

**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 The Refuge Church at 2800 Highway 90, Space #1080 (GPC Case No. 12-04-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, Space #1080, PID #82435270.109. The application fee of \$250 was paid on March 15, 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 TCMU 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 TCMU District.
4. Therefore, the City Council accepts the recommendation of the Planning Commission and approves the application submitted on March 15, 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 physical location of the church and all operations shall be restricted to the location at 2800 Highway 90, Space #1080. 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. 12-04-CU**

THE REFUGE CHURCH

REGARDING PARCEL ID NO: 82435270.109

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 Richard Smith, Pastor of The Refuge Church. The parcel subject to this Permit is located at 2800 Highway 90, Space #1080, 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 March 15, 2012 for a Conditional Use-Major Development Permit.
5. The following additional condition 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 physical location of the church and all operations shall be restricted to the location at 2800 Highway 90, Space #1080. 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 The Refuge Church, located at 2800 Highway 90, Space #1080 in Gautier, Mississippi, and identified as Jackson County Parcel No. 82435270.109.

May 1, 2012
Date of Issuance

Attest:

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

Wendy McClain
City Clerk

Gautier Planning Commission

Regular Meeting Agenda

April 5, 2012

VII. NEW BUSINESS

A. QUASI-JUDICIAL

3. REQUEST FOR A CONDITIONAL USE-MAJOR PERMIT FOR A CHURCH IN A TCMU TOWN CENTER MIXED USE DISTRICT, 2800 HIGHWAY 90, SPACE #1080 (RICHARD SMITH, PASTOR OF THE REFUGE CHURCH) (GPC CASE #12-04-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 23, 2012

Subject: Conditional Use-Major Permit for The Refuge Church at 2800 Highway 90, Space #1080 (GPC Case No. 12-04-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, Space #1080. The application fee of \$250 was paid on March 15, 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 Town Center Mixed Use which only allows churches as a Major Conditional Use.

1. Location (See Exhibit A): 2800 Hwy 90, Space #1080
Arterial Street: Highway 90
Collector Street: Dolphin Drive & William Payne Adams Road
2. General features of the proposed project:
Total Floor Area: 20,000 sq. ft.
Off-Street Parking Area Required: approximately 67 spaces for 200 seats
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; some other uses in the mall structure itself include retail, dance studios, daycare, churches, etc.

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 south 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. The applicant states there will be approximately 150 to 200 people/seats. Staff finds that approximately 67 parking spaces will meet the parking requirements of the UDO for the proposed church using the number of seats for calculation versus the square footage of the building. 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. 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, Space #1080. 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.

CONDITIONAL USE HEARING APPLICATION

Hearing Number

GPC 12-04-011

<u>TYPE OF REQUEST:</u>	<u>FEE:</u>
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 Retreat Church
Address: P.O. Box 1019 Gautier MS 39553 Mailing Address (if different): _____
Email Address: Rsmith@bellsouth.net
Phone: 228-826-5122 Cell Phone: 228-323-4459

Reason for request, location and intended use of Property: Church congregation has original covenant location and wants to use Site #080 for a house of worship @ Smyrna, Louisiana

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).

Signature of Applicant: [Signature]
Date of Application: 3/14/12

Date Received 3/15/12 Verify as Complete BR
Fee Amount Received \$250
Initials of Employee Receiving Application BR

OWNERS CONSENT AND DESIGNATION OF AGENCY – CONDITIONAL USE

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

2800 Highway 90
Gautier MS Suite 1080

hereby petition to the City of Gautier to Grant a Conditional Use of Church and affirm that Rick Smith & Randy Sinks in Singing River Mall is hereby designated to act as agent on my behalf to accomplish the above.

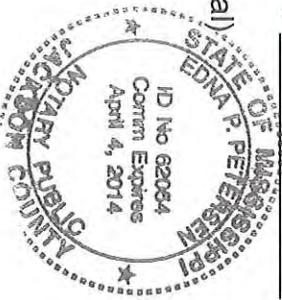
I certify that I have examined the application and that all statements and diagrams submitted are true and accurate to the best of my knowledge. Further, I understand this application; attachments and fees become part of the official records of the City of Gautier, MS, and are not returnable.

Ingha Bishop
(Owner's Signature)

The foregoing instrument was acknowledged before me this 15th day of MAY, 20 12 by ANGELA BISHOP, who is personally known to me or has produced MISSISSIPPI DRIVER'S LICENSE as identification and who did take an oath.

