AGENDA

GAUTIER PLANNING COMMISSION

MAY 5, 2011

6:00 P.M.

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE (VOLUNTEER)

III. APPROVAL OF MINUTES - (APRIL 7, 2011)

IV. APPROVAL OF AGENDA

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

VI. OLD BUSINESS

NONE

VII. NEW BUSINESS

A. QUASI-JUDICIAL

1. REQUEST FOR A CONDITIONAL USE-MAJOR PERMIT FOR A CHURCH IN A TCMU TOWN CENTER MIXED USE DISTRICT, 2800 HIGHWAY 90, (RICK SMITH, AUTHORIZED AGENT FOR THE REFUGE CHURCH) (GPC CASE #11-12-CU)

2. REQUEST FOR A CONDITIONAL USE-MAJOR PERMIT FOR A MEMA COTTAGE IN A R-3 MOBILE HOME DISTRICT, WYNEDOTE DRIVE, (REYNA TREJO, OWNER) (GPC CASE #11-13-CU)

3. REQUEST FOR A CONDITIONAL USE-MAJOR PERMIT FOR RECREATIONAL VEHICLES IN A R-3 MOBILE HOME DISTRICT, 2101 LADNIER ROAD, (JON & CHARLES WARWICK, COAST MEADOWS MOBILE ESTATES CO-OWNERS) (GPC CASE #11-14-CU)

4. REQUEST FOR A COMPREHENSIVE REZONING OF PROPERTIES TO C-3 HIGHWAY COMMERCIAL (STAFF) (GPC CASE #11-15-RZ)

VIII. DIRECTOR'S REPORT

IX. ADJOURN

APRIL 7, 2011

GAUTIER, MISSISSIPPI

BE IT REMEMBERED THAT a regular meeting of the Gautier Planning Commission of the City of Gautier, Mississippi, was held on April 7, 2011, at 6:00 P.M. in the Council chambers of the Gautier Municipal Building at 3330 Highway 90, Gautier, Mississippi.

Commission members present: David Wooten, Chairman, Jerry Akins, Jim Dodson, Richard Johnson, and Marilyn Minor. Absent were James Torrey and Larry Dailey. Also present were Samantha Abell, Economic Development Director; Bob Ramsay, City Attorney; Babs Logan, Planning Technician; and Melissa Burdine, Court Reporter.

David Wooten, Chairman, called the meeting to order and presented the minutes from the March 3, 2011 meeting for approval. The minutes were approved as submitted.

APPROVAL OF AGENDA

There were no changes to the agenda.

AGENDA

GAUTIER PLANNING COMMISSION

APRIL 7, 2011

6:00 P.M.

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE (VOLUNTEER)

III. APPROVAL OF MINUTES – (MARCH 3, 2011)

IV. APPROVAL OF AGENDA

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

VI. **OLD BUSINESS**

NONE

VII. **NEW BUSINESS**

A. QUASI-JUDICIAL

1. REQUEST FOR A COMPREHENSIVE REZONING OF PROPERTIES TO C-2 COMMUNITY COMMERCIAL (STAFF) (GPC CASE #11-08-RZ)

B. LEGISLATIVE

1. REQUEST TO AMEND THE R-3 MOBILE HOME DISTRICT TO ALLOW RECREATIONAL VEHICLES AS A CONDITIONAL USE-MAJOR WITHIN DESIGNATED MOBILE HOME PARKS (CHARLES AND JON WARWICK, OWNERS) (GPC CASE #11-09-UDO)

VIII. **DIRECTOR'S REPORT**

IX. **ADJOURN**

==========

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

Mr. William Davis asked the Planning Commission for clarification on the meaning of "grandfathered". Ms. Abell and Mr. Ramsay explained that if an existing nonconforming structure was damaged in excess of 50% it could not be reconstructed, or use made of, except in conformity with the provisions of the new ordinances or zoning, unless, at the time of destruction or damage it is owned by the same family or entity who was the owner at the time the original Gautier Code of Ordinances was adopted.

==========

OLD BUSINESS:

There was no old business.

==========

NEW BUSINESS

A. **QUASI-JUDICIAL**

1. **REQUEST FOR A COMPREHENSIVE REZONING OF PROPERTIES TO C-2 COMMUNITY COMMERCIAL (STAFF) (GPC CASE #11-08-RZ)**

Ms. Abell advised the Commissioners that the comprehensive rezoning presented was to further implement the Comprehensive Plan adopted in 2009. The purpose of this city-initiated rezoning is to rezone lands along Old Spanish Trail that have been zoned Industrial, and a few parcels that have been zoned R-1, since before the City's 2002 annexation to C-2 Community Commercial. The Comprehensive Plan adopted by the City in 2009 designates part of this area as high impact commercial. The area to be rezoned is located south of Old Spanish Trail, north of the railroad tracks, east of Ladnier Road approximately 1107 feet and west of Beasley Road approximately 1046 feet, excluding the property generally known as Mallette Brothers Construction.

Ms. Abell advised the Commissioners that the subject property is directly south of the area that was recently rezoned TCMU Town Center Mixed Use. She noted that there were two reasons Staff was moving forward with this rezoning: 1) efforts are being concentrated on implementing the Comprehensive Plan primarily in our central business district to position ourselves for when the market rebounds for economic development, and 2) because there is a land owner who would like to open a business that is allowed in a C-2 zoning district and in looking at the map Staff realized that when we move forward with the comprehensive rezoning that business would be allowed although it is not allowed in the current zoning.

Staff finds that the subject area has scattered existing uses offering no cohesion for growth. There are several residential homes, an asphalt company, a landscaping company, a church, etc. located within the subject area which is currently zoned Industrial. A C-2 zoning allows for a viable commercial corridor of compatible uses appropriate near residences and more intensive industry.

A motion was made by Commissioner Wooten to recommend approval of the Ordinance to comprehensively rezone the subject area to C-2 Community Commercial. Commissioner Dodson seconded the motion and the following vote was recorded:

AYES	NAYS	ABSENT	ABSTAINED
David Wooten		Larry Dailey	
Richard Johnson		James Torrey	
Jerry Akins			
Jim Dodson			
Marilyn Minor			

B. LEGISLATIVE

1. REQUEST TO AMEND THE R-3 MOBILE HOME DISTRICT TO ALLOW RECREATIONAL VEHICLES AS A CONDITIONAL USE-MAJOR WITHIN DESIGNATED MOBILE HOME PARKS (CHARLES AND JON WARWICK, OWNERS) (GPC CASE #11-09-UDO)

There came before the Planning Commission a request on the part of Jon & Charles Warwick, co-owners of Coast Meadows Mobile Estates, to amend the Unified Development Ordinance (UDO) to include "Recreational Vehicles" as a Conditional Use-Major in a designated "Mobile Home Park". The request is not site specific except as it applies to mobile home parks in an R-3 Mobile Home District.

