

**CITY OF GAUTIER
MEMORANDUM**

To: Samantha Abell, City Manager

From: Chandra Nicholson, Economic Development & Planning Director

Date: August 11, 2015

Subject: Conditional Use-Major Permit for the Singing River Paint and Body at 3309 Gautier-Vancleave Road (GPC Case No. 15-09-CU)

REQUEST:

The Economic Development and Planning Department has received a request from Chad Crosslin, owner of Singing River Paint and Body, for a Conditional Use-Major Permit that would allow an Automobile Repair Shop, Major in a TCMU Town Center, Mixed Use zoning district at 3309 Gautier-Vancleave Road, PID #82435140.050. The application fee of \$250 was paid on June 17, 2015. All public notice requirements have been met.

DISCUSSION:

Staff has attached a Staff Report with detailed project analysis. The Planning Commission held a public hearing on August 6, 2015 to consider the request and found that the proposed automobile repair shop will be compatible and harmonious with the TCMU district with certain conditions. The GPC recommends the approval of the Conditional Use-Major Permit with the following Conditions:

1. The proposed building façade improvements are installed.
2. Any vehicles to remain on-site more than one day continuously are stored inside or screened from view. If roll-up doors will remain open for a length of time other than to move a vehicle in or out of the building, the area shall be screened from view.
3. Work to be performed on vehicles shall take place within the building.
4. The existing fence along the south property line shall be repaired and/or replaced as needed to be in a condition of good repair.
5. Paint booth exterior venting shall be located on the north side of the building (or west side of the building if the exhaust composition is approved by the Public Works Director) due to the proximity of the City's water treatment facility to the south.

6. The business shall meet all minimum requirements/regulations of the Mississippi Department of Environmental Quality (MDEQ) regarding automobile repair and painting.
7. Existing business signage which does not comply with the Unified Development Ordinance shall be removed. If a new freestanding sign is installed, it shall be installed within a 20' x 20' landscape and/or "green space" area.
8. Existing asphalt paving in areas that will be accessible to the public and/or not screened from view 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.
9. Within 60 months of issuance of the Major Conditional Use Permit, the owner shall install one tree every 30' along the north and east property lines in the front yard of the building (east of front building face). Trees to be a minimum of 6' in height at the time of planting or within 60 months (whichever is later).
10. Within 60 months of issuance of the Major Conditional Use Permit, the owner shall install one tree every 30' or decorative fencing along the north property line along the side and rear yard of the building (west of front building face). Trees to be a minimum of 6' in height at the time of planting or within 60 months (whichever is later). Decorative fencing 6' in height to be aluminum, iron, brick wall, or other decorative fencing as approved by the Director of Economic Development and Planning.
11. Within 60 months of issuance of the Major Conditional Use Permit, the owner shall remove any pavement that encroaches onto the City right-of-way (except the driveway) and convert to "green space". Driveway shall be limited to 35' in width, exclusive of turning radius at the public street.
12. The location shall meet all accessibility requirements for change of occupancy as stated in Section 3409 of the International Building Code.
13. Noise levels shall meet the City's noise ordinance.
14. The location shall meet all parking requirements as set forth in Article VII of the Unified Development Ordinance.

RECOMMENDATION:

The Gautier Planning Commission and Staff recommend approval of the proposed Conditional Use-Major Permit with the conditions listed above.

The City Council may:

1. Approve the Conditional Use-Major Permit with the Conditions listed above; or
2. Approve the Conditional Use-Major Permit with changes; or
3. Deny the Conditional Use-Major Permit.

ATTACHMENTS:

1. Draft Conditional Use-Major Permit
2. GPC Minute Excerpt
3. GPC Staff Report with Back Up

**CITY OF GAUTIER
CONDITIONAL USE-MAJOR PERMIT
GPC CASE NO. 15-09-CU**

SINGING RIVER PAINT AND BODY

REGARDING PARCEL ID NO: 82435140.050

The City of Gautier City Council, at its regular meeting held on August 18, 2015, considered the application for a Conditional Use-Major Permit for an automobile repair shop, major as submitted by Chad Crosslin, representative for Singing River Paint and Body. The parcel subject to this Permit is located at 3309 Gautier-Vancleave 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 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 an automobile repair shop, major, is permitted as a Conditional Use-Major in the TCMU District.
4. Therefore, the City Council accepts the recommendation of the Planning Commission and approves the application submitted on June 16, 2015 for a Conditional Use-Major 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. The proposed building façade improvements are installed.
 - b. Any vehicles to remain on-site more than one day continuously are stored inside or screened from view. If roll-up doors will remain open for a length of time other than to move a vehicle in or out of the building, the area shall be screened from view.
 - c. Work to be performed on vehicles shall take place within the building.