EDNA PETERSEN
(Printed Name of Notary Public) Edna Petersen
(Signature of Notary Public)

Commission # _____ My commission expires _____
(Notary's Seal)



MAJOR CONDITIONAL USE

Criteria for Approval Major Conditional Use

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

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

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~~¹⁰⁸⁰ 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 Guilleville 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~~^{South} 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

SCHEDULE "A-2"

SINGING RIVER MAIL
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 West, Jackson County Mississippi, and more particularly described as follows, to-wit: Commencing at a 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 30 degrees 00 minutes West along the said north right-of-way line of U.S. Highway 90 a distance of 65.32 feet; thence run North 00 degrees 32 minutes West a distance of 349.16 feet to the Point of Beginning; thence run North 00 degrees 32 minutes West a distance of 917.27 feet; thence run North 80 degrees 00 minutes West a distance of 2X50 feet; thence run North 10 degrees 00 minutes East a distance of 210.0 feet; thence run North 20 degrees 48 minutes West a distance of 79.40 feet; thence run South 57 degrees 00 minutes West a distance of 48.72 feet; thence run South 10 degrees 00 minutes West a distance of 548.43 feet; thence run South 55 degrees 00 minutes West a distance of 113.97 feet; thence run South 10 degrees 00 minutes West a distance of 115.0 feet; thence run North 80 degrees 00 minutes West a distance of 240.08 feet; thence run North 10 degrees 00 minutes East a distance of 119.96 feet; thence run North 80 degrees 00 minutes West a distance of 62.0 feet; thence run North 10 degrees 00 minutes East a distance of 327.71 feet; thence run North 80 degrees 00 minutes West a distance of 600.66 feet; thence run South 72 degrees 32 minutes West a distance of 715.0 feet; thence run South 05 degrees 59 minutes East a distance of 379.0 feet; thence run South 00 degrees 09 minutes East a distance of 710.70 feet to the said north right-of-way line of U.S. Highway 90; thence run South 80 degrees 00 minutes East along the said north right-of-way line a distance of 327.0 feet; thence run North 10 degrees 00 minutes East 130.0 feet to the beginning of a curve to the right; said curve have a chord bearing of North 55 degrees 00 minutes East and a chord distance of 21.21 feet; radius of that curve is 15.0 feet; thence run South 80 degrees 00 minutes East and a distance of 75.83 feet to the beginning of a curve to the right; said curve having a chord bearing of South 35 degrees 00 minutes East and a chord distance of 42.47 feet; radius of that curve is 30.0 feet; thence run South distance 10 degrees 00 minutes West a distance of 52.83 feet to the beginning of a curve to the right; said curve having a chord bearing of North 38 degrees 24 minutes 56 seconds West and a chord distance of 20.85 feet; radius of that curve is 175.0 feet to the point of tangency of the curve; thence run North 35 degrees 00 minutes West a distance of 92.37 feet to the beginning of a curve to the left; said curve having a chord bearing of North 47 degrees 12 minutes 14 seconds West and a chord distance of 33.82 feet; the radius of that curve is 60.0 feet; thence run North 70 degrees 00 minutes East a distance of 183.11 feet; thence run North 80 degrees 00 minutes West a distance of 17.83 feet; thence run North 10 degrees 00 minutes East a distance of 140.0 feet; thence run South 80 degrees 00 minutes East a distance of 122.75 feet; thence run North 10 degrees 00 minutes East a distance of 57.0 feet; thence run South 80 degrees 00 minutes East a distance of 40.04 feet; thence run North 10 degrees 00 minutes East a distance of 75.04 feet; thence run South 80 degrees 00 minutes East a distance of 161.50 feet; thence run North 10 degrees 00 minutes East a distance of 40.0 feet; thence run South 80 degrees 00 minutes East a distance of 42.43 feet; thence run South 10 degrees 00 minutes West a distance of 87.83 feet to the beginning of a curve to the right; said curve having a chord bearing of South 24 degrees 49 minutes 51 seconds West and a chord distance of 33.28 feet; radius of that curve is 65.0 feet; thence run South 80 degrees 00 minutes East along the said north right-of-way line of U.S. Highway 90 a distance of 91.38 feet to the beginning of a curve to the right; said curve having a chord bearing of North 04 degrees 49 minutes 51 seconds West and a chord distance of 33.28 feet; radius of that curve is 65.0 feet; thence run North 10 degrees 00 minutes East a distance of 187.83 feet to the beginning of a curve to the right; said curve having a chord bearing of North 55 degrees 00 minutes East and a chord distance of 42.43 feet; radius of that curve is 30.0 feet; thence run South 80 degrees 00 minutes East a distance of 171.00 feet to the beginning of a curve to the left; said curve having a chord bearing of North 19 degrees 44 minutes East and a chord distance of 246.09 feet; radius of that curve is 160.0 feet; thence run North 89 degrees 28 minutes East a distance of 22.00 feet to the Point of Beginning. Parcel containing 45.04 acres.

