

**CITY OF GAUTIER
MEMORANDUM**

To: Samantha Abell, City Manager

From: Babs Logan, Planning Technician

Thru: Eric Meyer, Economic Development Director

Date: April 20, 2012

Subject: Conditional Use-Major Permit for Living Word International Training & Resource Center at 3880 Gautier-Vancleave Road, Suite 9 (GPC Case No. 12-02-CU)

REQUEST:

The Economic Development/Planning Department has received a request from Mr. Kenneth Bridgett and Ms. Denise Thompson, Pastors of Living Word International Training & Resource Center, for a Conditional Use-Major permit to operate a church at 3880 Gautier-Vancleave Road, Suite 9, PID #82435010.050. The application fee of \$250 was paid on March 9, 2012. The application was approved for legal sufficiency by the City Attorney on March 19, 2012. 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 April 19, 2012 to consider the request and found that the proposed church will be compatible and harmonious with the C-2 district. The GPC recommends the approval of 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 C-2 District.
4. Therefore, the City Council accepts the recommendation of the Planning Commission and approves the application submitted on March 9, 2012 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 location shall meet all accessibility requirements for change of occupancy as stated in Section 3409 of the International Building Code. (See attached.)
- b. The physical location of the church and all operations shall be restricted to the location at 3880 Gautier-Vancleave Road, Suite 9. Any further expansion shall require the permit to be amended.

RECOMMENDATION:

The City Council may:

1. Approve the Conditional Use-Major Permit as recommended by the Planning Commission; or
2. Approve the Conditional Use-Major Permit with changes; or
3. Deny the Conditional Use-Major Permit.

ATTACHMENTS:

Conditional Use-Major Permit Development Order

Staff Report with Back Up

**CITY OF GAUTIER
CONDITIONAL USE-MAJOR DEVELOPMENT PERMIT
GPC CASE NO. 12-02-CU**

LIVING WORD INTERNATIONAL TRAINING AND RESOURCE CENTER

REGARDING PARCEL ID NO: 82435010.050

The City of Gautier, at its regular meeting held on May 1, 2012, considered the application for a Conditional Use-Major Development Permit for a church as submitted by Kenneth Bridgett & Denise Thompson, Pastors of Living Word International Training and Resource Center. The parcel subject to this Permit is located at 3880 Gautier-Vancleave Road, Suite 9, 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 C-2 District.
4. Therefore, the City Council accepts the recommendation of the Planning Commission and approves the application submitted on March 9, 2012 for a Conditional Use-Major Development 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 location shall meet all accessibility requirements for change of occupancy as stated in Section 3409 of the International Building Code. (See attached.)
 - b. The physical location of the church and all operations shall be restricted to the location at 3880 Gautier-Vancleave Road, Suite 9. 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.

7. The Gautier Planning Commission recommended approval of this Conditional Use-Major Development Permit on April 19, 2012.

8. The City Council adopted this Conditional Use-Major Development Permit on a recorded vote of _____ ayes to _____ nays to approve the application of Living Word International Training and Resource Center, located at 3880 Gautier-Vancleave Road, Suite 9, in Gautier, Mississippi, and identified as Jackson County Parcel No. 82435010.050.

May 1, 2012
Date of Issuance

Attest:

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

Wendy McClain
City Clerk

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

Gautier Planning Commission

Regular Meeting Agenda

April 5, 2012

VII. NEW BUSINESS

A. QUASI-JUDICIAL

1. REQUEST FOR A CONDITIONAL USE-MAJOR PERMIT FOR A CHURCH IN A C-2 COMMUNITY COMMERCIAL DISTRICT, 3880 GAUTIER-VANCLEAVE ROAD, SUITE 9, (KENNETH BRIDGETT AND DENISE THOMPSON, PASTORS OF LIVING WORD INTERNATIONAL TRAINING & RESOURCE CENTER) (GPC CASE #12-02-CU)

CITY OF GAUTIER STAFF REPORT

To: Chairman and Members, Planning Commission

From: Babs Logan, Planning Technician

Through: Eric Meyer, Planning/Economic Development Director

Date: March 26, 2012

Subject: Conditional Use-Major Permit for Living Word International Training & Resource Center at 3880 Gautier-Vancleave Road, Suite 9 (GPC Case No. 12-02-CU)

REQUEST:

The Economic Development/Planning Department has received a request from Mr. Kenneth Bridgett & Ms. Denise Thompson, Pastors of Living Word International Training & Resource Center, for a Conditional Use-Major permit to operate a church at 3880 Gautier-Vancleave Road, Suite 9, PID #82435010.050. The application fee of \$250 was paid on March 9, 2012. The application was approved for legal sufficiency by the City Attorney on March 19, 2012. All public notice requirements have been met.

BACKGROUND:

The request property is zoned C-2 Community Commercial which only allows churches as a Major Conditional Use.

1. Location (See Exhibit A): 3880 Gautier-Vancleave Road, Suite 9
Arterial Street : Gautier-Vancleave Road
2. General features of the proposed project:
Total Floor Area: approximately 1,100 sq. ft.
Main Sanctuary Floor Area: approximately 672 sq. ft.
Off-Street Parking Area Required: approximately 16, with 1 being handicapped accessible
Potable Water and Wastewater Services: Existing from City
3. Current Zoning – C-2 Community Commercial
4. Current Surrounding Zoning (See Exhibit B) – TCMU Town Center Mixed Use to west, R-1 Low Density Single Family Residential to north and east, C-2 Community Commercial to south

5. Current Surrounding Existing Land Use (See Exhibit C) : Very Low to Low Density Residential to the north, vacant to the east, Civic to the south, High Density Residential to the west
6. Comprehensive Plan Future Land Use Designation (See Exhibit D): Low Impact Commercial

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 C-2 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: It's compatible because there are no competitors when church is open. There are 30 parking spaces readily available during church hours. (One of these is a handicap parking spot.)

