

Gautier Planning Commission

Regular Meeting Agenda

November 6, 2014

GPC #14-18-CU

1821 Old Spanish Trail: Conditional Use-Major

Anointed Learning and Development Center

VII. NEW BUSINESS

A. QUASI-JUDICIAL

2. REQUEST FOR A CONDITIONAL USE-MAJOR PERMIT TO ALLOW A DAYCARE/CHILDCARE FACILITY IN A R-1 LOW DENSITY SINGLE FAMILY ZONING DISTRICT, 1821 OLD SPANISH TRAIL (TIFFANY HUDSON, OWNER) (GPC CASE #14-18-CU).

THIS REQUEST IS BEING PROCESSED CONCURRENTLY WITH A CHANGE TO THE UDO TO ALLOW SAID APPLICATION, IF APPROVED; THE PERMIT SHALL BE ISSUED ONLY UPON EFFECTIVE DATE OF THE ZONING ORDINANCE TO PERMIT SAID APPLICATION. THE APPEALS PERIOD AND LEGAL SUFFICIENCY ARE CONTEMPLATED WITHIN THIS EXPEDITED PROCESS.

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
Tiffany Hudson
(Anointed Learning & Development Center)

To: Chairman and Members, Planning Commission

From: Erica Greene, City Planner

Date: October 31, 2014

Subject: Conditional Use-Major Permit for a Daycare in an R-1 Zoning District at 1821 Old Spanish Trail (GPC #14-18-CU)

REQUEST:

The Economic Development and Planning Department has received a request from Tiffany Hudson, owner of the Anointed Learning & Development Center, for a Conditional Use-Major Permit that would allow a daycare center in an R-1 Low Density Single Family Residential Zoning District at 1821 Old Spanish Trail, PID #85455051.000. The application fee of \$250 was paid on August 14, 2014.

BACKGROUND:

The request property is zoned R-1 Low Density Single Family Residential Zoning District.

1. Location: 1821 Old Spanish Trail (See Exhibit A)
Principal Arterial: Old Spanish Trail
2. General features of the proposed project:
Total Building Area: 2,556 square feet
Site Size: 0.42Acres
Year Building Constructed: 1978
3. Potable Water and Wastewater Services: Existing from City
4. The building is set-up and was previously used as a health care facility. The building was built before the UDO became effective.
5. Current Zoning: R-1 Low Density Single Family Residential
6. Current Surrounding Zoning (See Exhibit B): R-1 Low Density Residential
7. Current Surrounding Existing Land Use (See Exhibit C): Town Center to the North; and Low Density Single Family to the West, East and South.

8. Comprehensive Plan Future Land Use Designation (See Exhibit D): Low Density Residential

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: No, a Childcare is not listed in the possible Conditional Uses.

Staff Finding: No, a Childcare Facility is not currently listed as Conditional-Use Major in an R-1 Single Family Residential zoning district. Staff has initiated a zoning change to allow for one issued with conditions. The Comprehensive Plan allows for such uses in its description of compatibility uses for R-1 areas.

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 property was previously commercial so only minor repairs and remodeling. Parking is already set up for this location along the sides and front of the building.

Staff Finding: The proposed use will be located in an existing commercial building and will not further impact the density, bulk and intensity of the structures in the vicinity. Parking exists, because this site was a business previously and used for a commercial business.

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

Applicant Response: The Learning Center will not affect the neighborhood property negatively. If any affect, the values will go up due to building being enhanced and bringing more attention to the neighborhood.

Staff Finding: There is no evidence to indicate the proposed use will negatively affect the property values, or cause a detriment to the surrounding properties. The iste exists in the

close proximity to commercial and residential operations at the corner of Old Spanish Trail and Bemis.

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

Applicant Response: No, because the property was once a commercial property, the building and parking is set up just right not to affect traffic in any way.

Staff Finding: There is no evidence that the proposed Childcare Facility 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: Ever since the building/property has been commercial in 1982; water, power and all other public services have been in effect. The Learning Center will accommodate the schools heavily.

Staff Finding: The proposed use can be accommodated by existing public services and facilities.

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

Applicant: Yes it is. See attached.

Staff Response: The Comprehensive Plan shows Land Use category for the parcel in question, Single Family Low Density Residential. The Plan, for future uses include public and quasi-public uses such as churches and schools. A Daycare/Childcare Facility in this area would be appropriate in this zoning district.

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 Learning Center does not pose any hazardous to the neighboring property or neighborhood itself. The only proposed noise is when the children go out to recess.

Staff Finding: There is no evidence that the proposed use poses 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: According to the Mississippi Department of Health, this property is an awesome location and is set back the adequate amount of feet with great provisions for children in our future.

Staff Finding: The proposed use can be made to conform to district regulations with certain conditions.

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” is 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 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 may be compatible and harmonious with the Neighborhood Commercial District and recommends approval with the following conditions:

1. Within 12 months of issuance of the Major Conditional-Use Permit, the owner shall paint the exterior of the building as approved by the Technical Review Committee.
2. Within 12 months of issuance of the Major Conditional-Use Permit, the owner shall become in compliance with all health codes.

3. Within 24 months of issuance of the Major Conditional Use Permit, the owner shall install a fence or natural screen along the south and east property line, as approved by the Technical Review Committee. The fence or natural buffer shall screen the Daycare Facility from view by the adjacent residential subdivision.
4. Within 36 months of issuance of the Major Conditional Use Permit, the owner shall remove any excess pavement not in use and convert to play ground as approved by the Technical Review Committee.
5. The location shall meet all accessibility requirements for change of occupancy as stated in Section 3409 of the International Building Code. (See Exhibit E.)
6. Noise levels shall meet the City's noise ordinance. (See Exhibit F.)
7. The location shall meet all parking requirements as set forth in Article VII of the Unified Development Ordinance.