- d. The existing fence along the south property line shall be repaired and/or replaced as needed to be in a condition of good repair.
- e. Paint booth exterior venting shall be located on the north side of the building (or west side of the building if the exhaust composition is approved by the Public Works Director) due to the proximity of the City's water treatment facility to the south.
- f. The business shall meet all minimum requirements/regulations of the Mississippi Department of Environmental Quality (MDEQ) regarding automobile repair and painting.
- g. Existing business signage which does not comply with the Unified Development Ordinance to be removed. If a new freestanding sign is installed, it shall be installed within a 20' x 20' landscape and/or "green space" area.
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- k. Within 60 months of issuance of the Major Conditional Use Permit, the owner shall remove any pavement that encroaches onto the City right-of-way (except the driveway) and convert to "green space". Driveway shall be limited to 35' in width, exclusive of turning radius at the public street.
- l. The location shall meet all accessibility requirements for change of occupancy as stated in Section 3409 of the International Building Code. (See Exhibit E.)
- m. Noise levels shall meet the City's noise ordinance. (See Exhibit F.)

n. 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 Permit on August 6, 2015.

8. The City Council adopted this Conditional Use-Major Permit on a recorded vote of _____ ayes to _____ nays to approve the application of Singing River Paint and Body, located at 3309 Gautier-Vancleave Road, in Gautier, Mississippi, and identified as Jackson County Parcel No. 82435140.050.

July 18, 2015
Date of Issuance

Attest:

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

Cindy Russell
City Clerk

Excerpt for August 6, 2015 Gautier Planning Commission Meeting

REQUEST:

REQUEST FOR A CONDITIONAL USE-MAJOR PERMIT TO ALLOW A AUTOMOBILE REPAIR SHOP IN A TCMU DISTRICT, TO BE HELD AT 3309 GAUTIER-VANCLEAVE ROAD (GPC CASE #15-09-CU)

RECOMMENDATION:

Commissioner Jamison made the motion to recommend that City Council approve the Conditional Use-Major with the conditions as modified. **Commissioner Green** seconded the motion and the following vote was recorded:

AYES: **Larry Dailey**
 Jimmy Green
 Kay C. Jamison
 Anthony York
 Greg Spanier
 Sandra Walters

NAYS: **None**

ABSENT: **David Wooten**

Motion passed.

Gautier Planning Commission

Regular Meeting Agenda

August 6, 2015

GPC #15-09-CU

Singing River Paint and Body

VII. NEW BUSINESS

A. QUASI-JUDICIAL

2. SINGING RIVER PAINT AND BODY - REQUEST FOR A CONDITIONAL USE-MAJOR PERMIT FOR AN AUTOMOBILE REPAIR SHOP, MAJOR IN A TCMU DISTRICT; 3309 GAUTIER-VANCLEAVE ROAD (GPC CASE #15-09-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: July 29, 2015

Subject: Conditional Use-Major Permit for Singing River Paint and Body at 3309 Gautier-Vancleave Road (GPC Case No. 15-09-CU)

REQUEST:

The Economic Development and Planning Department has received a request from Chad Crosslin, owner of Singing River Paint and Body, for a Conditional Use-Major Permit that would allow an Automobile Repair Shop, Major in a TCMU Town Center, Mixed Use zoning district at 3309 Gautier-Vancleave Road, PID #82435140.050. The application fee of \$250 was paid on June 16, 2015. All public notice requirements have been met.

BACKGROUND:

The request property is zoned TCMU Town Center, Mixed Use.

1. Location: 3309 Gautier-Vancleave Road (See Exhibit A)
Principal Arterial: Highway 90 and Old Spanish Trail
2. General features of the proposed project:
Total Building Area: 4,488 square feet
Site Size: 0.57 Acres
Year Building Constructed: 1979
3. Potable Water and Wastewater Services: Existing from City
4. The building is existing and was originally built to be a church. The last known use of the property was a bar/lounge (The Watering Hole). 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): TCMU Town Center, Mixed Use
6. Current Surrounding Zoning (See Exhibit B): TCMU Town Center, Mixed Use

7. Current Surrounding Existing Land Use (See Exhibit C): Commercial-Retail to the North; Commercial-Retail/Industrial to the West; Civic to the South; and Commercial-Retail to the East.
8. Comprehensive Plan Future Land Use Designation (See Exhibit D): Town Center

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-Automotive Major.

Staff Finding: Yes. An Automobile Repair Shop, Major is listed as a Conditional Use-Major in a TC 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 remodeled building will be aesthetically appealing and follow all building guidelines. It will maintain the appropriate amount of parking spaces, as well as handicap access. See attached plans.

Staff Finding: The proposed use will be located in an existing building with existing "wall to wall" site paving and will not further impact the density, bulk and intensity of the structures in the vicinity. The adjacent property to the south is the City's Public Works facility. Property to the north is the rear of Walgreens and Wendy's. Audiowave is directly across the street. Table No. 9 of the UDO establishes minimum parking spaces requirements for Automobile Repair Shop as 1 space per 375 square feet of Gross Floor Area. There is more than adequate paved area to accommodate the required parking some of which will be required to be screened from view. If staff proposed conditions are approved, the impact will actually be decreased due to conversion of some of the existing paved area to "green space".

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

Applicant Response: No. The proposed building remodel will be a significant turnaround from the current un-maintained structure.

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. All traffic will continue to flow as it is currently.

Staff Finding: There is no evidence that the proposed automobile repair shop will have any adverse affect on vehicular or pedestrian traffic. The proposed automotive repair use will generate less traffic than the previous bar/lounge.

