Wooten, Chairman
Gautier Planning Commission

DATE: _____

Back Up Documentation

Gautier Planning Commission

Regular Meeting Agenda

December 4, 2014

GPC #14-23-CU

810 Hwy 90: Conditional Use-Major

Anytime Towing & Recovery

VII. NEW BUSINESS

A. QUASI-JUDICIAL

1. REQUEST FOR A CONDITIONAL USE-MAJOR PERMIT TO ALLOW WRECKER TOWING SERVICES TO BE HELD IN A HIGHWAY COMMERCIAL (C3) ZONING DISTRICT, 810 HWY 90 (MIKE AND HEATHER SELLERS, OWNER) (GPC CASE #14-23-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**

To: Chairman and Members, Planning Commission

From: Chandra Nicholson, P.E., Economic Development/Planning Director

Date: November 26, 2014

Subject: Conditional Use-Major Permit to allow a Wrecker Towing Service in a Highway Commercial (C3) Zoning District to be held at 810 Hwy 90 (GPC #14-23-CU)

REQUEST:

The Economic Development and Planning Department has received a request from Mike and Heather Sellers, owner of Anytime Towing & Recovery for a Conditional Use-Major Permit that would allow a Wrecker Towing Service in a Highway Commercial (C-3) Zoning District at 810 Hwy 90, PID #87010048.100. The application fee of \$250 was paid on November 3, 2014 and verified complete November 4, 2014.

The application has been reviewed by the city attorney for legal sufficiency.

BACKGROUND:

The request property is zoned Highway Commercial (C3).

1. Location: 810 Hwy 90 (See Exhibit A)
Principal Arterial: Hwy 90
2. General features of the proposed project:
Retail/office multi-tenant center
Site Size: .48 Acres
Year Building Constructed: 2000
3. Potable Water and Wastewater Services: Existing from City
4. The building is set-up to be used as a retail shop.
5. Current Zoning: C-3 Highway Commercial
6. Current Surrounding Zoning (See Exhibit B): C-3 Highway Commercial
7. Current Surrounding Existing Land Use (See Exhibit C): civic to the north, retail to the east, east and south.

8. Comprehensive Plan Future Land Use Designation (See Exhibit D): Civic to the north, low impact commercial to the east, west and south

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 wrecker towing service is listed as a Conditional Use-Major in a Highway Commercial(C-3) 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: Vehicles, which are towed, will be stored behind a privacy fence and in the storage building. Business office space is enclosed

Staff Finding: There is only one entrance/exit for this strip mall. The proposed use will be located in an existing building within a small strip mall and will not further impact the density, bulk and intensity of the structures in the vicinity. A privacy fence is currently in use on this property and this is where the vehicles will be stored.

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

Applicant Response: No, all stored vehicles will be stored behind a privacy fence.

Staff Finding: There is a potential for the proposed use to negatively affect the property value in close proximity, and/or cause a detriment to surrounding properties, due to the fact that the wrecked vehicles and tow trucks could deter customers from surrounding offices and retail. This property is located in close proximity to Dodges Gas Station and is adjacent to an existing building that holds Cash for Title business in which they also hold vehicles temporarily at this location. Conditions should include required parking in the rear, behind the screened fence—which should be constructed on the rear and side yards. The fence currently does not totally enclose the storage yard.

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

Applicant Response: No. It is an existing business complex off the road.

Staff Finding: The proposed wrecker and towing service could adversely affect vehicular traffic to the multi-tenant center, if inoperable vehicles were to crowd available parking and ingress/egress. Conditions should include parking in the rear for all commercial trucks and towed vehicles, and an opaque fence around the storage yard.

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: Gautier Public Works Department does not foresee any sewer/drainage problems to occur at the proposed location, and its 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. The reputable business is in an existing business complex.

Staff Response: The Comprehensive Plan proposes Low Impact Commercial Area for this parcel. The Plan for future uses includes a list having retail and services that do not require the outdoor storage of goods and equipment. The design characteristics include neighborhood scaled buildings buffered from residential uses.

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. Cars will only be parked and stored at this location temporarily.

Staff Finding: With conditions that include regulating the location of inoperable vehicles to the rear storage yard and limiting the number and the location of tow trucks, the use could be controlled to limit the 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, we conform to the current use of the property.

Staff Finding: The proposed use can be made to conform to district regulations with certain conditions, as specified above.

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” is 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 following conditions are appropriate, should the planning commission deem this use to be compatible and recommend approval:

1. Owner or tenant must provide opaque screening/fencing on all sides of the storage yard to screen inoperable vehicles and commercial tow trucks from view.
2. Owner must not store any vehicles and/or equipment in the front of the building. All vehicles must be stored behind a 6 foot tall privacy fence at all times.
3. The location shall meet all accessibility requirements for change of occupancy as stated in Section 3409 of the International Building Code. (See Exhibit E.)
4. Noise levels shall meet the City’s noise ordinance. (See Exhibit F.)
5. 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. Conditional Use 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

**CITY OF GAUTIER
CONDITIONAL USE-MAJOR DEVELOPMENT PERMIT
GPC CASE NO. 14-23-CU**

MIKE AND HEATHER SELLERS (ANYTIME TOWING & RECOVERY)