CONCLUSION:

The Planning Commission may:

1. Recommend that City Council approve the Conditional Use-Major with the Conditions listed, contingent on approval of zoning change GPC 14-21-RZ;
2. Recommend that City Council approve the Conditional Use-Major with changes, contingent upon approval of zoning change GPC 14-21-RZ; or
3. Recommend that City Council deny the Conditional Use-Major.

ATTACHMENTS:

1. Conditional Use Permit
2. Applicant's Exhibit 1 – Application
3. City's Exhibit A – Location Map
4. City's Exhibit B – Existing Zoning Map
5. City's Exhibit C – Existing Land Use Map
6. City's Exhibit D – Future Land Use Map
7. City's Exhibit E – Section 3409 of the International Building Code (Accessibility)
8. City's Exhibit F – Section 15-5 City of Gautier's Code of Ordinances (Noise Ord.)

**CITY OF GAUTIER
CONDITIONAL USE-MAJOR DEVELOPMENT PERMIT
GPC CASE NO. 14-18-CU**

TIFFANY HUDSON (ANNOINTED LEARNING AND DEVELOPMENT CENTER)

REGARDING PARCEL ID NO: 85455051.000

The City of Gautier, at its regular meeting held on November 6, 2014, considered the application for a Conditional Use-Major Development Permit for a Daycare as submitted by Tiffany Hudson. The parcel subject to this Permit is located at 1821 Old Spanish Trail, 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 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 daycare, is permitted as a Conditional Use-Major in the R-1 District.
4. Therefore, the City Council accepts the recommendation of the Planning Commission and approves the application submitted on August 14, 2014 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. Within 12 months of issuance of the Major Conditional-Use Permit, the owner shall paint the exterior of the building as approved by the Technical Review Committee.
 - b. Within 12 months of issuance of the Major Conditional-Use Permit, the owner shall become in compliance with all health codes.
 - c. Within 24 months of issuance of the Major Conditional Use Permit, the owner shall install a fence or natural screen along the south and east property line, as approved by the Technical Review Committee. The fence or natural buffer

shall screen the Daycare Facility from view by the adjacent residential subdivision.

- d. Within 36 months of issuance of the Major Conditional Use Permit, the owner shall remove any excess pavement not in use and convert to play ground as approved by the Technical Review Committee.
 - e. The location shall meet all accessibility requirements for change of occupancy as stated in Section 3409 of the International Building Code. (See Exhibit E.)
 - f. Noise levels shall meet the City's noise ordinance. (See Exhibit F.)
 - g. The location shall meet all parking requirements as set forth in Article VII of the Unified Development Ordinance.
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 November 6, 2014.
8. The City Council adopted this Conditional Use-Major Development Permit on a recorded vote of _____ ayes to _____ nays to approve the application of Tiffany Hudson, located at 1821 Old Spanish Trail, in Gautier, Mississippi, and identified as Jackson County Parcel No. 85455051.000.

November 18, 2014
Date of Issuance

Attest:

Gordon Gollott, Mayor
City of Gautier, Mississippi
3330 Highway 90
Gautier, MS 39553

Cindy Russell
City Clerk

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-MAJOR HEARING APPLICATION

Hearing Number

14-18-CU

<u>TYPE OF REQUEST:</u>	<u>FEE:</u>
Conditional Use – Major <u>X</u>	\$250.00

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: TIFFANY HUDSON
Name of Business: Anointed Learning & Development Center
Address: 1821 Old Spanish Trail Mailing Address (if different): 2019 P.O. BOX
Email Address: aldcchildcare@yahoo.com
Phone: 601-807-4089 Cell Phone: 601-807-4089

Reason for request, location and intended use of Property: Property is zoned as a B1 where childcare facility can not be placed without conditions.

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.
- N/A 4. Copy of protective covenants or deed restrictions, if any.
- N/A 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.
- N/A 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: Tiffany Hudson
Date of Application: 08/10/2014

Date Received	<u>8-14-14</u>	Verify as Complete	<u>ema</u>
Fee Amount Received	<u>\$250</u>		
Initials of Employee Receiving Application	<u>ema</u>		

I, Tiffany Hudson, the fee simple owner of the following described property (give legal description):

Commercial building on a .49 lot. Building is 2,700 sqft and was once used for Home Health care.

hereby petition to the City of Gautier to Grant a Conditional Use of 1021 Old Spanish Trail in Gautier, MS 38953 and affirm that Tiffany Hudson 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.

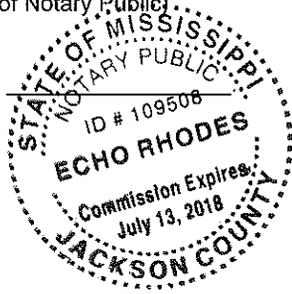
[Signature]
(Owner's Signature)

The foregoing instrument was acknowledged before me this 14 day of 8

2014 by Echo Rhodes who is personally known to me or has produced MS DL 800934145 as identification and who did take an oath.

Echo Rhodes
(Printed Name of Notary Public) [Signature]
(Signature of Notary Public)

Commission # 109508 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 or 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:

1. 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.
2. 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.
3. The proposed use will be consistent with the Comprehensive Plan.
4. 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

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

No, a Child care is not listed in the possible Conditional Uses.

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 parts.

The property was previously commercial so we leaving the structure of the building the same and enhancing only the quality of the building. Parking is already set up for this location along the sides and front of the building.

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

The Learning Center will not affect the neighborhood's property negatively. If any affect, the values will go up due to building being enhanced and bringing more attention to the neighborhood.

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

No because the property was once a commercial property the building and parking is set up just right not to affect traffic in anyway.

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?

Ever since the building/property has been commercial in 1982 water, power, and all other public services have been in effect. The Learning Center will accommodate the schools heavily.