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. The applicant states there will be approximately 50 to 60 seats. Staff finds that the maximum occupancy for this space is only 49 (NOTE: of the 49 only 10 can be upstairs at one time). Therefore, the use requires 16 parking spaces which shall include one handicapped space. Table No. 9 of the UDO establishes minimum parking spaces required for churches as 1 for each 45 sf of GFA of the sanctuary, auditorium, or main place of worship (or 1 per 3 seats).

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

Applicant Response: No. No impact negatively or threat. We are a peaceful, Christ loving church.

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: No. Services take place after all other businesses close.

Staff Finding: The proposed use should have no adverse affect on vehicular or pedestrian traffic in the vicinity since the church will be having services when the surrounding businesses are closed.

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 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 commercial district with conditions imposed to ensure that the use is compatible with its surroundings.

7. Does the proposed use pose a hazardous, detrimental, or disturbing affect, either real or perceived, to present surrounding land uses due to noises, glare, smoke, dust, odor, fumes, water pollution, vibration, electrical interference, or other nuisances? Explain.

Applicant Response: No to any of the concerns mentioned here.

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: Yes, because it is only used when all other businesses are closed.

Staff Finding: The proposed use does conform to all district regulations for a C-2 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. A Conditional Use-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 will be compatible and harmonious with the Community Commercial district and recommends approval with the following conditions:

1. The location shall meet all accessibility requirements for change of occupancy as stated in Section 3409 of the International Building Code. (See attached.)
2. The physical location of the church and all operations shall be restricted to the location at 3880 Gautier-Vancleave Road, Suite 9. Any further expansion shall require the permit to be amended.

ATTACHMENTS:

1. Applicant’s Exhibit 1 – Application
2. City’s Exhibit A – Location Map
3. City’s Exhibit B – Existing Zoning Map
4. City’s Exhibit C – Existing Land Use Map

5. City's Exhibit D – Future Land Use Map
6. City's Exhibit E – Draft Conditional Use-Major Development Order

PROCEDURE FOR PUBLIC HEARING APPLICATION MAJOR CONDITIONAL USE

- A. Complete application form.
 - (1) Applicant must be owner of property or agent of the owner.
 - (2) Include any required attachments.
- B. Submit fee to cover administration/advertisement costs as follows:
 - (a) Conditional Use - Major.....\$250.00
- C. Sufficient applications submitted by the third Tuesday of one month will be placed on the Planning Commissions agenda for the second month after submittal.
- D. Public Notice will be published in a local paper of general circulation not less than fifteen (15) days prior to the date for the public meeting before the Planning Commission. All property owners within 250 feet from the property under consideration will be notified by first class mail. Such notices will be mailed not less than fifteen (15) days prior to the public hearing. If action is needed before the City Council, the Economic Development/Planning Director will submit the findings of fact and the recommendations of the Planning Commission to the City Clerk not later than one (1) week prior to the next available Council meeting.
- E. The Gautier City Council will act on the application at the next available time on their agenda before final approval or rejection of application.
- F. If approved, application for the proper permit for the use intended shall be made through the City of Gautier Economic Development/Planning Department.

ECONOMIC DEVELOPMENT/PLANNING DEPARTMENT
GAUTIER, MISSISSIPPI

CONDITIONAL USE HEARING APPLICATION

Hearing Number
GPC 12-02-00

<u>TYPE OF REQUEST:</u>	<u>FEE:</u>
<u>Conditional Use - Major</u>	<u>250.00</u>
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: Kenneth Bridgett & Denise Thompson
Name of Business: Living Word Int'l Tng & Resource Center
Address: 3880 Gautier - Vandewater Rd Suite 9 Mailing Address (if different): Gautier, MS 39553
Email Address: K1bridgett@516@.yahoo.com
Phone: 228 302 6714 (Ken) Cell Phone: 228-219-2102 (Denise)
Reason for request, location and intended use of Property: Church opening @
above address

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: MS Parcelle
3. A detailed project narrative that also addresses the questions on the "Criteria for Approval" page of this application.
- NA 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).

Signature of Applicant: Kenneth Bridgett
Date of Application: 3-8-2012

FOR OFFICE USE ONLY

Date Received 3/9/12 Verify as Complete Robert
Fee Amount Received \$2500.00
Initials of Employee Receiving Application RS

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? *Requesting Major Conditional Use Approval*
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. *Its compatible because there are no competitors when church is open*
3. Will your project negatively affect neighboring property values or pose a real or perceived threat to citizens? Explain. *No, No impact negatively or threat; We're a peaceful Christ Loving Church*
4. Will your project adversely affect vehicular or pedestrian traffic in the vicinity? Explain. *No, Services take place after all other businesses close*
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? Explain how. *yes, but we know of no comprehensive plan*
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. *No to any of the concerns mentioned here.*
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, because its only used when all other businesses are closed*

(2.) Parking Plan = 30 parking spaces readily available during church hours. (one of these is a handicapped parking spot)

OWNERS CONSENT AND DESIGNATION OF AGENCY - CONDITIONAL USE

WIB PROPERTIES, LLC

I, BEVERLY S. WALTER RANDEL, 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 UNIT #9 in BAYWOOD COMMONS SHOPPING CTR. and affirm that DEWIS E THOMPSON S KENNETH BRIDGETT 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.