Location Map

SINING RIVER MALL

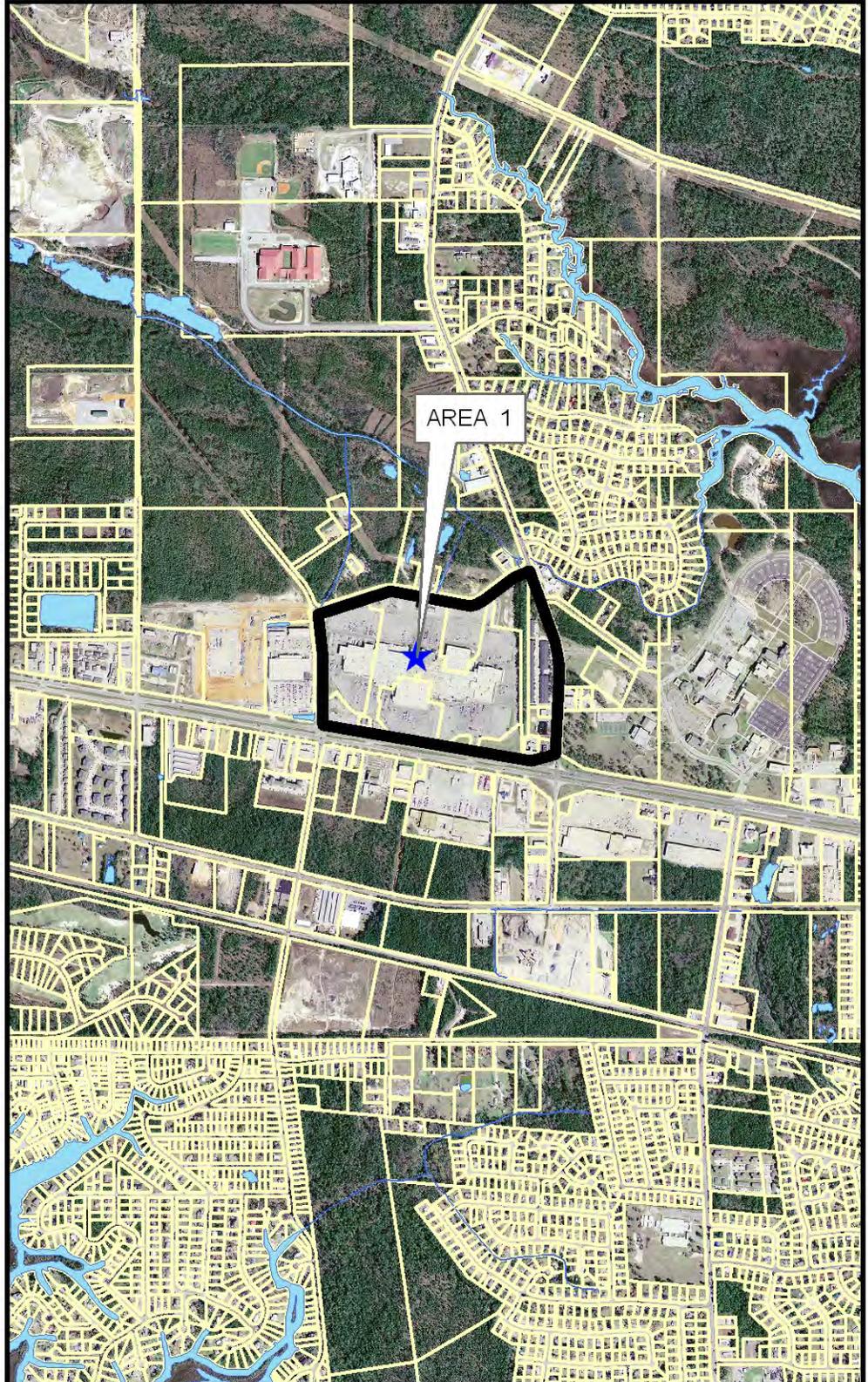
City Of Gautier
Economic Development/Planning



