CITY OF GAUTIER
MEMORANDUM

To: Paula Yancey, Interim City Manager

From: Chandra Nicholson, Economic Development & Planning Director

Date: June 9, 2016

Subject: Height Variance Request for B&D Plastics, LLC, 5500 Allen Road (GPC Case No. 16-11-VAR)

REQUEST:

The Economic Development and Planning Department has received a request from B&D Plastics, LLC for a nineteen foot (19') Height Variance for a metal building in a C-3 Highway Commercial Zoning District at 5500 Allen Road, PID #85298009.050/85298009.000. The application fee of $175 was paid on May 2, 2016. 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 June 2, 2016 to consider the request. The GPC deliberated the request and recommends approval of the request.

RECOMMENDATION:

The Gautier Planning Commission recommends approval of the proposed 19' Height Variance Request as presented:

The City Council may:

1. Approve the Height Variance request as presented; or
2. Approve the Height Variance request with changes; or
3. Deny the Height Variance request.

ATTACHMENTS:

1. GPC Minute Excerpt
2. GPC Staff Report with Back Up

Excerpt from June 2, 2016 Gautier Planning Commission Meeting

REQUEST:

B & D Plastics, LLC – 5500 ALLEN ROAD – REQUEST FOR A NINETEEN FOOT (19') HEIGHT VARIANCE TO ALLOW A FIFTY-FOUR FOOT (54') HIGH BUILDING IN A C-3 HIGHWAY COMMERCIAL ZONING DISTRICT (GPC #16-11-VAR)

RECOMMENDATION:

Commissioner Torjusen made the motion to recommend City Council approve the Height Variance request as presented. **Commissioner York** seconded the motion and the following vote was recorded:

AYES:	**Sandra Walters**
	Jimmy Green
	Kay C. Jamison
	J.J. Fletcher
	Anthony York
	Phil Torjusen
NAYS:	**None**
ABSENT:	**Larry Dailey**

Motion passed.

Gautier Planning Commission

Regular Meeting Agenda

June 02, 2016

GPC #16-11-VAR

B & D PLASTICS, LLC

5500 ALLEN ROAD VARIANCE

VII. NEW BUSINESS

A. QUASI-JUDICIAL

2. B & D PLASTICS – 5500 ALLEN ROAD - REQUEST FOR A NINETEEN FOOT (19') HEIGHT VARIANCE TO ALLOW A FIFTY-FOUR FOOT (54') HIGH BUILDING IN A C-3 HIGHWAY COMMERCIAL ZONING DISTRICT. (GPC CASE #16-11-VAR)

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: May 25, 2016

Subject: B&D Plastics, LLC – 5500 Allen Road – Request for a Nineteen Foot (19') Height Variance (GPC Case No. 16-11-VAR)

REQUEST:

The Economic Development and Planning Department has received a request from B&D Plastics, LLC for a nineteen foot (19') Height Variance for a metal building in a C-3 Highway Commercial Zoning District at 5500 Allen Road, PID #85298009.050/85298009.000. The application fee of $175 was paid on May 2, 2016. All public notice requirements have been met.

BACKGROUND:

The request property is zoned C-3 Highway Commercial. The current use of the property is Heavy Manufacturing. The company would like to expand their business and build another metal building on site which is proposed to be 10,500 square feet.

DISCUSSION:

The property owner would like to construct an additional building on site similar to the other buildings currently on-site. The C-3 Zoning District allows a maximum height of 35', but the applicant proposes to construct a 54' high building.

DETERMINATION OF APPLICABLE LAW:

The Unified Development Ordinance (UDO) defines **Variances** as:

> A Variance is a relaxation of the terms of the Unified Development Ordinance where such Variance will not be contrary to the public interest and where, owing to conditions peculiar to the property, a literal enforcement of the Ordinance would result in an unnecessary or undue hardship. As used in this Ordinance, a Variance is authorized only for height, area and size of structure, or size of yards, separation of uses, open spaces, off-street parking spaces and some subdivision of property. The establishment or expansion of a use not permitted shall not be allowed by Variance.

The UDO defines **Hardship** as:

Hardship means the exceptional hardship that would result from a failure to grant the requested variance. The City requires that the variance is exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

UDO SECTION 4.18: Variance

In certain circumstances, a Variance from the dimensional requirements (i.e. height, setbacks, square footage) of this ordinance may be granted if the applicant can prove that because of physical constraints of the property involved, he is not able to build the same type of structure that other persons with the same zoning classification can build. Variances for uses permitted will not be considered in as much as “use Variances” are not legal in the State of Mississippi.

