

MINUTES
WAVELAND PLANNING & ZONING COMMISSION
September 25th, 2017

A regular meeting of the Waveland Planning & Zoning Commission was held at 6:00 p.m. on Monday, September 25th, 2017 at the Waveland City Hall, located at 301 Coleman Avenue, Waveland, Mississippi.

#1) Chairman Jim Meggett called the meeting to order at 6:00 p.m. Present were Commissioners Mike Adams, Clarence Harris, Judy Boudoin and Charlotte Watson. Chairman Jim Meggett established there was a quorum present. City Attorney Rachel Yarborough, Deputy City Clerk Tammy Fayard and Zoning Official, David Draz were also present.

#2) Chairman Jim Meggett called for a motion to accept the minutes from the Special Meeting of July 28th, 2017. Commissioner Adams moved, seconded by Commissioner Boudoin to accept the minutes as presented. Commissioners Adams, Harris and Boudoin voted in favor of the motion. Commissioner Watson abstained. Chairman Meggett declared the motion carried.

#3) Staff informed the Commission that a petition had been received from Jessica Stahl, 709 Herlihy Street with 75 signatures, requesting that the City not change the R1 Zoning for the property known as 716 Herlihy Street.

#4) Chairman Meggett introduced and read the following request:

John and Stefanie Ascherl are requesting a Conditional Use under Section 601.2, Item F. Which states “Accessory buildings that contain more than five hundred (500) square feet.” The Ascherl’s are building a single family residence at the property commonly known as 226 Hoffman Lane. The Conditional Use is for a proposed detached garage that will be 868 square feet. Legal Description: Lots 13 & 14, Block 7, E W ULAM SUBDIVISION, City of Waveland, Hancock County, Mississippi.

John Ascherl was present to address the request. Commissioner Boudoin asked about the intended use of the large amount of property in the front yard. Mr. Ascherl stated that the house would be situated in the middle of the property with the driveway running up the side. Commissioner Watson asked if the square footage of the proposed garage shown as 868 is correct. Mr. Ascherl said that it was correct. She also asked if there were separate lots at the front of the property. Mr. Ascherl stated that the entire property was combined into one lot and the house would be 2,800 square feet. Chairman Meggett asked if water and electric would be part of the proposed garage. Mr. Ascherl stated that water would be run to the outside and that electric would be part of the plan. Commissioner Harris asked about the width of the driveway and fire protection. He asked if the Fire Department had been asked about this. (Note: Staff spoke with the Fire Chief the next day and he said they face this situation on many properties, they will either take a truck onto the property or lay hose from the closest hydrant. He said their trucks can fit on a standard width driveway of 12 feet without a problem.) Commissioner Boudoin asked about the setback shown for the side yard which is less than 15 feet. Staff explained that as long as an accessory building is more than 12 feet from the primary structure it can encroach into the side yard by 5 feet. The measurement shown on the plot plan shows a distance of 11 feet, 6 inches from the property line which

is allowed in the Zoning Ordinance without requiring a variance. Commissioner Boudoin asked about utilities to the structure. Staff explained that anything built will have to be in compliance with current building codes as well as flood zone requirements and the flood damage prevention ordinance.

Commissioner Adams made a motion, seconded by Commissioner Harris to recommend approval of the Conditional Use for a proposed detached garage that will be 868 square feet. After a Unanimous vote by all members present, Chairman Meggett declared the motion passed.

#5) Chairman Meggett introduced and read the following request.

John and Stefanie Ascherl are requesting a Variance from Section 701.8 (A) which states: A. The size of an accessory building shall be limited to a one story building not larger than 500 square feet in area. The Variance is a request to construct a two story building with the second story being for storage. They are also requesting a Variance from Section 701.8(B) (1) which states: “Accessory Building Shall not exceed fifteen (15) feet in height in residential zones. The Variance is to allow a garage with a height of 23&1/2 feet in height. The Ascherl’s are building a single family residence at the property commonly known as 226 Hoffman Lane Legal Description: Lots 13 & 14, Block 7, E W ULAM SUBDIVISION, City of Waveland, Hancock County, Mississippi.