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

- *Yes it is. Anointed Learning & Development Center is completing this application to go before the board to get approve to have 1821 Old Spanish Trail (previously listed as a Commercial Property) as a Commercial*

Property in an R-1 low density community with Major Conditions. Our goals and objectives for The Learning Center is listed as the following

- *To ensure that high quality child care is accessible to all children.*
- *To ensure that all child care is of high quality.*
- *To model how services are delivered to young children and their families and to child care providers.*
- *Set a high standard for outcome-driven programs from development, implementation and evaluation to continuous quality improvement.*
- *Develop and provide information about accessible, high quality care options for children that meet the needs of families.*
- *Advocate for improved child care accessibility for families locally, statewide and nationally.*
- *Conduct research on status of and factors that affect the accessibility of child care locally, statewide and nationally.*
- *Provide consultation and information to agencies, organizations and public policy-makers interested in improving the accessibility of child care.*
- *Make child care subsidy resources and information available to families.*
- *Advocate for increased child care subsidy for families locally, statewide and nationally.*
- *Conduct research about the need for, benefits and costs of child care subsidy.*
- *Provide consultation and information to agencies, organizations and public policy-makers interested in improving the affordability of child care.*

We do have a short term but more of a long term goal implemented for the future. Anointed Learning & Development Center perceive this project to have the same or minimal revenues with the first 2 years and increasingly high revenues with in the ending of the second year coming on the third.

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.

The Learning Center does not pose any hazardous to the neighboring property or neighborhood itself. The only proposed noise is when the children go out to recess

that is only 45-60 minutes a day. However, noise can be drowned out by traffic due to Old Spanish Trail being a main road with heavy traffic.

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.

According to the Mississippi Department of Health, this property is an awesome location and is set back the adequate amount of feet with great provisions for children in our future.

Prepared by & return to:
Schwartz, Orgler & Jordan, PLLC
PO Box 4682
Biloxi MS 39535
228-388-7441

INDEX: Lot 29, 1st Adn, Holly Park S/D

STATE OF MISSISSIPPI

COUNTY OF JACKSON

WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of all of which is hereby acknowledged, the undersigned,

BLALACK PROPERTIES, LLC, A MISSISSIPPI LIMITED LIABILITY ,
10278 Corporate Drive, Gulfport, MS 39503,(228) 324-5139,

does hereby sell, convey and warrant unto

TIFFANY HUDSON,

P. O. Box 2019, Gautier, MS 39553, (601) 307-4089,

the following described land and property being located in Jackson County, Mississippi, being more particularly described as follows, to-wit:

Lot Twenty-Nine (29), First (1st) Addition, HOLLY PARK SUBDIVISION, a subdivision according to the official map or plat thereof on file and of record in the office of the Chancery Clerk of Jackson County, Mississippi, Plat Book 7 at Page 18 thereof, reference to which is hereby made in aid of and as a part of this description.

THIS CONVEYANCE is subject to any and all recorded restrictive covenants, rights-of-way and easements applicable to subject property, and subject to any and all prior recorded reservations, conveyances and leases of oil, gas and minerals by previous owners.

TAXES for the current year have been pro-rated as of this date and are hereby assumed by the Grantee herein.

SELLER MAKES NO REPRESENTATION OR WARRANTY, EXPRESS OR IMPLIED OR ARISING BY OPERATION OF LAW WITH RESPECT TO ANY MATTER CONCERNING THE PROPERTY, INCLUDING, WITHOUT LIMITATION, THE FOLLOWING: (i) TITLE (OTHER THAN THE WARRANTY OF TITLE TO THE REAL PROPERTY), (ii) HABITABILITY, MERCHANTABILITY OR SUITABILITY OR FITNESS OF THE PROPERTY FOR A PARTICULAR PURPOSE OR USE, (iii) THE NATURE AND CONDITION OF THE PROPERTY, INCLUDING, WITHOUT LIMITATION, WATER, DRAINAGE AND GRADING, SOIL AND GEOLOGY, ZONING, LOCATION OF CEMETERIES, UTILITY AVAILABILITY OR HOOK-UP, EASEMENT RIGHTS, FLOOD PLAINS (OR PORTIONS OF THE PROPERTY IN A FLOOD PLAIN) AND THE COSTS AND REQUIREMENTS OF SAME, ACCESS TO STREETS, COSTS OF UTILITIES, LOCATION OF CURB CUTS AND MEDIAN BREAKS IN STREETS, SEWAGE FACILITIES (INCLUDING, WITHOUT LIMITATION, AVAILABILITY OR NONAVAILABILITY OF APPROPRIATE WATER AND SEWER CAPACITY) OR OTHER GOVERNMENTAL RIGHTS OR OBLIGATIONS, (iv) COMPLETENESS, ACCURACY OR APPROVAL OF PERMITS, SURVEYS, PLATS, PRELIMINARY PLATS, POLLUTION ABATEMENT PLANS, SUBDIVISION PLANS OR REPORTS CONCERNING THE PROPERTY, (v) TAX CONSEQUENCES, (vi) COMPLIANCE OF ALL OR ANY PART OF THE PROPERTY WITH APPLICABLE ENVIRONMENTAL LAWS, RULES OR REGULATIONS WITH RESPECT TO HEALTH, THE ENVIRONMENT, ENDANGERED SPECIES AND WETLANDS (COLLECTIVELY, "ENVIRONMENTAL LAWS") INCLUDING, WITHOUT LIMITATION, THE COMPREHENSIVE ENVIRONMENTAL RESPONSE COMPENSATION AND LIABILITY ACT OF 1980, AS AMENDED, THE RESOURCE CONSERVATION AND RECOVERY ACT OF 1976, AS AMENDED, THE ENDANGERED SPECIES ACT (16 U.S.C. §1531, ET SEQ.), AS AMENDED, ANY STATE WATER, NATURAL RESOURCE OR SOLID WASTE DISPOSAL CODE OR ACT, AS AMENDED, (vii) THE EXISTENCE OF ASBESTOS, OIL, ARSENIC, PETROLEUM OR CHEMICAL LIQUIDS OR SOLIDS, LIQUID OR GASEOUS PRODUCTS OR HAZARDOUS SUBSTANCES AS THOSE TERMS AND SIMILAR TERMS ARE DEFINED OR USED IN APPLICABLE ENVIRONMENTAL LAWS, (viii) NATURE AND EXTENT OF ACCESS TO RIGHTS-OF-WAY OR UTILITIES, AVAILABILITY OF PERMITS TO ACCESS RIGHTS-OF-WAY OR UTILITIES ON THE PROPERTY, OR LAND OWNED BY THIRD PARTIES; RIGHTS-OF-WAY, LEASES, ENCUMBRANCES, LICENSES, RESERVATIONS, CONDITIONS OR OTHER SIMILAR MATTERS, (ix) COMPLIANCE WITH ANY LAW, ORDINANCE OR REGULATION OF ANY GOVERNMENTAL ENTITY OR BODY, OR (x) PROPERTY OWNER CLAIMS OR CLAIMS, DEMANDS, OR OTHER MATTERS BY, AGAINST OR WITH RESPECT TO ANY PROPERTY OWNERS ASSOCIATION OR RELATING TO ANY RESTRICTIVE COVENANTS ENCUMBERING THE PROPERTY. SALE OF THE PROPERTY IS MADE ON AN "AS IS, WHERE IS" AND "WITH ALL FAULTS" BASIS, AND ANY AND ALL WARRANTIES AND COVENANTS ARISING UNDER STATE LAW DO NOT APPLY TO THIS CONVEYANCE. PURCHASER ACKNOWLEDGES THAT PURCHASER HAS HAD THE FULL, COMPLETE AND UNFETTERED RIGHT TO INSPECT THE PROPERTY TO PURCHASER'S SATISFACTION AND THAT THE PURCHASE PRICE PAID FOR THE PROPERTY WAS IN PART BASED UPON THE FACT THAT THIS CONVEYANCE WAS MADE BY SELLER WITHOUT WARRANTY OR REPRESENTATION (EXCEPT THE WARRANTY OF TITLE TO REAL PROPERTY). PURCHASER ACKNOWLEDGES THAT PURCHASER HAS RELIED ONLY UPON PURCHASER'S OWN INSPECTIONS AS TO THE CONDITION OF THE PROPERTY, OR ITS OWN DECISION NOT TO INSPECT ANY MATTER.