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. Under the goals and objectives section of the Comprehensive 2030 Plan, "Goal No. 4: Promote economic development and a positive climate for businesses which will result in a well-rounded tax base and needed services for residents." The proposed collision repair facility will be a needed service for residents and keep them from having to travel out of the city for these services. Also, as stated in the plan, 46% of those surveyed would like to see quality architecture in Gautier. By remodeling the eyesore that is currently on the property, we will be in line with residents wants. As part of the Gautier Growth Strategy, the Future Land Use map states for Town Center: various types of retail and service businesses.... with flowers and wide sidewalks; excellent architectural design; unobtrusive signs. We plan on incorporating all of these important facets into the property. All plans attached show an appealing design and a beautiful storefront.

Staff Response: While an Automobile Repair Shop does not meet the specific goals of the Town Center Mixed Use district, the proposed business will be located on the outskirts of the Town Center district and will be adjacent to a similar use. The proposed

improvement to the vacant derelict property will be a vast improvement to the area and will be a huge improvement for the Town Center area.

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. All paint and sanding areas will be properly enclosed and filtered. Paint products are waterbourne and eco-friendly and reduce emissions up to 90% and create less waste.

Staff Finding: There is no evidence that the proposed use poses a hazardous, detrimental or disturbing affect to present surrounding uses. The automotive repair equipment and paint booth will be brand new and have the newest technology. The development will be required to meet the requirements/regulations of the MDEQ. If staff proposed conditions are approved, the perception of any impact to the City's water treatment facility will be minimized.

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 plans will follow all regulations, see attached building plans.

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 proposed building façade improvements are installed.
2. Any vehicles to remain on-site more than one day continuously are stored inside or screened from view. If roll-up doors will remain open for a length of time other than to move a vehicle in or out of the building, the area shall be screened from view.
3. Work to be performed on vehicles shall take place within the building.
4. The existing fence along the south property line shall be repaired and/or replaced as needed to be in a condition of good repair.
5. Paint booth exterior venting shall be located on the north side of the building due to the proximity of the City's water treatment facility to the south.
6. The business shall meet all minimum requirements/regulations of the Mississippi Department of Environmental Quality (MDEQ) regarding automobile repair and painting.
7. Existing business signage which does not comply with the Unified Development Ordinance to be removed. If a new freestanding sign is installed, it shall be installed within a 20' x 20' landscape and/or "green space" area.
8. Existing asphalt paving in areas that will be accessible to the public and/or not screened from view 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.
9. Within 60 months of issuance of the Major Conditional Use Permit, the owner shall install one tree every 30' along the north and east property lines in the front yard of the building (east of front building face). Trees to be a minimum of 6' in height at the time of planting.
10. Within 60 months of issuance of the Major Conditional Use Permit, the owner shall install one tree every 30' or decorative fencing along the north property line along the side and rear yard of the building (west of front building face). Trees to be a minimum of 6' in height at the time of planting. Decorative fencing 6' in height to be

aluminum, iron, brick wall, or other decorative fencing as approved by the Director of Economic Development and Planning.

11. Within 60 months of issuance of the Major Conditional Use Permit, the owner shall remove any pavement that encroaches onto the City right-of-way (except the driveway) and convert to “green space”. Driveway shall be limited to 35’ in width, exclusive of turning radius at the public street.
12. The location shall meet all accessibility requirements for change of occupancy as stated in Section 3409 of the International Building Code. (See Exhibit E.)
13. Noise levels shall meet the City’s noise ordinance. (See Exhibit F.)
14. 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 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 PERMIT
GPC CASE NO. 15-09-CU**

SINGING RIVER PAINT AND BODY

REGARDING PARCEL ID NO: 82435140.050

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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 an automobile repair shop, major, is permitted as a Conditional Use-Major in the TCMU District.
4. Therefore, the City Council accepts the recommendation of the Planning Commission and approves the application submitted on June 16, 2015 for a Conditional Use-Major 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:
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- m. Noise levels shall meet the City's noise ordinance. (See Exhibit F.)

n. 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 Permit on August 6, 2015.

8. The City Council adopted this Conditional Use-Major Permit on a recorded vote of _____ ayes to _____ nays to approve the application of Singing River Paint and Body, located at 3309 Gautier-Vancleave Road, in Gautier, Mississippi, and identified as Jackson County Parcel No. 82435140.050.

July 18, 2015
Date of Issuance

Attest:

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

Cindy Russell
City Clerk

CONDITIONAL USE-MAJOR HEARING APPLICATION

Hearing Number

GPC 15-09-CW

<u>TYPE OF REQUEST:</u>	<u>FEE:</u>
Conditional Use – Major <u>✓</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: Chad Crosslin
Name of Business: Singing River Paint and Body
Address: 3309 Gautier-Vandevere Rd. Mailing Address (if different): _____
Email Address: singingriverpaint@att.net
Phone: 228-497-2327 Cell Phone: 228-217-0978
Reason for request, location and intended use of Property: full service collision repair shop
AUTOMOBILE REPAIR SHOP, MAJOR

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.
- N/A 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.
- N/A 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: 6/16/15

Date Received <u>06-17-15</u>	Verify as Complete <u>6/22/15</u>
Fee Amount Received <u>\$250.00</u>	
Initials of Employee Receiving Application <u>JC</u>	

