

Staff Finding: The proposed use will meet all Unified Development Ordinance regulations regarding wireless telecommunication towers in the district in which it will be located.

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).

RECOMMENDATION:

Staff finds that the proposed use may be compatible and harmonious with the Town Center Mixed Use District and recommends approval.

CONCLUSION:

The Planning Commission may:

1. Recommend that City Council approve the Conditional Use-Major;
2. Recommend that City Council approve the Conditional Use-Major with changes; or
3. Recommend that City Council deny the Conditional Use-Major.

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

ECONOMIC DEVELOPMENT/PLANNING DEPARTMENT
GAUTIER, MISSISSIPPI

CONDITIONAL USE HEARING APPLICATION

Hearing Number

116 1 10 31

TYPE OF REQUEST:	FEE:
Conditional Use – Major <input checked="" type="checkbox"/>	\$250.00
Conditional Use - Minor <input type="checkbox"/>	\$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: Cellular South Real Estate Inc. by NEEI-Schaffer Inc.

Name of Business: _____

Address: 1018 Highland Colony Pkwy Mailing Address (if different): _____
Ridgeland, MS 39157

Email Address: belinda_bodie@nee-schaffer.com

Phone: 601-898-3358 Call Phone: 0769-798-6946

Reason for request, location and intended use of Property: for the construction of a 120'

Monopole Wireless telecommunications facility & auxiliary ground equipment

ATTACHMENTS REQUIRED AS APPLICABLE: at P.O. # 87113024.000 Town Center

- 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: Belinda Bodie

Date of Application: 8/16/13

Date Received	<u>8/16/13</u>	Verify as Complete	<u>RS</u>
Fee Amount Received	<u>\$250</u>		
Initials of Employee Receiving Application	<u>RS</u>		

CRITERIA FOR APPROVAL
MAJOR CONDITIONAL USES

Is the proposed use listed in the list of possible Conditional uses in the particular Zoning District?

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

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.

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.

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

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.

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

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.

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, fire protection, and schools?

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.

Is the proposed use in harmony with the Comprehensive Plan?

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)

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

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.

Does the use confirm to all district regulations for the applicable district which it is located, or have other provisions been provided for?

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

September 4, 2013

VIA FEDERAL EXPRESS

City of Gautier
Ms. Babs Logan
3330 Hwy 90
Gautier, MS 39553

Re: Application for Major Conditional Use Permit
Cellular South Real Estate, Inc.
MS 1923-E Gautier
NS Reference No: 11542.011

Dear Ms. Logan:

Please find the revised survey for Application for a Major Conditional Use Permit, filed on behalf of my client, Cellular South Real Estate Inc. The survey was revised to show the distance between the proposed facility and the nearest residential structure on the property to the South.

As indicated on the site plans, my client is proposing to construct a 120 ft. monopole wireless telecommunications facility with an equipment cabinet on an 8' x 15' concrete pad. Cellular South Real Estate, Inc. will purchase the property from Dr. and Ms. Royce B. Luke. The site is located at 3558 Jo Beth Terrace, Gautier, Mississippi 39553.

I would appreciate it if you place the application on October 3, 2013 Planning Commission agenda and corresponding City Council agenda. If I can provide any additional information, please do not hesitate to call me at 601-898-3358.

Thank you for your assistance with this matter.