Beverly S. Randel
(Owner's Signature)

The foregoing instrument was acknowledged before me this 9 day of _____

March, 2012 by BEVERLY H S WALTER C. RANDEL, who is personally known to me or has produced DRIVERS LICENSE as identification and who did take an oath.

LETICIA R. BISHOP
(Printed Name of Notary Public)

Leticia R. Bishop
(Signature of Notary Public)

Commission # _____ My commission expires April 12, 2014
(Notary's Seal)



EXCERPT FROM GAUTIER'S UNIFIED DEVELOPMENT ORDINANCE CONCERNING CONDITIONAL USES

SECTION 4.17: Conditional Uses Both Minor and Major

The development and execution of this Ordinance is based upon the division of the community into districts, within which districts the use of land and building and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are certain uses which are generally compatible with the land uses permitted in a zoning district, but due to their unique characteristics, require individual review to ensure the appropriateness and compatibility of the use on any particular site. Certain uses may be allowed as enumerated in each of the zoning districts established in *Article V* in accordance with the standards and procedures of this Article and the standards enumerated for each Conditional Use in the district regulations.

A hearing for a Conditional Use-Major may be conducted under two separate circumstances: (a) in conjunction with the rezoning of the property, or (b) if the property is already zoned correctly, but the use is not permitted by right. In the case of a rezoning, the Conditional Use must meet the legal threshold required for any rezoning action.

4.17.1 Who may initiate

A request for a conditional use may be initiated by the property owner of agent of the owner provided:

- A. The proposed use is listed as a Conditional Use in the specific district requirements of the existing or proposed zoning district of the property, **and**
- B. Said property has not been denied a previous request for the same property or portion of the property within the past twelve (12) months; **and**
- C. All procedures and provisions for a public hearing have been met.

4.17.2 Application for Conditional Use-Minor

A Conditional Use-Minor requires a Finding of Compatibility by the Economic Development Director. Upon application review and after consideration of the surrounding properties and nature of the proposed use, the Director may approve, approve with conditions, elect to hold a public hearing under the procedures of 4.7.3, or deny the application. These uses do not "run with the land" and may not be transferred from one owner to the next without application for a FOC by the Director.

4.17.3 Criteria for Approval of a Conditional Use-Minor

A Minor Conditional Use Permit is required when projects possess location, use, building or traffic characteristics of such unique and special form as to make impractical or undesirable, their automatic inclusion as permitted uses. Minor Conditional Use Permits may be granted, in whole or in part, from the facts available in the application and determined by investigation, all of the following written findings can be made:

5. The proposed use is substantially compatible with other uses in the area, including factors relating to the nature of its location, operation, building design, site design, traffic characteristics, and environmental impacts.
6. The proposed use will not be materially detrimental to the health, safety, and general welfare of the public or otherwise injurious to the environment or to the property or improvements within the area.
7. The proposed use will be consistent with the Comprehensive Plan.
8. The proposed use is in conformance with specific site location, development, and operation standards as required by this Ordinance.

4.17.4 Application for Conditional Use

Applications for a Conditional Use-Minor and Major may be filed on applications available from the Economic Development Department and shall contain or have attached to it the following information:

- A. Diagram of intended use, showing dimensions and distances of property, building with setbacks, parking spaces, entrances and exits
- B. Legal descriptions and street address
- C. Copy of Protective covenants or deed restrictions, if any
- D. Copies of approval, 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
- E. A Detailed Project Narrative

- F. Any other information requested by the Economic Development Director and/or members of the Technical Review Committee

4.17.5 Criteria for Approval of a Conditional Use-Major

A Conditional Use-Major is not allowed "by right" but requires 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.

When considering application for a Conditional Use-Major, the Planning Commission and the City Council shall consider the extent to which:

- A. The proposed use is compatible with the character of development in the vicinity relative to density, bulk and intensity of structures, parking, and other uses;
- B. Any possible detrimental effects might occur as a result of the Conditional Use to the continued use, value, or development of properties in the vicinity;
- C. Whether or not the proposed use will adversely affect vehicular or pedestrian traffic in the vicinity;
- D. If 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;
- E. If the proposed use is in harmony with the Comprehensive Plan;
- F. If the proposed use is listed in the list of possible Conditional Uses in that particular Zoning District;
- G. Whether the proposed use will not be hazardous, detrimental, or disturbing to present surrounding land uses due to noises, glare, smoke, dust, odor, fumes, water pollution, vibration, electrical interference, or other nuisances; and
- H. Whether the use conforms to all district regulations for the applicable district in which it is located unless other provisions are specifically set forth in the application.