Ms. Abell advised that an owner of a mobile home park could ask for a conditional use-major for one lot at a time or could present a site plan for several lots to be approved at once.

Commissioner Wooten asked what districts recreational vehicle parks are allowed in. Ms. Abell told him they are allowed in C-2 Community Commercial districts as a conditional use and in C-3 Highway Commercial, MURC-2 Mixed Use Recreation Commercial-2 and MURC-MW Mixed Use Recreation Commercial-Mary Walker by right.

Commissioner Minor stated that her understanding was that the Planning Commission could place conditions on an approval or deny the conditional use-major request when if came before them if they felt it was not compatible. Ms. Abell told her that was correct.

Commissioner Johnson made a motion to recommend approval of the amendment to the Unified Development Ordinance to allow recreational vehicles

as a Conditional Use-Major in a mobile home park. The motion was seconded by Commissioner Minor and the following vote was recorded:

AYES	NAYS	ABSENT	ABSTAINED
David Wooten		Larry Dailey	
Richard Johnson		James Torrey	
Jerry Akins			
Jim Dodson			
Marilyn Minor			

==========

DIRECTOR'S REPORT

Ms. Abell reported to the Commissioners that the City Council approved the rezoning to RE Residential Estate in north Hickory Hills and also approved the change to the UDO Sign Ordinance. Subsequent to the approval of the rezoning to RE Residential Estates the City has received an appeal from one of the property owners. Staff has also received an application for approval of a preliminary plat and development plan within the rezoned area and has issued a sufficiency letter. Because the rezoning is not official until thirty days after Council approval, the requirements for the preliminary plat will be considered under the old R-1 Low Density Residential zoning.

Commissioner Dodson asked what effect the appeal would have on the new zoning becoming effective at the end of the thirty day period. Mr. Ramsay told him that the rezoning would not take affect until the appeal was decided which could take months or years.

Commissioner Johnson asked if the City was moving too fast with the comprehensive rezoning. Mr. Ramsay stated that the City had been working on the Comprehensive Plan for four years and that the City was implementing the Comprehensive Plan as they should be. Ms. Abell stated that Staff was taking a strategic approach to the comprehensive rezoning by working with the central business area first, but when someone comes in and wants to open a business or place a residence where current zoning will not allow it but future comprehensive zoning will, then Staff informs the Planning Commissioners and

asks for direction to move forward with the Comprehensive Plan's future zoning for that area.

Commissioner Wooten stated that although the City was following the law with their notification for comprehensive rezoning he felt the property owners should be notified by mail also. Ms. Abell stated that Staff was going beyond what is required of them by placing the property owner's names in the Staff report which is posted on the City's website. Ms. Abell also stated that State Statute presumes that public notice for comprehensive rezoning basically took place with creation and adoption of the Comprehensive Plan because the Comprehensive Plan is the product of many public meetings and the comprehensive rezonings are implementation of the public's vision.

Ms. Abell presented the Commissioners with an email from Mr. Al Easom and Mr. Gary Graham, owners of the Southern Hideaway LLC property in the Mary Walker area. Ms. Abell reminded Commissioners that the Mary Walker area was rezoned to MURC-MW Mixed Use Recreation Commercial-Mary Walker because of the area's uniqueness.

Ms. Abell noted that mobile homes are not permitted in the MURC-MW zoning district which means existing mobile homes in the area are nonconforming. Being vacation or seasonal homes these existing mobile homes may not be occupied for long periods of time. Ms. Abell stated that these mobile homes will not be considered "vacant" as it applies to nonconforming structures because of their seasonal classification. The only time the vacated issue will be considered is if they become a menace to public safety, the lots become overgrown, the structure becomes derelict, etc.

Ms. Abell said the reason mobile homes were not allowed in the area was to encourage cottages with the fishing village concept and to encourage seasonal living. The owners of the mobile home park are asking that mobile homes be allowed by right in the MURC-MW so they, or their renters, will have the option to replace older mobile homes with newer ones in the future and also so they can continue to develop property that is not fully developed.

Ms. Abell stated that she told Mr. Easom and Mr. Graham that Staff would present their concerns to the Planning Commission and the Commission could direct Staff to bring an amendment to the UDO before them for discussion and a vote. If the Planning Commission did not direct Staff to move forward with an amendment to the UDO, the owners could submit a private application. The Commissioners did not direct Staff to move forward with drafting a UDO amendment at this time.

==========

SUBMITTED BY:

_____ DATE: _____

Samantha Abell
Economic Development Director

APPROVED:

_____ DATE: _____

David Wooten, Chairman
Gautier Planning Commission

Gautier Planning Commission

Regular Meeting Agenda

May 5, 2011

VII. NEW BUSINESS

A. QUASI JUDICIAL

1. REQUEST FOR A CONDITIONAL USE-MAJOR PERMIT FOR A CHURCH IN A TCMU TOWN CENTER MIXED USE DISTRICT; 2800 HIGHWAY 90 (REQUEST BY RICK SMITH, PASTOR OF THE REFUGE CHURCH) (GPC #11-12-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 Council, 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 Council, 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. Council 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: Babs Logan, Planning Technician

Through: Samantha D. Abell, Economic Development Director

Date: April 18, 2011

Subject: Conditional Use-Major Permit for The Refuge Church at 2800 Highway 90, Spaces # 1310 & # 1314 (GPC Case No. 11-12-CU)

REQUEST:

The Economic Development/Planning Department has received a request from Mr. Richard Smith, Pastor of The Refuge Church, for a Conditional Use-Major permit to operate a church at 2800 Highway 90, Spaces #1310 & #1314. The application fee of $250 was paid on April 8, 2011. The application was approved for legal sufficiency by the City Attorney on April 26, 2011. All public notice requirements have been met.

BACKGROUND:

The request property is zoned Town Center Mixed Use which only allows churches as a Major Conditional Use.