Parcel Information

PIDN: 82435140.050
GISP: 777.35-04-0011.00

Owner Information

Name: MERCHANTS & MARINE BANK Percent of Ownership: 100
Name2:
Mailing Address: 3118 PASCAGOULA ST Physical Address: 3309 GAUTIER VANCLEAVE RD GAUTIER
PASCAGOULA MS 39567

Land Information

Section, Township, Range: 35 7S 7W Acreage: .57
Street Name: GAUTIER VANCLEAVE RD

Value and Tax Information

Total Assessed Value: 26521 Total Appraised Value: 176800
Improvement Value: 75030 Land Value: 101770
Tax Amount: 3605 SQ. FT: 4488 Year Built: 1979

Legal Description

Description: COM NWC OLD 90 & GAUTIER- VANCLEAVE RD N 2 DEG E 552.8' TO POB W 200' N 2 DEG E 125' E 200' S 2
DEG W 125' TO POB DB 1672-440 (11 MAP777.35-04)
Deed Book / Page: 1672 / 440



Tue Jul 7 2015 01:14:25 PM

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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?
2. Please describe how the project is compatible with the character of development in the vicinity relative to (a) density, bulk and intensity of structures, (b) parking, and (c) other uses. Please attach parking plan, site plan, architectural rendering or other plans.
3. Will your project negatively affect neighboring property values or pose a real or perceived threat to citizens? Explain.
4. Will your project adversely affect vehicular or pedestrian traffic in the vicinity? Explain.
5. Can the proposed use be accommodated by existing or proposed public services and facilities including, but not limited to, water, sanitary sewer, streets, drainage, police and fire protection, and schools?
6. Is the proposed use in harmony with the Comprehensive Plan? Explain how.
7. Does the proposed use pose a hazardous, detrimental, or disturbing affect, either real or perceived, to present surrounding land uses due to noises, glare, smoke, dust, odor, fumes, water pollution, vibration, electrical interference, or other nuisances? Explain.
8. Does the use conform to all district regulations for the applicable district in which it is located, or have other provisions been provided for? Explain.

SEE ATTACHED

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

Yes- Automotive Major

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, (c) other uses. See attached parking plan, site plan, architectural rendering or other plans.

The remodeled building will be aesthetically appealing and follow all building guidelines. It will maintain the appropriate amount of parking spaces, as well as handicap access. See attached plans.

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

No. The proposed building remodel will be a significant turnaround from the current un-maintained structure.

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

No. All traffic will continue to flow as it is currently.

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?

Yes. Under the goals and objectives section of the Comprehensive 2030 Plan, "Goal No. 4: Promote economic development and a positive climate for businesses which will result in a well-rounded tax base and needed services for residents." The proposed collision repair facility will be a needed service for residents and keep them from having to travel out of the city for these services. Also, as stated in the plan, 46% of those surveyed would like to see quality architecture in Gautier. By remodeling the eyesore that is currently on the property, we will be in line with residents wants. As part of the the Gautier Growth Strategy, the Future Land Use map states for Town Center: various types of retail and service businesses.....with flowers and wide sidewalks; excellent

architectural design; unobtrusive signs. We plan on incorporating all of these important facets into the property. All plans attached show an appealing design and a beautiful storefront.

7. Does the proposed use 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? Explain.

No. All paint and sanding areas will be properly enclosed and filtered. Paint products are waterborne and eco-friendly and reduce emissions up to 90% and create less waste.

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. The proposed plans will follow all regulations, see attached building plans.

OWNERS CONSENT AND DESIGNATION OF AGENCY - CONDITIONAL USE

I, Herman Smith - M+M Bank, the fee simple owner of the following described property (give legal description):

3309 Gautier-Vandevent Road
Gautier, MS 39553-5913

hereby petition to the City of Gautier to Grant a Conditional Use of Automobile Repair Shop, major in Gautier, MS and affirm that Chad & Faith Crosslin 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.

M + M Bank
(Owner's Signature)
Herman E. Smith, VP.

The foregoing instrument was acknowledged before me this 12th day of June, 2015 by Herman E. Smith, who is personally known to me or has produced N/A as identification and who did take an oath.

JACKIE E. SKELTON
(Printed Name of Notary Public)