IN WITNESS WHEREOF, Blalack Properties, LLC, a Mississippi Limited Liability Company, has caused this conveyance to be executed by its duly authorized officer, after having first been duly authorized to do so, on this the 25th day of July, 2014.

**Blalack Properties, LLC,
a Mississippi Limited Liability Company**

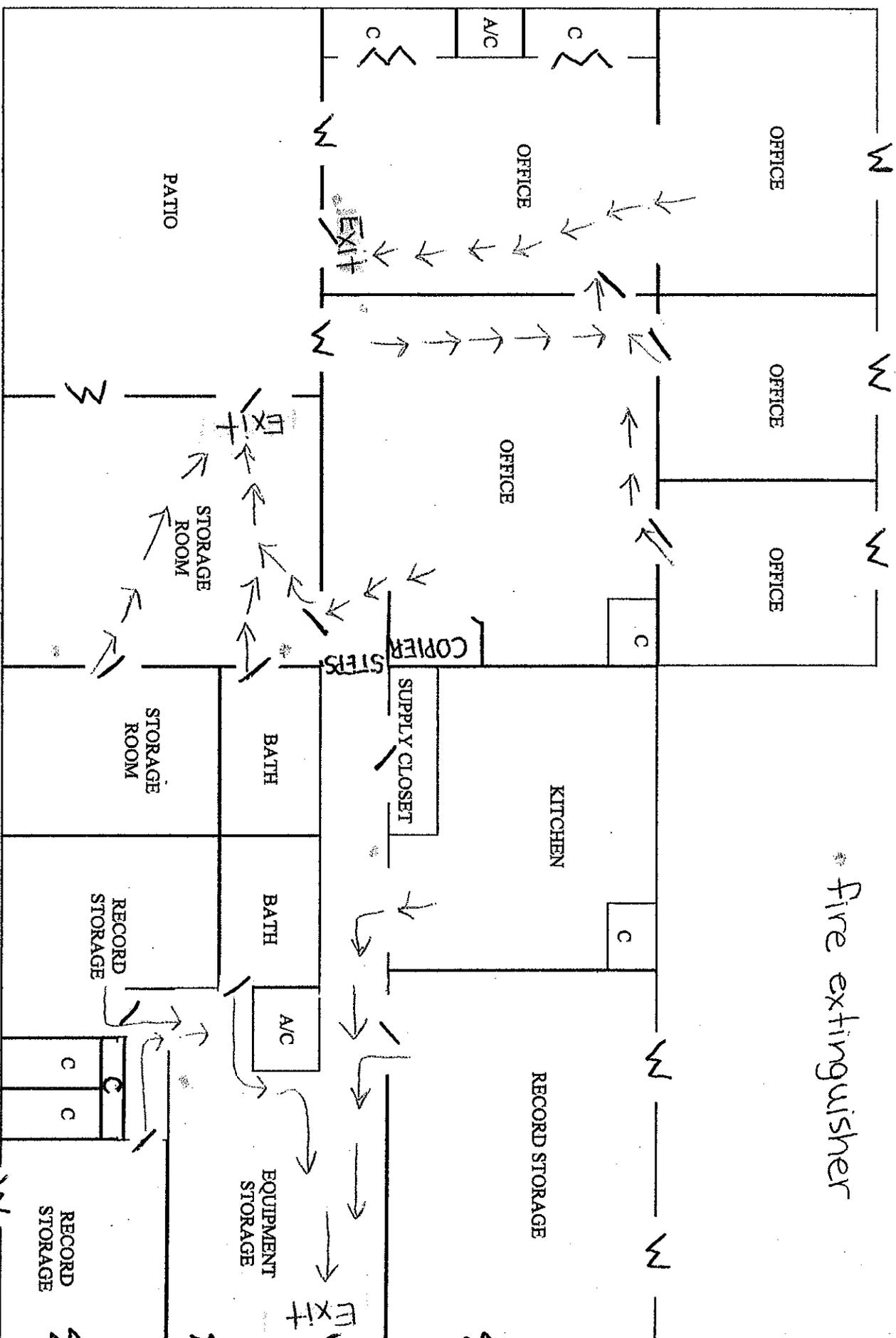
**BY: _____
Charles C. Blalack, Manager**