Most Variances must be granted by the City Council; however, certain minor Variances may be granted by the Economic Development Director in accordance with *Section 4.18.3* below.

4.18.1 Who May Initiate

A request for a Variance may be initiated by the property owner or agent of the owner provided that said property has not been denied a previous request for a Variance for the same property or portion of property within the past twelve (12) months.

4.18.2 Application for Variance

Applications for a Variance (from dimensional requirements) may be filed on the appropriate application available from the Economic Development/Planning Department and shall include all requested information, attachments and submittals:

4.18.3 Administrative Variances

The following dimensional variances may be granted by the Economic Development Director at his/her discretion (Note: Within the COR, Corridor Overlay District, applicants shall be required to mitigate a requested dimensional variance in accordance with the Tier Land Use Provisions in Section 5.11):

A. 30% of required off-street parking spaces and/or

B. 30% of required setbacks from property lines

4.18.4 Criteria for Approval

The Variance application shall demonstrate the following:

A. That special conditions and circumstances exist which are peculiar to this particular site (lot or parcel), structure or building involved and which are not

applicable to other sites (lots or parcels) or structures or buildings in the same district;

B. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the provisions of this Ordinance;

C. That the special conditions and circumstances do not result from actions of the applicant; and

D. That granting the Variance requested will not confer upon the applicant any special privilege that is denied by this Ordinance to other similar sites (lots or parcels) structures or buildings in the same district.

RECOMMENDATION & CONCLUSION:

The Planning Commission must record a Finding of Fact regarding the "Criteria for Approval" from the UDO as listed above.

The Planning Commission may:

1. Recommend that City Council approve the Height Variance request as presented; or
2. Recommend that City Council approve the Height Variance request with changes; or
3. Recommend that City Council deny the Height Variance request.

ATTACHMENTS:

1. Applicant's Exhibit 1 – Application
2. Applicant's Exhibit 2 – Proposed Building Elevation Drawing
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

EXHIBIT 1

GAUTIER, MISSISSIPPI

ECONOMIC DEVELOPMENT/PLANNING DEPARTMENT

PUBLIC HEARING APPLICATION

Public Hearing Number

GPC 16-11-VAR

TO BE HEARD BY GAUTIER PLANNING COMMISSION:		FEE:
Zoning Change		$300.00
Zoning Change (Comp.)		$300.00
Major Development		$100.00
Variance	X	$175.00
Appeal to Staff Decision		$100.00

****

TO BE HEARD BY ECONOMIC DEVELOPMENT/PLANNING DIRECTOR ON STAFF REVIEW:		FEE:
Administrative Variance		$100.00

Name of Applicant : TOM REEVES

Name of Business: B&D PLASTICS, LLC Phone: 228-875-5865

Property Address: 5500 ALLEN RD Mailing Address (if Different): _____

E-Mail Address: TOMREEVES@B&DPLASTICS.COM

Reason for request, location and intended use of Property: REQUEST A HEGHT VARIANCE FROM 35'-0" TO 54'-0"

ATTACHMENTS REQUIRED AS APPLICABLE:

X 1. Diagram of intended use, showing dimensions and distances of property, building with setbacks, parking spaces, entrances and exits.

X 2. A detailed project narrative.

N/A 3. Copy of protective covenants or deed restrictions, if any.

N/A 4. 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 5. Any other information requested by the Economic Development/Planning Director and/or members of the Technical Review Committee.

Signature of Applicant: Tom Reeves Date of Application: APRIL 19,2016

FOR OFFICE USE ONLY

Date Received 5-2-16 Verify as Complete 5-6-16

Fee Amount Received 175.00 Initials of Employee Receiving Application RM

History and Project Narrative

In the early 1970's, the facility was constructed and included the complex of buildings and office space located on the South of the current property. At that time the property was zoned as Industrial within the county. The products that were manufactured were of the production type fiberglass items such as tanks, vats, shower stalls, bathtubs, sinks, and other custom made plastic products. The property and business was owned by the Reeves family under "Reeves Plastics Engineering". The business continued as Reeves Plastics Engineering until the late 1980's.

In 1991, B & D Plastics, owned by the Reeves family, moved from Georgia to the family owned property in Jackson County and continued to manufacture custom made fiberglass and plastic products.

In 2010, B & D Plastics formed a partnership and expanded the operations by adding a new 10, 875 square foot building.

In 2012, B & D Plastics added another building of the same size to the north side of the property.

The manufacturing at the site includes open molding of custom products using a variety of methods with thermoset resins and other plastic products.

In early 2015, B & D Plastics attained the required authorization to code stamp our products to the current ASME codes. This achievement took four years to attain and is one of only three such authorizations in existence on earth.