John Ascherl was present to address the request. City Attorney Rachel Yarborough clarified for the Commission that this was a 2-part variance request. The first part being for the construction of a two story accessory building. The second part of the variance is for a building height exceeding 15 feet.

Commissioner Adams made a motion, seconded by Commissioner Boudoin to recommend approval of the variance request to construct a two-story accessory building (garage) and the variance request to construct an accessory building with a building height exceeding 15 feet in height. After a Unanimous vote by all members present, Chairman Meggett declared the motion passed.

#6) Chairman Meggett introduced and read the following request.

A request from Pastor Frank Griffin III, representing Calvary Chapel Bay St. Louis, for a Conditional Use within a Commercial Highway District (C3) for a Church under Section 610.2 of the Zoning Code. The request is to utilize 25,000 square feet of the old K-Mart building located in the Choctaw Plaza Shopping center located on the NE corner of Hwy 90 and Hwy 603. Legal Description: PT 34-8-14, NE Corner Hwy 90 & 603 AKA Choctaw Plaza Shopping Center.

Pastor Frank Griffin III provided an overview of why the Church was interested in moving into a 25,000 square foot portion of the old K-Mart Building located in the Choctaw Plaza. Commissioner Harris requested clarification of the exact location of the proposed area the Church because a new Business (Dirt Cheap) was going into a 36,000 square foot area next to the area the Church is proposing to use. Discussion was held regarding entry ways and parking. City Attorney Rachel Yarborough discussed State law regarding location of churches and retail outlets that serve liquor. She noted that there was already a restaurant in this area that served liquor and beer. She explained the State statute and the distance requirements between a church and a retail service establishment. However, she explained that the State statute has a provision that allowed a church to sign a waiver regarding the distance

requirement and/or any other provisions imposed by the State Tax Commission. The City Attorney recommended that the Commission consider that a condition be included in any motion to recommend approval of the Conditional Use to include a requirement that the Church agree to execute any waiver or comply with any other State ABC provision in the event that in the future any establishments selling alcohol were to be developed in the immediate area. The City Attorney also suggested that the motion include a provision if that in the future they refused to sign any waiver that their Conditional Use would be revoked. Pastor Frank said they have discussed this and they have no issue with executing a waiver or complying with any other ABC provisions.

After further Commission discussion, Chairman Meggett asked if anyone in the audience wished to come forward to speak to this issue. Mr. Alfred Harris came forward and expressed concerns about a church not generating any sales tax. Pastor Frank explained that 40% of their congregation comes from north of the interstate (I-10) and he anticipated the congregation would shop and dine in the immediate area. Chairman Meggett asked why they were looking at this location. Pastor Frank stated that they have outgrown their current location and they currently have approximately 270 people currently attend the Church. Commissioner Harris asked if there were any plans by the Church to build in the future. Pastor Frank said they were seeking a site and did hope to build at some point in the future.

Commissioner Watson made a motion, seconded by Commissioner Boudoin to recommend approval of the requested Conditional Use subject to the Church agreeing to cooperate with the State Alcohol and Beverage Commission in the event that a Waiver (if required) will be executed by the Church and that if in the future the Church refused to sign a waiver or comply with any related ABC provisions that their Conditional Use would be revoked. After a unanimous vote by all members present, Chairman Meggett declared the motion passed.

#7) Chairman Meggett introduced and read the following request.

Kristine Lyons is requesting a Conditional Use in a Commercial Highway District (C3), at the property commonly known as 10381 Hwy 603, under Section 610.2 (J) which states: “J. Manufactured home sales, service, repair and storage facilities, including camping trailers, tents, and touring vans, but not including a manufactured or mobile home park and not allowing storage of damaged manufactured or mobile homes or damaged recreational vehicles or travel trailers.” The request is to operate a camping trailer rental and storage business. Legal Description: PT 15-16 All 33-34, 31&32, PT 17&18, BLK 100, Shoreline Park UN7.

Kristine Lyons presented their request for a Conditional Use and explained how their business has grown and how the proposed location has enough area to allow them to expand and operate the business.

Commissioner Harris asked about the location of the property and if they were going to be doing any repairs. The applicant explained that they are not going to be doing any repairs. They will be cleaning and preparing the camping trailers as well as handling the rental business on the site.