1. Location: (See Exhibit A)
   Arterial Street : Highway 90
   Collector Street: Dolphin Drive & William Payne Adams Road

2. General features of the proposed project:
   Total Floor Area: 5200 sq. ft.; 3700 sq. ft. to be used as sanctuary
   Off-Street Parking Area Required: approximately 82 spaces
   Potable Water and Wastewater Services: Existing from City

3. Current Zoning – TCMU Town Center Mixed Use

4. Current Surrounding Zoning (See Exhibit B) – TCMU

5. Current Surrounding Existing Land Use (See Exhibit C) : Commercial Retail

6. Comprehensive Plan Future Land Use Designation (See Exhibit D): Town Center Area

The City's Code of Ordinance and State Statutes 67-1-51(3) Mississippi Code of 1972, prohibits any future alcohol-selling establishment from locating within 100 feet of the church.

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?

   Staff Finding: Yes, the proposed use is in the list of Conditional Uses in a TCMU 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: We believe the project will not present any non-compatibility issues with the character of development as it pertains to (a) density, bulk & intensity of structures, (b) parking, or (c) other uses. We intend to use the existing parking area which belongs to Singing River LLC adjacent to the north side mall entrance.

   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. Staff finds that 82 parking spaces will meet the parking requirements of the UDO for the proposed church. Table No. 9 of the UDO establishes minimum parking spaces required for churches are 1 for each 45 sf of GFA of the sanctuary, auditorium, or main place of worship (or 1 per 3 seats).

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

   Applicant Response: We do not believe our project will negatively affect neighboring property values or pose a real or perceived threat to citizens.

   Staff Finding: There is no evidence to indicate the church as proposed will degrade the community, lower property values, or cause a detriment to the surrounding properties. Nor is there evidence that the use will pose a real or perceived threat to citizens.

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

Applicant Response: This project will not adversely affect vehicular or pedestrian traffic in the vicinity as this property is already designed with vehicular and pedestrian traffic in mind.

Staff Finding: The proposed use is to be located in an existing mall at one of the mall's rear entrances. The use should have no adverse affect on vehicular or pedestrian traffic in the vicinity.

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: 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 will be located in an existing building that is already serviced by water, sanitary sewer, streets, etc. The proposed use will be served by existing police and fire protection and will not affect the schools.

6. Is the proposed use in harmony with the Comprehensive Plan? Explain how.

   Staff Response: The Comprehensive Plan states that churches may be permitted as a conditional use in a town center mixed use 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: The proposed use does not 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.

   Staff Finding: There is no evidence that the proposed use will pose 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: The proposed use conforms to all district regulations for the applicable district in which it is located.

Staff Finding: The proposed use does conform to all district regulations for a TCMU district.

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 require a public hearing before the Planning Commission and approval by the City Council (Section 4.14 of the UDO).
3. The purpose of the TCMU Town Center Mixed-Use District is to encourage the development of a new downtown area that offers shopping, entertainment venues, cultural and community uses and specialized types of residential units to serve residents and visitors to Gautier (Section 5.3.12 of the UDO).

RECOMMENDATION:

Staff finds that the proposed use will be compatible and harmonious with the Town Center Mixed Use district and recommends approval with the following condition:

1. The physical location of the church and all operations shall be restricted to the location at 2800 Highway 90, Spaces #1310 and #1314. Any further expansion shall require the permit to be amended.

ATTACHMENTS:

1. Applicant's Exhibit 1 – Application
2. Applicant's Exhibit 2 – Owner Consent Form
3. Applicant's Exhibit 3 – Site Plan

4. Applicant's Exhibit 4 – Narrative and Response to Criteria for Approval
5. City's Exhibit A – Location Map
6. City's Exhibit B – Existing Zoning Map
7. City's Exhibit C – Existing Land Use Map
8. City's Exhibit D – Future Land Use Map
9. City's Exhibit E – Draft Conditional Use-Major Development Order

EXHIBIT #1

ECONOMIC DEVELOPMENT/PLANNING DEPARTMENT
GAUTIER, MISSISSIPPI

CONDITIONAL USE HEARING APPLICATION

Hearing Number
GPC 11-12-CU

TYPE OF REQUEST:		FEE:
Conditional Use – Major	✓	$250.00
Conditional Use - Minor		$250.00

Minor Conditional Use – These uses are not allowed by right. The Economic Development/Planning Director may approve or deny a Minor Conditional Use upon review or he/she may choose to forward the request to the Planning Commission and City Council.

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 : Richard Smith

Name of Business: The Refuge Church

Address: P.O. Box 1019, Gautier, MS 39553 Mailing Address (if different):

Email Address: RSmith@bellsouth.net

Phone: 228-323-4459 Cell Phone:

Reason for request, location and intended use of Property: The Refuge Church wishes to rent two spaces @ Singing River Mall temporarily to hold church services on Sunday & Wednesday

ATTACHMENTS REQUIRED AS APPLICABLE:

_____ 1. ✓ Diagram of intended use, showing dimensions and distances of property, building with setbacks, parking spaces, entrances and exits.
_____ 2. ✓ Legal descriptions and street address.
_____ 3. ✓ A detailed project narrative that also addresses the questions on the "Criteria for Approval" page of this application.
_____ 4. ✓ Copy of protective covenants or deed restrictions, if any.
_____ 5. ✓ Copies of approvals, or requests for approval, from other agencies, such as, but not limited to, the Mississippi State Department of Health, U.S. Army Corp of Engineers, Mississippi Department of Environmental Quality and Department of Marine Resources.
_____ 6. ✓ Any other information requested by the Economic Development/Planning Director and/or members of the Technical Review Committee.
_____ 7. ✓ Owner's Consent form, if anyone other than 100% sole owner makes application (see attached).

rec'd 4/8/11 BL
$250.00 CK

Signature of Applicant: Richard Smith

EXHIBIT #1

SCHEDULE "A-2"