Some of the components B & D manufactures are large and require heavy materials handling equipment to move such components on the site. There is presently a large expanse of compacted limestone work surface that is well able to support very heavy loads. This surface provides all weather access to the entire site.

B & D doesn't produce a large volume of traffic. The number of shipments out of the plant site averages less than one (1) load per week. The existing roads have handled this volume of shipments easily in the past.

This manufacturing facility has been a benefit to Jackson County for the past 24 years. Since addition of the building in 2010, B & D Plastics has consistently employed between 30 and 50 full time employees and currently employs 60 full time employees. Besides wages B & D generates tax revenue for the City and County.

Considering the continuous industrial use of the B & D property since 1991, it would seem that industrial zoning would have been originally assigned to the B & D property. The present commercial zoning is inconsistent with the established industrial land use. The City of Gautier and Jackson County have worked with B & D in the past, encouraging the operation of this facility.

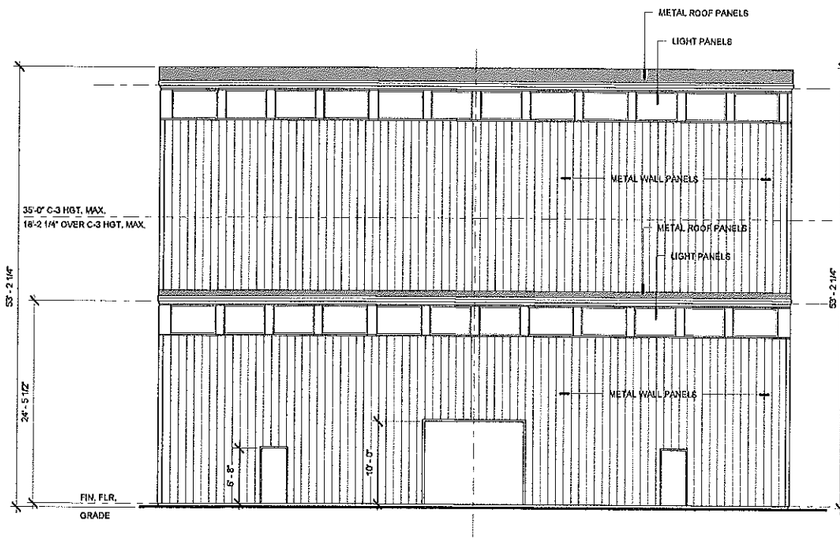
The rezoning of this property will serve to rectify a presently inequitable situation and will also be consistent with the City's past policy concerning the operation of B & D Plastics.

The new project will entail the addition of another building and improvements on the North-West of the

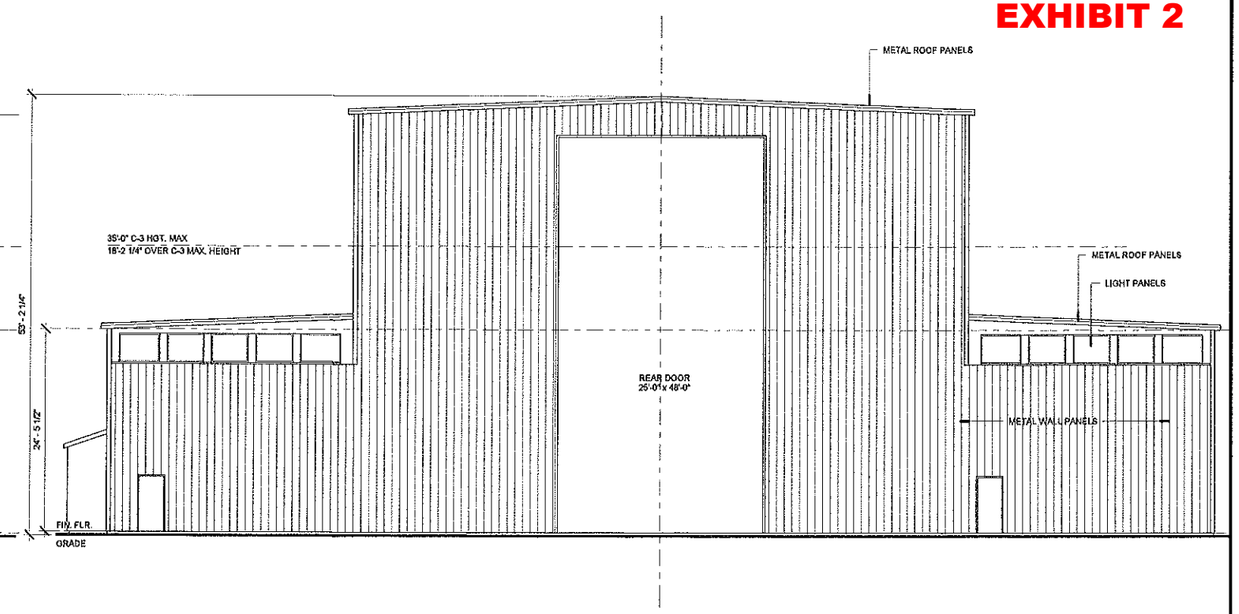
existing site. Equipment will be moved from an existing building into the new building to provide a smoother workflow of our products and allow for more indoor work space. The details of the building and the site are included as attachments to the Public Hearing Application.