0 400800
Feet

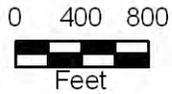


Prepared by the
City of Gautier
GIS Division



Existing Zoning Map

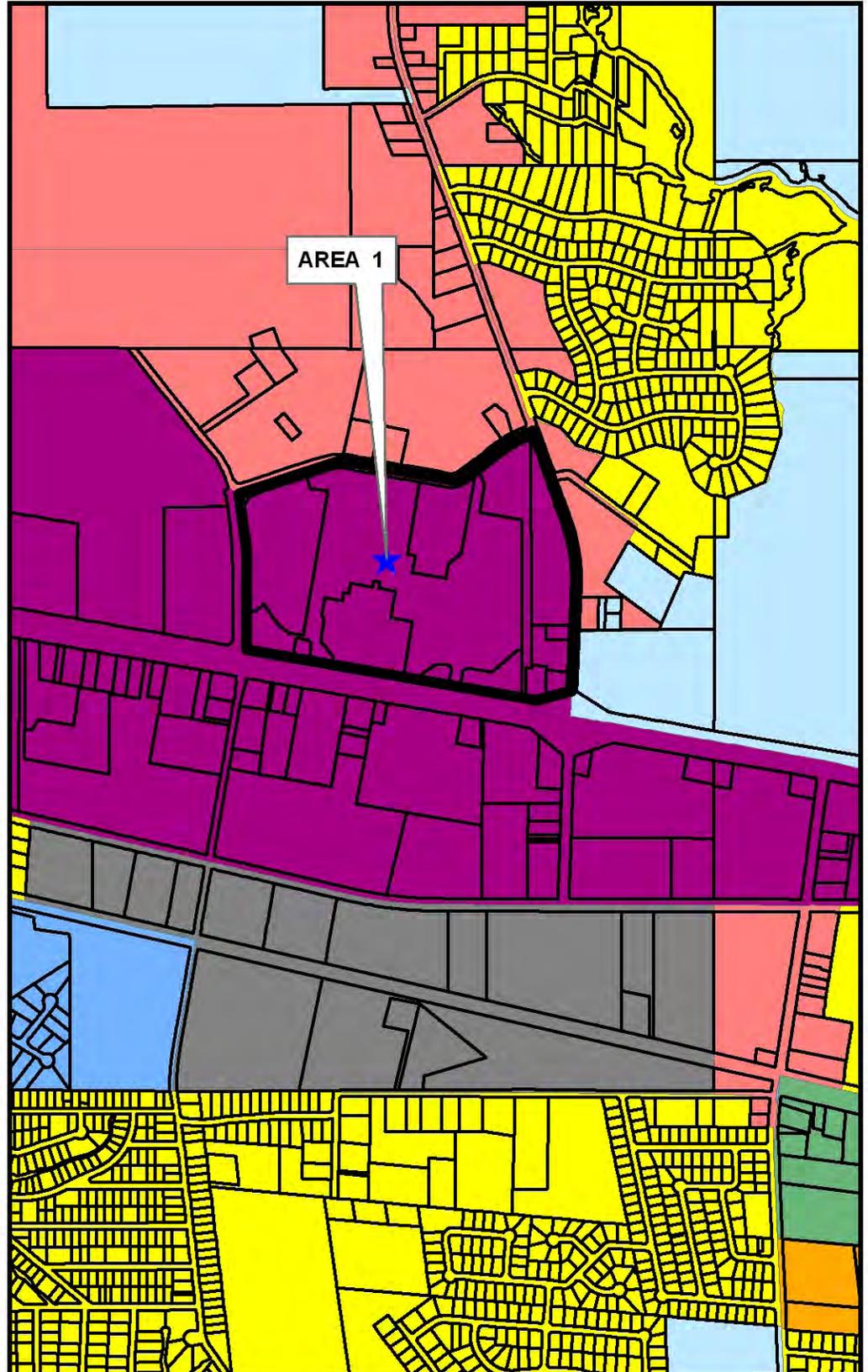
City Of Gautier
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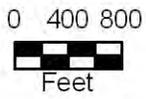
Legend

