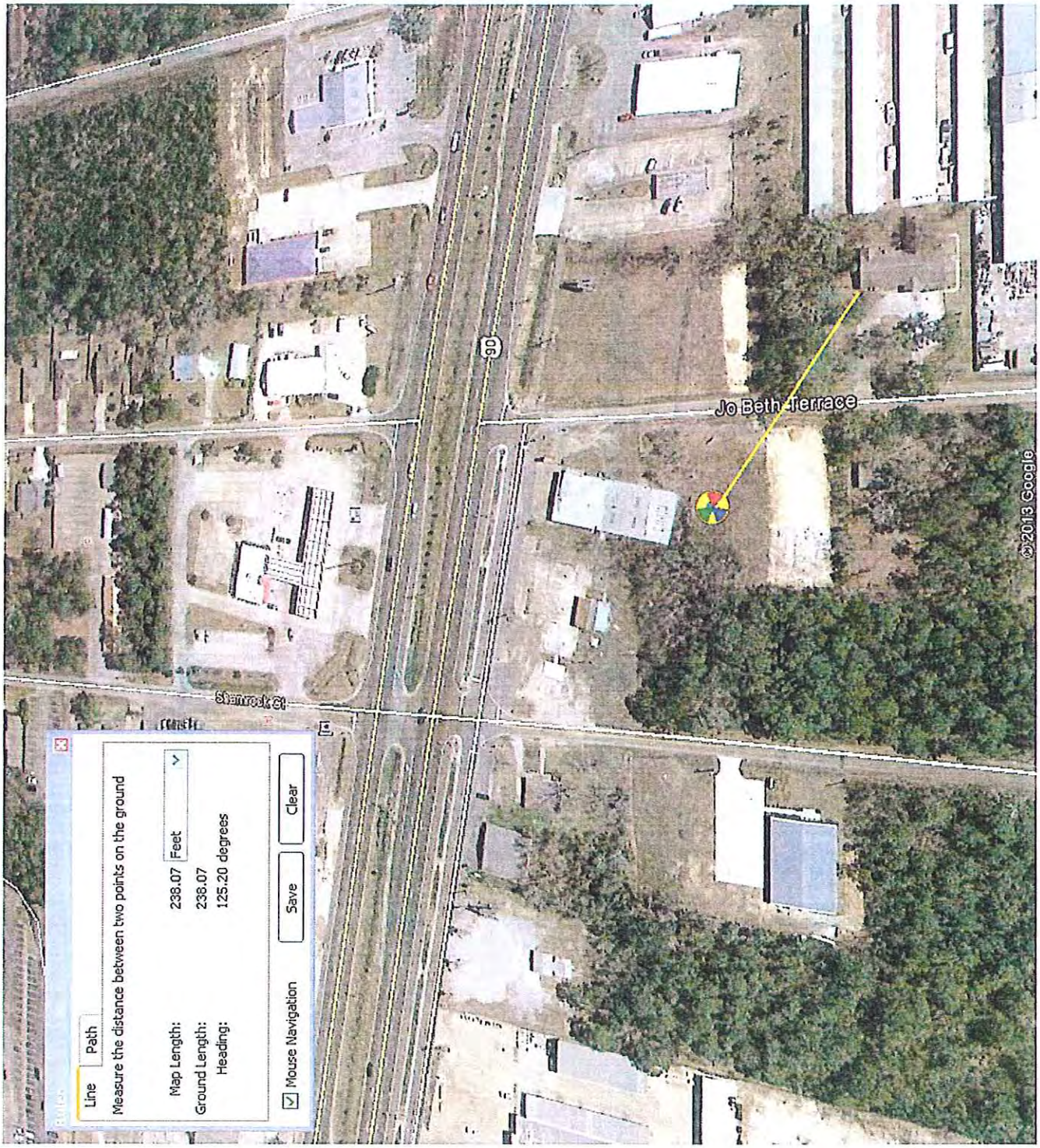
ATTACHMENT 4 – Measurements from Residential Uses (2 of 4)

ATTACHMENT 4 – Measurements from Residential Uses (3 of 4)



ATTACHMENT 4 – Measurements from Residential Uses (4 of 4)