SINGING RIVER MALL
LEGAL DESCRIPTION

That certain tract or parcel of land situated in U.S. Government Lot 2, of Fractional Section 35, Township 7 South, Range 7 Wesl, Jackson County Mississippi, and more particularly described as follows. lo-wit: Commencing at n point where the east line of said Government Lot 2 intersects the north right-of -way line of U.S. Highway 90; thence run North X0 degrees 00 niiniiles Wesl along tlie said north right-of-way line of U.S. Highway 90 n dislnnce of 65.32 feel; Iliencc run Norlli 00 degrees 32 niiniiles Wesl a dislance of 349.16 feet to the Point of Beginning; thence run North 00 degrees 32 minutes West a dislnnce of 917.27 feel; thence run North 80 degrees 00 niinules Wesl a distance of 2XS.0 feel; Iliencc run North 10 degrees 00 minutes East n dislnnce of 210.0 feel; Iliencc run North 20 tlegrees 48 niiniiles Wesl a distance of 79.40 feel; thence run South 57 degrees 00 ininiiles Wesl a dislniicc of 48.72 feel; Iliencc run South 10 degrees 00 minutes West a dislniicc of 548.43 feel; thence run South 55 degrees 00 niinules Wesl a dislnnce of 113.97 feel; Iliencc run South 10 degrees 00 minutes Wesl n distance of 115.0 feel; thence run North 80 degrees 00 minutes West a distance of 240.08 feel; thence run Norlli 10 degrees 00 minutes East n dislnnce 119.96 feel; Iliencc run North 80 tlegrees 00 niinnles Wesl a tlislnnce of 62.0 feel; thence niii North 10 degrees 00 minutes East a distance of 327.71 feet; Iliencc run Norlli 80 degrees 00 minutes Wesl a tlislnnce of 600.66 feel; thence run South 72 degrees 32 minutes Wesl a distance of 715.0 feel; thence niii South 05 degrees 59 minutes East a distant of 379.0 feel; thence run South 00 degrees 09 minutes East a tlislnnce of 710.70 feet lo Ilic said north riglit-of-way line of U.S. Highway 90; thence run South 80 degrees 00 minutes East along the said north right-of-way linen dislnnce of 327.0 feet; Iliencc run North 10 degrees 00 minutes East 130.0 feel to Ilic beginning of a curve lo tlic right; said curve have a chord bearing of North 55 degrees 00 minutes East and a chord distance of 21.21 feel. radius of that curve is 15.0 feet; thence run South 80 tlegrees 00 minutes East a distance of 75.83 feet to the beginning of a curve to the right, said curve having a cliord bearing of South 35 degrees 00 minutes East and n chord distance of 42.43 feel. radius of that curve is 30.0 feet; thence run South dislniicc 10 degrees 00 minutes West a dislnnce of X2.83 feet lo Ilic beginning of a curve to the right, said curve having a cliord bearing o l South 24 degrees 49 minutes 51 seconds West and a chord dislniicc of 33.28 feet, radius of that curve is 65.0 feel, lo Ilic snid north right-of-way of U.S. Highway 90; thence niii South 80 degrees 00 niinnles East along Ilic said north right-of way line a distance of 170.03 feel; thence run Norlli 10 degrees 00 minutes East a distance of 42.42 feet to a point on n curve; thence run along a curve to the right on a chord bearing of North 38 degrees 24 minutes 56 seconds Wesl and a chord distance of 20.85 feet, radius of that curve is 175.0 feel to Ilic point of tengency of Ilic curve; Iliencc run North 35 degrees 00 minutes Wesl a distance of 92.37 feel lo the beginning of a curve lo Ilic left, said curve having a chord bearing o l North 47 degrees 12 minutes 14 seconds Wesl and a chord distance of 33.82 feel, tlic radius of that curve is 80.0 feet; thence run North 10 degrees 00 minutes East a distance of 183.11 feel; thence run North 80 tlegrees 00 minutes Wesl a dislnnce of 17.83 feet; thence run Norlli 10 degrees 00 minutes East a dislnnce of 140.0 feel; thence run South 80 degrees 00 minutes East a distance of 122.75 feel; thence run North 10 Degrees 00 minutes East a dislnnce of 57.0 feel; thence run South 80 degrees 00 minutes East a distance of 40.04 feet; Iliencc run North 10 degrees 00 niinnles East a distance of 75.04 feel; thence run South 80 degrees 00 minutes East a tlislnnce of 161.50 feel; thence run Norlli 10 degrees 00 niinnles East a dislnnce of 40.0 feel; thence run South 80 degrees 00 minutes East n distance of 42 08 feet; thence run South 10 tlegrees 00 minutes West n distance of 40.0 feet; thence run South 80 tlegrees 00 minutes East a dislnnce of 121.50 feet; thence niii South 10 degrees 00 minutes West a dislnnce of 195.04 feel; thence run South 80 degrees 00 niinnles East a distance of 149.29 feet; thence run South 10 degrees 00 minutes West a distance of 400.0 feel to the said north right-of-way line of U.S. Highway 90; Iliencc run South 80 tlegrees 00 minutes East along Ilic said north right-of -way line a tlislnnce of 111.29 feel; Iliencc niii Norlli 10 degrees 00 minutes East a dislnnce of 30.29 feel; Thence riin North 55 degrees 00 niinules East a distance of 125.80 feel lo the beginning of a curve lo Ilic right, said curve having a chord bearing of North 77 degrees 30 minutes East and a chord distance of 80.36 feel. radius of that curve is 105.0 feet; thence run South 80 tlegrees 00 minutes East a dislnnce of 39.01 feet to the beginning of a curve to tlic right, said curve having a chord bearing of South 35 degrees 00 minutes East and a cliortl dislnnce of 42.43 feel. radius of that curve is 30.0 feel; thence run South 10 tlegrees 00 niiniiles Wesl a dislnnce of 87.83 feel lo the beginning of a curve to the right, said curve having a cliortl bearing of South 24 degrees 49 minutes 51 seconds Wesl and n chord dislnnce of 33.28 feet, radius of that curve is 65.0 feet; Iliencc run South 80 degrees 00 niiniiles East along Ilic said north right-of-way line of U.S. Highway 90 a dislnnce of 91.38 feet lo Ilic beginning of n curve lo Ilic right, said curve having a chord bearing of Norlli 04 degrees 49 minutes 51 seconds Wesl and a chord distance of 33.28 feel. radius of that curve is 65.0 feel; thence run Norlli 10 degrees 00 niinnles East a dislnnce of 87.83 feet lo the beginning of a curve to the right, snid curve having a chord bearing of Norlli 55 degrees 00 niinnles East and a chord dislnnce of 42.43 feel, radius of the curve is 30.0 feel; thence run South 80 degrees 00 minutes East n distance of 171.00 feet lo the beginning of a curve lo the left, said curve having a chord bearing of North 49 degrees 44 minutes East and a chord dislnnce of 246.09 feet, radius of that curve is 160.0 feel; thence run Norlli 89 degrees 28 minutes East a distance of 22.00 feel lo Ilic Poinl of Beginning. Parcel containing 45.04 acres.