FIRE SAFETY ESCAPE ROUTES

GAUTIER OFFICE

REVISED 8/20/09

* Fire extinguisher



PARKING LOT
MEET HERE

Parking thru traffic

THRU TRAFFIC

1821 Old Spanish Trail, Gautier, MS

Summary

Property Details

Primary Property Type: Health Care

Property Sub-type: Acute Care Hospital

Building Size: 2,556 SF

Owner & Mortgage Info

Current Owner: Charles Blalack, Karen Blalack

Tax Info

\$10,359 Assessed Value, \$1,345.2 Taxes

Gautier Market Trends

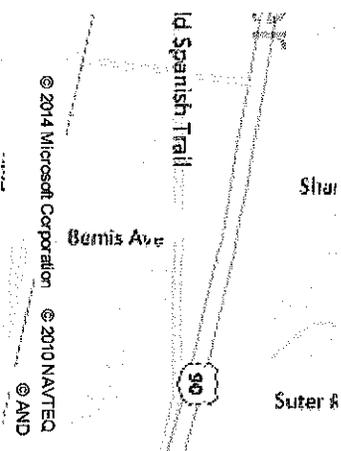
Trends Demographics

Compare this property to similar nearby Health Care - Acute Care Hospital listings and sales comps.

Refine Market Stats

0 For Sale Listings found

0 sales comps found



- Display for Sale Listings
- Incl. Property Comps
- Display Lease Listings

Distance from Property: 20.0m



Calculators

Building Size (SF)

Price/SF (\$)

Est. Cost (\$)

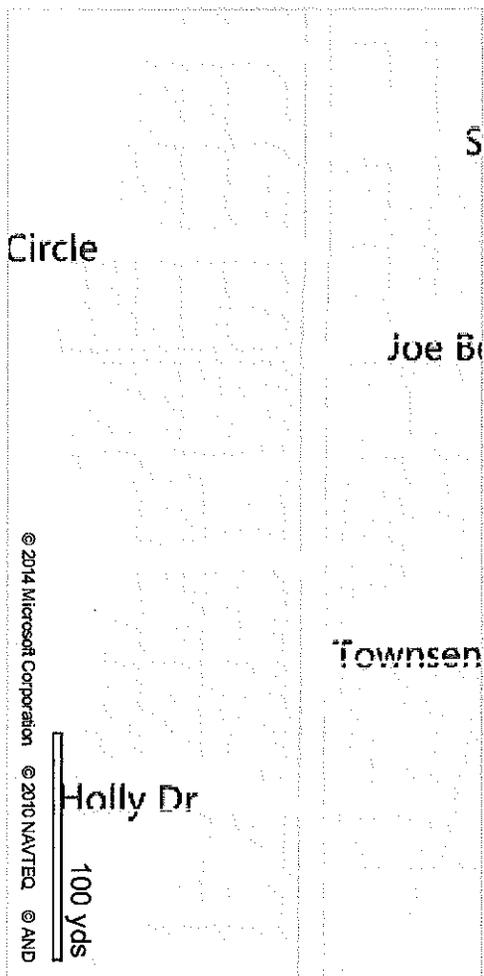
Update

Avg. Cap Rate (%)

Net Income (\$)

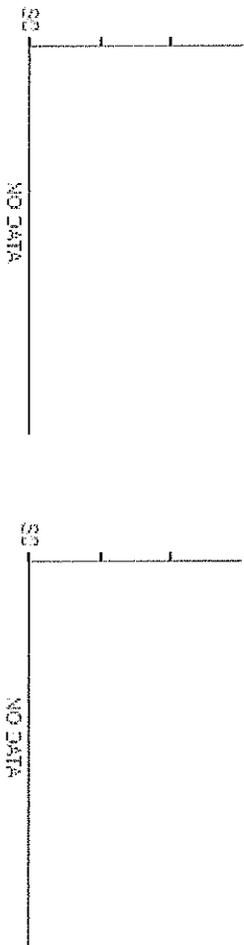
Est. Cost (\$)

Update



Asking/Sold Price Comparison

Price/Unit Comparison



Property Details

Primary Property Type

Health Care

Acute Care Hospital

Sub-type

Building Size 2,556 SF

Year Built 1978

Building Code CG0

No. Stories 1

Lot Size 0.42 Acres

APN/Parcel ID 8-54-55-051.000

APN/Parcel ID 8-54-55-051.000

Census Tract 0410004027

Building Size 2,556 SF

Lot Size 0.42 Acres

Lot Number 29

Tenant History

Total Taxable Improvement Value	\$61,600
Assessed Total Value	\$10,359
Assessed Land Value	\$1,119
Assessed Improvement Value	\$9,240
Marketing Total Value	\$69,060
Marketing Land Value	\$7,460
Marketing Improvement Value	\$61,600