Sincerely,
NEEL-SCHAFFER INC.,

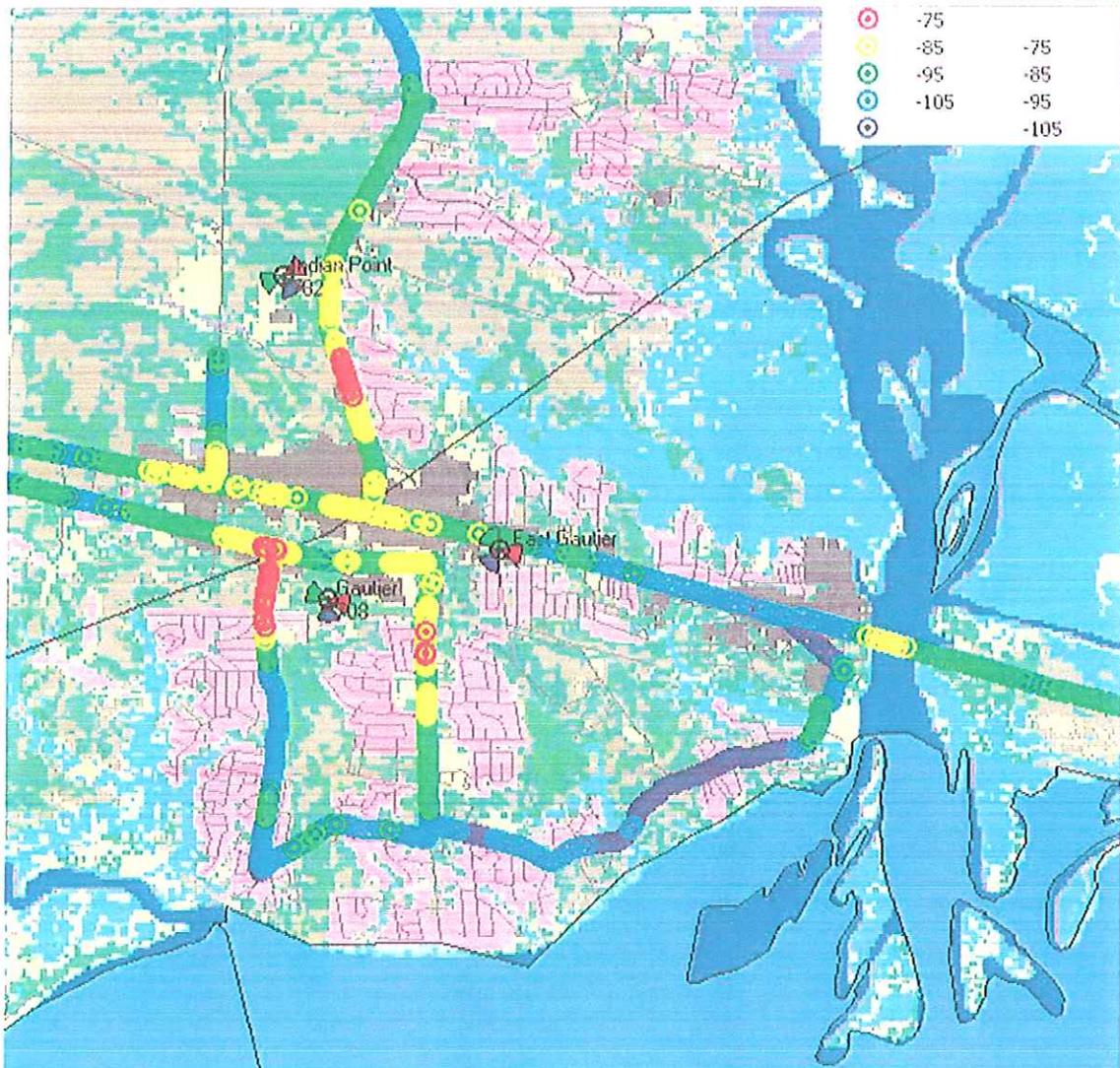


Belinda Bodie
Zoning Specialist

After an exhaustive process that lasted over an 18-month period, C SPIRE's RF Design Department has concluded that all the proposed alternative candidates for tower site East Gautier will not be able to provide satisfactory solution to the coverage/capacity issues of C SPIRE's network in Highway 90 between Gautier-Vancleave Road and the Causeway to Pascagoula. The existing towers in the vicinity include an existing C SPIRE Wireless tower containing the site we are trying to offload traffic-wise and a Global Tower Partners structure which is located 0.09 miles away from our existing site (please see image below). Such proximity will definitely cause interference issues by raising the noise floor and the coverage overlap between the existing and the proposed site. In the final analysis the only location that provides the optimum results is the one situated at: 3558 Jo Beth Terrace, Gautier, MS 39553.



The coverage needs for our 4G network can be seen below in an actual drive-test display. The green, light blue and blue areas are the ones that need improvement and this will be achieved with the new site.



Nikolaos Kritzilis | RF Engineer | **C Spire Wireless**

1018 Highland Colony Pkwy 2nd Fl. Ridgeland, MS 39157

801-974-7031 office | 789-798-9234 wireless | 801-974-7107 fax

nkritzilis@cspire.com

number	parcel number	Name	address
1	87113024.000	Poynor, Sanda G	8620 Bayou Castelle Dr. Gautier, MS 39553
2	87113025.000	Luke, Royce B & Rose Marie	1321 Homestead blvd Gautier, MS 39553
3	87113026.000	Stubbs, Claude D & Myrtle W	2525 Holiday Dr. Gautier, MS 39553
4	87113027.000	Luke, Royce B & Rose Marie	1321 Homestead Blvd Gautier, MS 39553
5	87113028.000	Kelly, Robert A	20507 Old Biloxi Road Vanceleave, MS 39565
6	87113008.050	McDevitt, William Clarence Sr & Janet S	P.O. Box 651 Gautier, MS 39553
7	87113007.000	Luke, Royce B & Rose Marie	1321 Homestead Blvd Gautier, MS 39553
8	87113006.000	Luke, Royce B & Rose Marie	1321 Homestead Blvd Gautier, MS 3955B
9	87113005.000	Stubbs, Claude D & Myrtle W	3308 Jo Beth Yerrace Gautier, MS 39553
10	87113005.010	Air Masters Mechanical Inc.	P.O. Box 727 Gautier, MS 39553
11	82436480.100	Hillman, Michael H	261 Burgundy Dr Lucedale, MS 39452
12	82436480.050	Carr, Charles E	P.O. Box 1351 Gautier, MS 39553
13	82436480.160	Air Masters Mechanical Inc.	P.O. Box 727 Gautier, MS 39553
14	87113009.000	Haydel Properties LP	P.O. Box 1891 Gulfport, MS 39502
15	87113010.000	Jerry Lee Family Limited	1417 Hwy 90 Gautier, MS 39553
16	87113023.000	Wood, Kenneth	9512 Jean St Ocean Springs, MS 39565
17	87113022.000	Wood, Kenneth	9512 Jean St Ocean Springs, MS 39565
18	87113021.000	Wood, Kenneth	9512 Jean St Ocean Springs, MS 39565
19	87113020.000	Wood, Kenneth	9512 Jean St Ocean Springs, MS 39565
20	87113019.000	Wood, Kenneth	9512 Jean St Ocean Springs, MS 39565
21	87113011.000	Jerry Lee Family Limited	1417 Hwy 90 Gautier, MS 39553
22	87113013.000	Luke, Royce B & Rose Marie	1321 Homestead Blvd Gautier, MS 39553
23	87113014.000	True Vine Holiness Ministries	2724 Calle D Hermosa Gautier, MS 39553