EXHIBIT #2

OWNERS CONSENT AND DESIGNATION OF AGENCY – CONDITIONAL USE

I, Singing River LLC, the fee simple owner of the following described property (give legal description):

SEE ATTACHED

hereby petition to the City of Gautier to *Grant a Conditional Use of* A CHURCH in SINGING RIVER MALL and affirm that Rick Smith 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.

Angela Bishop
(Owner's Signature)

The foregoing instrument was acknowledged before me this 5th day of April, 20 11 by ANGELA BISHOP, who is personally known to me or has produced MSDL 801914370 as identification and who did take an oath.

EDNA P PETERSEN
(Printed Name of Notary Public)

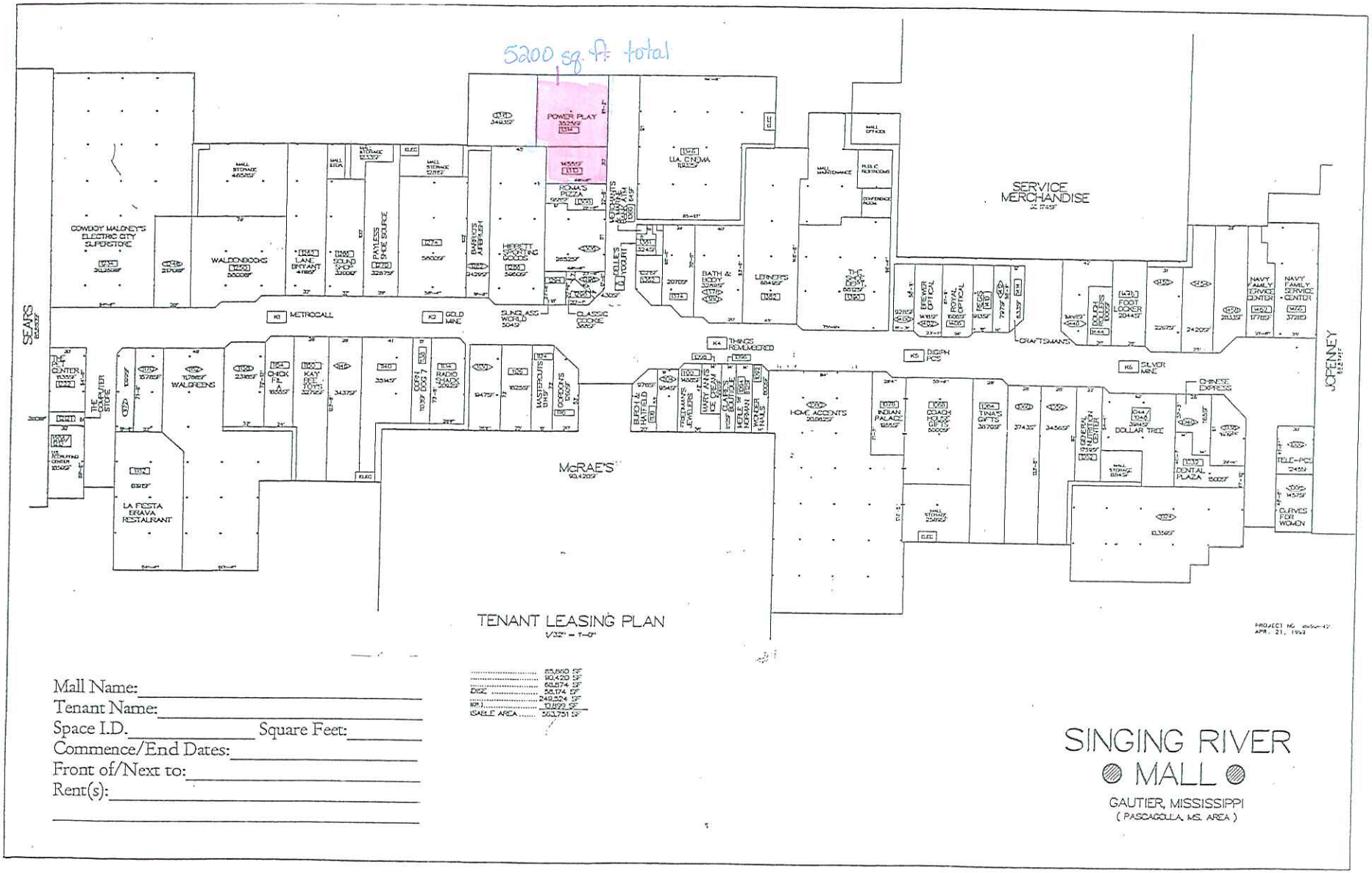
Edna P Petersen
(Signature of Notary Public)

Commission # ID No 62034 My commission expires 4/4/2014.

(Notary's Seal)

STATE OF MISSISSIPPI EDNA P. PETERSEN ID No 62034 Comm Expires April 4, 2014 NOTARY PUBLIC JACKSON COUNTY

EXHIBIT #3



Mall Name: _____

Tenant Name: _____

Space I.D. _____ Square Feet: _____

Commence/End Dates: _____

Front of/Next to: _____

Rent(s): _____

_____

	85,660 SF
	90,420 SF
	60,874 SF
DISC	58,174 SF
	249,524 SF
	13,692 SF
GABLE AREA	563,751 SF

SINGING RIVER MALL

GAUTIER, MISSISSIPPI

(PASCAGOULA, MS. AREA)

EXHIBIT #4

From: Rick Smith, Pastor, The Refuge Church

To: Gautier City Planning Commission

Subj: Request for Conditional Use – Major for The Refuge Church

The Refuge Church wishes to apply for a conditional use permit (major) from the City of Gautier in order to conduct church services in spaces 1310 and 1314 located in the Singing River Mall. We wish to enter into a lease agreement with Singing River, LLC for 15 months in order to meet our needs for a church facility until our building is completed at 2705 Guillotteville Road in Gautier.