Maps

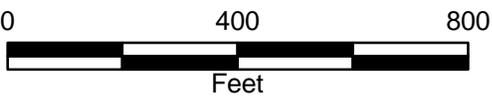
Map View



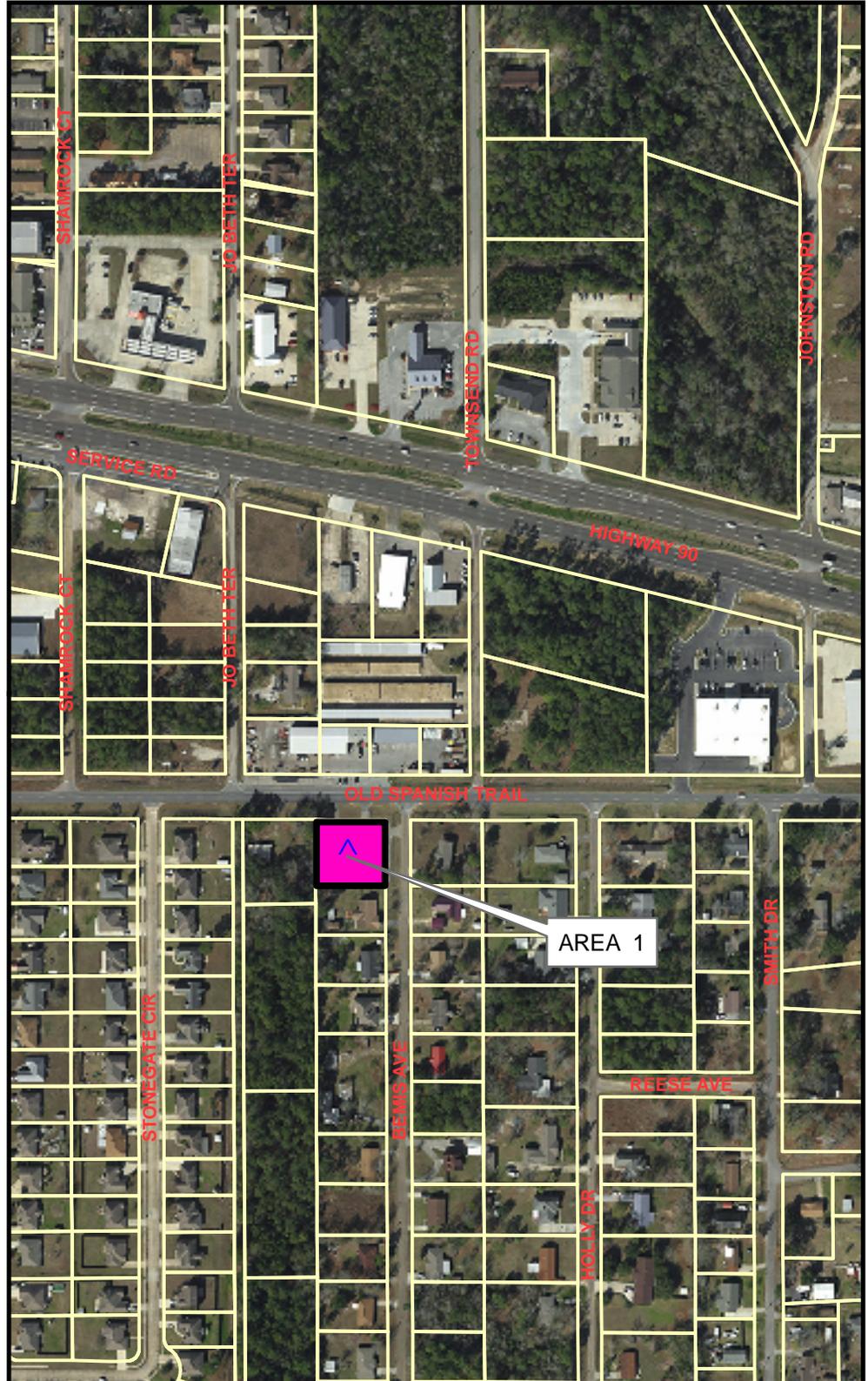
6. Attach any supporting documents, facts and/or evidence to the application in support of your request.