REGARDING PARCEL ID NO: 87010048.100

The City of Gautier, at its regular meeting held on December 4, 2014, considered the application for a Conditional Use-Major Development Permit for wrecker towing service as submitted by Mike and Heather Sellers. The parcel subject to this Permit is located at 810 Hwy 90, Gautier, Mississippi, 39553. After due public notice, the City Council, having considered the favorable recommendation by the Planning Commission, application, testimony and exhibits presented by the applicant, the report of the City Staff and all other relevant testimony, exhibits and other evidence, pursuant to applicable provisions of the City's Unified Development Ordinance, hereby approves the Conditional Use-Major Development Permit 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 wrecker towing service, is permitted as a Conditional Use-Major in the Highway Commercial (C3) District.
4. Therefore, the City Council accepts the recommendation of the Planning Commission and approves the application submitted on November 3, 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. Owner must keep the privacy fence in use that is located on the property.
 - b. Owner must not store any vehicles in the front of the building. All vehicles must be stored behind the privacy fence that is installed.
 - c. The location shall meet all accessibility requirements for change of occupancy as stated in Section 3409 of the International Building Code. (See Exhibit E.)
 - d. Noise levels shall meet the City's noise ordinance. (See Exhibit F.)

e. 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 December 4, 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 Mike and Heather Sellers, located at 810 Hwy 90, in Gautier, Mississippi, and identified as Jackson County Parcel No. 87010048.100.

December 16, 2014
Date of Issuance

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

Attest:

Cindy Russell
City Clerk

PROCEDURE FOR PUBLIC HEARING APPLICATION
MAJOR CONDITIONAL USE

- A. Complete application form.
 - (1) Applicant must be owner of property or agent of the owner.
 - (2) Include any required attachments.
- B. Submit fee to cover administration/advertisement costs as follows:
 - (a) Conditional Use - Major.....\$250.00
- C. Sufficient applications submitted by the third Tuesday of one month will be placed on the Planning Commissions agenda for the second month after submittal.
- D. Public Notice will be published in a local paper of general circulation not less than fifteen (15) days prior to the date for the public meeting before the Planning Commission. All property owners within 250 feet from the property under consideration will be notified by first class mail. Such notices will be mailed not less than fifteen (15) days prior to the public hearing. If action is needed before the City Council, the Economic Development/Planning Director will submit the findings of fact and the recommendations of the Planning Commission to the City Clerk not later than one (1) week prior to the next available Council meeting.
- E. The Gautier City Council will act on the application at the next available time on their agenda before final approval or rejection of application.
- F. If approved, application for the proper permit for the use intended shall be made through the City of Gautier Economic Development/Planning Department.

CONDITIONAL USE-MAJOR HEARING APPLICATION

Hearing Number

14-23-CU

TYPE OF REQUEST:		FEE:
Conditional Use – Major	<input checked="" type="checkbox"/>	\$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: Heather Sellers & Mike Sellers
Name of Business: Anytime Towing + Recovery
Address: 810 Hwy 90 Gautier MS 39553 Mailing Address (if different): PO Box 1032, Irvington AL 36544
Email Address: anytimetowing@ATL.com
Phone: 251-725-3710 Call Phone: 251-725-3710
Reason for request, location and intended use of Property: Towing + storing cars + release of vehicles

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: [Signature]
Date of Application: 11-3-14

Date Received	<u>11-3-14</u>	Verify as Complete	<u>11-4-14</u>
Fee Amount Received	<input checked="" type="checkbox"/>		
Initials of Employee Receiving Application	<u>[Signature]</u>		

I, Sharon Seymour, the fee simple owner of the following described property (give legal description):

PIDN: 87010048, 100

hereby petition to the City of Gautier to Grant a Conditional Use of 810E Hwy 90 in Gautier, MS and affirm that Michael Sellers 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.

Sharon Seymour
(Owner's Signature)

The foregoing instrument was acknowledged before me this 3rd day of Nov.

2014 by Sharon Seymour, who is personally known to me or has produced Dr. License (MS) as identification and who did take an oath.

Katherine Wells
(Printed Name of Notary Public)

Katherine Wells
(Signature of Notary Public)

Commission # 109135. My commission expires June 2, 2018
(Notary's Seal)



Parcel Information

PID#: 87010048-100
GISP: 769.32-03-0125.00M

Owner Information

Name: SEYMOUR RONALD S & SHARON K Percent of Ownership: 100
Name2: JT REVO LIVING TRUST
Mailing Address: 11 DELA ROSE PL Physical Address: 810 HWY 90 GAUTIER
OCEAN SPRINGS MS 39564

Land Information

Section, Township, Range: 32 75 6W Acreage: .48
Street Name: HWY 90

Value and Tax Information

Total Assessed Value: 51672 Total Appraised Value: 344480
Improvement Value: 262520 Land Value: 81960
Tax Amount: 6836 SQ. FT: 3519 Year Built: 2000

Legal Description

Description: COM INTERS OF E/M GUILLOTTE RD & W/M HWY 90 SELY ALG HWY 365' FOR POB N 98' E 145' M/L S 157.12'
WLY & ALG W/M HWY 90 164.66' TO POB BEING PT LOT 5 BLK E RIVER OAKS S/D & PT LOT 3 MARY WALKER
TR DB 1652-250 (125M Map769.32-03)

Deed Book / Page: 1652 / 250



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.

Vehicles which are towed will be stored behind a privacy fenced in area and inside storage building. Business office space is enclosed.

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

NO. All stored vehicles are behind a privacy fence.

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

NO. It is an existing business complex off the road.

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. Reputable business in an existing business complex.