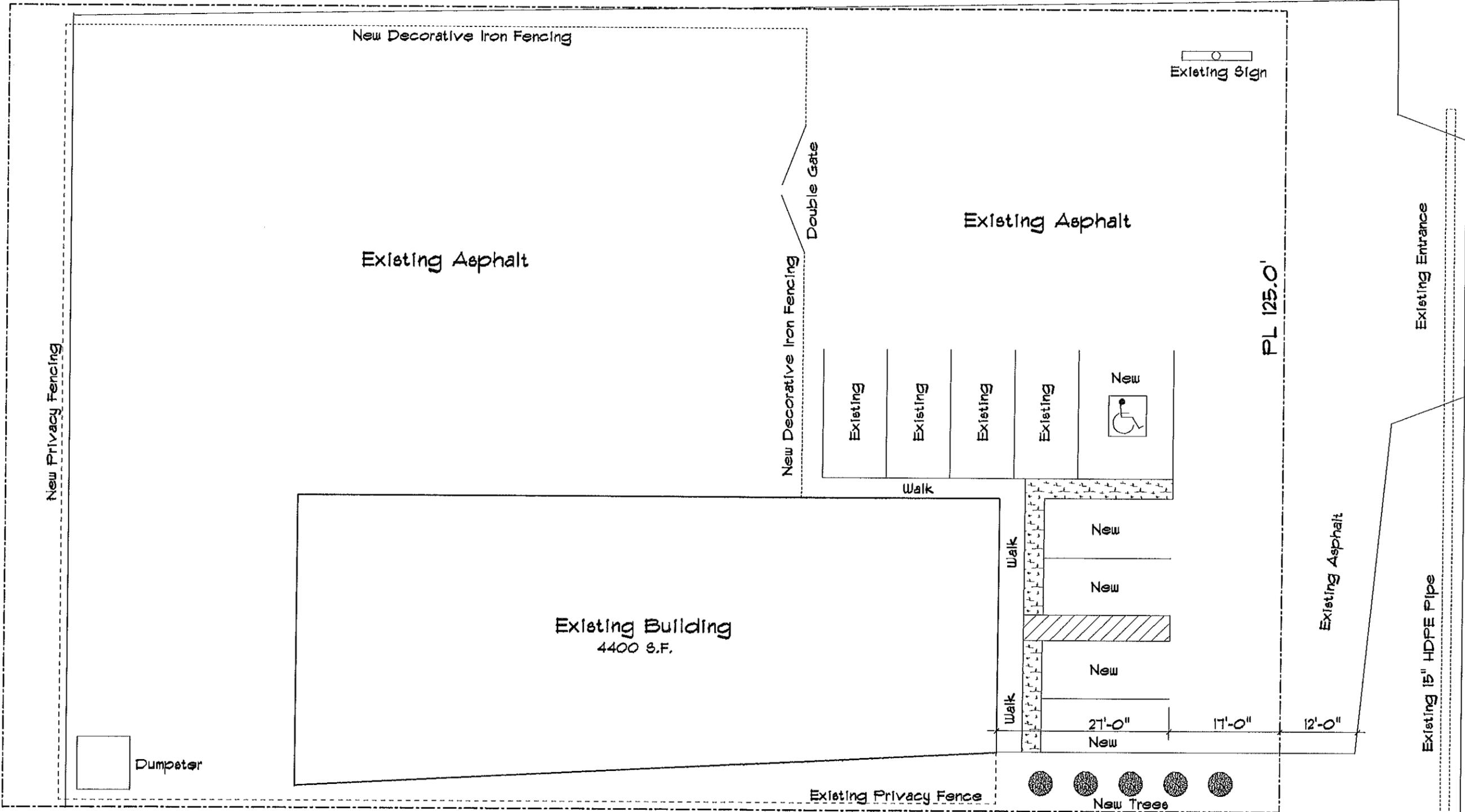
Jackie E. Skelton
(Signature of Notary Public)

Commission # 70681. My commission expires 7-28-2015



PL 125.0'

PL 200.12'



New Privacy Fencing

New Decorative Iron Fencing

Existing Asphalt

Double Gate

New Decorative Iron Fencing

Existing Asphalt

Existing Sign

Existing

Existing

Existing

Existing

New

Walk

Walk

New

New

New

27'-0"

17'-0"

12'-0"

New Trees

Dumpster

Existing Building
4400 S.F.

Existing Privacy Fence

PL 125.0'

Existing Asphalt

Existing Entrance

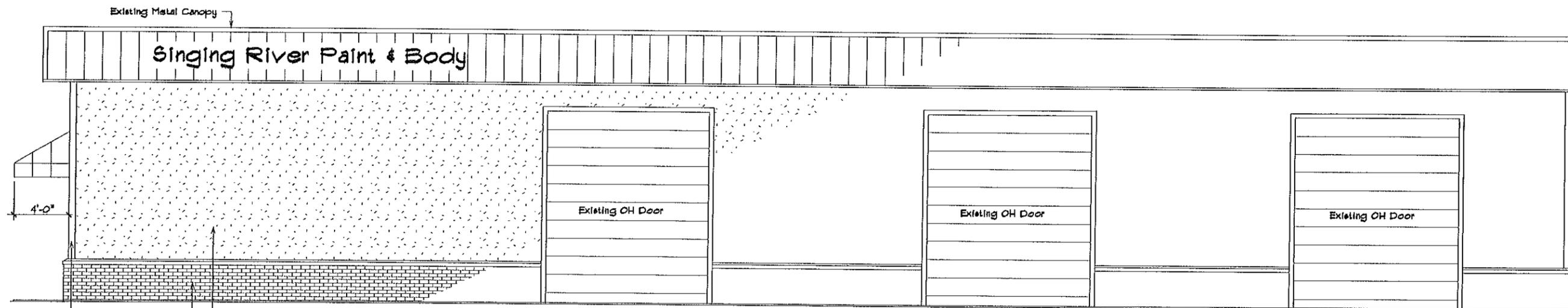
Existing 15" HDPE Pipe

PL 200.0'