4.17.6 Authority for Conditions

A Conditional Use-Major may be issued subject to such conditions as are necessary to carry out the purpose of this Ordinance and to prevent or minimize adverse effects upon other property in the neighborhood, including, but not limited to:

- A. Adequate ingress and egress to property and proposed structures with particular reference to vehicular and pedestrian safety and convenience, traffic flow and control and access in case of fire or other disaster
- B. Off-street parking and loading areas with particular attention to item (1) above and the economy of the city, and to noise or glare effects of the conditional use on adjoining properties generally in the district
- C. Refuse and service areas, with particular reference to item (1) and (2) above
- D. Utilities with reference to location availability and compatibility
- E. Screening and buffering with reference to type, dimensions, and character
- F. Control of any proposed exterior lighting with reference to glare, traffic safety economic effect and compatibility and harmony with properties in the district
- G. Required yards and open spaces

MAGNOLIA GROUP, LLC, an Illinois Limited Liability Company, by and through its authorized representative, WILLIAM C. WASHBURN, JR., in his capacity as Managing Member of said limited liability company, do hereby bargain, sell, convey, warrant and deliver unto W & B PROPERTIES, LLC, a Mississippi Limited Liability Company, that certain tract, piece or parcel of land situated in Jackson County, State of Mississippi, and described as follows, to-wit:

The following described real property situated in Section 35, Township 7 South, Range 7 West, Jackson County, Mississippi, more particularly described as follows, to-wit:

Commencing at a found iron pin marking the Southwest corner of Lot 90, Northwood Hills Subdivision, as per plat recorded in Plat Book 13, Pages 1 and 2, in the Office of the Chancery Clerk of Jackson County, Mississippi, said point being the Point of Beginning; thence run West a distance 15.00

Page 1 of 3

feet to the East margin of Gautier-Vanleave Road thence South 20° 02' 00" East along said East margin a distance of 415.37 feet to the point of curvature of a non-tangent curve, concave to the North, having a radius of 106.63 feet, a central angle of 49° 50' 19" and a chord of 89.86 feet bearing North 69° 33' 42" East thence Easterly along said curve, a distance of 92.75 feet; thence South 54° 43' 54" East along the North margin of Stine Road, a distance of 176.66 feet; thence North 35° 07' 51" East a distance of 245.15 feet to the South line of said Northwood Hills Subdivision; thence along said South line North 70° 32' 30" West a distance of 272.07 feet; thence North 23° 49' 00" West a distance of 114.01 feet; thence North 71° 31' 00" West a distance of 192.25 feet; thence North 69° 18' 00" West a distance of 12.69 feet to the Point of Beginning.

The Survey of L. J. Achee, Jr., dated September 19, 2006, is attached hereto as Exhibit "A" in aid of and as a part of this description.

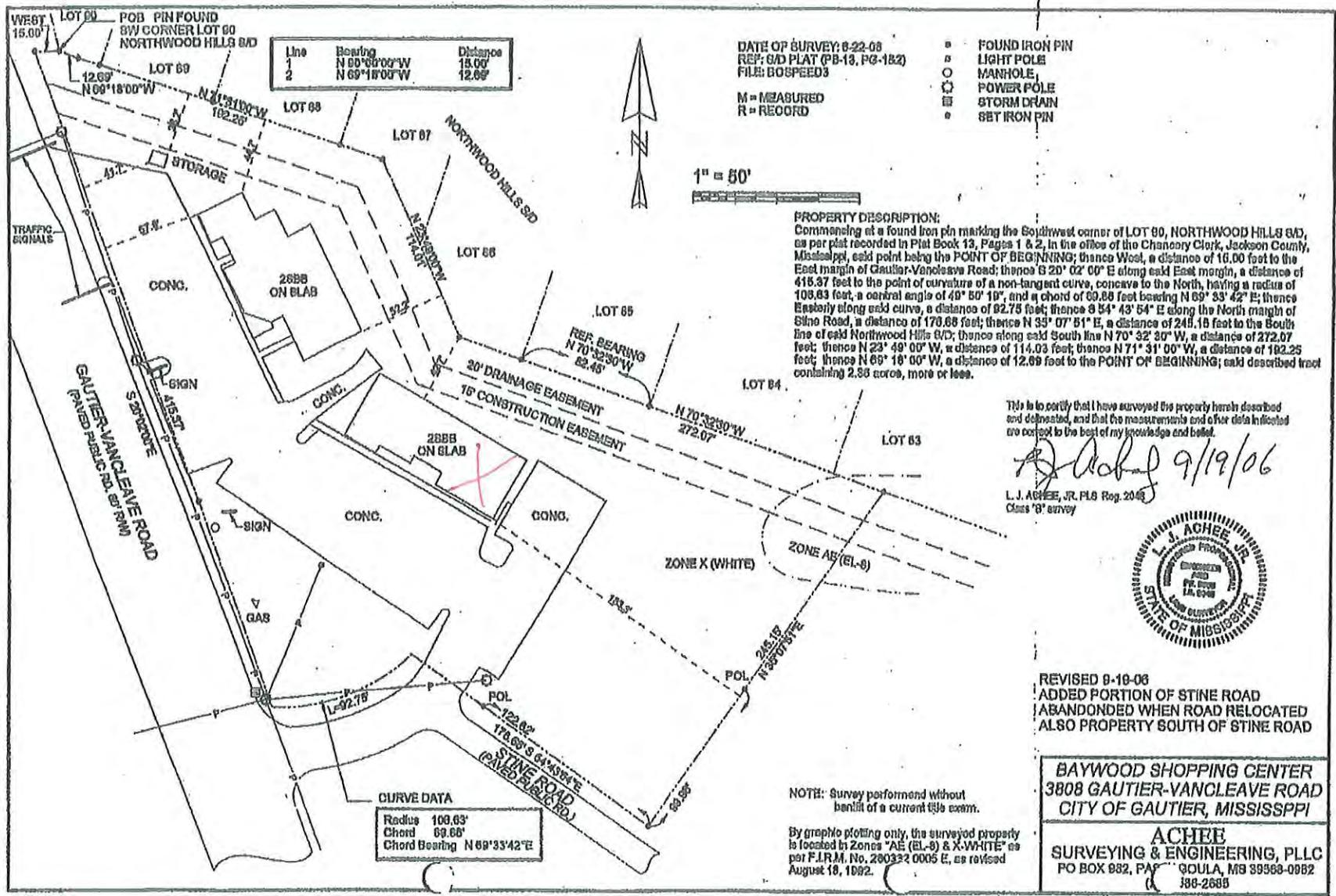
Together with all improvements, easements, and appurtenances therunto belonging.