The investment in the site and the building is expected to be approximately $500,000.00 and the number of full time employees is expected to increase by approximately 25-30.

EXHIBIT 2

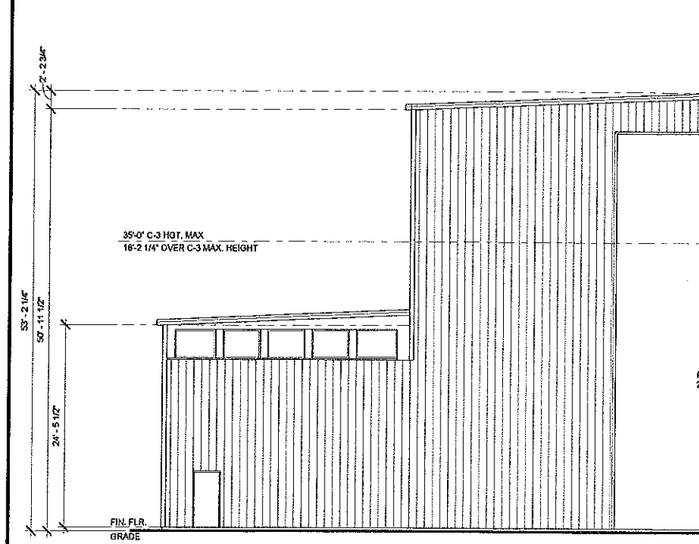


1 NORTH ELEVATION
1/8" = 1'-0"

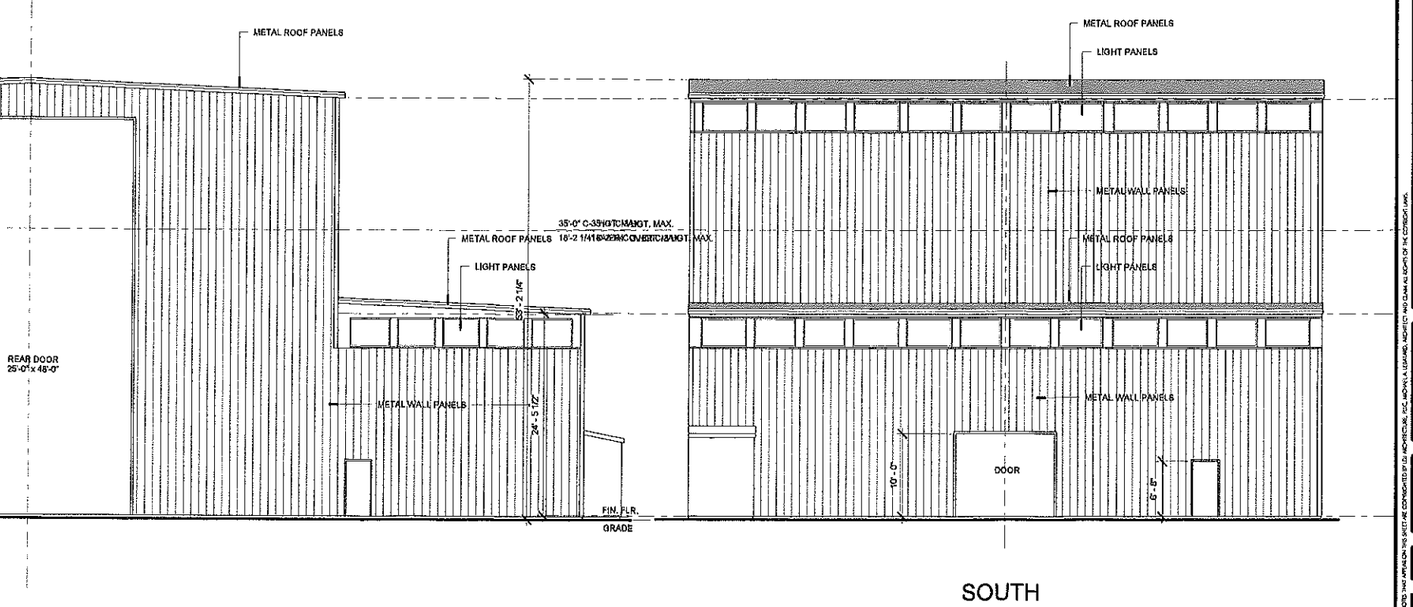


2 WEST ELEVATION
1/8" = 1'-0"

HEIGHT VARIANCE :
A HEIGHT WILL WILL NEED TO BE APPROVED FROM 35'-0" MAXIMUM HEIGHT FOR A C-3 ZONE TO 54'-0" TO ACCOMDATE THE REQUIRED HEIGHT OF THE BUILDING TO PERFORM IT'S MANUFACTURING FUNCTION.



3 EAST ELEVATION
1/8" = 1'-0"



4 SOUTH ELEVATION
1/8" = 1'-0"

LDJ ARCHITECTURE, PLLC
MICHAEL A. LEBATARD, ARCHITECT
2654 BEACH BOULEVARD ■ SUITE D ■ BILOXI ■ MISSISSIPPI 39531
PH: 228 .388 .5099 ■ FX: 228 .388 .7088 ■ WWW.LDJARCHITECTURE.COM

PROJECT NAME
A NEW MANUFACTURING BUILDING FOR B&D PLASTICS
5500 ALLEN ROAD
GAUTIER, MISSISSIPPI

REGISTERED ARCHITECT
STATE OF MISSISSIPPI

REVISIONS	
0	REVIEW ONLY

DRAWN BY	CHECKED BY
Author	Checker

DRAWING ISSUE DATE
19 APRIL 2016

SHEET NUMBER	EDITION
A103	0

THE DRAWINGS, DETAILS AND NOTES THAT APPEAR ON THIS SHEET ARE CONSIDERED BY LDJ ARCHITECTURE, PLLC AND MICHAEL A. LEBATARD, ARCHITECT AND CLAIMS AS SOLE PROPERTY OF THE ARCHITECT AND ARE NOT TO BE REPRODUCED OR USED FOR ANY OTHER PROJECT WITHOUT WRITTEN PERMISSION.