- 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

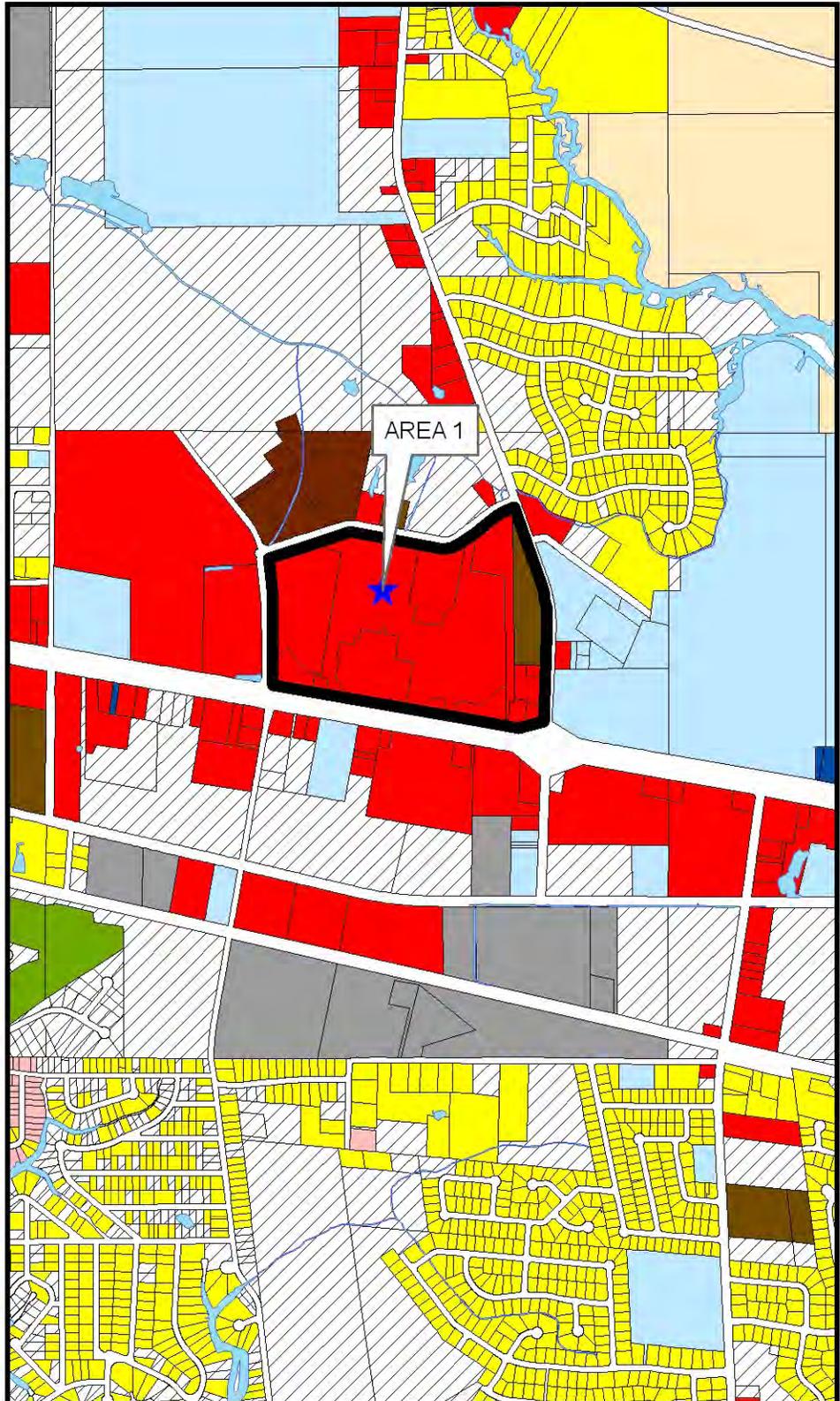


Existing Land Use Map

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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