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 disturbance

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 we conform

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:

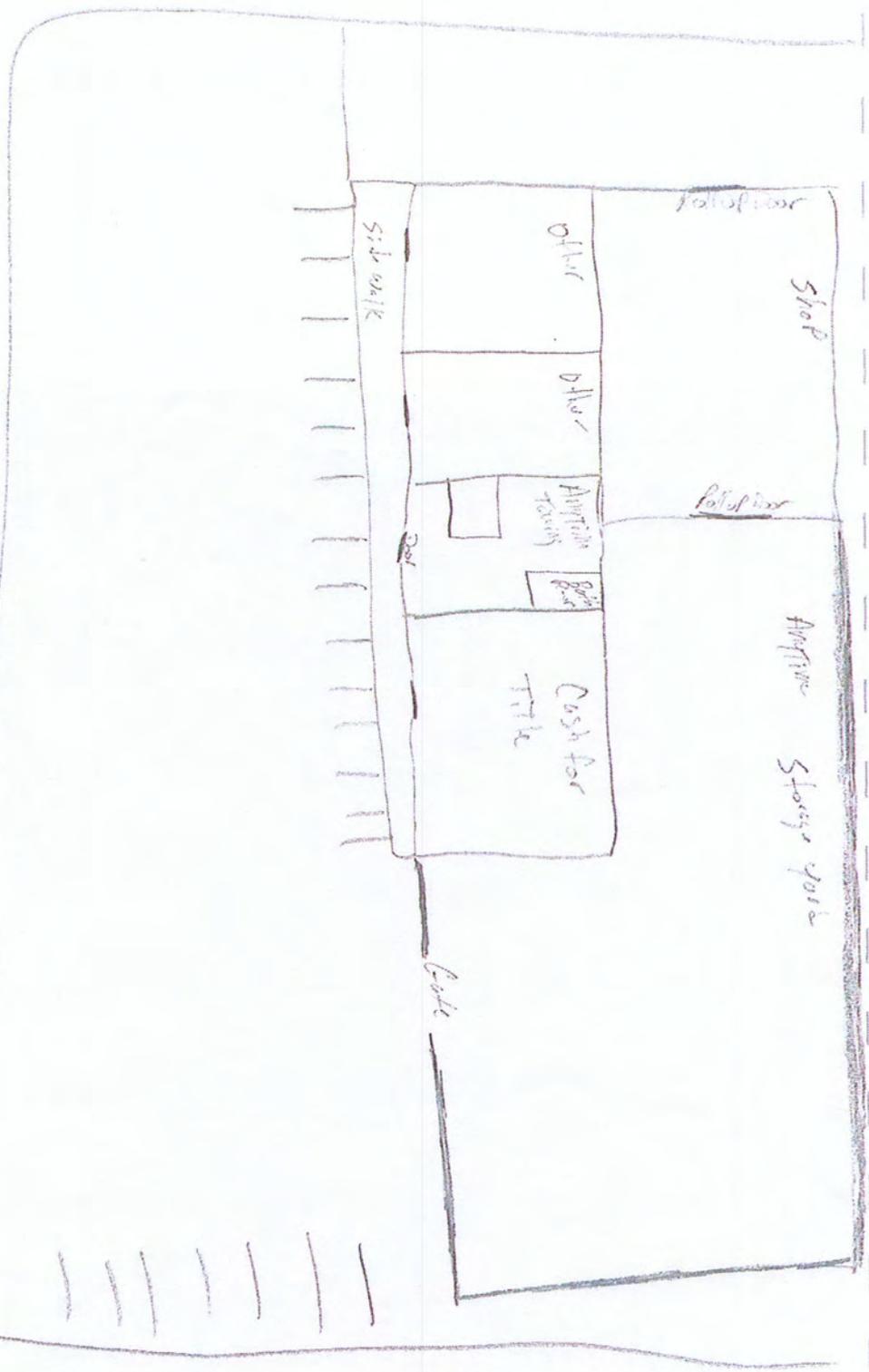
- A. Adequate ingress and egress to property and proposed structures with particular reference to vehicular and pedestrian safety and convenience, traffic flow and control and access in case of fire or other disaster
- B. Off-street parking and loading areas with particular attention to item (1) above 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

Anytime Towing is an Independently owned towing service. Our focus is to provide a service for property owners and managers. At the location in question, we will store and release vehicles. The lot where the vehicles will be stored is secured by a privacy fence. The towed vehicles will not be visible to nearby business owners or customers.

Not to
Scale

Hwy 90

810 Hwy 90
Gautier MS 39553



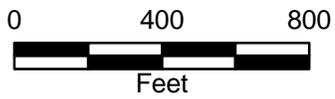
HOW MANY PARKING SPACES ARE REQ'D?