Taxes for the year 2011 have been pro-rated and are assumed by Grantee.

The above described parcel of land is being conveyed "as is" and the grantor is not giving any warranty or making any representations as to the flood zone classification, the zoning ordinances of Jackson County, Mississippi; the subdivision regulations of Jackson County, Mississippi; or to any rules or regulations of the State or Federal governments with respect to wetlands, environmental matters, or other laws affecting the use of the subject property, as well as the habitability or soundness of the structure located thereon.

This conveyance is subject to any prior reservation or conveyance of oil, gas or other mineral rights and subject to all easements, restrictions, reservations and covenants of record.

EXHIBIT A



DATE OF SURVEY: 8-22-08
 REF: S/D PLAT (PB-13, PG-182)
 FILE: BOSPEED3

M = MEASURED
 R = RECORD

- FOUND IRON PIN
- LIGHT POLE
- MANHOLE
- POWER POLE
- STORM DRAIN
- SET IRON PIN

1" = 50'

PROPERTY DESCRIPTION:
 Commencing at a found iron pin marking the Southwest corner of LOT 60, NORTHWOOD HILLS S/D, as per plat recorded in Plat Book 13, Pages 1 & 2, in the office of the Chancery Clerk, Jackson County, Mississippi, said point being the POINT OF BEGINNING; thence West, a distance of 16.00 feet to the East margin of Gautier-Vancleave Road; thence S 20° 02' 00" E along said East margin, a distance of 415.37 feet to the point of curvature of a non-tangent curve, concave to the North, having a radius of 109.63 feet, a central angle of 49° 50' 10", and a chord of 69.66 feet bearing N 69° 33' 42" E; thence Easterly along said curve, a distance of 82.75 feet; thence S 54° 43' 54" E along the North margin of Stine Road, a distance of 170.68 feet; thence N 35° 07' 51" E, a distance of 245.18 feet to the South line of said Northwood Hills S/D; thence along said South line N 70° 32' 30" W, a distance of 272.07 feet; thence N 23° 49' 00" W, a distance of 114.03 feet; thence N 71° 31' 00" W, a distance of 182.25 feet; thence N 69° 18' 00" W, a distance of 12.69 feet to the POINT OF BEGINNING; said described tract containing 2.88 acres, more or less.

This is to certify that I have surveyed the property herein described and delineated, and that the measurements and other data indicated are correct to the best of my knowledge and belief.

L. J. Achée 9/19/06

L. J. ACHEE, JR. PLS Reg. 2046
 Class 'B' survey



REVISED 9-19-06
 ADDED PORTION OF STINE ROAD
 ABANDONED WHEN ROAD RELOCATED
 ALSO PROPERTY SOUTH OF STINE ROAD

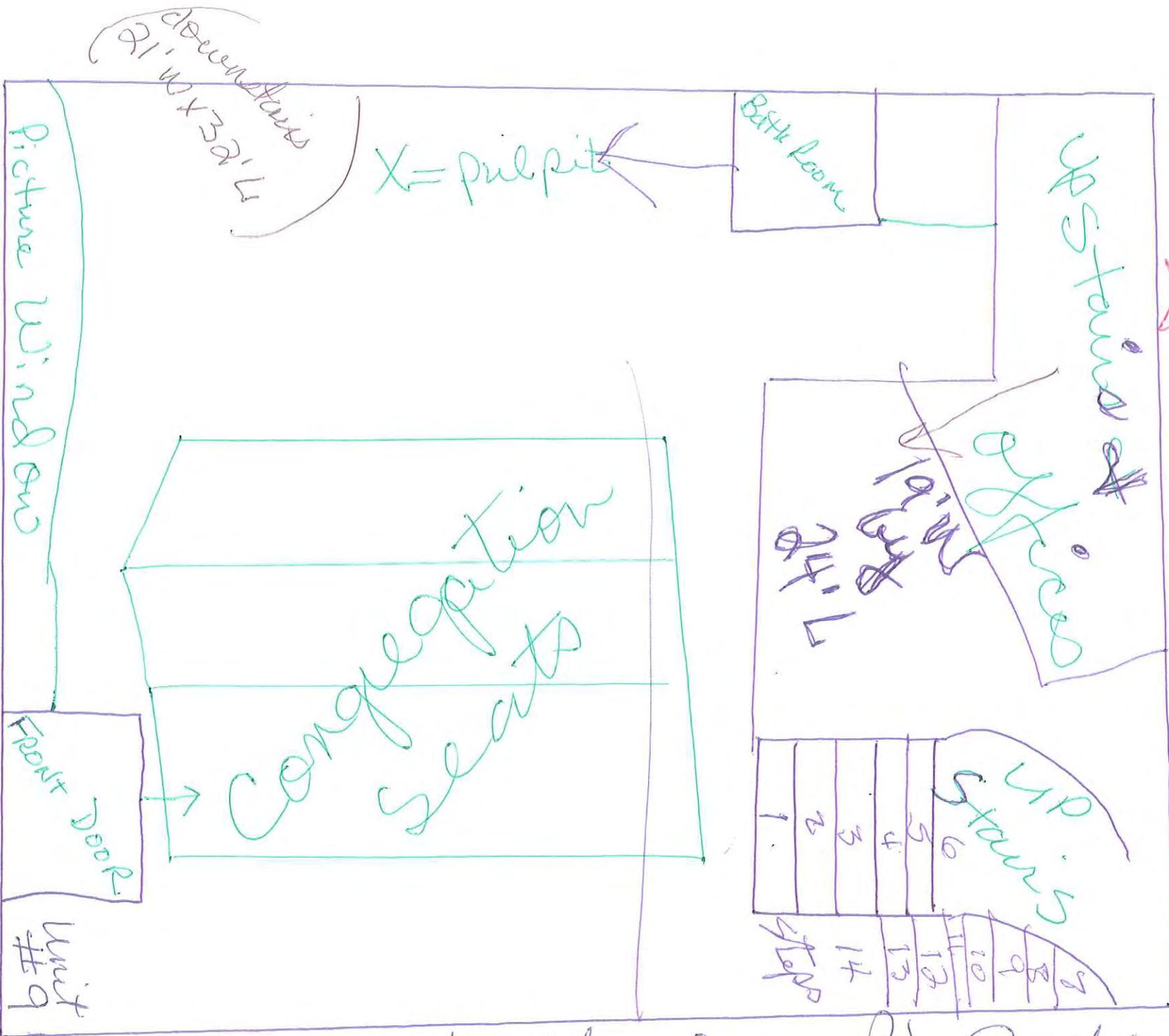
BAYWOOD SHOPPING CENTER
 3808 GAUTIER-VANCLEAVE ROAD
 CITY OF GAUTIER, MISSISSIPPI