Staff pointed out that there are some screening and landscaping requirements that will have to be met by the applicant prior to issuance of a final Certificate of Occupancy.

Commissioner Adams made a motion, seconded by Commissioner Harris to recommend approval of the requested Conditional Use subject to the applicant meeting requirements for screening from residentially zoned property and meeting the requirements for landscaping as required in the Zoning Ordinance. After a unanimous vote by all members present, Chairman Meggett declared the motion passed.

#8) Chairman Meggett introduced and read the following request

David Lane Beard representing S&H Carwash/dba Pit Stop Carwash, 445 Hwy 90, has applied for removal of a Live Oak Tree from their property. Section 408 of the Zoning Ordinance prescribes the procedure for consideration of their application. Legal Description: PT. N.W. ¼ S.E. ¼ lot 2 & L & PT 7B, City of Waveland.

Mr. Beard discussed the issues regarding the location of the Live Oak and their plans for construction. He provided the Commission with a handout showing the location of the tree relative to their proposed drive aisles. He mentioned that they have future plans for another possible business on the property. He explained what they were willing to offer in the way of mitigation if permitted to remove the Tree. City Attorney Rachel Yarborough said that although the offer for a donation was appreciated, that any action to recommend or approve the tree removal request should not be conditioned upon any proposed donation.

The Commission asked the applicant questions regarding possible alternatives that would move the proposed drive aisles instead of removing the tree. The applicant discussed concerns about the future condition of the tree if any concrete was placed inside the drip line of the tree. The Commission expressed concerns about why this was not identified earlier in the process. The applicant explained that when they made corrections and additions to the survey, they became aware of the conflict between the location of this particular tree relative to their proposed driveway.

The City Attorney asked the applicant if they had any evidence to support their request to remove the tree. She pointed out that the tree removal application included information from the Building Official that the tree had a circumference of 112' inches and a diameter of 35.65 inches. In addition, the Building Official recorded that the tree was in "great condition". The City Attorney explained that the two conditions under which an application for removal of a protected tree include either 1) The tree or trees proposed to be cut are in such poor health or bad physical condition as to be a hazard to human safety; or 2) Construction cannot be practically located in such a way as to preserve the tree or trees.

The Commission and City Attorney discussed with the applicant the possibility of re-routing the driveway. The plot plan shows a potential future oil change facility to be located on the property which would be in the area to be utilized if the driveway was to be re-routed. The applicant explained various aspects of the overall project. He stated that if the application were denied he would have to re-draw the plans accordingly.

Chairman Meggett asked if there was anyone in the audience who wished to address the Commission on this case. Lana Noonan with the Bay-Waveland Garden Club asked questions about the condition of the tree. The City Attorney clarified that the applicant was not denying that the tree was healthy. Mr. Alfred Harris came forward and discussed concerns about the site plan and the location of the driveway.

He mentioned a car dealership in the area that had been able to work around the large trees on the property and now have a very attractive location.

With no further comments from the audience, Chairman Meggett asked the Commission for a motion on this case.

Commissioner Watson made a motion, seconded by Commissioner Boudoin to recommend denial of the request for a permit to remove the Live Oak Tree as proposed by S&H Carwash dba Pit Stop Carwash on the property commonly known as 445 Hwy. 90 . After a unanimous vote by all members present, Chairman Meggett declared the motion passed.

#9) Chairman Meggett asked if there was anyone present who would like to address the Commission. There were no requests.

#10) Commissioner Watson made a motion, seconded by Commissioner Boudoin to set the date of September 28th at 5:00PM special meeting to approve the minutes of the September 25th meeting and to set the date next regular meeting of the Commission for Monday, October 30th at 6:00 PM. After a unanimous vote by all members present, in favor of the motion, Chairman Jim Meggett declared the motion carried.

#11) Commissioner Watson moved, seconded by Commissioner Boudoin to adjourn the meeting at 7:29 PM. After a unanimous vote by all members present, in favor of the motion, Chairman Jim Meggett declared the motion carried.

Respectfully submitted,

David Draz, Zoning Official