0 400 800



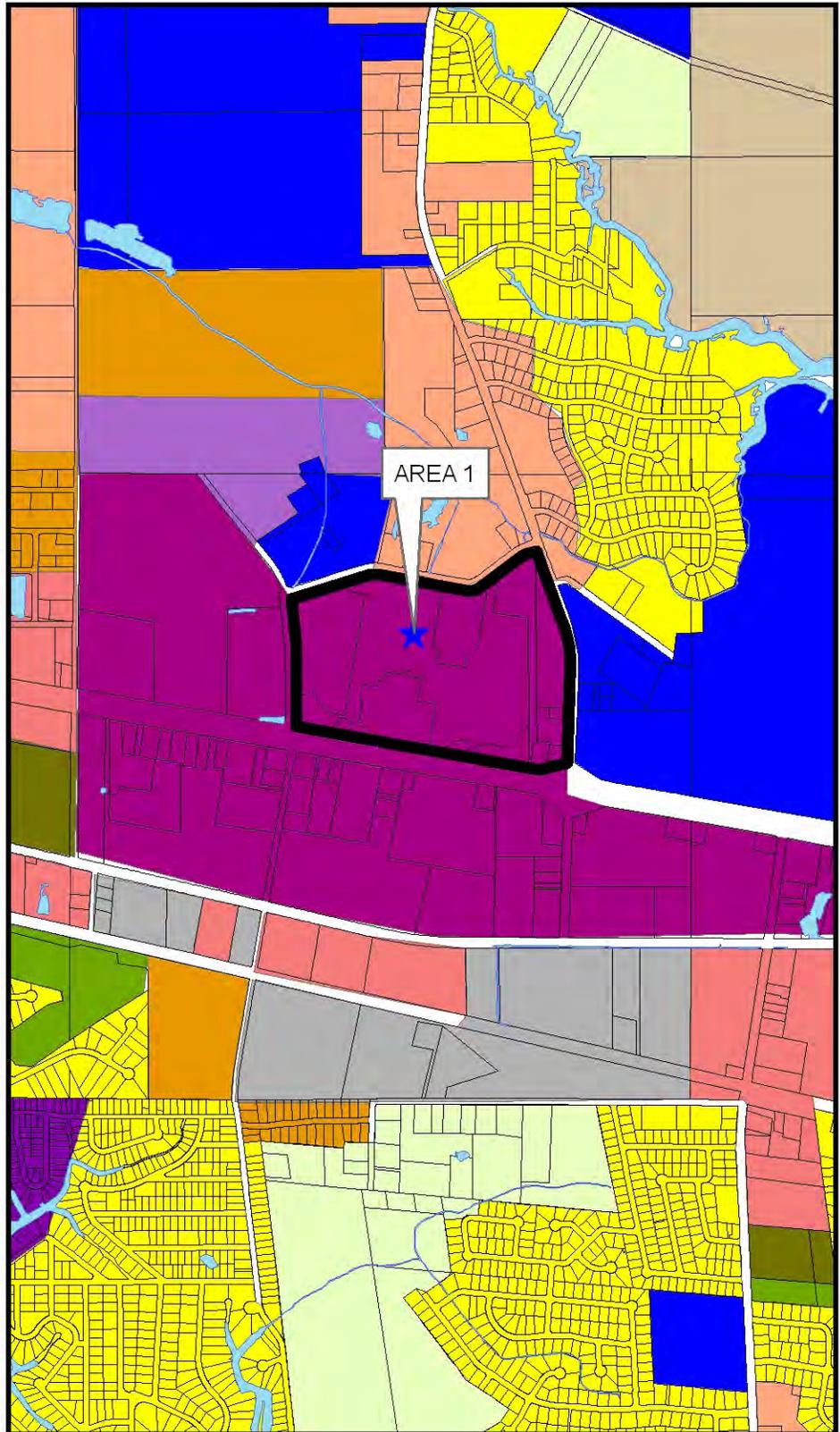
Feet



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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. 12-04-CU**

THE REFUGE CHURCH

REGARDING PARCEL ID NO: 82435270.109

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 Richard Smith, Pastor of The Refuge Church. The parcel subject to this Permit is located at 2800 Highway 90, Space #1080, 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 March 15, 2012 for a Conditional Use-Major Development Permit.
5. The following additional condition 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 physical location of the church and all operations shall be restricted to the location at 2800 Highway 90, Space #1080. 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 The Refuge Church, located at 2800 Highway 90, Space #1080 in Gautier, Mississippi, and identified as Jackson County Parcel No. 82435270.109.

April 17, 2012
Date of Issuance

Attest:

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

Wendy McClain
City Clerk