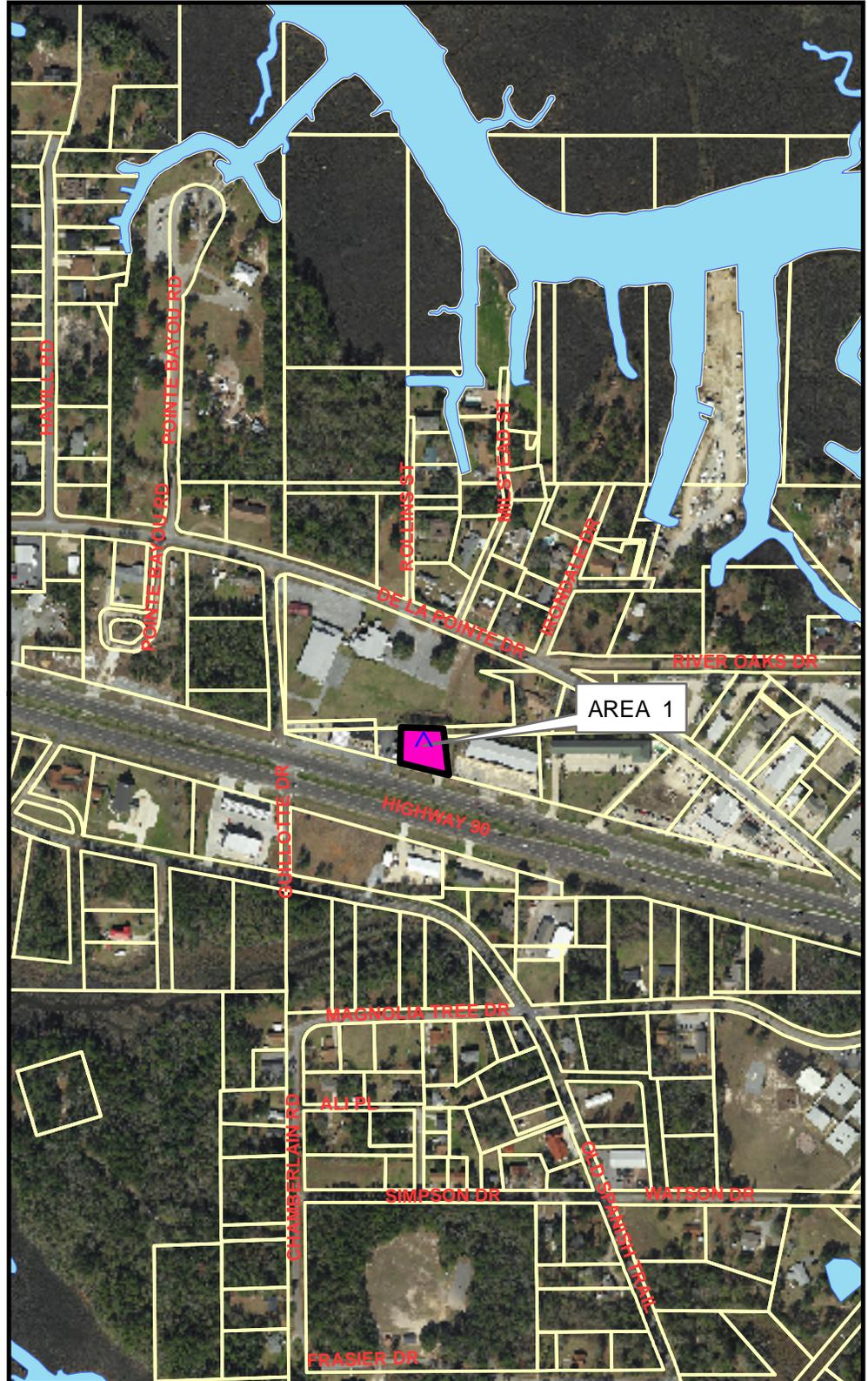
Map data ©2014 Google 20 ft

**Location Map
810 Highway 90
Conditional Use**

City Of Gautier
Economic Development/Planning

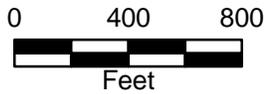


Prepared by the
City of Gautier
Planning Division



Existing Zoning Map

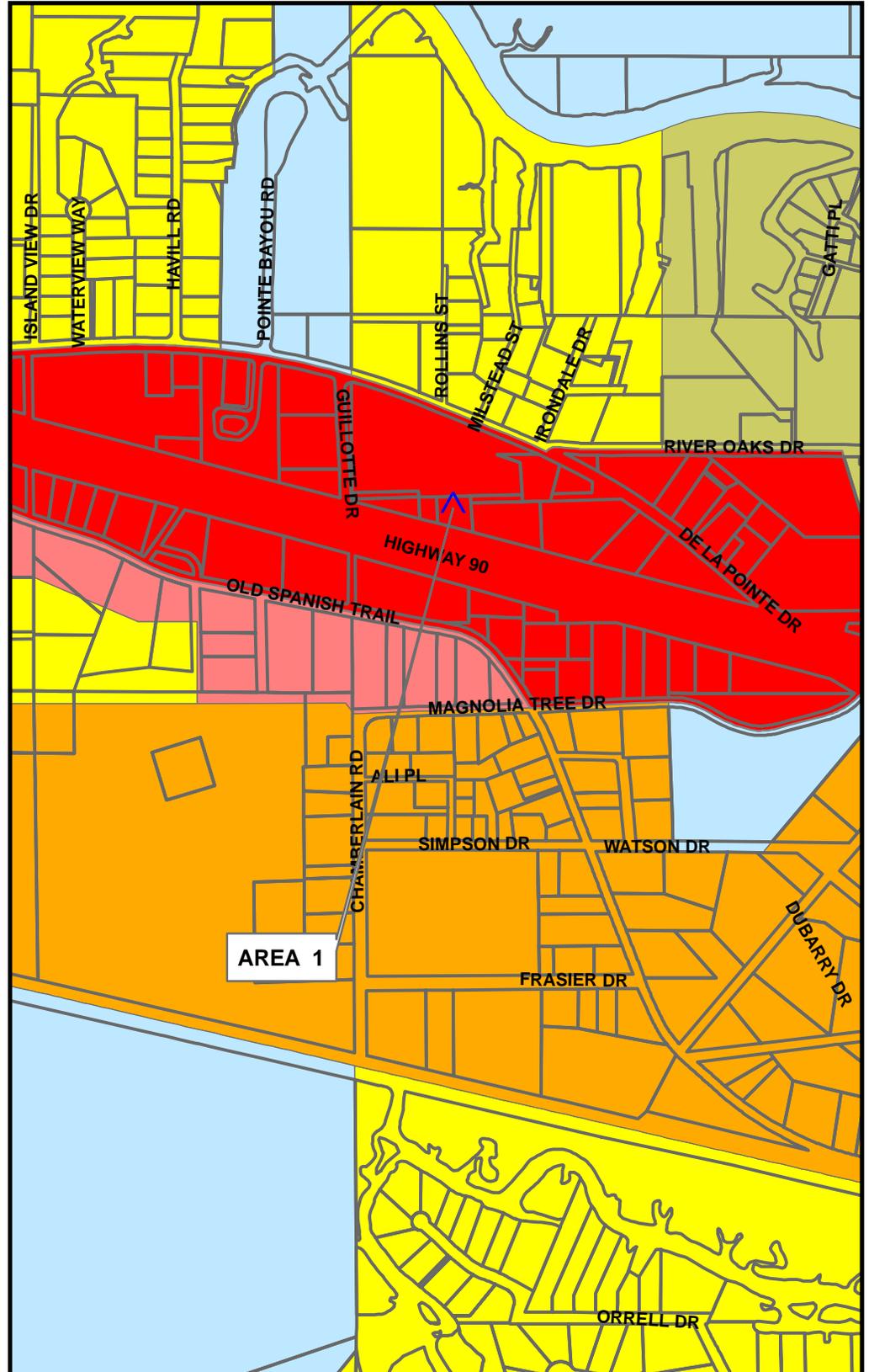
**City Of Gautier
Economic Development/Planning**