In accordance with the "Criteria for Approval":

1. We believe that the proposed use is listed in the list of possible uses in the particular zoning district.
2. We believe that this project will not present any non-compatibility issues with the character of development as it pertains to (a) density, bulk & intensity of structures, (b) parking, or (c) other uses. We intend to use the existing parking area which belongs to Singing River LLC adjacent to the north side mall entrance.
3. We do not believe that our project will negatively affect neighboring property values or pose a real or perceived threat to citizens.
4. This project will not adversely affect vehicular or pedestrian traffic in the vicinity as this property is already designed with vehicular and pedestrian traffic in mind.
5. The proposed use can be accommodated by existing and proposed public services and facilities including, but not limited to, water, sanitary sewer, streets, drainage, police and fire protection, and schools.
6. We believe that the proposed use is in harmony with the Comprehensive Plan.
7. The proposed use does not 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.
8. The proposed use conforms to all district regulations for the applicable district in which it is located.

Thank you for considering this request. If you have any questions, please contact me at (228)323-4459.

Sincerely,

Richard Smith

The Refuge Church

EXHIBIT A

Location Map

SINING RIVER MALL

City Of Gautier
Economic Development/Planning

0 400800
Feet

N
W E
S

Prepared by the
City of Gautier
GIS Division

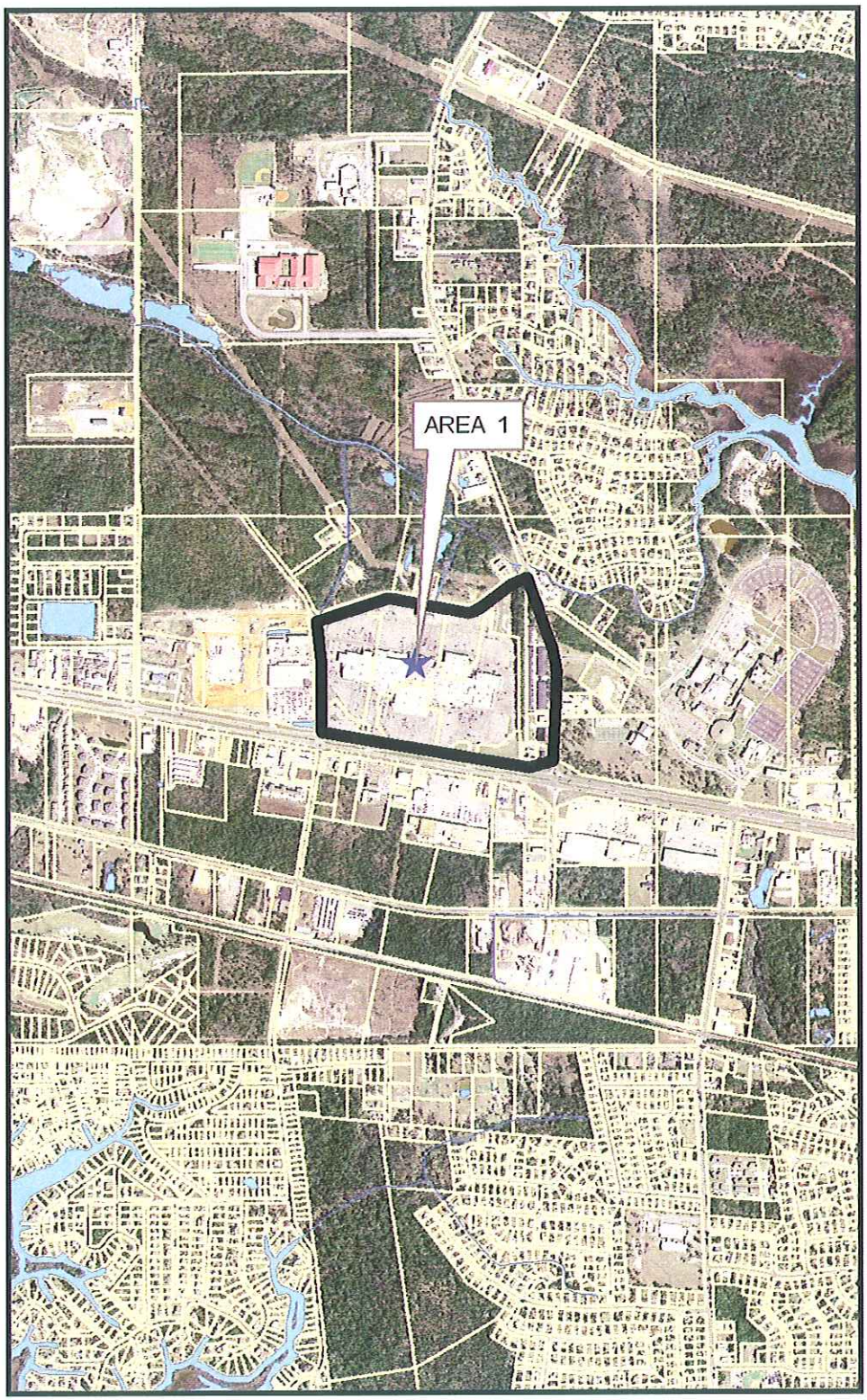


EXHIBIT B

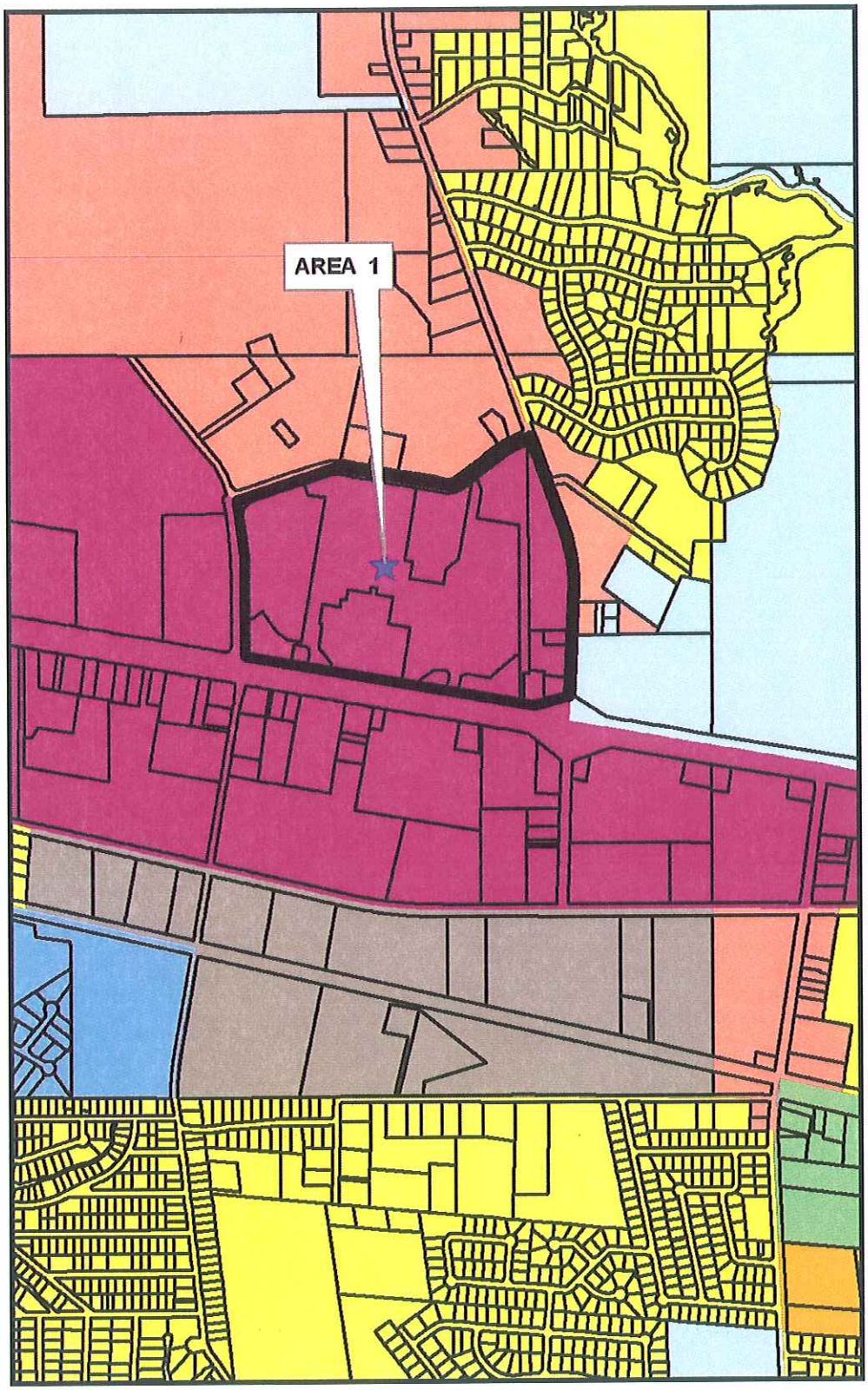
Existing Zoning Map

City Of Gautier
Economic Development/Planning

0 400 800
Feet

N
W E
S

Prepared by the
City of Gautier
GIS 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

EXHIBIT C

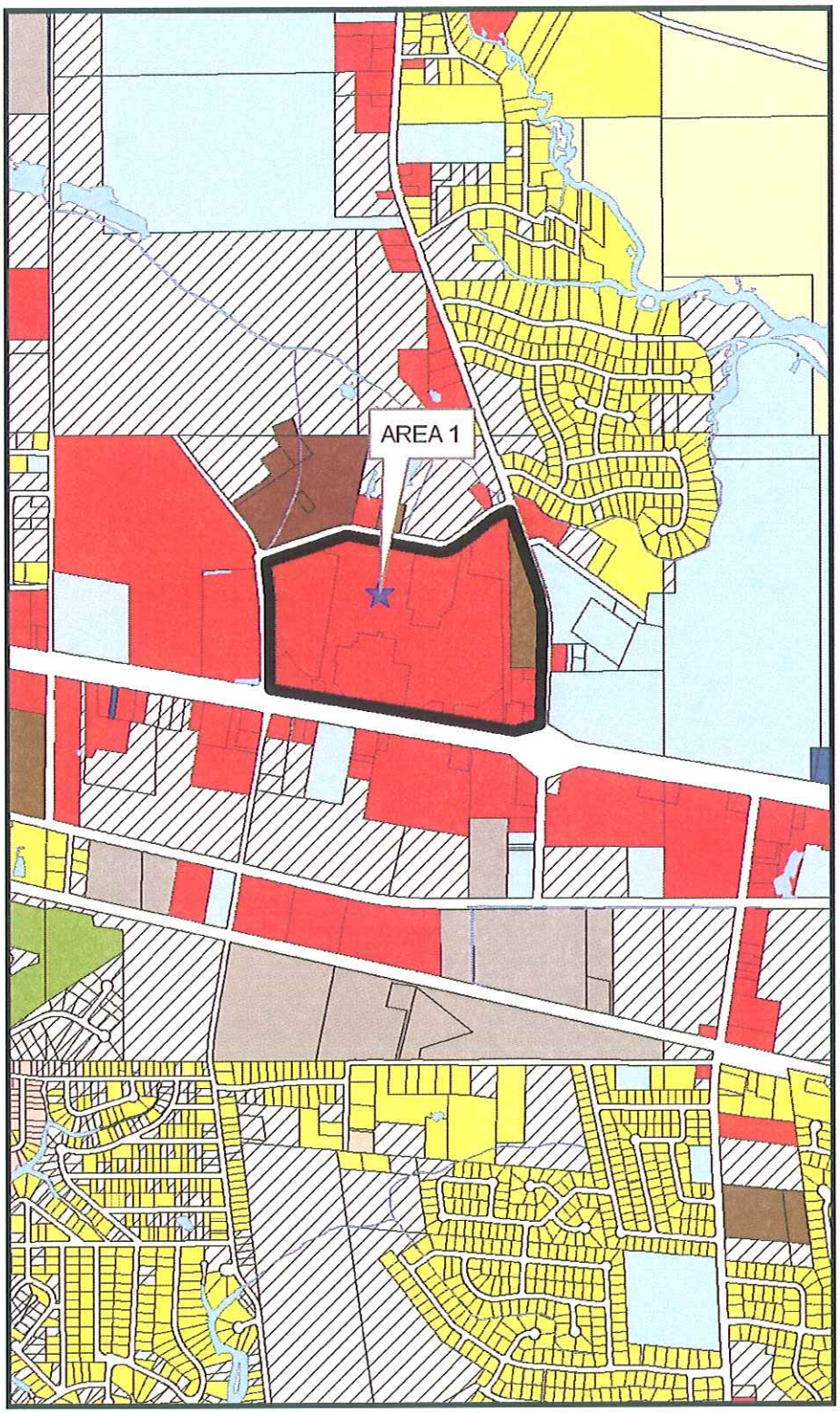
Existing Land Use Map

City Of Gautier
Economic Development/Planning

0 400 800
Feet

N
W E
S

Prepared by the
City of Gautier
GIS 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