ATTACHMENT 5 – Director's e-mail regarding nearest tower

Babs Logan

From: Chandra Nicholson [cnicholson@gautier-ms.gov]
Sent: Tuesday, November 19, 2013 3:09 PM
To: 'David Wooten'; 'Larry Dailey'; blogan@gautier-ms.gov
Cc: 'Belinda Bodie'; zduke@gautier-ms.gov; 'Charlie McVea'; 'David Wooten'; 'Greg Spanier'; 'James Torrey (E-mail)'; 'Jimmy Green'; 'Marilyn Minor'; Samantha Abell
Subject: RE: Cellular South-E Gautier site

Categories: Red Category

Commissioners,

The tower at Singing River Health Systems is for internal communications only. >From reading the entire Article XIV, I do not believe the intent of the code is to group internally used communications devices with commercial for profit Telecommunication Facilities. We will work on tightening that language up and requesting a text amendment to make the Article easier to follow. In this particular case due to the fact that the tower is being used for a hospital system, the tower at Singing River Health Systems is exempt from Article XIV by section 14.2.1F.

This should clear up the tower separation issue with this case.

Thanks, Chandra

From: David Wooten [mailto:djwooten@bellsouth.net]
Sent: Tuesday, November 19, 2013 11:24 AM
To: 'Larry Dailey'; blogan@gautier-ms.gov
Cc: 'Belinda Bodie'; cnicholson@gautier-ms.gov; zduke@gautier-ms.gov; 'Charlie McVea'; 'David Wooten'; 'Greg Spanier'; 'James Torrey (E-mail)'; 'Jimmy Green'; 'Marilyn Minor'
Subject: RE: Cellular South-E Gautier site

I agree with Mr Dailey on the interpretation of the code

From: Larry Dailey [mailto:larrydailey@cableone.net]
Sent: Tuesday, November 19, 2013 10:54 AM
To: blogan@gautier-ms.gov
Cc: Belinda Bodie; cnicholson@gautier-ms.gov; zduke@gautier-ms.gov; Charlie McVea; David Wooten; David Wooten (E-mail); Greg Spanier; James Torrey (E-mail); Jimmy Green; Marilyn Minor
Subject: Re: Cellular South-E Gautier site

Babs,
One condition for the approval is the 20 buffer on front and two sides, per UDO 11.6.7.D. My understanding is that this buffer will require the the fence be moved in 20 ft. from north property line to allow for the buffer, thus moving tower 20 ft to the south. Please confirm that this interpretation is correct and if so, that distance separation is satisfied.

Also, my interpretation of 14.6.A.1 is that there must be 1/4 mile separation between monopole, lattice or guyed Telecommunication Towers. There are no exceptions given for communication within or between users. I understand that all towers fall within this restriction. If staff takes a different stand, please refer me to the correct section of the UDO.

Thanks,

ATTACHMENT 5 – Director's e-mail regarding nearest tower

Larry

On Tue, Nov 19, 2013 at 8:04 AM, Babs Logan <blogan@gautier-ms.gov> wrote:

Thanks, Belinda. I am forwarding this to our attorney to make sure this is sufficient for our records. I don't foresee any problems with it.

Charlie – Please let me know if this is sufficient. Thanks.

Have a great day!

Babs Logan

Planning Technician

City of Gautier, MS

3330 Highway 90

Gautier, MS 39553

(O) 228-497-8026

e-mail: blogan@gautier-ms.gov

web-site: www.gautier-ms.gov

From: Belinda Bodie [mailto:belinda.bodie@neel-schaffer.com]
Sent: Monday, November 18, 2013 1:49 PM

ATTACHMENT 6

Gautier Planning Commission

Regular Meeting Agenda

November 7, 2013

GPC #13-22-CU

VII. NEW BUSINESS

B. QUASI-JUDICIAL

2. REQUEST FOR A CONDITIONAL USE-MAJOR PERMIT FOR A WIRELESS TELECOMMUNICATIONS TOWER IN A TCMU DISTRICT, JO BETH TERRACE (CELLULAR SOUTH REAL ESTATE INC.) (GPC CASE #13-22-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 Planning Commission, or others.