EXHIBIT A

Location Map

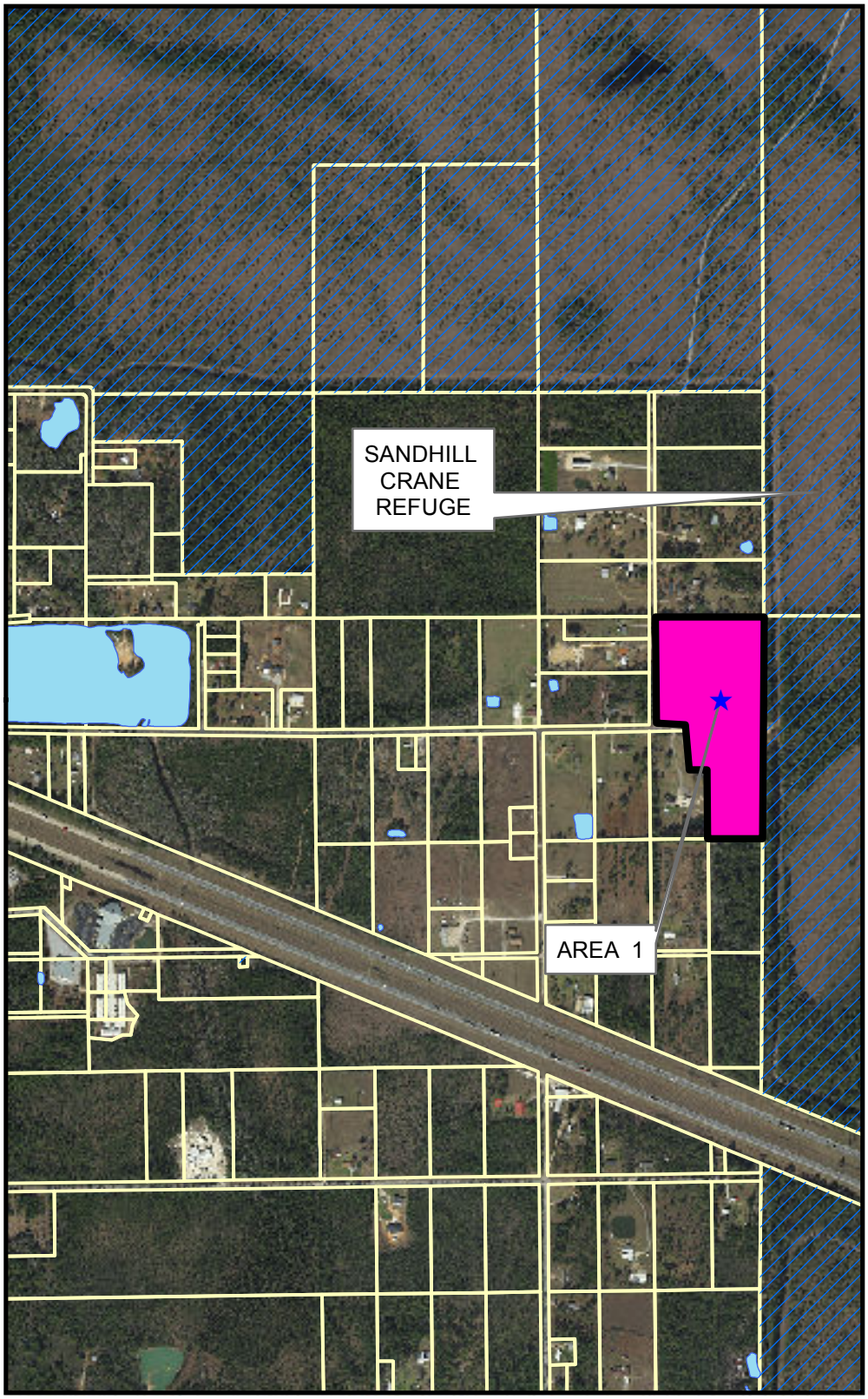
5500 Allen Road

B & D Plastics, LLC

Conditional Use & Height Variance

City Of Gautier
Economic Development/Planning

0 400 800
Feet



Prepared by the
City of Gautier