**Prepared by the
City of Gautier
Planning Division**

Legend

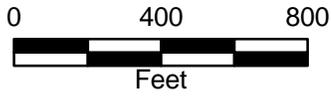
- AG Agricultural
- PL Public/Semi-Public
- PUD Planned Unit Development
- R-1 Low Density Residential
- R-2 Multi-Family Residential
- R-3 Mobile Home District
- MUM
- TC
- MURC-1
- MURC-2
- MURC-MW
- C-1 Neighborhood Commercial
- C-2 Community Commercial
- C-3 Highway Commercial
- I-2 Industrial



Existing Land Use Map

EXHIBIT C

City Of Gautier
Economic Development/Planning

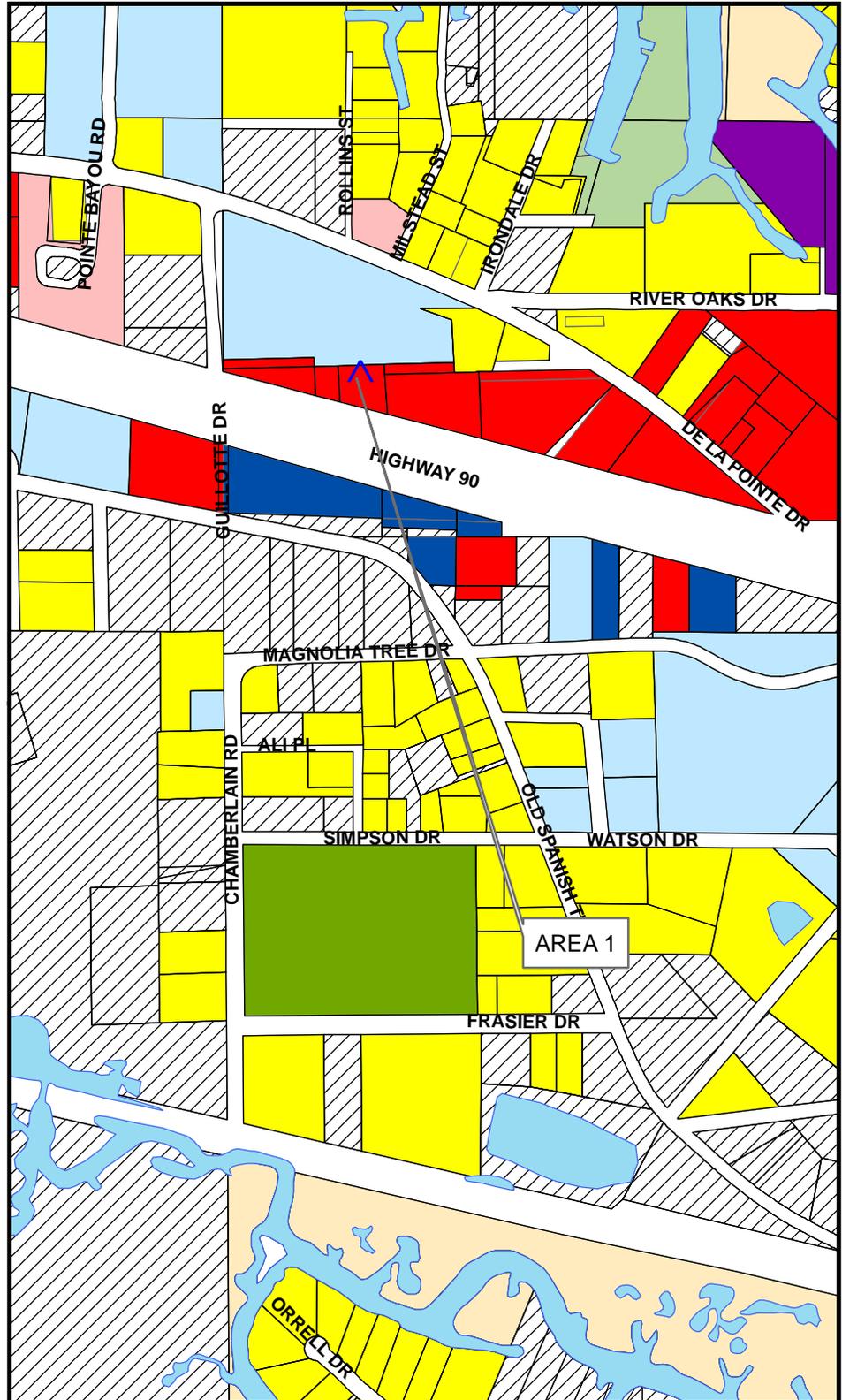


Prepared by the
City of Gautier
Planning Division

Legend

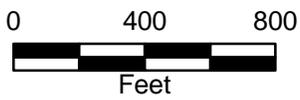
EXISTING LAND USE

- 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

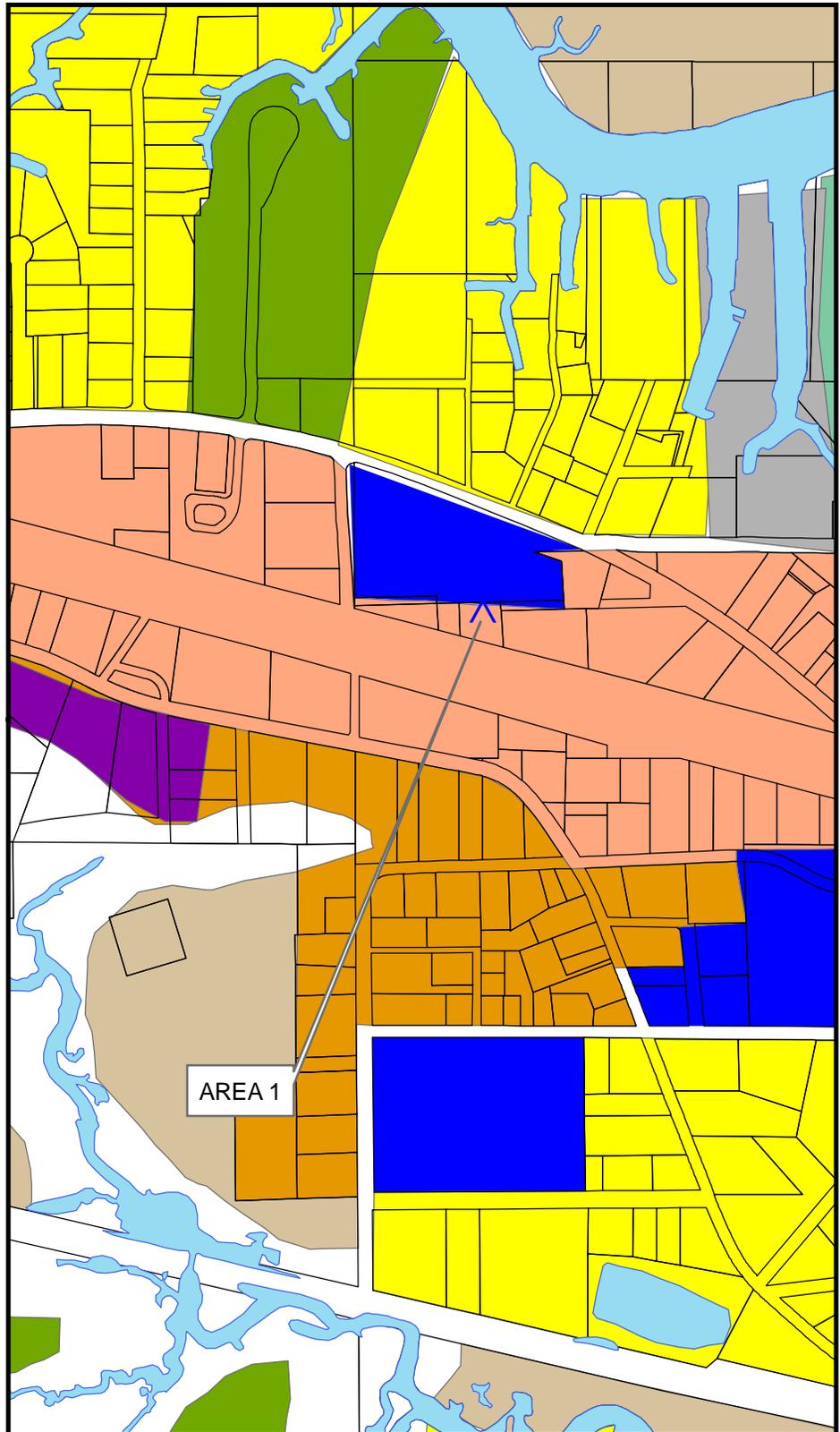
City Of Gautier
Economic Development/Planning



Prepared by the
City of Gautier
Planning 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



RULES AND PROCEDURES OF THE PLANNING COMMISSION

Internal rules governing the Planning Commission are set forth below. Any situation not covered in these rules shall be governed by the current edition of Robert's Rules of Order.

ORGANIZATION

RULE 1. The Commission shall annually elect from its membership a Chairperson and vice Chairperson and shall adopt rules for the conduct of its meetings. Robert's Rules of Order (newly revised) shall apply unless different rules are adopted by the Commission and approved by the Gautier City Council. The staff of the Economic Development and Planning Department shall act in an advisory and support capacity to the Planning Commission, and shall review or coordinate the review of all applications to it. The **Economic Development and Planning Director**, or his designee, shall be the secretary of the Commission. **Review City Clerk or designee to act as secretary**

RULE 2. The Chairperson shall preside at Commission meetings. If at any meeting the Chairperson is not present, or is unable to act, the Vice-Chairperson shall preside. If both the Chairperson and the Vice-Chairperson are not present or are unable to act, the members present shall select one from among them to preside as Acting Chairperson.