6. Staff Presentation. This includes presentation of the staff report into the official record.

7. Objections from Applicant. Confirm whether there are objections from the applicant regarding the staff report or development order.

8. Questions directed to Staff. The staff answers any questions by the public, the Planning Commission, or others.

9. Public Comments. Members of the public should be allowed to make comments regarding the application.

10. Applicant rebuttal/final comments

11. Staff rebuttal/final comments

12. Call for final questions.

13. Close public portion of the hearing.

14. Motion & Deliberation. Planning Commission makes a motion, and debates and deliberates regarding the application and development order.

15. Vote.

16. Close the quasi-judicial proceeding.

CITY OF GAUTIER
STAFF REPORT

To: Chairman and Members, Planning Commission

From: Babs Logan, Planning Technician

Through: Chandra Nicholson, Planning & Economic Development Director

Date: October 31, 2013

Subject: Conditional Use-Major Permit for a Telecommunications Tower in a TCMU Zoning District at Lot 28, Shamrock Court Subdivision, Jo Beth Terrace (GPC Case No. 13-22-CU)

REQUEST:

The Economic Development/Planning Department has received a request from Cellular South Real Estate Inc. for a Conditional Use-Major Permit that would allow a telecommunications tower in a TCMU Town Center Mixed Use zoning district at Lot 28, Shamrock Court Subdivision, PID #87113024.000. The application fee of $250 was paid on September 12, 2013. All public notice requirements have been met.

BACKGROUND:

The request property is zoned TCMU Town Center Mixed Use.

1. Location: Lot 28, Shamrock Court Subdivision, PID #87113024.000 (See Exhibit A)
   Principal Arterial: Highway 90

2. General features of the proposed project:
   Gross Lot Acreage: approximately 0.31 acres

3. Current Zoning: TCMU Town Center Mixed Use

4. Current Surrounding Zoning (See Exhibit B): TCMU Town Center Mixed Use

5. Current Surrounding Existing Land Use (See Exhibit C): Vacant to the east and west; Commercial-Retail to the north; Very low to low density residential to the south

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

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?

   Applicant: Yes, Under Section 3.19.13-Wireless Communication Facilities are allowed via issuance of a Major Conditional Use permit.

   Staff Finding: Yes. A wireless telecommunications tower is listed as a Conditional Use-Major 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: The site does not require any additional parking other than for one service vehicle and is allowable in density, bulk and intensity for this type of facility under the Gautier Unified Development Code Section 14-Wireless Communication Facilities.

   Staff Finding: The proposed site and surrounding area has been rezoned to TCMU which does not allow single-family homes. The area around the proposed site has a few homes but most of the lots are vacant. The character of future development in the vicinity will not continue to be residential.

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

   Applicant Response: No, the facility is an unmanned and will be visited once a month by a technician. There has been no evidence to show that these facilities negatively affect property values. Cellular South Real Estate Inc. will pay property taxes on their improvements.

   Staff Finding: Unknown.

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

   Applicant Response: No, once construction is complete, the site will be visited once a month by a technician in a standard pickup or SUV. There will be no increase in traffic due to the installation of this facility nor will it impact pedestrian traffic in the vicinity.

Staff Finding: There is no evidence that the proposed tower will have any adverse affect on vehicular or pedestrian traffic.

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, the site will be designed not to increase existing drainage in the area, can be served by existing police and fire protection. The proposed facility will not require any water or sanitary sewer; nor will it have an impact on the local school.

   Staff Finding: The proposed use can be accommodated by existing public services. It will not require water, sanitary sewer nor have any impact on schools.

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

   Applicant Response: Yes, the property on the future land use map still shows the property to be zoned TC (Town Center) and the property is currently zoned TC (Town Center).

   Staff Response: The Comprehensive Plan does not address wireless telecommunication towers.

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 site does not pose any hazardous, detrimental or disturbing affect. The site does not produce any noise, glare, smoke, dust, odor, fumes, water pollution or vibration. The site will be in compliance with all FCC regulations and will not have any electrical interference.

   Staff Finding: Unknown.

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, Cellular South Real Estate Inc., is proposing a 120 ft. monopole structure which is in conformance with the regulations for this property.