ACHEE
 SURVEYING & ENGINEERING, PLLC
 PO BOX 982, P.O. BOX 982, GAUTIER, MS 38956-0982
 386-2685

NOTE: Survey performed without benefit of a current title exam.

By graphic plotting only, the surveyed property is located in Zones "AE (EL-8)" & "X-WHITE" as per F.I.R.M. No. 280322 0005 E, as revised August 18, 1992.

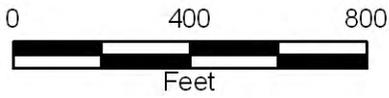
Hillside Model Church



3880 Gauthier Vandœuvre Rd, Gauthier, MS

Location Map
3880 GAUTIER VANCELEAVE ROAD SUITE 9
CONDITIONAL USE

City Of Gautier
Economic Development/Planning

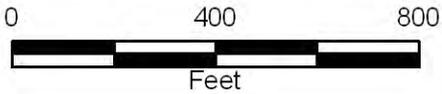


Prepared by the
City of Gautier
GIS Division



Existing Zoning Map

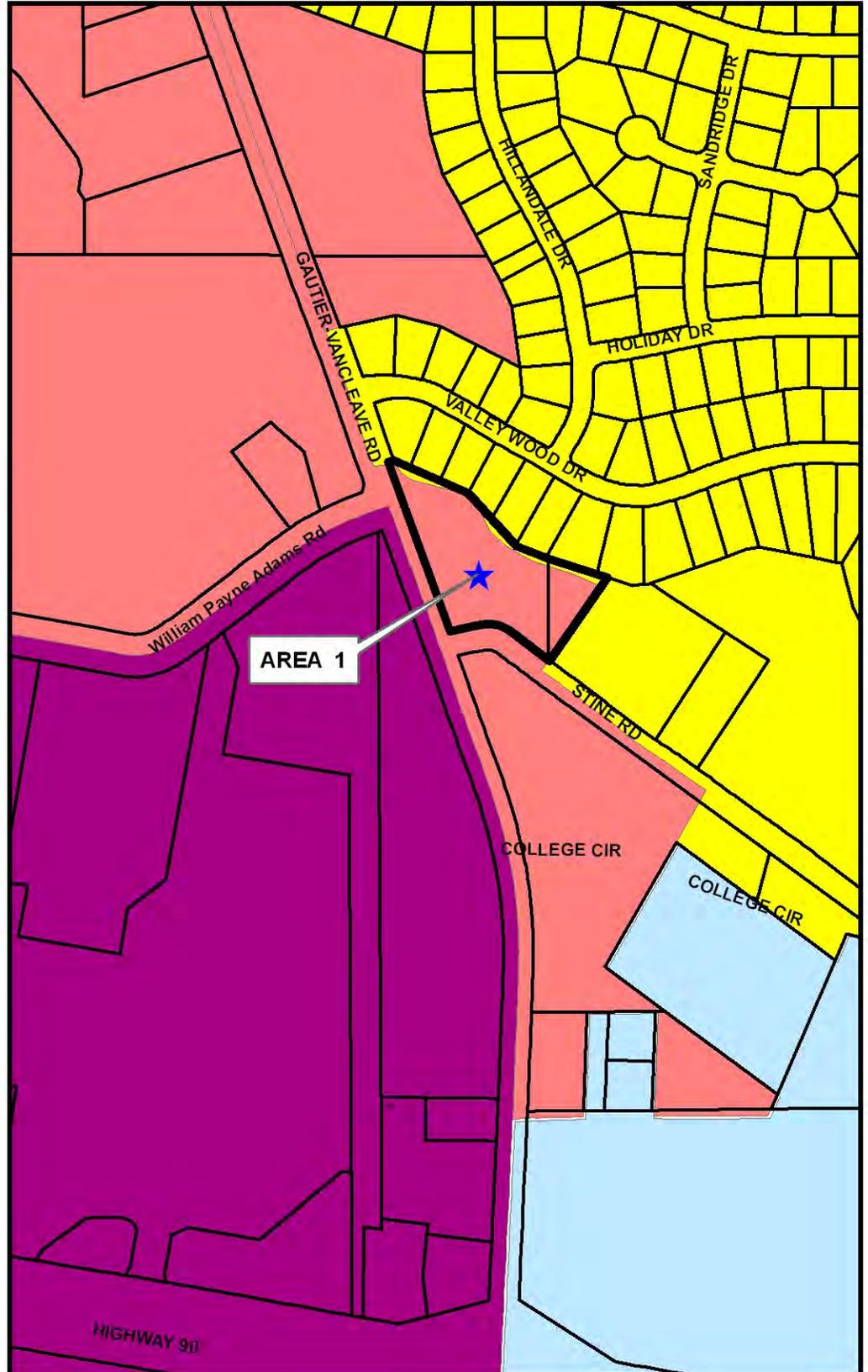
City Of Gautier
Economic Development/Planning