Planning Division

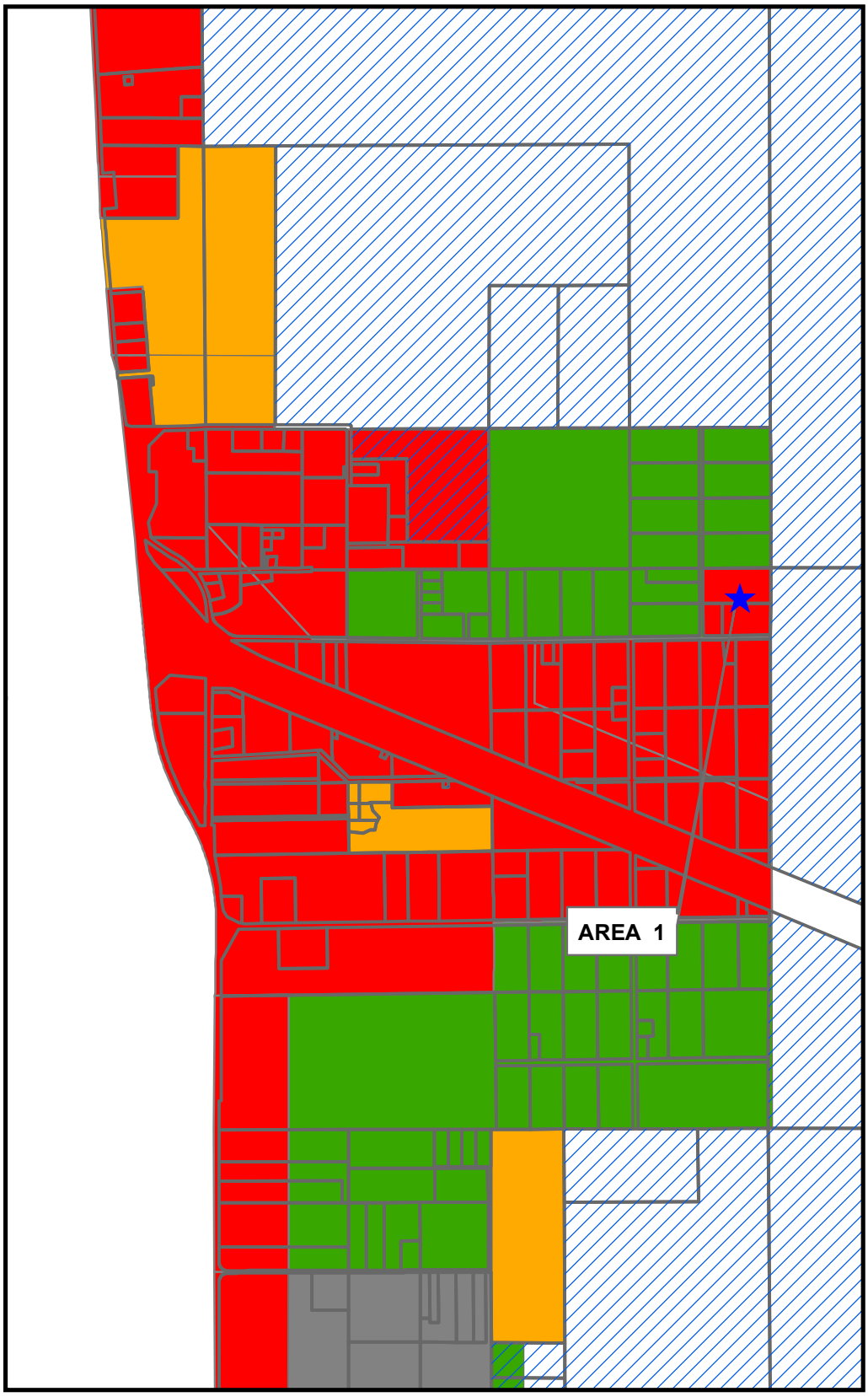
EXHIBIT B

Existing Zoning Map

City Of Gautier
Economic Development/Planning

0 400 800
Feet

Prepared by the
City of Gautier
Planning Division



Legend

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