**Location Map
1821 Old Spanish Trail
Conditional Use**

City Of Gautier
Economic Development/Planning

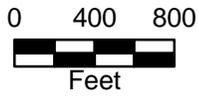


Prepared by the
City of Gautier
Planning Division



Existing Zoning Map

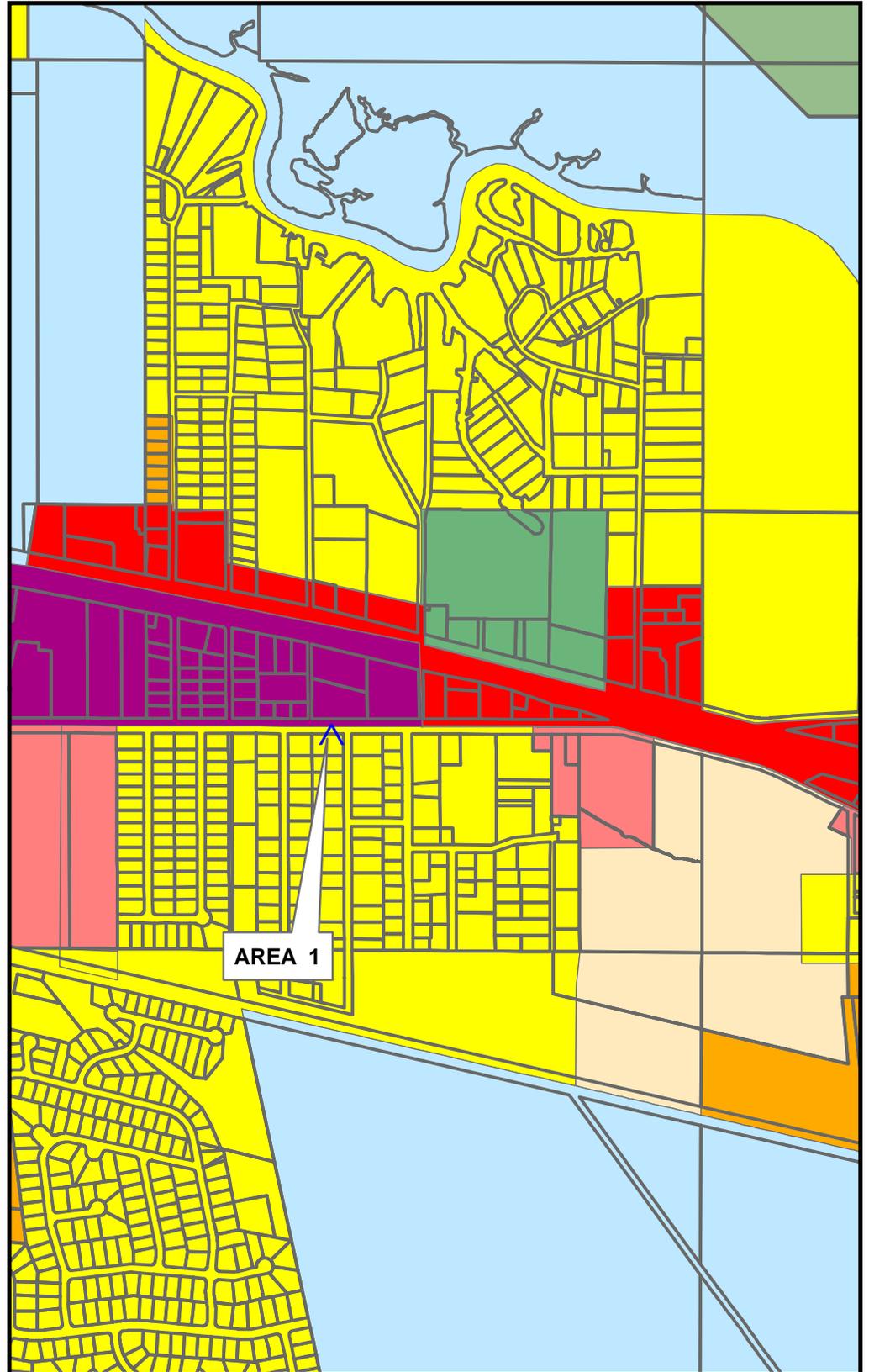
**City Of Gautier
Economic Development/Planning**



**Prepared by the
City of Gautier
Planning Division**

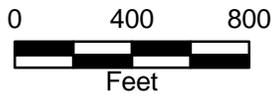
Legend

-  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

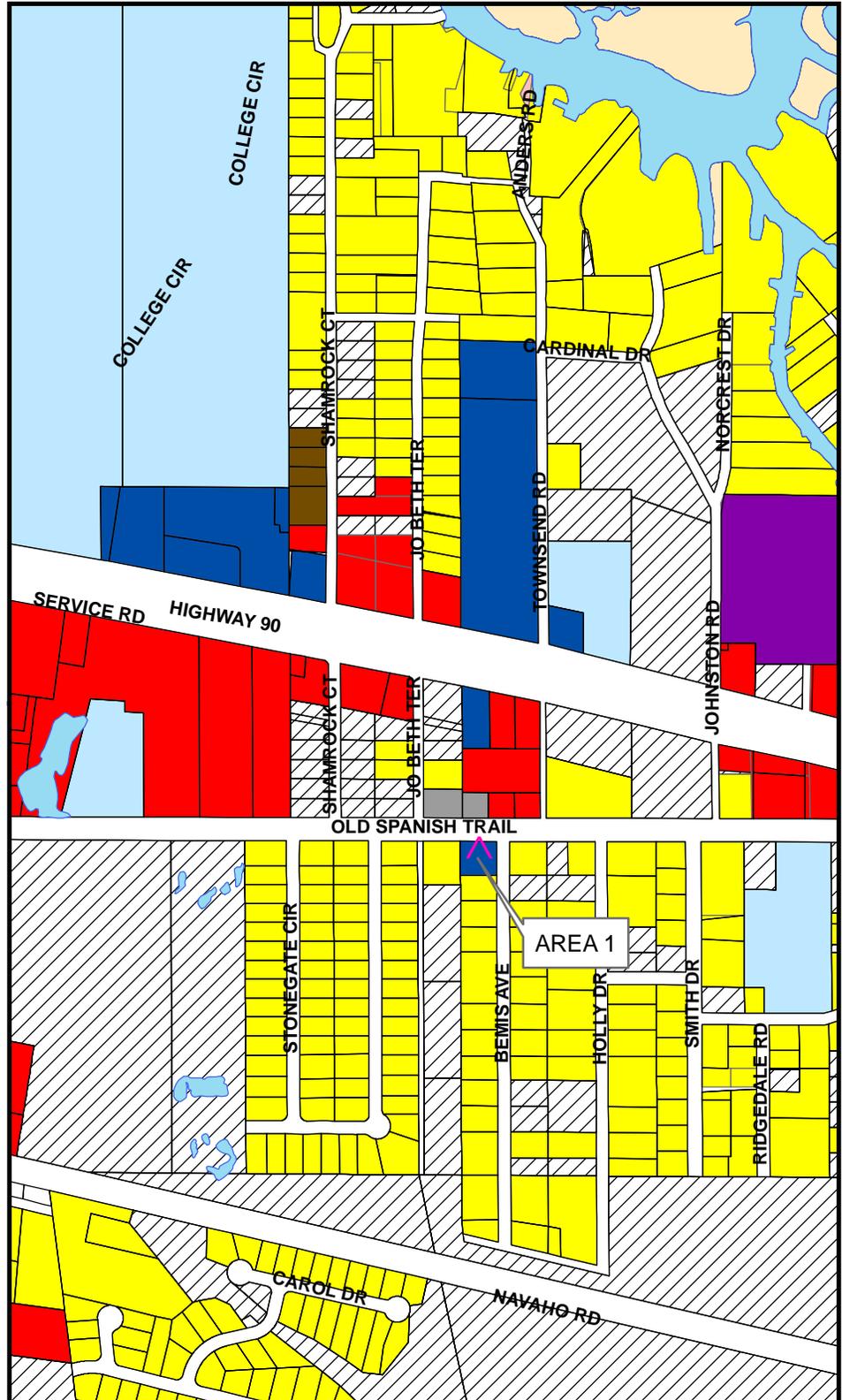


Existing Land Use Map

**City Of Gautier
Economic Development/Planning**



Prepared by the
City of Gautier
Planning 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