Prepared by the
City of Gautier
GIS Division

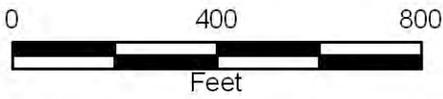
Legend

- 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



Existing Land Use Map

City Of Gautier
Economic Development/Planning

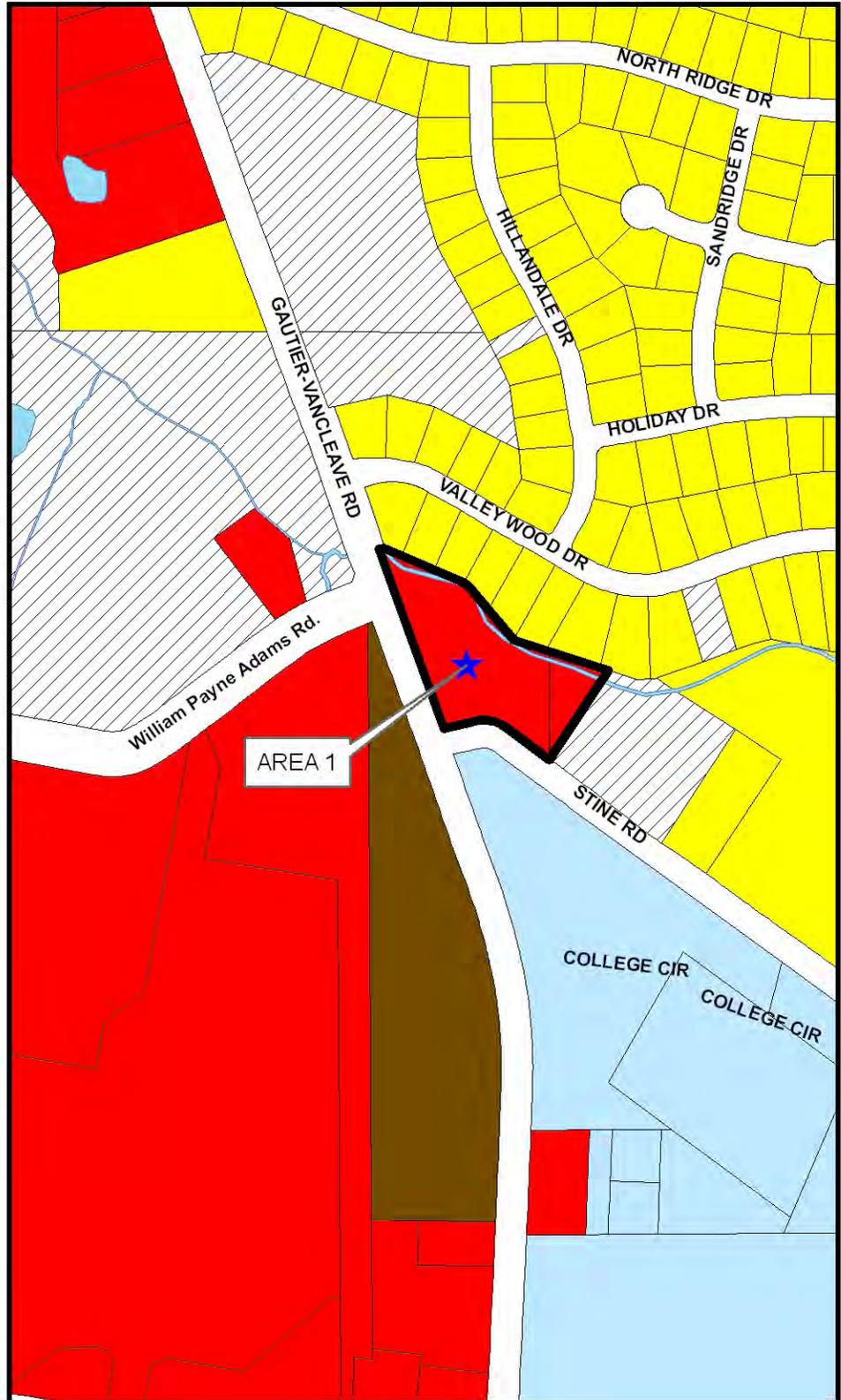


Prepared by the
City of Gautier
GIS Division

Legend

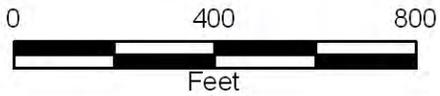
EXISTING LAND USE

- 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



Future Land Use Map

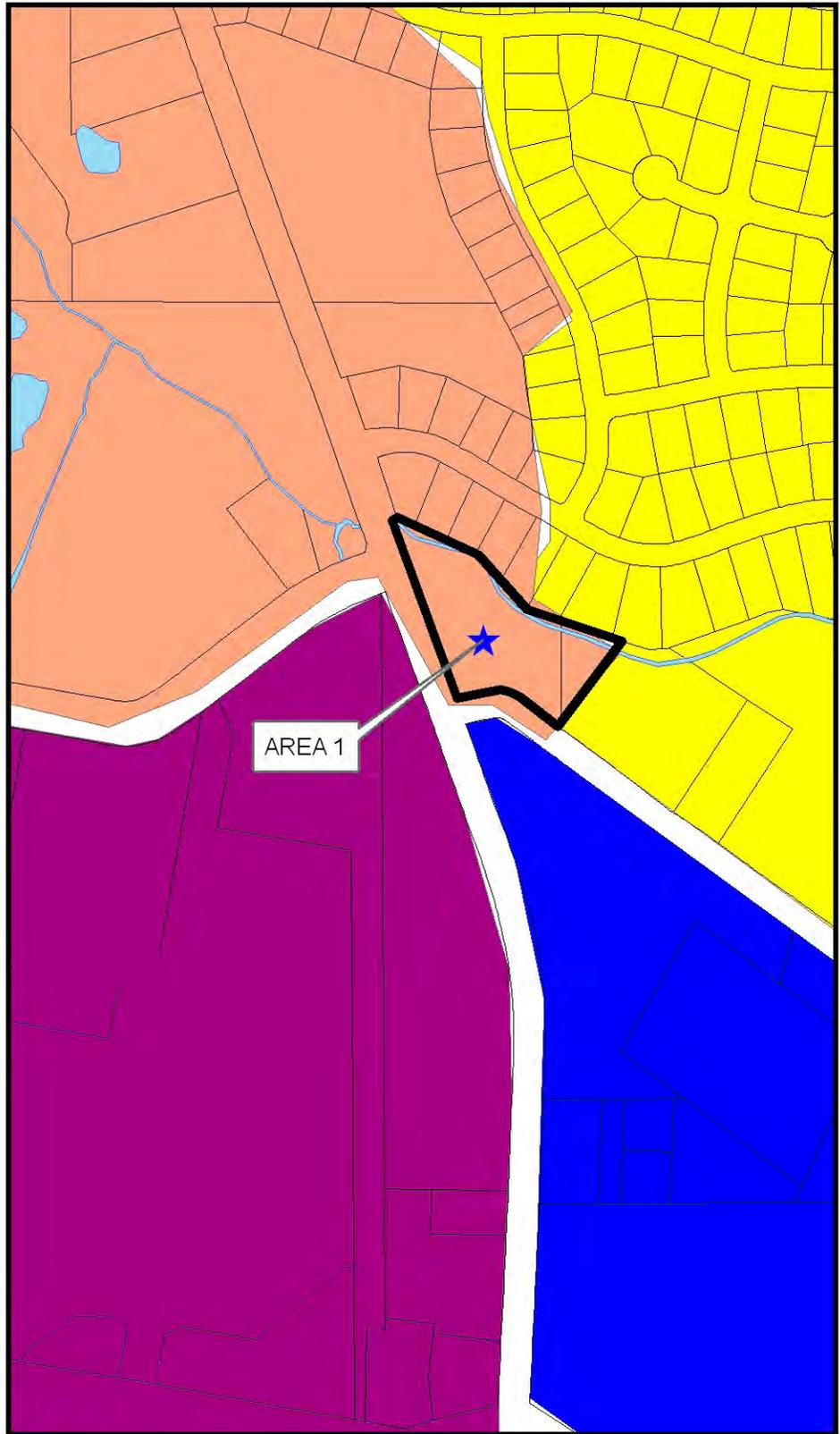
City Of Gautier
Economic Development/Planning



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



**CITY OF GAUTIER
CONDITIONAL USE-MAJOR DEVELOPMENT PERMIT
GPC CASE NO. 12-02-CU**

LIVING WORD INTERNATIONAL TRAINING AND RESOURCE CENTER

REGARDING PARCEL ID NO: 82435010.050

The City of Gautier, at its regular meeting held on April 17, 2012, considered the application for a Conditional Use-Major Development Permit for a church as submitted by Kenneth Bridgett & Denise Thompson, Pastors of Living Word International Training and Resource Center. The parcel subject to this Permit is located at 3880 Gautier-Vancleave Road, Suite 9, 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 C-2 District.
4. Therefore, the City Council accepts the recommendation of the Planning Commission and approves the application submitted on March 9, 2012 for a Conditional Use-Major Development 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 location shall meet all accessibility requirements for change of occupancy as stated in Section 3409 of the International Building Code. (See attached.)
 - b. The physical location of the church and all operations shall be restricted to the location at 3880 Gautier-Vancleave Road, Suite 9. 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.

7. The Gautier Planning Commission recommended approval of this Conditional Use-Major Development Permit on April 5, 2012.

8. The City Council adopted this Conditional Use-Major Development Permit on a recorded vote of _____ ayes to _____ nays to approve the application of Living Word International Training and Resource Center, located at 3880 Gautier-Vanceleave Road, Suite 9, in Gautier, Mississippi, and identified as Jackson County Parcel No. 82435010.050.

April 17, 2012
Date of Issuance

Attest:

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

Wendy McClain
City Clerk