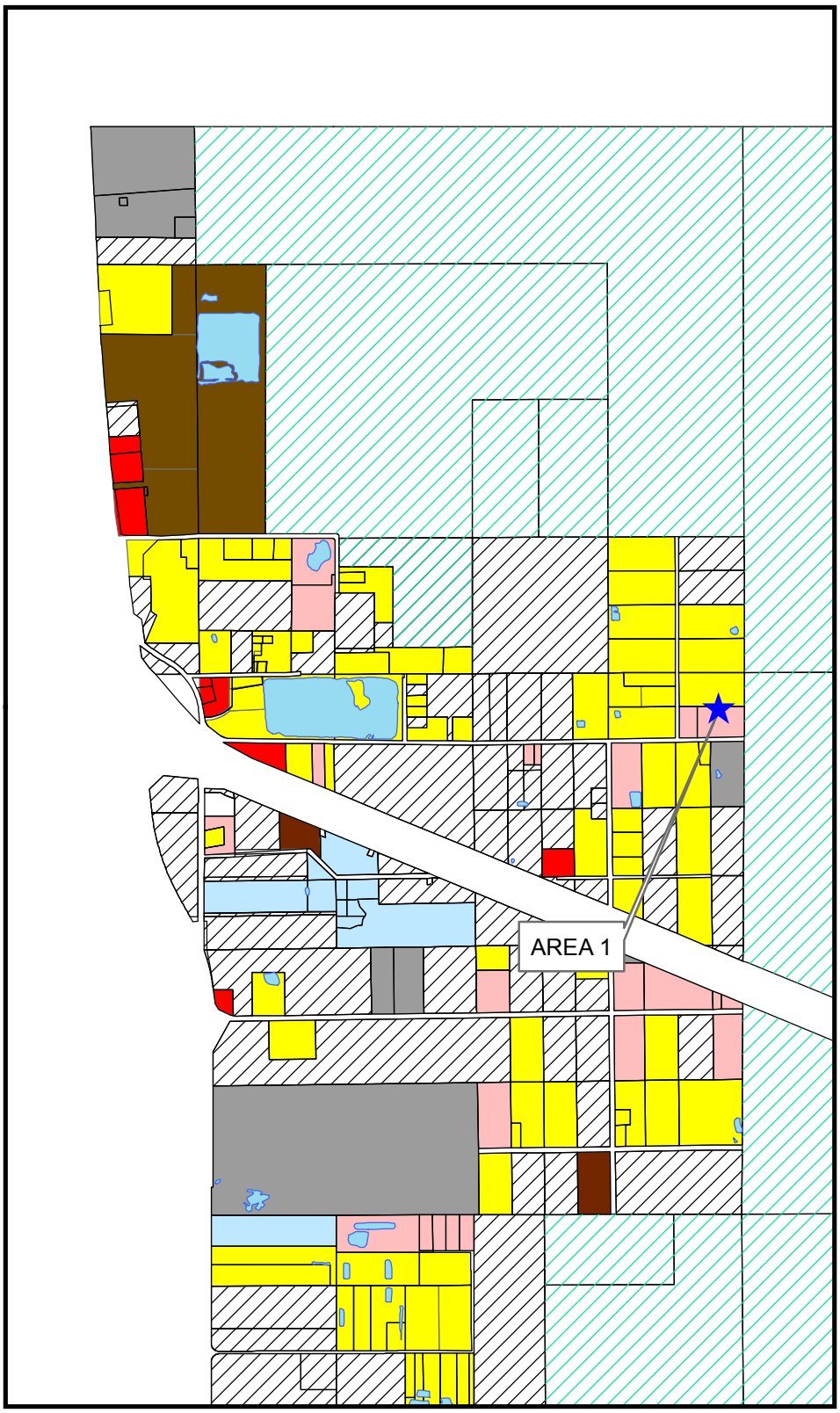
EXHIBIT C

Existing Land Use Map

City Of Gautier
Economic Development/Planning

0 400 800
Feet

Prepared by the
City of Gautier
Planning Division



Legend

SANDHILL_CRANE_LAND