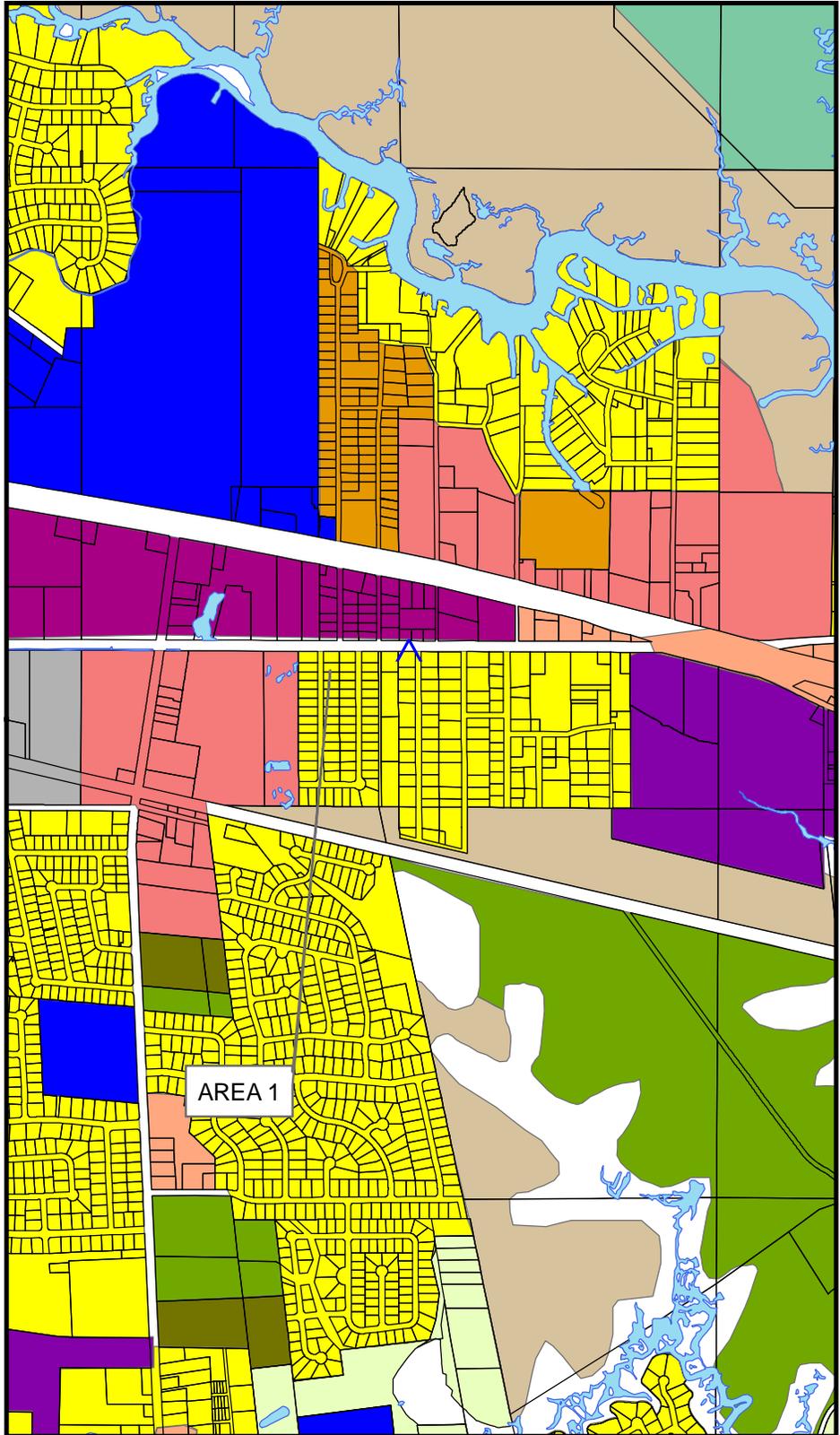
0 400 800
Feet



Prepared by the
City of Gautier
Planning 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



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.

EXISTING STRUCTURES

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

Sec. 15-5. - Loud music and sounds.

- (a) The operation and use of sound or loudspeaking machines or any equipment for magnifying, amplifying or projecting music, sound or noise on the streets of the city is hereby prohibited.
- (b) It shall be unlawful for any person to use or allow to be used from their place of business, residence or any other location, equipment for magnifying or amplifying and/or enlarging music, sound or noise in an unreasonably loud and large volume, disturbing the public generally and/or citizens and residents in close proximity to such place or places.
- (c) Religious, political, civic or public gatherings, speakings and meetings are specifically excluded from the effect of this section; provided, however, that such meeting or gathering be first approved by the chief of police and a formal written permit be issued by the planning director. Provided further, that any such permit so issued may, by the chief of police or planning director, be recalled and/or revoked at will if in the opinion of the chief of police or planning director the use of such equipment is objectionable or should for any reason not be allowed.

(Ord. No. 97, §§ 1—3, 12-3-96)

Editor's note—

Ord. No. 97, adopted Dec. 3, 1996, did not specifically amend the Code; hence, inclusion of §§ 1—3 of such ordinance as [§ 15-5](#) was at the discretion of the editor.