The duties of the Chairperson are:

1. To call the Commission to order at the time appointed for the meeting.
2. To ascertain the presence of a quorum.
3. To cause the minutes of the preceding meeting to be read and passed upon by the Commission.
4. To lay before the Commission its business in the order indicated by RULE 5.
5. To receive any propositions made by members and put them to the Commission.
6. To divide the Commission on questions submitted to him and announce the results.
7. To decide all questions or order subject to an appeal of the Commission.
8. To preserve order and decorum in debate and all other times.
9. To enforce such other rules of the Commission that are not placed in charge of another officer for which the enforcement is not reserved by the Commission.
10. To inform the body, when necessary, or when any question is raised, or any point of order or practice pertinent to the pending business.
11. To sign and authenticate all official documents of the Commission

Or as an option: RULE 2. The Chairperson shall preside over the meetings of the Planning Commission and will exercise all powers usually incident to the office. The Chairperson may create standing or temporary committees to examine, investigate and inquire into subjects of interest to the Planning Commission. No standing or temporary committee shall have the power to commit the Planning Commission to endorse any plan or program. No committee shall constitute a quorum of the Commission. If at any meeting the Chairperson is not present...

MINUTES

RULE 3. Written minutes of all public hearings shall be prepared for the review and approval of the Planning Commission at its next regularly scheduled meeting and shall include the follows:

First: The proceedings of the Commission as concisely as possible, care being taken to record a true and accurate account of all the proceedings.

Second: The vote of each motion.

QUORUM

RULE 4. Four (4) members of the Commission constitutes a quorum. (UDO 3.2.4) All Commission actions shall be by vote of a majority of the Commission's membership who are present and voting unless otherwise defined within these Rules.

ORDER OF BUSINESS

RULE 5. The business of the Commission shall be disposed of in the following order:

- A. Call to Order
- B. Pledge of Allegiance
- C. Approval of Minutes (Consider Chairperson's comments & Communication to Commission after C)
- D. Public (Citizen's) Comments
- E. Old (Unfinished) Business (Consider inserting Public Hearings between D & E)
- F. New Business
- G. General Discussion
 - a. Commissioner's Comments
 - b. Staff's Report
 - c. Communications to the Planning Commission
- H. Adjournment

CALENDAR

RULE 6. The Chairperson shall have charge of the calendar of the Commission, and shall direct the Clerk as to the order in which the business of the Commission shall be transacted, and as to when the calendar shall be closed.

RULE 7. The Chairperson, at each meeting, announce to the Commission the business in order, agreeable to the preceding rule, and no business shall be considered which is not on the calendar.

Rule 8. Written notice of all regular and special meetings or workshops shall be post-marked one week in advance of the meeting date. Describe public notice requirements???

RULE 9. If no matters over which the Planning Commission has jurisdiction are pending, a meeting may be cancelled at the discretion of the Chairperson. Confirm public notice requirements or UDO revisions

SPECIAL ORDERS

RULE 10. Any subject may, by majority vote of all the member of the Commission, be made a special order, and when the time for its consideration arrives, the Chairperson shall lay it before the Commission.

RULE 11. The Chairperson shall not allow a Planning Commission meeting to proceed past 12 midnight.

ATTENDANCE

RULE 12. Should a Planning Commission member have three (3) consecutive absences or five (5) nonconsecutive absences within a period of twelve (12) months, such member shall be replaced by the City Council.

PUBLIC TESTIMONY

RULE 13. The Chairperson shall open the public hearing on the subject case by identifying and briefly describing the proposal.

RULE 14. The Chairperson shall state that testimony and input will be taken in a prescribed fashion with presentation and speaking order as follows:

1. Staff Planner: Presentation of staff report and other materials and correspondence into the record.
2. Proponent: Presentation and statements by one repetitive of the proponent/applicant.
3. Members of the Public: Presentations and statements by the public who wish to speak for or against the applicant.

RULE 15. All persons speaking to the Planning Commissions shall be recognized by the Chairperson and shall stand, approach the microphone, if provided, and identify themselves by name, address and who they represent.

RULE 16. All comments shall be directed to the Chairperson.

RULE 17. Testimony shall be kept factual and on the subject. The Chairperson is charged with the responsibility of discouraging and stopping irrelevant, unnecessarily long, repetitive, or abusive testimony. At the onset of any item of business, the Chairperson may limit the length of testimony. Time permitted, additional opportunity will be provided for additional public comments after everyone who so desires has had an opportunity to speak.

RULE 18. The audience shall not interrupt testimony.

RULE 19. Speakers shall not question one another, instead a question shall be addressed to the Chairperson. Upon request of a consensus of the members, the Chairperson may allow direct questioning of an expert witness who has previously testified on behalf of an opponent or proponent, or other business before the Commission.

RULE 20. If written statements are made, a copy shall be presented to the Commission and the Secretary.

RULE 21. The public testimony portion of the public hearing is then closed. Planning Commissioners then deliberate on the application and the testimony received. Members may ask questions of both staff and any other speakers to clarify their understanding of relevant points or to gather additional

information; all questions shall be posed through the Chairperson who shall ask the appropriate party for answers.

DECORUM IN DEBATE

RULE 22. When any member is about to speak in debate, or deliver any matter to the Commission, he shall respectfully address himself to the Chairperson and being recognized, shall confine himself to the question under debate, avoid personalities, and no member shall impugn the motive of any member's vote or argument.

RULE 23. If any member transgresses the Rules of the Commission, the Chairperson shall call him to order, or any member shall arise to a point of order, in which case the transgressing member will immediately take his seat unless permitted to explain; and the Commission shall, upon appeal, decide the case without debate. If there is no appeal, then the body shall abide by the decision of the Chairperson. If the decision is in favor of the member called to order, he shall be at liberty to proceed. If otherwise, and the case shall require it, he shall be liable to the censure of the Commission.

