

Gautier Planning Commission

Regular Meeting Agenda

August 6, 2015

GPC #15-05-CU

Faith Worship & Outreach, Inc.

VII. NEW BUSINESS

A. QUASI-JUDICIAL

1. FAITH WORSHIP & OUTREACH, INC. - REQUEST FOR A CONDITIONAL USE-MAJOR PERMIT FOR A CHURCH OR PLACE OF WORSHIP IN A C-3 DISTRICT; 1111 HIGHWAY 90 (GPC CASE #15-05-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, Director of Economic Development & Planning

Date: August 4, 2015

Subject: Conditional Use-Major Permit for Faith Worship & Outreach, Inc. at 1111 Highway 90 (GPC Case No. 15-05-CU)

REQUEST:

The Economic Development and Planning Department has received a request from Lester Hughes, II, owner of Faith Worship & Outreach, Inc., for a Conditional Use-Major Permit that would allow a Church or Place of Worship in a C-3 Highway Commercial zoning district at 1111 Highway 90, PID #81831520.000. The application fee of \$250 was paid on April 20, 2015. All public notice requirements have been met.

BACKGROUND:

The request property is zoned C-3 Highway Commercial.

1. Location: 1111 Highway 90 (See Exhibit A)
Principal Arterial: Highway 90 and Old Spanish Trail
2. General features of the proposed project:
Total Building Area: 3600 square feet
Site Size: 0.28 Acres
Year Building Constructed: 1971
3. Potable Water and Wastewater Services: Existing from City
4. The building is existing and is currently divided into separate suites. The last known use of the property was a bar/lounge (The Double C Saloon). 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 (See Exhibit B): C-3 Highway Commercial
6. Current Surrounding Zoning (See Exhibit B): C-3 Highway Commercial to the North, East, and West; and C-2 Community Commercial to the South.

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

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. The proposed is properly zoned.

Staff Finding: Yes. A Church or Place of Worship is listed as a Conditional Use-Major in a 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: The project is compatible with the character of development in the vicinity relative to density and intensity of structures, parking and other uses. Attached you will find a copy of parking/site plan.

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 required for churches as 1 for each 45 sf of GFA of the sanctuary, auditorium, or main place of worship (or 1 per 3 seats). Based on the proposed number of 32 seats the proposed use will need 11 parking spaces, with 1 of those being an accessible space. This building will be shared with a day care which will have different operating hours, so the separate uses may share parking.

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

Applicant Response: Our project will not negatively affect neighboring property values or pose any real or perceived threats to citizens. The subject facility will be used to conduct weekly worship services/bible study and also to conduct childcare business.

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: Our project will not adversely affect vehicular or pedestrian traffic in the vicinity. Our facility is located 40 feet away from the main Hwy 90.

Staff Finding: There is no evidence that the proposed church 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. 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.

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. The proposed use is in harmony with the Comprehensive Plan.

Staff Response: The Comprehensive Plan states that churches may be permitted as a conditional use in a highway commercial district with conditions imposed to ensure that the use is compatible with its surroundings.

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. The proposed use does not pose a hazardous, detrimental, or disturbing affect, either real or perceived to present surrounding land uses due to noise, glare, smoke, dust, odor, fumes, water pollution, vibration, electrical interference, or other nuisances.

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. The proposed use does conform to all district regulations for the applicable district in which it is located.

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. The church services/events/meetings shall be limited to 32 occupants at one time.
2. The building façade shall be repaired, painted, and maintained to meet the minimum Property Maintenance and Care section of the Unified Development Ordinance.
3. Existing asphalt paving up to the North property line shall be overlaid or replaced to meet the minimum Property Maintenance and Care section of the Unified

Development Ordinance. Existing paved areas which are not needed to be hard surfaced may be converted to “green space” in lieu of repairing.

4. The north-south drive on the west side of the building shall be maintained as a 20’ fire lane.
5. The location shall meet all accessibility requirements for change of occupancy as stated in Section 3409 of the International Building Code. (See Exhibit E.)
6. Noise levels shall meet the City’s noise ordinance. (See Exhibit F.)
7. The location shall meet all parking requirements as set forth in Article VII of the Unified Development Ordinance. Parking shall not be allowed on public right-of-way.

CONCLUSION:

The Planning Commission may:

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

ATTACHMENTS:

1. Applicant’s Exhibit 1 – Application
2. Site Photos
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 – Draft Conditional Use-Major Permit
8. City’s Exhibit F – Section 15-5 City of Gautier’s Code of Ordinances (Noise Ord.)
9. City’s Exhibit G – Section 3409 of the International Building Code (Accessibility)