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

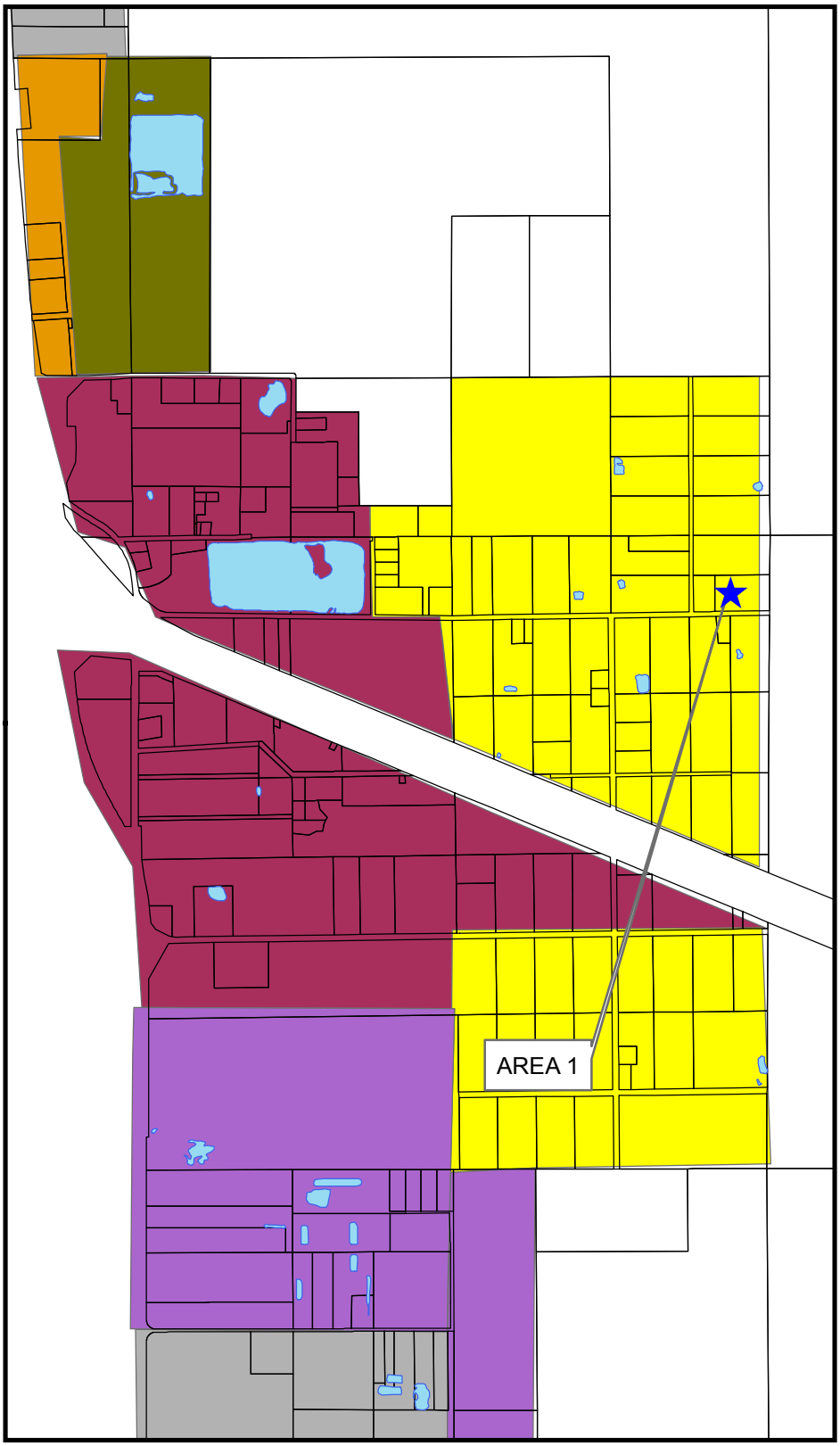
EXHIBIT D

Future Land Use Map

City Of Gautier
Economic Development/Planning

0 400 800
Feet

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