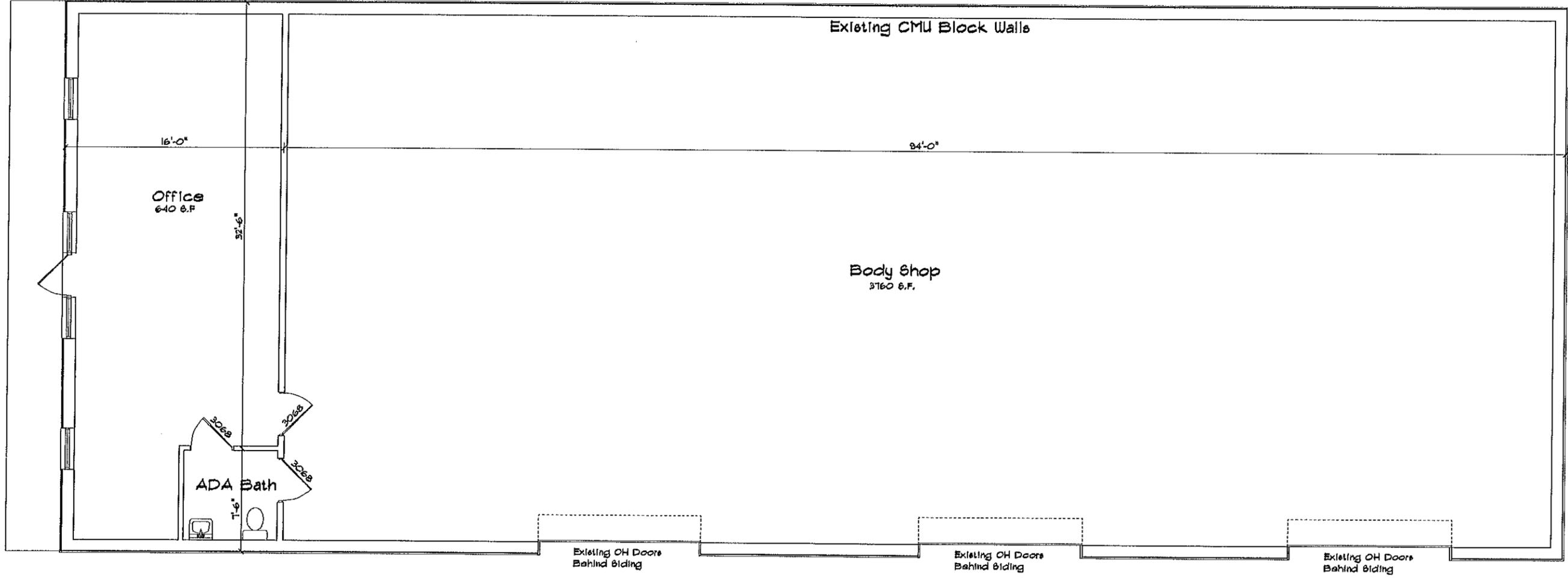
Gautier / Yanceave Rd.



Front Elevation 1/4" = 1' = 0"

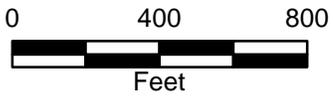


Right Side Elevation 1/4" = 1' = 0"