RULE 24. When a member is speaking, the Commission shall be in order and no private conversations shall occur.

RULE 25. The Chairperson will recognize members only with the consent of the majority of the members present.

MOTIONS

RULE 26. When a motion is made and seconded, it shall be stated by the Chairperson or being in writing, it shall be presented to the Chairperson and read aloud before debate. This motion may be to continue the hearing to gather additional information, to recommend approval, approve with conditions, or denial of the proposal.

RULE 27. Motions shall be reduced to writing. ???

RULE 28. When a question is under debate, no motion shall be made except for the following privileged motions which shall have the following precedence:

1. To adjourn
2. For a call of the Commission
3. To recess
4. To lay on the table
5. For the previous question
6. To limit or extend the limits of debate
7. To postpone to a day certain
8. To amend
9. To postpone indefinitely

RULE 29. INDEFINITE POSTPONEMENT: A measure may be indefinitely postponed by a majority vote of all votes to which the Commission is entitled, and entered in the journal. No motion to postpone indefinitely having been decided in the negative shall again be allowed on the same day. When a question is postponed indefinitely the same shall not be acted upon again, except on motion of reconsideration.

RULE 30. RECONSIDERATION: Any decision may be reconsidered unless something impossible to reverse has resulted from the decision or unless reconsideration would be to the detriment of those who have reasonably relied on the decision. Any unexecuted action may be reconsidered. Only one motion to reconsider shall be entertained on any action even if the commission overturns the original

action. If a motion to reconsider a particular action fails, a second motion to reconsider the same action shall not be in order.

A notice of reconsideration may be made only by a member who voted on the prevailing side. If the action which is the subject of a motion to reconsider was not adopted on initial consideration because it did not receive the required number of yes votes, then those members voting no shall constitute the prevailing side, regardless of the relative number of yes and no votes cast on the question. A member who changes his vote before the result is announced shall be a member of the side on which his vote is finally recorded by the Secretary.

Unless reconsideration is to take place before adjournment, notice must be given in writing by the close of business on the following workday. A decision to reconsider at the same meeting may not be made after any interested party has left the meeting if the action to be reconsidered is a conditional use permit, variance, or platting board appeal. Prior to reconsideration of an item, a vote must be taken on the motion to reconsider. If the motion passes, the item is then brought to the floor. ????

PREVIOUS QUESTION

RULE 31. The previous question may be ordered by two-thirds (2/3rds) of the members present upon all recognized motions which are debatable, and shall have the effect to cut off all debate and bring the Commission to a direct vote upon the motion or amendment than pending upon which it has been ordered.

The question shall be put in this form: "The previous question is demanded, all in favor of calling the previous question say 'yes'; all opposed say 'no'".

The results of the motion are as follows: If determined in the negative, the consideration goes on as if the motion had never been made; if it is decided in the affirmative, the Chairperson at once, and debate, proceeds to put the amendment or motion as ordered. If an adjournment is had after the previous question is ordered, the subject comes up in its regular order on the next day and the previous question still operates.

DIVISION OF QUESTION

RULE 32. The division of a question cannot be demanded as a right by any member. It must be made pursuant to a motion stating precisely the division asked for, which motion can be amended. The Chairperson can decide, subject to an appeal of the Commission, that the division proposed cannot be made, otherwise, it is submitted to the Commission and decided by it.

VOTING

RULE 33. Following debate, an item must be voted on or another motion may be made such as a postponement to public hearing.

RULE 34. All Commission members present, including the presiding officer, shall vote when any action is taken.

RULE 35. A majority vote of the commission's membership who are present and voting shall decide questions, provided that any recommendation to the City Council for revisions or amendments to the

Comprehensive Plan shall be by the affirmative of not less that a majority of the total members of the Commission.

RULE 36. Every member who shall be on the Commission when the question was put, will give his vote unless the Commission, with special reasons, shall excuse him. All motions to excuse a member shall be made before the Commission decides; before the call of yeses and noes is commenced, and any member requesting to be excused from voting may make a brief verbal statement as to the reasons for making such a request and the questions shall be taken without further debate.

RULE 37. Any member of the Planning Commission who in his or her opinion has a personal interest in any matters before the Planning Commission that would tend to prejudice his or her actions shall indicate such interest. In the event of a conflict, he or she shall remove him or herself from the proceedings and retire to another room until a vote is taken on the item. Likewise, should there be the appearance that any member of the Commission could not make a fair and impartial decision because of a real or perceived interest in a matter before the Commission, the member shall state the real or perceived interest, or have the interest described by other members of the Commission or the audience and remove him or herself from the proceedings.

RULE 38. No member shall be allowed to explain his vote or discuss the question while the yeses and noes are being called, or change his vote after the result has been announced.

RECOMMENDATION TO CITY COUNCIL

RULE 39. The Planning Commission shall present its actions in unison to the City Council. Planning Commission actions shall be transmitted to the City Council in writing and shall include the recommendations, the tally of the vote, findings of fact if different from the planning staff report, the planning staff report, other correspondence, if any, and a summary of testimony presented to the Planning Commission.

AMENDMENT TO RULES

RULE 40. These rules may be amended by resolution, approved by the majority of the membership of the Commission.

SUSPENSION OF RULES

RULE 41. These rules, or the order of business, established by the Commission, may be suspended by the majority of the membership of the Commission.

RULE 42. Special meetings may be held on the call of the Chairperson, or of one-fourth (1/4) or more members and whenever practicable, upon no less than **one week** public notice and effective notice to each member.

The notice shall indicate the purpose of the special meeting.

The calendar for a special meeting shall be as follows:

1. Roll Call
2. Consideration of matters calling for special meeting
3. Adjournment