EXHIBIT D

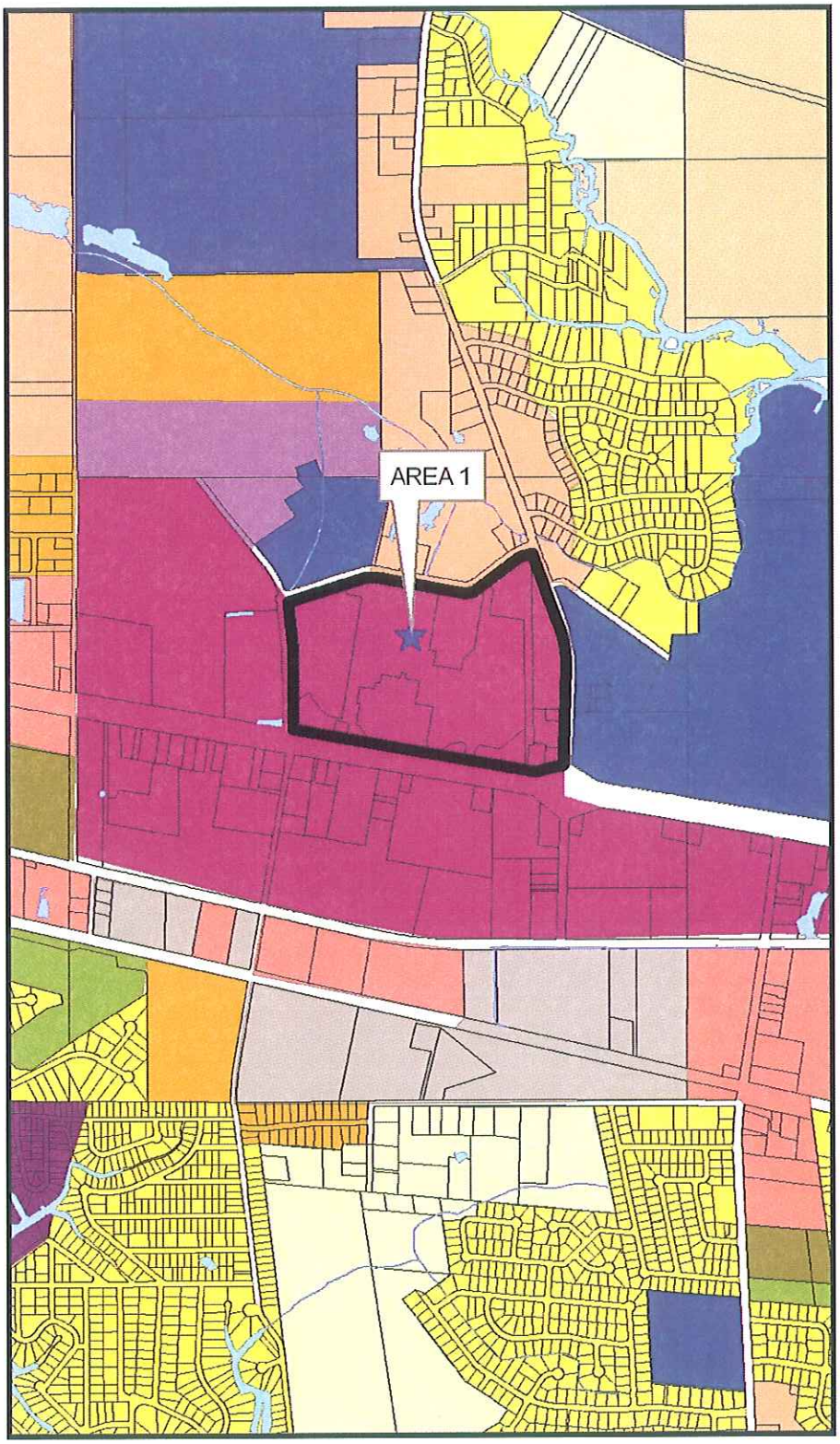
Future Land Use Map

City Of Gautier
Economic Development/Planning

0 400 800
Feet

N
W E
S

Prepared by the
City of Gautier
GIS 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

EXHIBIT E

CITY OF GAUTIER
CONDITIONAL USE-MAJOR DEVELOPMENT PERMIT
GPC CASE NO. 11-12-CU

THE REFUGE CHURCH

REGARDING PARCEL ID NO: 82435270.109

The City of Gautier, at its regular meeting held on May 17, 2011, considered the application for a Conditional Use-Major Development Permit for a church as submitted by Richard Smith, Pastor of The Refuge Church. The parcel subject to this Permit is located at 2800 Highway 90, Spaces #1310 and #1314, Gautier, Mississippi, 39553. After due public notice, the City Council, having considered the favorable recommendation by the Planning Commission, application, testimony and exhibits presented by the applicant, the report of the City Staff and all other relevant testimony, exhibits and other evidence, pursuant to applicable provisions of the City's Unified Development Ordinance, hereby approves the conditional use-major development permit and orders as follows:

1. This proposed conditional use-major is consistent with the goals, objectives and policies of the City's Comprehensive Plan.

2. This proposed conditional use-major is consistent with the character of the immediate vicinity of the proposed use.

3. The proposed use, classified as a church, 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 April 8, 2011 for a conditional use-major development permit.

5. The following additional conditions will ensure that the operation of the proposed conditional use-major will minimize any detrimental effects on neighboring properties and shall apply to the project:

   a. The physical location of the church and all operations shall be restricted to the location at 2800 Highway 90, Spaces #1310 and #1314. Any further expansion shall require the permit to be amended.

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.

EXHIBIT E

7. The Gautier Planning Commission recommended approval of this Conditional Use-Major Development Permit on May 5, 2011.

8. The City Council adopted this Conditional Use-Major Development Permit on a recorded vote of _____ ayes to _____ nays to approve the application of The Refuge Church, located at 2800 Highway 90, Spaces #1310 and #1314 in Gautier, Mississippi, and identified as Jackson County Parcel No. 82435270.109.

May 17, 2011
Date of Issuance

_____
Tommy Fortenberry, Mayor
City of Gautier, Mississippi
3330 Highway 90
Gautier, MS 39553

Attest:

_____
Wendy McClain
City Clerk