Location Map
3309 Gautier-Vancleave Road
Conditional Use

City Of Gautier
Economic Development/Planning

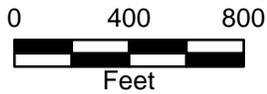


Prepared by the
City of Gautier
Planning Division



Existing Zoning Map

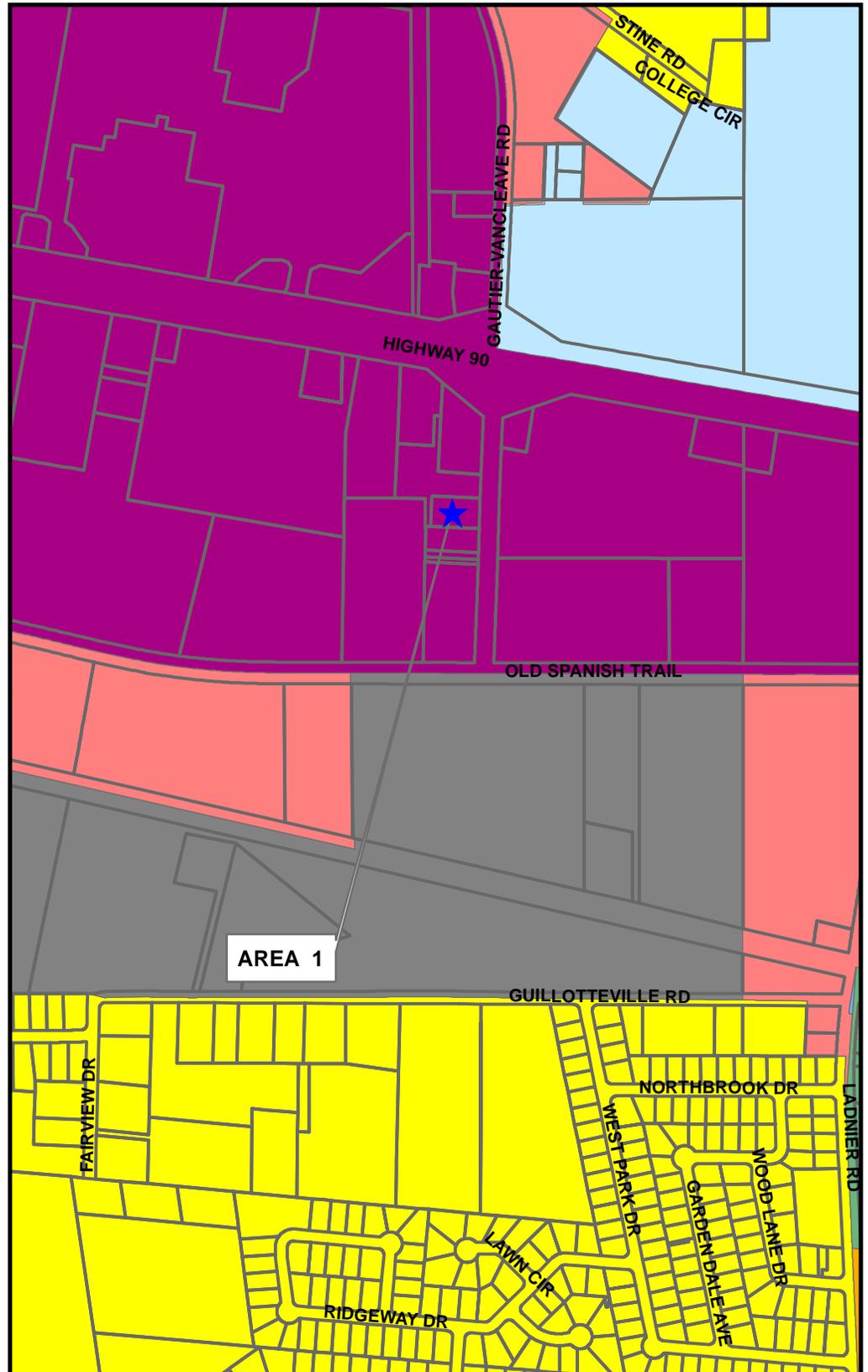
**City Of Gautier
Economic Development/Planning**



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

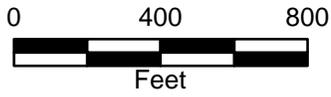
Legend

- 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

City Of Gautier
Economic Development/Planning

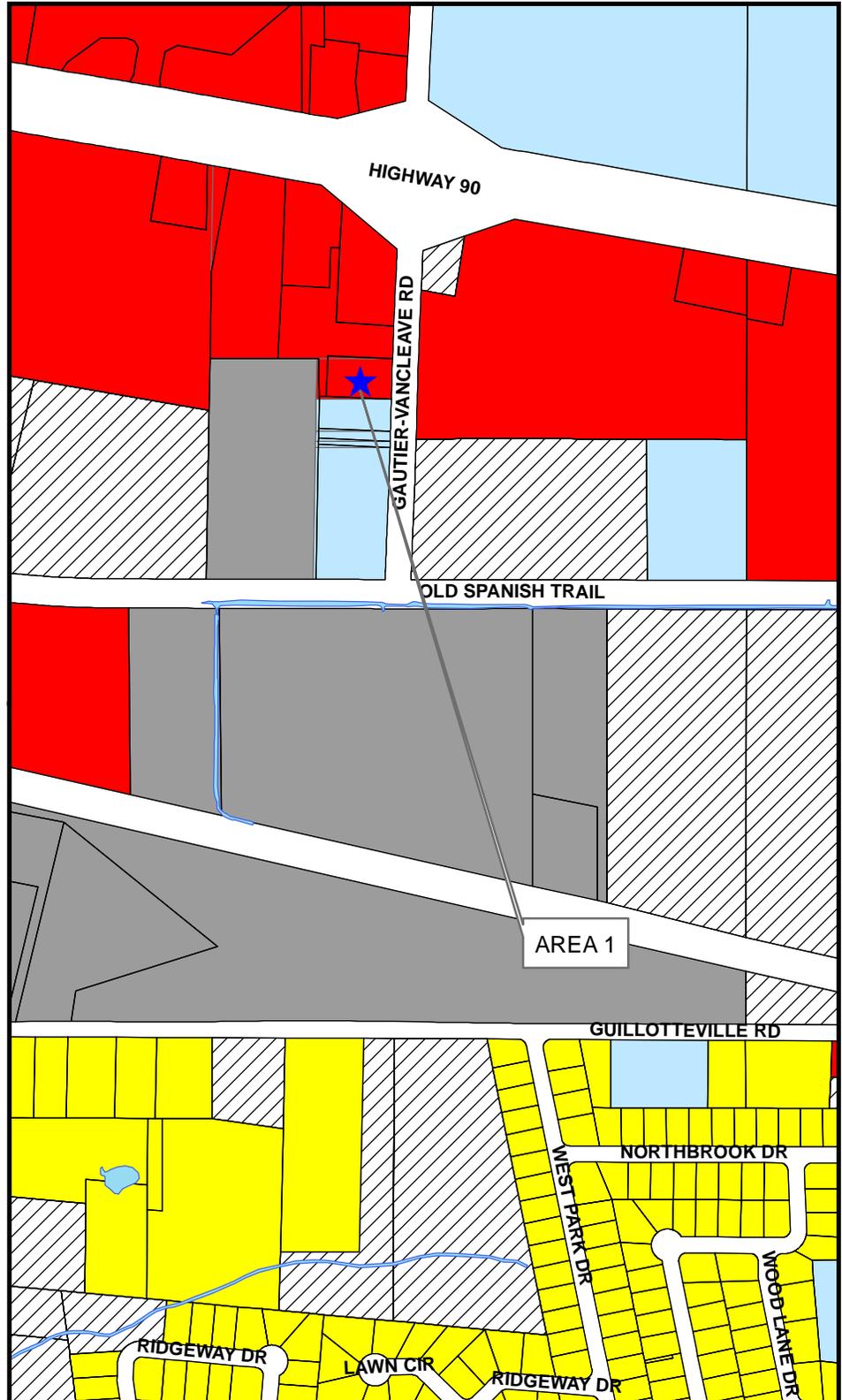


Prepared by the
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Planning Division

Legend

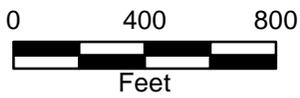
EXISTING LAND USE

-  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

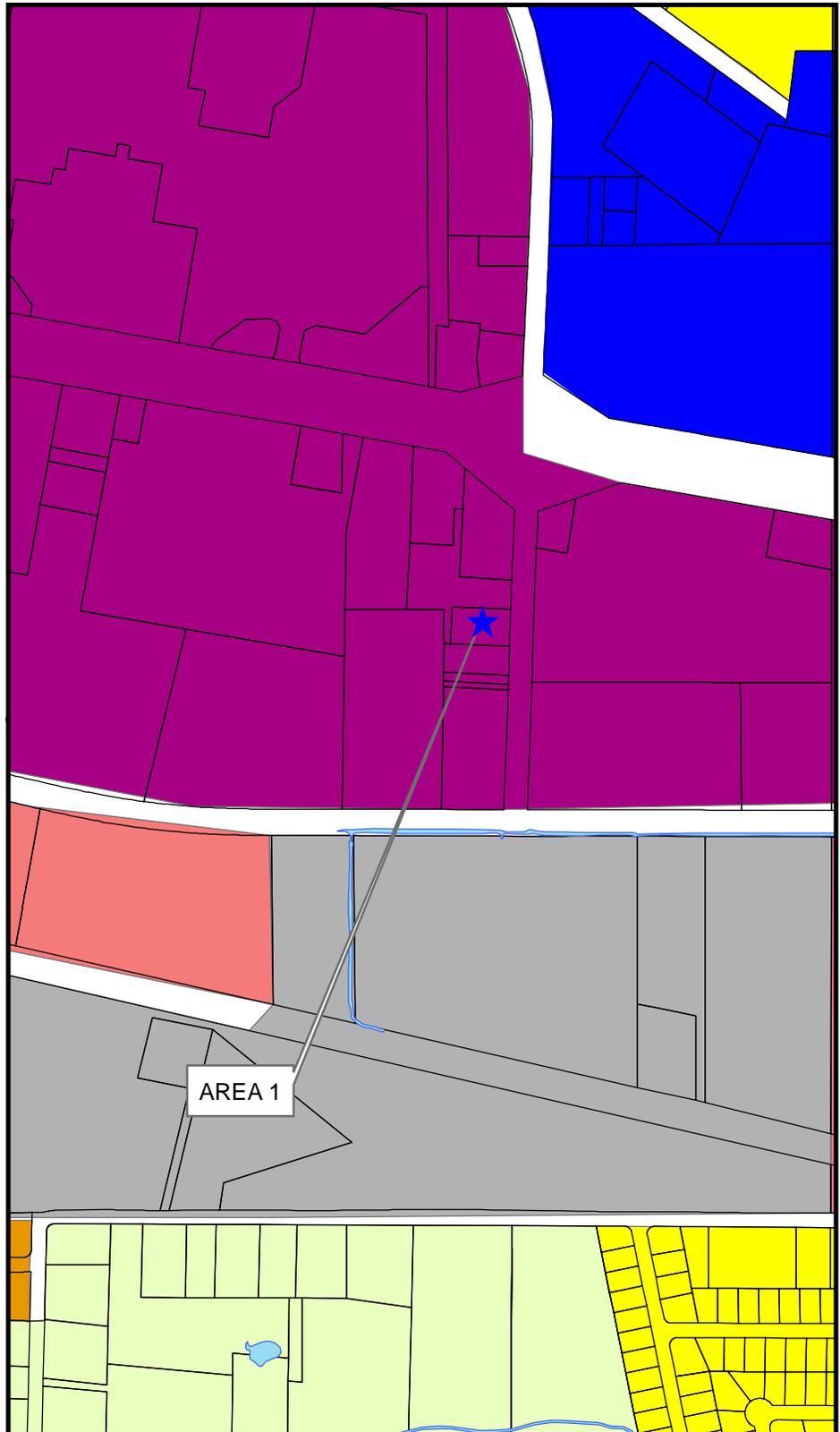
City Of Gautier
Economic Development/Planning



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



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 $\frac{3}{4}$ -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.